

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Greenville County
Eugene C. Griffith, Jr., Circuit Court Judge

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SC SUPREME COURT

SETH A. STEARNS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-001681

APPENDIX

BENJAMIN JOHN TRIPP
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR PETITIONER

ALAN WILSON
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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH) IN THE COURT OF GENERAL
 CAROLINA) SESSIONS
)
 STATE GRAND JURY) INDICTMENT NO: 2005-GS-47-25
 COUNTY OF GREENVILLE) COUNT ONE

STATE OF SOUTH)
 CAROLINA)
)
 PLAINTIFF,) TRANSCRIPT OF RECORD
) TRIAL - VOLUME I
 -VS-)
)
 SETH AARON STEARNS,)
)
 DEFENDANT.)

DECEMBER 10, 2007
 GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE ALEXANDER S. MACAULAY, JUDGE; AND A
 JURY.

A P P E A R A N C E S:

SUSAN O. PORTER, ESQ.
 JENNIFER EVANS, ESQ.
 ASSISTANT ATTORNEY GENERALS, STATE GRAND JURY
 ATTORNEYS FOR THE STATE

MATT KAPPEL, ESQ.
 ATTORNEY FOR THE DEFENDANT

ROBIN SUE HILD, FCRR, RPR
 CIRCUIT COURT REPORTER
 POST OFFICE BOX 9
 WALHALLA, SC 29691

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WITNESSES

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NO WITNESSES WERE CALLED.

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NO.	DESCRIPTION	ID.	EV.
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Greenville County Courthouse

RANDOM STRIKE SHEET

2A

3

JUDGE NAME : Alexander S. McCauley

Sorted by: Random Nbr

TRIAL TYPE : Criminal

PANEL ID : MCCAULEY 12/10

DESCRIPTION : MCCAULEY 12/10

Trial

NAME	REF NUMBER	JUROR NBR	PLAINTIFF		DEFENDANT		Court	Remarks
			Chal	Strk	Chal	Strk		
1 Elvin, Sherlin A	39	87724	()	()	()	()	()	
2 Deciantis, Paul J	139	74457	()	X	()	()	()	
3 Lanford, Tony L	76	168899	()	()	()	()	()	
4 Watkins, Sharon T	3	4343	()	()	()	X	()	
5 Riddle, Mitchell A	106	244275	()	X	()	()	()	
6 Taylor, Starnell	124	287286	()	X	()	()	()	
7 Sherman, Talmadge	114	262506	()	()	()	()	()	
8 Mazzoli, Vanessa A	93	189214	()	()	()	()	()	Fore lady
9 Weber, Joseph A	129	307675	()	()	()	()	()	
10 Wilson, Tiffany L	136	318684	()	X	()	()	()	
11 Park, Brenda C	98	221826	()	()	()	X	()	
12 Allen, Marshall F	2	3797	()	()	()	()	()	
13 Lell, Denise R	142	173075	()	()	()	()	()	
14 Dewitt, John G	34	76476	()	()	()	()	()	
15 Bauer, Elizabeth R	7	17193	()	()	()	X	()	
16 Wilson, Donald R	144	317681	()	()	()	()	()	
17 Westmoreland, Kristi C	131	309651	()	()	()	()	()	
18 Harris, Vera D	90	188371	()	()	()	()	()	
19 Comprini, Gary E	25	60089	()	()	()	()	()	
20 Hartwig, Sarah Lynne K	60	126857	()	()	()	()	()	
21 Dunbar, April R	36	82281	()	()	()	()	()	
22 Jamison, Maxine	65	148672	()	()	()	()	()	
23 Ustanik, Gene A	127	297974	()	()	()	()	()	
24 Robertson, Rex A	143	246887	()	()	()	()	()	

Greenville County Courthouse
RANDOM STRIKE SHEET

2B

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DESCRIPTION : MCCAULEY 12/10

Trial

NAME	REF NUMBER	JUROR NBR	PLAINTIFF		DEFENDANT		Court	Remarks
			Chal	Strk	Chal	Strk		
25 Smith, Nicole Y	116	271064	()	()	()	()	()	_____
26 Hammitt, Douglas T	57	121956	()	()	()	()	()	_____
27 Delahoussaye, Brent M	33	74880	()	()	()	()	()	_____
28 Pendergrass, John S	99	225818	()	()	()	()	()	_____
29 Rector, Wendell H	104	239553	()	()	()	()	()	_____
30 Welborn, Victoria L	130	308281	()	()	()	()	()	_____
31 Fallow, Christopher W	40	90784	()	()	()	()	()	_____
32 Tirone, Robert M	125	292611	()	()	()	()	()	_____

Total Number of Jurors:

32

** END OF REPORT **

1 ***** START OF REQUESTED TRANSCRIPT *****

2 THE COURT: MADAM ASSISTANT ATTORNEY
3 GENERAL, YOU MAY CALL YOUR FIRST CASE.

4 MS. PORTER: THANK YOU, YOUR HONOR; IT'S THE
5 STATE VERSUS SETH AARON STEARNS IN INDICTMENT
6 2005-GS-47-25, COUNT ONE.

7 THE COURT: LADIES AND GENTLEMEN OF THE JURY
8 PANEL WE ARE ABOUT TO COMMENCE THE TRIAL OF THE STATE OF
9 SOUTH CAROLINA VERSUS SETH AARON STEARNS. THE STATE
10 WILL BE REPRESENTED BY MS. PORTER AND MS. EVANS.

11 IF YOU WOULD PLEASE STAND AND INTRODUCE
12 YOURSELVES TO THE JURY PANEL.

13 MS. PORTER: I'M MS. PORTER.

14 MS. EVANS: AND I'M MS. EVANS.

15 THE COURT: VERY GOOD, THANK YOU.

16 THE DEFENDANT, SETH AARON STEARNS, IS
17 REPRESENTED BY MR. KAPPEL.

18 MR. KAPPEL, IF YOU WOULD PLEASE STAND AND
19 INTRODUCE YOURSELF.

20 MR. KAPPEL: GOOD AFTERNOON. I'M MATT
21 KAPPEL WITH THE GREENVILLE BAR. IT'S NICE TO HAVE YOU
22 HERE.

23 THE COURT: VERY GOOD. NOW, PLEASE
24 UNDERSTAND THAT THE DEFENDANT, MR. SETH AARON STEARNS,
25 IS NOT WITH US TODAY. OUR LAW PROVIDES THAT THE

1 DEFENDANT DOES NOT HAVE TO PRESENT ANY SORT OF EVIDENCE
2 OR ANYTHING OF THAT NATURE, SO THE FACT THAT HE DOES NOT
3 EVEN PARTICIPATE IN THE TRIAL CANNOT BE HELD AGAINST
4 HIM.

5 HOWEVER, MR. STEARNS, I UNDERSTAND, IS FROM
6 PICKENS COUNTY; IS THAT CORRECT?

7 MR. KAPPEL: IT'S ACTUALLY ANDERSON COUNTY,
8 JUDGE.

9 THE COURT: ANDERSON COUNTY. BUT HE IS FROM
10 THIS AREA, BUT HE'S NOT WITH US TODAY. I'LL GIVE YOU
11 FURTHER INSTRUCTIONS ON THAT AS WE GO ALONG.

12 NOW, IS ANY MEMBER OF THE JURY PANEL RELATED
13 BY BLOOD OR MARRIAGE, NOW OR FORMERLY, OR CLOSE PERSONAL
14 FRIEND OR BUSINESS ASSOCIATE OF THE DEFENDANT, SETH
15 STEARNS, FROM ANDERSON COUNTY, SOUTH CAROLINA? IF SO,
16 PLEASE STAND. (NO RESPONSE.)

17 NOW, WAS ANY MEMBER OF THE JURY PANEL A
18 MEMBER OF THE STATE GRAND JURY THAT RETURNED THE
19 INDICTMENT IN THIS CASE? IF SO PLEASE STAND. (NO
20 RESPONSE.)

21 NOW I'M GOING TO BE ASKING YOU QUESTIONS OF
22 THE ENTIRE PANEL, BUT THE FIRST SERIES OF QUESTIONS WILL
23 HAVE TO DO WITH POTENTIAL WITNESSES IN THIS CASE. WHEN
24 I SAY POTENTIAL WITNESSES, THESE ARE WITNESSES WHO MAY
25 BE CALLED BUT DO NOT HAVE TO BE CALLED. SO LISTEN

1 CAREFULLY FOR THE NAMES. IF THEY HAPPEN TO BE IN COURT
2 AT THE TIME, IF THEY WOULD PLEASE STAND AND LOOK UPON
3 THE JURY PANEL. THE REASON I DO THAT, OF COURSE, IS WE
4 HAVE A TENDENCY THESE DAYS MAYBE NOT TO KNOW A PERSON'S
5 NAME, BUT WE MIGHT RECOGNIZE THEM BY SOME PRIOR OR
6 EARLIER ASSOCIATION.

7 LIEUTENANT MAX DORSEY. (STANDS.)

8 THANK YOU, SIR.

9 JOHN NELSON TURNER, JUNIOR.

10 KEVIN MOSER.

11 ROBERT SEXTON.

12 INVESTIGATOR CHRIS MARIJUANA.

13 KENNETH LAVENDER.

14 NESYA CARON, N-E-S-Y-A, C-A-R-O-N, I

15 UNDERSTAND IS WITH THE PICKENS COUNTY SHERIFF'S

16 DEPARTMENT.

17 SPECIAL AGENT CONNIE SONNEFELD OF S.L.E.D.

18 NATHAN MCCOY.

19 CHAD SEXTON.

20 OFFICER COWAN OF THE EASLEY POLICE

21 DEPARTMENT.

22 OFFICER JASON LOVELL.

23 LIEUTENANT D.E. PATTERSON.

24 INVESTIGATOR CHAD BROOKS. (STANDS.)

25 THANK YOU, SIR.

1 BRIAN MUELLER.

2 AMANDA FORDHAM.

3 AND MR. JOE WATSON IS AN ATTORNEY HERE IN
4 GREENVILLE COUNTY.

5 NOW, IS ANY MEMBER OF THE JURY PANEL RELATED
6 BY BLOOD OR MARRIAGE, CLOSE PERSONAL FRIEND OR BUSINESS
7 ASSOCIATE OF ANY OF THE POTENTIAL WITNESSES IN THIS
8 CASE: LIEUTENANT MAX DORSEY, JOHN NELSON TURNER,
9 JUNIOR; KEVIN MOSER, ROBERT SEXTON, INVESTIGATOR CHRIS
10 MARIJUANA, KENNETH LAVENDER, NESYA CARON, SPECIAL AGENT
11 CONNIE SONNEFELD, NATHAN MCCOY, CHAD SEXTON, OFFICER
12 COWAN OF THE EASLEY POLICE DEPARTMENT, LIEUTENANT D.E.
13 PATTERSON, INVESTIGATOR CHAD BROOKS, BRIAN MUELLER,
14 AMANDA FORDHAM, OR MR. JOE WATSON? IF SO, PLEASE STAND.
15 (NO RESPONSE.)

16 NOW, THE NEXT QUESTIONS, IF YOU WOULD,
17 PLEASE, WHEN I ASK THESE QUESTIONS ABOUT THE INDIVIDUAL
18 POTENTIAL WITNESSES, OF COURSE I DO WANT TO KNOW IF
19 ANYONE KNOWS ANY OF THE WITNESSES THAT MAY BE CALLED IN
20 THIS CASE, AND IF SO, IN ANY MANNER WHATSOEVER, IN FACT,
21 IF THEY WOULD PLEASE STAND. (NO RESPONSE.)

22 NOW, HAS ANYONE BEEN REPRESENTED BY OR DOES
23 ANYONE OTHERWISE KNOW THE DEFENDANT'S ATTORNEY, MATTHEW
24 KAPPEL? IF SO, PLEASE STAND. (NO RESPONSE.)

25 NOW, DOES ANYONE KNOW OR BEEN ASSOCIATED

1 WITH ANY MEMBER OF THE ATTORNEY GENERAL'S OFFICE OF
2 SOUTH CAROLINA, IF THEY WOULD PLEASE STAND AT THIS TIME.
3 (NO RESPONSE.)

4 HAS ANY MEMBER OF THE JURY PANEL OR MEMBERS
5 OF THEIR IMMEDIATE FAMILY OR CLOSE PERSONAL FRIENDS EVER
6 BEEN REPRESENTED BY MR. KAPPEL? IF SO, PLEASE STAND.
7 (NO RESPONSE.)

8 HAS ANY MEMBER OF THE JURY PANEL OR MEMBERS
9 OF THEIR IMMEDIATE FAMILY OR CLOSE PERSONAL FRIENDS EVER
10 BEEN PROSECUTED BY THE ATTORNEY GENERAL'S OFFICE? IF
11 SO, PLEASE STAND. (NO RESPONSE.)

12 IS THERE ANY MEMBER OF THE JURY PANEL OR
13 MEMBERS OF THEIR IMMEDIATE FAMILIES EVER BEEN CHARGED
14 WITH, CONVICTED OF ANY CRIME INVOLVING OR RELATING TO
15 DRUGS? IF SO, PLEASE STAND. (NO RESPONSE.)

16 IS ANY MEMBER OF THE JURY PANEL OR MEMBERS
17 OF THEIR IMMEDIATE FAMILY OR ANYONE RELATED BY BLOOD OR
18 MARRIAGE OR CLOSE PERSONAL FRIENDS, OR HAVE BEEN OR ARE
19 A CLOSE PERSONAL FRIEND OR BUSINESS ASSOCIATE OF ANYONE
20 INVOLVED IN LAW ENFORCEMENT? ANY MEMBER OF THE JURY
21 PANEL OR MEMBERS OF THEIR IMMEDIATE FAMILY, CLOSE
22 PERSONAL FRIENDS OR BUSINESS ASSOCIATES OF ANYONE
23 INVOLVED IN LAW ENFORCEMENT, IF YOU WOULD PLEASE STAND
24 AT THIS TIME. (NO RESPONSE.)

25 HAS ANY MEMBER OF THE JURY PANEL HAD ANY

1 KIND OF EXPERIENCE WITH A POLICE OFFICER, STATE TROOPER,
2 FEDERAL AGENT OR OTHER STATE OR FEDERAL ENFORCEMENT
3 AGENCY THAT MIGHT AFFECT YOUR ABILITY TO GIVE BOTH THE
4 STATE AND THE DEFENDANT A FAIR AND IMPARTIAL TRIAL IN
5 THIS CASE?

6 YES, MA'AM.

7 PROSPECTIVE JUROR: I THINK IT'S A PRIOR
8 QUESTION. MY FATHER-IN-LAW IS A RETIRED HIGHWAY
9 PATROLMAN.

10 THE COURT: I NEED TO KNOW JUST -- IT
11 DOESN'T MATTER HOW TENUOUS, JUST IF THERE IS A
12 CONNECTION. YOUR NAME, PLEASE?

13 PROSPECTIVE JUROR PARK: BRENDA PARK.

14 THE COURT: MS. PARK, WOULD THAT IN ANY WAY
15 INTERFERE WITH YOUR ABILITY TO GIVE BOTH THE STATE AND
16 THE DEFENDANT A FAIR AND IMPARTIAL TRIAL IN THIS CASE?

17 PROSPECTIVE JUROR PARK: NO, I DON'T THINK
18 SO.

19 THE COURT: THE REASON I ASK, THE REASON I
20 ASK THESE QUESTIONS ARE TWO-FOLD. OBVIOUSLY THE STATE
21 AND THE DEFENDANT ARE ENTITLED TO A FAIR AND IMPARTIAL
22 JURY. BUT ALSO, NONE OF YOU ASKED TO BE HERE TODAY, AND
23 I'M SURE YOU WOULD RATHER BE SOMEWHERE ELSE, AND SO I
24 CERTAINLY DON'T WANT TO PUT YOU IN A SITUATION THAT YOU
25 FEEL UNCOMFORTABLE OR MIGHT COMPROMISE SOME PRINCIPLE OR

1 SOME, A RESERVATION THAT YOU MIGHT HAVE, AND THAT'S THE
2 REASON I ASK, TO BE SURE THAT IT WOULD NOT IN ANY WAY
3 CREATE A PROBLEM FOR YOU.

4 PROSPECTIVE JUROR PARK: IT WOULD NOT.

5 THE COURT: VERY GOOD. THANK YOU VERY MUCH.
6 ANYONE ELSE? (NO RESPONSE.)

7 NOW WE'LL COME BACK TO THE -- WELL, AGAIN,
8 I'VE ASKED THAT QUESTION. DOES ANYONE HAVE ANY OPINION
9 OF THE USE OF MARIJUANA, METHAMPHETAMINE, COCAINE,
10 ECSTASY OR ANY OTHER ILLEGAL DRUG THAT MIGHT AFFECT YOUR
11 ABILITY TO GIVE THE STATE AND THE DEFENDANT A FAIR AND
12 IMPARTIAL TRIAL IN THIS CASE? IF SO, PLEASE STAND.

13 YES, SIR. YOUR NAME, PLEASE?

14 PROSPECTIVE JUROR ROBERTSON: REX ROBERTSON.

15 THE COURT: YES, SIR.

16 PROSPECTIVE JUROR ROBERTSON: I THINK IT
17 WOULD AFFECT MY JUDGMENT IN THIS CASE.

18 THE COURT: ALL RIGHT. WELL, I'M GOING TO
19 EXCUSE YOU ON THE TRIAL OF THIS CASE, AND I APPRECIATE
20 YOU BRINGING IT TO THE COURT'S ATTENTION. NOW, I'M
21 GOING TO HAVE TO ASK YOU TO STAY WITH US, BUT YOU WILL
22 BE EXCUSED.

23 DO YOU KNOW WHAT NUMBER MR. ROBERTSON IS.

24 THE CLERK: 24.

25 THE COURT: NOW, HAS ANY MEMBER OF THE JURY

1 PANEL FORMED OR EXPRESSED AN OPINION ABOUT THIS CASE?
2 IF SO, PLEASE STAND. (NO RESPONSE.)

3 IS ANY MEMBER OF THE PANEL AWARE OF ANY
4 INTEREST, BIAS OR PREJUDICE TOWARDS EITHER THE DEFENDANT
5 OR THE STATE OF SOUTH CAROLINA? IF SO, PLEASE STAND.
6 (NO RESPONSE.)

7 DOES ANY MEMBER OF THE PANEL KNOW ANY REASON
8 WHY HE OR SHE COULD NOT GIVE BOTH THE SOUTH CAROLINA AND
9 THE DEFENDANT A FAIR AND IMPARTIAL TRIAL? IF SO, PLEASE
10 STAND. (NO RESPONSE.)

11 ANY FURTHER QUESTIONS FROM THE STATE?

12 MS. PORTER: NO, YOUR HONOR.

13 THE COURT: FROM THE DEFENDANT?

14 MR. KAPPEL: NONE, YOUR HONOR.

15 THE COURT: VERY GOOD, THANK YOU.

16 JURY SELECTION:

17 THE COURT: NOW, MADAM FORELADY, LADIES AND
18 GENTLEMEN OF THE JURY, THE WAY WE DRAW A JURY IN GENERAL
19 SESSIONS -- AND I THINK YOU MIGHT HAVE GONE THROUGH THE
20 COMMON PLEAS PROCEDURE -- BUT IT'S DIFFERENT. WHAT WE
21 DO HERE IS THAT BY WAY OF OUR COMPUTERS WE HAVE BEEN
22 ABLE TO DRAW RANDOMLY A LIST OF YOUR NAMES IN A RANDOM
23 SEQUENCE, AND THE CLERK WILL CALL THE NAMES OF EACH
24 POTENTIAL JUROR. AND IF YOU WOULD, PLEASE -- HAVE A
25 BAILIFF OR SOMEONE TO SHOW THEM WHERE TO STAND HERE IN

1 THE COURTROOM.

2 THE BAILIFF: RIGHT UP HERE.

3 THE COURT: AND THEN YOU'LL TURN BACK
4 TOWARDS THE ATTORNEYS. WELL, I'LL TELL YOU WHAT. WHY
5 DON'T WE JUST, SINCE THEY ARE ALL FACING THAT WAY, WOULD
6 IT BE ALL RIGHT JUST TO STAND AT THE RAIL, MR. KAPPEL?

7 MR. KAPPEL: THAT'S FINE, JUDGE.

8 MS. PORTER: NO PROBLEM, YOUR HONOR.

9 THE COURT: ALL RIGHT, VERY GOOD.

10 SO YOU WILL JUST STAND AT THE GATE THERE AS
11 YOUR NAME IS CALLED. AND THE STATE WILL GO FIRST AND
12 THEY WILL EITHER SAY PRESENT THE JUROR OR EXCUSE THE
13 JUROR, THEN THE DEFENDANT WILL HAVE THAT.

14 MR. KAPPEL: CAN WE APPROACH FOR JUST A
15 MOMENT?

16 THE COURT: CERTAINLY.

17 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
18 CONFERRED WITH THE COURT OUT OF THE PRESENCE
19 OF THE COURT REPORTER AND THE JURY PANEL.)

20 THE COURT: ALL RIGHT. AS I SAY, THE STATE
21 WILL GO FIRST, AND AS YOU APPEAR, THEY WILL EITHER SAY
22 PRESENT THE JUROR OR EXCUSE THE JUROR. THEN THE
23 DEFENDANT WILL HAVE AN OPPORTUNITY TO SAY EITHER SWEAR
24 THE JUROR OR EXCUSE THE JUROR. AND THEN THAT WAY WE
25 WILL EMPANEL A JURY OF 12, AND I THINK IN THIS CASE

1 WE'LL ALSO HAVE TWO ALTERNATES. AND AS FAR AS THE
2 STRIKES ARE CONCERNED, I THINK IT'S FIVE AND FIVE.

3 MS. PORTER?

4 MS. PORTER: YES, SIR, YOUR HONOR.

5 THE COURT: MR. KAPPEL?

6 MR. KAPPEL: YES, SIR, YOUR HONOR.

7 THE COURT: ALTERNATES IS ONE AND TWO.

8 IS THAT RIGHT, MS. PORTER?

9 MS. PORTER: YES, SIR, YOUR HONOR.

10 THE COURT: MR. KAPPEL?

11 MR. KAPPEL: YES, SIR, YOUR HONOR.

12 THE COURT: ALL RIGHT. VERY GOOD.

13 THE CLERK: MAY IT PLEASE THE COURT?

14 THE COURT: YES, SIR.

15 THE CLERK: PLEASE STEP FORWARD WHEN YOUR
16 NUMBER AND NAME IS CALLED.

17 NUMBER 39, SHERLIN A. ELVIN (BLACK FEMALE).

18 WHAT SAYS THE STATE?

19 MS. PORTER: PLEASE SEAT MS. ELVIN.

20 THE CLERK: WHAT SAYS THE DEFENSE?

21 MR. KAPPEL: PLEASE SEAT THE JUROR.

22 THE CLERK: JUROR NUMBER 139, PAUL J.
23 DECIANTIS (WHITE MALE).

24 WHAT SAYS THE STATE?

25 MS. PORTER: PLEASE EXCUSE THE JUROR.

1 THE CLERK: PLEASE BE SEATED.

2 JUROR NUMBER 76, TONY L. LANFORD (WHITE
3 MALE).

4 WHAT SAY THE STATE?

5 MS. PORTER: PLEASE SEAT MR. LANFORD.

6 THE CLERK: WHAT SAYS THE DEFENSE?

7 MR. KAPPEL: PLEASE SEAT THE JUROR.

8 THE CLERK: JUROR NUMBER THREE, SHARON T.
9 WATKINS (WHITE FEMALE).

10 WHAT SAYS THE STATE?

11 MS. PORTER: PLEASE SEAT MS. WATKINS.

12 THE CLERK: WHAT SAYS THE DEFENSE?

13 MR. KAPPEL: PLEASE EXCUSE THIS JUROR.

14 THE CLERK: 106, MITCHELL A. RIDDLE (WHITE
15 MALE).

16 WHAT SAYS THE STATE?

17 MS. PORTER: PLEASE EXCUSE MR. RIDDLE.

18 THE CLERK: JUROR NUMBER 124, STARNELL
19 TAYLOR (BLACK FEMALE).

20 MS. PORTER: PLEASE EXCUSE MS. TAYLOR.

21 THE CLERK: JUROR NUMBER 114, TALMADGE
22 SHERMAN (BLACK MALE).

23 WHAT SAYS THE STATE?

24 MS. PORTER: PLEASE SEAT MR. SHERMAN.

25 THE CLERK: DEFENSE?

1 MR. KAPPEL: PLEASE SEAT THE JUROR.

2 THE CLERK: JUROR NUMBER 93, VANESSA A.

3 MAZZOLI (WHITE FEMALE).

4 WHAT SAYS THE STATE?

5 MS. PORTER: PLEASE SEAT MS. MAZZOLI.

6 THE CLERK: WHAT SAYS THE DEFENSE?

7 MR. KAPPEL: PLEASE SWEAR THE JUROR.

8 THE CLERK: JUROR NUMBER 129, JOSEPH A.

9 WEBER (WHITE MALE).

10 WHAT SAY THE STATE?

11 MS. PORTER: PLEASE SEAT MR. WEBER.

12 THE CLERK: WHAT SAYS THE DEFENSE?

13 MR. KAPPEL: PLEASE SWEAR THE JUROR.

14 THE COURT: JUROR 136, TIFFANY L. WILSON

15 (BLACK FEMALE).

16 WHAT SAYS THE STATE?

17 MS. PORTER: PLEASE EXCUSE MS. WILSON.

18 THE CLERK: JUROR NUMBER 98, BRENDA C. PARK

19 (WHITE FEMALE).

20 WHAT SAYS THE STATE?

21 MS. PORTER: PLEASE SEAT MS. PARK.

22 THE CLERK: WHAT SAYS THE DEFENSE?

23 MR. KAPPEL: PLEASE EXCUSE THIS JUROR.

24 THE CLERK: JUROR NUMBER TWO, MARSHALL F.

25 ALLEN (BLACK MALE).

1 WHAT SAYS THE STATE?

2 MS. PORTER: PLEASE SEAT MR. ALLEN.

3 THE CLERK: WHAT SAYS THE DEFENSE?

4 MR. KAPPEL: PLEASE SWEAR THE JUROR.

5 THE CLERK: JUROR NUMBER 142, DENISE R. LELL
6 (WHITE FEMALE).

7 WHAT SAYS THE STATE?

8 MS. PORTER: PLEASE SEAT MS. LELL.

9 THE CLERK: WHAT SAYS THE DEFENSE?

10 MR. KAPPEL: PLEASE SWEAR THE JUROR.

11 THE CLERK: JUROR NUMBER 34, JOHN G. DEWITT
12 (WHITE MALE).

13 WHAT SAYS THE STATE?

14 MS. PORTER: PLEASE SEAT MR. DEWITT.

15 THE CLERK: WHAT SAYS THE DEFENSE?

16 MR. KAPPEL: PLEASE SWEAR THE JUROR.

17 THE CLERK: JUROR NUMBER 7, ELIZABETH R.
18 BAUER (WHITE FEMALE).

19 WHAT SAYS THE STATE?

20 MS. PORTER: PLEASE SEAT MS. BAUER.

21 THE CLERK: WHAT SAYS THE DEFENSE, PLEASE?

22 MR. KAPPEL: PLEASE EXCUSE THIS JUROR.

23 THE CLERK: JUROR NUMBER 144, BE DONALD R.
24 WILSON (WHITE MALE).

25 WHAT SAYS THE STATE?

1 MS. PORTER: PLEASE SEAT MR. WILSON.

2 THE CLERK: WHAT SAYS THE DEFENSE?

3 MR. KAPPEL: PLEASE SWEAR THE JUROR.

4 THE CLERK: JUROR NUMBER 131, CHRISTIE C.

5 WESTMORELAND (WHITE FEMALE).

6 WHAT SAYS THE STATE?

7 MS. PORTER: PLEASE SEAT MS. WESTMORELAND.

8 THE CLERK: WHAT SAYS THE DEFENSE?

9 MR. KAPPEL: PLEASE SWEAR THE JUROR.

10 THE CLERK: JUROR NUMBER 90, VERA D. HARRIS

11 (WHITE FEMALE).

12 WHAT SAYS THE STATE?

13 MS. PORTER: PLEASE SEAT MS. HARRIS.

14 THE CLERK: WHAT SAYS THE DEFENSE?

15 MR. KAPPEL: PLEASE SWEAR THE JUROR.

16 THE CLERK: JUROR NUMBER 25, GARY E.

17 COMPRINI (WHITE MALE).

18 WHAT SAYS THE STATE?

19 MS. PORTER: PLEASE SWEAR MR. COMPRINI.

20 THE CLERK: WHAT SAYS THE DEFENSE?

21 MR. KAPPEL: PLEASE SWEAR THE JUROR.

22 THE COURT: ALL RIGHT. LET'S HAVE TWO

23 ALTERNATES, AND IT WILL BE ONE AND TWO ON THE STRIKES.

24 THE CLERK: JUROR NUMBER 60, SARAH LYNNE K.

25 HARTWIG (WHITE FEMALE).

1 WHAT SAYS THE STATE?

2 MS. PORTER: PLEASE SWEAR MS. HARTWIG.

3 THE CLERK: WHAT SAYS THE DEFENSE?

4 MR. KAPPEL: PLEASE SWEAR THE JUROR.

5 THE CLERK: JUROR NUMBER 36, APRIL R. DUNBAR
6 (BLACK FEMALE).

7 WHAT SAYS THE STATE?

8 MS. PORTER: PLEASE SWEAR MS. DUNBAR.

9 THE CLERK: WHAT SAYS THE DEFENSE?

10 MR. KAPPEL: PLEASE SWEAR THE JUROR.

11 THE COURT: ALL RIGHT. IS THERE ANY REASON
12 THIS JURY CANNOT BE SWORN FOR THE TRIAL IN THIS CASE,
13 FROM THE STATE?

14 MS. PORTER: NO, YOUR HONOR.

15 THE COURT: FROM THE DEFENSE?

16 MR. KAPPEL: NO, YOUR HONOR.

17 THE COURT: VERY GOOD.

18 DR. MAZZOLI, I'M GOING TO ASK YOU TO SERVE
19 AS FOREPERSON OF THIS JURY, SO WHEN WE COME BACK, I WANT
20 YOU TO SIT ON THE FIRST SEAT IN THE FRONT ROW.

21 NOW, MS. HARTWIG AND MS. DUNBAR, YOU ARE THE
22 TWO ALTERNATES. MS. HARTWIG, YOU ARE THE FIRST
23 ALTERNATE; AND, MS. DUNBAR, YOU ARE THE SECOND
24 ALTERNATE, SO ALWAYS SIT IN THOSE TWO SEATS. THOSE ARE
25 THE ONLY THREE RESERVED SEATS IN THE JURY-BOX.

1 EVERYBODY ELSE CAN SIT WHEREVER THEY WOULD LIKE IN THE
2 JURY-BOX, BUT I WOULD LIKE TO KNOW WHERE THE FIRST
3 ALTERNATE AND THE SECOND ALTERNATE AND THE FOREPERSON IS
4 DURING THE TRIAL.

