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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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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

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OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

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1 A. Yes.

2 Q. Once you - Once the other officer appeared at the
3 scene - you said Ms. Irving?

4 A. Corporal Collier was the next officer on the scene.

5 Q. And then the next one was?

6 A. Ms. Ervin.

7 Q. Okay. When she appeared, where was she prior to
8 coming to you?

9 A. I did not know where she was.

10 Q. You don't know where she was prior to coming to you?

11 A. No. I just know she responded to us.

12 Q. Did you talk to her on the radio?

13 A. I did not. No.

14 Q. You didn't?

15 A. No.

16 Q. Are you aware if Officer Collier spoke to her?

17 A. I'm not aware if he did or not.

18 Q. Who was the person that actually found what appeared
19 to be marijuana?

20 A. Corporal Collier was the first one to see it. I
21 turned around and looked about the same time.

22 Q. Say that one more time.

23 A. Corporal Collier was the first one to see the
24 marijuana and we were both doing the protective sweep. At
25 that point I turned around and also saw it.

1 Q. Okay. And then what did you do once that occurred?

2 A. We continued our sweep of the residence.

3 Q. Okay. When, if any, when did you approach Mr. Wright?

4 A. After we finished our sweep to ensure there was no one
5 in the house.

6 Q. Okay. And who approached Mr. Wright?

7 A. Myself and Corporal Collier.

8 Q. Okay. Did you all ask him did he had any marijuana in
9 the property or any -- did you ask him any --

10 A. I placed him in handcuffs and I advised him of his
11 *Miranda* rights.

12 Q. Okay. And speaking of that, you advised him of his
13 what?

14 A. *Miranda* rights.

15 Q. And just tell me exactly -- say that now for me so that
16 we'll know what you told Mr. Wright, the *Miranda*.

17 A. His *Miranda* rights?

18 Q. Yeah.

19 A. Is it all right if I read it ---

20 Q. However you told him.

21 Q. --- off the card?

22 MADAME COURT REPORTER: One at a time please.

23 Q. Yeah, that's fine if you've got to read it off the
24 card, read it off the card.

25 A. "You have the right to remain silent. Anything you

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1 say can be and may be used against you in the court of law.
2 You have the right to talk to a lawyer and have a lawyer
3 present while you are being questioned. If you want a
4 lawyer before or during questioning and cannot afford to
5 hire a lawyer, one will be appointed to represent you at no
6 cost before any questioning. Do you understand each of
7 these rights as I have explained it to you? Having these
8 right in mind, do you wish to answer any questions?"

9 Q. And after you read that, he said? After you read that
10 to him, did he say anything?

11 A. No I didn't attempt to interview him. I just placed
12 him in the back of the car.

13 Q. Okay. Now, let's go back to where you found - well,
14 where I guess both of you all found the marijuana; is that
15 correct?

16 A. Uh-huh.

17 THE COURT: Say yes.

18 A. Yes. I'm sorry.

19 Q. Did you see cocaine?

20 A. We saw a white powder substance that appeared to be
21 cocaine.

22 Q. At that time?

23 A. Yes.

24 Q. And did you field test it?

25 A. No.

1 Q. You didn't?

2 A. No.

3 Q. Okay. What about the marijuana? Did you do any type
4 of test to the marijuana when you supposedly saw the
5 marijuana?

6 A. Whenever I saw the marijuana I did not.

7 Q. Okay. You didn't?

8 A. No.

9 Q. Do you know if anyone else did?

10 A. I'm unaware if anyone did.

11 Q. No. Are you aware of anyone testing any of the drugs
12 at the scene?

13 A. I'm unaware of that.

14 Q. You're unaware of that. How long after this sweep,
15 after that took place, how long did you stay on the scene
16 awaiting - because I guess you contacted someone else or
17 let's just say you all contacted someone else to come to
18 the scene. Who did you all contact?

19 A. We contacted our supervisor and he contacted the Drug
20 Task Force.

21 Q. And how long did you all wait for the Drug Task Force
22 to get there?

23 A. I don't know exactly how long it was until
24 Investigator Criddle got there, but I know he arrived on
25 scene and then it was turned over to him but we still

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1 stayed out there as part of our units.

2 Q. You stayed out there until what?

3 A. We stayed out there to ensure the house was secured.

4 Q. Okay. And did you remain at the scene the entire
5 time?

6 A. I remained on the scene until the search warrant
7 arrived on scene and after they issued the search warrant
8 and served it and then while they were finishing their
9 search of the house, that's whenever I left the scene.

10 Q. Okay. And just to - I didn't know you stayed that
11 long. So when the search - Let's say you waited on the
12 search warrant?

13 A. Yes, sir.

14 Q. What time did you get to the scene?

15 A. I believe it ---

16 Q. Oh excuse me.

17 A. --- was 17:00 or probably five o'clock. I arrived
18 on scene at 5:47 p.m..

19 Q. 5:47. And what time did the search warrant get there?

20 A. I am unaware but the time that I left the scene was
21 23 or - I'm sorry, 11:04 p.m..

22 Q. So almost six hours?

23 A. Yes, sir.

24 Q. Eleven 0-what?

25 A. Eleven 0-four. Eleven zero four.

1 Q. And was Mr. Wright there when you left?

2 A. No he was not.

3 Q. Where was Mr. Wright?

4 A. He was transported to the Beaufort County detention
5 center.

6 Q. Okay. So he wasn't even at the scene anymore?

7 A. No, sir.

8 Q. But he was there when you all found the marijuana?

9 A. Yes, sir.

10 Q. How long did he stay at the scene period?

11 A. I can't give you - He stayed there for a little while.
12 I mean I don't remember the exact time frame.

13 Q. What would be a little while? I mean a few hours
14 after?

15 A. Probably an hour. Thirty minutes to an hour somewhere
16 around there.

17 Q. After you read the *Miranda* rights?

18 A. Yes, sir.

19 Q. You said thirty minutes to an hour?

20 A. I know once Investigator Criddle got there, that's
21 whenever - after he got there, that's whenever he was
22 transported to the detention center.

23 MR. CHAPLIN: Beg the Court's indulgence

24 THE COURT: Yes, sir.

25 (PAUSE.)

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1 Q. What time did you say Officer - you said McCurry had
2 got there?

3 A. McCurry?

4 Q. Is that the name you said?

5 A. He's the one that transported. I didn't say that, no.

6 Q. Okay, but he is the one that did the transport?

7 A. Yes, sir.

8 Q. Okay. So if I told you Officer McCurry didn't get to
9 the scene until 21:43, would that be about right?

10 A. Probably.

11 Q. Okay. So sometime after that is when he took Mr.
12 Wright back?

13 A. As soon as McCurry got on the scene, he took Mr.
14 Wright. He didn't hang around on the scene. The only
15 reason he came to the scene was to transport Mr. Wright to
16 the detention center.

17 Q. Okay. So for I guess anyone who don't know military
18 time, that would be about 10:00 p.m.?

19 A. What time was that?

20 Q. 21:43.

21 A. Yes. It would be 9:43 p.m.

22 Q. Okay. So actually he was there I think you said
23 thirty minutes after you read the *Miranda* rights, that's a
24 thirty minutes to an hour but really you were mistaken when
25 you said that?

1 A. I told you that I could not give you an exact time.

2 Q. Okay.

3 A. That I didn't remember.

4 Q. So actually you stayed there until at least probably
5 10:00 p.m. Correct.

6 A. McCurry showed up at 21:43, I guess so probably.

7 Enough time to take him out of my car and place him
8 into McCurry's car.

9 Q. Okay. But still at 10:00 p.m., at that time, you
10 still hadn't searched the home at 10:00 p.m.?

11 A. No, we had not.

12 Q. Did you ever come in contact with anyone other than
13 law enforcement while you were at that residence? Did you
14 have an occasion to speak to anyone else ---

15 A. Before the sweep

16 Q. --- any other civilian before the sweep?

17 MADAME COURT REPORTER: I'm sorry. I'm sorry, one at
18 a time.

19 A. Yes, ma'am, I apologize.

20 Q. Before the sweep?

21 A. Before the sweep, no. After the sweep, yes.

22 Q. Who did you speak to?

23 A. A Mr. David Aiken.

24 Q. Okay. So after you swept the home, you spoke to a Mr.
25 David Aiken.

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1 A. Uh-huh. And the only thing I told him -

2 THE COURT: Is that a yes?

3 A. No I apologize. The only thing --

4 THE COURT: After you spoke to David Aiken?

5 A. Yes. The only thing I told Mr. Aiken was he needed to
6 get away from the scene because he was trying to come over
7 and interfere. That's it.

8 Q. Okay. And what, if anything, did you learn from Mr.
9 Aiken?

10 A. Nothing.

11 Q. So your conversation with Mr. Aiken consisted of what?

12 A. Me informing Mr. Aiken he needed to get away from the
13 scene because we were trying to secure the residence at
14 that time.

15 Q. Okay. So was he trying to provide you information?

16 A. No. He was being unruly.

17 Q. Okay. But he didn't try to provide you any type of
18 information?

19 A. To me, no he did not.

20 MR. CHAPLIN: Nothing further, Your Honor.

21 THE COURT: Anything redirect?

22 SOLICITOR SHELTON: No, Your Honor. Thank you, Your
23 Honor. I ask that this witness be excused subject to
24 recall on an on-call basis.

25 THE COURT: Any objection?

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

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1 MR. CHAPLIN: No, Your Honor.

2 THE COURT: You may be excused.

3 (WITNESS LEAVING WITNESS STAND.)

4 SOLICITOR SHELTON: Thank you, Your Honor.

5 The State calls Jonathan Collier of the Beaufort
6 County Sheriff's office.

7 MADAME CLERK: Would you place your left hand on the
8 Bible and raise your right hand for me, sir.

9 (WHEREUPON, JONATHAN COLLIER,
10 BEING 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.

13 A. My name is Jonathan Allen Collier.

14 THE COURT: Your witness.

15 SOLICITOR SHELTON: Thank you, Your Honor. May it
16 please the Court.

17 DIRECT EXAMINATION

18 OFFICER JONATHAN COLLIER BY SOLICITOR SHELTON:

19 Q. Deputy, do you work for the Beaufort County Sheriff's
20 office?

21 A. Yes, sir, I do.

22 Q. And I apologize. I should have asked you first.

23 Please spell your last name for the court reporter.

24 A. It's C-o-l-l-i-e-r.

25 Q. Thank you. And were you working for the Beaufort

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

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1 County Sheriff's office on August 31st, 2011?

2 A. Yes, sir, I was.

3 Q. And did you respond to [REDACTED] on that
4 date?

5 A. Yes, sir.

6 Q. Are you prepared to tell the jury about what you saw
7 and what happened?

8 A. Yes, sir.

9 Q. Please tell me what part of Beaufort County you were
10 working in at that time.

11 A. That day I was working on Hilton Head.

12 Q. And where are you working now?

13 A. Now I work north of the Broad River. Everything
14 north.

15 Q. And what was your rank then?

16 A. I was a corporal at the time.

17 Q. And what is your rank now?

18 A. I'm a sergeant.

19 Q. Now, as a deputy working road patrol on Hilton Head
20 Island, do you respond to 911 calls?

21 A. Yes, sir.

22 Q. And did you respond to any 911 calls that day?

23 A. Yes, sir.

24 Q. Can you describe the nature of that 911 call or the
25 one in question in this case?

1 A. Yes, sir. It came in as a 911 hangup from a female
2 that sounded I guess to be in distress.

3 Q. And did you respond to that 911 call?

4 A. Yes, sir.

5 Q. And what was that location?

6 A. It was [REDACTED]

7 Q. Is that in Beaufort County?

8 A. Yes, sir, it is.

9 Q. Now when you responded, describe what you see.

10 A. When I pulled up the residence the two people on the
11 scene were Deputy Archbell and Mr. Wright.

12 Q. And you say Mr. Wright. What's his name?

13 A. Stanley Wright.

14 Q. And do you see him in the courtroom today?

15 A. Yes, sir.

16 Q. Will you please identify him for the jury?

17 A. The gentleman in the white shirt and tie in the middle
18 of the table there.

19 Q. Thank you.

20 SOLICITOR SHELTON: Please let the record reflect,
21 Madame Court Reporter, that he has identified the
22 defendant, Mr. Stanley Wright.

23 (WITNESS IDENTIFIED THE DEFENDANT STANLEY WRIGHT.)

24 SOLICITOR SHELTON: Thank you.

25 Q. Where were they standing exactly?

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

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1 A. They were standing outside in front of the residence
2 right at the base of the steps near the stairs.

3 Q. Were you able to locate this 911 caller?

4 A. No, sir, not at the time.

5 Q. Did you take - And based on that information, what did
6 you do?

7 A. Based on the fact that we could not locate the caller
8 we ended up conducting a sweep, protective sweep of the
9 house to see if we could locate the victim.

10 Q. Did you do that immediately?

11 A. No, sir. Not as soon as I arrived on the scene.

12 Q. Why not?

13 A. Because we were still trying to make an attempt to
14 locate the victim without going in Mr. Wright's house.

15 Q. Was there anyone else that arrived on the scene before
16 you did the sweep?

17 A. Yes. One other deputy.

18 Q. Who was that?

19 A. Deputy Ervin.

20 Q. And why did you wait for her?

21 A. Because I wanted to have her check the - well, two
22 reasons. I wanted to have the ball field checked where we
23 thought she might be and also --

24 Q. You say she. Who is she?

25 A. The victim. The female victim that called. And also

1 I wanted another deputy there to stay with Mr. Wright. In
2 the event we had to go in and clear the house we needed
3 somebody to stay with Mr. Wright.

4 Q. And why is that?

5 A. Just officer safety to make sure that he didn't walk
6 in behind us. Just officer safety.

7 Q. So when you do a 911 and you do a sweep looking for a
8 possible victim, describe how you do it to the jury.

9 A. When we conduct a sweep of a house looking for a
10 victim, we check anywhere and everywhere inside in the
11 residence where a person could hide or possibly be placed
12 anywhere.

13 Q. And in this instance, can you tell the jury some of
14 the places you looked?

15 A. Yes, sir. We checked all the rooms. We checked
16 closets. We checked under the cabinets or in cabinets that
17 were big enough that person could reasonably be in. Just
18 everywhere. All the rooms.

19 Q. And did you make your way - describe how you worked
20 your way through the residence.

21 A. When we entered the front door, I believe it was like
22 a living room area kind of in I guess maybe the center area
23 of the house. We went in and then Deputy Archbell and
24 myself started to sweep the right side first. Typically
25 what I try to do. And we just kind of slowly worked our

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

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1 way around all the way around through all the rooms until
2 we were completed.

3 Q. And did you make your way to the master bedroom of the
4 residence?

5 A. Yes, sir.

6 Q. And what was attached to the master bedroom?

7 A. There was a bathroom attached.

8 Q. And did you make your way into the master bathroom?

9 A. Yes.

10 Q. Did you look into anything in the bathroom?

11 A. Yes, sir.

12 Q. What did you look into?

13 A. I looked underneath the cabinets. Inside the cabinets
14 that were underneath the, I guess the vanity underneath the
15 sink.

16 Q. Do you recall approximately what size those cabinets
17 were?

18 A. Not what size no. I just mean, I felt they were big
19 enough for someone to possibly be in. That's why I checked
20 them.

21 Q. And when you looked inside, what do you see?

22 A. When I opened the door, I noticed there was a clear
23 bag of what I suspected to be marijuana in plain view right
24 in the front. And then just to the right of that was a
25 purple Crown Royal bag that was partially open in the top

1 that you could in plain view see a little bit of a white
2 powder substance

3 Q. Did you do anything with those?

4 A. No, sir.

5 Q. Why not?

6 A. Because we weren't there for that at the time and
7 there was nobody walking through with us so we left it and
8 we continued our sweep of the house.

9 Q. When you finish your sweep of the house, did you
10 locate anyone inside the house during the sweep?

11 A. No, sir.

12 Q. And you said that Mr. Wright was alone in the
13 residence?

14 A. Yes, sir.

15 Q. When you exited the house, what happened with Mr.
16 Wright?

17 A. Mr. Wright was detained and the perimeter of the
18 house was secured so nobody could enter.

19 Q. So the moment that you got to the scene, Mr. Wright
20 was the only one there. Correct?

21 A. Yes, sir, when I arrived yes, sir.

22 Q. And you performed a sweep of the house and no one else
23 was inside the residence. Correct?

24 A. That's correct.

25 Q. And then when you exited the house --

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

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1 MR. JOHNSON: Your Honor, objection. He's leading the
2 witness. He is making statements.

3 THE COURT: Please rephrase your question.

4 Q. You testified that --

5 SOLICITOR SHELTON: Thank you, Your Honor.

6 Q. You testified just now that you exited the house -- you
7 entered the house --

8 MR. JOHNSON: Your Honor, objection again. He's still
9 making statements. He's saying what he testified to. The
10 jury heard that.

11 THE COURT: Overruled.

12 Q. Just to backtrack so the jury understands where we're
13 going. You testified that when you got to the scene there
14 was no one there.

15 A. Correct.

16 Q. And that you swept the house and except for Mr.
17 Wright?

18 A. Correct.

19 Q. And you swept the house --

20 MR. JOHNSON: Your Honor, objection. It's been asked
21 and answered. He has already said that. He keeps
22 repeating the same thing over and over again.

23 THE COURT: Overruled.

24 BY SOLICITOR SHELTON:

25 Q. And you did not find anyone inside the residence?

1 A. That's correct.

2 Q. When you swept the residence. Correct?

3 A. Yes, sir, that's correct.

4 Q. And when you exited, you detained Mr. Wright? When
5 you exited, Mr. Wright was detained?

6 A. Yes, sir, that's correct.

7 Q. And then state again to the jury what you did after
8 Mr. Wright was detained.

9 A. After Mr. Wright was detained, I called my supervisor
10 who was working at the time, obviously Staff Sergeant Hoyt,
11 and just notified him of what we had and he notified --

12 Q. You said what we had. What do you mean by that?

13 A. Just that we had secured the outside of the residence
14 due to what was located inside.

15 Q. And what do you mean by that specifically for the
16 jury?

17 A. The suspected marijuana and the white powder substance
18 that we found inside was still inside the house.

19 Q. Now when you were doing the sweep, did you locate
20 anything else that you remember besides the marijuana and
21 the white powdery substance?

22 A. There was a handgun.

23 Q. Where was that located?

24 A. If I remember correctly it was in maybe one of the
25 closets up on the shelf.

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

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1 Q. Okay. Thank you.

2 A. I don't remember exactly where.

3 Q. I apologize for backtracking. Now you just testified
4 that you contacted your Master Sergeant.

5 MR. JOHNSON: Your Honor, objection. He's going back
6 over it again.

7 THE COURT: Please just don't lead the witness.

8 SOLICITOR SHELTON: I apologize. I'm just trying to
9 bring him back to where he is for the purposes of moving
10 along the testimony.

11 Q. Now, after you called Sergeant Hoyt, what did you do
12 next?

13 A. After that, I just waited outside for the drug
14 investigative team to arrive with their search warrant to
15 conduct their investigation.

16 Q. And what was the status of the house during that
17 period?

18 A. It was empty, it was vacant and it was secured by us,
19 by law enforcement so nobody could - we could assure that
20 nobody got in.

21 Q. Now, do you remember anyone from the Drug Task Force
22 who arrived?

23 A. The one person - I remember several coming on scene
24 but the only one that I can remember exactly who was there
25 was Walter Criddle. I just remembered him specifically.

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON
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1 Q. And you know Mr. Criddle?

2 A. I do, yes, sir.

3 Q. When did you leave the scene?

4 A. I left I think it was right when they showed up with
5 the search warrant. I was there for a little while.

6 Q. So they arrived — you have personal knowledge that
7 they arrived with a search warrant for the residence?

8 A. I didn't actually see the search warrant. I saw three
9 or four people show up that I was under the impression that
10 they were the ones with the warrant but I never saw the
11 warrant.

12 Q. Okay. And were there other officers at the scene
13 including Mr. Criddle when you left?

14 A. Yes, sir.

15 Q. And the entire time you were at the scene you said it
16 was secured?

17 A. Yes, sir.

18 Q. Thank you.

19 SOLICITOR SHELTON: Those are all the questions I
20 have. Please answer any questions the defense might have.

21 THE COURT: Mr. Johnson.

22 MR. JOHNSON: Thank you, Your Honor.

23 CROSS EXAMINATION

24 OFFICER JONATHAN COLLIER BY MR. JOHNSON:

25 Q. Good morning, Officer Collier.

OFFICER JONATHAN COLLIER: BY MR. JOHNSON

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1 A. Good morning, sir.

2 Q. Officer Collier, I just have a few questions for you.

3 You stated that when you got there, you was coming on
4 a 911 call; is that correct?

5 A. Yes, sir.

6 Q. And you was - I think I heard you say, correct me if
7 I'm wrong, but I think I heard you say that you sent an
8 officer to a ball field or something? Did you direct
9 someone there?

10 A. Yes, sir, I directed someone there.

11 Q. Okay. First of all, who did you direct to the ball
12 field?

13 A. It was - I think she was a corporal at the time, her
14 name was Sally Irvin.

15 Q. Okay. Where did you get the information to send her
16 there?

17 A. I heard Mr. Wright say that she might be there with -
18 or she might be there.

19 Q. Okay. And you also give them a description of a car.

20 Or did you give a description of a car or something
21 for them to look for at the ball field?

22 A. I don't recall if I did or not, sir, I'm sorry.

23 Q. Okay. But you never found anyone injured. That's
24 correct?

25 A. That's correct yes, sir.

1 Q. And as far as you know, no one was ever charged with
2 any domestic violence charge or anything of that nature?

3 A. As far as I know nobody was yes, sir.

4 Q. Okay. So you entered the house to do a protective
5 sweep. Correct?

6 A. Yes, sir. Correct.

7 Q. Yourself and Officer Archbell?

8 A. Yes, sir.

9 Q. Okay. Did the two of you stay together all the time?

10 A. We were together most of the time. I don't know if
11 we entered every single room together. I don't remember.
12 I know we both started out going to the right and we just
13 kind of slowly worked around to the left. I wasn't
14 watching where he was the whole time, but I did see him
15 some.

16 Q. The items that you suspected to be marijuana and
17 cocaine, did you ever touch the bags?

18 A. No, sir, I didn't

19 Q. Did you ever touch the cocaine bag?

20 A. No, sir, I didn't

21 Q. So you suspected it to be marijuana and cocaine but you
22 personally cannot testify that it was marijuana and
23 cocaine. It appeared to you that that is what it was; is
24 that correct?

25 A. That's correct that it appeared yes, sir.

OFFICER JONATHAN COLLIER: BY MR. JOHNSON

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1 Q. You didn't field test it yourself?

2 A. No, sir.

3 Q. And you never touched the bags or any of the items?

4 A. No, sir.

5 Q. So your only involvement was that you reported back
6 what you suspected to be cocaine back to someone else?

7 A. Yes, sir, that's correct.

8 Q. As far as Mr. Wright, did he cooperate with you fully?

9 A. Yes, sir. He was very cooperative.

10 Q. Did he attempt to run?

11 A. No, sir.

12 Q. And he cooperated with your questions - Well did he
13 cooperate with your questions when you ask him where I
14 guess the alleged victim of the 911 call and he told you
15 she might have been at the ball field; is that correct?

16 A. Yes, sir, he did.

17 Q. Okay. And you had no problems with him at all at the
18 scene?

19 A. No, sir, none

20 Q. What time did you leave the scene?

21 A. I have no - I'm not sure, sir.

22 Q. Okay.

23 A. I was there for a little while but I'm not sure what
24 time I left.

25 Q. You did not have anything to do with detaining my

OFFICER JONATHAN COLLIER: BY MR. JOHNSON

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1 client. I mean, after - once he was arrested, you had no
2 other contact with him?

3 A. No, sir, I did not.

4 Q. So except for initially making the initial entrance
5 into the house detecting something that you thought was
6 cocaine or marijuana, you have really nothing else to do
7 with this case?

8 A. No, sir, I don't.

9 MR. JOHNSON: I have no other questions. Thank you.

10 A. Yes, sir.

11 THE COURT: Any redirect?

12 SOLICITOR SHELTON: Nothing further from the State,
13 Your Honor. I ask that he may be excused to go sleep.

14 THE COURT: Any objections, Mr. Johnson? Any
15 objections to Sergeant - or being excused?

16 MR. JOHNSON: No. I'm sorry, Your Honor.

17 THE COURT: You may be excused. Thank you.

18 SOLICITOR SHELTON: Your Honor, State calls Walter
19 Criddle as it's next witness.

20 MADAME CLERK: Would you raise your left hand and
21 place your -

22 (WHEREUPON, WALTER CRIDDLE,
23 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

24 MADAME CLERK: Please be seated. Please state your
25 name and spell it for the court please.

OFFICER WALTER CRIDDLE: BY SOLICITOR SHELTON

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DIRECT EXAMINATION

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OFFICER WALTER CRIDDLE BY SOLICITOR SHELTON:

Q. Well we'll just have to speak up very loud, is that okay?

A. Sure.

Q. Mr. Criddle, will you please spell your last name for the court reporter?

A. It's C-r-i-d-d-l-e.

Q. Thank you. And are you employed now?

A. No, sir. I'm retired.

Q. And where are you retired from?

A. The Beaufort County Sheriff's Office.

Q. Were you working for the Beaufort County Sheriff's Office on August 31st, 2011?

A. Yes, sir, I was.

Q. And what were your duties then?

A. I was a sergeant assigned to the Drug Task Force at that time.

Q. And what does the Drug Task Force do?

A. We enforce all state and county laws like any other officer and also work narcotics in the County of Beaufort.

Q. You say narcotics. The common uses for narcotics?

A. Drugs.

Q. Drugs?

A. Uh-huh.

1 Q. As part of that, what are some of the things that you
2 specialize in?

3 A. We work street crime drugs for people out on the
4 streets and we do under cover drug buys. We do follow-ups
5 from anonymous tips.

6 Q. Do you ever respond to for search warrants?

7 A. Yes, sir. We also do search warrants and assist other
8 agencies.

9 Q. Now, do you recall responding to [REDACTED]
10 [REDACTED] on that day August 31st, 2011?

11 A. Yes, sir.

12 Q. Are you referring to anything to refresh your
13 recollection right now?

14 A. Yes, sir.

15 Q. May I bring that to defense counsel to make sure they
16 know what it is?

17 SOLICITOR SHELTON: May I approach, Your Honor?

18 THE COURT: Yes, sir.

19 SOLICITOR SHELTON: Thank you.

20 (COUNSEL AT SIDE BAR OFF THE RECORD.)

21 MR. CHAPLIN: Your Honor, no objection.

22 THE COURT: Thank you.

23 SOLICITOR SHELTON: Thank you, Mr. Chaplain.

24 Q. Mr. Criddle, you just handed me this. What is this?

25 A. That's my Supplemental Report from what actions I took

OFFICER WALTER CRIDDLE: BY SOLICITOR SHELTON

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1 on the scene.

2 Q. And would this help refresh your recollection about
3 what you did that day?

4 A. Yes, sir.

5 SOLICITOR SHELTON: May I approach the witness
6 please?

7 THE COURT: Yes, sir.

8 A. Thank you.

9 Q. Thank you.

10 (WITNESS REVIEWING DOCUMENT.)

11 Q. Do you recall now?

12 A. Yes, sir.

13 Q. And when you responded, do you remember seeing anyone
14 there?

15 A. We responded - We had a phone call from the road
16 supervisor, they were at that location, and they requested
17 for the drug unit to respond. I got there and I met with
18 Deputy Sheriff Archbell. He advised what was going on. I
19 was back and forth in contact with my supervisor, Staff
20 Sergeant Florencio, and at that time other members got
21 there to the location. We secured the residence, had an
22 officer placed at each corner of the residence to ensure
23 nobody came in or went out and the other officers were at
24 that time gathering information and obtaining a search
25 warrant for the location.

OFFICER WALTER CRIDDLE: BY SOLICITOR SHELTON
BY MR. CHAPLIN

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1 Q. And did you remain there for the entire time?

2 A. Yes, sir. I stayed outside. I had the outside
3 security for the location.

4 Q. And you said you had the outside security for the
5 location. What does that mean?

6 A. That means that we had people on each corner and
7 nobody entered the location or around the location during -
8 until the search warrant was signed and on the grounds.

9 Q. And you don't have personal knowledge of what occurred
10 before you arrived on the scene, do you?

11 A. No, sir.

12 Q. No. You can only testify to what occurred when you
13 arrived on the scene?

14 A. Yes, sir.

15 Q. Those are all the questions I have.

16 SOLICITOR SHELTON: Please answer any questions the
17 defense might have.

18 THE COURT: Mr. Chaplain?

19 CROSS-EXAMINATION

20 OFFICER WALTER CRIDDLE BY MR. CHAPLIN:

21 Q. It's retired Officer Criddle?

22 A. Yes, sir.

23 Q. How are you doing?

24 A. Pretty good.

25 Q. Let me hold that piece of paper that you just had.

OFFICER WALTER CRIDDLE: BY MR. CHAPLIN

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1 You said you were contacted by who to come to the
2 scene?

3 A. I was contacted by Staff Sergeant Hoyt who was the
4 actually uniformed officer that day running the shift on
5 Hilton Head Island and he advised basically that they were
6 on a call. They had some reasons to call the Drug Task
7 Force to come out and I advised my supervisor and he sent
8 me out and until everybody was located and figured out, you
9 know, got everything together, what was going on.

10 Q. Okay. And when you first got to the scene, you spoke
11 to who?

12 A. Deputy Sheriff Archbell I think.

13 Q. Okay. And I think you said he advised you. What did
14 he advise you?

15 A. Just that they had entered the residence on a health
16 and welfare basically and that's about as far as he went.
17 And that there was some contraband found inside the
18 trailer.

19 Q. Okay. At that time, did he tell you if he or if
20 anyone had located the person they were trying to find?

21 A. No, sir.

22 Q. And then if I have it right, you didn't go inside the
23 home?

24 A. No, sir.

25 Q. And your job was primarily just to make sure no one

1 else went into the house?

2 A. Exactly.

3 Q. What if anything else did you do other than watch just
4 to make sure no one went in?

5 A. After the defendant was placed under arrest and they
6 had placed him in the car, I went over to interview the
7 defendant. He had already been Mirandized and --

8 Q. By who?

9 A. By Archbell I believe it was.

10 Q. Okay.

11 A. And I talked to Mr. Wright. He advised that at this
12 time he wished not to make any statements and that was - I
13 said okay and he was transported to the detention center
14 from there.

15 Q. Okay. So you spoke to him, he said he wanted to - to
16 not speak to you at - to anyone at the time ---

17 A. Yes, sir.

18 Q. --- and he didn't sign anything?

19 A. No, sir.

20 Q. He didn't point out anything?

21 A. No, sir.

22 Q. He didn't say a thing?

23 A. He didn't.

24 MR. CHAPLIN: Beg the Court's indulgence.

25 (PAUSE.)

OFFICER WALTER CRIDDLE: BY MR. CHAPLIN

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1 Q. Last question. Officer Archbell said that he was -
2 that you were there. Tell me again what he told you, what
3 he advised you?

4 A. He advised that they were there for a call. I'm not
5 sure whether it was a domestic or what but they went there.
6 They ended up not finding anybody they thought was a 911
7 caller and they went inside to secure, a sweep of the
8 evidence and make sure no one was inside the home.

9 Q. Okay. So every time law enforcement runs into this
10 issue, meaning they find what they suspect to be drugs,
11 they call the Task Force every single time?

12 A. Ninety-nine percent of the time they do.

13 Q. So it's just a normal thing for them to reach out for
14 you all?

15 A. Yes, sir, because we're - our job is to investigate
16 crimes of drugs. The uniformed officers have a lot more
17 calls backed up so, obviously, we have time to dedicate to
18 that call and they go, you know, to other calls.

19 Q. Okay. But on this occasion, actually, the officers
20 basically stayed - most of these officers stayed at the
21 scene with you all. Correct?

22 A. There were a couple there that their supervisors
23 assigned them to stay there as uniform officers because
24 we're all in plain clothes and for the presence of the
25 sheriff's office being there. I mean I'm not sure to how

1 many was there.

2 MR. CHAPLIN: No further questions for this witness.

3 We don't have any need for him after that.

4 THE COURT: Anything further?

5 SOLICITOR SHELTON: No, we ask that he may be excused.

6 Thank you. Enjoy your retirement.

7 THE COURT: You may be excused. Thank you.

8 (WITNESS LEAVING WITNESS STAND.)

9 THE COURT: You may call your next witness.

10 SOLICITOR SHELTON: Thank you, Your Honor.

11 The State calls Rebecca Whitney of Beaufort Police
12 Department.

13 MADAME CLERK: Would you place your left hand on the
14 Bible and raise your right hand for me please.

15 (WHEREUPON, REBECCA WHITNEY,
16 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

17 MADAME CLERK: Please be seated. State your name and
18 spell it for the court please.

19 A. Officer Rebecca Whitney.

20 THE COURT: Your witness.

21 MR. JOHNSON: Your Honor, can we approach?

22 MR. CHAPLIN: May we approach?

23 THE COURT: Yes, sir.

24 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
25 THE JURY.)

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON

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1 THE COURT: Your witness, Solicitor.

2 SOLICITOR SHELTON: Thank you so much, Your Honor.

3 May it please the Court.

4 DIRECT EXAMINATION

5 OFFICER REBECCA WHITNEY BY SOLICITOR SHELTON:

6 Q. Officer Whitney, will you please spell your last name
7 for the court reporter?

8 A. W-h-i-t-n-e-y.

9 Q. Thank you. And did you have the occasion to respond
10 to [REDACTED] on August 31st, 2011?

11 A. Yes, sir.

12 Q. And why did you respond there?

13 A. There was a domestic call and --

14 Q. What are you referring to?

15 A. A domestic violence call in reference to Wright and
16 his girlfriend having an argument in the house.

17 Q. Is that why you responded?

18 A. I responded because there was narcotics/drugs found in
19 the home when ever they did the sweep.

20 Q. And where were you working at the time?

21 A. I was working at Bluffton, but I was on the Drug Task
22 Force.

23 Q. And it's an inter jurisdictional Drug Task Force?

24 A. Yes, sir, uh-huh.

25 Q. So you were one of the Bluffton representatives of the

1 Drug Task Force?

2 A. Yes, sir.

3 Q. And you responded in what role as a member of the Drug
4 Task Force to this location?

5 A. I went in as backup and I was a part of the search
6 team once we got the search warrant to go into the house.

7 Q. You say search team ---

8 A. Uh-huh.

9 Q. --- after you received the search warrant to go into
10 the house?

11 A. Right, yes, sir.

12 Q. What were your duties as a part of the search team?

13 A. I was on Search Team Two and I searched bedroom four.

14 Q. Are you referring to something?

15 A. Yes, my report.

16 Q. Okay. May I see that? Is that your report?

17 A. It's actually Heroux's.

18 Q. Okay. I'm going to ask that you not refer to Mr.
19 Heroux's report ---

20 A. Okay.

21 Q. --- and maybe testify to your memory. Do you have any
22 personal knowledge and personal memory as to what you -
23 where you searched?

24 A. I searched the master bedroom, the master bedroom
25 closet and the master bath.

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON

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1 Q. And did you find anything in those locations?

2 A. Yes, sir.

3 Q. I'm going to approach with State's Exhibit Number One,
4 State's Exhibit Number Eighteen, State's Exhibit Number
5 Fourteen, State's Exhibit Number Sixteen, and State's
6 Exhibit Number Seventeen for identification purposes, which
7 means don't show them to the jury, please.

8 A. Uh-huh.

9 Q. Just look over them, ask me if you recognize these
10 pictures. Look over them all, and then tell me if you
11 recognize these pictures, please.

12 (WITNESS REVIEWING PHOTOS.)

13 A. Yes, sir.

14 Q. What do you see in those pictures?

15 A. I see where I located the narcotics, the drugs, and
16 then also where I located a pistol.

17 Q. And are those fair and accurate depictions of the way
18 those looked at the time you located them?

19 A. Yes, sir.

20 SOLICITOR SHELTON: The State moves those exhibits
21 into evidence. That will be State's One, Eighteen,
22 Fourteen, Sixteen, and Seventeen.

23 THE COURT: Any objection?

24 MR. JOHNSON: Your Honor, we renew our objection as
25 stated.

1 THE COURT: Yes, sir. Subject to your objection.

2 Thank you.

3 MR. JOHNSON: Thank you, Your Honor.

4 (WHEREUPON: STATE'S EXHIBIT NUMBERS ONE, FOURTEEN,
5 SIXTEEN, AND SEVENTEEN AND EIGHTEEN IDENTIFIED AND MARKED,
6 RECEIVED INTO THE RECORD.)

7 SOLICITOR SHELTON: I ask that if I may ask - have her
8 explain it on a one-by-one and then publish to the jury,
9 Your Honor.

10 THE COURT: Yes.

11 Q. When you look at these pictures, please refer to it to
12 the exhibit numbers so the court reporter can know what
13 you're referring to.

14 MR. JOHNSON: Your Honor, just - And just one small
15 fact. As of yet, the State have not presented any evidence
16 to indicate that that is what they are saying it is, so to
17 say that that's drugs I think is inappropriate at this
18 time, because the State has not presented any evidence to
19 indicate that that is drugs.

20 THE COURT: I'll sustain that objection.

21 You may refer to it as what it appeared to be a the
22 time so until it's actually tested.

23 A. Exhibit One is in the master bath and it's where the
24 suspected narcotics/drugs were located.

25 Q. What do you see in that picture?

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON

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1 A. The master bathroom sink and cabinet where the
2 suspected narcotics was found.

3 SOLICITOR SHELTON: May I approach?

4 THE COURT: Yes, sir.

5 SOLICITOR SHELTON: Thank you, Your Honor. Ask that I
6 publish.

7 Q. I'm going to ask the jury to look at this before you
8 speak about the next one. Exhibit rather, the next
9 exhibit.

10 (STATE'S EXHIBIT ONE PUBLISHED TO THE JURY.)

11 Q. I ask now, Officer Whitney, that you look at State's
12 Exhibit Eighteen and describe what you see for the jury.

13 A. Eighteen is after the narcotics was taken from
14 underneath the cabinet and laid out and a photo was taken
15 of the narcotics that was found in the back of the -
16 underneath the cabinet. It's on the floor in the master
17 bath.

18 Q. Okay. And is that a fair and accurate depiction of
19 that picture?

20 A. Yes, sir.

21 Q. And now State's Exhibit Fourteen, Sixteen, and
22 Seventeen, one-by-one, would you explain what you see in
23 those pictures?

24 A. Fourteen is the master bedroom closet and it's at the
25 doorway showing a - where we had found a handgun.

1 Q. And what do you see in the top left picture of that?

2 A. I can see back butt of the handgun.

3 Q. You said that is in the master bedroom closet?

4 A. Yes, sir.

5 Q. And Exhibit Sixteen?

6 A. That is the butt and the magazine that was on the
7 shelf in the master bedroom closet.

8 Q. And Exhibit Seventeen?

9 A. This is a full picture of the magazine, the gun and
10 a bullet.

11 Q. Thank you.

12 SOLICITOR SHELTON: Ask that I publish to the jury?

13 THE COURT: Yes, sir.

14 SOLICITOR SHELTON: Thank you, Your Honor.

15 (STATE'S EXHIBIT FOURTEEN, SIXTEEN, SEVENTEEN, AND
16 EIGHTEEN PUBLISHED TO THE JURY.)

17 Q. Now, when you're part of the Drug Task Force Search
18 Team, when you're executing a search warrant, were you the
19 case officer in the case?

20 A. No, sir.

21 Q. Who was that?

22 A. Ray Heroux.

23 Q. And when your role is to search for things, what do
24 you do?

25 A. We have a designated area that we search, and then

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON
BY MR. JOHNSON

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1 once we locate something, we call Ray in and he takes
2 photos of it and looks to see what it is and takes it into
3 evidence.

4 Q. So did you personally seize anything in this case?

5 A. No, sir.

6 Q. You just found the items and called them out to Ray?

7 A. Yes, sir.

8 Q. Regarding Investigator Heroux?

9 A. Yes, sir.

10 Q. So in State's Exhibit Number Eighteen, did you touch
11 or manipulate these drugs in any way when you found them?

12 A. No, sir.

13 Q. Thank you.

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

15 THE COURT: Cross examination?

16 MR. JOHNSON: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 OFFICER REBECCA WHITLEY BY MR. JOHNSON:

19 Q. Good morning.

20 A. Good morning, sir.

21 Q. Just to clarify some statements you made. You said
22 that you was called to the house because there as a 911
23 domestic call?

24 A. I don't know if it was a 911. I just know that there
25 was a domestic call issue at that residence.

1 Q. And you said that it was a argument between my client
2 and his girlfriend in the house?

3 A. I don't know what their relationship is, but I knew it
4 was a domestic-related issue.

5 Q. And you said - When you was talking earlier you said
6 in the house?

7 A. That's what I believe that it was at the house.

8 Q. Okay.

9 A. Because --

10 Q. I mean, I'm just asking. I'm not trying to put words
11 in your mouth, but I was just trying to clarify that you
12 said that in the beginning, that's all.

13 A. Yes.

14 Q. Okay. So there was at least two people that you're
15 aware of that was located at the scene, my client and the
16 alleged victim and some type of domestic complaint.

17 A. Can you ask that again? I didn't understand what
18 you just said.

19 Q. There was at least two people located at the house, my
20 client and an alleged victim in a 911 call, a domestic
21 violence call?

22 A. I wasn't there, so I couldn't answer what - who was
23 found at the house at the time of the call, the domestic
24 call. I couldn't tell you that.

25 Q. When you arrived, you had suspected two people because

OFFICER REBECCA WHITNEY: BY MR. JOHNSON

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1 that's why you did a search, you was looking for a second
2 person.

3 A. Right. Uh-huh.

4 Q. So it had to be two people. Correct? If you found
5 one, you was looking for another one. Correct?

6 A. Right, we were.

7 Q. Okay. Of all the pictures and all the evidence you
8 found, you found no drugs on my client?

9 A. I never seen your client, sir.

10 Q. At all?

11 A. Uh-huh.

12 Q. So all these drugs and everything you found was in the
13 house?

14 A. Yes, sir, what I testified to.

15 Q. So you cannot testify that you ever saw my client even
16 with drugs, can you?

17 A. No, sir, I cannot.

18 Q. No questions.

19 THE COURT: Anything further redirect?

20 SOLICITOR SHELTON: No, Your Honor.

21 THE COURT: Any objection to her being excused?

22 SOLICITOR SHELTON: No, Your Honor.

23 MR. JOHNSON: No objection, Your Honor.

24 THE COURT: You may be excused, Officer Whitney.

25 Thank you.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

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1 (WITNESS LEAVING WITNESS STAND.)

2 THE COURT: You may call your next witness.

3 SOLICITOR SHELTON: Thank you, Your Honor. The State
4 calls Officer Andre Florencio.

5 Your Honor, may we approach briefly?

6 THE COURT: Sure.

7 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
8 THE JURY.)

9 MADAME CLERK: Would you place your left hand on the
10 Bible and raise your right hand for me, please.

11 (WHEREUPON: ANDRE FLORENCIO,
12 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

13 MADAME CLERK: Please be seated. State your name and
14 spell it for the court please:

15 THE COURT: Sir, would you please state your name and
16 spell your last name?

17 MR. FLORENCIO: My name is Andre Florencio, last name
18 is F-l-o-r-e-n-c-i-o.

19 THE COURT: Your witness.

20 SOLICITOR SHELTON: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 SERGEANT ANDRE FLORENCIO BY SOLICITOR SHELTON:

23 Q. Staff Sergeant Florencio?

24 A. Yes.

25 Q. Who do you work for?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

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1 A. I work for the Beaufort County Sheriff's Office.

2 Q. And what are your duties?

3 A. I am a staff sergeant and I'm a supervisor with the
4 Drug Investigation Section.

5 Q. How long have you been with the Drug Investigation
6 Section?

7 A. I've been assigned to the Drug Investigation Section
8 since actually July 9th of 2004.

9 Q. And was it formerly called anything different?

10 A. Yes, it was. It used to be called the Beaufort/Jasper
11 Multi-Agency Drug Task Force.

12 Q. Drug Task Force?

13 A. Yes.

14 Q. Was that what it was called in August 31st, 2011?

15 A. Yes, it was.

16 Q. On August 31st, 2011, do you have knowledge as to
17 whether you helped execute any search warrants in Beaufort
18 County?

19 A. Yes, I did. I was the supervisor on duty that day.

20 Q. And where, if anywhere, in the Mitchellville area, did
21 you respond? Did you respond to [REDACTED]?

22 A. Yes, I did.

23 Q. And did you help execute that search warrant?

24 A. Yes, I did.

25 Q. You said you were the supervisor?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

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1 A. I was one of the supervisors there yes, sir.

2 Q. And as one of the supervisors there, did that mean
3 that you were the case agent or could that be assigned to
4 someone else?

5 A. That could be assigned to someone else. I just
6 supervise the operation in the totality.

7 Q. And do you understand, do you have knowledge as to who
8 the case agent was?

9 A. Yes, I do.

10 Q. Who was that?

11 A. That was Corporal Ray Heroux.

12 Q. And do you see him in the courtroom today?

13 A. Yes, he's seated right there.

14 Q. Thank you.

15 SOLICITOR SHELTON: Please let the record reflect he
16 is pointing to Heroux, Investigator or Corporal Heroux here
17 with the Solicitor's office table.

18 (WITNESS RECOGNIZED CORPORAL RAY HEROUX AT SOLICITOR'S
19 TABLE.)

20 Q. Now, when you respond to this incident location at [REDACTED]
21 [REDACTED], what duties were you assigned?

22 A. Well, I responded because I remember that we had a
23 call from the road patrol that there was an incident and it
24 required the assistance of narcotics investigators. I was
25 not one of the first ones to arrive. I believe Sergeant

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

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1 Criddle and another investigator were the first ones. By
2 the time I got there the residence was secured on the
3 outside and we waited for a search warrant before we
4 initiated a search. My main job is to supervise the
5 investigators.

6 Q. And why did you wait for the search warrant?

7 A. We can't enter and search without a search warrant.

8 Q. Other than other reasons that are emergencies?

9 A. Yes.

10 Q. Now, what was your role when you helped execute the
11 search warrant?

12 A. Besides supervising, I also assisted in searching part
13 of the residence. I believe it was the - when you enter
14 the residence it was the left hand side of the residence.
15 I did most of the search on that side.

16 Q. And do you recall whether you found anything of value?

17 A. Yes, I found a couple of things.

18 Q. And when I say of value, I mean of interest to
19 yourself.

20 A. Yes.

21 Q. I'm going to approach with what has been premarked as
22 State's Exhibit Number Ten and Eleven.

23 SOLICITOR SHELTON: May I approach the witness, Your
24 Honor?

25 THE COURT: Yes.

1 SOLICITOR SHELTON: Thank you.

2 Q: Staff Sergeant Florencio, will you please look at
3 those pictures, without showing them to the jury, and tell
4 me whether you recognize them, State's Exhibits Number Ten
5 and Eleven first of all?

6 A. Yes, I do recognize them.

7 Q: Now, referring to them by the exhibit number, will you
8 please tell the court and the jury what you see in those
9 pictures?

10 A. State's Exhibit Ten is a picture of a bed. There's
11 some items on the floor and one of the items on the floor
12 on top of, I believe it's some kind of box, is a South
13 Carolina ID

14 Q. And who is that South Carolina ID of?

15 A. Well, in Exhibit Number Ten, you can't see because
16 it's a far away picture, but Exhibit Number Eleven is a
17 close-up and it is a South Carolina ID of a Stanley Leonard
18 Wright.

19 Q. And did you find this ID eventually?

20 A. Yes, I did.

21 Q. Are you the one who seized it?

22 A. No, I did not seize it. I located it.

23 Q. And when you locate it, what do you do?

24 A. Well, we have procedures that we normally follow
25 when we do search warrants to keep everything organized and

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

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1 to be able to make the best cases we can. And one of those
2 things as a case officer, we have people divided into
3 search teams. They search different rooms, different
4 areas, and those are assigned by the case officer. That
5 way we ensure that every room where every section of the
6 house has been searched or whatever place we're searching.
7 So I was assigned by Corporal Heroux to search this area
8 and during the search, this is one of the items that I
9 located.

10 Q. And when you find it what do you do?

11 A. When I find it, if it's - let's say if it's something
12 that's in plain view that's not hidden, I don't manipulate
13 it. We call the case officer and the case officer comes
14 and photographs it in place, and then the case officer
15 seizes it and takes it back and either logs it into
16 evidence at a table where they're set up or they might do
17 it in the same place.

18 Q. Okay. And that's what happened here?

19 A. Yes.

20 Q. Are those fair and accurate depictions of where you
21 found that ID and then the picture of the close-up of the
22 ID?