5 NOW I'M GOING TO ASK YOU TO GO WITH THE
6 BAILIFF; HE'LL SHOW YOU THE JURY ROOM THAT YOU WILL BE
7 USING DURING THE TRIAL OF THE CASE. IT WILL JUST BE FOR
8 A FEW MINUTES. I NEED TO MENTION SOME THINGS TO THE
9 OTHER JURORS WHO WERE NOT SELECTED ON THE TRIAL OF THIS
10 CASE, AND THEN WE'LL BRING YOU BACK.

11 NOW, MY INSTRUCTIONS THROUGHOUT THE TRIAL OF
12 THIS CASE WILL BE THAT YOU ARE NOT TO DISCUSS THIS CASE
13 OR ANY PART OF OR ANYTHING ABOUT IT AMONG YOURSELVES OR
14 PERMIT ANYBODY TO DISCUSS IT WITH YOU, AND THAT INCLUDES
15 AT THIS POINT EVEN PERSONALITIES OR ANYTHING LIKE THAT.
16 THE REASON FOR THAT, OF COURSE, IS THAT A CASE FOLLOWS A
17 CERTAIN ORDER, AND YOU NEVER KNOW THE MOST IMPORTANT
18 PART; IT MIGHT BE THE FIRST OR OPENING ARGUMENTS OR THE
19 FIRST OR THE LAST WITNESS, THE CLOSING ARGUMENTS, OR THE
20 CHARGE ON THE LAW, SO YOU NEED TO KEEP AN OPEN MIND
21 THROUGHOUT THE TRIAL OF THE CASE. THEREFORE, PLEASE DO
22 NOT DISCUSS THIS CASE IN ANY WAY AMONG YOURSELVES OR
23 PERMIT ANYBODY TO DISCUSS IT WITH YOU.

24 AT THIS TIME I WOULD ASK YOU TO GO WITH THE
25 BAILIFF AND HE WILL SHOW THE JURY ROOM YOU'LL BE USING

1 DURING THE TRIAL.

2 EVERYONE ELSE REMAIN SEATED WHILE THE JURY
3 RETIRES FROM THE COURTROOM.

4 (WHEREUPON, THE JURY LEFT THE COURTROOM AT
5 1:01 P.M.)

6 THE COURT: ALL RIGHT. THE JURORS WHO WERE
7 NOT SELECTED ON THE TRIAL OF THIS CASE, THEY ARE TO CALL
8 BACK WHEN?

9 THE CLERK: AFTER 6:00 P.M.

10 THE COURT: THERE'S A NUMBER ON THE BACK OF
11 YOUR CARDS. CALL THAT NUMBER AFTER 6:00. IT'S AN
12 ANSWERING MACHINE, SO IT WILL BE ON ALL NIGHT, BUT IT
13 WILL GIVE YOU INSTRUCTIONS AS TO WHAT YOU NEED TO DO, TO
14 EITHER COME IN IN THE MORNING AT A CERTAIN TIME OR TO
15 CALL BACK TOMORROW NIGHT IF IT'S NOT NECESSARY FOR YOU
16 TO BE HERE TOMORROW. BUT THE POINT IS THAT WHEN IT IS
17 NECESSARY FOR YOU TO BE HERE, IT'S ABSOLUTELY ESSENTIAL
18 THAT YOU ARE. SO, THEREFORE, DO CALL THE NUMBER AND DO
19 WHATEVER THE NUMBER OR WHAT THE MESSAGE ON THE MACHINE
20 REQUESTS OF YOU.

21 NOW, IS THERE ANY QUESTION -- FIRST OF ALL,
22 DOES EVERYBODY HAVE THE TELEPHONE NUMBER ON THE BACK OF
23 YOUR CARDS? BE SURE YOU HAVE IT. ALL RIGHT. CALL THAT
24 NUMBER AFTER 6:00. IT'S AN ANSWERING MACHINE, IT WILL
25 BE ON ALL NIGHT, SO IF YOU DON'T GET THROUGH THE FIRST

1 TIME, KEEP CALLING UNTIL YOU DO GET THROUGH TO THE
2 MESSAGE AND THEN, AS I SAY, DO WHAT THE MESSAGE SAYS..
3 CALL THE NUMBER AFTER 6:00 AND DO WHAT THE MESSAGE SAYS.
4 IT COULD SAY CALL BACK, AS I SAY, TOMORROW NIGHT, SO YOU
5 WOULDN'T HAVE TO COME IN TOMORROW.

6 ARE THERE ANY QUESTIONS? (NO RESPONSE.)
7 VERY GOOD. THANK YOU VERY MUCH. AND I APPRECIATE YOUR
8 PATIENCE WITH THE COURT THIS MORNING.

9 EVERYONE ELSE REMAIN SEATED WHILE THE PANEL
10 RETIRES FROM THE COURTROOM.

11 (WHEREUPON, THE JURY PANEL WAS EXCUSED.)

12 THE COURT: ALL RIGHT. DO WE HAVE ANYTHING
13 ELSE, OTHER THAN THIS AFTERNOON?

14 MS. PORTER: NO YOUR HONOR. OTHER THAN THE
15 T.I.A. MOTION, BUT I CAN DO THAT NOW OR AT 3:00.

16 THE COURT: LET'S EXCUSE THE JURY AND THEN
17 WE'LL DO THAT, AND THEN WE'LL LET THEM GO UNTIL 3:00 AND
18 THEN WE'LL FINISH THESE T.I.A. ISSUES.

19 ALL RIGHT. ANYTHING FROM THE STATE BEFORE
20 WE BRING THE JURY BACK?

21 MS. PORTER: NO, YOUR HONOR.

22 THE COURT: ANYTHING FROM THE DEFENSE?

23 MR. KAPPEL: NO, YOUR HONOR.

24 THE COURT: ASK THE JURY TO JOIN US, PLEASE.

25 OH, I'M NOT GOING TO SWEAR THE JURY UNTIL

1 THIS AFTERNOON.

2 MS. PORTER: THANK YOU.

3 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
4 1:06 P.M.)

5 THE COURT: LET THE RECORD REFLECT THE JURY
6 AND ALTERNATES ARE IN THE JURY-BOX.

7 MADAM FORELADY, LADIES AND GENTLEMEN OF THE
8 JURY, THERE ARE CERTAIN MATTERS I NEED TO TAKE UP BEFORE
9 THIS TRIAL BEGINS, AND, IN FACT, IT WILL TAKE ME SOME
10 TIME. SO I'M GOING TO EXCUSE YOU UNTIL 3:00 AND WE WILL
11 COME BACK AT 3:00 AND WE WILL START THE TRIAL OF THE
12 CASE. AGAIN, AS I MENTIONED EARLIER, PLEASE DO NOT
13 PERMIT ANYBODY TO DISCUSS THIS CASE WITH YOU OR
14 UNDERTAKE THE DISCUSSION OF THE CASE AMONG YOURSELVES.
15 AS YOU WILL SEE, THIS CASE IS IMPORTANT TO EVERYBODY
16 INVOLVED AND IT NEEDS TO BE RESOLVED IN THE PROPER
17 FASHION SO, THEREFORE, LET'S DO NOT IN ANY WAY INTERFERE
18 WITH YOUR DUTIES AS JURORS.

19 SO WITH THAT I'M GOING TO EXCUSE YOU TILL
20 3:00. NOW, YOU WILL COME BACK TO THE JURY ROOM THAT YOU
21 WERE JUST IN A FEW MINUTES AGO.

22 AND MR. BAILIFF, THEY UNDERSTAND HOW TO GET
23 IN AND OUT?

24 THE BAILIFF: YES, SIR.

25 THE COURT: ALL RIGHT. AND WITH THAT I WILL

1 EXCUSE YOU UNTIL 3:00, JUST COME BACK TO THE JURY ROOM.

2 AGAIN, EVERYONE ELSE REMAIN SEATED WHILE THE
3 JURY RETIRES FROM THE COURTROOM.

4 (WHEREUPON, THE JURY LEFT THE COURTROOM AT
5 1:07 P.M.)

6 THE COURT: ANYTHING FROM THE STATE BEFORE
7 WE RECEDE FOR LUNCH?

8 MS. PORTER: NO, YOUR HONOR.

9 THE COURT: YOU DON'T WANT TO TAKE UP YOUR
10 MOTION NOW, I MEAN YOUR TRIAL IN ABSENCE NOW?

11 MS. PORTER: I'D LIKE TO.

12 THE COURT: LET'S DO THAT SO MR. KAPPEL
13 WON'T HAVE TO RUSH HIS POSITION. IT'S NOT LIKE A
14 DENTIST.

15 MR. KAPPEL: I UNDERSTAND. I APPRECIATE THE
16 COURT'S CONCERN.

17 TRIAL IN ABSENCE MOTION:

18 MS. PORTER: YOUR HONOR, IT WAS MUCH THAT
19 WAS STATED ON THE RECORD FOR THE ESTREATMENT HEARING.
20 WE JUST REPEAT THE DATES. HE WAS INDICTED ON DECEMBER
21 13TH, 2005 FOR THIS CHARGE. ON AUGUST 1ST, 2006 HE WAS
22 RELEASED ON BOND ON THIS CHARGE. ON MARCH 7TH, 2007 HE
23 ABSCONDED. BOTH THE BONDING COMPANY AND S.L.E.D. HAVE
24 BEEN LOOKING FOR HIM.

25 HE RECEIVED TWO TRIAL NOTICES, YOUR HONOR,

1 FOR THIS CASE. WE DID NOT END UP CALLING THE CASE FOR
2 TRIAL APRIL 9TH, 2007; HOWEVER, HE DID RECEIVE -- OR
3 NOTICE WAS SENT TO LAST KNOWN ADDRESS AS WELL AS HIS
4 ATTORNEY FOR THAT TRIAL DATE. HE FAILED TO APPEAR THAT
5 WEEK.

6 AND THEN AGAIN ON AUGUST 21ST, 2007, THE
7 CLERK'S OFFICE SENT NOTICE TO HIS LAST KNOWN ADDRESS AS
8 WELL AS TO MR. KAPPEL THAT THE TRIAL DATE WOULD BE
9 DECEMBER 10TH, 2007. THERE IS AN ACTIVE BENCH WARRANT
10 OUT FOR HIS ARREST. HE IS NOT HERE TODAY.

11 WE WOULD ASK THAT DUE TO THE FACT -- IF YOU
12 LOOK AT HIS BOND PAPERWORK ---

13 THE COURT: DO YOU HAVE A COPY OF THE BOND?

14 MS. PORTER: YES, SIR, YOUR HONOR, AND I
15 WILL BE HAPPY TO PASS IT UP. IT WAS FILED MAY 16TH,
16 2006. IT STATES ON THERE THAT HE ACKNOWLEDGES THAT --
17 IT'S THE SECOND PARAGRAPH UNDER "ACKNOWLEDGMENT BY
18 DEFENDANT," YOUR HONOR.

19 I UNDERSTAND AND HAVE BEEN
20 INFORMED THAT I HAVE THE RIGHT AND
21 OBLIGATION TO BE PRESENT AT TRIAL, AND
22 SHOULD I FAIL TO ATTEND THE COURT, THE
23 TRIAL WILL PROCEED IN MY ABSENCE.

24 THE COURT: ALL RIGHT. THANK YOU, MA'AM.

25 MS. PORTER: AND IT'S ON THE -- AND BELOW

1 THAT HE HAS SIGNED IT, YOUR HONOR. IT'S ON THE STANDARD
2 FORM, I THINK, WHICH WOULD BE THE FIFTH PAGE IN THE
3 PACKET.

4 UNDER RULE 16 OF THE CRIMINAL RULES OF
5 PROCEDURE WE WOULD ASK THAT WE GO FORWARD IN A TRIAL IN
6 HIS ABSENCE AND THAT HE HAS VOLUNTARILY WAIVED HIS RIGHT
7 TO BE PRESENT, HAVING BEEN PROPERLY NOTIFIED OF THE
8 COURT DATE.

9 THE COURT: ALL RIGHT. DO I UNDERSTAND THAT
10 THE INITIALS TO THE SIDE OF THE PARAGRAPH 10 ARE THE
11 INITIALS OF THE DEFENDANT?

12 MS. PORTER: YES, SIR, YOUR HONOR. AND I
13 DID NOT SEE HIM SIGN THAT; HOWEVER, I BELIEVE THE
14 CLERK'S OFFICE WITNESSED THAT.

15 THE COURT: NOW, THE FACT IS THAT IT IS
16 INITIALED, AND I SEE IT'S SIGNED ALSO ON MAY THE 15TH,
17 2006.

18 MS. PORTER: YES, SIR, YOUR HONOR.

19 THE COURT: AND ALSO THE BOND HAS THE USUAL
20 PROVISIONS THAT THE DEFENDANT WILL APPEAR AT A TERM OF
21 COURT OF GENERAL SESSIONS WHEN SCHEDULED BY THE COURT,
22 AND AGAIN HE INITIALED THAT.

23 AND THE BOND FURTHER PROVIDES, I THINK, THAT
24 AN ACKNOWLEDGMENT BY THE DEFENDANT IN THE GENERAL BOND
25 FORM WHICH IS THE SOUTH CAROLINA COURT ADMINISTRATION

1 BOND FORM APPROVED MARCH 1990:

2 I UNDERSTAND AND HAVE BEEN
3 INFORMED THAT I HAVE THE RIGHT AND
4 OBLIGATION TO BE PRESENT AT TRIAL, AND
5 SHOULD I FAIL TO ATTEND THE COURT, THE
6 TRIAL WILL PROCEED IN MY ABSENCE.

7 WHICH IS AGAIN SIGNED BY THE DEFENDANT, SETH
8 A. STEARNS.

9 ALL RIGHT ANYTHING ON BEHALF OF THE
10 DEFENDANT, MR. KAPPEL?

11 MR. KAPPEL: NOTHING, YOUR HONOR.

12 THE COURT: ALL RIGHT. I DO FIND THAT THE
13 DEFENDANT HAS RECEIVED PROPER NOTICE -- AND THE NOTICE
14 WAS SENT, ON THIS CASE WAS SENT WHEN?

15 MS. PORTER: IT WAS SENT, YOUR HONOR, ON
16 AUGUST 21ST, 2007.

17 THE COURT: ALL RIGHT. AND WHICH IS ALSO A
18 PART OF THE FILE, I THINK.

19 MS. PORTER: YES, SIR, YOUR HONOR.

20 MR. KAPPEL: YES, SIR.

21 THE COURT: THAT HE ACKNOWLEDGED HIS RIGHT
22 TO BE PRESENT, AND THE FAILURE TO BE PRESENT WOULD
23 RESULT IN BEING TRIED IN HIS ABSENCE. ALSO, I FIND THEN
24 THAT HE HAS RECEIVED PROPER NOTICE OF HIS RIGHT TO BE
25 PRESENT, AND THAT A WARNING WAS GIVEN THAT THE TRIAL

1 WOULD PROCEED IN HIS ABSENCE UPON A FAILURE TO ATTEND.

2 I DO FIND THAT THE DEFENDANT, SETH AARON
3 STEARNS, HAS FREELY, VOLUNTARILY, KNOWINGLY AND
4 INTELLIGENTLY WAIVED HIS RIGHT TO BE PRESENT AND THE
5 TRIAL WILL PROCEED IN ABSENCE PURSUANT TO RULE 16 OF THE
6 RULES OF CRIMINAL PROCEDURE. ALL RIGHT.

7 MS. PORTER: THANK YOU, YOUR HONOR.

8 THE COURT: ALL RIGHT.

9 MR. KAPPEL: JUST ONE FINAL QUESTION.

10 THE COURT: YES, SIR.

11 MR. KAPPEL: I SPOKE WITH MS. PORTER BRIEFLY
12 ABOUT SEQUESTERING OF THE WITNESSES, AND I DON'T BELIEVE
13 THE STATE HAS AN OBJECTION TO THAT AFTER OPENING
14 STATEMENTS HAVE BEEN MADE.

15 I ASSUME THAT'S CORRECT.

16 MS. PORTER: WE DON'T, YOUR HONOR. WE JUST
17 INFORMED MR. KAPPEL THAT WE DO INTEND TO ASK OUR
18 WITNESSES, IF TIME PERMITS, ABOUT THE COMMENTS MADE IN
19 OPENING STATEMENTS.

20 THE COURT: WELL, NO. THE THING IS THEY
21 WILL BE HERE DURING THE OPENING STATEMENTS BECAUSE YOU
22 CAN REFER TO, YOU KNOW, TO VARIOUS WITNESSES OR
23 POTENTIAL WITNESSES IF YOU WOULD LIKE.

24 MS. PORTER: RIGHT.

25 THE COURT: BUT ONCE THE OPENING STATEMENTS

1 ARE COMPLETE, AND IN THIS CASE WHEN MR. KAPPEL SITS
2 DOWN, THEN YOU WILL RETIRE FROM THE COURTROOM. OF
3 COURSE, YOU ARE ENTITLED TO HAVE YOUR INVESTIGATING
4 OFFICER TO REMAIN IN THE COURTROOM. BUT ALL THE OTHER
5 POTENTIAL WITNESSES, IF YOU WOULD FIND A PLACE FOR THEM
6 TO RETIRE.

7 NOW, THAT ALSO APPLIES TO THE DEFENSE
8 WITNESSES, TOO. DO YOU UNDERSTAND THAT?

9 MR. KAPPEL: ABSOLUTELY.

10 THE COURT: ALL RIGHT. ANYTHING ELSE?

11 MS. PORTER: NO, YOUR HONOR.

12 THE COURT: IN OTHER WORDS, DO EXPLAIN TO
13 THEM -- AND ALSO, YOU CAN'T DISCUSS YOUR TESTIMONY WITH
14 ANYONE, EVEN AFTER YOU TESTIFY, IF SOMEBODY COMES BACK,
15 YOU CANNOT DISCUSS THEIR TESTIMONY OR YOUR POTENTIAL
16 TESTIMONY. MOREOVER, YOU IF YOU STAY IN THE COURTROOM
17 AFTER YOU TESTIFY, YOU CANNOT BE RE-CALLED.

18 MS. PORTER: YES, SIR.

19 THE COURT: SO THE BEST THING TO DO IS JUST
20 LEAVE THE COURTROOM AFTER YOUR TESTIMONY.

21 ANYTHING ELSE FROM THE STATE?

22 MS. PORTER: NO, YOUR HONOR.

23 THE COURT: FROM THE DEFENSE?

24 MR. KAPPEL: NOTHING, YOUR HONOR.

25 THE COURT: I WILL GIVE A GENERAL STATEMENT

1 ABOUT PRESENCE OF THE DEFENDANT IN MY INITIAL
2 INSTRUCTIONS, UNLESS THERE IS SOME OBJECTION.

3 MS. PORTER: THANK YOU, YOUR HONOR.

4 MR. KAPPEL: NO OBJECTION.

5 THE COURT: FINE.

6 (COUNSEL CONFER.)

7 MS. PORTER: YOUR HONOR, I SHOWED THIS TO
8 MR. KAPPEL; WE INTEND TO USE IT IN OUR OPENING
9 STATEMENTS. HE'S GOING TO THINK IF HE HAS ANY
10 OBJECTIONS OVER LUNCH.

11 THE COURT: I'M A LITTLE RELUCTANT TO DO
12 THAT. IT'S GOT SO MUCH ON THERE, I THINK THAT ONCE THE
13 WITNESSES ESTABLISH WHAT IS THE, YOU KNOW -- THE REASON
14 I SAY THIS, JUST BY SOME -- AND ALL OF THOSE NAMES LOOK
15 FAMILIAR TO ME.

16 MS. PORTER: WELL, THEY'RE ALL TESTIFYING
17 BUT FOR THE DEFENDANT.

18 THE COURT: WELL, THAT'S JUST IT. I THINK
19 THAT ONCE ONE WITNESS PUTS ALL OF THEM INTO THE THING,
20 THEN I THINK YOU CAN USE IT.

21 AGAIN, REMEMBER, OPENING STATEMENTS ARE NOT
22 ARGUMENT ---

23 MS. PORTER: YES, SIR.

24 THE COURT: --- SO YOU ARE NOT SUPPOSED TO,
25 YOU KNOW, PROVE YOUR CASE IN YOUR OPENING STATEMENT, YOU

1 ARE JUST TO TELL THE JURY WHAT THE CASE IS ABOUT. AND
2 IF YOU WANT TO READ THE INDICTMENT, YOU CAN DO THAT, BUT
3 I DON'T THINK YOU WANT TO. BUT THAT'S JUST IT. LET'S
4 TRY TO KEEP IT AS UNCOMPLICATED AS POSSIBLE,
5 PARTICULARLY IF WE ARE TRYING HIM IN HIS ABSENCE.

6 MR. KAPPEL: THANK YOU, JUDGE.

7 THE COURT: ALL RIGHT. ONCE YOU'VE GOT
8 SOMEBODY TO TESTIFY, AND IT COULD BE YOUR INVESTIGATOR
9 OR ANYBODY ELSE, THAT HAS KNOWLEDGE OF "THIS IS WHAT IT
10 IS." BUT I JUST THINK THAT YOU CAN TALK ABOUT THE
11 CONSPIRACY AND THE CONNECTION.

12 MS. PORTER: OKAY.

13 THE COURT: ALL RIGHT. I'LL SEE YOU AT
14 3:00.

15 (A LUNCHEON RECESS OCCURRED.)
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AFTERNOON PROCEEDINGS

(STATE'S EX. # 1, CHAIN OF EVIDENCE FORM, WAS
MARKED FOR IDENTIFICATION.)

THE COURT: ALL RIGHT, MR. CLERK, REMEMBER
TO SWEAR THE JURY.

THE CLERK: YES, SIR.

THE COURT: ANYTHING FROM THE STATE BEFORE
WE BRING THE JURY BACK?

MS. PORTER: NO, YOUR HONOR.

THE COURT: FROM THE DEFENSE?

MR. KAPPEL: BRIEFLY, JUDGE, AS I UNDERSTAND
IT, THE COURT IS GOING TO INSTRUCT THE JURY ONE MORE
TIME IN THE OPENING GENERAL INSTRUCTIONS REGARDING
WHETHER OR NOT MY CLIENT IS HERE, WHETHER OR NOT THEY
CAN USE THAT AGAINST THEM.

I JUST WANT TO SUMMARIZE BRIEFLY THE COURT'S
POSITION REGARDING THE WITNESSES AND SEQUESTRATION OF
THE WITNESSES. AS I UNDERSTAND, THE STATE HAS ASKED THE
COURT AND THE COURT HAS AGREED TO ALLOW THE STATE TO
PROVIDE STATEMENTS TO VARIOUS WITNESSES THAT ARE
INCARCERATED. IT IS MY UNDERSTANDING THE PARALEGAL FOR
THE ATTORNEY GENERAL'S OFFICE, WHO WILL NOT BE IN THE
COURTROOM, WILL SIMPLY BE PROVIDING THOSE STATEMENTS FOR
THEM TO READ ON THEIR OWN ACCORD, AND THAT THERE IS ONE
INDIVIDUAL THAT IS ILLITERATE AND THEN SHE WILL, IN

1 FACT, ACTUALLY READ THAT STATEMENT TO THAT PARTICULAR
2 INDIVIDUAL. THAT'S MY UNDERSTANDING. I BELIEVE THE
3 COURT'S RULED ON THAT, AND I JUST WANTED TO PUT THAT
4 INTO THE RECORD.

5 MS. PORTER: THAT'S MY UNDERSTANDING, YOUR
6 HONOR.

7 THE COURT: ALL RIGHT. VERY WELL. ALL
8 RIGHT. ANYTHING FROM THE STATE?

9 MS. EVANS: YOUR HONOR, WE JUST INSTRUCTED
10 SPECIAL AGENT HOLDEN TO GO TELL OUR PARALEGAL THAT
11 INSTRUCTION -- SHE HAD WENT IN THERE BEFORE WE HAD THAT
12 DISCUSSION -- TO MAKE SURE SHE DOES NOT SET FOOT BACK IN
13 THIS COURTROOM WHILE THE TRIAL IS GOING ON.

14 THE COURT: WELL, SHE CAN DO THAT, BUT I
15 MEAN, I JUST DON'T WANT TO HELP THEM WITH ANYTHING.

16 MS. EVANS: OKAY.

17 THE COURT: IF THEY ASK WHAT'S GOING ON,
18 IT'S PROBABLY JUST AS WELL THAT SHE'S NOT HERE TO KNOW
19 WHAT'S GOING ON.

20 MS. EVANS: I THINK IT'S JUST BEST THAT
21 SHE'S NOT IN HERE.

22 THE COURT: ALL RIGHT. THANK YOU, MA'AM.
23 ARE THE LOGISTICS TAKEN CARE OF?

24 MR. KAPPEL: I NEGLECTED TO PUT INTO THE
25 RECORD THAT MY POSITION, THE POSITION FROM THE DEFENSE

1 WAS THAT ONCE THE CASE BEGAN, THAT ANY CONTACT WITHIN
2 THE WITNESSES WOULD CEASE, OF COURSE.

3 THE COURT: WELL, NOT ANY CONTACT, BUT
4 ANYTHING HAVING TO DO WITH THE TRIAL.

5 MR. KAPPEL: THAT'S CORRECT.

6 THE COURT: IT'S A SMALL WORLD, AND SO WE
7 CAN'T HELP BUT HAVE CONTACT WITH ONE ANOTHER. BUT, NO,
8 THE TIME FOR PREPARATION IS OVER NOW. WE WILL NOT
9 PREPARE ANYBODY FOR THEIR TESTIMONY ONCE THE TRIAL
10 STARTS.

11 ALL RIGHT. ANYTHING ELSE, FROM THE STATE?

12 MS. PORTER: NO, YOUR HONOR.

13 THE COURT: FROM THE DEFENSE?

14 MR. KAPPEL: NOTHING, JUDGE.

15 THE COURT: ASK THE JURY TO JOIN US, PLEASE.

16 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
17 3:09 P.M.)

18 THE COURT: LET THE RECORD REFLECT THE JURY
19 AND ALTERNATE ARE IN THE JURY-BOX.

20 MR. CLERK, IF YOU WOULD PLEASE SWEAR THE
21 JURY.

22 (WHEREUPON, THE JURY WAS SWORN.)

23 PRELIMINARY INSTRUCTIONS FROM COURT TO JURY:

24 THE COURT: MADAM FORELADY, LADIES AND
25 GENTLEMEN OF THE JURY, I'M CONFIDENT THAT EACH OF YOU

1 NOW FULLY APPRECIATES THAT THIS COURT, THE COURT OF
2 GENERAL SESSIONS, EXISTS FOR THE PURPOSE OF RESOLVING
3 QUESTIONS OF ALLEGED CRIMINAL CONDUCT ARISING BETWEEN
4 THE STATE OF SOUTH CAROLINA AND THE DEFENDANT.

5 IT IS A GUARANTEED RIGHT OF EVERY CITIZEN
6 THAT A CHARGE OF CRIMINAL CONDUCT BE PRESENTED IN OPEN
7 COURT ACCORDING TO CERTAIN RULES OF PROCEDURE. THE
8 STATE NOT ONLY HAS THE RIGHT BUT THE DUTY TO PRESENT A
9 CHARGE OF CRIMINAL CONDUCT IN OPEN COURT ACCORDING TO
10 THE SAME RULES AND PROCEDURE. EACH OF THE PARTIES,
11 THEREFORE, BOTH THE STATE AND THE DEFENDANT, THEN HAVE
12 AN EQUAL RIGHT TO THE OPPORTUNITY OF THIS JUDICIAL
13 PROCEEDING AND TO HAVE YOU AS THE JURY SELECTED AND NOW
14 SWORN FOR THE TRIAL OF THIS CASE.

15 NOW I'M GOING TO REITERATE AND EMPHASIZE
16 THAT UNDER THE LAWS OF THIS STATE A DEFENDANT MAY BE
17 TRIED EVEN IF THE DEFENDANT DOES NOT ATTEND THE TRIAL.
18 BUT THE FACT THAT THE DEFENDANT IS NOT PRESENT MAY NOT
19 BE CONSIDERED AGAINST THE DEFENDANT IN ANY MANNER
20 WHATSOEVER.

21 NOW, ONE OF THE MOST IMPORTANT ASPECTS OF
22 YOUR DUTY AS A JURY LIES ESSENTIALLY IN THE OATH THAT
23 YOU HAVE NOW TAKEN TO WELL AND TRULY TRY AND DETERMINE
24 THE FACTS IN THIS CASE. THAT OATH IN A VERY ESSENTIAL
25 WAY SAYS THAT YOU ARE THE SOLE JUDGES OF THE FACTS IN

1 THIS CASE. OBVIOUSLY, ANY CASE TRIED IN COURT WILL
2 INVOLVE CERTAIN QUESTIONS ABOUT WHAT HAPPENED, HOW
3 SOMETHING CAME TO HAPPEN, OR WHOM, IF ANYONE, DID
4 ANYTHING IN A PARTICULAR OCCURRENCE OR CIRCUMSTANCE.
5 FROM THIS POINT FORWARD, THEN, NO ONE CONCERNED WITH THE
6 TRIAL HAS THE RIGHT TO DECIDE ANY QUESTION OF FACT IN
7 THIS TRIAL OR THE TRUTH OF IT EXCEPT YOU, THE JURY. THE
8 FACTS THEN ARE FOR YOUR RESOLUTION AND YOUR DECISION AND
9 YOURS ALONE. THEN, AFTER YOU HEAR ALL OF THE EVIDENCE
10 IN THE CASE, THEN IT WILL BE YOUR DUTY BY YOUR MUTUAL
11 AND JOINT DISCUSSIONS TO DETERMINE THE TRUTH OF THE CASE
12 BY DECIDING THE WEIGHT AND BELIEVABILITY OF EACH PART OF
13 THE EVIDENCE AND BY APPLYING THE LAW OF THIS CASE
14 THERETO.

15 AND AS TRIAL JUDGE, I AM THE JUDGE OF THE
16 LAW IN THIS CASE. IT IS ALSO MY RESPONSIBILITY, AMONG
17 OTHER DUTIES, TO PRESIDE OVER THIS TRIAL, TO RULE ON THE
18 ADMISSIBILITY OF EVIDENCE OFFERED DURING THIS TRIAL, AND
19 TO GIVE TO YOU, THE JURY, THE LAW APPLICABLE TO THE
20 CASE.

21 THE CONSTITUTION OF SOUTH CAROLINA MANDATES
22 THAT I AS THE TRIAL JUDGE CANNOT DIRECTLY OR INDIRECTLY
23 COMMENT ABOUT THE FACTS IN THIS CASE. THE PROCESS OF A
24 VERDICT, THEN, IS SIMPLY THAT YOU, THE JURY, FIRST
25 DETERMINE WHAT IS THE TRUTH OF THE FACTS, AND THEN APPLY

1 TO THAT TRUE STATE OF FACTS THE PRINCIPLES OF LAW
2 APPLICABLE, AND BY THAT PROCESS DETERMINE AND REPORT TO
3 THE COURT YOUR FINAL VERDICT IN THE CASE, SPEAKING THE
4 TRUTH OF THE CASE AS YOU DETERMINE IT.