23 A. Yes.

24 SOLICITOR SHELTON: I move State's Exhibit Numbers Ten
25 and Eleven into evidence.

1 THE COURT: Any objection?

2 MR. JOHNSON: No objection, Your Honor.

3 THE COURT: Thank you.

4 (WHEREUPON: STATE'S EXHIBIT NUMBER TEN AND ELEVEN,
5 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

6 SOLICITOR SHELTON: Ask that I publish to the jury.

7 THE COURT: Yes, sir.

8 Q. And as I publish, where did you say you located this?

9 A. I know that I searched the left-hand side of the
10 house, and I believe it was in one of the bedrooms. I
11 couldn't tell you which one it was.

12 Q. Correct.

13 A. But I believe it's a bedroom.

14 Q. Please wait until the jury has the opportunity to
15 review the evidence.

16 (WHEREUPON: STATE'S EXHIBIT NUMBERS TEN AND ELEVEN
17 PUBLISHED TO THE JURY.)

18 Q. Officer Florencio, how long have you said that you
19 have been working in drug enforcement, specifically?

20 A. I've been assigned specifically to drug enforcement
21 since July 9th of 2004, but prior to that when I was
22 assigned as a criminal investigator, because I speak
23 Spanish, I had the opportunity to work many cases with the
24 Drug Task Force and ICE and DA because I was involved in
25 translating a lot, so I got a lot of experience helping

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

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1 them with that.

2 Q. And how long did you do that for?

3 A. Well, I've been translating since I started with the
4 Sheriff's Office in '97 and probably my first major case
5 that I helped with, with a drug case was probably shortly
6 after that.

7 Q. Working drug cases, or suspected drug cases, how - do
8 you have any idea how many drug investigations that you
9 have actually taken part in?

10 A. I really couldn't tell you. Numerous. I can tell you
11 that just in search warrants alone, the last couple of
12 years we've been averaging seventy a year, and that's just
13 search warrants. That's not counting other investigations
14 we've done. That's not counting a traffic stop which could
15 be a drug investigation so I mean pretty much I work, you
16 know, five days a week and then I come in and work some
17 sort of drug investigation everyday.

18 Q. And you've been doing that almost ten years?

19 A. I've been doing that with the Sheriff's Office
20 assigned to the Drug Task Force, yes, going on my
21 tenth year.

22 Q. And before that you took part in drug investigations
23 with investigators office?

24 A. Yes.

25 Q. Now, have you had an opportunity to interview

1 known-drug users, dealers, and informants during this
2 experience?

3 A. Yes, I have.

4 Q. Please tell the jury about that?

5 A. Well, --

6 MR. CHAPLAIN: And, Your Honor, objection. What's the
7 relevance of that?

8 THE COURT: I think he's establishing the basis for
9 the expert.

10 Is that correct?

11 SOLICITOR SHELTON: Correct, Your Honor.

12 MR. JOHNSON: An expert in what, Your Honor?

13 THE COURT: Well, he's setting the foundation for
14 that. He hadn't gotten there. Do you need to approach?

15 MR. CHAPLAIN: Yes, yes, Your Honor.

16 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
17 THE JURY.)

18 THE COURT: Ladies and gentlemen of the jury, at this
19 time what we're gonna do is we're gonna - it's getting
20 close to lunchtime, so we're going to take a quick break
21 for lunch. However, before you do that, I'm going to give
22 you several - just instructions before you go out there.

23 Remember again to please not discuss the case even
24 amongst yourselves or allow anybody else to discuss the
25 case with you during this time. And the purpose of that is

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1 that, of course, you are the finders of the facts and until
2 you have all of the evidence that's been properly admitted
3 you must be open minded and only consider the properly
4 admitted evidence at the close of the case when after
5 you've been given the jury instructions and the case is
6 actually submitted to you.

7 So again it's for the purpose of keeping it in an open
8 mind and waiting to hear all of the evidence. As you've
9 seen sometimes when parties have come up, and because you
10 are the judge of facts and I'm the judge of law, I don't
11 want to do anything or say anything which would give you
12 any speculation that I have an opinion as to the facts,
13 because I'm not allowed to do that, so that's why we have
14 certain matters held outside of your presence. So again
15 you will be the judges of the facts and you will be asked
16 not to deliberate whatsoever. Also don't do any kind of
17 investigation on your own whether its to be on Facebook or
18 any kind of internet media and that type of thing.

19 Let me make sure I don't leave anything else out here
20 that I needed to advise you of before you have the matter
21 of lunch. We will take - give you plenty of time to have
22 lunch. I'll give you about - if you could be back in your
23 jury room at 1:15, that way we can start the trial of the
24 case right after that and you - if you will go to your jury
25 room if I left anything out I will then excuse you for

1 lunch, okay. Thank you. Actually, before you go,
2 gentleman in the front there on the left with the black
3 shirt, can you tell me your name again, sir?

4 A. Cain, Daniel Cain.

5 THE COURT: Mr. Cain, I think you're seated in the
6 perfect position. I think I'm going to appoint you as our
7 jury foreperson. And what that means is not that you have
8 any more say-so than anybody else on the jury, but you are
9 actually the spokesperson for the jury, so if the jury
10 actually needs to contact the court for any reason or has
11 any kind of questions or concerns that need to be addressed
12 to the court, then you're that person, okay?

13 MR. CAIN: Okay.

14 THE COURT: Thank you, sir.

15 (JURY EXITS COURTROOM.)

16 THE COURT: Anything further before I excuse the jury
17 for lunch?

18 SOLICITOR SHELTON: No, Your Honor. Just with Officer
19 Florencio's qualifications.

20 THE COURT: Is there anything from the defense?

21 MR. CHAPLAIN: We have nothing, Your Honor.

22 THE COURT: You may excuse them for lunch. Thank you.

23 (JURY EXCUSED FOR LUNCH RECESS AT 11:56 A.M..)

24 THE COURT: You may proceed?

25 SOLICITOR SHELTON: Thank you, Your Honor.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA -250-

DIRECT EXAMINATION - IN CAMERA

SERGEANT ANDRE FLORENCIO BY SOLICITOR SHELTON:

1
2
3 Q. Continuing with your qualifications, Staff Sergeant
4 Florencio. I had earlier ask you and I want to repeat the
5 question just for clarification. Have you had an
6 opportunity in your years working in the drug and narcotics
7 enforcement, to interview known drug users, dealers and
8 informants?

9 A. Yes, I have.

10 Q. How many have you do you think, first of all, drug
11 dealers have you interviewed?

12 A. Basically I really couldn't tell you. I interview so
13 many between drug dealers, drug users and confidential
14 informants and I've been doing this say going on ten years
15 plus all the translating I did. I mean it's like fifteen
16 years worth of interviewing people.

17 Q. So to put a number on it, would it be hundreds,
18 thousands?

19 A. Probably hundreds.

20 Q. Now, and have you had an opportunity to see residences
21 and other locations occupied by known drug dealers?

22 A. Yes.

23 Q. Have you had the opportunity to conduct controlled
24 purchases of small and large quantities of cocaine?

25 A. Yes, I have.

1 Q. Marijuana?

2 A. Yes.

3 Q. How many?

4 A. Like I said, I've been helping - I'm the supervisor.

5 As a supervisor, I have to be pretty much at every

6 controlled buy we do a supervisor has to be there. I can

7 probably count on one hand the number of controlled buys I

8 probably missed in the last ten years as a supervisor.

9 Probably four or five hundred at least. I mean we do a

10 lot.

11 Q. And during these interviews with the informants and

12 dealers and users, have you had the opportunity to speak

13 with them about money involved in drug transactions?

14 A. Yes.

15 Q. And how much ---

16 A. Yes.

17 Q. --- certain transactions cost?

18 A. Yes.

19 Q. How much certain weights are valued at?

20 A. Yes. A lot of times when we interview whether it be a

21 person that wants to be a confidential informant or someone

22 that we've arrested that wants to confess or even drug

23 dealers that we've arrested that want to confess or have

24 some kind of arrangement. We always interview them and in

25 a lot of those instances we take opportunity and they

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA -252-

1 pretty much tell us everything. They tell us how they do
2 it. They tell us how they, you know, from making a
3 specific kind of drug or cutting it or how they package it
4 or how it was that they got it by us or if we miss
5 something. They - we pretty much try to get everything and
6 that's a lot of ways how we learned and how we keep up with
7 what's going on.

8 Q. And when you conduct these controlled purposes, ---

9 A. Yes.

10 Q. --- do you rely on some of that information?

11 A. Yes.

12 Q. And who provides the money to execute the controlled
13 purchases?

14 A. We do. Its from the controlled Task Force funds.

15 Q. And do you arrange the quantity you're going to
16 purchase in a controlled purchase ahead of time?

17 A. Yes, we - when we send someone whether it be an
18 undercover officer or a confidential informant to buy drugs
19 from a person, we usually buy what they normally buy from
20 that suspected drug dealer. We're not gonna send someone
21 that buys a gram for a hundred bucks to go and try to buy a
22 kilo for Thirty Thousand Dollars because it would be
23 abnormal or vice-versa, someone who's used to buying large
24 quantities of drugs to go buy a smaller amount of drugs.
25 So we interview the person that's gonna be the informant or

1 the undercover officer that we know who the target is, we
2 kind of know, you know, if it's going to be a big deal or a
3 small deal and that's how we arrange it.

4 Q. And also in these interviews with known drug users and
5 also dealers, do you discuss how much money they sell drugs
6 for or buy drugs for?

7 A. Yeah, we do and actually it changes over time-periods
8 and areas. You know the closer you get to the border, the
9 cheaper it is. The farther away you get, the more
10 expensive it is.

11 Q. And in Beaufort County is it pretty consistent?

12 A. Well, I can tell you that when I first started on the
13 Drug Team back in 2004, you could probably get a kilo in
14 Beaufort County for Eighteen to Twenty Thousand Dollars.
15 Nowadays it's more like Thirty or Thirty-two.

16 Q. Thousand dollars?

17 A. Yes, That'll be a kilo of cocaine.

18 Q. Now, do you also speak with these users and dealers
19 about how to package, store, and pay for drugs?

20 A. Yes.

21 Q. And what are some of your conversations about that?

22 A. Well, a lot of times when we deal with some of these
23 bigger investigations when they're bringing it from let's
24 say other states, some of the cases I work with the federal
25 government with the DA, with ICE, how they transport it.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA -254-

1 You know, where they get their cars with the traps which
2 are the hidden compartments where they go and, you know,
3 where they make those cars, who are they buying from, how
4 they package it to try to get by so if they get stopped,
5 it's not gonna get smelled a canine officer. How they hide
6 it so if you get stopped on the side of the road and you do
7 get a canine officer so the hit is so well hidden that, you
8 know, you can't take the time on the side of the road to
9 actually to find it or different ways of masking the odor
10 and disguising it.

11 Q. And what about different quantities of typical drug
12 purchases, whether in bulk or retail?

13 A. Yeah, usually if you're going to buy in bulk, it's
14 more expensive as far as the initial amount.

15 Q. Specifically for what drug?

16 A. Let's say for cocaine.

17 Q. Uh-huh.

18 A. Obviously, a kilo of cocaine, a thousand grams is
19 gonna be worth a lot more than a gram of cocaine but if you
20 buy a kilo of cocaine, once you cut it and stuff like that
21 and you sell it, you can make a lot more money and actually
22 you buy it for a larger amount of money but it'd be cheaper
23 in the long run. Kind of like shopping at - let's say you
24 go to Publix or you go to Sam's Club, you buy in bulk you
25 get - it lasts a lot longer. More back for your buck.

1 Q. But you're stating that the actual weight per gram
2 buying in bulk would be more than weight per gram selling
3 it? You would make more money that way?

4 A. Yes, if you - if you want to make money, you gonna buy
5 in bulk and then break it down and sell it in more quantity
6 for more - it would be a lot more money if you sell a gram
7 versus you just sell - pretty much what I'm trying to say
8 your profit margin if you sell a - just one kilo versus if
9 you take that kilo and break it down into, you know, a
10 thousand grams and sell those thousand grams your profit is
11 gonna be a lot more once you sell that.

12 Q. Right. And with your training and experience and
13 interviews with drug dealers, have you been able to
14 determine whether - why it is that they're able to cut it
15 from a larger kilo? What is it about a kilo - first -
16 please redact that question.

17 I'm going to backtrack a little bit, Your Honor, if I
18 may. Let's talk about kilos and other amounts that are
19 typically sold that would be what you call bulk. What
20 would be other than a kilo?

21 A. You can sell a - a kilo of cocaine is a very large
22 quantity of drugs. You can sell - you can sell half a
23 kilo, a quarter kilo, then you can start selling it in
24 ounces, half-ounces, eight-ball which is three and a half
25 grams and you can sell half a gram, a gram.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA -256-

1 Q. And what would you classify as a bulk purchase?

2 A. Well, if - Normally through my experience if you have
3 a cocaine problem, if you're gonna sniff or buy a half a
4 gram or a gram of cocaine, let's say you going to have a
5 big party and you're gonna have some people over, you might
6 by an eight-ball. And if you're gonna have a really big
7 party and a bunch of people chip in, I mean you might buy,
8 you know, a quarter of an ounce of cocaine for like a big
9 party the normal --

10 Q. And how many grams are in a quarter of an ounce?

11 A. A quarter of an ounce would be seven. But normally I
12 you are a typical cocaine user, you're probably not going
13 to buy more than half a gram to a gram, maybe two at the
14 most if you're going out to party.

15 Q. Okay. Now, that we've established the basis of
16 you know what the prices are, I'd like to establish the
17 basis of exactly how much they're sold for.

18 If you're selling retail, what would you classify as a
19 typical drug sale, how much would it be for the typical
20 user?

21 A. From my training and experience from right now in
22 Beaufort County if I was a cocaine user and I wanted to get
23 a gram of cocaine, depending where I bought it, it would be
24 anywhere between a hundred to hundred-and-twenty bucks. I
25 can buy a half-a-gram, fifty, sixty bucks.

1 Q. And would that be a typical purchase of amount for a
2 typical user?

3 A. Yes.

4 Q. And what if you wanted to buy a quarter kilo of
5 cocaine?

6 A. If you wanted to buy a quarter kilo of cocaine? Well,
7 a kilo right now is about thirty, thirty-two; half a kilo
8 would not be half, you would take - well a kilo is thirty
9 and half of a kilo would be fifteen. It would probably be
10 more like eighteen or seventeen, five.

11 Q. And you can say seventeen-five, you mean - you're
12 referring to Eighteen Thousand?

13 A. Thousands, yes.

14 Q. Seventeen-and-a-half thousand dollars?

15 A. If you doing a quarter kilo which is half a kilo, you
16 just suspect, okay, well maybe it's more like seven or
17 eight, but it'd probably be more like nine maybe closer to
18 ten depending.

19 Q. You said a quarter kilo would be a half a kilo, you
20 mean a half of half a kilo?

21 A. Yes, half of a - yes, excuse me. A quarter kilo would
22 be two hundred and fifty grams which should be half of a
23 half of a kilo which is five hundred grams.

24 Q. And how much would you say that would typically be
25 sold for today?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA -258-

1 A. You could probably get it for seven, eight thousand
2 dollars, maybe a little bit more, less depending on who you
3 buying it from, what kind of credit you have with that
4 person, how much you buy from that person.

5 Q. And 2011 in August, was that amount different or the
6 same?

7 A. The last couple of years it's been about the same.

8 Q. Now, you've already talked about your experience in
9 speaking with drug - known drug users and known drug
10 dealers, and the investigations you've conducted and all of
11 your experience. Will you now speak to your training and
12 the specific training you've had with narcotics and also
13 generally in law enforcement?

14 A. I graduated from the South Carolina Criminal Justice
15 Academy in 1997. I've been to numerous investigators
16 classes, basic investigator, basic narcotic investigator,
17 advanced narcotic investigations. I've been to several
18 Drug Task Commander courses. I've been to interrogations
19 for gangs and drugs. Meth schools, prescription drug
20 schools, just a bunch of different kinds of drug schools.

21 Q. And during your training, and also pursuant to your
22 experience, have you come to understand what drug dealers
23 use in packaging and storing their supplies?

24 A. Yes, in my training and experience I have seen that.
25 The instruments they've used throughout the years and a lot

1 of times it doesn't really change.

2 Q. For example, let's specifically target marijuana.

3 Marijuana, if someone is going to be buying marijuana
4 in order to then distribute it, what would you typically
5 see the marijuana condition be?

6 A. A lot of times if you're going to buy marijuana to
7 distribute it, marijuana is, depending on the type of the
8 marijuana, it's - you can get a high-grade marijuana that
9 can be five, six thousand dollars a pound or you can get
10 cheaper marijuana, it can be a thousand to two thousand
11 dollars a pound. Usually, when you are getting it, you
12 usually get it in pounds.

13 If it's heat sealed it's gonna be kind of compressed
14 so once you take it apart, it falls apart then you would,
15 obviously need a scale to measure it. You need Zip-Lock
16 bags either gallon size or sandwich bag size, or maybe what
17 more people prefer to as dime bags which is a smaller size
18 which you would pack for to sell to people on the street so
19 they can smoke it.

20 Q. So you are saying it is typically for them to store
21 digital scales and sandwich bags with their marijuana to
22 package it?

23 A. Yes.

24 Q. What about cocaine?

25 A. The same thing. Cocaine depending on what - if you're

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA -260-

1 just gonna to cut it and break it down to make it less
2 potent which would make it - you can - pretty much you can
3 take an ounce of cocaine, put some cut in it, which could
4 be either - I've seen baby formula, I've seen various
5 things you can get from GNC to use it to cut it and you can
6 make an ounce - Some people can make a ounce into two
7 ounces, some people can make an ounce into an
8 ounce-and-a-half so they've pretty much almost double their
9 product and then they can sell it and make double the
10 money. If they pay, let's say just to keep it easy, a
11 thousand dollars for an ounce, and then now they make that
12 ounce, they try to make it two ounces and you have twenty-
13 eight grams in an ounce, you sell one ounce, that's - and
14 you sell that for a hundred bucks a gram, that's Twenty-
15 eight Hundred Dollars.

16 Q. Correct.

17 A. And already, you've already got Eighteen Hundred
18 Dollars. You've already paid for the Thousand Dollars you
19 spent on it and you made an additional Eighteen Hundred and
20 then now you still have this other ounce that you can sell
21 and make an additional Twenty-eight Hundred Dollars.

22 Q. Now, let's speak specifically on packaging. What is
23 typical for someone who is dealing in cocaine to package
24 the drugs in?

25 A. I've seen it many different ways. I've seen it in,

1 again small dime bags. I've seen them where you take you
2 go to the grocery store, say a Wal-Mart bag. You take the
3 end you break it and use that and use little like - the
4 little things that come with the garbage bags, the ties to
5 tie, I've seen it sold like that. I've seen it sold in
6 small pieces of paper. I've seen it given out in dollar
7 bills.

8 Q. And, typically, when drug transactions take place, how
9 are they paid for?

10 A. Usually in cash.

11 Q. And particularly if you're buying small quantities how
12 is it paid for? I mean do people write checks?

13 A. No, they don't.

14 Q. Do drug dealers normally have ATM machines?

15 A. No, they don't.

16 Q. It's typically in cash. Correct?

17 A. Yes.

18 Q. Is it typical for drug dealers, people who have drugs
19 in their possession with intent to distribute it, or
20 commonly deal drugs, to have large quantities of cash?

21 A. Yes, it is.

22 Q. And what would you classify as a large quantity of
23 cash?

24 A. Well, for different people, different things. I know
25 that nowadays most people don't carry cash because everyone

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA -262-

1 carries ATM and stuff like that. But I usually if I do
2 have cash, me personally, I don't carry more than maybe a
3 hundred or a hundred-and-fifty bucks in my pocket.

4 Q. Now, especially I'm talking about for someone with a
5 drug - that is involved with drug dealing?

6 A. The people that I've seen - I've seen people that -
7 Well it is not uncommon when we arrest people for dealing
8 drugs that they have thousands of dollars, a thousand, two
9 thousand, three thousand, four, five, six thousand dollars
10 in their pockets. You know two or three grand in one
11 pocket and two or three grand in another pocket. It's not
12 uncommon.

13 Q. Is it common when you do search warrants to find cash
14 inside the house?

15 A. Yes, it is. Usually hidden.

16 SOLICITOR SHELTON: I think those are all the
17 questions I - that would, not necessarily be, Your Honor,
18 what - everything I would get into in front of a jury but
19 for his qualification as a expert, those are the
20 qualifications I wanted to express to the court is his
21 training and knowledge and experience specifically of drug
22 trade practices, also drug evaluation.

23 And we would defer to the court's judgment if the
24 court rules that he is qualified as an expert to speak to
25 either amount - either degree to what to ask him and what

1 we are obviously able to have him testify to.

2 The State's intention is to limit the testimony to
3 retail buys of cocaine and retail buys of marijuana. What
4 are the typical amounts and what are - what's the typical
5 weight amount, and then what is the typical - what is the
6 typical amount sold for for retail, and then talk
7 specifically about wholesale and what's the typical amount
8 sold for wholesale of marijuana and cocaine. If there are
9 typical amounts, what are they sold for and what is the
10 going rate for them.

11 And then finally the other thing that the State would
12 proffer from this witness - is proffering from this witness
13 rather - is what are common instruments used in drug
14 packaging and distribution.

15 We have a possession with intent to distribute
16 marijuana case along with this trafficking cocaine case in
17 this case. We have to prove the intent to distribute
18 marijuana. The fact that he has baggies and the fact that
19 he has a scale we believe is very approbative to the fact;
20 however, without an expert in the field to testify to what
21 - how those things go together along with the cash, the
22 jury - I think it helps the jury understand the State's
23 case.

24 THE COURT: Thank you, Mr. Shelton.

25 Mr. Johnson, did you have any voir dire?

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1 MR. JOHNSON: Your Honor, my question, I guess, is not
2 necessarily one for - my question is not necessarily one
3 for the witness. I don't - don't - it's the purpose of all
4 these questions. He's - it's my understanding that for a
5 witness to be qualified as an expert that we look at his
6 qualification. He has done a lot of time on testifying as
7 to his experience that doesn't - it's like he's giving a
8 testimony to the jury instead of giving the jury his past
9 experience and then the Court making a determination
10 whether he's a expert. Then I could then be able to inject
11 the certain questions to ask of him as to relevance.

12 THE COURT: Well, sure, obviously I think you're
13 correct as far as the procedural aspect of it. I - I was
14 giving you an opportunity to - to cross-examine on his
15 experience and his training which he was testifying to with
16 the State. I think certainly he has testified regarding
17 his schooling, his tactical experience, his experience on
18 the field to - to ascertain whether or not he's a qualified
19 expert based on his training and experience in the drug
20 trade. And I think certainly it's relevant to show motive
21 and potential as far as - and it helps the jury understand,
22 because most jurors don't understand how drugs are packaged
23 or the value of drugs or the quantity of drugs, so I think
24 it's relevant just for the jury to understand facts at
25 issue in this case.

1 MR. JOHNSON: And that's my point, Your Honor, 'cause
2 I - I would have no problem stipulating to - to this
3 officer being an expert in the field, but I still would ask
4 the court to allow me to object to certain questions as to
5 relevance as related to this case because this is a
6 possession case. There is no one - there is no evidence,
7 that I'm aware of, where they are saying that my client
8 packaged anything to sell or anything.

9 The inference that the State is trying to make as a
10 trafficker, that can be inferred by just the weight. They
11 don't need any other evidence as to baggies or scales to
12 get trafficking. They can do that by the weight of the
13 product. And as of yet, they have still not put them into
14 evidence in the case that that's even drugs. They are
15 putting someone up to testify about my client having the
16 drugs.

17 THE COURT: Well, we're putting the cart before the
18 horse a little bit, Mr. Johnson. I think you know
19 certainly your motion at that point would be you know after
20 the State rest if they didn't put the sufficient motion.
21 He's got to call his witnesses one at a time and I think
22 the expert testimony is admissible to the trier of fact, I
23 think it's relevant to show a motive to have the drugs. I
24 think the baggies are certainly relevant to show he's
25 charged with trafficking, possession with intent to

1 distribute by the definition alone. I think it's certainly
2 relevant to show how it's packaged and distributed and how
3 it's commonly done in the - in the course of the drug
4 business.

5 MR. JOHNSON: Your Honor, I will stipulate to his
6 qualifications as a expert in drugs.

7 THE COURT: I - Well, Mr. Shelton, are you willing to
8 stipulate to his qualifications or do you want the jury to
9 hear his qualifications?

10 SOLICITOR SHELTON: I need the jury to hear his
11 qualifications so they understand who he is and what he's
12 testifying to.

13 MR. JOHNSON: But that's my point, Your Honor. See,
14 it's not about qualifications. It's about him wanting the
15 jury just to hear him talk about it. They're not trying to
16 qualify him.

17 THE COURT: Yes, sir, they are trying to qualify him.
18 That's what he - he's moved to qualify him as an expert.

19 MR. JOHNSON: But I just stipulated to it.

20 THE COURT: But he doesn't have to accept the
21 stipulation if he wants the jury to hear his qualifications
22 and experience.

23 MR. JOHNSON: That's fine, Your Honor. I - they - If
24 they want to go forward, I'll cross-examine him.

25 THE COURT: Yes, sir. Okay.

1 So the purposes of this hearing, the court will find
2 that he is qualified as an expert witness. I will allow
3 you to go into the testimony in front of the jury. I think
4 you need the scientific and other specialized knowledge to
5 properly testify and assist the trier of fact in those
6 matters.

7 And also pursuant to the *State v. Jamison* case, I find
8 that it's relevant and material because it helps the jury
9 comprehend the amount of contraband in terms that are
10 easily understood by the jury. Further, I find that it's -
11 it's relevant to show that the quantity of drugs involved
12 which is relevant to the actual charges the defendant is
13 charged with and also goes to show motive and control of
14 the - of the possession of the drugs.

15 SOLICITOR SHELTON: Thank you, Your Honor. And to
16 clarify the record, I don't know if I placed it on the
17 record, I apologize. I'm tendering him as he's accepted to
18 be tendered as an expert in illicit drug trade practices
19 and illicit drug evaluation.

20 THE COURT: Yes, sir.

21 SOLICITOR SHELTON: Thank you, Your Honor.

22 THE COURT: Anything further at this time before we
23 take our lunch break?

24 SOLICITOR SHELTON: Not from the State, Your Honor.
25 Thank you.

1 MR. JOHNSON: Your Honor, the only thing I have is
2 that my objection is that as of this point, the State has
3 not introduced any evidence as to there being drugs.
4 Therefore, when the officer speak of drugs, he's misspoken.
5 He did not test these drugs. The State have not presented
6 any evidence that the drugs have been analyzed and that are
7 drugs and, therefore, it is our position that they cannot
8 call this drugs.

9 THE COURT: I see what you're saying. I think - and I
10 certainly - you can certainly cross-examine him on that.
11 And certainly during his direct testimony if he's speaking
12 as to what was done at the scene prior to it being tested,
13 you can state they were alleged drugs, or what they
14 appeared to be until they were properly tested, so I
15 understand your objection, Mr. Johnson. I'm sorry.

16 MR. CHAPLAIN: Thank you, Your Honor.

17 THE COURT: Anything further at this time?

18 SOLICITOR SHELTON: No, thank you, Your Honor.

19 MR. JOHNSON: I have nothing.

20 THE COURT: We will be in recess.

21 (COURT IN LUNCH RECESS AT 12:22 P.M..)

22 (COURT BACK IN SESSION AT 01:32 P.M..)

23 THE COURT: Thank you everyone. You may have a seat.
24 All right, you ready to proceed?

25 SOLICITOR SHELTON: The State is ready to go.

1 THE COURT: I take it that by not being on the video
2 there is stuff on the video..

3 MR. CHAPLIN: No, Your Honor, and we actually are
4 still trying to put it in our hands. We spoke to a young
5 lady named Nan and then Nan put us with a IT guy named Tom
6 Brady. Yeah, it was Tom Brady, and then we would still
7 have to do a subpoena to them to put it in our hands so ---

8 THE COURT: Well, if Tom Brady is available to
9 testify, I want him here.

10 MR. CHAPLIN: I know, Your Honor. I said the same
11 thing.

12 THE COURT: All right. Let's have our jury - oh, just
13 for matter of housekeeping, we do - we did receive the
14 medical information to the Clerk of Court from our juror so
15 I'll just make that a Court's Exhibit.

16 SOLICITOR SHELTON: Good. I'm glad of that.

17 (WHEREUPON: COURT'S EXHIBIT NUMBER TWO, IDENTIFIED
18 AND MARKED, RECEIVED INTO EVIDENCE.)

19 THE COURT: You're welcome to look at it if you like.

20 MR. CHAPLIN: We're fine with that, Your Honor.

21 THE COURT: Thank you.

22 Let's have our jury.

23 MR. JOHNSON: Your Honor.

24 THE COURT: Yes, sir.

25 MR. JOHNSON: And just for the record, I just - I

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1 understand you ruling about the officer testifying.

2 THE COURT: Yes, sir.

3 MR. JOHNSON: I just want to put it on the record that
4 we did object and that you ruled that the officer could
5 testify.

6 THE COURT: Absolutely, thank you so much.

7 MR. JOHNSON: Just to keep the record clear. Thank
8 you.

9 THE BAILIFF: Your Honor, the jury is entering.

10 (JURY REENTERS COURTROOM AT 01:35 P.M..)

11 THE BAILIFF: The jury is seated, Your Honor.

12 THE COURT: Thank you.

13 Ladies and gentlemen, we are now ready to proceed with
14 the trial of this case with the testimony of Mr. Florencio.

15 You may proceed.

16 SOLICITOR SHELTON: Thank you, Your Honor. May it
17 please the court.

18 DIRECT EXAMINATION - CON'T

19 SERGEANT FLORENCIO BY SOLICITOR SHELTON:

20 Q. Staff Sergeant Florencio, you were beginning to tell
21 us about your experience as a narcotics agent, investigator
22 and officer. Correct?

23 A. Yes.

24 Q. How many years have you been working as a - in the
25 narcotics intervention?

1 A. I was assigned to the -- well, back then it was the
2 Beaufort/Jasper Multi-Agency Drug Task Force in July 9th of
3 2004.

4 Q. On July 9th, 2004?

5 A. Yes.

6 Q. And please speak up because the microphones aren't
7 working and make sure the jury can hear you if you don't
8 mind. Thank you.

9 And did you have any training or did you have any
10 experience in narcotics investigations before 2004?

11 A. Yes, because I am fluent in Spanish ever since I was
12 hired by the Sheriff's Office in 1997. I have always
13 translated and because I was able to do that, I had
14 opportunities to work with the Drug Task Force prior to me
15 becoming a member and also worked with ICE and DEA in many
16 big investigations translating and assisting them.

17 Q. And what is DEA?

18 A. That's the Drug Enforcement Administration.

19 Q. And what branch of government - what government is
20 that?

21 A. That's the federal government.

22 Q. Now, as part of your narcotics training and
23 experience, what is your role now?

24 A. I am the supervisor, I'm the shift supervisor. I
25 control and run the daily activities of the Drug

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1 Investigation Section.

2 Q. Now, during your experience, do you have any idea how
3 many drug investigations you have been a part of?

4 A. Very many. I couldn't - I couldn't count.

5 Q. How many do you do typically a year?

6 A. Well, I mean, I work five days a week and I - everyday
7 I come to work I'm doing a drug investigation or working a
8 drug investigation.

9 Q. And how many years have you been doing that again?

10 A. Assigned to the team since 2004.

11 Q. Now, so would you say hundreds?

12 A. Yes.

13 Q. If not thousands?

14 A. Yes.

15 Q. Now, during these investigations have you had an
16 opportunity to interview known drug users?

17 A. Yes, I have.

18 Q. Have you had an opportunity to interview known drug
19 dealers?

20 A. Yes, I have.

21 Q. What about informants?

22 A. Yes, I have.

23 Q. And can an informant be a drug dealer or a user or
24 both?

25 A. Yes.

1 Q. How many of those interviews do you think you've taken
2 part of?

3 A. Well, I review most of the people that are going to be
4 informants for the team so at one point or another, I
5 always end up interviewing them, so pretty much almost
6 every single informant that is approved by my supervisors,
7 I have to talk to. And then like I said, I've been doing
8 this for over ten years, so over - definitely way over a
9 hundred.

10 Q. And you say informant, we use that as a term that we
11 understand, but please tell the jury what an informant is?

12 A. Well, an informant, there is different types of
13 informants. An informant can be someone that just gives
14 information that is just a witness that not necessarily is
15 involved in any kind of criminal activity.

16 We have cooperating witnesses, either someone that
17 we've busted that might be a drug user that wants to get
18 leniency for their charges and decide they want to be a
19 informant or confidential informant and they assist us in
20 drug investigations. A lot of times when we arrest, let's
21 say, a large-scale drug dealer and they are facing a lot of
22 time, they'll also strike a deal and give information and
23 actually work as informants or give information as to how
24 to do things to receive lesser - lesser penalties.

25 Q. Now, do you have an opportunity when you're having

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1 conversations with these informants to talk about
2 quantities of controlled substances and what are purchased?

3 A. Yes. Whenever -- First of all, whenever we interview
4 someone that's going to be a potential informant, we always
5 interview them very specifically about the drug trade; what
6 the types of drugs they use, how much they buy, different
7 prices and anything related specifically to their case in
8 very great detail.

9 Q. Have you ever had an opportunity to control -- to
10 conduct controlled purchases of small and large quantities
11 of cocaine?

12 A. Yes, I have.

13 Q. Well, how about marijuana?

14 A. Yes, I have.

15 Q. Now, when you do those controlled purchases, who
16 provides the money?

17 A. If we're buying -- if we're buying it, we provide the
18 money.

19 Q. And I say controlled purchases and you say controlled
20 purchases, but the same as informants, will you please tell
21 the jury what a controlled purchase is?

22 A. Well, controlled purchase is exactly what it is. It's
23 part of an investigation. It's a tool we use to actually
24 make a case against a drug dealer. We'll either use a
25 confidential informant or an undercover officer where we

1 actually send that person to meet with someone that we
2 suspect is a drug dealer and actually do transactions where
3 we as police officers using undercover officers or
4 informants buy drugs from people.

5 Q. And during those, you say you provide the cash?

6 A. Yes, we use - we have a fund, the Drug Cash Fund, from
7 the sheriff's office that is used specifically just for
8 that.

9 Q. And then do you know how much you're going to purchase
10 in a, speaking of the actual narcotics involved, ahead of
11 time before you do a controlled purchase?

12 A. Yes, because like I said a controlled purchase is --
13 could be very dangerous. We're not going to send someone
14 that is used to buying maybe a gram or half-a-gram of
15 cocaine, you know, forty to a hundred dollars worth of
16 cocaine and send them to go buy a kilo of cocaine which is
17 like Thirty Thousand Dollars. And vice versa, we're not
18 going to send someone that is a big known drug dealer that
19 buys kilos or half kilos to go buy like a gram or two of
20 cocaine. It just doesn't make sense.

21 Q. So with those opportunities to do the controlled
22 purchases and interview informants and drug dealers and
23 drug users, do you have a grasp as to what the value,
24 street value of illicit drugs are?

25 A. Yes, it changes year to year. It's kind of like

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1 supply and demand but yes, we keep current on that.
2 Everyone that we arrest, and we try to drain them for as
3 much information as we can when we do their debriefs, or
4 interviews, and that's just a part of a standard of what we
5 do every day.

6 Q. Now, furthermore do you have an opportunity to
7 actually see residences and other locations that are
8 occupied and used by known drug dealers?

9 A. Yes, pretty much almost every day.

10 Q. Do you have an opportunity to see what are the common
11 practices and the common instruments they use in the drug
12 trade?

13 A. Yes.

14 Q. And you've spoken a lot as to your experience, will
15 you please also tell the jury about your training as a
16 narcotics officer.

17 A. I graduated from the South Carolina Criminal Justice
18 Academy in December of 1997. I've attended Basic
19 Investigator School, Basic Drug Investigation School. I've
20 attended numerous Advanced Narcotics Investigation classes
21 such as advanced classes dealing in prescription drugs,
22 dealing in methamphetamines. I've done Marijuana Spotter
23 School. I've been certified to analyze marijuana, even
24 though my certification has expired. I've done, like I
25 said, meth classes, numerous interdiction classes,

1 interview interrogation for drug and gang investigations.

2 SOLICITOR SHELTON: At this time, Your Honor, the
3 State tenders Staff Sergeant Florencio as an expert in
4 illicit drug trade practices, as well as illicit drug
5 evaluation -- excuse me -- valuation.

6 THE COURT: Any voir dire?

7 MR. JOHNSON: No, no, voir dire, Your Honor. Just
8 renew our initial objection..

9 THE COURT: Yes, sir. Subject to your previous
10 objection. Also qualify him as an expert.

11 Ladies and gentlemen of the jury, normally a person
12 cannot give an opinion testimony. When a person testifies,
13 he must testify as to what they either saw, heard or sensed
14 by smell or something of that nature; however, there is an
15 exception when someone is qualified as an expert witness,
16 they are permitted to give their opinion in certain areas
17 if the court qualifies them that way and this witness will
18 be qualified in the field of wholesale and retail drug
19 values as well as in the practice and instruments in the
20 drug trade is what he's offered for and that's what he will
21 be qualified in that area.

22 It does not mean that you must accept his opinion, but
23 it is evidence for you to use in any way you see fit and
24 give it the weight and credibility that you believe is
25 appropriate.

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1 You may proceed, Solicitor.

2 SOLICITOR SHELTON: Thank you, Your Honor. May it
3 please the court.

4 Q. Staff Sergeant Florencio, when you typically do a
5 controlled purchase of cocaine or when a -- instead of
6 saying you typically do a controlled purchase for cocaine,
7 a typical cocaine user, not a dealer but a user, how much
8 do they purchase at a given time?

9 A. From my experience working here in Beaufort County,
10 when we go do controlled buys of someone that has -- that
11 we've busted and is a cocaine user, has a cocaine problem,
12 usually they buy no more than let's say half a gram to a
13 gram of cocaine which is about fifty to a hundred dollars.

14 Q. So fifty dollars for a half a gram?

15 A. Yes, and a hundred dollars for a gram.

16 Q. And that's for a user. Correct?

17 A. Yes, for a user.

18 Q. Now, let's talk about quantities of cocaine sold, what
19 we would call wholesale purposes, please explain that to
20 the jury?

21 A. Well, the drug business is just like a regular
22 business. To run those you can, you know, when you're a --
23 let's say you shop at Sam's and you're going there like a
24 normal person, you get a certain rate and certain store
25 hours. When you shop at Sam's and you go in and buy in a

1 bulk because you're a business you get different rates and
2 different store hours and you buy bigger quantities. A
3 person that, from my experience, that has a cocaine problem
4 is going to buy, like I said, half a gram to a gram of
5 cocaine.

6 If they are going to have a party, let's say, for the
7 weekend, they might buy, you know, a couple of more grams.
8 They might buy what's called an eight-ball which is
9 three-and-a-half grams so they can party all weekend. If
10 they going to have some friends over, you know five, six
11 people, they might pool their money together and may buy a
12 quarter ounce which is about seven grams of cocaine to make
13 it last for the weekend and those parties are common.

14 But usually when you start buying more than, you know,
15 a gram or two at a time, that's not someone that's going to
16 -- that's going to use cocaine, that's someone either has a
17 really bad habit or someone that's going to use that
18 cocaine and do what we call cut it or step on it which
19 means they add some other element such as - I've seen many
20 different things, baby formula. You can buy stuff at GNC,
21 supplements that you can use to cut it and you make it into
22 a bigger quantity so you can sell it and make more money.

23 Q. And what would you classify as a larger purchase of
24 cocaine as a wholesale purchase?

25 A. Well, anything over - definitely anything over an

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1 eight-ball which is three-and-a-half grams, you know, half
2 an ounce, a quarter ounce, a quarter ounce is seven grams.
3 A half a ounce is fourteen grams and an ounce is
4 twenty-eight grams.

5 Q. How much does it -- would an ounce cost at wholesale?

6 A. A ounce if -- well, like I said, most people that are
7 users aren't going to buy an ounce, so an ounce would be
8 something more that someone that's going to take it and cut
9 it up and maybe divide it to sell would buy it. You can
10 buy a ounce, depending on the quality, anywhere between a
11 thousand to Twelve Hundred bucks nowadays.

12 Q. A thousand to Twelve Hundred dollars for an ounce ---

13 A. Yes.

14 Q. --- which would be twenty-eight grams?

15 A. Twenty-eight grams.

16 Q. Now, how much does a kilo go for? You kind of touched
17 on that already but, first of all, how many grams are in a
18 kilo?

19 A. It would be a thousand grams are in a kilo, a
20 kilogram.

21 Q. And how much would that typically sell for today?

22 A. Well, nowadays, like I said, back when I started in
23 2004, you can probably buy one between eighteen to Twenty
24 Thousand. Now, it's more like Thirty, Thirty-two Thousand.

25 Q. And that would be a kilo, a thousand kilograms of

1 cocaine?

2 A. Yes.

3 Q. What about in 2011, August 2011 has the valuation
4 changed a lot since then?

5 A. It's about - about the same price it is today.

6 Q. Now, is it typical to buy less than a kilo, between an
7 ounce and a kilo?

8 A. Depending what type of drug dealer you are, a major
9 range drug dealer or a large drug dealer and how much you
10 has is how much you buy. Someone that buys a kilo is a
11 pretty significant dealer and half a kilo, pretty
12 significant.

13 Q. What about a quarter kilo, how much would that cost?

14 A. A quarter kilo would be 250 grams. Normally you would
15 think, well, let's say just to keep it even, if a kilo
16 costs Thirty Thousand, then half a kilo will cost Fifteen.
17 Well, it's not like that. A half a kilo is still going to
18 cost you a little bit more, maybe Eighteen Thousand.

19 So you figure a quarter kilo which would be half of a
20 -- half a kilo would probably be like half of fifteen,
21 well, it's not like that, or half of eighteen which would
22 be about nine, but as you get -- as - the more you buy, the
23 better price you get. The least -- the less you buy, it's
24 more expensive. So a quarter a kilo could be anywhere
25 between Nine and Ten Thousand dollars depending on the,

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1 purity and also depending on, you know, your supplier.

2 If you're - you know, it's kind of like going to Sam's
3 Club, the more you buy, you build up points and you get a
4 discount. So if you've got a person that you buy from a
5 lot of times, they going to give you a better price or give
6 you a discount here and there.

7 Q. So you said that a user would typically buy a half to
8 one gram of cocaine?

9 A. Yeah, about anywhere between Fifty to a Hundred bucks.

10 Q. And a quarter kilo would cost anywhere between Eight
11 to Ten Thousand, Nine to Ten Thousand dollars?

12 A. Yes.

13 Q. How many grams are in a quarter kilo?

14 A. Two-hundred and fifty.

15 Q. Now, when drugs are packaged in kilos, specifically
16 cocaine, what is the consistency of the drug?

17 A. Well, if you're going to buy a kilo of cocaine,
18 probably most of the time from my experience, it can't be
19 for the county, it's not going to be - it's not originating
20 here. It's going to originate obviously probably coming
21 from Mexico. And just like the regular laws of supply and
22 demand and the regular business, the closer you get it to
23 the border the cheaper in price you get and actually the
24 better quality. Once you start getting closer to here, you
25 know, stuff's getting taxed or you have to pay more money,

1 because it costs money to pay people to transport. It's a
2 greater risk. So by the time you get it over here, it's
3 going to be more expansive.

4 Also you have to package it in a way where when you
5 transport it, it's not going to get detected. By this you
6 transport it in a vehicle and you get stopped and the
7 patrolman has a canine and they do a canine sniff, they're
8 going to try to package it in a way where it's not going to
9 get detected and they also got to hid it. I've seen it
10 done many different ways. I've seen it - you know,
11 everyone knows about you package it in coffee grinds and
12 the dogs can't do - can't smell through it. You use
13 multiple layers of heat wrapping. Sometimes they put axle
14 grease on it. I've seen ---

15 Q. And --

16 A. --- I've seen people put garlic. I mean all kinds of
17 different ways.

18 Q. I apologize for interrupting you. And also with
19 consistency about physical consistency, what is it -- how
20 is it packed physically?

21 A. It's going to be like I said probably heat sealed and
22 it's going to be compressed. It's going to be more like a
23 brick, like a rock-like substance versus a powder.

24 Q. And what are pieces of cocaine that come off of that
25 brick, what is their consistency?

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1 A. Well, most probably in my experience and training, the
2 -- If you have a kilo coming straight from Mexico, it's
3 going to be more pure than if you buy a kilo here. You can
4 cut it up. You can recompress a kilo.

5 Q. And for - I'm talking about physical consistency of,
6 you said it's compressed like a brick. Correct?

7 A. Yes.

8 Q. And pieces that you take off of that brick, what is
9 their physical consistency going to be?

10 A. It's going to look like it's a piece of rock that
11 broke off another rock.

12 Q. Now, let's talk about specifically marijuana, okay.

13 Have you had similar training and experience in
14 marijuana and sales ---

15 A. Yes.

16 Q. --- purchases ---

17 A. Yes.

18 Q. --- interviewing drug dealers ---

19 A. Yes.

20 Q. --- drug users?

21 A. Yes.

22 Q. Are you familiar with the going rate for different
23 values of marijuana?

24 A. Yeah, marijuana is a little bit more tricky than
25 cocaine, because you have different strands. You have

1 different names. You have -- you can get what people call
2 ragweed for Eight Hundred to a Thousand dollars a pound.
3 You can get some real expensive hydroponics weed that can
4 cost Six, Seven Thousand dollars a pound. It all depends,
5 you know, the quality you want. Kind of like a fine cigar.

6 Q. And a typical user, what do they purchase at a time?

7 A. Well, marijuana is a lot more prevalent. I've seen
8 people purchase a dime bag or --

9 Q. What is a dime bag?

10 A. It's usually worth Ten bucks worth. It's not really a
11 lot, a gram or two, or I've seen people purchase, you know,
12 a quarter ounce for Sixty bucks or a half an ounce for, you
13 know, Eighty, Ninety bucks.

14 Q. Do you oftentimes see people purchase more than an
15 ounce for personal use?

16 A. Not really more than an ounce. Sometimes a lot of
17 people that have a real bad marijuana habit or likes to
18 smoke every day and like to buy maybe an ounce at a time or
19 a half an ounce at a time just because that lessens the
20 time they have to go and see the drug dealer and the
21 opportunity of them getting caught and it's just they save
22 it at home and just smoke it.

23 Q. Now, you've stated and testified that you have been
24 able to actually see places that are known drug dealing
25 residencies as well as other locations. Correct?

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1 A. Yes.

2 Q. And you've participated in numerous search warrants.
3 Correct?

4 A. Yes.

5 Q. And you've able - been able to interview multiple
6 confidential informants as well as drug dealers?

7 MR. JOHNSON: Your Honor, objection. He's leading the
8 witness.

9 THE COURT: Can you just rephrase your question,
10 Solicitor?

11 Q. You've already testified to all those facts. What I'm
12 going to ask you now is do you know of the common
13 instruments used that are common to drug dealers?

14 A. Yes.

15 Q. Will you please tell the jury about that?

16 A. In my time working in investigations and as a drug
17 investigator, I've seen all kinds of tools. The most
18 common tool, obviously, if you're going to package
19 something for sale and distribution, you're going to need
20 some kind of scale. I've seen numerous types of digital
21 scales, small ones, big ones. You can buy them at, you
22 know, the -- you can buy them at the grocery store, you can
23 buy them at the post office. I've seen -- that's just for
24 the weighing. You can buy hand scales for smaller weights.
25 You can buy those at hardware stores.

1 I've seen for packaging you can go to Sam's Clubs or
2 you can go to Publix, Bi-Lo, you can get sandwich bags.
3 You can get gallon size plastic bags, Zip-Lock bags. I've
4 seen those. I've seen - a lot of times you get the - when
5 you go to a grocery store and they give you all those
6 hundreds of plastic bags and you just thrown them in a
7 corner somewhere. I've seen drug dealers package - use
8 those to package drugs for sale and distribution. They use
9 the corners on there and tie them up.

10 For - let's say for marijuana, a lot of times you try
11 to hide the odor so you can use a food saver and a
12 heat-sealing materials to package it to try to keep the
13 odor from coming out. I've seen people keep it in Mason
14 jars. I've seen people keep it in Tupperware.

15 Q. And for typical sales of small amounts of marijuana
16 for users, what is it typically packaged in?

17 A. A lot of times dime bags or, like I said, I've seen it
18 packaged - and which a dime bag is about the size of a
19 small square and maybe an inch by an inch. I've seen them
20 in, like I say, a lot of times just a corner of a grocery
21 bag.

22 Q. Any other bags?

23 A. I've seen it in paper. I've seen it in -- I mean just
24 pretty much anything you can think of I've seen used.

25 Q. And, I'll apologize, I'll flash forward for a moment.

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1 And what are the values, how much does it typically
2 cost in value, cash value, for someone to purchase what you
3 were describing as a personal amount of marijuana?

4 A. A personal amount of marijuana, you can spend
5 as little as, I mean you know, I know up in New York and
6 high school and around here, you can go spend Five, Ten
7 bucks for a little bit of weed or you can spend, you know,
8 Sixty bucks to a Hundred bucks. That would be --

9 Q. And what about an ounce?

10 A. An ounce, opinion, like I said if you want quality
11 weed, you can spend Two, Two-fifty, Three hundred. It all
12 depends the type of marijuana you want.