5 NOW, I WILL MORE FULLY AND COMPLETELY STATE
6 TO YOU THE PRINCIPLES OF LAW APPLICABLE TO THE ISSUES IN
7 THIS CASE BEFORE IT IS SUBMITTED TO YOU FOR YOUR
8 DECISION. HOWEVER, THERE ARE CERTAIN PRINCIPLES OF LAW
9 APPLICABLE TO THE FRAMEWORK OF EVERY CASE IN GENERAL
10 SESSIONS COURT, AND IN A VERY BASIC FASHION I WILL TRY
11 TO OUTLINE THOSE BASIC PRINCIPLES TO YOU FOR YOUR
12 GUIDANCE.

13 THE DEFENDANT HAS ENTERED A PLEA OF NOT
14 GUILTY TO THE CHARGES CONTAINED IN THE INDICTMENT. NOW,
15 THE INDICTMENT IN A CASE IS NOT EVIDENCE. IT IS SIMPLY
16 THE WRITTEN INSTRUMENT THAT CONTAINS THE CHARGE AGAINST
17 THE DEFENDANT AND IT SERVES AS A FORMAL DOCUMENT BY
18 WHICH THIS CASE IS PROCESSED INTO THE COURT.

19 THE PLEA OF NOT GUILTY PLACES UPON THE STATE
20 THE BURDEN OF PROOF IN THE CASE. AS TO WHAT IS MEANT BY
21 THE BURDEN OF PROOF, THE DEFENDANT IS PRESUMED IN LAW
22 INNOCENT OF ALL CHARGES CONTAINED IN THE INDICTMENT.
23 THE BURDEN OF PROOF REQUIRES THE STATE TO PROVE GUILT
24 BEYOND A REASONABLE DOUBT AND, THEREFORE, CONSISTENT
25 WITH THAT BURDEN, THE DEFENDANT OR THE ACCUSED PARTY

1 SHALL BE PRESUMED INNOCENT, AND THAT PRESUMPTION OF
2 INNOCENCE IS SUFFICIENT TO COMPEL A VERDICT OF NOT
3 GUILTY OR A VERDICT OF ACQUITTAL UNLESS YOU, THE JURY,
4 CONCLUDE THAT THE STATE SATISFIED ITS OBLIGATION TO
5 PROVE THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT.

6 NOW, A REASONABLE DOUBT IS THE KIND OF DOUBT
7 THAT WOULD CAUSE A PERSON TO HESITATE TO ACT.

8 THE CASE WILL BE OPENED BY THE ATTORNEY
9 GENERAL, AFTER WHICH THE SAME OPPORTUNITY WILL BE
10 AFFORDED TO THE DEFENDANT TO MAKE AN OPENING STATEMENT.
11 WHEN ALL OF THE EVIDENCE HAS BEEN RECEIVED BY THE COURT,
12 COUNSEL FOR THE STATE AND COUNSEL FOR THE DEFENDANT WILL
13 STATE TO THE JURY THEIR RESPECTIVE POSITIONS, AFTER
14 WHICH THE COURT WILL INSTRUCT YOU AS TO THE LAW
15 APPLICABLE TO THE CASE.

16 OBVIOUSLY, ALL PARTS OF A CASE ARE
17 IMPORTANT. YOU DO NOT KNOW WHICH WITNESS IN A CASE WILL
18 MOST IMPRESS YOU, WHETHER THE FIRST WITNESS OR THE LAST
19 WITNESS. IN REACHING YOUR FINAL CONCLUSION YOU WILL
20 NEED THE GUIDANCE AND THE JUDGMENT OF THE OTHER JURORS.
21 YOU WILL NEED THE GUIDANCE OF THE PRINCIPLES OF LAW AS
22 WILL BE STATED TO YOU BY THE COURT.

23 FOR ALL THESE REASONS, THEN, IF WE HAVE ANY
24 RECESS PERIODS WHEN YOU RETIRE TO YOUR JURY ROOM OR
25 DURING AN OVERNIGHT OR MEAL RECESS, I INSTRUCT YOU THAT

1 YOU MUST NOT UNDERTAKE TO DISCUSS THIS CASE AMONG
2 YOURSELVES UNTIL THE CASE IS FINALLY GIVEN TO YOU FOR
3 YOUR DELIBERATION. NOR ARE YOU TO DISCUSS THIS CASE
4 WITH ANYONE OR PERMIT ANYONE TO DISCUSS IT WITH YOU. IF
5 ANYONE SHOULD TRY TO DO SO, YOU MUST REPORT THEM.

6 OF COURSE, YOUR VERDICT IN THIS CASE MUST BE
7 UNANIMOUS; THAT IS, ALL 12 MEMBERS OF THE JURY MUST
8 AGREE TO THE VERDICT.

9 NOW THERE ARE A FEW OTHER THINGS I NEED TO
10 MENTION BEFORE WE BEGIN. AS I SAID EARLIER, ALTHOUGH I
11 AM THE ONLY PERSON WHO CAN TELL YOU WHAT THE LAW IS, YOU
12 AND YOU ALONE ARE THE ONLY ONES WHO CAN DETERMINE THE
13 FACTS. I DO NOT HAVE THE RIGHT TO INDICATE HOW I MAY
14 FEEL ABOUT THE EVIDENCE PRESENTED, AND THROUGHOUT THIS
15 TRIAL MY INTENTION WILL BE TO ACT IMPARTIALLY TOWARDS
16 EACH PARTY.

17 SECOND, FROM TIME TO TIME AN ATTORNEY MAY
18 OBJECT TO SOME BIT OF TESTIMONY OR EVIDENCE THE OTHER
19 SIDE IS SEEKING TO PRESENT. NOW, AS IN BUSINESS,
20 SPORTS, OR ANY OTHER STRUCTURED ACTIVITY, THERE ARE
21 CERTAIN RULES THAT BOTH SIDES MUST OBEY IN PRESENTING
22 EVIDENCE. NOW, THESE RULES HAVE A DEFINITE PURPOSE.
23 THEY ENSURE THAT THE INFORMATION YOU RECEIVE IS THE MOST
24 TRUSTWORTHY AND RELIABLE EVIDENCE AVAILABLE.

25 AN OBJECTION IS A PROCEDURE WE USE FOR AN

1 ATTORNEY TO CALL A POSSIBLE VIOLATION OF THE RULES TO
2 THE COURT'S ATTENTION, AND FOR THIS REASON YOU SHOULD
3 NOT HOLD AN ATTORNEY'S OBJECTION AGAINST HIS OR HER
4 CLIENT, NOR SHOULD YOU CONCLUDE FROM MY RULING ON THE
5 OBJECTION THAT I FAVOR ONE SIDE OR THE OTHER.

6 FINALLY, I WOULD ASK THAT YOU PAY THE
7 CLOSEST ATTENTION POSSIBLE TO THE EVIDENCE PRESENTED TO
8 YOU. I WILL ASK YOU NOT TO TAKE NOTES, FOR IF THE NOTE
9 TAKER MAKES AN ERROR, THOSE NOTES MIGHT BE MORE
10 DETRIMENTAL THAN HELPFUL DURING THE DELIBERATION.

11 THE TIME-TESTED SYSTEM IS FOR EACH OF YOU TO
12 LISTEN CAREFULLY AND I AM CONFIDENT THAT YOU WILL DO
13 THAT.

14 NOW, THE REASON I ASK THAT YOU DON'T TAKE
15 NOTES, AS I SAID EARLIER, YOU MUST MAKE YOUR DECISION
16 BASED ONLY AND SOLELY ON THE TESTIMONY AND EVIDENCE
17 INTRODUCED IN THIS COURTROOM FROM THE WITNESS STAND, AS
18 WELL AS THE OTHER EXHIBITS AND EVIDENCE INTRODUCED IN
19 THE COURTROOM. AND YOU HAVE A TENDENCY -- OR WE HAVE A
20 TENDENCY WHEN WE TAKE A NOTE THAT WE CONCENTRATE ON THE
21 NOTE. WE WANT TO BE SURE THAT WE WRITE DOWN WHAT WE
22 THINK WE HEAR, EVEN AS MUCH AS THE SPELLING AND THE
23 SYNTAX AND THINGS OF THAT NATURE, SO WE ARE
24 CONCENTRATING ON THE NOTE AND WE MIGHT MISS SOMETHING
25 THAT IS HAPPENING AT THE TIME THAT IS IMPORTANT. IN

1 FACT, IT IS THE MOST IMPORTANT THING, WHAT OCCURS,
2 RATHER THAN WHAT WE THINK OCCURS.

3 IN THAT REGARD, IF WE MAKE A MISTAKE IN
4 THOSE NOTES, FOR EXAMPLE, JUST DROP ONE LITTLE WORD OR
5 NOT HEAR ONE LITTLE WORD, IT CHANGES THE ENTIRE MEANING
6 AND THRUST OF THE TESTIMONY AND THE EVIDENCE. FOR
7 EXAMPLE, THE WORD "NOT." IF YOU MISS THE WORD "NOT,"
8 YOUR NOTE ALL OF A SUDDEN BECOMES ENTIRELY DIFFERENT
9 FROM WHAT IT WAS INTENDED.

10 IT'S THE BETTER PRACTICE, AT LEAST IN MY
11 EXPERIENCE, THAT ALL 12, THE ONES WHO WILL BE SITTING IN
12 THE JUDGMENT OF THIS CASE IN THE FINAL DELIBERATION TO
13 USE YOUR COLLECTIVE MEMORY. IF SOMEBODY HAS NOTES, THEN
14 ALL OF A SUDDEN THOSE NOTES HAVE A CERTAIN, WELL, I'VE
15 GOT IT WRITTEN DOWN. WELL, AS GOOD AS WE ARE, SOMETIMES
16 WE MAKE MISTAKES. IT'S BEST WE START OUT EQUALLY WITH
17 OUR RECOLLECTIONS, THEN WE CAN RELY ON THAT.

18 NOW, HAVING SAID THAT, I DO TAKE NOTES.
19 IT'S NOT ONE OF THESE THINGS, DO AS I SAY, NOT AS I DO.
20 THE FACT IS WE HAVE DIFFERENT PURPOSES IN THIS
21 COURTROOM. YOU AND YOU ALONE ARE THE ONLY ONES THAT CAN
22 DECIDE THE FACTS IN THIS CASE. YOU ARE THE ONLY ONES
23 THAT CAN WEIGH THE EVIDENCE OR EVALUATE THAT EVIDENCE.

24 ON THE OTHER HAND, I AM NOT CONCERNED ABOUT
25 THE EVIDENCE AT ALL. I AM NOT CONCERNED ABOUT THE

1 WEIGHT OR THE PURPOSE OR THE INTENT OF IT. I'M ONLY
2 CONCERNED WHETHER OR NOT SOMETHING IS DONE, SO WHAT I'M
3 DOING IS JOTTING DOWN WHAT OCCURS, NOT THE SIGNIFICANCE
4 OF THAT, THAT'S FOR YOU TO DECIDE.

5 SO WITH THAT I'LL RECOGNIZE THE ATTORNEY
6 GENERAL FOR HER OPENING STATEMENT.

7 MS. EVANS: IF IT PLEASES THE COURT, YOUR
8 HONOR?

9 THE COURT: MS. EVANS.

10 OPENING STATEMENT ON BEHALF OF THE STATE:

11 MS. EVANS: GOOD AFTERNOON, LADIES AND
12 GENTLEMEN. I BRIEFLY GOT TO INTRODUCE MYSELF TO YOU
13 WHEN WE WERE DOING THE GENERAL QUALIFICATIONS FOR THE
14 JURY. AGAIN, MY NAME IS JENNIFER EVANS, I WORK FOR THE
15 ATTORNEY GENERAL'S OFFICE. I WILL BE TRYING THIS CASE
16 ON BEHALF OF THE STATE OF SOUTH CAROLINA WITH MS. SUSAN
17 PORTER WHO WILL BE SITTING THERE WITH ME.

18 HIS HONOR TOLD YOU DURING JURY SELECTION
19 THAT THIS IS A STATE GRAND JURY CASE. WE ARE NOT THE
20 NORMAL PROSECUTORS FROM THE SOLICITOR'S OFFICE THAT ARE
21 HERE IN GREENVILLE COUNTY THAT NORMALLY TRY CASES. I
22 JUST TELL YOU THAT NOT BECAUSE IT MAKES OUR CASE ANY
23 MORE IMPORTANT OR ANY LESS IMPORTANT. IT IS A STATE
24 GRAND JURY CASE. AND HOW WE GOT HERE TO BEING A STATE
25 GRAND JURY CASE IS THE STATE GRAND JURY HAS JURISDICTION

1 OVER SOME AREAS INVOLVING MULTICOUNTY DRUGS.

2 AS HIS HONOR JUST TOLD YOU, WE ARE HERE
3 BECAUSE THERE IS AN INDICTMENT AGAINST THE DEFENDANT,
4 SETH STEARNS, AND THAT INDICTMENT, AS HIS HONOR TOLD
5 YOU, IS NOT EVIDENCE, IT'S MERELY THE CHARGING PAPER
6 THAT GETS YOU INTO THE COURT. IT'S VERY SIMILAR TO A
7 TICKET. IF ANYONE EVER GOT A TICKET, YOU GET A TICKET
8 FROM A POLICE OFFICER. A TICKET IS NOT EVIDENCE, IT
9 JUST TELLS YOU WHERE AND WHEN TO GO TO COURT. THAT'S
10 WHAT THIS INDICTMENT IS: IT'S A CHARGING INDICTMENT.

11 BUT LET ME JUST BRIEFLY TELL YOU WHAT THIS
12 CHARGING INDICTMENT CHARGES THE DEFENDANT, SETH AARON
13 STEARNS, WITH. IT CHARGES THE DEFENDANT WITH
14 TRAFFICKING METHAMPHETAMINES BY CONSPIRACY IN AN AMOUNT
15 OVER 400 GRAMS.

16 NOW, YOU HEAR THAT AND IT SOUNDS LIKE A LOT
17 OF LEGALESE: TRAFFICKING, CONSPIRACY. LET ME JUST
18 BRIEFLY TELL YOU WHAT A CONSPIRACY IS. THERE'S TWO WAYS
19 SOMEONE CAN BE INVOLVED IN A CONSPIRACY. CONSPIRACY
20 EITHER IS AN AGREEMENT BETWEEN TWO OR MORE PEOPLE TO DO
21 SOMETHING THAT IS UNLAWFUL. SO FOR AN EXAMPLE, IF TWO
22 PEOPLE GET TOGETHER AND THEY DECIDE THAT THEY WANT TO
23 BREAK INTO THEIR NEIGHBOR'S HOUSE, THAT IN ESSENCE
24 LEGALLY IS WHAT A CONSPIRACY IS.

25 ANOTHER WAY YOU CAN DO A CONSPIRACY IS TO

1 HAVE A LAWFUL GOAL BUT DECIDE TO DO THAT LAWFUL GOAL BY
2 ILLEGAL MEANS. THE CRUX OF THE CONSPIRACY IS THE
3 AGREEMENT.

4 YOU MIGHT ASK YOURSELF, WHY DO WE HAVE A
5 CRIME OF CONSPIRACY? WELL, THE BASIC REASON IS, IS
6 THERE'S A BELIEF IN THE LAW, AND I'M GOING TO TALK ABOUT
7 THE LAW BUT AS HIS HONOR JUST INSTRUCTED YOU, HE IS THE
8 SOLE JUDGE OF THE LAW. SHOULD I MISSTATE SOMETHING OR
9 SAY SOMETHING DIFFERENTLY, IT'S TOTALLY INADVERTENT.
10 I'M TRYING TO TELL YOU SOME LEGALESE AND TRY TO PUT IT
11 TO YOU IN LAYMEN'S TERMS OF WHAT WE, MS. PORTER AND I,
12 REPRESENTING THE STATE OF SOUTH CAROLINA, PLAN TO PROVE
13 TO YOU WITH THIS CHARGING INDICTMENT THAT CHARGES SETH
14 STEARNS WITH CONSPIRACY TO TRAFFIC METHAMPHETAMINES.
15 LET ME TELL YOU RIGHT NOW, IT'S GONNA ALSO BE CALLED
16 ICE. YOU MAY HEAR IT CALLED METHAMPHETAMINE AND ICE.
17 YOU WILL THROUGHOUT THIS TRIAL COME TO UNDERSTAND THE
18 DIFFERENCE A LITTLE BIT.

19 HIS HONOR JUST TOLD YOU THAT THE STATE OF
20 SOUTH CAROLINA HAS THE BURDEN OF PROOF, AND I WANT TO
21 TELL YOU RIGHT HERE AND NOW, THIS IS THE TIME I ENJOY
22 THE MOST, IS COMING BEFORE YOU AND TELLING YOU, YES, WE
23 HAVE THE BURDEN OF PROOF. WE WELCOME THAT BURDEN OF
24 PROOF. WE WELCOME THAT BURDEN OF PROOF BECAUSE THE
25 STATE IS GOING TO PUT WITNESSES ON THAT STAND TO TELL

1 YOU WHY THE DEFENDANT, SETH STEARNS, IS GUILTY OF WHAT
2 WE CHARGED HIM WITH. WHAT I SAY TO YOU IS NOT EVIDENCE
3 OR WHAT THE DEFENSE COUNSEL SAYS TO YOU IS NOT EVIDENCE.
4 BUT I DID WANT TO TAKE THE OPPORTUNITY SO YOU WILL
5 UNDERSTAND, AS WE DEVELOP THE TESTIMONY, NUMBER ONE,
6 WHAT WE'VE CHARGED HIM WITH AND JUST GIVE YOU A VERY
7 BRIEF OUTLINE OF THE EVIDENCE THAT WE PLAN TO PRESENT TO
8 YOU.

9 FIRST OF ALL, I'VE ALREADY TOLD YOU ALL THE
10 LEGALESE ABOUT WHAT A CONSPIRACY IS, AND I REMEMBER THE
11 FIRST TIME I HEARD IT, I DIDN'T REALLY QUITE UNDERSTAND,
12 YOU HEAR TRAFFICKING, YOU HEAR CONSPIRACY. I THINK ONE
13 OF THE BETTER ANALOGIES YOU CAN USE TO PUT IT IN
14 EVERYDAY LIFE IS AN ANALOGY OF STORES. EVERYBODY HERE
15 FROM TIME TO TIME HAS PROBABLY GONE TO A WAL-MART, AND A
16 CONSPIRACY, AND WHAT WE BELIEVE THIS CONSPIRACY WILL
17 DEMONSTRATE THROUGH THE EVIDENCE, IS MUCH LIKE A
18 BUSINESS STRUCTURE.

19 AND IN ANY BUSINESS STRUCTURE YOU START OFF
20 WITH AND YOU HAVE YOUR CUSTOMERS, YOUR CUSTOMERS THAT GO
21 INTO WAL-MART AND DECIDE TO BUY WHATEVER THEY MIGHT WANT
22 TO BUY. HERE, WHAT THESE CUSTOMERS, OR WHAT YOU WILL
23 HEAR FROM SOME WITNESSES, WHAT YOU WILL HEAR ARE USERS
24 OF METH, WOULD GO TO BUY THEIR DRUGS, THEIR DRUGS BEING
25 METH, ALSO KNOWN AS ICE.

1 THOSE ARE THE CUSTOMER BASIS, THE USERS IN
2 THIS CASE. WELL, AS Y'ALL KNOW THERE'S CUSTOMERS OUT
3 THERE, AND THAT'S KIND OF HOW WAL-MART DEVELOPED BECAUSE
4 WAL-MART REALIZED THERE WAS A CUSTOMER. THERE WAS A
5 NEED FOR A VARIETY OF PRODUCTS WITH WAL-MART AND THERE
6 WAS A NEED FOR PEOPLE THAT WANT SOMETHING TO HAVE A
7 PLACE TO GO GET IT.

8 BUT LIKE WAL-MART, CONSPIRACY HAS THE SAME
9 THING. YOU GOT YOUR STORES, IN OTHER WORDS, YOUR PEOPLE
10 THAT DISTRIBUTE THE GOODS TO THE CONSUMERS. YOU'RE
11 GONNA HEAR IN THIS CASE THAT THERE WAS REGULAR STORES OR
12 PEOPLE THAT WOULD DISTRIBUTE METH AND ICE TO PEOPLE IN
13 GREENVILLE COUNTY AND THE SURROUNDING COUNTIES UP HERE
14 IN THE UPSTATE.

15 AND JUST LIKE MOST PEOPLE HAVE, THEY HAVE
16 THEIR FAVORITE SOURCE. YOU GET USED TO GOING TO THAT
17 STORE BECAUSE IT MAY BE CLOSE TO YOUR HOUSE OR YOU LIKE
18 THAT STORE, YOU KNOW THE LAYOUT OF THE STORE. YOU'RE
19 GONNA HEAR THAT IN THIS CASE. YOU'RE GONNA HEAR SOME
20 CONSUMERS, CLIENTS, USERS, THAT WOULD GO CONSISTENTLY TO
21 THE SAME SUPPLIER, THE SAME DRUG DEALER, THE SAME STORE
22 QUOTE-UNQUOTE.

23 NOW IN USING THIS ANALOGY, THEY DON'T HAVE A
24 STORE SET UP THAT SAYS ICE HEADQUARTERS OR ANYTHING LIKE
25 THAT. THEY DON'T DO THE ADVERTISEMENTS, THEY DON'T DO

1 THE CIRCULARS. BUT I'LL TELL, AND YOU WILL HEAR FROM
2 THE WITNESSES ON THE WITNESS STAND, THEY DON'T NEED TO.
3 I'LL TELL YOU WHY THEY DON'T NEED TO.

4 YOU ARE GOING TO HEAR FROM PEOPLE THAT USE
5 THIS DRUG. IT SELLS ITSELF, LADIES AND GENTLEMEN. YOU
6 WILL HEAR FROM THESE PEOPLE, THE FIRST TIME I USED THAT,
7 I DIDN'T NEED A CIRCULAR, I DIDN'T NEED A SALE. I
8 NEEDED THE ICE. SO THEY WOULD GO BACK TO THEIR SAME
9 STORE, THEIR SAME DISTRIBUTOR, TIME AND TIME AGAIN.

10 YOU'RE ALSO GONNA HEAR, YOU GO TO YOUR
11 FAVORITE STORE AND ALL OF A SUDDEN YOU DRIVE DOWN THERE,
12 AND THAT STORE IS CLOSED, IT MOVED TO A SUBURB SOMEWHERE
13 IN A LONG STRIP MALL. THAT HAPPENS HERE TOO. THEY
14 DON'T CLOSE BECAUSE OF A LACK OF CLIENTELE. YOU'RE
15 GONNA HEAR FROM WITNESSES ON THIS STAND THAT SOMETIMES
16 THESE USERS HAD TO CHANGE SELLERS, AND THAT'S BECAUSE
17 WE'RE NOT A WAL-MART, THIS ISN'T A WAL-MART, THESE
18 PEOPLE ARE SELLING ILLEGAL NARCOTICS. SO YOU'RE GONNA
19 HEAR FROM A VARIETY OF WITNESSES THAT SOMETIMES THEY HAD
20 TO CHANGE WHERE THEY GOT THIS. SOME OF THOSE PEOPLE WHO
21 WERE ARRESTED. THAT CLOSING DOWN THE STORE SURE FIRE.
22 THEY'RE NOT THERE TO SELL THE DRUGS.

23 BUT YOU'RE GOING TO HEAR FROM NOT ONLY THE
24 CLIENTELE, BUT YOU'RE GONNA HEAR FROM, QUOTE-UNQUOTE,
25 THESE DISTRIBUTORS THAT HAD A REGULAR CLIENT BASE, AND

1 YOU ARE GONNA HEAR THIS REGULAR CLIENT BASE WEREN'T THE
2 PEOPLE THAT WENT DOWN TO A WAL-MART ONCE A WEEK, MAYBE
3 ONCE EVERY WEEK AND A HALF. THESE PEOPLE WENT BACK ONE,
4 TWO, THREE TIMES A DAY TO GO BACK TO THEIR DISTRIBUTORS
5 TO GET THIS METH.

6 MUCH LIKE THE WAL-MART, THE ITEMS JUST DON'T
7 GET TO THE STORE. THERE HAS TO BE A DISTRIBUTION
8 CENTER. WAL-MART HAS A DISTRIBUTION CENTER, ONE UP HERE
9 IN THIS AREA. YOU'RE GONNA HEAR FROM THE PERSON THAT IN
10 ESSENCE WAS RUNNING THAT DISTRIBUTION CENTER. YOU'RE
11 GONNA HEAR THAT THAT DISTRIBUTION CENTER THAT WAS
12 SUPPLYING THE METH TO PEOPLE IN AND AROUND GREENVILLE,
13 PICKENS, ANDERSON, AND EVERY AREA TO THE STORES, THE
14 SELLER, AND ULTIMATELY TO THE CLIENT, WAS OUT OF
15 ATLANTA, GEORGIA. AND IN MUCH THE SAME WAY THAT THERE'S
16 DISTRIBUTION CENTERS, THERE'S ALSO MANUFACTURERS. THIS
17 STUFF JUST DOESN'T INVENT ITSELF.

18 SO YOU ARE GOING TO HEAR THROUGH THE
19 WITNESSES THAT TAKE THIS STAND AND PROMISE TO TELL YOU
20 THE TRUTH UNDER OATH OF THE ROLE THAT THEY PLAYED. JUST
21 LIKE EVERY STORE HAS TO HAVE ITS EMPLOYEES, YOU ARE
22 GOING TO HEAR THAT THESE DRUG DEALERS -- AND MAKE NO
23 MISTAKE. I'M NOT TRYING TO MINIMIZE THEIR BEHAVIOR BY
24 CALLING THEM STORES, DISTRIBUTION CENTERS -- EVERY
25 SINGLE ONE OF THESE PEOPLE ARE DRUG DEALERS OR DRUG

1. USERS OR ARE INVOLVED IN SOME WAY. BUT JUST LIKE A
2. WAL-MART, THESE PEOPLE, THIS CONSPIRACY TO TRAFFIC
3. NEEDED PEOPLE ALL OVER THE PLACE. THEY NEEDED PEOPLE TO
4. SELL IT, THEY CERTAINLY NEEDED PEOPLE TO USE IT.
5. BECAUSE WITHOUT THE USERS, THERE'S NO WAY ANYBODY WOULD
6. WANT THE PRODUCT. THEY NEED PEOPLE TO GET IT PLACES, TO
7. TRANSPORT IT BACK. IT JUST DOESN'T GET FROM ATLANTA TO
8. SOUTH CAROLINA. THEY NEEDED THOSE PEOPLE. AND JUST
9. LIKE ANY CORPORATION, THEY NEEDED EMPLOYEES.

10. YOU ARE GOING TO HEAR FROM THE EMPLOYEES
11. THAT SETH STEARNS INVOLVED IN HIS CONSPIRACY TO TRAFFIC
12. METHAMPHETAMINE.

13. NOW, A LOT OF TIMES WHEN I'M TRYING CASES,
14. SINCE WE DO HAVE THE BURDEN OF PROOF AND WE'RE THE ONES
15. THAT HAVE TO CALL WITNESSES TO THE STAND, WE HEAR A LOT
16. OF TALK ABOUT THE STATE'S WITNESS. THE STATE WITNESS
17. THIS. BUT LADIES AND GENTLEMEN, I DIDN'T CHOOSE THE
18. WITNESSES THAT WERE INVOLVED IN THIS CONSPIRACY. THE
19. DEFENDANT, SETH STEARNS, AND HIS ASSOCIATES CHOSE THOSE
20. WITNESSES. AND I'VE ALREADY TOLD YOU, COMPARING IT TO A
21. WAL-MART OR ANYTHING, I AM NOT MINIMIZING THE PEOPLE
22. THAT ARE GONNA TAKE THE STAND, THEIR CONDUCT, AND THEIR
23. BEHAVIOR.

24. THE JUDGE JUST TOLD YOU YOU'RE GONNA HAVE TO
25. JUDGE THE CREDIBILITY OF WITNESS. QUITE OFTEN YOU'RE

1 GONNA HEAR THINGS LIKE, WELL, THEY'RE DRUG DEALERS. WHO
2 WILL BELIEVE THEM ANYHOW? YES, LADIES AND GENTLEMEN, WE
3 ARE GOING TO PUT DRUG USERS, WE'RE GONNA PUT DRUG
4 DEALERS, AND WE'RE GONNA PUT DRUG TRAFFICKERS ON THAT
5 STAND TO TELL YOU WHAT THEIR INVOLVEMENT WAS IN THIS
6 CONSPIRACY AND TO TELL YOU HOW IT RELATES TO SETH
7 STEARNS AND HOW SETH STEARNS WAS AN INTEGRAL, INTEGRAL
8 PART OF THIS CONSPIRACY THAT RANGED ALL THE WAY FROM
9 ATLANTA, IN AND AROUND THE UPSTATE, IF NOT THE ENTIRE
10 STATE OF SOUTH CAROLINA.

11 YOU ARE ALSO GOING TO HEAR SEVERAL OF THE
12 WITNESSES THAT WERE INVOLVED IN THIS CONSPIRACY GOT
13 DEALS TO COOPERATE. YES, LADIES AND GENTLEMEN, THEY
14 DID. AND WE'RE GOING TO TELL YOU EACH AND EVERY ONE OF
15 THOSE PEOPLE THAT GOT A DEAL TO COOPERATE. WE'RE NOT
16 HIDING ANY OF THAT FROM YOU. WE WILL TELL YOU WHAT
17 THEIR DEAL WAS AND WHAT THE EXTENT OF THEIR DEAL WAS.
18 NOT ONLY TO TELL ON THEMSELVES, BUT TO TELL WHAT THEY
19 KNEW ABOUT THE OTHER PEOPLE INVOLVED IN THE CONSPIRACY.

20 AND AGAIN, THESE PEOPLE ARE DRUG DEALERS.
21 YOU ARE GOING TO HEAR NOT ONLY DO THEY HAVE A RECORD
22 FROM THEIR INVOLVEMENT IN THIS CONSPIRACY. SOME OF THEM
23 HAVE BEEN IN, THIS BUSINESS A LIFELONG BUSINESS. SOME
24 OF THE WITNESSES YOU'RE GONNA HEAR FROM, THIS IS THE
25 ONLY BUSINESS THEY KNEW. THIS CONSPIRACY RAN LIKE A

1 BUSINESS.

2 NOW THAT I'VE KIND OF EXPLAINED TO YOU, I
3 WANT TO BRIEFLY JUST GO OVER WHAT YOU'RE GOING TO HEAR
4 AND SOME OF THE WITNESSES THAT YOU ARE GOING TO HEAR
5 FROM. AND AGAIN, I REMIND YOU, THESE ARE NOT THE
6 WITNESSES WE CHOSE TO ASSOCIATE OURSELVES WITH, THESE
7 ARE THE WITNESSES SETH STEARNS AND OTHERS CHOSE TO
8 ASSOCIATE THEMSELVES WITH TO HAVE THIS CONSPIRACY TO GET
9 THOSE DRUGS TO THE USERS THAT WANTED TO BUY THOSE DRUGS.

10 YOU'RE GONNA HEAR FROM AN INDIVIDUAL NAMED
11 KEVIN MOSER. KEVIN MOSER CAN BEST BE DESCRIBED AS ONE
12 OF THOSE CUSTOMERS, A USER. AND YOU ARE GOING TO HEAR
13 FROM THE STAND, KEVIN MOSER IS GONNA TELL YOU HOW HE GOT
14 INVOLVED IN METH. HE'S GOING TO TELL YOU WHAT IT DID TO
15 HIS LIFE. HE'S GOING TO TELL YOU ONCE HE GOT SO
16 INVOLVED, HE COULDN'T SUPPORT HIS DRUG HABIT ANY OTHER
17 WAY THAN TO START GETTING LARGER AMOUNTS, SELL SOME OF
18 IT TO PAY FOR HIS OWN DRUG USE. HE'S GOING TO TELL YOU
19 WHO HE GOT INVOLVED WITH, AN INDIVIDUAL THAT HE GOT
20 INVOLVED WITH AND THAT HE KNEW. HE GREW UP WITH THIS
21 INDIVIDUAL. AN INDIVIDUAL BY THE NAME OF ROBBY SEXTON.
22 HE'S GONNA TELL YOU HE WAS INVOLVED WITH DRUGS. AND ALL
23 OF A SUDDEN HE RUNS INTO A FRIEND THAT HE KNEW I THINK
24 FROM ELEMENTARY SCHOOL NAMED ROBBY SEXTON, AND LO AND
25 BEHOLD, HE REALIZED THAT ROBBY SEXTON HAD A LITTLE STORE

1 FOR SELLING METH, AND HE DECIDED TO START GETTING HIS
2 METH FROM ROBBY SEXTON. NOT ONLY WAS HE BUYING IT FROM
3 ROBBY SEXTON, HE WAS BUYING HIS AMOUNTS TO USE AND HE
4 SOLD IT TO VARIOUS PEOPLE. HE'LL TELL YOU ABOUT HIS
5 DEALINGS OF BUYING DRUGS FROM ROBBY SEXTON AND WHO HE
6 SOLD IT TO.

7 THEN YOU ARE ALSO GOING TO HEAR FROM ROBBY
8 SEXTON'S BROTHER, CHAD SEXTON. CHAD SEXTON I LIKE TO
9 THINK OF AS A SUPER WAL-MART. HE WAS A BIGGER DRUG
10 DEALER. HE WOULD GO ULTIMATELY -- AND I SKIPPED OVER
11 SOMETHING -- BUT ULTIMATELY HE BECAME SOMEONE THAT WENT
12 TO THE DISTRIBUTION CENTER TO GET IT.

13 THERE'S ONE IMPORTANT INDIVIDUAL I SKIPPED
14 OVER, HIS NAME IS BRIAN MUELLER. BRIAN MUELLER, MUCH
15 LIKE KEVIN MOSER THAT I TOLD YOU ABOUT BEFORE, STARTED
16 USING METH. AGAIN, HAD A JOB, PAID FOR HIS METH THROUGH
17 HIS JOB; SOON THE METH TOOK OVER HIS LIFE, HE COULD NO
18 LONGER PAY. SO AGAIN, HE STARTED GETTING AMOUNTS ENOUGH
19 SO HE COULD SELL TO MAKE A PROFIT AND MAKE ENOUGH SO HE
20 CONTINUED TO USE DRUGS.

21 BRIAN MUELLER HAD VARIOUS SOURCES IN AND
22 AROUND GREENVILLE, AND THEN HE STARTED BUYING OUNCES,
23 EIGHT BALLS -- AND YOU'RE GONNA HEAR ALL THE LINGO OF
24 EIGHT BALLS AND OUNCES AND WHAT THEY SELL FOR. HE MET
25 AN INDIVIDUAL BY THE NAME OF SETH STEARNS, AND HE

1 REALIZED THAT SETH STEARNS NOT ONLY WAS A SUPER SUPER
2 WAL-MART, HE ALSO HAD A DIRECT LINK TO THE WHOLESALE
3 DISTRIBUTOR.

4 NOW, THERE'S SOMETHING TO BE KNOWN ABOUT THE
5 DRUG WORLD, LADIES AND GENTLEMEN. PEOPLE DO THESE FOR
6 ALL SORTS OF REASONS. THERE'S A LOT OF MONEY TO BE MADE
7 IN DISTRIBUTING AND TRAFFICKING DRUGS.. EVERY HAND THAT
8 DRUGS GO THROUGH, IT BECOMES MORE AND MORE EXPENSIVE.
9 YOU ARE GOING TO HEAR ABOUT HOW SETH STEARNS WAS NOT
10 ONLY SUPPLYING BRIAN MUELLER, WHO AGAIN, HE'LL TELL YOU
11 HE STARTED OUT DOING LITTLE AMOUNTS. HE HAD JOBS AROUND
12 GREENVILLE. HE FINALLY WAS SO MUCH ON DRUGS THAT HE
13 LOST HIS JOB, QUIT HIS JOBS, AND IN ESSENCE WAS HIRED,
14 HIRED BY SETH STEARNS TO START GOING TO THE DISTRIBUTION
15 CENTER TO BRING THOSE DRUGS FROM ATLANTA BACK HERE TO
16 GREENVILLE, ANDERSON, PICKENS COUNTY.

17 AND WHEN I'M TALKING ABOUT AMOUNTS OF DRUGS,
18 I'M NOT TALKING ABOUT EIGHT BALLS, LADIES AND GENTLEMEN,
19 I'M NOT TALKING ABOUT OUNCES; I'M TALKING ABOUT POUNDS
20 UPON POUNDS OF METHAMPHETAMINES, ALSO KNOWN AS ICE.

21 I'LL BRIEFLY TELL YOU THE DIFFERENCE. ICE
22 JUST LOOKS JUST LIKE THAT. IT'S LIKE CRYSTALLIZED
23 FORMS. IF ANYONE HAS EVER SEEN ROCK CANDY, THAT'S KIND
24 OF WHAT ICE LOOKS LIKE. I HATE TO USE THAT ANALOGY
25 BECAUSE IT'S NOTHING LIKE ROCK CANDY. THIS IS A

1 DANGEROUS, ADDICTIVE NARCOTIC ILLEGAL DRUG, AND YOU ARE
2 GONNA HEAR THAT FROM WITNESS AFTER WITNESS ON THAT
3 STAND.

4 YOU ARE GOING TO HEAR THAT AT SOME POINT
5 BRIAN AND SETH ENTERED INTO AN AGREEMENT. SETH HAD
6 BUILT UP THIS COMPANY, THIS CONSPIRACY TO TRAFFIC SO
7 MUCH THAT HE KIND OF WANTED TO STEP BACK A LITTLE BIT.
8 SO HE HAD AN AGREEMENT WITH BRIAN AND SAID, I'LL TELL
9 YOU MY SOURCE IS IN ATLANTA, I'LL GO DOWN THERE AND
10 INTRODUCE YOU, AND THEN YOU CAN GO PICK UP THE DRUGS.
11 AND WHEN YOU DO, COME BACK, I'LL GET AN OUNCE OFF OF IT
12 AND I WILL GET A THOUSAND DOLLARS FROM YOU.

13 THAT WORKED FOR SOME TIME, AND BRIAN WILL
14 TELL YOU WHY IT DIDN'T WORK. I TOLD YOU EARLIER
15 SOMETIMES STORES GO OUT OF BUSINESS FOR GOOD REASONS OR
16 BAD REASONS. I'LL TELL YOU, ONE SURE FIRE WAY FOR A
17 STORE TO GO OUT OF BUSINESS IS FOR THE STORE OWNER TO
18 GET ARRESTED. BRIAN WILL TELL YOU HE GOT ARRESTED IN
19 NORTH CAROLINA.

20 HE CAN'T BE GOING DOWN TO SETH STEARNS, THE
21 DEFENDANT IN THIS CASE, THE SUPPLIER, TO GO GET IT. SO
22 WHAT HAPPENS THEN? LET ME TELL YOU WHO THE SUPPLIER
23 WAS. HER NAME IS AMANDA FORDHAM. SHE LIVED RIGHT
24 OUTSIDE OF ATLANTA, GEORGIA. SHE'LL BE HERE TODAY TO
25 TELL YOU WHAT HER INVOLVEMENT WAS. SHE WAS IN ESSENCE

1 THE DISTRIBUTION CENTER. SHE WASN'T THE DISTRIBUTION
2 CENTER JUST FOR SETH STEARNS AND OTHER PEOPLE HE
3 INTRODUCED HER TO. BUT THERE'S A COUPLE OF THINGS THAT
4 I WANT YOU TO PAY ATTENTION TO, IS THAT BUT FOR SETH
5 STEARNS INTRODUCING HIM TO AMANDA FORDHAM, BRIAN MUELLER
6 COULDN'T HAVE DEVELOPED THIS CONNECTION. THIS ISN'T ONE
7 OF THOSE THINGS WHERE YOU GO IN THE YELLOW PAGES AND YOU
8 LOOK DOWN AND YOU LOOK FOR ICE MANUFACTURERS OR METH
9 MANUFACTURERS. THE ONLY WAY THEY'RE GONNA DO IS IF
10 SOMEBODY PERSONALLY INTRODUCES THEM, IN ESSENCE VOUCHES
11 FOR THEIR CREDIBILITY, THIS GUY IS WORKING FOR ME.

12 SETH AND BRIAN ENTERED INTO AN AGREEMENT FOR
13 HIM TO GO DOWN, GET THE ICE, COME BACK, GIVE SETH HIS
14 CUT, AND CONTINUE TO DISTRIBUTE THAT, NOT ONLY TO
15 BRIAN'S CUSTOMER BASE BUT TO CONTINUE TO SUPPLY SETH'S
16 CUSTOMER BASE.

17 SO THAT LEADS ME TO THE POINT THAT BRIAN
18 MUELLER GOT ARRESTED IN NORTH CAROLINA. TWO OTHER
19 PEOPLE. I BRIEFLY MENTIONED CHAD SEXTON. THERE WAS
20 ALSO AN INDIVIDUAL NAMED KENNETH LAVENDER. ALL THESE
21 PEOPLE YOU ARE GOING TO HEAR FROM. CHAD WAS GETTING
22 DRUGS FROM SETH STEARNS. ALL OF A SUDDEN THE PERSON
23 THAT WAS BRINGING THEM WAS NO LONGER AVAILABLE. KENNY
24 AND CHAD GOT TOGETHER AND WENT TO SETH AND SAID, CAN WE
25 GO TO YOUR SOURCE? THERE AGAIN, SETH STILL WANTED TO BE

1 PART OF THE BUSINESS, AGAIN GOT AN AGREEMENT. THE
2 AGREEMENT WAS THAT CHAD SEXTON, THAT HE WOULD GO DOWN TO
3 ATLANTA AND INTRODUCE HIM TO AMANDA FORDHAM. THAT SAME
4 AGREEMENT THAT HE HAD WITH BRIAN MUELLER HE DEVELOPED
5 WITH CHAD SEXTON AND SAID, I'LL INTRODUCE YOU, YOU CAN
6 GO DOWN. WHEN YOU GO DOWN, YOU NEED TO COME BACK AND
7 GIVE ME AN OUNCE OF METH OUT OF YOUR CUT.

8 AN OUNCE OF METH IS A LOT OF METH, LADIES
9 AND GENTLEMEN. AS I ALREADY TOLD YOU, YOU'RE GONNA BE
10 HEARING ABOUT POUNDS AND POUNDS. YOU'RE GONNA HEAR FROM
11 BRIAN MUELLER HOW MANY POUNDS OF ICE THAT HE WENT DOWN
12 AND GOT FROM AMANDA FORDHAM. YOU'RE GONNA HEAR CHAD
13 SEXTON TELL YOU ABOUT HOW MANY POUNDS OF METH THAT HE
14 GOT FROM AMANDA FORDHAM.

15 AND THEY'RE GOING TO TELL YOU THE HEART OF
16 ALL OF THIS, THE HUB THAT CONNECTS ALL THESE SPOKES AND
17 EVERYBODY TOGETHER IS SETH STEARNS. THAT IS HOW CHAD
18 MET AMANDA, THAT'S HOW BRIAN MET AMANDA, AND THAT'S HOW
19 THEY HAD THIS AGREEMENT, SO SETH STEARNS COULD STAY IN
20 THE METH BUSINESS BUT NOT TAKE THE RISK OF HAVING TO
21 DRIVE DOWN TO ATLANTA AND DRIVE BACK WITH POUNDS OF ICE
22 IN HIS CAR.

23 THAT LET'S ME TO LAW ENFORCEMENT. YOU'RE
24 GONNA HEAR FROM LAW ENFORCEMENT THAT DID THE
25 INVESTIGATION, AND, IN FACT, YOU ARE GONNA HEAR FROM

1 THEM THEY FOUND POUNDS OF METH IN PEOPLE'S CARS. YOU
2 ARE GOING TO HEAR ABOUT A PARTICULAR INCIDENT WHERE CHAD
3 SEXTON HAD JUST COME BACK FROM GETTING HIS DRUGS FROM
4 AMANDA FORDHAM IN WHICH KENNETH LAVENDER, WHO I ALREADY
5 TOLD YOU ABOUT, CHAD AND KENNY WERE KIND OF PARTNERS.
6 KENNY WOULD GIVE HIM SOME MONEY TO GO DOWN TO ATLANTA,
7 GET THE DRUGS FROM AMANDA, AND THEY WOULD SPLIT THEM, OR
8 HE WOULD BUY A PORTION OF CHAD'S DRUGS.

9 KENNY LAVENDER GOT ARRESTED. AND YOU WILL
10 HEAR FROM LAW ENFORCEMENT ABOUT WHEN PEOPLE GET
11 ARRESTED, THEY ARE GIVEN AN OPPORTUNITY TO COOPERATE.
12 KENNY LAVENDER WAS GIVEN AN OPPORTUNITY TO COOPERATE,
13 AND HE DID WHAT'S KNOWN AS AN UNDERCOVER BUY. I'M NOT
14 GONNA GO THROUGH THE DETAILS. YOU WILL HEAR LAW
15 ENFORCEMENT DISCUSS HOW UNDERCOVER BUYS ARE DONE AND HOW
16 THEY ARE SET UP. HE DID AN UNDERCOVER BUY FROM CHAD
17 SEXTON IN WHICH HE BOUGHT SOME OF THE METH, SOME OF THE
18 METH THAT HAD JUST THAT NIGHT CAME FROM AMANDA FORDHAM,
19 WHO SETH STEARNS INTRODUCED HIM TO.

20 YOU'RE GONNA HEAR FROM ALL THESE PEOPLE.
21 YOU'RE GONNA HEAR FROM LAW ENFORCEMENT THAT INVESTIGATED
22 THIS, NOT ONLY GOT THE USERS, NOT ONLY GOT THE STORE,
23 GOT UP TO THE DISTRIBUTION CENTER. AND YOU WILL HEAR
24 FROM AMANDA WHO HER SOURCE WAS.

25 BUT KEEP IN MIND THIS TRIAL IS NOT ABOUT

1 THOSE WITNESSES THAT GET ON THE STAND. THEY'RE GONNA
2 TELL YOU THAT THEY PLED GUILTY TO THEIR INVOLVEMENT IN
3 THIS CONSPIRACY. THIS TRIAL IS ABOUT SETH STEARNS.
4 PLEASE KEEP THAT IN MIND WHEN YOU ARE HEARING ABOUT EACH
5 OF THESE PEOPLE.

6 AND AGAIN, WHAT IS IMPORTANT IS THE
7 AGREEMENT, THE AGREEMENT TO DISTRIBUTE AND TRAFFIC LARGE
8 POUNDS OF ICE. AND, LADIES AND GENTLEMEN, YOU ARE GOING
9 TO HEAR, AND WE'VE KIND OF HEARD -- AND I DON'T KNOW
10 WHAT THE DEFENSE IS -- BUT YOU'RE GOING TO HEAR THAT
11 SETH FINALLY GOT OUT OF IT, AND THAT'S WHAT WE'RE
12 TELLING YOU: HE DID. HE FINALLY GOT OUT OF IT. HE GOT
13 BRIAN MUELLER TO GO DOWN AND BE THE GUY TO GO DOWN TO
14 THE DISTRIBUTION CENTER AND BRING IT BACK, AND HE WOULD
15 GET HIS LITTLE REWARD. BECAUSE HE'S THE ONE THAT
16 DEVELOPED ALL THESE CONTACTS, HE'S THE ONE THAT
17 DEVELOPED IT. SO HE WAS TRYING TO SELL OUT HIS
18 BUSINESS. BUT MAKE NO MISTAKE. HE DID NOT GET OUT OF
19 THE BUSINESS. YOU WILL HEAR FROM BOTH BRIAN MUELLER AND
20 CHAD SEXTON THAT NOT ONLY WERE THEY STILL SUPPLYING
21 THEIR CUSTOMERS, THEY WERE SUPPLYING SETH'S CUSTOMERS,
22 AND HE WAS GETTING MONEY AND DRUGS EACH TIME THEY WENT
23 DOWN THERE.

24 AND I'M TELLING YOU, YOU WILL HEAR POUNDS
25 UPON POUNDS OF THIS ILLEGAL NARCOTIC THAT WAS BROUGHT

1 INTO SOUTH CAROLINA THROUGH THE CONSPIRACY THAT SETH
2 STEARNS GOT INVOLVED WITH AND GOT OTHERS INVOLVED WITH.

3 NOW, ARE YOU GONNA HEAR ANY UNDERCOVER BUY
4 THAT WAS MADE FROM SETH STEARNS? ABSOLUTELY NOT. I'M
5 NOT HERE TO TELL YOU THAT WE'RE GONNA COME IN HERE AND
6 SHOW YOU DRUGS THAT WERE TAKEN FROM SETH STEARNS.
7 THAT'S NOT WHAT HE'S CHARGED WITH. HE'S NOT CHARGED
8 WITH DISTRIBUTION. HE'S NOT CHARGED WITH POSSESSION.
9 THERE'S NOT GONNA BE ANY DRUGS THAT WE'RE GOING TO BRING
10 IN HERE AND SAY, SOMEBODY BOUGHT THESE FROM SETH
11 STEARNS. IT'S GONNA BE FROM TESTIMONY. BUT WE HAVE NOT
12 CHARGED HIM WITH POSSESSION, WE HAVE NOT CHARGED HIM
13 WITH DISTRIBUTION; WE HAVE CHARGED HIM WITH CONSPIRACY.

14 AND AGAIN, I TOLD YOU THAT WE HAVE THE
15 BURDEN OF PROOF, I TRULY DO WELCOME THAT. YOU ARE GOING
16 TO BE EXPOSED TO A WORLD THAT MOST OF YOU NEVER
17 UNDERSTOOD EXISTED IN YOUR COUNTY AND THE NEIGHBORING
18 COUNTIES, AND THE SOPHISTICATION OF THIS CONSPIRACY I
19 THINK WILL BE VERY ENLIGHTENING, I'M NOT SAYING IN A
20 GOOD WAY, BUT VERY ENLIGHTENING TO SEE HOW SOPHISTICATED
21 BUSINESSMEN THESE PEOPLE WERE IN DOING THIS DRUG
22 CONSPIRACY.

23 I KNOW MOST OF YOU WHEN YOU GOT CALLED FOR
24 JURY DUTY WERE PROBABLY OVERJOYED, RIGHT BEFORE
25 CHRISTMAS HAVING TO COME HERE AND SIT THROUGH THIS. BUT

1 I TELL YOU, EXCEPT FOR MILITARY DUTY, WHICH WE HAVE A
2 LOT OF PEOPLE RIGHT NOW DOING MILITARY DUTY, THIS IS THE
3 BEST SERVICE YOU CAN GIVE YOUR COUNTRY.

4 THE JUDGE TOLD YOU SETH STEARNS IS INNOCENT
5 RIGHT NOW. HE'S INNOCENT UNTIL WE AS THE STATE PUT
6 WITNESSES THAT CONVINC EACH AND EVERY ONE OF YOU THAT
7 HE IS GUILTY OF CONSPIRACY TO TRAFFIC METHAMPHETAMINE,
8 ALSO KNOWN AS ICE; AND LADIES AND GENTLEMEN, I AM
9 CONVINCED THAT AFTER YOU HEAR THE EVIDENCE, ALL THE
10 EVIDENCE, THAT YOU TOO WILL BE CONVINCED THAT SETH
11 STEARNS IS GUILTY OF BEING AN INTEGRAL MEMBER OF THIS
12 CONSPIRACY, AND HAVING THE AGREEMENT TO KEEP THE
13 OPERATION GOING, AND HE ALWAYS HAD SOMEBODY, WHEN
14 SOMEBODY GOT CAUGHT OR GOT OUT, HE HAD HIS CONTINGENCY
15 PLAN. THIS WENT ON ONE TO TWO TIMES A WEEK EVERY SINGLE
16 WEEK.

17 HE'S CHARGED WITH A CONSPIRACY BEGINNING
18 APPROXIMATELY APRIL 2000 -- EXCUSE ME -- JANUARY 1ST,
19 2004, UNTIL THE TIME OF HIS INDICTMENT. YOU ARE GOING
20 TO HEAR FROM THESE WITNESSES THAT WERE, QUOTE-UNQUOTE,
21 BUSINESS ASSOCIATES, CO-DRUG CONSPIRATORS WITH SETH
22 STEARNS, NOT ONLY ABOUT THEIR INVOLVEMENT, ABOUT THEIR
23 DEALS, BUT MOST IMPORTANTLY, THE ONLY ISSUE, ONLY ISSUE
24 BEFORE YOU TODAY IN THIS WEEK IS SETH STEARNS' PART OF
25 THAT CONSPIRACY.

1 AND AFTER HEARING FROM LAW ENFORCEMENT AND
2 HEARING FROM HIS CO-CONSPIRATORS -- AND I REMIND YOU
3 AGAIN, WE DIDN'T CHOOSE THESE WITNESSES, SETH STEARNS
4 CHOSE THESE WITNESSES -- AFTER HEARING FROM
5 SELF-ADMITTEDLY THEIR INVOLVEMENT AND TELLING YOU HOW
6 SETH STEARNS, LADIES AND GENTLEMEN, I AM CONVINCED THAT
7 YOU WILL FIND SETH STEARNS GUILTY OF CONSPIRACY TO
8 TRAFFIC METHAMPHETAMINE.

9 I THANK YOU VERY MUCH FOR YOUR TIME HERE
10 TODAY, AND I WOULD JUST LIKE TO TELL YOU ONCE AGAIN,
11 LISTEN TO ALL THE EVIDENCE. HIS HONOR ALREADY TOLD YOU
12 IT MAY BE THE FIRST WITNESS, IT MAY BE THE LAST WITNESS.
13 THIS IS A COMPLEX SCHEME, CONSPIRACY TO TRAFFIC LARGE
14 AMOUNTS OF METH. I KNOW THAT EACH AND EVERY ONE OF YOU
15 WILL PAY CLOSE ATTENTION TO ALL THE EVIDENCE, AND AFTER
16 YOU HEAR ALL THE EVIDENCE, I SAY AGAIN YOU WILL BE
17 CONVINCED BEYOND A REASONABLE DOUBT THAT SETH STEARNS IS
18 AN INTEGRAL PART, GOT OTHER PEOPLE INVOLVED IN HIS DRUG
19 BUSINESS TO BRING POUNDS UPON POUNDS OF METHAMPHETAMINE
20 NOT ONLY INTO THIS COMMUNITY BUT YOUR SURROUNDING
21 COMMUNITIES. I THANK YOU VERY MUCH.

22 MR. KAPPEL: MAY IT PLEASE THE COURT ---

23 THE COURT: PLEASE.

24 MR. KAPPEL: --- MS. PORTER, MS. EVANS.

25

1 OPENING STATEMENT ON BEHALF OF DEFENDANT:

2 MR. KAPPEL: MADAM FORELADY, LADIES AND
3 GENTLEMEN OF THE JURY. FIRST I WANT TO GET THIS OUT OF
4 THE WAY. WE APPRECIATE YOUR BEING HERE. WINSTON
5 CHURCHILL SAYS IT'S THE HIGHEST FORM OF DUTY YOU CAN DO
6 FOR YOUR COUNTRY DURING PEACETIME. WE'RE NOT REALLY AT
7 PEACE, BUT IT'S THE SECOND HIGHEST FORM OF DUTY THAT YOU
8 CAN DO FOR YOUR COUNTRY, AND WE APPRECIATE IT. WE KNOW
9 THAT IT'S A BUSY TIME OF THE YEAR FOR EVERYBODY, AND
10 WE'LL TRY TO MOVE THIS CASE ALONG AS QUICKLY AS POSSIBLE
11 BECAUSE I KNOW YOU HAVE OTHER MATTERS YOU WOULD LIKE TO
12 ATTEND TO.

13 THE JUDGE INSTRUCTED YOU THAT MY CLIENT
14 ENTERS THIS COURTROOM PRESUMED NOT GUILTY, AND AT THIS
15 POINT IN TIME HE IS NOT GUILTY. ANY STATEMENTS THAT SHE
16 MAY HAVE MADE AND ANY CONCLUSIONS THAT SHE MAY HAVE
17 DRAWN IS NOT EVIDENCE OF ANYTHING, QUITE FRANKLY.

18 MY INTRODUCTION IS JUST GONNA BE A BRIEF
19 ONE, BECAUSE I THINK THE FACTS ARE GONNA COME OUT FROM
20 THE WITNESS BOX, AND I THINK THAT YOU'LL REVIEW
21 CAREFULLY IN MAKING YOUR DECISION.

22 THIS CASE BOILS DOWN TO ONE WORD ONLY:
23 CREDIBILITY. THAT'S IT. YOU ARE GOING TO HAVE A PARADE
24 OF WITNESSES, IF I WERE TO GUESS, I THINK ABOUT SIX, SIX
25 WITNESSES THAT ARE GOING TO TESTIFY. THEY'RE GOING TO

1 TESTIFY ABOUT THINGS THAT THEY DID THEMSELVES AND
2 THEY'RE GONNA TESTIFY ABOUT THINGS THAT OTHER PEOPLE DID
3 AND THEY'RE GONNA TESTIFY ABOUT WHAT THEY ARE CLAIMING
4 MY CLIENT DID.

5 I USE THE WORD "CLAIM" BECAUSE THAT'S WHAT
6 THIS CASE IS ABOUT. THEY'RE SAYING ONE THING, AND OUR
7 POSITION IS IT'S NOT TRUE.

8 THE JUDGE WILL INSTRUCT YOU AT THE END OF
9 THIS CASE, AS THE JUDGES OF FACTS, THAT YOU CAN LOOK AT
10 CREDIBILITY OF ANY WITNESS. I BELIEVE THE JUDGE WILL
11 TELL YOU THAT YOU CAN BELIEVE ONE WITNESS AGAINST MANY,
12 YOU CAN BELIEVE MANY WITNESSES AGAINST ONE. YOU CAN
13 BELIEVE SOME OF WHAT ONE WITNESS SAYS, YOU CAN BELIEVE
14 ALL OF WHAT A WITNESS SAYS, OR NONE OF WHAT A WITNESS
15 SAYS. HOWEVER MUCH YOU BELIEVE THAT EACH INDIVIDUAL
16 SAYS ON THE WITNESS STAND IS ENTIRELY WITHIN YOUR
17 DISCRETION.

18 NOW, THIS IS WHAT'S INTERESTING ABOUT THIS
19 CASE. WE HAVE THE ATTORNEY GENERAL'S OFFICE IN
20 COLUMBIA IN GREENVILLE, WE HAVE THE STATE LAW
21 ENFORCEMENT DIVISION FROM COLUMBIA IN GREENVILLE. NOT
22 THAT THIS CASE IS ANY MORE IMPORTANT THAN ANY GREENVILLE
23 CASE, BUT THIS IS AN IMPORTANT CASE.

24 WHY I BRING THAT TO YOUR ATTENTION IS THIS.
25 MS. EVANS SAYS THAT THIS IS LIKE A WAL-MART, A

1 DISTRIBUTION CENTER, A SUPER WAL-MART, CUSTOMERS, IT IS
2 LIKE ANY BUSINESS ALTHOUGH IT'S AN ILLEGAL ONE. I THINK
3 WHAT YOU'RE GONNA REALIZE IS WHETHER THIS BUSINESS IS
4 LEGAL OR ILLEGAL, IT'S GOING TO GENERATE PAPER. JUST
5 LIKE AT WAL-MART, YOU GET A RECEIPT, YOU HAVE CONTRACTS,
6 BILLS OF LADING, DELIVERIES. WAL-MART IS FILLED WITH
7 SECURITY CAMERAS, FILLED WITH THEM; YOU CAN GO INTO
8 WAL-MART AND SEE HUNDREDS OF THEM.

9 THIS SITUATION IS NO DIFFERENT. PAPER,
10 DOCUMENTS, SECURITY CAMERAS. THIS CASE IS NO DIFFERENT.
11 THERE WILL NOT BE ONE SHRED OF DOCUMENTATION, NOT ONE
12 PHONE RECORD, NOT ONE TAPED PHONE CALL, NOT ONE
13 SURVEILLANCE CAMERA, NOT ONE RECEIPT, NOTHING WITH SETH
14 STEARNS' NAME ON IT.

15 SO WHAT ARE WE LEFT WITH? AT THE END OF
16 THIS CASE WHAT ARE YOU GONNA BE LEFT WITH? AT THE END
17 OF THIS CASE YOU'LL BE PICKING UP THE PIECES AND TRYING
18 TO PUT IT ALL TOGETHER AND TRY TO THEN FIGURE OUT WHAT
19 HAPPENED. YOU'RE GONNA BE LEFT WITH THE STATEMENTS OF
20 SIX PEOPLE WHO ARE ALL CHARGED WITH VERY SERIOUS CRIMES,
21 DOING VERY SERIOUS TIME, AND THEY WANT WHAT EVERYBODY
22 WANTS IN THEIR SITUATION, AND THAT IS A CUT IN THEIR
23 TIME.

24 YOU WILL SEE HOW THESE INDIVIDUALS OPERATE.
25 YOU'LL SEE HOW THEY MANIPULATED LAW ENFORCEMENT. THEY

1 WOULD GET ARRESTED, AS MS. EVANS WOULD SAY, AND THEN
2 COOPERATE, WHILE AT THE SAME TIME THEY'RE
3 DOUBLE-CROSSING THE LAW ENFORCEMENT OFFICERS, AND YOU
4 WILL HEAR ABOUT THAT. THEY WOULD AGREE TO COOPERATE ON
5 ONE HAND WHILE THEY'RE STILL DEALING ON THE SIDE.

6 THIS MUELLER FELLA THAT MS. EVANS DISCUSSED,
7 WHEN HE WAS ARRESTED, HE WAS ARRESTED WITH THREE POUNDS
8 OF METHAMPHETAMINE IN HIS CAR, THREE POUNDS; AND HE HAD
9 A LOT OF MONEY, TOO, WITH HIM, HE HAD OVER A HUNDRED
10 THOUSAND DOLLARS IN CASH IN HIS CAR. NOW YOU TELL ME IF
11 HE'S AN EMPLOYEE OR IF HE'S THE GUY.