13 Q. And you say weed, what is that vernacular for?

14 A. Weed is another term for calling for marijuana, a
15 slang word for marijuana.

16 Q. Now, you've taken part in numerous drug transactions
17 as far as controlled buys. Correct?

18 A. Yes, I've done controlled buys as a case agent, I've
19 done controlled buys supervised, and I've also done some
20 undercover stuff in the past.

21 Q. And what do you use as currency for the controlled
22 buys?

23 A. We provide the money. The Drug Task Force, we have
24 funds that we use specifically for that.

25 Q. What type of currency is it, is it checks, credit

1 cards?

2 A. It's cash.

3 Q. Cash. Now why is that?

4 A. Because most -- all of the drug deals I have ever
5 participated in or supervised or been a case agent, we
6 always pay in cash.

7 Q. Do you oftentimes find drug dealers with large amounts
8 of cash on them when they're arrested?

9 A. Yes, it's not - it's not uncommon to arrest someone
10 with over Five Hundred, over a Thousand, and I have
11 arrested people with Two or Three Thousand in one pocket
12 and Two or Three Thousand in another pocket and another
13 couple of hundred in the back pocket of their pants,
14 clothes.

15 Q. If you are to find marijuana, cocaine, plastic
16 sandwich bags, scale, in close proximity to each other, and
17 the defendant with cash on him, what is your opinion of
18 that?

19 A. Well, from my training and experience, usually if you
20 have, you know, drugs and baggies and scales it's not
21 usually -- you're not a person with a habit, you're a
22 person that's selling it. But also like I said, it also
23 depends where you have it. I mean is it illegal for
24 someone to have Zip-Lock bags in their house, no it's not.
25 I have - If you go to my kitchen right now, I have a whole

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1 big case of sandwich bags, but they're in the kitchen where
2 they're supposed to be.

3 Is it illegal for someone to have a scale, I have a
4 scale in my house. It's in the bathroom so I could weight
5 how thin I wish I was, but -- you know, but when you start
6 finding those things together, combined, maybe in your
7 bedroom instead of the kitchen or maybe hidden somewhere in
8 the house or maybe hidden in a trunk of a car, it's a total
9 different story.

10 Q. And what do you mean by that?

11 A. I mean, like I said, it's pretty much commonsense. If
12 you're going to have a scale, the scale should be where it
13 needs to be in the house. If you're going to have Zip-Lock
14 bags, it should be where it needs to be used in the house.
15 If you have, you know, stuff for food storage, a lot of
16 times from my training and experience when I have been
17 through search warrants they like to -- the drug dealers
18 like to keep their drugs close to them so a lot of times,
19 it's in their bedroom, so you'll find, you know, large
20 amounts of cocaine or marijuana stuck together underneath,
21 let's say, the bed or in a closet somewhere or hidden in
22 shoes or somewhere close to them. Somewhere were normally
23 people don't keep sandwich bags and digital scales.

24 A lot of people like to put the -- I've seen them --
25 in one search warrant I did, I took the trash out and the

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1 digital scale was hidden in the trash barrel underneath so
2 people wouldn't find it. I've seen them hidden in, like I
3 said, trunks of cars. I've seen them hidden in sofas. I
4 mean it's just I've seen them hidden a bunch of different
5 places.

6 SOLICITOR SHELTON: I beg the court's indulgence?

7 THE COURT: Yes, sir.

8 SOLICITOR SHELTON: Thank you.

9 Thank you, Staff Sergeant Florencio. Please answer
10 any questions defense might have for you.

11 STAFF SERGEANT FLORENCIO: Yes, sir.

12 THE COURT: Mr. Johnson?

13 MR. JOHNSON: Thank you, Your Honor. May it please
14 the court?

15 CROSS-EXAMINATION

16 SERGEANT FLORENCIO BY MR. JOHNSON:

17 Q. Good afternoon.

18 A. Good afternoon.

19 Q. Sergeant, I got a few questions for you.

20 A. Yes, sir.

21 Q. That was very educational, but we are here about my
22 client ---

23 A. Yes.

24 Q. --- so I need to ask you specific questions about
25 that.

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- 1 A. Yes, sir.
- 2 Q. In this particular case ---
- 3 A. Yes.
- 4 Q. --- did you arrest him selling drugs?
- 5 A. Did I arrest him? No.
- 6 Q. In this particular case, was there evidence that he
- 7 was arrested selling drugs to a undercover agent?
- 8 A. No, he was not.
- 9 Q. Okay. Was he arrested cooking crack cocaine?
- 10 A. No, he was not.
- 11 Q. Was he arrested with drugs in his pocket?
- 12 A. I couldn't answer that question, 'cause I wasn't there
- 13 when he was taken into custody and searched.
- 14 Q. You're the supervisor of the investigation?
- 15 A. Uh-huh.
- 16 Q. In the evidence that was given to me and the evidence,
- 17 you went over all of the evidence, correct?
- 18 A. I don't understand your question.
- 19 Q. As supervisor of the investigation, you went over all
- 20 the evidence?
- 21 A. As supervisor, I supervised to make sure that
- 22 everything was run correctly.
- 23 Q. Okay.
- 24 A. I do not believe, to my knowledge that I remember,
- 25 that he was arrested with the drugs on him.

1 Q. Okay.

2 A. But I couldn't testify one hundred percent.

3 Q. Okay. But as far as you know, you don't know of any
4 drugs being on him?

5 A. As far as him being arrested with kilos of cocaine or
6 anything on him no, I do not.

7 Q. Okay. You made a thing about money, about having a
8 Thousand dollars or whatever. Are you saying that only
9 drug dealers have a Thousand dollars in their pockets?

10 A. No, it is not -- that's not what I said and it's not
11 what I meant.

12 Q. Okay. I'm just trying to clarify for the jury. Are
13 you saying it's uncommon for people that have Five Hundred,
14 Six Hundred, a Thousand dollars in their pocket?

15 A. No, what I'm saying is in my experience. Like, for
16 instance, I might walk around with a Hundred and Fifty
17 Dollars in my pocket. Nowadays, everyone has a ATM card
18 and to my experience seldom a lot of people don't carry
19 money. Now, I'm sure there are people that carry a lot of
20 money but in my experience and in my training and the
21 people that I know and the people in my family and my
22 friends ---

23 Q. Uh-huh.

24 A. --- most of us don't walk around with hundreds or
25 thousand dollars in our pockets, but that's not saying that

SERGEANT ANDRE FLORENCIO: BY MR. JOHNSON

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1 someone can't do that.

2 Q. All right. So I got Six Hundred and Fifty Dollars in
3 my pocket now. So if you was to have stopped me, you would
4 -- I would be suspicious of being a drug dealer?

5 A. No, I just wish I had your job.

6 Q. You know what, that would be funny, but I don't think
7 it would be funny to my client because under your synopsis,
8 that would be suspicious to you?

9 A. It would only be suspicious, like I explained about
10 the totality of the circumstances.

11 Q. Correct, because --

12 A. Just because you have Six Hundred Dollars or just
13 because you have a Thousand Dollars by itself does not make
14 you a drug dealer. If you have a small amount of cocaine
15 by itself does not make you a drug dealer if you have a
16 gram or two. What I'm talking about is commonsense when
17 you take the totality of the circumstances.

18 Q. But what I'm talking about is that you are basing that
19 things on people that you deal with, as you said your
20 family, things that - people that you deal with. But when
21 you go out in the public, you are dealing with more than
22 just your family and people you deal in your traffic or
23 circles. Correct?

24 A. Yes, but I also said from my training and experience
25 from all my years of working as a narcotics officer, all of

1 the people I've interviewed, all of the people I've dealt
2 with.

3 Q. In this case, the evidence that you should give about
4 how drug dealers do everything and sales and all of this

5 ---

6 A. Yes.

7 Q. --- let's be specific about this case. My client was
8 arrested standing outside a house where he lives. Correct?

9 A. I can't - I was not there when he was taken into
10 custody. I know that he was found at the residence. I can
11 tell you that.

12 Q. Okay. Uh-huh.

13 A. But I was not there when he was taken into custody. I
14 can't tell you exactly where he was standing. I know that
15 he was there.

16 Q. What was your participation in this case?

17 A. Like I explained, I was called to the scene by
18 Sergeant Criddle. He said that the patrol had requested
19 our assistance. When I got there the house was secure.
20 That meant that no one was allowed in or out of it. Once
21 Corporal Heroux obtained the warrant I helped execute it, I
22 supervised, and I helped search.

23 Q. Did you find anything?

24 A. Yes, I did.

25 Q. What did you find?

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1 A. Well, if my memory serves me correctly, I found an
2 ID that belonged to Mr. Wright.

3 Q. Okay.

4 A. It was in a bedroom.

5 Q. Is having a ID in a bedroom where you sleep is legal?

6 A. Absolutely correct, it is legal.

7 Q. Okay. What else did you find?

8 A. I believe that I found a cell phone that was seized,
9 I'm not exactly sure where, and I found a box that
10 contained suspected green leafy matter believed that might
11 be marijuana. I can't testify that it was or not, because
12 I did not test it.

13 Q. Okay. Anything else?

14 A. No.

15 Q. So under your own testimony, you haven't found
16 anything that was illegal?

17 A. Well, when you start asking me specific questions
18 about what exactly I have found, what --

19 Q. That's what I'm asking you.

20 A. What I'm telling you is when I search, we get assigned
21 a room. When it -- when I say found, I mean stuff that I
22 located and called the case officer to come collect. Now
23 if you start asking me did I walk around the house and I
24 see any other stuff ---

25 Q. I'm not - I'm not asking you --

1 A. --- I can answer a different question --

2 Q. I'm asking you a specific question.

3 THE COURT: Mr. Johnson, let him finish answering the
4 question before you ask him another one, please.

5 Q. Are you finished?

6 A. No. If you want me to tell you everything I saw in
7 the house, I can tell you that. If you want me to -- ask
8 specifically about the stuff that I search, I as a
9 supervisor I did walk around the house. I did observe
10 other stuff. Are you asking me specifically about what I
11 located as far as to the search warrant?

12 Q. And that's what I'm asking you, specifically what did
13 you locate and you told me. Correct?

14 A. Yes.

15 Q. The thing that you specifically located under your own
16 testimony, you do not -- you have no evidence that you what
17 found was narcotics. You suspect it to be, but you had no
18 evidence of that, correct, 'cause you didn't test it?

19 A. Well, marijuana is not a narcotic.

20 Q. Well --

21 A. Marijuana is a drug, but I cannot testify that was
22 marijuana, correct.

23 Q. So any -- so what you specifically found, you found
24 nothing illegal as it relate to my client?

25 A. Yes, I did not find specifically that's listed in the

SERGEANT ANDRE FLORENCIO: BY MR. JOHNSON
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1 search warrant anything illegal. Now I can tell you that I
2 observed drugs if you want.

3 Q. I'm not asking you to tell me anything else about
4 anything except for specifically what I ask you.

5 A. That is correct.

6 Q. I have no other questions for you.

7 THE COURT: Any redirect?

8 SOLICITOR SHELTON: Briefly on this witness, Your
9 Honor.

10 REDIRECT EXAMINATION

11 SERGEANT ANDRE FLORENCIO BY SOLICITOR SHELTON:

12 Q. You said that a typical drug buyer for personal use
13 buys about one gram of cocaine?

14 A. Yes.

15 Q. Is that a small or a large amount of cocaine?

16 MR. JOHNSON: Your Honor, objection. It's outside the
17 scope of my cross-examination.

18 THE COURT: Will you approach?

19 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
20 THE JURY.)

21 BY SOLICITOR SHELTON:

22 Q. You said you were the supervisor?

23 A. Yes.

24 Q. And as a supervisor you actually did look through
25 all of the house?

1 A. Yes, I conduct what's a walk-through before and after
2 and during the time where I'm not searching, I do walk
3 around, but I did not search the whole house. I searched
4 the specific areas that Corporal Heroux had asked me to
5 search.

6 Q. And were you able to see anything inside the house?

7 MR. JOHNSON: Objection, Your Honor. That's outside
8 the scope of my entire - of my cross-examination. I asked
9 specifically what he saw.

10 THE COURT: Overruled. I think that is within the
11 scope of your cross-examination. Thank you.

12 BY SOLICITOR SHELTON:

13 Q. Did - And you stated that there are certain things you
14 found?

15 A. Yes, that I located.

16 Q. And you've already testified to that on direct.

17 Correct?

18 A. Yes.

19 Q. And then you said there's things you saw?

20 A. Correct.

21 Q. And those won't be things you located?

22 A. No.

23 Q. What are some of the things you saw?

24 A. I saw some money that was found. I believe it was in
25 the living room. I can't tell you exactly where it was

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

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1 found 'cause I'd be lying. I do remember seeing a white
2 powder substance that I cannot tell you if it was cocaine
3 or not but my - from my training and experience just by
4 looking at it I believed to be cocaine.

5 I saw marijuana or, excuse me, I saw a green leafy
6 substance that from my training and experience I believed
7 to be marijuana packaged in separate bags in the same
8 proximity as the cocaine.

9 Q. And he asked you if it was illegal to have an ID.

10 A. It is not illegal to have an ID.

11 Q. And he asked you if it was illegal to have a large sum
12 of money?

13 A. Yes, he did.

14 Q. And is it illegal to have a large sum of money?

15 A. No, it is not illegal to have a large sum of money.

16 Q. It is illegal to have a large amount of cocaine?

17 A. It's illegal to have any amount of cocaine.

18 Q. What about 222 grams of cocaine?

19 A. That's almost a quarter kilo.

20 Q. And you testified that these individuals - He asked
21 you questions about these individual things not being
22 illegal. Correct?

23 A. Yes.

24 Q. And you tried to answer about the totality of the
25 circumstances.

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1 MR. JOHNSON: Objection. He is leading the witness.
2 If he has a question he needs to ask the question.

3 THE COURT: Will you rephrase your question, please?

4 BY SOLICITOR SHELTON:

5 Q. The totality of the - what is your opinion
6 specifically about what Mr. Wright was doing in his house
7 when you consider the totality of the circumstances?

8 MR. JOHNSON: Your Honor, objection. He can give
9 opinion. We stipulated as an expert to give an opinion
10 about certain areas but the totality of whether my client
11 is guilty or not is called for an opinion and he cannot
12 give that opinion.

13 THE COURT: That's sustained.

14 SOLICITOR SHELTON: The State admits he opened the
15 door to it, but we'll withdraw the question and thank you,
16 Your Honor.

17 No further questions.

18 THE COURT: Can he be excused?

19 MR. JOHNSON: Yes, Your Honor.

20 THE COURT: Mr. Florencio, you may be excused. Thank
21 you.

22 MR. FLORENCIO: Thank you, Your Honor.

23 (WITNESS LEAVING WITNESS STAND.)

24 THE COURT: You may call your next witness.

25 SOLICITOR SHELTON: The State calls Deputy Lauver.

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

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1 MADAME CLERK: Would you place your left hand on the
2 Bible and raise your right hand for me please.

3 (WHEREUPON: JAMES LOUVER,
4 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

5 MADAME CLERK: Please be seated and state your name
6 and spell it for the court please.

7 SERGEANT LAUVER: Sergeant Jeffrey Lauver.

8 THE COURT: Your witness.

9 DIRECT EXAMINATION

10 SERGEANT JAMES LOUVER BY SOLICITOR SHELTON:

11 Q. Will you please spell your last name for the record?

12 A. It's L-a-u-v as in Victor, e-r.

13 Q. Thank you. Now, where do you work?

14 A. For the Beaufort County Sheriff's Office on the
15 Southern Patrol Division.

16 Q. And what specific duties do you have?

17 A. As a patrol supervisor and a canine officer.

18 Q. A canine officer?

19 A. Yes.

20 Q. Now, tell us a little bit about being a canine
21 officer?

22 A. Basically, I handle a Belgium Malinois patrol dog that
23 has several different tasks that it performs. It's a
24 tracking dog, drug dog, conducts article searches, building
25 searches and does criminal apprehension.

1 Q. Have you had any training in handling dogs?

2 A. Yeah, I have been a canine handler for eleven years.
3 As far as our initial training, we're sent to an
4 organization where we go through a training process, test
5 and so on, to get certified on a dog.

6 Q. And are you certified?

7 A. Yes.

8 Q. Do you handle a dog in normal day to day operations?

9 A. Yes.

10 Q. And what are some of the - first of all, what's your
11 dog's name?

12 A. Buck.

13 Q. And what are some of the things that Buck does?

14 A. Like I said, he's a drug dog. That's the function
15 that he performs most often in my daily activities as far
16 as working the road through traffic stops, search warrants
17 and so on. He also does tracking; example, somebody robs a
18 store or something and runs off, then we can go attempt to
19 track on that person. Does building searches, so if you
20 have a burglary, activated alarm so on, I can put him in
21 there and let him search for possible suspects. He does
22 article searches which is basically some - maybe somebody
23 throws a weapon or any type of evidence from a crime, I can
24 take him and hopefully find that piece of evidence and he
25 does criminal apprehensive.

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1 Q. And you say drug dog, be more specific about that if
2 you don't mind.

3 A. Drug detection, he's trained on six specific drugs
4 which would be crack cocaine, heroin, MDMA, marijuana and
5 I'm missing one here. Crack cocaine, heroin. METH, sorry.

6 Q. Thank you. And has he been trained?

7 A. Yes.

8 Q. How does that happen?

9 A. Basically, these dogs are or my dog, specifically, is
10 imported from Europe by a vendor which is also the
11 organization that we are certified through. He's imprinted
12 with the drug detection. I am then taken up and get
13 certified on the dog with the - as part of drug detection
14 and the other assists that he does, and then we continue to
15 do the training every week to increase everything that that
16 dog does and perform better and better as far as as time
17 goes on.

18 Q. Now, how many incidents have you been involved in
19 where you actually get a - what we call sniff for drugs?

20 A. I mean, I don't know that I could give you a number.
21 I mean, it's multiple. I've had him for seven and a half,
22 eight, almost eight years now, so we've done countless.

23 Q. And is it common to use him during search warrants?

24 A. Yes.

25 Q. What's the function there?

1 A. Strictly, you know, once a search warrant is obtained
2 and so on, one of the Drug Task Force personnel will come
3 and tell me hey, it's time to go in and run the dog. The
4 dog's basic specific function is, you know, to locate the
5 drugs inside the house as, to check different areas, to
6 check different levels. What I like to say is low, medium,
7 high and above - out of reach are the different levels that
8 we check for as depending on safety functions for the dog
9 and so on, and then basically in that task, you know, I'll
10 have a Drug Task Force officer alongside me keeping notes
11 of where so they have all the information of where the dog
12 actually hit at and in what areas.

13 Q. You say hit. Describe that?

14 A. Basically a hit - well, it's an indication that the
15 dog gives that says there was something here, there is
16 something here, or a mannerism that the dog gives.
17 Normally, Buck will scratch at something. Sometimes bite
18 or sometimes it can just be a body language change that I
19 recognize from handling and using him

20 SOLICITOR SHELTON: At this time, Your Honor, the
21 State would tender Deputy Lauver as an expert in dog
22 handling, specifically with drugs detection.

23 THE COURT: Any further voir dire?

24 MR. JOHNSON: No.

25 MR. CHAPLIN: None, Your Honor.

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

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1 THE COURT: I'll so qualify him. Thank you.

2 SOLICITOR SHELTON: Thank you, Your Honor.

3 Q. Deputy Lauver, were you called out to [REDACTED]

4 [REDACTED] on August 31st, 2011 to assist in a
5 search warrant execution?

6 A. Yes, sir. Yes, sir.

7 Q. And are you prepared to tell us about that today?

8 A. Certainly.

9 Q. What are - are you looking at something right now?

10 A. Just my report, my supplement that I wrote to the --

11 SOLICITOR SHELTON: May I approach and take that to
12 show it to defense counsel?

13 THE COURT: Yes, sir.

14 A. Sure.

15 MR. CHAPLIN: No objection, Your Honor.

16 BY SOLICITOR SHELTON:

17 Q. And please tell the jury exactly what this is again.

18 A. Basically, it's just my version of the report of what
19 I did in that situation as far as, you know, walked the dog
20 in, checked whatever room and where the dog gave an
21 indication or as I said hit to say where there was either
22 the presence of drugs or drugs being located.

23 Q. Would this help refresh your recollection?

24 A. Oh, yes, sir.

25 Q. Thank you.

1 SOLICITOR SHELTON: May I approach?

2 THE COURT: Yes, sir.

3 SOLICITOR SHELTON: Thank you, Your Honor.

4 Q. Does it refresh your recollection?

5 A. Yes, sir. Yes, sir. I mean ---

6 Q. Okay.

7 A. --- I do a lot of them so.

8 Q. Yes, sir. I understand. What was your participation
9 in this execution of the search warrant?

10 A. Basically, like I said, they obtained the search
11 warrant and they advise me when they're ready for me to
12 come in and run the dog inside the residence. I run the
13 dog inside the residence. I have another Task Force
14 officer with me.

15 Q. Do you know who that Task Force officer was?

16 A. I do - I do not recollect who it --

17 Q. But you know you had a Task Force officer with you?

18 A. Yes, yes, yeah.

19 Q. Sorry, go ahead and continue and this - just be
20 specific, if you don't mind, about this case.

21 A. Okay. Basically, I start from normally wherever I
22 walk in at and start working the dog into - from room to
23 room, bathroom to bathroom as it falls in place in the
24 layout of the residence checking all areas. If the dog
25 gives me an indication on an area or something, you know, a

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

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1 body language change, whatever, I'll have the officer
2 that's with me document it on, obviously, a notebook or
3 whatever so that I can have all the locations when I'm done
4 with the search of the residents.

5 Q. And did you document whether there was any hit in this
6 case?

7 A. Yes.

8 Q. Where is it?

9 A. As far as what I've written as the layout of the
10 house, basically, I went into the hallway to the right upon
11 entering and into the first bathroom. The first place he
12 indicated was on the sink and vanity in that bathroom. As
13 far as completing that bathroom, I had no further
14 indications.

15 Went back into the hallway and into a bedroom. I did
16 not have any indications in that bedroom. Was taken into
17 another bedroom where he indicating on a shelf in - shelf
18 in the closet and on a couch. A further check of the rest
19 of that room there were no more indications. He was then
20 worked into the third bedroom - in a third bedroom that had
21 no indications.

22 He was taken into the kitchen area which I had no
23 indications. He was taken in the living room where he
24 indicated on a box sitting on a table, in a shoebox sitting
25 next - sitting on the floor. No further indications in the

1 living room.

2 He was next taken to master bedroom/bathroom area
3 where there were several indications in the bedroom on some
4 pants on a shelf in the closet, a pair of brown pants
5 sitting on the floor of the closet, a chair with clothes
6 sitting on it, a clothes basket, and under the bed, and
7 then into the bathroom on a vanity cabinet and shelf in the
8 closet, I guess, in the bathroom, and that basically was
9 the rest of - the whole residence.

10 I also conducted sniffs on two vehicles on the
11 exterior, but I didn't get any alerts on the vehicles.

12 Q. And when you execute a search warrant or assist in
13 executing a search warrant, when do you go in in relation
14 to the rest of the officers?

15 A. Basically, they obtain the search warrant. Normally,
16 I believe, they videotape it, and then they will call me to
17 go in and do the sniff of the interior.

18 Q. Sniff of the interior?

19 A. Yes.

20 Q. And at that point has anything been seized to your
21 knowledge?

22 A. No.

23 Q. No. So you're trying to locate the areas for drugs at
24 that time?

25 A. Correct.

SERGEANT JAMES LAUVER: BY MR. CHAPLIN

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1 Q. Thank you. Those are all the questions I have.

2 THE COURT: Your witness.

3 MR. CHAPLIN: Thank you.

4 CROSS-EXAMINATION

5 SERGEANT JAMES LAUVER BY MR. CHAPLIN:

6 Q. How are you doing, officer?

7 A. All right, sir. How are you?

8 Q. Good. You said you've been handling the dogs for how
9 long?

10 A. Around eleven years.

11 Q. Eleven years. And, basically, you just read your
12 report. You went inside with your dog and he gave you some
13 alerts that you accustomed to train - accustomed to see him
14 do and then you've just followed that out.

15 A. Yes, sir.

16 Q. Correct?

17 A. Yes, sir.

18 Q. Now, he asked you a question at the end and it said
19 once you get the search warrant. Right?

20 A. Yes, sir.

21 Q. Then the officers do what?

22 A. I believe they video the incident interior.

23 Q. So the officers actually go in prior to you going in
24 with your dog?

25 A. Yes, sir.

1 Q. And how long were they in videoing before you were
2 able to take, is it, Buck?

3 A. Yes.

4 Q. How long before you and Buck to get loose inside?

5 A. I don't remember exact. I'd be --

6 Q. Would it be thirty minutes?

7 A. I don't remember the exact time, amount that they were
8 in there.

9 Q. Well, let me tell you what time you got there.

10 A. Okay.

11 Q. If I told you that you got to the location at 20:21:15
12 by looking at the CAD Report, would that be correct?

13 A. I'd assume.

14 Q. And how long did you stand outside once you got there?

15 A. I was there a good while, but I don't remember the
16 exact amount of time. I didn't --

17 Q. What's a good while?

18 A. I honestly couldn't give you an exact. I'd be - I
19 wouldn't be able to give you an exact time of the length of
20 time that I was there ---

21 Q. Okay. But --

22 A. --- but normally, you know, they have to go get the
23 search warrant and get it signed and so on, so I - whatever
24 the time frame that took.

25 Q. Oh, okay. Well, let me - okay. Let me go - were you

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1 on the scene when they went inside to videotape?

2 A. I don't remember particularly seeing them go in and
3 videoing but that's just the normal procedure before I
4 would go in and run the dog. As far as when I arrived from
5 when they got the search warrant from when they did that, I
6 couldn't tell you the times, because I was there I'm sure
7 well before the search warrant 'cause I was working.

8 Q. Okay. But it would be safe to say that as soon as
9 they come out of the house with the video after they do
10 their videotaping --

11 A. It was therein or a short period after that, I would
12 be going inside.

13 Q. Okay.

14 A. Yes, sir.

15 Q. Now, hypothetically speaking, if one of these officers
16 were inside videoing, right, and somehow came upon drugs
17 while they're inside videoing, right, like brushed up
18 against it unknowingly, wouldn't that trace of bumping into
19 that drug go to the other room with them? Wouldn't Buck
20 follow that?

21 A. It may be on their person. Would it transfer the
22 scent? I guess it would be depending on the drug, the type
23 of drug, how much of the drug, so on and so on.

24 Q. But it's possible?

25 A. It's possible.

1 Q. Okay. You said you had the - you had the dogs go out
2 and sniff on the vehicle?

3 A. I believe - I have written down two vehicles with one
4 had no tag, one had a paper tag.

5 Q. Okay.

6 MADAME COURT REPORTER: One had no tag and one had?

7 A. A paper tag.

8 Q. Okay. And now I could be completely wrong when I tell
9 you what I'm about to tell you. I thought you said Buck is
10 also trained in tracking people?

11 A. Yes.

12 Q. Okay. So have you ever gotten a call from this same -
13 well, from law enforcement before and asked you, like if
14 they're looking for a person, to come out and track that
15 person?

16 A. On particular certain situations but depending on what
17 the actual situation is.

18 Q. Right. Were you asked to track a person that day?

19 A. No, sir.

20 Q. No. But Buck could do it?

21 A. He can depending on the situation. Missing persons,
22 I'm not probably going to put him on that track, because
23 he's an apprehension dog.

24 Q. Right, but he - but he has been trained to track?

25 A. Yes, sir. Yes, sir.

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

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1 Q. People?

2 A. People yes, sir.

3 MR. CHAPLIN: Nothing further.

4 THE COURT: Any further redirect?

5 SOLICITOR SHELTON: Briefly.

6 REDIRECT EXAMINATION

7 SERGEANT JAMES LAUVER BY SOLICITOR SHELTON:

8 Q. You say he's an apprehension dog?

9 A. He is an apprehension dog.

10 Q. Will you elaborate on that?

11 A. Basically, if it's somebody that's committed a violent
12 offense, Buck can be sent on a apprehension, will bite the
13 subject and hold the subject until he can be detained or
14 handcuffed or whatever. And the reason that we don't track
15 missing persons or, you know, victims, or anything like
16 that with the apprehension dogs is because if they're
17 passed out in the grass or woods or whatever and he gets to
18 them before I do, then he's probably going to bite 'em.

19 Q. Thank you. No further questions.

20 THE COURT: Anything further?

21 MR. CHAPLIN: No further questions, Your Honor. He's
22 free to go.

23 THE COURT: Thank you, Officer Lauver, you're excused.

24 OFFICER LAUVER: Thank you.

25 (WITNESS LEAVING WITNESS STAND.)

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON

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1 THE COURT: You may call your next witness.

2 SOLICITOR SHELTON: The State asks to recall Officer
3 Whitney.

4 THE COURT: Officer Whitney, you're still under oath.
5 Your witness.

6 SOLICITOR SHELTON: Thank you, Your Honor.

7 REDIRECT EXAMINATION

8 OFFICER REBECCA WHITNEY BY SOLICITOR SHELTON:

9 Q. Officer Whitney, I'm going to approach, if it pleases
10 the court, with State's Exhibit One and State's Exhibit
11 Eighteen ---

12 A. Yes, sir.

13 Q. --- and ask you to look at State's Exhibit One, and
14 then look and what do you see in that picture?

15 A. I see the sink, the vanity with the door open.

16 Q. And looks at State's Exhibit Eighteen.

17 A. Uh-huh.

18 Q. You previously testified to what's in that picture?

19 A. That this is the suspected narcotics/drugs that was
20 taken out of the vanity.

21 Q. Will you look at that picture and study it?

22 A. That's going to be on the vanity on top.

23 Q. Are you certain about that?

24 A. No, actually I'm not.

25 Q. Okay. So earlier when you testified it was on the

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON
BY MR. JOHNSON

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1 floor of the vanity ---

2 A. Uh-huh.

3 Q. --- could that be untrue?

4 A. Yeah, that is untrue.

5 Q. Where is it?

6 A. It looks to - I wasn't - I didn't take the picture so.

7 Q. Correct.

8 A. It looks like it's on the vanity with the - against
9 the wall of the wallpaper that's in that bathroom.

10 Q. On top of the vanity or underneath the vanity? You
11 just can't say.

12 A. Sir, I can't say, because I did not take the photo.

13 Q. Thank you and that's what I wanted to clarify.

14 A. Uh-huh.

15 Q. So you made a mistake earlier?

16 A. Yes, sir; I did.

17 Q. Thank you.

18 THE COURT: Any cross?

19 MR. CHAPLAIN: Yeah, just one.

20 RECROSS-EXAMINATION

21 OFFICER REBECCA WHITNEY BY MR. JOHNSON:

22 Q. So, Officer, is it fair to say you don't know where
23 that picture is at, do you?

24 A. I did not take the picture.

25 Q. So you don't know where it at? You don't know where

OFFICER REBECCA WHITNEY: BY MR. JOHNSON

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1 that picture was - well, I mean what that picture shows
2 you, do you, since you didn't take it?

3 A. I know that this is the narcotics, suspected drugs
4 that was under the counter.

5 Q. But you don't where it - you've already testified it
6 been two different locations.

7 A. You're correct.

8 Q. So you don't know where it's at?

9 A. I didn't take the picture.

10 Q. You already answered.

11 Thank you, Your Honor.

12 THE COURT: You may step down, Officer Whitney.

13 OFFICER WHITNEY: Thank you.

14 (WITNESS LEAVING WITNESS STAND.)

15 THE COURT: You may call your next witness.

16 SOLICITOR SHELTON: Thank you, Your Honor. The State
17 calls Deputy Ray Heroux.

18 MADAME CLERK: Raise your left hand and place your
19 right hand...

20 (WHEREUPON: RAYMOND HEROUX,
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.

24 MR. HEROUX: Corporal Raymond Heroux, Beaufort County
25 Sheriff's Office, H-e-r-o-u-x.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 THE COURT: Your witness.

2 DIRECT EXAMINATION

3 OFFICER RAYMOND HEROUX BY SOLICITOR SHELTON:

4 Q. Thank you, Officer Heroux. I apologize. I just
5 misplaced my note.

6 Officer Heroux, what's your job now?

7 A. I'm assigned to the Beaufort County Sheriff's Office
8 Northern Patrol Division.

9 Q. What participation did you have in an investigation at
10 [REDACTED] on August 31st, 2012?

11 A. I was assigned as the case officer.

12 Q. When you say you're assigned as the case officer, what
13 do you mean by that?

14 A. Basically, I am the one who obtains the search
15 warrant, develops - I should say write the probable cause,
16 develop the search warrant, present that to the judge for
17 approval or denial.

18 Q. And you did that in this case?

19 A. I did.

20 Q. And then once you get to - once you get to the scene,
21 what are your duties?

22 A. Basically, I assign certain people areas to search and
23 have an assisting case officer. Sometimes that person is
24 assigned by the supervisor, in that case Staff Sergeant
25 Florencio, or at times you pick someone yourself.

1 Q. And did you do that in this case?

2 A. I did.

3 Q. When you arrived at the scene, will you please
4 describe the scene?

5 A. It was in the evening. Drug Task Force members were
6 already on-scene. There were some uniform deputies still
7 on-scene. I believe there was some family members. The
8 incident location is very close to some other trailers in
9 the area. Sergeant Lauver was on-scene with his canine. I
10 think that's about it. The house was secured. I was
11 advised that nobody else has been inside.

12 Q. Now, you say it was secured. You said there's some
13 family members on-scene, were they actually inside the
14 residence?

15 A. No, they were around on the outer perimeter that was
16 kept by the sheriff's office.

17 Q. And so you said there is a perimeter kept by the
18 sheriff's office. Describe that.

19 A. Basically, if you have a trailer, or a house, you put
20 members, police officers, deputies, law enforcement around
21 that perimeter so that no one can gain access to it and if,
22 in fact, during a search someone was missed that was inside
23 the house, if they tried to egress out of the house, they
24 would be identified.

25 Q. And did you have the opportunity to go inside the

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 house?

2 A. I did.

3 Q. And you said - tell us about all of your duties as far
4 as the case officer, like when you get into the house and
5 you're executing a search warrant, what do you do and what
6 do you assign?

7 A. Well, initially I told PFC Lindle, who was my
8 assistant, Deputy Lindle, to go ahead and videotape the
9 exterior and interior of the residence. After that's done
10 --

11 Q. Why do you do that?

12 A. Just to document things where they initially lie.
13 Maybe after we're done, we broke a window or we had to
14 damage something to gain access to where we thought drugs
15 might have been from a canine alert or something to that
16 effect, we can document this is the way it looked and at
17 the end, we also videotape this is the way it looked at the
18 end.

19 Q. Okay. So it's basically to cover property damage as
20 well as anything that's seen?

21 A. That and it also helps record where things initially
22 lie.

23 Q. And she did that. Correct?

24 A. Yes.

25 Q. Do you know where she is now?

1 A. She has since left the department. I believe she - I
2 don't know what she's doing, but she's somewhere in the
3 North Central part of the country, Illinois or somewhere,
4 Indiana.

5 Q. Okay. And she was your assistant and you were the
6 case officer. Correct?

7 A. That's correct, sir.

8 Q. And when you assigned that duty to her as the
9 assistant, did you assign any other duties to any other
10 officers?

11 A. Yes, there were several other officers that I assigned
12 search areas to.

13 Q. Uh-huh.

14 A. And we entered the house. I believe I entered with
15 Sergeant Lauver to do the initial canine sniff.

16 Q. You believe or you did?

17 A. I believe I did.

18 Q. And Sergeant Lauver was the previous - the canine
19 officer who testified?

20 A. Yes.

21 Q. And then after that's done what do you do?

22 A. We both come out and we are actually ready to start
23 the search. We discuss who's going to search where. We
24 find an area in the residence where we can set up a table
25 or an area big enough where we can document evidence.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 SOLICITOR SHELTON: Can everyone hear in the jury?

2 Q. You did that in this case?

3 A. I did, sir.

4 Q. And do you know who you assigned where?

5 A. I'd have to look at my report here to tell you
6 differently.

7 Q. May I bring that report to counsel so they can take a
8 look at it?

9 SOLICITOR SHELTON: May I approach, Your Honor.

10 THE COURT: Yes, sir.

11 SOLICITOR SHELTON: Thank you.

12 Q. If it will refresh your recollection, please take a
13 look at your report, and then tell the jury what you're
14 about to.

15 A. Well, I've indicate Search Team 1 is - would comprise
16 of Bedroom Number 1, 2 and 3. Also at the end made a rough
17 diagram to kind of layout how the house was laid out so
18 that's attached to the report as well. And Bathroom 1 and
19 2, living room, dining room and kitchen, that was Lance
20 Corporal Strickland was assigned that area or those areas.
21 Search Team 2 was Bedroom 4 and Bathroom 3, that was
22 Corporal Whitney. And Search Team 3 is the living room,
23 laundry room and Bathroom 3, Staff Sergeant Florencia.

24 Q. Now, you said you made a diagram of the home?

25 A. I did.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 Q. One moment.

2 SOLICITOR SHELTON: May I approach the witness, Your
3 Honor?

4 THE COURT: Yes, sir.

5 Q. I'm approaching you, Deputy Heroux, with State's
6 Exhibit Number Twenty-eight .. Do you recognize that?

7 A. I do.

8 Q. What is it?

9 A. It is a diagram of the interior of [REDACTED]
10 [REDACTED] that I constructed.

11 Q. And is that absolutely to scale?

12 A. By no means, sir, no. It indicates it's not to scale.

13 Q. Okay. However, does it accurately reflect where the
14 rooms are located inside the house?

15 A. It does, sir.

16 SOLICITOR SHELTON: The State would submit State's
17 Exhibit Number Twenty-eight into evidence.

18 THE COURT: Any objection?

19 MR. JOHNSON: No objection, Your Honor.

20 THE COURT: Thank you.

21 SOLICITOR SHELTON: Thank you.

22 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-EIGHT,
23 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

24 BY SOLICITOR SHELTON:

25 Q. Now, before I publish this to the jury, I'd like you

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 to, first of all, explain it, explain where the front is,
2 explain where the back is in relation to the actual house
3 to help the jury look at it.

4 A. Okay. So the exhibit sticker, you would actually hold
5 upside down. The front entrance is located here up in the
6 twelve o'clock position, and then you would maneuver
7 through the house to the right and so forth to the last
8 bedroom here which is Bedroom Number 4 and the bath area
9 which is attached to the master bedroom. And the backdoor
10 is indicated. I didn't put windows or anything like that.

11 Q. And if you were to look at it as the front of the
12 house, how would you look at it, flip it upside down?

13 A. And all the wording would be upside down. The front
14 of the door would be here and all of the wording would be
15 upside down, so you actually have to turn it this way ---

16 Q. Okay.

17 A. --- and it's clearly marked front door.

18 Q. Thank you. I'm approaching you with what's been
19 marked as State's Exhibit Twenty-nine for identification
20 purposes only. What do you see in that picture?

21 A. State Exhibit Twenty-nine shows a mobile home which
22 was located at [REDACTED] where we served the
23 search warrant.

24 Q. That's actually where the search warrant was served?

25 A. That is correct, sir.

1 Q. And what color is that picture in?

2 A. It's black and white.

3 Q. Other than it being in black and white, is it a fair
4 and accurate depiction of the mobile home?

5 A. Yes, sir.

6 Q. Now, will you please --

7 SOLICITOR SHELTON: I move State's Exhibit Number
8 Twenty-nine into evidence, Your Honor.

9 THE COURT: Any objection?

10 MR. JOHNSON: No objection, Your Honor.

11 THE COURT: Thank you.

12 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-NINE,
13 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

14 Q. Now, looking at that picture and comparing it with the
15 diagram, where is the master bedroom?

16 A. The master bedroom would be here.

17 (WITNESS INDICATED.)

18 Q. Thank you. And where would the master bath be?

19 A. It would be opposite on the other side of the house,
20 the back side of the trailer.

21 Q. The master bath on the back side of the house on the
22 same corner?

23 A. Yes, sir.

24 Q. So if you showed it to the jury, what direction would
25 it be in?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 A. It'd be over here on the other half of the house on
2 the backside.

3 Q. Okay. And that would be the front of the house or the
4 back of the house?

5 A. This is the front of the house.

6 Q. And that is marked on the diagram as the front of the
7 house on your diagram?

8 A. Yes, sir.

9 Q. On State's Exhibit Number Twenty-eight?

10 A. Twenty-eighty.

11 Q. Thank you. I'm going to ask you to hold onto those
12 for a moment before we publish them to the jury.

13 Now, before we get into anymore exhibits, I'd like to
14 ask you what roles people have when they're sent out into
15 zones. What are their duties and what are their roles?

16 A. Well, they're supposed to search an area and if they
17 come across anything that they believe is of evidentiary
18 value, they are to - they can say "Ray, over here," get
19 Corporal Heroux," whatever the case is. They're supposed
20 to notify the case officer. The case officer will come
21 discuss what, in fact, it is, if it is worth any value.
22 The case officer will document it by taking a photograph
23 and will actually seize it. None of the search teams
24 actually seize evidence, take physical custody of it.

25 Q. Who seizes evidence?

1 A. The case officer does.

2 Q. And you're the case officer in this case?

3 A. That is correct.

4 Q. Are you the one who seized all the evidence in this
5 case?

6 A. I am.

7 Q. I'm going to approach with State's Exhibit Number One
8 and State's Exhibit Number Eighteen which have already been
9 admitted into evidence.

10 Will you describe what you see in State's Exhibit
11 Number One?

12 A. State's Exhibit One, this is going to be the bathroom
13 vanity in the master bathroom of, I believe, it's going to
14 be Bedroom 4.

15 Q. You say the master bathroom. What is that next to?

16 What is it pertinent to in relation to the - how do
17 you get to the master bath?

18 A. You have to go through the bedroom.

19 Q. Which bedroom?

20 A. Bedroom Number 4, I believe it is.

21 Q. And what would you classify that as in vernacular
22 terms?

23 A. Master bath.

24 Q. And what do you see inside of that picture?

25 A. There is a scale on top of the vanity. It's a

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 two-sink vanity. There appears to be a pair of sunglasses.
2 The right-hand door is open all the way to the right of the
3 vanity and there is a purple bag which is a Crown Royal
4 bag, a large plastic bag, and another type of grocery bag.
5 If you don't want to use the plastic bags to save the
6 trees, you would use these other type of bags that you can
7 purchase.

8 Q. Now, look at State's Exhibit Number Eighteen. What do
9 you see in that picture?

10 A. This is a Crown Royal bag. There is also a smaller
11 bag behind it with what appears to be some suspected
12 marijuana. And to the right of the Crown Royal bag there
13 is a large plastic Zip-Lock bag with suspected marijuana.
14 And you can see the piping for the bottom of the sink to
15 drain and the water shutoff and possibly a Wal-Mart bag
16 which is the green bag that I described. And this is --

17 Q. And is that a fair and accurate depiction in that
18 picture of that - of the way those objects looked?

19 A. Yes, sir.

20 Q. And where are those objects?

21 A. These objects are underneath the sink in the master
22 bedroom.

23 Q. You're the one who took the picture?

24 A. I did.

25 Q. And that's how you found them?

1 A. Yes, sir.

2 Q. Is that where you were before you seized them?

3 A. Yes, sir.

4 Q. Now, I'm going to hand you now State's Exhibit Number
5 Nineteen and State's Exhibit Number Seven.

6 SOLICITOR SHELTON: May I approach the witness, Your
7 Honor?

8 THE COURT: Yes, sir.

9 Q. First of all and just for identification purposes, I
10 want to ask if you recognize those pictures?

11 A. I do.

12 Q. Referring to the Exhibit number, what are they?

13 A. Exhibit Number Nineteen are plastic sandwich bags,
14 some of which have suspected marijuana in them.

15 Q. Now, if you look to the screen, which will be State's
16 Exhibit Number Eighteen here, do you see where those are in
17 this screen?

18 A. They would be right behind the Crown Royal bag right
19 on top and in front of the pipe that's coming down, you can
20 see a white box with the blue line.

21 Q. Is that a fair and accurate depiction of the way it
22 looked inside of that vanity?

23 A. Yes, sir.

24 SOLICITOR SHELTON: I move State's Exhibit Number
25 Nineteen into evidence, Your Honor.

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1 THE COURT: Any objection?

2 MR. CHAPLAIN: No objection, Your Honor.

3 THE COURT: Thank you.

4 (WHEREUPON: STATE'S EXHIBIT NUMBER NINETEEN,
5 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

6 Q. That's still State's Exhibit Number Eighteen.

7 Now, what did you do, first of all, with the
8 marijuana?

9 A. I took photographs.

10 Q. And those are the photographs you're speaking of?

11 A. Yes, sir.

12 Q. Then what'd you do with it?

13 A. I seized it.

14 Q. When you say seized it, what do you mean by that?

15 A. Physically take custody.

16 Q. What do you do with it then?

17 A. I take it over to where the assistant case officer is

18 ---

19 Q. Uh-huh.

20 A. --- put it in an evidence bag.

21 Q. When you say evidence bag, describe the evidence bag.

22 A. The evidence bag could be either paper or plastic.

23 It's something supplied by the Beaufort County Sheriff's

24 Office Evidence Division. They come in various sizes. You

25 find the size that you need for that particular item. Some

1 items require that they breathe so they will go in paper;
2 other items don't require that and can go into plastic.

3 Q. And then what did you do with it?

4 A. Logged it in on the Search Warrant Inventory Sheet and
5 assigned it a number as it flows on the search warrant
6 inventory.

7 Q. And do you have that Search Warrant Inventory with
8 you?

9 A. I have a copy of it here, sir.

10 Q. And just in case you need to reference it. You don't
11 need to pull it out right now.

12 A. Okay.

13 Q. Now, what did you do with it after it's in the
14 evidence bag or whether it's in the evidence bag, what did
15 you do with it then?

16 A. Well, once we leave the area and we are completely
17 done with the search warrant, we went back to the office.
18 People do various paperwork like supplements and so forth.
19 I still have custody of the evidence. The evidence is
20 field tested or certain evidence I should say is field
21 tested. Marijuana, and if it smells like marijuana, it
22 looks like marijuana, it - we assume that it is. We don't
23 have test kits for that. The cocaine, we have test kits
24 for that and it is a cocaine NIK wipe. It's our Model 6500
25 and basically it's like a little Handi Wipe that you would

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1 use for your hands when they're sticky. It's pink. Once
2 it comes in contact with a cocaine base, it turns blue, so
3 all you really have to do is just touch it or take a sample
4 out and put it on there. It'll turn blue which it did.

5 Q. Let's go back to the marijuana. I didn't mean to
6 interrupt you. What did you do with the baggies of
7 marijuana once you brought them back to the office?

8 MR. JOHNSON: Your Honor, he didn't bring this up, but
9 they have not presented evidence that stated that was
10 marijuana.

11 SOLICITOR SHELTON: Oh, I apologize. The suspected
12 marijuana. Thank you. I apologize.

13 Strike that, please strike that from the record. The
14 suspected marijuana.

15 A. The suspected marijuana was placed into what we would
16 call a Best bag. It's a drug bag that goes to the forensic
17 laboratory for analysis.

18 Q. Do you know the - whether those bags have any
19 identifying characteristics?

20 A. They do. Each one has a number already assigned on
21 it, it's imprinted on it. We have nothing to do with that.
22 It's called a control number. It's usually C and then some
23 numbers after it.

24 Q. And do you do anything actually to the bag to also
25 identify it?

1 A. Yes, it asks for the date that you sealed it. It asks
2 you to print your name and to also attach your signature,
3 and then you seal it at the top. It's a self-sealing.
4 Once you put the two areas together, it sticks, and then
5 you send it off.

6 Q. And did you put the evidence in the Best bag in this
7 case?

8 A. I did.

9 Q. Did you seal it?

10 A. I did.

11 Q. Do you know what Best bag control number you placed it
12 into? I'm referring to the suspected marijuana.

13 A. I would have to refer to our report.

14 Q. If it would help to refresh your recollection, please
15 do so.

16 A. Okay. It went into Best Bag Number C-0-0-7-5-8-9 and
17 that contained the three large sandwich bags of suspected
18 marijuana and two small baggies containing suspected
19 marijuana.

20 Q. What did you do with the bag after you put the
21 suspected marijuana in it, being the actual Best bag?

22 A. The Best bag once it's sealed it goes along with your
23 other evidence that you have and it goes into what we call
24 temporary evidence storage. Basically, it's a locker.
25 They are various sizes depending on the size that you need.

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1 There is a lock that's unlocked. No one has a key to it
2 except evidence personnel and once you put your item in
3 there, you don't have access to it and that's what I did, I
4 placed it into temporary evidence storage, locked it, and
5 then it made its way to evidence.

6 Q. I am going to hand to you for identification purposes
7 only State's Exhibit Number Thirty. I note that it is a
8 plastic bag with a Best bag contained inside. I ask - with
9 control number 0-0-7-5-8-9. I ask that you tell the jury
10 whether you recognize this.