12 I JUST GIVE THAT TO YOU AS ONE EXAMPLE. I'M
13 NOT GONNA GO THROUGH EVERY SINGLE PERSON AND TELL YOU
14 WHAT EVERY SINGLE PERSON DID. ONE THING WE'LL AGREE ON
15 IS AMANDA FORDHAM WAS DEALING OUT OF ATLANTA AND DEALING
16 LARGE, LARGE QUANTITIES OF METHAMPHETAMINE, TALKING
17 ABOUT POUNDS AND POUNDS AND POUNDS, AND DEALING IT
18 DIRECTLY TO BRIAN MUELLER, DEALING IT DIRECTLY TO CHAD
19 SEXTON, DEALING IT DIRECTLY TO ROBBY SEXTON. THAT
20 MUELLER AND KENNY LAVENDER HAD THEIR OWN ARRANGEMENTS,
21 THAT THEY WERE TRADING DRUGS FOR MARIJUANA, BECAUSE IT
22 WILL COME OUT THAT NOT ONLY WAS KENNY LAVENDER NOT ONLY
23 DEALING IN METHAMPHETAMINE, BUT HE WAS DEALING IN
24 THOUSANDS OF POUNDS OF MARIJUANA. AND WHEN THEY DID
25 SEARCH WARRANTS AT KENNETH LAVENDER'S HOUSE, NOT ONLY

1 DID THEY FIND MARIJUANA, BUT THEY STARTED SEIZING FORTY,
2 EIGHTY THOUSAND DOLLARS IN CASH.

3 THIS CASE DOES NOT BEGIN AS THE STATE WOULD
4 SUGGEST WITH THE CUSTOMERS, AN ANALYSIS OF THE
5 CUSTOMERS. THIS CASE BEGINS WITH THE STUDY OF THE
6 DISTRIBUTORS, THE MAIN FOUR, MUELLER, CHAD AND ROBBY
7 SEXTON. AND WHEN IT CAME UP THAT THEIR LIFE GOT ON THE
8 LINE, THEY STARTED GIVING STATEMENTS, COOPERATING, SO TO
9 SPEAK. AND THAT'S WHEN SETH STEARNS' NAME CAME UP.

10 CHAD SEXTON, WHO HAS STATED THAT SETH
11 STEARNS INTRODUCED HIM TO AMANDA, WAS ACTUALLY SET UP BY
12 KENNY LAVENDER AT A MCDONALD'S IN EASLEY WHERE CHAD
13 SEXTON TRIED TO RUN OVER A POLICEMAN. THE POLICEMAN
14 SHOT HIM SO HE WOULDN'T HURT ANYBODY, AND CHAD SEXTON
15 WAS ACTUALLY SHOT IN THE STOMACH. THESE ARE THE PEOPLE
16 YOU'RE GOING TO HEAR FROM. THESE ARE BAD, BAD PEOPLE.

17 IF THERE WAS A CONNECTION BETWEEN THEM,
18 THERE WOULD BE SOME SCRAP OF PAPER. THEY WILL TESTIFY
19 THAT THEY DID NOT COMMUNICATE WITH ONE ANOTHER THROUGH
20 SMOKE SIGNALS. THEY DID WHAT EVERYBODY DOES. THEY
21 CALLED THEM ON THE TELEPHONE. THEY TALKED BY CELL
22 PHONE. THEY RIDE BY ONE ANOTHER'S HOUSES. THERE WOULD
23 BE ONE SCRAP, ONE DOCUMENT, SOMETHING BETWEEN THEM. AND
24 ULTIMATELY WHAT YOU'RE GOING TO DETERMINE IS THAT THESE
25 ARE BAD, BAD PEOPLE AND THAT THEY ARE THIEVES AND DRUG

1 DEALERS, AND YOU CAN'T BELIEVE THEM.

2 SO AT THE END OF THIS CASE I'M GOING TO COME
3 BACK AND I'M GONNA DISCUSS IN GREATER DETAIL THE
4 TESTIMONY THAT COMES BEFORE YOU, AND AT THE END OF THIS
5 CASE I'M GONNA TELL YOU, ASK THAT WHAT THEY'VE PUT UP,
6 THE TESTIMONY OF THESE SIX INDIVIDUALS, IS NOT ENOUGH TO
7 OVERCOME A BURDEN TO PROVE SOMEONE TO BE GUILTY OR THAT
8 MY CLIENT, SETH STEARNS, IS NOT GUILTY OF THESE CRIMES.
9 THANK YOU.

10 JUDGE, CAN WE APPROACH FOR JUST ONE MINUTE?

11 **THE COURT:** CERTAINLY.

12 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
13 CONFERRED WITH THE COURT OUT OF THE PRESENCE
14 OF THE COURT REPORTER AND THE JURY.)

15 **THE COURT:** MADAM FORELADY, LADIES AND
16 GENTLEMEN OF THE JURY, WE NEED TO TAKE UP SOME MATTERS
17 WITH THE ATTORNEYS. SO IF YOU WOULD PLEASE RETIRE TO
18 THE JURY ROOM AND THEN I'LL CALL YOU BACK IN JUST A FEW
19 MINUTES. YOU MAY USE THIS AS YOUR OWN BREAK, TOO.
20 AGAIN, DO NOT DISCUSS THE CASE AMONG YOURSELVES IN ANY
21 WAY.

22 (WHEREUPON, THE JURY LEFT THE COURTROOM AT
23 4:00 P.M.)

24 (WHEREUPON, A RECESS WAS TAKEN.)

25 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT

1 4:09 P.M.)

2 THE COURT: ALL RIGHT. MADAM FORELADY,
3 LADIES AND GENTLEMEN OF THE JURY -- LET THE RECORD
4 REFLECT THE JURY AND ALTERNATES ARE IN THE JURY-BOX --
5 SOME MATTERS HAVE COME UP THAT I MIGHT NEED TO TAKE A
6 LITTLE BIT MORE TIME TO ADDRESS THAN I ANTICIPATED.
7 IT'S AFTER 4:00, AND LET ME TELL YOU A LITTLE BIT ABOUT
8 MY PROCEDURE AND HOW I USUALLY LIKE TO PROCEED, AND THAT
9 IS THAT WE USUALLY START IN THE MORNING WHEN IT IS A
10 CONVENIENT TIME WITH YOU AND GO TO APPROXIMATELY 5:00.

11 THE REASON FOR THAT IS I'VE LEARNED THAT WE
12 HAVE TWO LIVES TODAY: ONE BEGINS EARLY IN THE MORNING
13 AND GOES TO 5:00 AND THEN WE HAVE ANOTHER ONE FROM 5:00
14 AND SEEMS TO GO ON FOREVER. SO FOR THAT REASON I
15 USUALLY DO NOT TAKE A WITNESS THAT WILL GO BEYOND 5:00
16 IF IT'S GETTING CLOSE TO THAT TIME. AND THE REASON FOR
17 THAT, OF COURSE, IS THAT I DON'T WANT TO SPLIT THE
18 WITNESS'S TESTIMONY, I WANT TO HAVE IT ALL PUT TOGETHER
19 AT ONE TIME WITHOUT AN INTERRUPTION.

20 SO SOMETIMES LIKE TODAY WE WILL BREAK BEFORE
21 5:00, NOT USUALLY THIS EARLY, BUT I UNDERSTAND MAYBE THE
22 FIRST WITNESS MIGHT BE OF SOME LENGTH, BUT MOST
23 IMPORTANTLY, THERE ARE SOME MATTERS I NEED TO TAKE UP
24 WITH THE ATTORNEYS BEFORE WE START. AND THEN THE OTHER
25 THING, AS I SAY, NOT ONLY DO I NOT LIKE TO GO BEYOND

1 5:00, I WILL GO SOMETIMES BEYOND 5:00, BUT WHEN I DO
2 I'LL LET YOU KNOW IN ADVANCE SO YOU CAN MAKE ANY
3 ARRANGEMENTS. AND IF YOU CAN'T MAKE ARRANGEMENTS, LET
4 ME KNOW AND WE'LL TREAT THAT, AS WELL.

5 BUT THE MAIN THING FOR US TODAY IS I'M GOING
6 TO EXCUSE YOU AT THIS TIME. AND MADAM FORELADY, I'M
7 GOING TO ASK YOU TO DO YOUR FIRST DUTY. CHECK WITH THE
8 JURY AND FIND OUT WHAT TIME YOU WOULD LIKE TO START IN
9 THE MORNING: 9:00, 9:30 OR 10:00 ARE THE TIMES I WOULD
10 SUGGEST. JUST DO IT WHILE THEY'RE ALL IN THE BOX. BY
11 THE WAY, THIS IS NOT A UNANIMOUS VERDICT, IT'S JUST A
12 CONSENSUS.

13 (JURY CONFERRED.)

14 **THE FORELADY:** 9:00.

15 **THE COURT:** 9:00. VERY GOOD. SO IF YOU
16 WILL COME BACK TO THE JURY ROOM AT 9:00, THEN, HOPEFULLY
17 WHAT WE DO THIS AFTERNOON WILL TAKE CARE OF ALL THE
18 MATTERS SO WE CAN PROCEED WITH THE TRIAL OF THE CASE AT
19 THAT TIME.

20 NOW, MADAM FORELADY, LADIES AND GENTLEMEN OF
21 THE JURY, I TELL JURIES THIS IS THE MOST DIFFICULT TIME
22 IN THIS WHOLE CASE BECAUSE YOU ARE GOING HOME. AND
23 SOMEBODY IS GOING TO SAY, "WELL, WHAT ARE YOU DOING?"

24 AND YOU'LL SAY, "WELL, I'VE BEEN DRAWN ON A
25 JURY."

1 AND THEY'LL SAY, "WELL, WHAT'S IT ABOUT?"

2 AND YOU'LL SAY, "WELL, I CAN'T DISCUSS IT

3 WITH YOU."

4 AND THEN THEY'LL SAY, "WELL, WHY NOT?"

5 AND THEN YOU'LL SAY, "BECAUSE THE JUDGE SAYS

6 SO."

7 THEY'LL PROBABLY SAY TO THE EFFECT, "WELL,

8 THAT'S RIDICULOUS."

9 I THINK YOU UNDERSTAND THAT THIS IS AN

10 IMPORTANT CASE TO EVERYBODY INVOLVED AND IT NEEDS TO BE

11 RESOLVED IN THE RIGHT FASHION, AND THE ONLY ONES WHO

12 WILL BE ABLE TO DO THAT ARE THE ONES LIKE YOURSELVES WHO

13 ARE SITTING IN THAT JURY-BOX AND LISTENING TO THAT

14 TESTIMONY AND SEEING THE EXHIBITS AND THE OTHER EVIDENCE

15 AND THEN WILL BE IN THAT JURY ROOM WHEN YOU MAKE YOUR

16 DELIBERATIONS. NO ONE WHO HAS NOT HEARD THE FIRST BIT

17 OF TESTIMONY OR SEEN THE FIRST EXHIBIT OR HEARD THE

18 OTHER EVIDENCE CAN HELP YOU, THEY CAN JUST INTERFERE

19 WITH THE PROPER RESOLUTION. SO THEREFORE, PLEASE, JUST

20 TELL THEM THAT YOU CAN'T DISCUSS IT.

21 I WOULD HOPE THAT I'M GOING TO BE HERE ABOUT

22 8:30 IN THE MORNING, I'LL BE HERE BY 9:00 FOR SURE, BUT

23 I WOULD HOPE THAT I'LL BE BACK HERE AT 8:30, AND IF THEY

24 NEED SOMEBODY TO EXPLAIN IT TO THEM, I'LL BE GLAD TO DO

25 IT THEN.

1 ALL RIGHT. SO WITH THAT I'LL EXCUSE YOU
2 UNTIL 9:00 IN THE MORNING, JUST COME BACK TO THE JURY
3 ROOM YOU'VE BEEN USING.

4 EVERYONE ELSE REMAIN SEATED WHILE THE JURY
5 RETIRES FROM THE COURTROOM.

6 (WHEREUPON, THE JURY LEFT THE COURTROOM AT
7 4:14 P.M.)

8 THE COURT: ALL RIGHT. NOW, RESTATE YOUR
9 QUESTION.

10 MS. PORTER: THANK YOU. YOUR HONOR, MY
11 CONCERN IS HE HAS MADE IT SOUND TO THIS JURY, WELL, THAT
12 THERE ARE STATEMENTS OF SIX PEOPLE AND THAT THOSE
13 STATEMENTS ALONE ARE EVIDENCE.

14 NOW, ALTHOUGH THAT'S NOT ENTIRELY TRUE, AND
15 WE ARE ABLE TO GO FORWARD WITH OTHER EVIDENCE IN
16 ADDITION, MY CONCERN IS HE SPECIFICALLY SAYS THERE'S NOT
17 ONE DOCUMENT, NOT ONE TAPED PHONE CALL, NOT ONE RECEIPT,
18 NOTHING WITH SETH STEARNS' NAME ON IT.

19 WELL, WHEN THIS INVESTIGATION BROKE, SETH
20 STEARNS HAD JUST BEEN, THE PROBATION IN GEORGIA HAD JUST
21 BEEN REVOKED. IT WAS REVOKED, IF MY RECORDS ARE
22 CORRECT, IN AUGUST OF 2005 WHICH IS SMACK IN THE MIDDLE
23 OF OUR INVESTIGATION. HE IS RELEASED AND BROUGHT TO OUR
24 CUSTODY BECAUSE WE HAD INDICTED HIM AT THAT TIME, AND AT
25 THAT TIME SERVED HIM.

1 WHEN THESE INDIVIDUALS WERE COOPERATING, IT
2 WAS IMPOSSIBLE TO SHOOT HIM A PHONE CALL IN JAIL. IT IS
3 IMPOSSIBLE TO SET HIM UP IN JAIL. HE HAS MADE IT SOUND
4 LIKE LAW ENFORCEMENT DIDN'T DO THEIR JOB IN HIS OPENING
5 STATEMENT BECAUSE HIS CLIENT WAS IN JAIL, AND I FEEL
6 LIKE IT HAS PREJUDICED THE STATE AND THAT HE'S ---

7 **THE COURT:** I'M SURE HE DIDN'T DO IT FOR
8 YOUR BENEFIT.

9 **MS. PORTER:** WELL, I DON'T KNOW HOW TO SOLVE
10 IT, YOUR HONOR, BUT I THINK IT'S ---

11 **THE COURT:** WELL, THAT'S THE DILEMMA OF GOOD
12 ATTORNEYS. AS I SAY, I DON'T KNOW -- WELL, I DON'T
13 KNOW. MAYBE YOU WOULD LIKE TO APOLOGIZE FOR HAVING
14 SUGGESTED THERE SHOULD BE SOME PHYSICAL EVIDENCE AS WELL
15 AS STATEMENTS. YOU DON'T?

16 **MR. KAPPEL:** ARE WE ON THE RECORD?

17 **THE COURT:** YES, SIR, WE CERTAINLY ARE.

18 **MR. KAPPEL:** I'LL APOLOGIZE TO HER OUT IN
19 THE HALL, I SUPPOSE.

20 **THE COURT:** NO, FORGIVE ME. AND THE ANALOGY
21 TO A BUSINESS MEANS, I DON'T CARE IF THE FORMER C.E.O.
22 IS, YOU KNOW, IN BARBADOS OR SOMEWHERE, USUALLY YOU
23 THINK THAT IF IT'S A BUSINESS, YOU'RE GOING TO FIND
24 RECORDS. I MEAN, I'M JUST THINKING OF THAT. NOW, I
25 DON'T KNOW HOW -- I CAN SEE IN RESPONSE TO THE OPENING

1 STATEMENT THAT THAT SORT OF -- BY THE STATE WOULD BE
2 SOMETHING YOU WOULD FIND INTERESTING.

3 BUT THE DILEMMA THAT MOST DEFENDANTS HAVE,
4 RATHER THAN THE STATE, IS PROVING THE NEGATIVE. YOU
5 KNOW, UNFORTUNATELY, IT'S BECOMING NOW SOMETHING THAT
6 YOU HAVE TO DO.

7 BUT I DON'T SEE HOW THE FACT THAT HE WAS
8 INCARCERATED IS DISPOSITIVE OF WHETHER OR NOT HE DID
9 ANYTHING BEFORE HE WAS ARRESTED.

10 MS. PORTER: YOUR HONOR, I WOULD --

11 THE COURT: AND THIS IS A CONSPIRACY, RIGHT?

12 MS. PORTER: YES, SIR, IT IS.

13 THE COURT: SO IT'S NOT THAT HE ACTUALLY DID
14 SOMETHING, YOU DIDN'T CATCH HIM WITH THE ---

15 MS. PORTER: NO, SIR, WE DIDN'T. BUT I
16 WOULD LIKE TO ASK AGENT DORSEY, WHO IS THE CASE AGENT,
17 WHILE HE'S TESTIFYING ON THE STAND: DID YOU ATTEMPT TO
18 DO AN UNDERCOVER BUY OF SETH STEARNS? AND AT THIS POINT
19 I WOULD LIKE FOR HIM TO BE ABLE TO SAY: WE COULDN'T
20 BECAUSE BY THE TIME THIS INFORMATION CAME TO US, HE WAS
21 INCARCERATED IN GEORGIA. I MEAN, I THINK THAT'S FAIR
22 GAME. NOW ---

23 THE COURT: SO THEY ARE NOT SELLING ANY
24 CONTRABAND IN GEORGIA, IN PRISONS OR ANYTHING. I
25 THOUGHT WE HAD ONE DIED OF AN OVERDOSE HERE IN SOUTH

1 CAROLINA. DO YOU SEE WHAT WE'RE DOING? WE GOT
2 PANDORA'S LITTLE CATCH HERE. I MEAN, WE OPENED THE BOX
3 AND ALL THAT OTHER COMES OUT, WHICH I DON'T FIND IS
4 REALLY RELEVANT.

5 MS. PORTER: I THINK BASED UPON HIS OPENING
6 STATEMENT IT IS RELEVANT THAT WE DIDN'T CHOOSE AN
7 UNDERCOVER -- TRY TO SET UP AN UNDERCOVER BUY WHEN A
8 DEFENDANT IS INCARCERATED.

9 THE COURT: WELL, I DON'T KNOW ABOUT THAT.

10 MS. PORTER: WELL, I MEAN, I DON'T KNOW WHY
11 I AM SUPPOSED TO ---

12 THE COURT: THAT'S WHY YOU ARE AN ATTORNEY.
13 ONE SIDE OPENS A BUSINESS SCENARIO ---

14 MS. PORTER: YES, SIR.

15 THE COURT: --- AND THE OTHER ONE SAYS, ALL
16 RIGHT, IF IT'S A BUSINESS, WHERE ARE ALL OF THE RECEIPTS
17 AND ALL THE OTHER THINGS THAT YOU WOULD HAVE IN A NORMAL
18 BUSINESS? TO ME IT'S FAIR ARGUMENT THAT ---

19 MS. PORTER: WELL, I JUST DON'T WANT A
20 MISTRIAL, YOUR HONOR, AND I'M JUST TRYING TO ---

21 THE COURT: WELL, DON'T INTRODUCE RELEVANT
22 MATTER, OR MATTER THAT 403 ---

23 MS. PORTER: YES, SIR.

24 THE COURT: --- THAT MIGHT BE MORE
25 PREJUDICIAL THAN PROBATIVE. PROVING THAT HE WAS IN JAIL

1 HALFWAY DURING THE PERIOD OF THE CONSPIRACY, WHAT WOULD
2 THAT ESTABLISH?

3 MS. PORTER: IT WOULD PROVE THAT AT THAT
4 POINT WHEN THIS CAME TO THE ATTENTION OF LAW
5 ENFORCEMENT, THERE WERE NO RECORDS TO OBTAIN.

6 THE COURT: AGAIN, I DON'T QUITE -- I SEE
7 YOUR DILEMMA, BUT AGAIN, I CANNOT WAVE A WAND. THE DOOR
8 WAS OPENED ABOUT BUSINESS OPERATIONS, AND I DON'T KNOW
9 OF A WAL-MART THAT DOESN'T HAVE RECORDS.

10 MS. PORTER: WE HAVE SOME RECORDS, YOUR
11 HONOR, AND WE INTEND TO INTRODUCE THOSE. BUT I WOULD
12 LIKE TO MAYBE NOT HAVE, INSTRUCT MR. DORSEY NOT TO SAY
13 HE WAS INCARCERATED, BUT SAY AT THAT TIME IT WAS
14 IMPOSSIBLE TO SET AN UNDERCOVER BUY UP WITH MR. STEARNS.

15 THE COURT: WELL, OKAY. I MEAN, AGAIN, I
16 DON'T FIND WHAT YOUR -- THAT'S AT THAT TIME. AND WHAT'S
17 THE CONSPIRACY?

18 MS. PORTER: IT'S FROM '04.

19 THE COURT: IT'S FROM JANUARY 1 '04 TO ---

20 MS. PORTER: DECEMBER 13TH.

21 THE COURT: --- DECEMBER THE 13TH, '05.

22 MS. PORTER: YES, SIR.

23 THE COURT: WAS HE IN JAIL THE WHOLE TIME?

24 MS. PORTER: NO, SIR, HE WAS RELEASED, AND
25 SKIPPED BOND, WHICH WE ALSO GET INTO.

1 THE COURT: I UNDERSTAND. BUT ANYWAY, I
2 DON'T SEE ANYTHING WRONG WITH THAT, YOU KNOW, HE WAS IN
3 JAIL, YOU CAN ASK HIM ABOUT THAT, BUT HE'S STILL GOING
4 TO BE ASKED, WELL, WHY DIDN'T YOU FIND ALL THE OTHER
5 RECORDS?

6 MS. PORTER: AND I UNDERSTAND THAT.

7 THE COURT: AND YOU MIGHT BE OPENING A DOOR
8 THAT IS EVEN WIDER THAN YOU WANT, TO GO TO THE
9 CREDIBILITY OF THE WHOLE INVESTIGATION. I DON'T KNOW.

10 MR. KAPPEL: JUDGE, WE'LL TAKE THE POSITION
11 THAT GOING INTO WHERE, IF HE WAS IN JAIL IS, OF COURSE,
12 PROBLEMATIC WITH 403. THE REFERENCE WAS CLEARLY IN
13 RESPONSE TO THEIR OPENING STATEMENT. AND THIRD,
14 THROUGHOUT THE ENTIRE HISTORICAL ASPECT OF THIS
15 CONSPIRACY, THERE WAS A CONSTANT GATHERING OF RECORDS
16 AND DOCUMENTS AND TELEPHONE BOOKS AND TELEPHONE RECORDS
17 AND WHATEVER.

18 THE COURT: WELL, THE ONLY THING IS IF I
19 GRANT YOUR MOTION NOT TO LET THEM GO INTO WHERE HE WAS
20 IN APRIL, DOES THAT MEAN I'M TO ALSO LIMIT YOU GOING
21 INTO WHAT WAS DONE IN OTHER PARTS OF THE INVESTIGATION?

22 MR. KAPPEL: I'LL NEED TO TAKE THAT UP.

23 THE COURT: I THINK I'M GOING TO LET YOU
24 BOTH STEW, I'M GOING TO LET YOU BOTH STEW IN YOUR OWN
25 JUICES. YOU CREATED THIS STEW. BUT PLEASE UNDERSTAND

1 THAT A JUDGE IS NOT THE ONE THAT'S GOING TO BENEFIT
2 ANYBODY. I'M ONLY TRYING TO KEEP THE ARENA AS FREE FROM
3 CONTAMINATION AS POSSIBLE, BUT IF Y'ALL INSIST ON
4 BRINGING YOUR OWN ELEMENTS IN, YOU'RE GOING TO HAVE TO
5 LIVE WITH THEM AND DEAL WITH THEM. ALL RIGHT. I SEE NO
6 OBJECTION TO THE FACT IN THE SCENARIO WHEN WAS HE
7 ARRESTED AND ALL OF THAT, AND, BUT, AS I SAY, AND I
8 DON'T KNOW WHAT WILL HAPPEN -- MR. KAPPEL, IT MIGHT BE
9 YOU WANT TO SAY SOMETHING ABOUT IT.

10 I'LL TELL YOU WHAT I'LL DO. I WON'T BE
11 GIVING ADVISORY OPINIONS. IF YOU WANT TO TAKE A SHOT AT
12 IT, I WOULD SUGGEST IF YOU THINK THAT IT MIGHT BE
13 SOMETHING THAT YOU WOULD RATHER HAVE THE COURT RULE AT
14 THE TIME, BECAUSE IN OTHER WORDS, JUST LIKE ANY MOTION
15 IN LIMINE, YOU HAVE TO RENEW IT AT THE TIME UNDER THE
16 CIRCUMSTANCES, AND WHAT MIGHT NOT HAVE BEEN RELEVANT OR
17 WHAT MIGHT NOT HAVE BEEN ADMISSIBLE FOR SOME REASON OR
18 ANOTHER UNDER THE RECORD AT THE TIME MIGHT BE DIFFERENT.

19 SO I'M NOT GOING TO RULE ON THIS. I THINK
20 THAT THERE IS ENOUGH IN THE -- EVEN THOUGH WE HAVEN'T
21 HAD THE FIRST WITNESS, WE'VE GOT ENOUGH DISCUSSION THAT
22 WOULD MAYBE NOT MAKE IT WRONG IN AND OF ITSELF.

23 OKAY. ANYTHING ELSE?

24 MS. PORTER: NO, YOUR HONOR.

25 THE COURT: ALL RIGHT. GET A GOOD REST.

1 NOW I'VE GOT TO BE IN AT 9:00 IN THE MORNING.

2 I'LL SEE YOU ALL IN THE MORNING AT 9:00.

3 (COURT ADJOURNED AT 4:30 P.M. ON MONDAY,

4 DECEMBER 10, 2007, TO RESUME ON TUESDAY,

5 DECEMBER 11, 2007, AT 9:00 A.M.)

6 ***** END OF REQUESTED TRANSCRIPT *****

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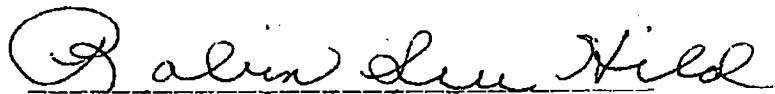
25

CERTIFICATE OF COURT REPORTER

I, THE UNDERSIGNED, ROBIN SUE HILD, FCRR, RPR,
OFFICIAL COURT REPORTER FOR THE TENTH JUDICIAL CIRCUIT
OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT
THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE
TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND THE
EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE,
VOLUME I, DECEMBER 10, 2007, PAGES 1 THROUGH 76,
RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS FOR
THE STATE GRAND JURY, GREENVILLE COUNTY, SOUTH CAROLINA,
ON THE 10TH DAY, 11TH DAY, 12TH DAY, AND 13TH DAY OF
DECEMBER, 2007.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL NOR INTEREST TO ANY PARTY HERETO.

JULY 24, 2008



ROBIN SUE HILD, FCRR, RPR
CIRCUIT COURT REPORTER

STATE OF SOUTH
CAROLINA

) IN THE COURT OF GENERAL
) SESSIONS

STATE GRAND JURY
COUNTY OF GREENVILLE

) INDICTMENT NO: 2005-GS-47-25
) COUNT ONE

STATE OF SOUTH
CAROLINA

PLAINTIFF,

)
)
)
) TRANSCRIPT OF RECORD
) TRIAL - VOLUME II

-VS-

SETH AARON STEARNS,

DEFENDANT.

DECEMBER 11, 2007
GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE ALEXANDER S. MACAULAY, JUDGE; AND A JURY.

A P P E A R A N C E S:

SUSAN O. PORTER, ESQ.
JENNIFER EVANS, ESQ.
ASSISTANT ATTORNEY GENERALS, STATE GRAND JURY
ATTORNEYS FOR THE STATE

MATT KAPPEL, ESQ.
ATTORNEY FOR THE DEFENDANT

ROBIN SUE HILD, FCRR, RPR
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EXHIBITS

20	NO.	DESCRIPTION	ID./EV.
21			
	S # 1	CHAIN OF CUSTODY FORM C	80/120
22	S # 2	CHAIN OF CUSTODY FORM B	80/110
	S # 3	DRIVER'S LICENSE PHOTO	80/125
23	S # 4	LARGE BOARD OF PHOTOS	80/--

24

25

1 ***** START OF REQUESTED TRANSCRIPT *****

2 (WHEREUPON, THE TRIAL RESUMED IN THE STATE OF
3 SOUTH CAROLINA VERSUS SETH AARON STEARNS AT
4 APPROXIMATELY 9:17 A.M.)

5 (STATE'S EX. # 1, CHAIN OF CUSTODY FORM C -
6 LOVELL TO DORSEY, WAS MARKED FOR
7 IDENTIFICATION.)

8 (STATE'S EX. # 2, CHAIN OF CUSTODY FORM B -
9 LAVENDER TO DORSEY, WAS MARKED FOR
10 IDENTIFICATION.)

11 (STATE'S EX. # 3, DRIVER'S LICENSE PHOTO -
12 SETH STEARNS, WAS MARKED FOR IDENTIFICATION.)

13 (STATE'S EX. # 4, LARGE BOARD OF PHOTOS, WAS
14 MARKED FOR IDENTIFICATION.)

15 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN,
16 I UNDERSTAND WE HAVE A BIT OF A PROBLEM, OR MAYBE TWO
17 PROBLEMS.

18 MR. CLERK, IF YOU COULD TELL US WHAT YOU
19 KNOW ABOUT SOME QUESTIONS ABOUT A JUROR'S -- TAKE THE
20 FIRST ONE ABOUT THE JUROR THAT THINKS SHE, IT APPEARS
21 SHE MIGHT RECOGNIZE ONE OF THE WITNESSES.

22 THE CLERK: YES, YOUR HONOR. THIS MORNING A
23 JUROR CAME IN AND SPOKE TO THE JURY COORDINATOR
24 DOWNSTAIRS AND INDICATED THAT HE BELIEVES HE MAY KNOW
25 ONE OF THE WITNESSES WHO WILL BE CALLED TO THE TRIAL BY

1 RECOGNITION OF THE NAME, AND THAT'S ALL HE DISCLOSED TO
2 THE JURY COORDINATOR.

3 THE COURT: ALL RIGHT. AND WHICH JUROR WAS
4 IT?

5 THE CLERK: IT WAS JUROR NUMBER 76.

6 THE COURT: AND WHO WAS THE WITNESS?

7 THE CLERK: HE DID NOT SAY.

8 THE COURT: OKAY. WHAT DOES THE STATE
9 SUGGEST THE COURT DO ABOUT THAT WITNESS -- ABOUT THAT
10 JUROR AND THE WITNESS?

11 MS. PORTER: I'D LIKE TO ASK HIM WHICH
12 WITNESS AND WHETHER OR NOT THAT WOULD AFFECT HIS ABILITY
13 TO BE FAIR AND IMPARTIAL.