11 A. I do recognize State Exhibit Thirty.

12 Q. What is it?

13 A. This is the Best bag that I placed the marijuana into.

14 Q. How do you know that?

15 A. My name is printed on it and signed by me and has the
16 date sealed 9/1/2011 and it has the corresponding Control
17 Number C-0-0-7-5-8-9.

18 Q. And is that the same control number that you just
19 testified to as being the control number of the Best bag
20 you put the marijuana, suspected marijuana in?

21 A. That is correct, sir.

22 Q. Now, has it been altered in any way? Does its
23 physical appearance - I'll rephrase the question.

24 Is its physical appearance different today than it was
25 when you seized it and placed it in the Best bag ---

1 A. Yes, sir.

2 Q. --- and sealed it?

3 A. Yes.

4 Q. Please describe that to the jury.

5 A. Well, there's another clear bag over the Best --

6 Q. Please don't show it to the jury, just please describe
7 it for the jury.

8 A. Okay.

9 MR. JOHNSON: Excuse me, Your Honor. May we approach?

10 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
11 THE JURY.)

12 THE BAILIFF: Excuse me, Your Honor, may I approach?

13 THE COURT: Yes, sir.

14 (SIDE BAR BETWEEN THE COURT AND THE BAILIFF.)

15 THE COURT: Ladies and gentlemen, I understand that we
16 need a quick recess for a restroom break, so we'll be happy
17 to do that and we'll take about ten minutes. Just let us
18 know when you're ready to proceed. Thank you.

19 (JURY EXITS COURTROOM AT 02:58 P.M..)

20 THE BAILIFF: The jury is clear, Your Honor.

21 THE COURT: Yes, sir. Thank you.

22 Mr. Johnson, do you have an objection?

23 MR. JOHNSON: Yes, Your Honor. Your Honor, I must be
24 missing something here, but he's trying to introduce that
25 as evidence to the jury and it has not been identified as

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1 marijuana by a forensic examiner or anyone to the court
2 here. I think that by an officer describing this and
3 holding it up and whether you call it suspected marijuana,
4 whatever, it's extremely prejudicial, it is not approbative
5 at the present time, Your Honor. He's out of sequence.
6 He's having this officer identify it and then presenting it
7 to the jury.

8 SOLICITOR SHELTON: I'm not about to move it into
9 evidence yet and I asked him not to show it to the jury.
10 I'm having him identify it as to what it is as suspected
11 marijuana. I did not ask him to show it to the jury. I
12 asked him to not show it to the jury after he showed it to
13 the jury.

14 Please do not show it to the jury, until proper.
15 That's why I state it's for identification purposes only
16 when I hand it to you.

17 This is to establish a chain-of-custody, establish
18 what he did with it and what the substance is. I have to
19 call it suspected marijuana, I have to have him explain how
20 it looks when it -- that day he put it in. I have to have
21 him explain how it is different today. Whether he has
22 personal knowledge of how that happened or not and you will
23 or not. I'm not about to publish it to the jury yet. So I
24 don't understand what this -- what the problem is.

25 MR. JOHNSON: By an officer describing what he sees,

1 he's publishing it to the jury.

2 THE COURT: He's not actually publishing the actual
3 bag to the jury. I think he has to establish it for
4 chain-of-custody purposes whether or not it's been tampered
5 with and describe whether or not it's in the same condition
6 other than somebody else handling it when he submits it for
7 testing, so he's trying to build that foundation.

8 I will instruct the officer to not publish it to the
9 jury, but he is allowed to testify regarding his handling
10 of what's been submitted for identification purposes only.
11 He has not moved it into evidence at this time and it will
12 not be published to the jury. If you --

13 SOLICITOR SHELTON: Thank you, Your Honor.

14 THE COURT: If - Mr. Johnson, if you would like for me
15 to do a curative instruction to the jury not to look at it,
16 I don't want to bring further attention to it, but that's
17 your call. I think if we keep it not published to the jury
18 it --

19 MR. JOHNSON: At the present time, Your Honor, as long
20 as it's not published to the jury and the continued term of
21 this is marijuana, this is cocaine, I believe that at least
22 something needs to be done to it or at least make the State
23 aware that that needs to stop.

24 SOLICITOR SHELTON: I said suspected marijuana, Your
25 Honor. That's what we will -- we can rephrase it to say

1 green leafy substance. I think from his training and
2 experience he is able to testify whether it's suspected
3 marijuana or not and I don't think it's really prejudicial.
4 It's what the case is and, eventually, it's establishing,
5 it's contingent upon the fact that we're going to have a
6 chemist come in and state that that is marijuana.

7 THE COURT: Sure, and I think the approbative value
8 outweighs the prejudicial effect especially if he says
9 suspected marijuana or alleged marijuana or alleged
10 cocaine, whichever substance they're referring to until the
11 chemist testifies and identifies it as such I think - your
12 objection is noted and it -- and I've ruled with you on
13 that, so I think the witness should be continued to be
14 instructed to answer the questions in that manner.

15 MR. JOHNSON: Thank you, Your Honor.

16 THE COURT: Thank you. Anything further? Do you all
17 need a quick break?

18 SOLICITOR SHELTON: I would like to take a quick
19 break.

20 Thank you, Your Honor.

21 THE COURT: You all let me know when you're ready.

22 SOLICITOR SHELTON: Thank you.

23 (COURT IN RECESS.)

24 (COURT BACK IN SESSION AT 03:22 P.M..)

25 THE COURT: Thank you. You may have a seat.

1 Are the parties ready to proceed?

2 MR. JOHNSON: Yes, Your Honor.

3 SOLICITOR SHELTON: Yes, Your Honor.

4 THE COURT: Bring in our jury, please.

5 BAILIFF: The jurors are entering, Your Honor.

6 (JURY REENTERS COURTROOM AT 03:22 P.M..)

7 THE BAILIFF: All right, Your Honor, they are seated.

8 THE COURT: Thank you.

9 Ladies and gentlemen, we will now proceed with the
10 trial of the case.

11 You may proceed Solicitor Shelton.

12 SOLICITOR SHELTON: Thank you, Your Honor.

13 DIRECT EXAMINATION - CON'T

14 CORPORAL RAYMOND HEROUX BY SOLICITOR SHELTON:

15 Q. Deputy Heroux, when we broke, you were looking, for
16 identification purposes only, at the Best bag State's
17 Exhibit Thirty which is Best Bag Control Number C-0-0-7-5-
18 8-9, and I asked you the question, I'm going to ask it
19 again, is it been - is the appearance of the Best bag or
20 its packaging any different from when you initially put the
21 suspected marijuana into the Best bag?

22 A. Yes.

23 Q. Please describe that to the jury without showing the
24 jury the exhibit.

25 A. It appears that the best bag has been placed into

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1 another clear plastic bag and I assume it's got to be
2 sealed by heat, and then there is various markings on it,
3 initials, dates, names, tags, and things of that nature.

4 Q. And but that is the same Best bag with the same
5 control number?

6 A. It is with my signature and my name on it.

7 Q. And what is the date that you initialed?

8 A. 9/1/2011.

9 Q. And do you know - This occurred on August 31st, 2011.
10 Correct?

11 A. That is correct.

12 Q. Do you know the time you actually put it in the Best
13 bag?

14 A. I would have to refer to you a evidence submittal
15 form.

16 Q. Please go ahead and do that.

17 A. It was submitted at 02:37 hours which is 2:37 in the
18 morning on the first of September, 2011.

19 Q. That would be the next morning after ---

20 A. That is correct.

21 Q. --- and carried through through the night until the
22 next morning of the investigation?

23 A. It did.

24 Q. Now, I also had handed you State's Exhibit Number
25 Eighteen and Nineteen. Correct?

1 A. That's correct.

2 Q. And you have authenticated in State's Exhibit Number
3 Nineteen -

4 If I am correct, Madame Court Reporter, is admitted
5 into evidence?

6 MADAME COURT REPORTER: It is.

7 SOLICITOR SHELTON: Thank you.

8 Q. I am now going to publish to you State's Exhibit
9 Number Nineteen to the jury.

10 Does that reflect State's Exhibit Nineteen?

11 A. It does, sir.

12 Q. And what do you see in this picture?

13 A. I see a white cardboard box that contains plastic
14 sandwich baggies what you'd use to pack your kid's sandwich
15 or your own sandwich. There are other bags coming out of
16 the opening, and then there is what I believe to be
17 suspected marijuana that is packaged using the sandwich
18 bags.

19 Q. And is that suspected marijuana also contained in Best
20 Bag Control Number C-0-0-7-5-8-9, State's Exhibit Number
21 Thirty?

22 A. It is, sir.

23 Q. And you placed it there ---

24 A. I did, sir.

25 Q. --- according to your previous testimony? Where was

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1 this sandwich bag located when you took that picture?

2 A. I believe that was under the vanity of the master
3 bedroom sink.

4 Q. I'm going to refer back and go back to State's Exhibit
5 Number Eighteen briefly. Do you see that same sandwich bag
6 in this picture?

7 A. Yes, sir.

8 Q. Where is it again?

9 A. It is under the vanity in the master bathroom.

10 Q. I'm going back to State's Exhibit Number Nineteen now.
11 What did you do with that sandwich bag or, excuse me,
12 that box of sandwich bags rather?

13 A. I seized them.

14 Q. And how did you seize them?

15 A. I physically took custody and took a photo prior to
16 actually taking custody of it.

17 Q. Is that the photo you took?

18 A. It would be, sir.

19 Q. And when you took custody of it, what did you do with
20 it?

21 A. I brought it over to the table where we were working,
22 myself and my assistant, placed it into an evidence bag and
23 then logged it on the Search Warrant Inventory Form.

24 Q. What did you do with the evidence bag? What did you
25 do to ---

1 A. I --

2 Q. --- the evidence bag when you placed it inside the
3 evidence bag?

4 A. I marked it.

5 Q. I'm going to approach with what's been previously
6 marked as State's - for identification purposes only at
7 this time, State's Exhibit Number Thirty-five. I'm going
8 to ask if you recognize this, without showing it to the
9 jury, please?

10 A. I do, sir.

11 Q. What is it?

12 A. It is a paper evidence bag that I placed the white box
13 of sandwich bags into.

14 Q. How do you know?

15 A. My initials are on it and it says I placed it in temp
16 storage at 02:37.

17 Q. Does it have any description that you wrote on the
18 bag?

19 A. It does. It says, "White box of sandwich bags and one
20 baggy with corner ripped off."

21 Q. I notice there is a seal on that bag. Who put the
22 seal on the bag?

23 A. I did.

24 Q. How do you know that?

25 A. 'Cause I placed it there.

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1 Q. How do you know you placed it there, do you recall?

2 A. Because I'm the one who placed it there and placed it
3 into temporary storage, so no one had access to it or --

4 Q. Is that the same - I apologize. Is that the same seal
5 that you placed on it?

6 A. Yes, sir.

7 Q. Has the seal been tampered with in any way?

8 A. No, sir.

9 Q. Is that bag in substantially the same condition as
10 when you found it?

11 A. Yes, sir.

12 Q. As to when you placed it into evidence?

13 A. Yes, sir.

14 Q. And the bag - and the seal is still intact?

15 A. It is, sir.

16 Q. And that's your seal?

17 A. Yes, sir.

18 SOLICITOR SHELTON: And the State moves State's
19 Exhibit Number Thirty-five into evidence?

20 THE COURT: Any objection?

21 MR. JOHNSON: No objection.

22 THE COURT: Thank you.

23 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-FIVE,
24 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

25 SOLICITOR SHELTON: I ask that he may remove the

1 contents of the bag.

2 (WITNESS COMPLIES).

3 Q. Will you please show it to the jury?

4 A. That's the sandwich box, the cover, and the plastic
5 baggie with the corner ripped out.

6 Q. Now, placing it back in the bag, I'm going to ask to
7 actually show it and have the jury look at this with the
8 court's permission.

9 THE COURT: Yes, sir, you may publish it to the jury.

10 SOLICITOR SHELTON: Thank you.

11 (STATE'S EXHIBIT THIRTY-FIVE PUBLISHED TO THE JURY.)

12 Q. As that's passing around I'm going to ask you, Deputy
13 Heroux, you - I also handed you a picture previous marked
14 as State's Exhibit Number Seven.

15 A. Yes, sir.

16 Q. Do you recognize that picture?

17 A. I do, sir.

18 Q. What is it?

19 A. That is the purple Crown Royal bag containing the
20 white powder substance suspected cocaine.

21 Q. And is that a fair and accurate depiction of the way
22 it looked?

23 A. Yes, sir.

24 Q. Where was it when you took that picture?

25 A. It was under the bathroom vanity in the master

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1 bathroom.

2 Q. Is that where you found it?

3 A. That's where I found it, sir.

4 Q. Is that - Did you seize it?

5 A. I did seize it.

6 SOLICITOR SHELTON: The State moves to publish and
7 move into evidence State's Exhibit Number Seven.

8 THE COURT: Any objection?

9 MR. JOHNSON: Your Honor, could we approach?

10 THE COURT: Sure.

11 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
12 THE JURY.)

13 MR. JOHNSON: No objection, Your Honor.

14 THE COURT: Thank you.

15 SOLICITOR SHELTON: State's Exhibit Seven into
16 evidence, Your Honor?

17 THE COURT: Yes, sir, it is.

18 (WHEREUPON: STATE'S EXHIBIT NUMBER SEVEN, IDENTIFIED
19 AND MARKED, RECEIVED INTO EVIDENCE.)

20 SOLICITOR SHELTON: Thank you. I ask that I publish
21 it to the jury.

22 Q. Is that State's Exhibit Seven, Deputy Heroux?

23 A. It is.

24 Q. And please tell the jury again what do you see in this
25 picture?

1 A. It's a purple Crown Royal bag, which is a alcoholic
2 beverage, and there is what appears to be suspected cocaine
3 in there.

4 Q. And where was this picture taken?

5 A. It was taken in the master bathroom underneath the
6 vanity.

7 Q. What did you do with this substance, suspected
8 cocaine, if anything?

9 A. I photographed it, I seized it, I placed it on the
10 Search Warrant Inventory and, subsequently, placed it into
11 a Best bag and sent it off for analysis.

12 Q. I'm going to approach what's been previously marked
13 for identification purposes only which means please do not
14 show it to the jury, State's Exhibit Number Twenty-two -
15 Twenty-four, rather.

16 A. Yes, sir.

17 SOLICITOR SHELTON: Excuse me, State's Exhibit, Madame
18 Court Reporter Number Thirty-one. Thirty-one.

19 Note for the record that I had previously marked this
20 State's Exhibit Number Twenty-four at a previous hearing
21 without moving it into evidence for the purposes of this
22 trial State's Exhibit Number Thirty-one.

23 THE COURT: Thank you.

24 SOLICITOR SHELTON: Thank you.

25 Q. Without showing it to the jury, please tell the jury

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1 whether you recognize that?

2 A. I do.

3 Q. What is it?

4 A. It is the Best bag that I placed the suspected cocaine
5 into.

6 Q. What's the Best bag number?

7 A. C-0-0-7-5-8-0.

8 Q. Is that the same number that's reflected on your
9 report that you placed the suspected cocaine into?

10 A. If I may look?

11 Q. Please.

12 A. It is, sir.

13 Q. And, I believe, you testified to this but after you
14 placed it in the best bag, what did you do with the best
15 bag?

16 A. I placed it into temporary evidence storage.

17 Q. Did you seal it first?

18 A. It was sealed. I placed my name on it, my signature,
19 the date, the agency that I work for, and put the lock on
20 the locker.

21 Q. And the same as before, is that bag in any different
22 condition than it was when you first placed the suspected
23 cocaine inside of that bag?

24 A. It is, sir.

25 Q. Please describe that to the jury, as well.

1 A. Again, it appears that the Best bag has been placed
2 into another clear bag and then sealed by some heating
3 device and there are various initials and dates and names
4 on the bag and stickers.

5 Q. Thank you.

6 SOLICITOR SHELTON: May I approach?

7 THE COURT: Yes, sir.

8 SOLICITOR SHELTON: Thank you, Your Honor.

9 Q. And State's Exhibit Number Seven, you - that is the
10 cocaine that you placed in that test bag - that Best bag
11 that you just testified to?

12 A. Yes, sir.

13 Q. The suspected cocaine, I apologize. Now, I'm going to
14 hand you State's Exhibit Number Twelve, Thirteen.

15 SOLICITOR SHELTON: May I approach, Your Honor.

16 THE COURT: Yes, sir.

17 Q. Please tell me, referring to the exhibit number,
18 whether you recognize those pictures?

19 A. State's Exhibit Twelve and Thirteen I do recognize.

20 Q. What are they?

21 A. It's a Bank of America debit card/Visa card that was
22 found in the master bedroom or master bathroom vanity.

23 Q. Is that the same vanity where the suspected drugs were
24 found?

25 A. It was, sir.

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- 1 Q. And specifically State's Exhibit Number Twelve, is
2 that a fair and accurate depiction of the way that debit
3 card looked inside the vanity?
- 4 A. Yes, sir.
- 5 Q. And what about State's Exhibit Number Thirteen?
- 6 A. Yes, sir.
- 7 Q. What's the difference between the two?
- 8 A. State Exhibit Thirteen is a close-up photograph.
- 9 Q. Did you see that debit card immediately when you went
10 in to take pictures of the vanity?
- 11 A. No.
- 12 Q. Why not?
- 13 A. Because the suspected cocaine and marijuana was on top
14 of that.
- 15 Q. On top of that debit card?
- 16 A. Yes, sir.
- 17 Q. I'm going to approach what's been premarked for
18 identification purposes only as State's Exhibit Number
19 Thirty-two. You recognize that?
- 20 A. I do, sir.
- 21 Q. What is it?
- 22 A. This is the actual debit slash credit card that I took
23 a photograph of and seized.
- 24 Q. How do you know that?
- 25 A. Because the numbers in the photograph that I took and

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1 the numbers here on the card and the name on it, Stanley L.
2 Wright, Junior., are the same.

3 SOLICITOR SHELTON: The State moves State's Exhibit
4 Number Thirty-two into evidence.

5 THE COURT: Any objection?

6 MR. JOHNSON: No, no objection, Your Honor.

7 THE COURT: Thank you.

8 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-TWO,
9 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

10 BY SOLICITOR SHELTON:

11 Q. Quickly, Deputy Heroux, this is State's Exhibit Number
12 Twelve that you've already testified to.

13 THE COURT: Solicitor, you haven't moved that one into
14 evidence yet.

15 SOLICITOR SHELTON: I apologize. The State moves
16 State's Exhibit Number Twelve and Thirteen into evidence.

17 THE COURT: Any objection?

18 MR. JOHNSON: No objection, Your Honor.

19 SOLICITOR SHELTON: I apologize, Your Honor.

20 (WHEREUPON: STATE'S EXHIBIT NUMBERS TWELVE AND
21 THIRTEEN, IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

22 Q. State's Exhibit Number Twelve, is that the picture of
23 the debit card?

24 A. It is.

25 Q. And you said the narcotics were on top of that debit

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1 card?

2 A. Yes, sir.

3 Q. And this is a close-up picture of the debit card?

4 A. It is.

5 Q. State's Exhibit Thirteen?

6 A. It is.

7 SOLICITOR SHELTON: Now, I ask that I publish the
8 debit card to the jury, Your Honor.

9 THE COURT: That's fine.

10 SOLICITOR SHELTON: Thank you. May he remove it from
11 the bag?

12 THE COURT: Sure.

13 SOLICITOR SHELTON: Open the bag?

14 (WITNESS COMPLIES).

15 SOLICITOR SHELTON: May I approach, Your Honor?

16 THE COURT: Yes, sir.

17 Q. I'm handing you what's previously been marked as
18 State's Exhibit Six. Do you recognize that picture?

19 A. I do, sir.

20 Q. What is it?

21 A. It's a digital scale that was found on top of the
22 vanity counter of the master bathroom.

23 Q. Is that the same vanity in which the suspected drugs
24 were found within?

25 A. It is, sir.

1 Q. And is that a fair and accurate depiction of that
2 digital scale?

3 A. Yes, sir.

4 SOLICITOR SHELTON: The State moves State's Exhibit
5 Number Six into evidence, Your Honor.

6 THE COURT: Any objection.

7 MR. JOHNSON: No objection, Your Honor.

8 (WHEREUPON: STATE'S EXHIBIT NUMBER SIX, IDENTIFIED
9 AND MARKED, RECEIVED INTO EVIDENCE.)

10 Q. And that's the same picture you have up there with
11 you, State's Exhibit Number Six?

12 A. Yes, sir.

13 Q. And that is as the digital scale was found when you
14 seized it?

15 A. It is, sir.

16 Q. Tell us about where you -- if you -- whether you
17 seized it and what you did with it?

18 A. I photographed it prior to actually seizing it and
19 take physical custody of it. I logged it in on the Search
20 Warrant Inventory Sheet and then, subsequently, it was
21 placed into evidence - in an evidence bag and marked and
22 tagged for identification and submitted into the Beaufort
23 County Sheriff's Office Evidence Division.

24 Q. I'm going to approach and hand you what's been
25 previously marked as State's Exhibit Number Thirty-four for

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1 identification purposes only. Please tell me if you
2 recognize this?

3 A. I do, sir.

4 Q. What is it?

5 A. This is the digital scale that I seized and placed
6 into evidence.

7 Q. How do you know it's the same one?

8 A. It's identical to the photograph. I placed it in
9 there - in the evidence bag and it has my initials, my
10 badge number, it has the date on it and it has my name on
11 it, and it is my handwriting.

12 Q. Does it have a seal?

13 A. It does have a seal.

14 Q. Has that seal been tampered with?

15 A. No, it has not.

16 Q. Are you the one who placed the seal upon it?

17 A. I am.

18 SOLICITOR SHELTON: The State moves the State's
19 Exhibit Number Thirty-eight - Thirty-four rather into
20 evidence.

21 THE COURT: Any objection.

22 MR. JOHNSON: No, no objection, Your Honor.

23 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-FOUR,
24 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

25 Q. And I ask you to open it.

1 SOLICITOR SHELTON: Your Honor, may I approach?

2 THE COURT: Yes, sir.

3 THE COURT: May I approach again?

4 THE COURT: Yes, sir.

5 Q. Deputy Heroux, I am now handing you State's Exhibit
6 Number Eight and Nine. Please refer to the exhibit
7 numbers as you look at those pictures and tell me what you
8 see and whether you recognize it?

9 A. Yeah, State Exhibit Eight is a - it's a mirror that's
10 above the vanity of the master bathroom, and it contains a
11 photograph of the defendant, Stanley Wright, in the bottom
12 right-hand corner. Exhibit -- State Exhibit Number Nine is
13 the same photograph. It's just a up-close photograph of
14 it.

15 Q. You say it contains a photograph of Mr. Wright.
16 You're referring to an actual photograph that's on the
17 mirror?

18 A. Yes, sir, that it was placed on the mirror.

19 Q. And where is that mirror?

20 A. That mirror is in the master bathroom.

21 Q. Specifically?

22 A. Above the vanity.

23 Q. Is that the vanity you found the narcotics and drugs
24 inside of, suspected drugs inside of?

25 A. I did, sir.

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1 SOLICITOR SHELTON: The State requests - moves into
2 evidence State's Exhibit Number Eight and State's Exhibit
3 Number Nine.

4 THE COURT: Any objection.

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: Thank you.

7 (WHEREUPON: STATE'S EXHIBIT NUMBER EIGHT AND NINE,
8 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

9 Q. Is that State's Exhibit Number Eight as you see it
10 there?

11 A. It is, sir.

12 Q. And that is the mirror you're speaking of above the
13 master bathroom vanity?

14 A. Yes, sir.

15 Q. And is that State's Exhibit Number Nine?

16 A. Yes, sir.

17 Q. And is that the picture of the same picture image of
18 the defendant, Mr. Stanley Wright?

19 A. It is, sir.

20 Q. I want to approach which has been previously marked as
21 State's Exhibit Number Thirty-three for identification
22 purposes only.

23 SOLICITOR SHELTON: May I approach, Your Honor?

24 THE COURT: Yes, sir.

25 Q. Please tell the jury what you see and if you recognize

1 it and what it is and how you know that?

2 A. This is the photograph of Stanley Wright, it's
3 depicted there.

4 Q. The same photograph?

5 A. Yes, sir.

6 Q. Did you seize that photograph?

7 A. I did seize it.

8 Q. From where did you seize it?

9 A. From the mirror that was located above the vanity in
10 the master bathroom.

11 Q. That mirror that you see there in State's Exhibit
12 Number Nine?

13 A. Yes, sir.

14 Q. And has it - has it been altered in any way?

15 A. No, sir.

16 SOLICITOR SHELTON: The State moves State's Exhibit
17 Number Thirty-three into evidence, Your Honor.

18 THE COURT: Any objection.

19 MR. JOHNSON: No objection, Your Honor.

20 THE COURT: Thank you.

21 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-THREE,
22 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

23 Q. Now, I am going to approach with State's Exhibit
24 Number Twenty. You recognize this?

25 A. Yes, sir.

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1 Q. What is it?