14 THE COURT: MR. KAPPEL?

15 MR. KAPPEL: THAT SOUNDS PERFECTLY FINE TO
16 ME. ONE QUESTION I'VE GOT IN MY MIND IS IT MAY JUST BE
17 A CONFUSION IN TERMS OF ONE OF THE NAMES. SO I DON'T
18 KNOW IF THERE IS ANY WAY TO VERIFY IF, IN FACT, HE DOES
19 KNOW ONE OF THE WITNESSES.

20 THE COURT: WE'LL VOIR DIRE.

21 MR. KAPPEL: THAT SOUNDS FINE, THANK YOU.

22 THE COURT: ALL RIGHT. AND THE SECOND ONE,
23 SECOND PROBLEM?

24 THE CLERK: YOUR HONOR, THE SECOND ONE IS
25 JUROR NUMBER 142. THIS JUROR, AFTER THE CONCLUSION OF

1 YESTERDAY'S COURT ACTIVITY, CALLED THE CLERK'S OFFICE
2 HERE IN GREENVILLE COUNTY. SHE LEFT A TELEPHONE MESSAGE
3 FOR THE JURY COORDINATOR. ESSENTIALLY SHE SAID THAT SHE
4 WAS RIDING HOME WITH HER HUSBAND. HER HUSBAND
5 APPARENTLY HAD BEEN IN THE COURTROOM AND HAD HEARD SOME
6 DISCUSSION BETWEEN ATTORNEYS WHEN THE JURY HAD BEEN
7 EXCUSED TO THE JURY ROOM, AND THAT'S THE EXTENT THAT I
8 KNOW, JUDGE.

9 THE COURT: SAY THAT ONE AGAIN, PLEASE?

10 THE CLERK: YES, YOUR HONOR. JUROR NUMBER
11 142, HER HUSBAND WAS IN THE COURTROOM DURING THE TRIAL,
12 OPENING ARGUMENTS YESTERDAY. FOLLOWING THE CONCLUSION
13 OF YESTERDAY'S ACTIVITY IN THE COURTROOM, HE THEN PICKED
14 HER UP AND THEY DROVE HOME. AFTER THEY WERE ON THE WAY
15 HOME, HE BROUGHT UP SOME ITEMS THAT HE HAD HEARD IN THE
16 COURTROOM, AND ADDRESSED, AND BROUGHT IT TO HIS WIFE'S
17 ATTENTION. SHE THEN SHORTLY THEREAFTER SOMETIME CALLED
18 TO THE CLERK'S OFFICE HERE IN GREENVILLE AND LEFT A
19 MESSAGE ON THE TELEPHONE WITH THE JURY COORDINATOR THAT
20 THIS PARTICULAR SITUATION HAD DEVELOPED.

21 THE COURT: ALL RIGHT. WHAT DOES THE STATE
22 SAY ABOUT THAT?

23 MS. PORTER: I THINK WE NEED TO VOIR DIRE,
24 BUT I'M NOT SURE THAT ONE IS CURABLE. BUT I MEAN I
25 THINK WE NEED TO ASK HER WHAT WAS SAID. IF IT'S

1 SCHEDULING MATTERS, I DON'T THINK THAT WOULD AFFECT HER.

2 THE COURT: ALL RIGHT. MR. KAPPEL?

3 MR. KAPPEL: I AGREE.

4 THE COURT: ALL RIGHT. LET'S TAKE THE FIRST
5 ONE, THE JUROR WHO THINKS THEY MIGHT IDENTIFY. ASK THE
6 JUROR TO COME IN, PLEASE.

7 THE BAILIFF: IS THAT MR. LANFORD?

8 THE COURT: YES, SIR.

9 (OFF-THE-RECORD DISCUSSION.)

10 (JUROR TONY L. LANFORD, NUMBER 76, ENTERED
11 THE COURTROOM.)

12 THE COURT: MR. LANGFORD -- IS THAT RIGHT?

13 JUROR LANFORD: LANFORD.

14 THE COURT: LANFORD, ALL RIGHT. I
15 UNDERSTAND THAT YOU MIGHT RECOGNIZE ONE OF THE NAMES OF
16 THE WITNESSES?

17 JUROR LANFORD: YEAH, I RECOGNIZE ONE OF THE
18 NAMES.

19 THE COURT: WHICH ONE IS THAT?

20 JUROR LANFORD: CHAD SEXTON. I DON'T KNOW
21 IF IT'S THE SAME ONE.

22 THE COURT: ALL RIGHT. IF IT -- WELL, LET'S
23 JUST START THIS WAY. IF IT WAS THE CHAD SEXTON THAT YOU
24 KNOW, WOULD YOUR KNOWLEDGE OF MR. SEXTON IN ANY WAY
25 INTERFERE WITH YOUR ABILITY TO GIVE BOTH THE STATE AND

1 THE DEFENDANT A FAIR AND IMPARTIAL TRIAL IN THIS CASE?

2 JUROR LANFORD: NO.

3 THE COURT: ALL RIGHT. VERY GOOD.

4 ANY QUESTIONS FROM THE STATE?

5 MS. PORTER: NO.

6 THE COURT: FROM THE DEFENSE?

7 MR. KAPPEL: NO.

8 THE COURT: ALL RIGHT. THANK YOU FOR
9 BRINGING IT TO MY ATTENTION.

10 JUROR LANFORD: WELL, WHEN HE FIRST SAID IT,
11 I RECOGNIZED IT, BUT THEN LATER I WASN'T SURE THAT WAS
12 HIS NAME UNTIL I REALIZED THAT WAS THE SAME PERSON.

13 THE COURT: WELL, I DON'T KNOW IF IT IS.
14 BUT JUST THE FACT THAT HE WOULD BE A WITNESS IN THIS
15 CASE WOULD NOT MAKE YOUR, CHANGE YOUR ABILITY TO GIVE
16 THE STATE AND THE DEFENDANT A FAIR AND IMPARTIAL TRIAL?

17 JUROR LANFORD: NO, SIR, IT WOULD NOT.

18 THE COURT: VERY GOOD. THANK YOU, SIR, I
19 APPRECIATE THAT.

20 (JUROR LANFORD LEFT THE COURTROOM.)

21 ALL RIGHT. ANYTHING FROM THE STATE? I'M
22 GOING TO LET HIM SIT.

23 MS. PORTER: NO OBJECTION, YOUR HONOR.

24 THE COURT: FROM THE DEFENSE?

25 MR. KAPPEL: NO OBJECTION.

1 THE COURT: ALL RIGHT. IF YOU WOULD,
2 PLEASE, 142.

3 THE CLERK: DENISE LELL, LELL.

4 (JUROR DENISE R. LELL, NUMBER 142, ENTERED
5 THE COURTROOM.)

6 THE COURT: GOOD MORNING. YOU ARE MS. LELL;
7 IS THAT RIGHT?

8 JUROR LELL: YES.

9 THE COURT: I UNDERSTAND THAT YOU HAD A
10 CONVERSATION WITH SOMEONE. WOULD YOU PLEASE TELL ME
11 ABOUT IT?

12 JUROR LELL: WELL, YESTERDAY MY HUSBAND HAD
13 BROUGHT ME TO COURT BECAUSE I'M NOT FAMILIAR WITH THE
14 AREA.

15 THE COURT: YES, MA'AM.

16 JUROR LELL: AND HE WAS HERE ALL DAY, AND I
17 TOLD HIM WHAT COURTROOM I WAS IN, AND HE CAME AND HE WAS
18 SITTING THERE WHEN I WAS ON THE JURY.

19 THE COURT: YES, MA'AM.

20 JUROR LELL: AND WHEN WE LEFT.

21 THE COURT: RIGHT.

22 JUROR LELL: AND THEN WHEN YOU SAID DON'T
23 DISCUSS THIS WITH YOUR HUSBAND OR ANYONE ELSE. I MEAN,
24 HE DIDN'T SAY ANYTHING, HE SAID, YOU KNOW, I WAS THERE
25 WHEN THEY LET YOU OUT. HE DIDN'T SAY ANYTHING, BUT I

1 JUST THOUGHT I WOULD CALL AND LET YOU KNOW.

2 THE COURT: WELL, PERFECT. THAT'S EXACTLY
3 WHAT WE WOULD WANT. BUT LET ME ASK YOU: BY REASON OF
4 ANYTHING THAT YOU -- WHAT CONVERSATION DID YOU HAVE?
5 WOULD THAT IN ANY WAY INTERFERE WITH YOUR ABILITY TO
6 GIVE BOTH THE STATE AND THE DEFENDANT A FAIR AND
7 IMPARTIAL TRIAL IN THIS CASE?

8 JUROR LELL: NO, NOT AT ALL.

9 THE COURT: ALL RIGHT.

10 ANY QUESTIONS FROM THE STATE?

11 MS. PORTER: NO, YOUR HONOR.

12 THE COURT: FROM THE DEFENSE?

13 MR. KAPPEL: JUST A MOMENT, JUDGE. MAY I,
14 BRIEFLY?

15 THE COURT: CERTAINLY.

16 MR. KAPPEL: MA'AM, GOOD MORNING.

17 JUROR LELL: GOOD MORNING.

18 MR. KAPPEL: DID YOUR HUSBAND TELL YOU ANY
19 SPECIFICS ABOUT WHAT OCCURRED IN THE COURTROOM?

20 JUROR LELL: NO, NO. HE JUST SAID THAT HE
21 WAS IN THE COURTROOM WHEN I LEFT, AND THEN AFTER, YOU
22 KNOW, HE HAD SAID DON'T DISCUSS IT WITH YOUR HUSBAND OR
23 ANYBODY ELSE, HE SAID I WAS IN THE COURTROOM, YOU SHOULD
24 TELL THEM. BUT HE DIDN'T SAY ANYTHING THAT HAPPENED.

25 THE COURT: I UNDERSTAND.

1 MR. KAPPEL: ALL RIGHT, THANK YOU.

2 THE COURT: AGAIN, YOU DID ABSOLUTELY RIGHT,
3 AND THAT WAS THE REASON, AND I APPRECIATE NOT ONLY YOU
4 BUT YOUR HUSBAND UNDERSTANDING THE IMPORTANCE THAT WE
5 DON'T UNDERTAKE ANY DISCUSSIONS UNTIL THE TIME THAT YOU
6 AND THE JURY SIT AND DETERMINE THIS QUESTION. ALL
7 RIGHT. THANK YOU VERY MUCH. I DO APPRECIATE IT.

8 JUROR LELL: YOU'RE WELCOME.

9 (JUROR LELL LEFT THE COURTROOM.)

10 THE COURT: ANYTHING FROM THE STATE?

11 MS. PORTER: NO, YOUR HONOR.

12 THE COURT: ANYTHING FROM DEFENSE?

13 MR. KAPPEL: JUDGE, I WOULD ASK HER TO BE
14 RELIEVED FROM JURY SERVICE. I HAVE NO IDEA WHAT HER
15 HUSBAND -- I THINK I KNOW WHO SHE WAS TALKING ABOUT.

16 THE COURT: THE GENTLEMAN IN THE LIGHT
17 BROWN ---

18 MR. KAPPEL: LIGHT TAN JACKET.

19 THE COURT: ALL RIGHT.

20 MR. KAPPEL: AND MY CONCERN IS -- AND WE
21 KIND OF DISCUSSED A LITTLE BIT OF THIS IN CHAMBERS --
22 ABOUT HOW PEOPLE TALK EVEN WHEN YOU INSTRUCT THEM NOT TO
23 TALK. AND MY CONCERN IS THIS INDIVIDUAL MAY HAVE HEARD
24 SOME OF THE ARGUMENT, MAY HAVE HEARD SOME OF THE
25 ARGUMENT ABOUT BONDS OR WHETHER THEY COULD ARGUE FLIGHT,

1 ANY OF THOSE ISSUES WHICH ARE ABSOLUTELY CRITICAL IN
2 TERMS OF KEEPING FROM THE JURY UNTIL THE COURT RULED,
3 AND MY CONCERN IS THERE MIGHT BE SOME DISCUSSION BETWEEN
4 THE TWO OF THEM, AND I THINK OUT OF AN ABUNDANCE OF
5 CAUTION SHE SHOULD BE RELIEVED.

6 THE COURT: WHAT DOES THE STATE SAY?

7 MS. PORTER: YOUR HONOR, YOU QUESTIONED HER.
8 SHE SAID HE DIDN'T SAY ANYTHING ABOUT WHAT HAPPENED IN
9 THE COURTROOM AND SHE COULD BE FAIR AND IMPARTIAL. WE
10 WOULD ASK THAT SHE REMAIN.

11 THE COURT: ANYTHING ELSE FROM THE
12 DEFENDANT?

13 MR. KAPPEL: THAT'S ALL I HAVE, JUDGE.

14 THE COURT: SHE'S A RATHER UNIQUE JUROR, AND
15 NORMALLY I WOULD PERHAPS GIVE MORE WEIGHT TO WHAT THE
16 DEFENSE SAYS, EXCEPT THAT SHE BROUGHT IT TO OUR
17 ATTENTION. I THINK THE ONES THAT YOU HAVE TO BE AFRAID
18 OF ARE THE ONES THAT DON'T, IT'S AFTER YOU FIND OUT
19 LATER THAT THEY'VE DONE -- SO I THINK, IF ANYTHING, SHE
20 SEEMS TO -- EVEN HER HUSBAND SEEMED TO BE SOMEWHAT
21 SENSITIVE ABOUT THE VERY INSTRUCTIONS THE COURT GAVE.
22 AND FOR THAT REASON I'M GOING TO PERMIT HER TO CONTINUE
23 TO SIT. AND AS I SAY, AS I UNDERSTAND, JUST SO THE
24 RECORD IS CLEAR IN MY OWN MIND AS WELL AS DEVELOPED, SHE
25 CONTACTED THE CLERK OR THE CLERK'S OFFICE ABOUT THE

1 CONVERSATION, SO IT WASN'T AS IF ANYBODY DISCOVERED
2 ANYTHING. SHE REVEALED IT HERSELF. SO I'M GOING TO
3 DENY YOUR MOTION.

4 VERY GOOD. ANYTHING ELSE FROM THE STATE
5 BEFORE WE BEGIN?

6 MS. PORTER: NO, YOUR HONOR.

7 THE COURT: FROM THE DEFENSE?

8 MR. KAPPEL: NOTHING, JUDGE.

9 THE COURT: AND I UNDERSTAND YOUR FIRST
10 WITNESS ---

11 MS. PORTER: MR. DORSEY.

12 THE COURT: LIEUTENANT DORSEY.

13 MS. PORTER: YES, SIR.

14 THE COURT: ALL RIGHT. VERY GOOD. ASK THE
15 JURY TO JOIN US, PLEASE.

16 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
17 9:39 A.M.)

18 THE COURT: LET ME SUGGEST ONE THING THAT
19 MIGHT BE HELPFUL. LET'S DO WAIT TO COME BACK UNTIL
20 EVERYONE'S READY. THE REASON FOR THAT, I THINK I MIGHT
21 HAVE MENTIONED IT, IS YOU HAVE TO MAKE YOUR DECISION
22 BASED ON THE TESTIMONY FROM THE WITNESS STAND AND THE
23 EVIDENCE FROM THE COURTROOM, SO IT'S ABSOLUTELY
24 ESSENTIAL THAT EVERYBODY SEES EVERYTHING AT THE SAME
25 TIME. AND SO IF SOMEONE IS NOT QUITE READY, JUST WAIT.

1 BECAUSE WE CAN'T START WITHOUT YOU. YOU ARE THE ONES
2 THAT ARE IMPORTANT IN THIS CASE. SO, AS I SAY, JUST BE
3 SURE EVERYBODY IS READY TO COME BACK AT THE SAME TIME.

4 AT THIS TIME THE STATE WOULD PRESENT ITS
5 CASE.

6 MS. PORTER: THANK YOU, YOUR HONOR, MAY IT
7 PLEASE THE COURT?

8 THE COURT: MS. PORTER.

9 MS. PORTER: THE STATE WOULD LIKE TO CALL
10 LIEUTENANT MAX DORSEY TO THE STAND.

11 (WHEREUPON, THE WITNESS WAS SWORN BY THE
12 CLERK.)

13 THE CLERK: PLEASE BE SEATED AND THEN STATE
14 YOUR FULL NAME AND SPELL YOUR LAST NAME FOR THE RECORD.

15 THE WITNESS: MY NAME IS DONALD MAX DORSEY
16 II, AND MY LAST NAME IS SPELLED D-O-R-S-E-Y, AND I GO BY
17 "MAX."

18 WHEREUPON,

19 MAX DORSEY,
20 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS
21 FOLLOWS:

22 DIRECT EXAMINATION BY MS. PORTER:

23 Q. MAX, WHAT DO YOU DO FOR A LIVING?

24 A. I'M A S.L.E.D. AGENT.

25 Q. HOW LONG HAVE YOU BEEN WORKING FOR S.L.E.D.?

1 A. I'VE BEEN AT THE AGENCY FOR APPROXIMATELY 13
2 YEARS, AND I'VE BEEN AN ACTUAL AGENT FOR APPROXIMATELY
3 TEN YEARS.

4 Q. AND WHAT TYPE OF EDUCATION AND TRAINING DO YOU
5 HAVE THAT ALLOWS YOU TO BE A S.L.E.D. AGENT?

6 A. WELL, I GRADUATED FROM U.S.C., SOUTH CAROLINA, IN
7 '97, I'VE GOT A BACHELOR OF ARTS DEGREE WITH A MAJOR IN
8 POLITICAL SCIENCE. I'M A GRADUATE OF THE SOUTH CAROLINA
9 CRIMINAL JUSTICE ACADEMY. I'VE RECEIVED LOTS OF
10 TRAINING, FORMAL TRAINING IN NARCOTICS INVESTIGATIONS,
11 METHAMPHETAMINE INVESTIGATIONS IN PARTICULAR. AND I'VE
12 BEEN ASSIGNED TO THE STATE GRAND JURY FOR MOST OF MY
13 CAREER AT S.L.E.D.

14 Q. DO YOU ATTEND CONTINUING EDUCATION CLASSES?

15 A. YES, MA'AM, IT'S REQUIRED FOR OUR CERTIFICATION.

16 Q. HOW MANY HOURS A YEAR DO YOU HAVE TO RECEIVE IT?

17 A. I THINK IT'S -- YOU KNOW, THAT'S A GOOD QUESTION.
18 BECAUSE S.L.E.D. MAKES SURE THAT THEY PROVIDE US SO
19 MUCH, WE EXCEED THE REQUIREMENTS EACH YEAR ON OUR
20 CERTIFICATION. THEY ARE ALWAYS SENDING US TO TRAINING
21 CLASSES.

22 Q. WHAT DIVISION ARE YOU CURRENTLY ASSIGNED TO?

23 A. I'M CURRENTLY ASSIGNED TO THE VICE UNIT, I'M THE
24 VICE SUPERVISOR FOR THE MIDLANDS REGION, I'M ALSO THE
25 STATEWIDE GANG SUPERVISOR AT S.L.E.D.

1 Q. HOW MANY S.L.E.D. AGENTS DO YOU HAVE UNDER YOUR
2 SUPERVISION?

3 A. RIGHT NOW I GOT 13 AGENTS ON MY TEAM.

4 Q. AND YOU SAID THE MAJORITY OF YOUR CAREER WAS
5 SERVED AT THE STATE GRAND JURY DIVISION?

6 A. YES, MA'AM. I WORKED A YEAR AT S.L.E.D.
7 NARCOTICS, WHICH WE WORKED PRETTY MUCH STREET LEVEL DRUG
8 INVESTIGATIONS, AND AFTER THAT FIRST YEAR I HAD AN
9 OPPORTUNITY TO GO TO THE STATE GRAND JURY, AND I WORKED
10 THERE UP UNTIL ABOUT THIS TIME LAST YEAR.

11 Q. TYPICALLY WHAT TYPE OF INVESTIGATIONS DOES THE
12 STATE GRAND JURY S.L.E.D. DIVISION INVESTIGATE?

13 A. THE GROUP THAT I WAS ASSIGNED TO, THE NARCOTICS
14 SECTION OF THE STATE GRAND JURY, WE WORK DRUG
15 CONSPIRACIES, DRUG ORGANIZATIONS THAT HAVE MULTICOUNTY
16 IMPACT.

17 Q. AND AS A NARCOTICS INVESTIGATOR, WHAT ARE YOUR
18 DUTIES?

19 A. WELL, A NARCOTICS INVESTIGATOR USUALLY IS
20 RESPONSIBLE FOR DEVELOPING INFORMANTS, CULTIVATING
21 INFORMANTS; AND AS A S.L.E.D. AGENT YOU USUALLY RELY
22 HEAVILY ON YOUR LOCAL AGENCIES, WHETHER IT BE THE CITY
23 POLICE DEPARTMENTS, THE SHERIFF'S OFFICES, A LOT OF
24 TIMES HIGHWAY PATROL, EVEN FEDERAL AGENCIES TO DEVELOP
25 YOUR INFORMANTS. THROUGH THE USE OF THOSE INFORMANTS --

1 AND THOSE ARE GUYS ON THE INSIDE OF DRUG
2 ORGANIZATIONS -- YOU BEGIN WORKING THAT ORGANIZATION. A
3 NARCOTICS INVESTIGATOR IS RESPONSIBLE FOR INITIATING
4 THAT INVESTIGATION, WORKING IT BY MAKING UNDERCOVER DRUG
5 BUYS, APPROACHING PEOPLE AND, WHEN I SAY WHEN I APPROACH
6 SOMEONE, WE USUALLY GO AND APPROACH THAT PERSON AND ASK
7 FOR THEIR COOPERATION. WE CALL IT WORKING UP THE
8 LADDER. AND AS YOU PROBABLY KNOW, WE WOULD NOT BE ABLE
9 TO WORK UP THE LADDER OF A DRUG ORGANIZATION IF WE
10 DIDN'T HAVE PEOPLE WITHIN AN ORGANIZATION COOPERATING.
11 SO A NARCOTICS INVESTIGATOR, I KIND OF CALL IT, WE'RE
12 UNIQUE PARTS OF THE LAW ENFORCEMENT COMMUNITY BECAUSE A
13 LOT OF TIMES WE WORK PROACTIVELY. WE WORK PROACTIVELY
14 BECAUSE WE ARE WORKING THAT CRIME IN A UNIQUE WAY.

15 WHEN A MURDER OCCURS, WELL, THAT CRIME IS ALREADY
16 COMMITTED AND YOU ARE HAVING TO WORK BACKWARDS. BUT ON
17 DRUG INVESTIGATIONS SOMETIMES, MANY TIMES, YOU ARE
18 WORKING PROACTIVELY. YOU ARE GOING AND YOU ARE SETTING
19 UP OF THE SCENARIO FOR THAT CRIME TO OCCUR.

20 Q. APPROXIMATELY HOW MANY TIMES HAVE YOU BEEN
21 INVOLVED OR PARTICIPATED IN THE INVESTIGATION OF ILLEGAL
22 NARCOTIC ACTIVITIES?

23 A. MORE THAN A HUNDRED.

24 Q. YOU JUST DESCRIBED REACTIVE VERSUS PROACTIVE
25 INVESTIGATIONS. ARE THERE TIMES THAT WHEN INVESTIGATING

1 ILLEGAL NARCOTIC ACTIVITIES YOU WOULD USE BOTH REACTIVE
2 AND PROACTIVE PROCEDURES?

3 A. YES, MA'AM.

4 Q. AND HAVE YOU HAD OCCASION TO PARTICIPATE IN
5 UNDERCOVER INVESTIGATIONS WHILE INVESTIGATING ILLEGAL
6 NARCOTIC ACTIVITIES?

7 A. YES, MA'AM, I HAVE.

8 Q. APPROXIMATELY HOW MANY UNDERCOVER INVESTIGATIONS
9 HAVE YOU PARTICIPATED IN?

10 A. IN EXCESS OF A HUNDRED.

11 Q. APPROXIMATELY HOW MANY TIMES HAVE YOU BOUGHT OR
12 INSTRUCTED SOMEONE ON BEHALF OF S.L.E.D. TO BUY ILLEGAL
13 DRUGS AS A PART OF AN UNDERCOVER INVESTIGATION?

14 A. IN EXCESS OF A HUNDRED. PROBABLY CLOSER TO 500
15 ON THAT.

16 Q. NOT ONLY PARTICIPATING IN, BUT HAVE YOU HAD AN
17 OPPORTUNITY TO RUN AND BE THE CASE AGENT ON A CONSPIRACY
18 INVESTIGATION?

19 A. YES, MA'AM.

20 Q. APPROXIMATELY HOW MANY TIMES?

21 A. I'VE BEEN THE CASE AGENT ON APPROXIMATELY TEN
22 STATE GRAND JURY INVESTIGATIONS THAT ARE CONSPIRACY
23 INVESTIGATIONS, WHICH MANY TIMES HAVE ENCOMPASSED
24 MULTIPLE CONSPIRACIES OR MULTIPLE ORGANIZATIONS WITHIN
25 ONE PARTICULAR INVESTIGATION.

1 Q. YOU TESTIFIED JUST A MOMENT AGO THAT TYPICALLY
2 THE STATE GRAND JURY INVESTIGATIONS CROSS COUNTY LINES
3 OR HAVE MULTICOUNTY IMPACT. CAN THEY ALSO CROSS STATE
4 LINES?

5 A. YES, MA'AM THEY CAN.

6 MS. PORTER: AT THIS TIME, YOUR HONOR, I
7 WOULD LIKE TO OFFER LIEUTENANT MAX DORSEY IN THE FIELD
8 OF NARCOTICS INVESTIGATION, SPECIFICALLY INCLUDING
9 CONSPIRACIES.

10 THE COURT: ANY VOIR DIRE?

11 MR. KAPPEL: JUST A FEW, JUDGE.
12 VOIR DIRE EXAMINATION BY MR. KAPPEL:

13 Q. AGENT DORSEY, HAVE YOU EVER BEEN QUALIFIED AS AN
14 EXPERT PRIOR TO TODAY?

15 A. NO, SIR, I HAVE NOT.

16 Q. HAS THE ATTORNEY GENERAL'S OFFICE EVER TRIED TO
17 QUALIFY YOU AS AN EXPERT WITNESS AND YOU WERE DENIED?

18 A. NO, SIR. THIS IS THE FIRST TIME I'VE BEEN
19 OFFERED AS AN EXPERT WITNESS.

20 MR. KAPPEL: THAT'S ALL I HAVE.

21 THE COURT: ALL RIGHT. I FIND THAT THE
22 WITNESS IS QUALIFIED IN THE AREA OF NARCOTIC
23 INVESTIGATIONS TO INCLUDE CONSPIRACIES, AND HE WILL BE
24 SO QUALIFIED.

25 MADAM FORELADY, LADIES AND GENTLEMEN OF THE

1 JURY, NORMALLY WITNESSES ARE NOT PERMITTED TO GIVE THEIR
2 OPINIONS, THEY CAN ONLY TESTIFY AS TO WHAT THEY KNOW OF
3 THEIR OWN KNOWLEDGE AND THE EXERCISE OF THEIR OWN
4 SENSES, IN OTHER WORDS, WHAT THEY MIGHT SEE AND TOUCH
5 TASTE OR HEAR.

6 HOWEVER, IF A WITNESS BY REASON OF
7 BACKGROUND, TRAINING AND EXPERIENCE HAS ACQUIRED A
8 CERTAIN EXPERTISE IN A PARTICULAR AREA, THEN THEY CAN BE
9 QUALIFIED AS AN EXPERT AND THEN THEY CAN GIVE THEIR
10 OPINIONS.

11 NOW, PLEASE UNDERSTAND THAT ANY TESTIMONY OF
12 A WITNESS, EXPERT OR OTHERWISE, THE VALUE OF THAT
13 TESTIMONY IS FOR YOUR DETERMINATION.

14 ALL RIGHT. YOU MAY PROCEED.

15 MS. PORTER: THANK YOU, YOUR HONOR.

16 BY MS. PORTER:

17 Q. TYPICALLY, WHO CONTACTS S.L.E.D. REGARDING AN
18 INVESTIGATION THAT HAS MULTICOUNTY IMPACT?

19 A. TYPICALLY YOUR LOCAL POLICE DEPARTMENT OR
20 SHERIFF'S OFFICE.

21 Q. AND WHEN YOU BECOME INVOLVED AND APPROACHED IN AN
22 INVESTIGATION, HOW DO YOU START?

23 A. WELL, INITIALLY WE MEET WITH THE LOCAL AGENCIES
24 THAT ARE INVOLVED IN THE CASE FROM THE BEGINNING. AND
25 IT'S NOT ONE OF THOSE THINGS WHERE S.L.E.D. COMES IN AND

1 TAKES OVER. THIS IS A JOINT OPTION. ANY AGENCY THAT'S
2 INVOLVED, THEY STAY INVOLVED, AND WE WELCOME THEIR
3 PARTICIPATION BECAUSE THEY'RE THERE. THEY'RE THE
4 SHERIFF'S OFFICE. THEY KNOW THESE PEOPLE ON THE
5 STREETS.

6 WE ALL GET UP TO SPEED AND WE FIRST IDENTIFY WHAT
7 THEY HAVE, IF THEY HAVE ANY BUYS, UNDERCOVER BUYS THEY
8 ALREADY MADE, ANY INFORMANTS THAT THEY HAVE COOPERATING,
9 AND WE GENERALLY TRY TO INTERVIEW THEM OR AT LEAST LEARN
10 WHAT THEY HAVE LEARNED FROM INTERVIEWING THOSE
11 INFORMANTS. THEN WE USE THOSE INFORMANTS TO TAKE
12 PROACTIVE MEASURES TO GATHER INFORMATION TO GATHER
13 EVIDENCE.

14 NOW, EVIDENCE IS NOT NECESSARILY JUST A
15 FINGERPRINT OR DRUGS THAT ARE SEIZED. EVIDENCE CAN ALSO
16 BE CONVERSATIONS. AND WE USE PROACTIVE MEASURES. WE
17 MAKE TELEPHONE CALLS, RECORDED TELEPHONE CALLS, WHERE
18 THESE INFORMANTS, WHO SOMETIMES ARE CO-CONSPIRATORS,
19 THEY ARE COOPERATING BECAUSE THEY GOT CAUGHT AND THEY'VE
20 IDENTIFIED THEIR CO-CONSPIRATORS, THEY'VE IDENTIFIED
21 OTHER PEOPLE IN THEIR ORGANIZATION.

22 SO WE BEGIN TO WORK THE INVESTIGATION PROACTIVELY
23 BY MAKING, BY TAKING, TRYING TO DO DRUG BUYS, TRYING TO
24 MAKE UNDERCOVER TELEPHONE CALLS, TRYING TO HAVE
25 UNDERCOVER MEETINGS TO GATHER THAT INFORMATION WHICH IS

1 EVIDENCE.

2 SOMETIMES, LIKE I SAID EARLIER, THAT CRIME HAS
3 ALREADY OCCURRED. LET'S SAY THIS ORGANIZATION, THEY
4 HAVE BEEN DEALING DRUGS, AND THOSE DRUGS HAVE ALREADY
5 BEEN DEALT. WELL, BECAUSE THOSE DRUGS HAVE ALREADY BEEN
6 DEALT, THAT CRIME, THAT PARTICULAR CRIME, THAT
7 SUBSTANTIVE CRIME HAS ALREADY OCCURRED, SO WHAT WE HAVE
8 TO DO IS WE HAVE TO OBTAIN EVIDENCE THAT WILL PROVE OR
9 SHOW THAT THAT CRIME HAS ALREADY TAKEN PLACE, SO WE DO
10 THAT THROUGH THESE UNDERCOVER MEETINGS, WE DO THAT
11 THROUGH THESE UNDERCOVER TELEPHONE CALLS. SO THAT'S
12 JUST A GENERAL IDEA OF HOW WE BEGIN WORKING THESE
13 INVESTIGATIONS.

14 Q. DO YOU ALSO EMPLOY A TECHNIQUE CALLED A COLD
15 APPROACH?

16 A. YES, MA'AM, WE DO.

17 Q. WILL YOU PLEASE EXPLAIN WHAT THAT IS TO THE JURY?

18 A. A COLD APPROACH OR AN APPROACH IS WHEN WE
19 IDENTIFY SOMEONE IN THE ORGANIZATION, IN THE DRUG
20 CONSPIRACY, WHO WE FEEL LIKE WOULD COOPERATE IF HE OR
21 SHE IS APPROACHED. SO WE'LL GO AND APPROACH THEM, WE'LL
22 ADVISE THEM THAT THEY ARE UNDER INVESTIGATION BY LAW
23 ENFORCEMENT. THEY'LL BE ADVISED OF THEIR RIGHTS. MANY
24 TIMES THEY WON'T BE PLACED UNDER ARREST, WE'LL JUST GO
25 AND TALK TO THEM. IT'S NOT, AS YOU CAN IMAGINE, A COLD

1 APPROACH WOULDN'T MAKE A WHOLE LOT OF SENSE IF WE
2 STORMED YOUR HOUSE WITH A S.W.A.T. TEAM AND WE WANTED
3 YOU TO COOPERATE. YOUR WHOLE NEIGHBORHOOD WOULD KNOW.
4 SO IT'S NOT UNUSUAL FOR US TO COME AND APPROACH YOU IN
5 THE GROCERY STORE OR AS YOU ARE GOING TO YOUR CAR. WE
6 IDENTIFY OURSELVES, HEY, I'M MAX DORSEY WITH S.L.E.D.
7 YOU ARE UNDER INVESTIGATION BY LAW ENFORCEMENT, BUT WE
8 NEED YOUR HELP. AND WE WERE QUITE SUCCESSFUL IN DOING
9 THAT, AND THAT WAY WE ARE ABLE TO WORK UP THE LADDER
10 FROM THERE.

11 Q. WHEN YOU DO A COLD APPROACH AND SOMEONE AGREES TO
12 COOPERATE, WHAT'S THE FIRST THING THEY MUST DO IN THIS
13 INVESTIGATION?

14 A. WELL, THE FIRST THING -- IF THEY WANT TO
15 COOPERATE, THE FIRST THING THEY HAVE TO DO IS THEY HAVE
16 TO ADMIT TO WHAT THEY'VE DONE, THEY HAVE TO CONFESS TO
17 THE CRIME THAT THEY COMMITTED.

18 MANY TIMES THAT IS THROUGH SIGNING CONFESSIONS,
19 SIGNING STATEMENTS. THEY WILL BE MIRANDIZED, THEY'LL BE
20 INTERVIEWED, AND THEY WILL BE ASKED DETAILS ABOUT THEIR
21 INVOLVEMENT IN THAT ORGANIZATION. THERE ARE CERTAIN
22 THINGS LIKE THE AMOUNTS OF DRUGS THAT THEY'VE SOLD OR
23 THAT THEY'VE SEEN, WHERE THESE TRANSACTIONS ARE TAKING
24 PLACE, THE COUNTIES AND OTHER LOCATIONS, OTHER
25 CO-CONSPIRATORS, WHO ELSE IS INVOLVED, HOW DO YOU KNOW.

1 SO WE DO THAT, WE GET THAT PERSON, OR WHEN WE ASK
2 FOR THEIR COOPERATION, WE ASK FOR THEM TO ADMIT TO WHAT
3 THEY'VE DONE, WE DO THAT BECAUSE THAT GIVES THEM A
4 LITTLE BIT OF CREDIBILITY RIGHT THERE INITIALLY. AS YOU
5 CAN IMAGINE, IF I CAME AND APPROACHED SOMEONE AND THEY
6 SAY, WELL, I'LL TELL YOU ABOUT EVERYBODY I KNOW THAT'S
7 DEALING DRUGS BUT I'M NOT GONNA SAY ANYTHING ABOUT ME,
8 WELL, THERE'S NOT A WHOLE LOT OF SENSE OF CREDIBILITY.
9 SO IT'S GOOD TO HAVE A PERSON ADMIT FIRST WHAT THEY DONE
10 WRONG AND THEN WORK FROM THERE.

11 Q. IS THAT CALLED A DEBRIEFING?

12 A. YES, MA'AM.

13 Q. AFTER THEY HAVE BEEN DEBRIEFED, DO YOU ALSO ASK
14 THEM TO TURN OVER ANY EVIDENCE THEY HAVE IN THEIR
15 POSSESSION?

16 A. YES, MA'AM.

17 Q. IF YOU WILL PLEASE GIVE THE JURY AN EXAMPLE OF
18 THINGS YOU LOOK FOR?

19 A. WELL, MANY TIMES WHEN SOMEONE IS APPROACHED LIKE
20 THAT AND THEY ARE STILL INVOLVED IN THE DRUG BUSINESS,
21 OF COURSE THEY'VE PROBABLY GOT SOME DRUGS AT THE HOUSE
22 OR SOMEWHERE IN THEIR POSSESSION OR UNDER THEIR CONTROL.
23 SO WE WILL ASK THEM: HAVE YOU GOT ANYTHING THAT YOU
24 NEED TO TURN OVER? AND WE WILL GO GET THAT. AGAIN,
25 THAT DOESN'T NECESSARILY MEAN JUST DRUGS, IT CAN MEAN

1 SCALES, IT CAN MEAN BAGGIES, IT CAN MEAN RECORDS,
2 ANYTHING LIKE THAT. AND GENERALLY THEY WILL DO THAT.

3 Q. IN YOUR EXPERIENCE AS A LAW ENFORCEMENT OFFICER
4 INVESTIGATING ILLEGAL NARCOTIC ACTIVITIES, SPECIFICALLY
5 CONSPIRACIES, HOW MANY TIMES HAS SOMEBODY TURNED OVER A
6 CREDIT CARD RECEIPT OR A RECEIPT EXPLAINING WHO
7 PURCHASED HOW MANY DRUGS AND HOW THEY PAID FOR IT?

8 A. I'VE NEVER, I'VE NEVER SEEN THAT. I'VE NEVER
9 SEEN A DRUG DEALER WRITE OUT A RECEIPT FOR DRUGS.

10 Q. HOW ABOUT, WHAT TYPE OF PAYMENTS DO DRUG DEALERS
11 ACCEPT?

12 A. THEY ACCEPT CASH ONLY. NO CREDIT CARDS, NO
13 CHECKS, TYPICALLY.

14 Q. WOULD THEY ALSO MAYBE ACCEPT A TRADE?

15 A. YES, THEY DO. THEY ACCEPT TRADES OF SOME DRUGS,
16 ONE DRUG FOR ANOTHER TYPE; MANY TIMES THEY ACCEPT
17 EQUIPMENT, MANY TIMES IT'S STOLEN EQUIPMENT.

18 Q. HOW ABOUT PHONE CALLS? YOU SPOKE EARLIER ABOUT
19 RECORDED PHONE CALLS. IN WHAT SITUATIONS WOULD YOU SET
20 UP RECORDED PHONE CALLS?

21 A. WELL, YOU WOULD SET UP RECORDED TELEPHONE CALLS
22 BETWEEN PEOPLE, BETWEEN THE PERSON THAT'S COOPERATING
23 WITH YOU AND OTHER CO-CONSPIRATORS THAT THEY CAN TALK
24 TO.

25 NOW, MANY TIMES THERE ARE PEOPLE THAT WE GET THAT

1 ARE COOPERATING, AND THEY IDENTIFY CERTAIN INDIVIDUALS
2 WITHIN THAT ORGANIZATION, BUT THAT DOESN'T MEAN THAT
3 THEY CAN TALK TO ALL OF THEM.

4 AS YOU CAN IMAGINE, THESE ORGANIZATIONS AND
5 CONSPIRACIES, THEY CHANGE A LOT, SOMETIMES ON A DAILY
6 BASIS. BUT FEELINGS GET HURT, THERE'S CONTROVERSY
7 WITHIN THOSE ORGANIZATIONS, AND SOMETIMES THEY'RE NOT
8 ABLE TO TALK WITH ONE ANOTHER.

9 SO WHAT WE DO IS WE TRY TO GET WHATEVER EVIDENCE
10 WE CAN THAT WILL HELP THE ONGOING INVESTIGATION AND THAT
11 WON'T MESS ANYTHING UP IN THE INVESTIGATION, ALSO.

12 Q. HOW ABOUT LEDGERS, DO DRUG DEALERS TYPICALLY KEEP
13 LEDGERS?

14 A. SOMETIMES.

15 Q. YOU ALSO MENTIONED UNDERCOVER BUYS. PLEASE
16 EXPLAIN TO THE JURY WHAT A CONTROLLED BUY IS?

17 A. A CONTROLLED BUY IS WHEN WE USE AN INFORMANT TO
18 MAKE A UNDERCOVER BUY. WE CALL IT A CONTROLLED BUY
19 BECAUSE IT'S A CONTROLLED ENVIRONMENT. IT'S I GUESS
20 REALLY THE ONLY TIME YOU CAN LEGALLY BUY DRUGS BECAUSE
21 IT'S AT THE DIRECTION OF LAW ENFORCEMENT AND IT'S IN A
22 CONTROLLED ENVIRONMENT.

23 THE PERSON, THE INFORMANT -- AND YOU WILL HEAR
24 MAYBE THE INFORMANT REFERRED TO AS A C.I., CONFIDENTIAL
25 INFORMANT, AN INFORMANT, WHATEVER. BUT THE CONFIDENTIAL

1 INFORMANT, HE OR SHE IS SEARCHED PRIOR TO GOING TO DO
2 THE DEAL TO MAKE SURE THEY DON'T HAVE DRUGS ON THEM
3 BEFORE, THEY ARE WIRED OR FITTED WITH SOMETIMES A VIDEO
4 CAMERA SOMETIMES A TAPE RECORDER, AND THEY GO, THEY
5 TRAVEL TO A LOCATION WHERE THEY MEET WITH WHOEVER TO
6 RECEIVE DRUGS. THEY RECEIVE THOSE DRUGS. IF THEY HAVE
7 TO PAY FOR IT, THEY USE OUR MONEY WHICH IS DOCUMENTED.
8 THEY GO AND MAKE THAT BUY AND THEY RETURN AND MEET WITH
9 US AND TURN OVER THOSE DRUGS.

10 IT'S A CONTROLLED ENVIRONMENT BECAUSE WE SURVEIL
11 IT AS MUCH AS WE CAN. USUALLY WE, WE TRY TO CONTROL
12 THAT ENVIRONMENT AS MUCH AS POSSIBLE. MOST OF THE TIME
13 WE CAN VISUALLY WATCH THAT PERSON WALK INTO THAT HOUSE,
14 BUT SOMETIMES WE JUST, YOU HAVE TO RELY ON THAT
15 SURVEILLANCE EQUIPMENT, WHETHER IT BE AN AUDIO OR THE
16 CAMERA TRANSMITTING DEVICE.

17 Q. ARE YOU FAMILIAR WITH A STATE GRAND JURY
18 INVESTIGATION CALLED ICE CREAM?

19 A. YES, MA'AM, I AM.

20 Q. ARE YOU THE CASE AGENT ON THAT INVESTIGATION?

21 A. YES, MA'AM.

22 Q. WHY IS IT CALLED ICE CREAM?

23 A. INVESTIGATOR CHRIS MARCHI FROM THE GREENVILLE
24 SHERIFF'S OFFICE CAME UP WITH THAT NAME WHEN WE GOT
25 INVOLVED IN THIS CASE. WE TYPICALLY NAME OUR STATE

1 GRAND JURY INVESTIGATIONS, AND THAT'S PROBABLY ONE OF
2 THE HARDEST THINGS THAT WE DO IS COMING UP WITH A REALLY
3 GOOD NAME, TO GIVE IT A NAME THAT FITS THAT
4 INVESTIGATION. INVESTIGATOR MARCHI CAME UP WITH IT AND
5 HE NAMED IT THAT BECAUSE THIS INVESTIGATION MOSTLY DEALT
6 WITH THE DRUG ICE, AND WE WERE INVESTIGATING THE CREAM
7 OF THE CROP OF ICE TRAFFICKERS IN THE STATE OF SOUTH
8 CAROLINA.

9 Q. HOW MANY POLICE AGENCIES, JUST OFF THE TOP OF
10 YOUR HEAD AND IF YOU REMEMBER, WERE INVOLVED IN THIS
11 INVESTIGATION?

12 A. IT WAS ABOUT TEN DIFFERENT LAW ENFORCEMENT AND
13 GOVERNMENT AGENCIES THAT COOPERATED TO INVESTIGATE THIS
14 CASE.

15 Q. AND HOW MANY COUNTIES WERE INVOLVED IN THE STATE
16 OF SOUTH CAROLINA?

17 A. I BELIEVE IT WAS EIGHT, EIGHT COUNTIES, MOSTLY IN
18 THE, WELL, ALL OF THEM WERE IN THE UPSTATE.

19 Q. APPROXIMATELY HOW MANY DEFENDANTS WERE INVOLVED
20 IN THIS INVESTIGATION?

21 A. THERE WERE 44 INDICTED DEFENDANTS IN THIS
22 INVESTIGATION.

23 Q. NOW, ARE THEY ALL PART OF THE SAME CONSPIRACY
24 THAT WE ARE HERE TALKING ABOUT TODAY?

25 A. NO, MA'AM.

1 Q. WAS THIS A SOMEWHAT LOOSELY CONNECTED
2 INVESTIGATION?

3 A. YES, MA'AM.

4 Q. PLEASE EXPLAIN WHAT I MEANT BY LOOSELY CONNECTED.

5 A. WHEN, LIKE I TOLD YOU EARLIER, WHEN WE BEGIN
6 THESE INVESTIGATIONS, WE START GETTING THESE PEOPLE THAT
7 COOPERATE, AND WE DO A DEAL AND WE BUST THEM AND THEY
8 AGREE TO COOPERATE, NOT ONLY ARE THEY DEALING WITH ONE
9 CERTAIN LINE OF CO-CONSPIRATORS, SOMETIMES THEY ARE ALSO
10 INVOLVED IN OTHER CONSPIRACIES. AND WE TRY TO DO OUR
11 BEST AT WORKING THE WHOLE ORGANIZATION.

12 PERSON "A" MAY BE INVOLVED IN CONSPIRACY NUMBER
13 ONE BUT ALSO INVOLVED IN CONSPIRACY NUMBER TWO. SO THE
14 ICE CREAM INVESTIGATION ENCOMPASSES MANY DIFFERENT
15 CONSPIRACIES, BUT THEY ARE ALL LOOSELY CONNECTED IN ONE
16 WAY OR ANOTHER.

17 Q. APPROXIMATELY HOW MANY CONSPIRACIES?

18 A. EIGHT TO TEN DIFFERENT CONSPIRACIES.

19 Q. IN REGARDS TO THIS TRIAL, INDICTMENT
20 2005-GS-47-25, WHEN AND WHO DID YOU BEGIN INVESTIGATING?

21 A. THE FIRST PERSON THAT WE CAME INTO CONTACT WITH
22 IN THIS INVESTIGATION WAS A GUY BY THE NAME OF KENNETH
23 LEE LAVENDER, KENNY LAVENDER.

24 Q. AND DO YOU REMEMBER APPROXIMATELY WHEN YOU CAME
25 IN -- WHEN HE CAME ACROSS YOUR RADAR SCREEN?

1 A. YES, MA'AM. ACTUALLY, THE PICKENS COUNTY
2 SHERIFF'S DEPARTMENT WAS INVESTIGATING MR. LAVENDER,
3 THEY HAD SOME INFORMATION THAT HE WAS SELLING DRUGS OR
4 INVOLVED IN DRUG ACTIVITY, AND HE WAS UNDER
5 INVESTIGATION. RIGHT THERE AT THE ONSET OF ME BECOMING
6 INVOLVED IN THE CASE, MR. LAVENDER WAS STOPPED BY THE
7 GREENVILLE POLICE DEPARTMENT ON A TRAFFIC STOP AND HE
8 WAS FOUND TO BE IN POSSESSION OF A LARGE QUANTITY OF
9 ICE. HIS HOUSE WAS THEN SEARCHED, WHERE I BELIEVE THEY
10 FOUND 20-SOMETHING POUNDS OF MARIJUANA AT HIS HOUSE.

11 HE EXPLAINED TO THE CITY POLICE DEPARTMENT THAT
12 HE WANTED TO COOPERATE. THAT WAS MID-MARCH OF 2005. I
13 MET WITH HIM FOR THE FIRST TIME ON MARCH 24TH, 2005, AND
14 I INTERVIEWED HIM, I DEBRIEFED HIM, AND HE PROVIDED ME A
15 BUNCH OF INFORMATION ABOUT PEOPLE THAT WERE INVOLVED IN
16 HIS ORGANIZATION. SO THAT WAS THE FIRST TIME I MET WITH
17 HIM AND ENCOUNTERED HIM.

18 Q. WAS MR. LAVENDER ONE OF THOSE INDIVIDUALS THAT
19 WAS INVOLVED IN MORE THAN ONE CONSPIRACY IN THIS
20 INVESTIGATION?

21 A. YES, MA'AM.

22 Q. WHAT TYPE OF OTHER CONSPIRACY WAS HE INVOLVED IN?

23 A. HE WAS INVOLVED IN A MARIJUANA TRAFFICKING
24 ORGANIZATION CONSPIRACY.

25 Q. DID HE AGREE TO COOPERATE ON MARCH 24TH, 2005?

1 A. YES, MA'AM. AND HE ACTUALLY AGREED TO COOPERATE
2 BEFORE THAT, THE ACTUAL DAY THAT HE WAS ARRESTED BY THE
3 GREENVILLE CITY POLICE DEPARTMENT.

4 Q. DID YOU APPROACH HIM A SECOND TIME?

5 A. YES, MA'AM. DURING OUR INVESTIGATION WITH
6 PICKENS COUNTY, EASLEY POLICE DEPARTMENT, AND THE
7 GREENVILLE SHERIFF'S OFFICE, WE WERE ADVISED THAT
8 MR. LAVENDER GOT BACK IN THE BUSINESS WITHOUT WORKING
9 WITH US. SO ON APRIL 5TH, 2005 WE APPROACHED
10 MR. LAVENDER OVER IN POWERSVILLE, ACTUALLY JUST INSIDE
11 OF ANDERSON COUNTY, AND HE WAS FOUND TO BE IN POSSESSION
12 OF A QUANTITY OF ICE. HE AGREED TO COOPERATE; HE WENT
13 TO ANOTHER LOCATION, WHERE HE WAS DEBRIEFED AGAIN.

14 Q. WHEN YOU SAY HE WAS FOUND IN POSSESSION OF A
15 QUANTITY OF ICE, CAN YOU TELL THE JURY A LITTLE BIT MORE
16 ABOUT HOW ON APRIL 5TH YOU APPROACHED MR. LAVENDER?

17 A. WE HAD GOTTEN SOME INFORMATION THAT HE HAD GOTTEN
18 BACK IN THE BUSINESS, SO WE DID SOME SURVEILLANCE ON
19 HIM. AND HE -- THERE WAS SOME ACTIVITY -- HE WAS
20 RUNNING AROUND TOWN AND HE WAS DOING SOME THINGS THAT
21 APPEARED TO US THAT HE WAS DROPPING SOME DRUGS OFF.

22 SO WE CONDUCTED A TRAFFIC STOP ON HIM. WE
23 ADVISED HIM OF HIS RIGHTS, TOLD HIM HE WASN'T UNDER
24 ARREST, BUT WE WANTED TO INTERVIEW HIM AND HE AGREED TO
25 IT. BUT HE DID COOPERATE. HE CONSENTED TO A SEARCH OF

1 HIS VEHICLE WHERE THERE WAS A BRIEFCASE SEIZED AND
2 THAT'S WHERE I FOUND THE ICE.

3 Q. I HAND YOU WHAT HAS BEEN MARKED AS STATE'S
4 EXHIBIT NUMBER TWO --

5 (COUNSEL CONFER.)

6 BY MS. PORTER:

7 Q. -- AND ASK YOU IF YOU CAN PLEASE IDENTIFY THAT
8 FOR THE JURY, WITHOUT SAYING WHAT IT IS?

9 A. YES, MA'AM.

10 Q. HOW DO YOU RECOGNIZE IT?

11 A. IT HAS MY SIGNATURE.

12 Q. OKAY. AND WHAT IS IT?

13 A. IT'S A FORM B CHAIN OF CUSTODY FOR SOME EVIDENCE
14 THAT I SEIZED.

15 Q. WHEN YOU SEIZE EVIDENCE, WHAT DO YOU DO WITH IT?
16 I'M SORRY, LET ME REPHRASE THAT.

17 WHEN YOU SEIZE WHAT YOU BELIEVE TO BE ILLEGAL
18 NARCOTICS OR DRUGS, WHAT DO YOU DO WITH THEM?

19 A. S.L.E.D. HAS A STRICT POLICY ON CHAINS OF CUSTODY
20 FOR DRUG EVIDENCE, SO WHEN WE SEIZE DRUG EVIDENCE, IT
21 HAS TO STAY IN MY CUSTODY UNTIL IT IS RELINQUISHED TO
22 SOMEONE ELSE. BUT BEFORE IT'S RELINQUISHED IT HAS TO BE
23 DOCUMENTED TO ESTABLISH A CHAIN OF WHERE THOSE DRUGS GO.

24 SO THIS PARTICULAR PIECE OF PAPER SHOWS MY
25 INITIAL SEIZURE OF THOSE DRUGS FROM KENNY LAVENDER.

1 Q. AND EXCUSE ME. WHAT DID YOU PUT THEM IN: A
2 B.E.S.T. BAG?

3 A. YES, MA'AM. S.L.E.D. HAS THIS SPECIAL BAG, IT'S
4 AN EVIDENCE BAG FOR LACK OF A BETTER TERM. BUT THEY
5 CALL IT A B.E.S.T. EVIDENCE KIT, AND THAT B.E.S.T. IS AN
6 ACRONYM FOR SOMETHING THAT I DON'T KNOW. BUT WE CALL IT
7 A B.E.S.T. KIT, AND DRUGS THAT CAN FIT IN THAT PLASTIC
8 BAG ARE SEALED IN THAT PLASTIC BAG, AND IF IT'S
9 UNSEALED, WELL, THEN YOU CAN TELL IT. BUT TYPICALLY
10 THAT BAG IS THEN TAKEN TO S.L.E.D. TO THE LAB AND IS
11 ANALYZED.

12 Q. WHAT DOES THAT PIECE OF PAPER TELL YOU HAPPENED
13 TO THE DRUGS THAT WERE SEIZED FROM KENNY LAVENDER ON
14 APRIL 5TH?

15 A. WELL, THIS FORM SAYS THAT I SEIZED THEM UPON MY
16 APPROACH AND HIS CONSENT TO SEARCH THAT VEHICLE ON
17 HIGHWAY 153 IN POWERSVILLE IN ANDERSON COUNTY, AND IT
18 SAYS THAT I RELINQUISHED THAT, THE ITEMS THAT I SEIZED,
19 TO SPECIAL AGENT CONIE SONNEFELD AT S.L.E.D.

20 MS. PORTER: AT THIS TIME, YOUR HONOR, I
21 WOULD LIKE TO ENTER STATE'S EXHIBIT NUMBER TWO INTO
22 EVIDENCE.

23 MR. KAPPEL: YOUR HONOR, I OBJECT TO
24 RELEVANCY. I DON'T THINK IT'S TIED IN AT ALL TO MY
25 CLIENT.

1 THE COURT: LET ME ASK YOU THIS: IT'S NOT,
2 YOU DO NOT QUESTION ITS AUTHENTICITY?

3 MR. KAPPEL: I DON'T QUESTION ITS
4 AUTHENTICITY, YOUR HONOR, I QUESTION ITS RELEVANCE.

5 THE COURT: ALL RIGHT. I'M GOING TO
6 OVERRULE THE QUESTION OF RELEVANCY. I THINK THAT
7 APPARENTLY IT DOES HAVE SOMETHING TO DO WITH AN ALLEGED
8 CONSPIRACY, AND SO I'M GOING TO OVERRULE THE OBJECTION.

9 STATE'S EXHIBIT NUMBER TWO IS ADMITTED OVER
10 THE OBJECTION OF THE DEFENDANT.

11 (STATE'S EXHIBIT # 2 WAS RECEIVED IN
12 EVIDENCE.)

13 BY MS. PORTER:

14 Q. AFTER SEARCHING MR. LAVENDER AND DEBRIEFING HIM A
15 SECOND TIME, DID HE AGREE TO FURTHER COOPERATE WITH YOUR
16 INVESTIGATION?

17 A. YES, MA'AM, HE DID.

18 Q. AND IN WHAT CAPACITY DID HE AGREE TO COOPERATE?

19 A. HE AGREED TO MAKE A CONTROLLED DRUG BUY FROM HIS
20 SOURCE, CHAD SEXTON.

21 Q. AND PLEASE TELL THE JURY WHAT TRANSPIRED AFTER HE
22 AGREED TO DO THAT ON APRIL 5TH, 2005.

23 A. WE LEARNED THAT CHAD SEXTON WAS ON THE WAY BACK
24 TO SOUTH CAROLINA FROM ATLANTA AFTER PICKING UP SOME ICE
25 FROM HIS SOURCE IN ATLANTA. WE MADE A FEW PHONE CALLS,

1 RECORDED TELEPHONE CALLS TO CHAD SEXTON, WHICH
2 CULMINATED IN KENNY LAVENDER MEETING WITH HIM IN THE
3 MCDONALD'S IN EASLEY ON HIGHWAY 123 IN PICKENS COUNTY.
4 THERE WAS A CONTROLLED ENVIRONMENT, LIKE I SAID, KENNY
5 LAVENDER, HIS VEHICLE WAS SEARCHED, HE WAS SEARCHED. HE
6 WAS WIRED, AND HE WAS UNDER CONSTANT SURVEILLANCE.
7 AGENTS AND LAW ENFORCEMENT OFFICERS WERE SURVEILLING THE
8 ENTIRE MCDONALD'S PARKING LOT AND THAT WHOLE AREA.

9 AND AFTER WAITING THERE A LITTLE BIT, WE MET WITH
10 CHAD -- WELL, LAVENDER MET WITH CHAD, GOT INTO CHAD'S
11 VEHICLE, WHICH WAS A FORD TRUCK. AT THIS TIME WE'RE
12 LOOKING AT JUST AFTER MIDNIGHT ON APRIL THE 6TH, 2005.

13 THEY TALK ABOUT GETTING SOMETHING TO EAT, SO
14 LAVENDER GETS IN CHAD'S TRUCK AND HE DRIVES AROUND
15 THROUGH THE DRIVETHROUGH AND ORDERS SOME FOOD.

16 Q. LET ME BACK YOU UP REAL QUICK. I'M SORRY, I
17 FORGOT TO ASK YOU A QUESTION. WHEN YOU APPROACHED KENNY
18 LAVENDER, WAS THE S.W.A.T. TEAM THERE?

19 A. NO, MA'AM.

20 Q. WAS THIS SOMEWHAT OF A QUIET APPROACH?

21 A. YES, MA'AM, ABSOLUTELY.

22 Q. WAS THERE A PURPOSE FOR THAT?

23 A. YES, MA'AM. 'CAUSE WE WANTED KENNY TO COOPERATE
24 SO WE COULD CONTINUE WORKING UP THE CHAIN, SO THAT'S WHY
25 WE DID A SOFT APPROACH.

1 Q. ONCE THEY WENT THROUGH THE DRIVETHROUGH -- SORRY
2 ABOUT THAT -- ONCE THEY WENT THROUGH THE DRIVETHROUGH,
3 WHAT TRANSPIRED?

4 A. WELL, THEY ORDERED THEIR FOOD. CHAD PULLED OUT
5 OF THE DRIVETHROUGH FACING HIGHWAY 123. KENNY -- THE
6 DRUG DEAL HAD OCCURRED WHILE THEY WERE IN THE CAR.
7 KENNY GETS OUT OF THE CAR WHEN CHAD GOES TO TAKE OFF.
8 WHEN KENNY GETS OUT, THE WORD IS GIVEN TO GO AHEAD AND
9 SURROUND CHAD SO WE COULD TAKE HIM OFF. AND THE GOAL
10 WAS TO APPROACH CHAD AND TO HOPEFULLY SECURE HIS
11 COOPERATION. UNFORTUNATELY, IT DIDN'T WORK OUT LIKE
12 THAT.

13 CHAD, WHEN HE SAW THE BLUE LIGHTS AND ALL THE
14 CARS TRYING TO COME IN AND SURROUND HIM, SURROUNDING HIM
15 IN THE PARKING LOT, HE PROCEEDS TO JUMP THE CURB TO THE
16 RIGHT OF THE PARKING LOT, OF THE MCDONALD'S PARKING LOT.
17 HE JUMPS THE CURB, JUMPS THE DITCH, WHICH IS PROBABLY
18 FIVE FEET WIDE WITH THESE BIG ROCKS. HE JUMPS THE DITCH
19 AND PROCEEDS TO RUN IN HIS VEHICLE UP HIGHWAY 123
20 TOWARDS CLEMSON. SO A CHASE ENSUES.

21 HE RUNS FOR PROBABLY A HALF A MILE TO A MILE. HE
22 HAS ONE OF HIS TIRES GO FLAT. HE PULLS INTO A PARKING
23 LOT, CIRCLES AROUND AND POINTS BACK OUT TOWARDS HIGHWAY
24 123.

25 AS YOU CAN IMAGINE, IT'S VERY CHAOTIC. LOTS OF

1 LAW ENFORCEMENT OFFICERS JUMP OUT OF THEIR VEHICLES,
2 SURROUND HIS VEHICLE WITH THEIR GUNS DRAWN TELLING HIM
3 TO STOP, POLICE, THERE ARE BLUE LIGHTS AND SIRENS
4 EVERYWHERE, AND AT THAT TIME HE DIDN'T STOP, HE HITS THE
5 GAS, HE TAKES OFF.

6 WELL, IT ABOUT HITS A COUPLE POLICE OFFICERS.
7 POLICE OFFICERS FIRE THEIR GUNS AND CHAD IS SHOT IN THE
8 STOMACH. LUCKILY, A GREENVILLE NARCOTICS INVESTIGATOR
9 AND A S.L.E.D. AGENT WERE IN ANOTHER VEHICLE AND THEY
10 WERE JUST A LITTLE LATE BECAUSE THEY GOT TIED UP AT THE
11 MCDONALD'S TRYING TO WEED THROUGH ALL THE CHAOS BACK
12 THERE.