2 A. Those are the Mason jars that were, I guess for all
3 practical purposes, it was a garden tub, you would call it,
4 and it has a shelf around it, a flat surface area, and
5 that's where the Mason jars were found.

6 Q. And ---

7 A. In the master bathroom.

8 Q. --- is that where they were when you took that
9 picture?

10 A. Yes, sir.

11 Q. Does that fairly and accurately depict where you
12 located those Mason jars?

13 A. It is, sir.

14 SOLICITOR SHELTON: The State moves State's Exhibit
15 Number Twenty into evidence.

16 THE COURT: Any objection.

17 MR. JOHNSON: No objection.

18 THE COURT: Thank you.

19 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY, IDENTIFIED
20 AND MARKED, RECEIVED INTO EVIDENCE.)

21 Q. Do you see State's Exhibit Twenty there?

22 A. I do, sir.

23 Q. And that bottom right portion is the portion that you
24 were describing at the top of the garden tub?

25 A. Yes, sir.

1 Q. What is to the left where you see the corner of the
2 cup?

3 A. Most people would call it a different thing, but it's
4 - I would call it a half-wall which is an area where the
5 tub ends and then it's just a little wall area that's
6 covered in that Formica.

7 Q. I'm going to hand you - what did you do with those? I
8 apologize.

9 Strike that, please, Madame Court Reporter.

10 What did you do with the Mason jars?

11 A. Took photographs of them, and then seized them and
12 placed them in an evidence bag, marked and tagged them for
13 identification and logged them in on the Search Warrant
14 Inventory and, subsequently placed them into the Beaufort
15 County Sheriff's Office temporary storage.

16 Q. I'm going to approach, if it pleases the Court, and
17 hand you State's Exhibit Number Thirty-six.

18 Do you recognize State's Exhibit Number Thirty-six?

19 A. I do.

20 Q. What do you see?

21 A. It's a brown evidence bag with a seal on it and it
22 says, "Garden tub in bathroom of bedroom Number 4. Two
23 glass Mason jars on garden tub," with my name on it, my
24 badge number, and a case number.

25 Q. Are those the Mason jars in Exhibit Twenty seen in

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1 this Exhibit Twenty here?

2 A. Yes, sir.

3 Q. And how do you know that?

4 A. By how they are labeled and I can feel it right now
5 through a - through the bag, one's small, one's large.

6 Q. Did you affix the seal to the bag?

7 A. I did.

8 Q. Has the seal been tampered with in any way?

9 A. No, sir.

10 SOLICITOR SHELTON: The State moves State's Exhibit
11 Number Thirty-six into evidence.

12 THE COURT: Any objection.

13 MR. JOHNSON: No objection, Your Honor.

14 THE COURT: Thank you.

15 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-SIX,
16 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

17 Q. Deputy Heroux, I'm going to approach to what's already
18 been published to the jury as State's Exhibit Number Ten
19 and State's Exhibit Number Eleven. I want to ask you to
20 tell me if you recognize those briefly. They're already in
21 evidence, so you can show them to the jury.

22 A. Yes, this is the identification card that I
23 photographed and seized at [REDACTED].

24 Q. And where was that card located?

25 A. It was the only bed in the master bedroom, and

1 this was located to the right. If you're looking at the
2 bed from the footboard, it would be on the right-hand side,
3 not exactly on the floor but on top of something that was
4 on the floor and it clearly states "Stanley Leonard
5 Wright."

6 Q. You just said that is the only bed in the master
7 bedroom?

8 A. That was the only bed in there yes, sir.

9 Q. And where is the bed positioned in relation to the
10 master bathroom?

11 A. If I remember correctly, if you were laying in the
12 bed, the bathroom would be here to your left-hand side.
13 There would be a doorway and you could go into the
14 bathroom, and then the vanity would be immediately to the
15 left when you enter the bathroom.

16 Q. Is there any way to get to the master bathroom without
17 going through the master bedroom?

18 A. No, sir.

19 Q. So that ID, is it located between the bed and the
20 master bathroom?

21 A. Yes, sir.

22 Q. You said you seized the ID?

23 A. I did.

24 Q. And you said you placed it into evidence?

25 A. I did.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 Q. I'm going to approach what's been marked for
2 identification purposes only, again, State's Exhibit Number
3 Thirty-seven. Do you recognize that?

4 A. I do.

5 Q. What is it?

6 A. It's the South Carolina identification card that I
7 seized.

8 Q. Who is it of?

9 A. Stanley Wright.

10 Q. And that's the same card that is in the picture that
11 have been previously moved into evidence as State's Exhibit
12 Number Ten and Eleven?

13 A. It is, sir.

14 Q. The one seized next to the bed in the master bathroom.
15 - bedroom?

16 A. Yes, sir.

17 Q. How do you know is it -- does it appear to be altered
18 in any way?

19 A. No, sir. I placed it in the evidence bag, put
20 evidence tape on it, placed my initials here, my badge
21 number and the date that it was sealed, and there's my
22 handwriting for the description of it and where it was
23 found and what it is.

24 Q. Has the seal been broken?

25 A. No, sir.

1 SOLICITOR SHELTON: The State will move State's
2 Exhibit Number Thirty-seven into evidence.

3 THE COURT: Any objection.

4 MR. JOHNSON: No objection, Your Honor.

5 THE COURT: Thank you.

6 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-SEVEN,
7 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

8 SOLICITOR SHELTON: I beg the court's indulgence just
9 briefly.

10 (PAUSE.)

11 Q. I have just published for the jury what's been
12 previously moved into evidence as State's Exhibit Number
13 Sixteen. Do you recognize this?

14 A. Yes, sir.

15 Q. What is it?

16 A. That is the closet in the master bedroom.

17 Q. And what do you see in the top left corner of the
18 closet?

19 A. You can see it's either going to be a magazine or it's
20 going to be the butt of the pistol grip for the gun that
21 was found on the shelf there.

22 Q. I want to approach you now with the State's Exhibit
23 Number Fifteen for identification purposes only. You
24 recognize this picture?

25 A. Yes, sir.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 Q. What is it?

2 A. It's the closet which is shown right there and this is
3 a picture of the floor with various footwear, mainly
4 sneakers.

5 Q. Is that a fair and accurate depiction of the same
6 closet?

7 A. Yes, sir.

8 SOLICITOR SHELTON: The State moves State's Exhibit
9 Number Fifteen into evidence.

10 THE COURT: Any objection?

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: Thank you.

13 (WHEREUPON: STATE'S EXHIBIT NUMBER FIFTEEN,
14 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

15 Q. And now do you see male or female clothing inside of
16 that closet?

17 A. To me it appears to be male clothing.

18 Q. And that is State's Exhibit Number Fifteen now
19 published to the jury?

20 A. That is yes, sir.

21 Q. This you see here has already been moved into evidence
22 as State's Exhibit Number Sixteen. What do you see here?

23 A. The black object all the way to the right on the shelf
24 is a magazine that fits into the semi-automatic pistol.

25 And the larger black object to the left of that is going to

1 be the pistol itself with the magazine in the magazine
2 well.

3 Q. And where did you locate that?

4 A. That was in the same closet as you just showed in
5 Exhibit --

6 Q. In State's Exhibit Twenty-one?

7 A. Fifteen.

8 Q. Fifteen and Twenty?

9 A. Yes, sir.

10 Q. Thank you.

11 A. On the shelf.

12 Q. Oh, Fifteen. Thank you. And this is State's Exhibit
13 Number Seventeen already moved into evidence. What do you
14 see here?

15 A. That is the magazine to the right. The far right is a
16 magazine that was empty. Then you have the gun itself
17 which is a .40 caliber. By its markings it indicated it
18 was a .40 caliber semi-automatic that had a magazine in the
19 magazine well with nine bullets in it that you can't see
20 there, and then one bullet to the left.

21 Q. And again, that's in the same closet as before?

22 A. Yes, sir.

23 Q. And what closet is this in the residence?

24 A. This is the closet of the master bedroom in which the
25 master bathroom is off of.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 Q. Is there any way to get to this closet without going
2 into the master bedroom?

3 A. That would be the only way, sir.

4 Q. I'm going to hand you what's been marked State's
5 Exhibit Number Thirty-eight for identification purposes
6 only. Please tell the jury what you see.

7 A. This is a evidence box that we - normally supplied
8 with that we place firearms into and I wrote on here "Smith
9 & Wesson .40 caliber," with the model number, serial
10 number, the magazines, the bullets and where it was found
11 and case number.

12 Q. Do you know what firearm is actually inside of that?

13 A. Yes, sir. It should be --

14 Q. What is it?

15 A. It should be that firearm right there.

16 Q. By referring to "that firearm right there," you're
17 referring to State's Exhibit Number Seventeen? It's
18 State's Exhibit Number Seventeen.

19 A. Exhibit Number Seventeen, yes, sir.

20 Q. Let the record reflect it's State's Exhibit Number
21 Seventeen.

22 (WITNESS IDENTIFIED STATE'S EXHIBIT NUMBER SEVENTEEN.)

23 MADAME COURT REPORTER: And what was your answer?

24 A. Yes.

25 Q. And how do you know that?

1 A. I photographed it, I seized it, and I was the one that
2 put it in this box.

3 Q. Now, how do you know that's the same box?

4 A. Because I placed the evidence tape on it, my initials,
5 my badge number, the date. They're on all the corners.
6 They're on all the openings, and it's also my handwriting
7 as far as the descriptive wording is, my initials that I
8 submitted into temporary area storage and the date and the
9 time.

10 Q. You said evidence tape, is that what you seal it with?

11 A. That, that's what we refer to the red tape that
12 says "Evidence" on it, we commonly refer to that as
13 evidence tape.

14 Q. And is the seal still affixed to the box?

15 A. Yes, sir.

16 Q. And who sealed the box?

17 A. I did.

18 Q. And when did you do that?

19 A. On September 1st, 2011.

20 SOLICITOR SHELTON: The State moves State's Exhibit
21 Number Thirty-eight into evidence.

22 THE COURT: Any objection.

23 MR. JOHNSON: No objection, Your Honor.

24 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-EIGHT,
25 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 SOLICITOR SHELTON: Your Honor, we do have a lock.

2 THE COURT: Oh. The next question I want to make sure
3 we have safe handling of the firearm.

4 SOLICITOR SHELTON: May I approach?

5 THE COURT: Yes, sir.

6 SOLICITOR SHELTON: Thank you.

7 THE COURT: And, Solicitor, if you would just have the
8 witness explain what he's doing with the firearm so --

9 SOLICITOR SHELTON: Would you please --

10 Thank you, Your Honor.

11 THE COURT: Thank you.

12 Q. Would you please explain exactly what you're doing
13 with the firearm and what you're doing right now as you're
14 preparing to?

15 A. Well, I don't -- we wore -- I wore gloves. We wear
16 gloves when we seize things, so I don't know where that gun
17 has been so just for protection, I put the gloves on. I'm
18 going to open up the box on the bottom to keep the gun
19 stationary. We put white zip ties, so I'm going to go
20 ahead and cut those, but I'm going to open up the box
21 first.

22 (WITNESS OPENED EVIDENCE.)

23 A. The firearm is safe. There is a zip-tie through it.
24 I also put a locking device on it as well.

25 Q. Now, did you do anything with the bullets before

1 putting it into that box?

2 A. I took them out of the magazine.

3 Q. Did you place them in anything?

4 A. Yes, sir. I'll show those to you here. It's in a --
5 it's a brown paper bag. I put ten, .40 caliber bullets
6 with my initials on it. There are ten.

7 Q. Will you please just show those to the jury?

8 SOLICITOR SHELTON: I ask that he step down.

9 THE COURT: Sure. That's fine.

10 SOLICITOR SHELTON: You can step down.

11 (WITNESS LEFT WITNESS STAND.)

12 Q. I'd ask that I may publish the firearm to the jury
13 as long as it's secure, I'm just going to walk by and show
14 it to them, Your Honor.

15 A. It is.

16 THE COURT: Sure. I would just like the officer to
17 explain ---

18 SOLICITOR SHELTON: Okay.

19 THE COURT: --- how the lock works and the mechanism
20 so that they understand ---

21 SOLICITOR SHELTON: Thank you, Your Honor.

22 THE COURT: --- the mechanism of locking it and it is
23 unloaded and is secured.

24 A. Okay.

25 SOLICITOR SHELTON: Thank you, Your Honor.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 A. The lock itself goes through the magazine well here
2 and out the ejection port. The slide which is the top part
3 is to the rear, so there is -- basically right now, there
4 is no way that that slide can go forward. There is no way
5 that you could put a magazine in here. There is no way you
6 can put an individual bullet in here and send the slide
7 forward and pull the trigger. There is -- right now, there
8 is no way that this can be fired.

9 THE COURT: Thank you, you may publish it to the jury.

10 A. And I have the key.

11 There is also a zip-tie in there as well and the two
12 magazines.

13 Q. Thank you. Will you please publish those for the jury
14 as well?

15 (WITNESS COMPLIED/RETURNED TO WITNESS STAND.)

16 THE COURT: You may proceed.

17 SOLICITOR SHELTON: Thank you, Your Honor, may it
18 please the court. May I approach, Your Honor?

19 THE COURT: Yes, sir.

20 SOLICITOR SHELTON: Let's give this to the court
21 reporter.

22 Q. Now, there are two magazines in State's Exhibit Number
23 Thirty-eight. Correct?

24 A. Yes, sir.

25 Q. And there are two magazines in State's Exhibit Number

1 Seventeen published now for the jury, Exhibit - you said
2 one of the magazines was loaded?

3 A. Yes, sir.

4 Q. Which magazine was loaded?

5 A. It was going to be the one that's actually in the gun
6 itself, according to my report.

7 Q. Now, I'm going to approach for identification purposes
8 only State's Exhibit Number Twenty-one.

9 Do you recognize this picture?

10 A. I do, sir.

11 Q. What does it depict?

12 A. It appears to be men's footwear, a lamp shade, a
13 bottle of Sprite, a plastic bottle, a small pillow, a gum
14 wrapper, a hanger, and there is a blue, I would call it a
15 laundry bag full of assorted mail.

16 Q. Mail?

17 A. Yes, sir.

18 Q. Where was that picture taken?

19 A. This was in between the bed and the entrance to the
20 master bathroom of the master bedroom.

21 Q. And who is the mail addressed to?

22 A. Stanley Wright.

23 Q. Is it a fair and accurate depiction of that scene on
24 that day?

25 A. Yes.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 SOLICITOR SHELTON: The State moves to publish State -
2 moves into evidence and to publish State's Exhibit Number
3 Twenty-one.

4 THE COURT: Any objection.

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: Thank you.

7 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-ONE,
8 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE AND PUBLISHED
9 TO THE JURY.)

10 Q. Is this the picture you're speaking of State's Exhibit
11 Number Twenty-one?

12 A. It is, sir.

13 Q. And the blue bag you were speaking of is this, this
14 bag here?

15 A. Yes, sir.

16 Q. And the mail in that bag is addressed to Stanley
17 Wright?

18 A. Yes, sir.

19 Q. I'm now going to hand you in sequence State's Exhibit
20 Number Twenty-four, Twenty-five, and Twenty-six for
21 identification purposes only. You recognize those
22 pictures?

23 A. I do, sir.

24 Q. What are they of?

25 A. State Exhibit Twenty-four is a picture of some books

1 on a shelf and a white statue and behind the white statue
2 is U.S. currency.

3 Q. And where was that picture taken?

4 A. This was in the living room of [REDACTED].

5 Q. Did you take the picture?

6 A. I did.

7 Q. And please move to the next exhibit, State's Exhibit
8 Number Twenty-five. What do you see there?

9 A. It is just a close-up picture showing more detail of
10 the statue and of the U.S. currency behind it.

11 Q. And State's Exhibit Number Twenty-six, what do you
12 see?

13 A. And this is the U.S. currency that I seized that was
14 in that - in the previous photos for State Exhibit Twenty-
15 four and Twenty-five and the money is just laid out so that
16 we take a photo of it.

17 Q. And did you count that money?

18 A. I did, sir.

19 Q. How much was it?

20 A. If I could refer to my report quickly?

21 Q. To help refresh your recollection, please do.

22 A. It was One Thousand dollars.

23 Q. You stated that was in the living room?

24 A. Yes, sir.

25 Q. Of [REDACTED]?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 A. Yes, sir.

2 Q. And those are all fair and accurate depictions of the
3 way the money worked on the big shelf and the money spread
4 out?

5 A. Yes, sir.

6 SOLICITOR SHELTON: At this time, Your Honor, the
7 State moves into evidence State's Exhibit Number Twenty-
8 four, Twenty-five, and Twenty-six.

9 THE COURT: Any objections. Mr. Johnson?

10 MR. JOHNSON: No, there's no objection, Your Honor.
11 I'm sorry.

12 (WHEREUPON: STATE'S EXHIBIT NUMBERS TWENTY-FOUR,
13 TWENTY-FIVE, AND TWENTY-SIX, IDENTIFIED AND MARKED,
14 RECEIVED INTO EVIDENCE.)

15 Q. This is State's Exhibit Number Twenty-four. Is this
16 the picture you just testified to seeing?

17 A. It is, sir.

18 Q. You stated that there is money on the bookshelf. Is
19 this the money you're speaking of here?

20 A. Yes, sir.

21 Q. And that's how you found it?

22 A. Yes, sir.

23 Q. And you're the one who took that picture before anyone
24 manipulated it?

25 A. That is true.

1 Q. And this is a close-up view of the money?

2 A. It is.

3 SOLICITOR SHELTON: And that's State's Exhibit Number
4 Twenty-five, Madame Court Reporter.

5 Q. Again, this is before you seized it?

6 A. That is correct.

7 Q. And this is how it looked where it lay?

8 A. Yes, sir.

9 Q. And this is State's Exhibit Twenty-six?

10 A. Yes.

11 Q. And is that when you laid it out to count it?

12 A. Yes, sir.

13 Q. And is that the same money that's in State's Exhibit
14 Number Twenty-five?

15 A. Yes, sir.

16 Q. And that is One Thousand Dollars?

17 A. Yes, sir.

18 Q. Is that the same money that was seized from the
19 Defendant's person?

20 A. No, sir.

21 Q. That's a separate One Thousand Dollars?

22 A. Yes, sir.

23 SOLICITOR SHELTON: I beg the court's indulgence
24 briefly, Your Honor.

25 (PAUSE.)

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 SOLICITOR SHELTON: May I approach the witness, Your
2 Honor?

3 THE COURT: Yes, sir.

4 Q. Deputy Heroux, I'm going to hand you State's Exhibit
5 Number Thirty-nine. Do you recognize this?

6 A. I do, sir.

7 Q. What is it?

8 A. It is basically a property receipt notifying a
9 defendant that we are seizing property under 44-53-520 or
10 44-53-530, State statute, and it is for Fourteen Hundred
11 and Eighty Dollars from the person of Stanley Leonard
12 Wright and One Thousand Dollars from within the residence
13 searched.

14 Q. Did you sign that form?

15 A. I did.

16 Q. And did anyone else sign that form?

17 A. Stanley Wright did.

18 Q. And where was he when he signed the form?

19 A. The Beaufort County Detention Center.

20 Q. Was he in your presence?

21 A. He was.

22 Q. And is that a fair and accurate reproduction of that
23 form?

24 A. It is.

25 SOLICITOR SHELTON: The State moves State's Exhibit

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 Number Thirty-nine into evidence.

2 THE COURT: Any objection.

3 MR. JOHNSON: I have no objection, Your Honor.

4 THE COURT: Thank you.

5 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-NINE,
6 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

7 SOLICITOR SHELTON: I ask that I may publish it to the
8 jury, Your Honor?

9 THE COURT: Yes, sir.

10 (STATE'S EXHIBIT THIRTY-NINE PUBLISHED TO THE JURY.)

11 Q. Now, Deputy Heroux, now that all of this evidence has
12 been entered in and where you seized it, I'd like to you
13 refer back to State's Exhibit Number Twenty-eight, the
14 diagram of the house.

15 SOLICITOR SHELTON: May I ask that he approach the
16 jury?

17 THE COURT: Sure.

18 (WITNESS LEAVING WITNESS STAND.)

19 Q. Showing the jury that exhibit, will you please tell
20 the jury where you located, where the master bathroom is
21 located?

22 A. The master bathroom would be up here, so if you're
23 looking at it, it'd be the top left-hand corner.

24 Q. Is that where the suspected drugs were found?

25 A. Yes.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

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1 Q. Where is the master bedroom?

2 A. It'd be the other area right here.

3 THE COURT: I'm sorry, I didn't hear you.

4 A. It'd be the other area located in the same block right
5 here.

6 Q. I note that you have noted two doors on the master
7 bathroom. Are there two doors going into the master
8 bathroom and will you please explain that to the jury?

9 A. On there - there is - if I remember correctly, there
10 was a French door, if you would, going in the first
11 entrance off the -- off the bedroom itself and the bathroom
12 with that second door is actually a - it should be a closet
13 is what that is.

14 Q. So that's not a second door going into the bath
15 - bathroom, just for clarification?

16 A. Yes, sir.

17 Q. Is that what you could do with your program? Is that
18 what you had to do with your program to create that
19 diagram?

20 A. Yes, sir.

21 Q. Now, when -- as you're holding it there, which side is
22 the front of the house?

23 A. This would be the front right here and is indicated
24 by the front door.

25 Q. And will you please now again get State's Exhibit

1 Number Twenty-nine and correlate that to the - that's the
2 picture of the house - correlate that picture with the
3 diagram for the jury so that they can understand it.

4 A. This room, the bedroom right here would be this window
5 right here. Now, on the opposite side on the back corner
6 is where the bathroom would be. So that's the bedroom and
7 the back side is where the bathroom would be.

8 MADAME COURT REPORTER: And on the back side?

9 A. On the back side yes, ma'am.

10 MADAME COURT REPORTER: Is where the?

11 A. Bathroom would be, the master bath would be or the
12 master bedroom.

13 Q. Thank you. Please return to the witness stand.

14 (WITNESS RETURNED TO WITNESS STAND.)

15 Q. Was all of this evidence kept in your custody ---

16 A. Yes.

17 Q. --- your custody?

18 A. Yes, sir.

19 Q. And, again, what did you do with it after you brought
20 it and packaged it at the Drug Task Force headquarters?

21 A. I placed it in the temporary evidence storage, locked
22 all the locks and continued on.

23 Q. And who has access to those locks?

24 A. Evidence personnel.

25 Q. And no one else?

CORPORAL RAYMOND HEROUX: BY MR. JOHNSON

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1 A. That is correct.

2 SOLICITOR SHELTON: Thank you, those are all the
3 questions I have. Please answer any questions the defense
4 attorney may have for you.

5 THE COURT: Mr. Johnson.

6 MR. JOHNSON: Thank you, Your Honor, may it please the
7 Court.

8 CROSS-EXAMINATION

9 CORPORAL RAYMOND HEROUX BY MR. JOHNSON:

10 Q. Officer Heroux, good afternoon.

11 A. How you doing?

12 Q. All right. Just a couple of questions. There was a
13 lot of evidence that's presented to the jury. Except for
14 the bag that contained the alleged marijuana, the bag that
15 contained the alleged cocaine, did you find any drug
16 residue on any of the other items?

17 A. On any items that I had seized?

18 Q. That you presented to the jury today, right, that you
19 seized. Such as the jars. We will take one at a time.
20 The jars, was there drugs in the jars?

21 A. I'd have to look at it, but I would be speculating if
22 I said yes, but I believe there was some remnants but --

23 Q. Do you have any evidence that there was ---

24 A. No.

25 Q. --- in any type of analysis or anything like that?

1 A. No.

2 Q. So for this case, there is no evidence that drugs was
3 in that jar. Correct?

4 A. Correct.

5 Q. All right. The money, you - how long have you been
6 investigating to the Drug Task Force?

7 A. In 2005, I did about eight months, and then when I did
8 this search warrant, it was about six-and-a-half months, so
9 a little over a year.

10 Q. Have you found --

11 A. In total.

12 Q. Well, are you finished, I didn't want to cut you
13 short?

14 A. Yes, sir.

15 Q. Okay. Just your opinion, but is there - is there some
16 time that you can find drug residue on money because of the
17 people handling money and drugs from one person to the
18 another ---

19 A. Yes, sir.

20 Q. --- because their used to that? Was any drug residue
21 found on this - the - either one of the thousand dollars
22 that you have any evidence of?

23 A. No.

24 Q. Okay. On the Thousand Dollars, this was on the 31st
25 of the month, August the 31st. Correct?