13 LUCKILY, THEY ARRIVED RIGHT AT THE SCENE AS CHAD
14 WAS PULLING OFF, AND THEY RAMMED -- WELL, CHAD RAMMED
15 THEIR VEHICLE. BOTH VEHICLES COLLIDED. LUCKILY FOR
16 THOSE TWO POLICE OFFICERS, THEY POWER-BRAKED THEIR
17 VEHICLE AS CHAD ACCELERATED HIS. AND AS YOU CAN
18 IMAGINE, WHEELS ARE TURNING, AND IT ACTUALLY TORE ONE OF
19 THE TIRES OFF OF CHAD'S TRUCK.

20 THROUGH ALL OF THAT CHAD WAS SECURED AND PLACED
21 INTO CUSTODY AND TAKEN TO THE HOSPITAL. HE SURVIVED THE
22 SHOOTING. NONE OF THE POLICE OFFICERS WERE SERIOUSLY
23 INJURED. AND THE INVESTIGATION CONTINUED.

24 Q. WAS CHAD ARRESTED AT THAT TIME?

25 A. YES, MA'AM.

1 Q. WHAT HAPPENED TO KENNY LAVENDER?

2 A. WELL, KENNY LAVENDER DID WHAT HE WAS SUPPOSED TO
3 DO. HE MET WITH THE POLICE OFFICER, HE MET WITH NESYA
4 CARON, WHO AT THE TIME WAS A PICKENS COUNTY NARCOTICS
5 INVESTIGATOR, AND LIEUTENANT -- WELL, SERGEANT JIM
6 BURRIS AT THAT TIME, AND SHE RECEIVED THOSE DRUGS FROM
7 KENNY LAVENDER THAT KENNY LAVENDER BOUGHT FROM CHAD
8 SEXTON AT THE MCDONALD'S PARKING LOT. KENNY WAS TOLD TO
9 STAY IN TOUCH WITH US, AND HE DID.

10 Q. AS A MATTER OF FACT, DIDN'T Y'ALL MEET WITH HIM
11 LATER THAT NEXT DAY?

12 A. YES, MA'AM, WE DID.

13 Q. AND WHAT TRANSPIRED OUT OF THAT APPROACH?

14 A. KENNY, AS YOU CAN IMAGINE, ON APRIL THE 5TH WHEN
15 WE APPROACHED HIM IN POWERSVILLE, HE TELLS US THAT CHAD
16 SEXTON IS COMING BACK FROM ATLANTA AND BE READY FOR HIM
17 TO SHOW UP. SO WE DIDN'T HAVE A WHOLE LOT OF TIME TO DO
18 ANY DEBRIEFING. WE DID SOME, OF COURSE, BUT NOT A FULL
19 DEBRIEFING BECAUSE WE DIDN'T KNOW WHEN CHAD WAS GONNA
20 COME BACK. SO WE WERE ABLE TO, I WAS ABLE TO DEBRIEF
21 HIM OR INTERVIEW HIM A LITTLE BIT MORE SEVERAL DAYS
22 AFTER THAT INCIDENT WITH CHAD SEXTON.

23 THROUGH THOSE, THROUGH THAT DEBRIEFING WE LEARNED
24 OF OTHER PEOPLE THAT WERE INVOLVED IN HIS ORGANIZATION
25 IN THAT CONSPIRACY.

1 Q. WAS HE ARRESTED AT THAT TIME AFTER THE
2 DEBRIEFING?

3 A. NO, MA'AM, HE WASN'T AT THAT TIME.

4 Q. THROUGH THAT SUBSEQUENT DEBRIEFING, DID YOU
5 GATHER INFORMATION ABOUT OTHER INDIVIDUALS WITHIN THIS
6 CONSPIRACY?

7 A. YES, MA'AM, WE DID.

8 Q. WHO ARE THOSE INDIVIDUALS?

9 A. WE GATHERED INFORMATION ABOUT A GUY BY THE NAME
10 OF KEVIN MOSER, BRIAN MUELLER, AMANDA FORDHAM, AND SETH
11 STEARNS.

12 Q. CHAD WAS ARRESTED AFTER HE WAS RELEASED FROM THE
13 HOSPITAL; IS THAT CORRECT?

14 A. YES, MA'AM.

15 Q. DID HE AGREE TO COOPERATE AFTER BEING ARRESTED?

16 A. YES, MA'AM, HE DID.

17 Q. AND AS A PART OF HIS COOPERATION, WAS HE
18 DEBRIEFED?

19 A. YES, MA'AM, HE WAS.

20 Q. AND AS A PART OF THAT DEBRIEFING, DID YOU GATHER
21 INFORMATION ABOUT OTHER INDIVIDUALS WITHIN THIS
22 CONSPIRACY?

23 A. YES, MA'AM, WE DID.

24 Q. AND WHO WERE THOSE INDIVIDUALS?

25 A. AMANDA FORDHAM, ROBBY SEXTON, SETH STEARNS, BRIAN

1 MUELLER, AND KENNY LAVENDER.

2 Q. DID YOU LEARN OF THEIR INDIVIDUAL ROLES WITHIN
3 THIS CONSPIRACY?

4 A. YES, MA'AM, I DID.

5 Q. PLEASE TELL US THE ROLE OF BRIAN MUELLER.

6 A. BRIAN MUELLER SERVED AS A SUBJECT THAT RECEIVED
7 ICE FROM AMANDA FORDHAM. AMANDA FORDHAM WAS, WAS THE
8 DISTRIBUTION CENTER, ONE OF THE DISTRIBUTION CENTERS IN
9 ATLANTA. SHE HAD A SOURCE DOWN THERE. SHE RECEIVED
10 LARGE QUANTITIES OF ICE, AND WHEN I SAY LARGE, I MEAN
11 POUNDS OF IT. A POUND OF ICE IS A LOT OF ICE. AND WE
12 ARE TALKING MULTIPLE POUNDS OF ICE. SHE WOULD RECEIVE
13 IT AND AT THE TIME SHE WOULD DISTRIBUTE IT TO CHAD
14 SEXTON, BRIAN MUELLER, AND SETH STEARNS.

15 THERE WERE SOME ISSUES BETWEEN MUELLER NOT BEING
16 ABLE TO GET WITH HER AGAIN, SO THAT'S WHEN CHAD SEXTON
17 GOT INVOLVED. BUT THE PERSON THAT GOT MUELLER AND CHAD
18 SEXTON INVOLVED WAS SETH STEARNS, HE INTRODUCED THOSE
19 TWO INDIVIDUALS TO AMANDA FORDHAM.

20 Q. DID YOU ALSO RECEIVE INFORMATION ABOUT AN
21 INDIVIDUAL BY THE NAME OF KEVIN MOSER?

22 A. YES, MA'AM, I DID.

23 Q. PLEASE TELL THE JURY HOW YOU BEGAN TO RECEIVE
24 INFORMATION ABOUT KEVIN MOSER, HOW HE CAME TO YOUR
25 ATTENTION.

1 A. YES, MA'AM. KEVIN MOSER WAS IN THE GREENVILLE
2 COUNTY JAIL ON SOME OTHER CHARGES. A SEARCH WARRANT HAD
3 BEEN EXECUTED AT HIS HOUSE, AND THE GREENVILLE COUNTY
4 SHERIFF'S OFFICE HAD LEARNED THAT HE HAD SOME
5 RELATIONSHIP WITH ROBBY SEXTON, SOME DRUG RELATIONSHIP
6 WITH ROBBY SEXTON.

7 SO I WENT AND APPROACHED KEVIN MOSER IN THE
8 GREENVILLE DETENTION CENTER AND HE AGREED TO COOPERATE
9 AND HE CONFESSED TO BEING INVOLVED. AND WHAT HE DID IS
10 HE RECEIVED, I SAY SMALLER AMOUNTS, NOT SMALL BUT
11 SMALLER AMOUNTS OF ICE FROM ROBBY SEXTON, AND THIS WAS
12 AN EXAMPLE OF HOW MOSER WOULD STEAL TRAILERS AND TRADE
13 THEM FOR ICE WITH ROBBY SEXTON.

14 I THINK MOSER ADMITTED TO RECEIVING APPROXIMATELY
15 TEN OUNCES OF ICE TOTAL FROM ROBBY SEXTON. NOW, THAT
16 ICE CAME THROUGH THESE OTHER INDIVIDUALS THAT I JUST
17 NAMED. IT CAME FROM AMANDA FORDHAM DOWN IN ATLANTA AND
18 IT TRICKLED DOWN ALL THE WAY TO KEVIN MOSER.

19 Q. BASED UPON KEVIN MOSER'S COOPERATION, DID YOU
20 RECEIVE INFORMATION ABOUT ROBBY SEXTON?

21 A. YES, MA'AM, I DID. ROBBY SEXTON IS CHAD SEXTON'S
22 BROTHER.

23 Q. AND DID YOU LEARN OF HIS ROLE IN THIS CONSPIRACY?

24 A. YES, MA'AM. I LEARNED THAT HE RECEIVED ICE FROM
25 HIS BROTHER, CHAD, AND ASSISTED IN THE DISTRIBUTION OF

1 THAT ICE.

2 Q. LET ME BACK UP. WHEN CHAD WAS ARRESTED, WHAT
3 HAPPENED TO HIS TRUCK?

4 A. OKAY. THAT'S RATHER COMPLICATED AND I WILL TRY
5 TO EXPLAIN IT. AS I SAID EARLIER, THERE WERE A LOT OF
6 AGENCIES INVOLVED IN THE INVESTIGATION, AND I'LL NAME
7 THEM: S.L.E.D., EASLEY POLICE DEPARTMENT, GREENVILLE
8 COUNTY SHERIFF'S OFFICE, THE PICKENS COUNTY SHERIFF'S
9 OFFICE, THE A.T.F., THE FEDERAL BUREAU OF ALCOHOL,
10 TOBACCO AND FIREARMS; THOSE WERE INITIALLY THE AGENCIES
11 THAT WERE INVOLVED FROM THE BEGINNING.

12 WELL, WHEN A POLICE OFFICER OR WHEN A POLICE
13 AGENCY IS INVOLVED IN A SHOOTING, WHAT DO YOU DO? YOU
14 TRY TO GET AN INDEPENDENT AGENCY TO INVESTIGATE THAT
15 SHOOTING. WELL, THAT BEING SAID, WITH A SHOOTING
16 OCCURRING IN EASLEY, SOUTH CAROLINA, IN THE COUNTY OF
17 PICKENS, WITH POLICE OFFICERS FROM THOSE TWO AGENCIES,
18 TO INCLUDE GREENVILLE, S.L.E.D., AND A.T.F., WHO IN THE
19 WORLD IS LEFT TO INVESTIGATE THE SHOOTING?

20 SO AFTER CONSULTATION WITH THE SOLICITOR'S OFFICE
21 HERE IN THIS CIRCUIT, IN GREENVILLE, IT WAS AGREED THAT
22 IT WOULD BE INVESTIGATED BY THE EASLEY POLICE
23 DEPARTMENT, AND THEY INVESTIGATED THE SHOOTING, YOU
24 KNOW, THROUGH NORMAL PROCEDURES. THE POLICE OFFICERS
25 THAT SHOT WERE PUT ON ADMINISTRATIVE LEAVE WHILE AN

1 INVESTIGATION WAS COMPLETED, OR BEFORE IT'S, WHILE IT
2 WAS COMPLETED.

3 THAT VEHICLE WAS SEIZED AT THAT TIME AS EVIDENCE
4 OF THAT CRIME, OF THE CHASE, THE SHOOTING, ALL THOSE
5 THINGS. SO THE EASLEY POLICE DEPARTMENT TOOK CUSTODY OF
6 THAT VEHICLE, THAT TRUCK, AND SEIZED IT. AT THAT TIME
7 ALL THOSE POLICE OFFICERS THAT WERE THERE ON THE SCENE,
8 IT'S NOT A GOOD IDEA FOR US TO GO AND SEARCH IT, SO
9 THAT'S WHY THAT VEHICLE AT THAT TIME WAS TURNED OVER TO
10 THE EASLEY POLICE DEPARTMENT.

11 Q. A COUPLE DAYS AFTER APRIL 5TH AND THIS BUY-BUST
12 WENT DOWN, WERE YOU CALLED BY THE EASLEY POLICE
13 DEPARTMENT?

14 A. YES, MA'AM, I WAS. I WAS CONTACTED AND TOLD THAT
15 JASON LOVELL, WHO'S THE EASLEY POLICE DEPARTMENT
16 NARCOTICS INVESTIGATOR, JASON HAD RECEIVED SOME
17 INFORMATION THAT THERE WAS SOME ICE, METHAMPHETAMINE, IN
18 THAT VEHICLE THAT THE POLICE HAD MISSED. SO HE WAS ABLE
19 TO SECURE A SEARCH WARRANT WHERE THEY SEARCHED THAT
20 VEHICLE AND FOUND A QUANTITY OF WHAT WAS BELIEVED TO BE
21 ICE.

22 MS. PORTER: AT THIS TIME ---

23 THE COURT: JUST A MOMENT. WOULD COUNSEL
24 APPROACH, PLEASE?

25 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND

1 CONFERRED WITH THE COURT OUT OF THE PRESENCE
2 OF THE COURT REPORTER AND THE JURY.)

3 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.
4 BY MS. PORTER:

5 Q. I HAND YOU WHAT HAS BEEN MARKED AS STATE'S
6 EXHIBIT NUMBER ONE AND ASK YOU IF YOU CAN IDENTIFY THAT.

7 A. YES, MA'AM, I CAN.

8 Q. AND HOW CAN YOU IDENTIFY THAT?

9 A. BY MY SIGNATURE.

10 Q. AND WHAT IS THAT?

11 A. IT'S A CHAIN OF CUSTODY FORM LIKE I SPOKE OF
12 EARLIER.

13 Q. AND WHAT DOES THAT FORM TELL YOU?

14 A. THIS FORM TELLS ME THAT I RECEIVED SOME EVIDENCE,
15 SOME EVIDENCE THAT WE BELIEVE WAS DRUGS, FROM OFFICER
16 R.B. COWAN OF THE EASLEY POLICE DEPARTMENT ON APRIL 8TH,
17 2005.

18 MS. PORTER: AT THIS TIME, YOUR HONOR, I
19 WOULD LIKE TO ENTER STATE'S EXHIBIT NUMBER ONE INTO
20 EVIDENCE.

21 MR. KAPPEL: SAME OBJECTION.

22 THE COURT: ALL RIGHT. I UNDERSTAND SUBJECT
23 TO THE OBJECTION OF THE DEFENDANT, STATE'S EXHIBIT
24 NUMBER ONE WILL BE ADMITTED.

25 (STATE'S EXHIBIT # 1 WAS RECEIVED IN

1 EVIDENCE.)

2 BY MS. PORTER:

3 Q. AFTER RECEIVING INFORMATION ON THE INDIVIDUALS
4 AND THEIR ROLES IN THIS CONSPIRACY, DID YOU TRY TO
5 GATHER OTHER EVIDENCE REGARDING THEIR INVOLVEMENT?

6 A. WELL, AFTER -- AS YOU CAN IMAGINE, AFTER THE CHAD
7 SEXTON INCIDENT IN EASLEY, WORD WAS OUT. IT WAS IN THE
8 PAPER, IT WAS ON THE NEWS. IT WASN'T SOMETHING THAT WE
9 COULD DO A SOFT APPROACH ON ANYTHING. EVERYBODY AT THAT
10 TIME THAT WAS INVOLVED IN THAT CONSPIRACY OR THAT
11 ORGANIZATION KNEW THAT THE POLICE WAS, WAS INVESTIGATING
12 THEM AND THEY NEEDED TO BE CAREFUL.

13 WE LEARNED THAT MANY OF THOSE PEOPLE CUT TIES
14 WITH ONE ANOTHER. WITH CHAD BEING IN JAIL WE WEREN'T
15 ABLE TO MAKE THOSE, TAKE THOSE PROACTIVE MEASURES BY
16 MAKING TELEPHONE CALLS, SO WE WEREN'T ABLE TO
17 NECESSARILY WORK IT PROACTIVELY.

18 SO THEN WE HAD TO KIND OF BACK UP AND ATTEMPT TO
19 WORK IT REACTIVELY. AND I SAY THAT BECAUSE WE, WE JUST
20 RELY ON PEOPLE COOPERATING, WE RELY ON PEOPLE TO BE
21 INTERVIEWED AND TELL US ABOUT THAT ORGANIZATION. SO,
22 YES, MA'AM, WE DID WHAT WE COULD AFTER THAT POINT.

23 Q. AND DID YOU INITIATE CHARGES AGAINST EVERYONE IN
24 THIS INVESTIGATION?

25 A. YES, MA'AM, WE DID.

1 Q. AND SUBSEQUENT TO INITIATING THOSE CHARGES, DID
2 YOU LOCATE BRIAN MUELLER?

3 A. YES, MA'AM, WE DID.

4 Q. AND WHERE WAS HE LOCATED?

5 A. BRIAN MUELLER WAS INCARCERATED IN THE JACKSON
6 COUNTY, GEORGIA, DETENTION CENTER.

7 Q. DID YOU, WERE YOU ABLE TO APPROACH HIM UPON
8 LOCATING HIM?

9 A. YES, MA'AM. HE WAS LATER APPROACHED AND AGREED
10 TO COOPERATE.

11 Q. IS IT EASY FOR A SOUTH CAROLINA LAW ENFORCEMENT
12 AGENT TO APPROACH AN INDIVIDUAL INCARCERATED IN ANOTHER
13 STATE?

14 A. NO, MA'AM, IT'S NOT.

15 Q. PLEASE TELL THE JURY ABOUT SOME OF THE ISSUES
16 REGARDING THAT TYPE OF APPROACH.

17 A. WELL, WE HAVE A GREAT WORKING RELATIONSHIP WITH
18 MANY LAW ENFORCEMENT AGENCIES IN THE STATE OF GEORGIA.
19 BUT UNDERSTAND THAT THEY HAVE CERTAIN LAWS AND POLICIES
20 AND REGULATIONS, AND IT WOULD NOT HAVE -- IT WOULD NOT
21 HAVE BEEN CONDUCIVE TO THE INVESTIGATION FOR US TO GO
22 DOWN TO JACKSON AND SAY, "HEY, BRIAN, YOU ARE
23 COOPERATING. HOW ABOUT LET'S SHOOT SOME TELEPHONE
24 CALLS?"

25 AS YOU KNOW, LOTS OF PEOPLE HAVE CALLER I.D.,

1 MAKING A PHONE CALL FROM THE DETENTION CENTER IN
2 JACKSON, IT WOULDN'T HAVE BEEN GOOD TO MAKE A PHONE CALL
3 TO AMANDA FORDHAM. SHE KNEW THAT HE WAS ARRESTED, SO
4 SHE WOULDN'T HAVE ANSWERED, SHE WOULDN'T HAVE TAKEN HIS
5 PHONE CALL ANYWAY.

6 Q. SO WHAT DID HIS COOPERATION ENTAIL?

7 A. WELL, HE ADVISED US OF THOSE PEOPLE IN THAT
8 ORGANIZATION. HE TOLD US HOW HE GOT INVOLVED WITH SETH,
9 HOW HE GOT INVOLVED, INTRODUCED TO AMANDA BY SETH, AND
10 HOW HE WAS INVOLVED WITH LAVENDER AND CHAD SEXTON AND
11 MOVING THOSE LARGE QUANTITIES OF ICE TO SOUTH CAROLINA.

12 Q. DID YOU ALSO AFTER THE CHARGES WERE INITIATED
13 LOCATE AMANDA FORDHAM?

14 A. YES, MA'AM, WE DID.

15 Q. AND WHERE WAS MS. FORDHAM WHEN YOU LOCATED HER?

16 A. SHE WAS ALSO INCARCERATED AT I BELIEVE THE DEKALB
17 COUNTY, GEORGIA, DETENTION FACILITY AFTER SHE WAS FOUND
18 TO BE IN POSSESSION OF A LARGE QUANTITY OF ICE.

19 Q. AND THE SAME ISSUES?

20 A. THERE SAME ISSUES. THERE AGAIN, THE
21 ORGANIZATION, IT'S ALL, IT'S BUSTED AT THAT TIME. IF
22 PEOPLE DON'T COOPERATE, THEN YOUR INVESTIGATION IS NOT
23 GOING TO GO ANYWHERE ELSE.

24 Q. WHAT DID HER -- DID SHE AGREE TO COOPERATE?

25 A. SHE DID AGREE TO COOPERATE.

1 Q. WHAT WAS HER COOPERATION?

2 A. SHE ADVISED US, SHE CORROBORATED THE STORY THAT
3 WE HAD BEEN TOLD FROM ANOTHER CO-CONSPIRATOR, THAT, YES,
4 SHE WAS THE SOURCE IN GEORGIA, SHE TOLD US WHO HER
5 SOURCE WAS, AND I BELIEVE EVEN COOPERATED WITH THE
6 FEDERAL AUTHORITIES BY SETTING UP THAT SOURCE, AND HER
7 ACTIONS LED TO THEIR ARREST.

8 SHE TOLD US HOW, HOW THE INVOLVEMENT OF SETH AND
9 BRIAN MUELLER AND SEXTON EVOLVED OVER THE TIME PERIOD
10 AND HOW THEY ALL CONSPIRED WITH ONE ANOTHER, TOLD US
11 ABOUT THEIR AGREEMENT OF MOVING LARGE QUANTITIES OF ICE
12 TO SOUTH CAROLINA.

13 Q. DID YOU ALSO, AFTER CHARGES WERE INITIATED,
14 LOCATE ROBBY SEXTON?

15 A. YES, MA'AM.

16 Q. WHERE WAS HE LOCATED?

17 A. HE WAS IN THE SOUTH CAROLINA DEPARTMENT OF
18 CORRECTIONS AND LATER THE COUNTY DETENTION FACILITY.

19 Q. AND DID HE AGREE TO COOPERATE?

20 A. YES, MA'AM.

21 Q. AND WHAT DID HIS COOPERATION ENTAIL?

22 A. HE ALSO CORROBORATED THE INFORMATION THAT WE HAD.
23 HE RECEIVED ICE FROM HIS BROTHER AND HE DISTRIBUTED IT
24 TO VARIOUS PEOPLE TO INCLUDE KEVIN MOSER.

25 Q. AT THIS POINT HAD YOU LEARNED -- YOU HAD LEARNED

1 ABOUT SETH STEARNS; IS THAT CORRECT?

2 A. YES, MA'AM.

3 Q. HOW DID YOU IDENTIFY HIM?

4 A. WE, WE GATHERED THE INFORMATION FROM THE OTHER
5 CO-CONSPIRATORS, WE WERE ABLE TO IDENTIFY HIS DRIVER'S
6 LICENSE PHOTO.

7 (COUNSEL CONFER.)

8 BY MS. PORTER:

9 Q. I HAND YOU WHAT HAS BEEN MARKED AS STATE'S
10 EXHIBIT NUMBER THREE AND ASK YOU IF YOU CAN IDENTIFY
11 THAT?

12 A. YES, MA'AM. THAT IS A COPY OF SETH STEARNS'S
13 DRIVER'S LICENSE PICTURE.

14 MS. PORTER: AT THIS TIME I WOULD LIKE TO
15 ENTER STATE'S EXHIBIT NUMBER THREE INTO EVIDENCE.

16 MR. KAPPEL: NO OBJECTION.

17 THE COURT: WITHOUT OBJECTION, STATE'S
18 EXHIBIT NUMBER THREE IS ADMITTED.

19 (STATE'S EXHIBIT # 3 WAS RECEIVED IN
20 EVIDENCE.)

21 BY MS. PORTER:

22 Q. AT SOME POINT DURING THIS INVESTIGATION WERE YOU
23 ABLE TO SERVE THE DEFENDANT, MR. SETH STEARNS, WITH HIS
24 INDICTMENT, HIS CHARGING PAPERS?

25 A. YES, MA'AM.

1 Q. AND WHEN YOU SERVED HIM, WAS HE THE SAME
2 INDIVIDUAL THAT YOU IDENTIFIED THROUGH THE DRIVER'S
3 LICENSE PHOTOGRAPH?

4 A. ALTHOUGH HE LOOKED DIFFERENT, THAT WAS HIM.

5 Q. IS HE THE SAME INDIVIDUAL THAT WE ARE DISCUSSING
6 HERE TODAY?

7 A. YES, MA'AM, THAT IS THE SAME INDIVIDUAL.

8 MS. PORTER: BEG THE COURT'S INDULGENCE.
9 BY MS. PORTER:

10 Q. IF HE LOOKED DIFFERENT IN THE PHOTOGRAPH, HOW DID
11 YOU KNOW IT WAS THE SAME INDIVIDUAL?

12 A. WE WERE ABLE TO GET HIS DATE OF BIRTH, SOCIAL
13 SECURITY NUMBER, IDENTIFYING INFORMATION THAT POSITIVELY
14 IDENTIFIES HIM AS SETH AARON STEARNS.

15 Q. AND HE AGREED THAT WAS THE CORRECT INFORMATION?

16 A. YES, MA'AM.

17 Q. IN GENERAL, IN THESE INVESTIGATIONS, YOU USE SOFT
18 APPROACHES AND INDIVIDUALS COOPERATE. SOMETIMES THEY'RE
19 ARRESTED, SOMETIMES THEY'RE NOT. WHY IS THAT?

20 A. YOU HAVE TO MAKE A DETERMINATION ON WHAT'S --
21 NUMBER ONE, YOU HAVE TO THINK OF THE SAFETY OF THE
22 COMMUNITY. IF THIS GUY DOESN'T GO TO JAIL IMMEDIATELY,
23 IS HE GONNA CAUSE ANY PROBLEMS?

24 SECOND, YOU HAVE TO THINK OF WHAT'S BEST FOR THE
25 INVESTIGATION. IF THIS GUY GOES TO JAIL, IS YOUR

1 INVESTIGATION OVER WITH? IF HE STAYS OUT AND YOU FEEL
2 LIKE HE'S GONNA STAY ON BOARD, WOULD THAT BENEFIT THE
3 OVERALL INVESTIGATION, THE CONTINUATION OF THAT
4 INVESTIGATION?

5 SO IT'S JUST SOMETHING THAT, THAT AS A POLICE
6 OFFICER, I DON'T WANT TO SAY YOU GOT TO GO WITH YOUR GUT
7 BECAUSE THAT'S NOT THE FOOLPROOF WAY OF DOING IT. BUT
8 YOU JUST, YOU GOT TO WEIGH A LOT OF FACTORS. LIKE I
9 SAID, NUMBER ONE IS SAFETY. IF WE FEEL LIKE SOMEBODY IS
10 GONNA GO OUT THERE AND CAUSE A BUNCH OF PROBLEMS OR HARM
11 SOMEONE, WE'LL HAVE TO LOCK THEM UP.

12 BUT SINCE I'VE BEEN WORKING THESE INVESTIGATIONS,
13 I'VE BEEN TAUGHT BY ALL KINDS OF REALLY GOOD NARCS, AND
14 THAT IS JUST A TECHNIQUE THAT I HAVE LEARNED FROM THEM
15 OVER MANY, MANY YEARS THAT HAS BEEN REAL SUCCESSFUL IN
16 US BEING ABLE TO WORK UP THAT LADDER.

17 Q. YOU ALSO TALKED A LOT ABOUT POUNDS, OUNCES. IN
18 THIS INDICTMENT HE'S CHARGED WITH TRAFFICKING
19 METHAMPHETAMINE MORE THAN 400 GRAMS. IF YOU COULD FOR
20 THE JURY KIND OF BREAK IT DOWN FOR THEM?

21 A. OKAY.

22 Q. JUST CONVERSION WISE?

23 A. WELL, DRUGS, THERE'S NO RHYME OR REASON WHEN IT
24 SYMPTOMS TO THE METRIC OR THE STANDARD SYSTEM IN THE
25 DRUG TRADE. A LOT OF TIMES YOU HEAR THE METRIC SYSTEM,

1 BUT WHEN IT COMES TO ICE AND METHAMPHETAMINE, FOR SOME
2 REASON WE HEAR A LITTLE MORE OF THE STANDARD SYSTEM. SO
3 WHEN IT COMES TO ICE, OR IF YOU HEAR SOMEONE TALK ABOUT
4 AN OUNCE OR AN EIGHT BALL, THERE ARE CERTAIN STREET
5 TERMS ALSO. A POUND OF ICE IS 454 GRAMS. AN OUNCE OF
6 ICE IS 28 GRAMS. AN EIGHT BALL IS AN EIGHTH OF AN OUNCE
7 WHICH IS 3.5 GRAMS.

8 SO WHEN YOU HEAR OF A POUND OF ICE, THAT'S A LOT
9 OF ICE, THAT'S 454 GRAMS OF ICE. AND IN THIS PARTICULAR
10 CONSPIRACY, WE'RE TALKING MULTIPLE, MULTIPLE POUNDS OF
11 ICE.

12 Q. AT THIS TIME I'M GOING TO ASK YOU IF YOU CAN
13 IDENTIFY THIS.

14 A. YES, MA'AM, I CAN.

15 Q. WHAT IS THIS?

16 A. THIS IS AN ORGANIZATIONAL CHART OF THIS
17 PARTICULAR CONSPIRACY INVOLVING THOSE INDIVIDUALS THAT
18 I'VE BEEN TALKING ABOUT.

19 MS. PORTER: AT THIS TIME, YOUR HONOR, I
20 WOULD LIKE TO ENTER IN STATE'S EXHIBIT NUMBER 4.

21 MR. KAPPEL: I'M NOT SURE IF YOU WANT US TO
22 APPROACH?

23 THE COURT: YES, LET'S DO THAT.

24 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
25 CONFERRED WITH THE COURT OUT OF THE PRESENCE

1 OF THE COURT REPORTER AND THE JURY.)

2 THE COURT: LADIES AND GENTLEMEN OF THE
3 JURY, I HAVE SOMETHING I NEED TO TAKE UP ON A MATTER OF
4 LAW, SO I'M GOING TO ASK YOU TO TAKE A SHORT BREAK AT
5 THIS TIME, AND WHEN YOU ARE READY TO COME BACK, JUST
6 KNOCK ON THE DOOR AND WE'LL COME BACK AND WE'LL CONTINUE
7 WITH THE TESTIMONY AT THIS TIME. AGAIN, DO NOT
8 UNDERTAKE DISCUSSION OF THE CASE AMONG YOURSELVES IN ANY
9 WAY. THANK YOU VERY MUCH. YOU MAY BE EXCUSED. AND AS
10 I SAY, AS SOON AS YOU'RE READY TO COME BACK, JUST KNOCK
11 ON THE DOOR.

12 (WHEREUPON, THE JURY LEFT THE COURTROOM AT
13 10:30 A.M.)

14 THE COURT: ALL RIGHT. LET'S GO AHEAD AND
15 TAKE THE BREAK, AND WHEN WE COME BACK WE'LL ARGUE THE
16 MOTION.

17 YOU UNDERSTAND YOU ARE STILL UNDER OATH AND
18 SO YOU CANNOT DISCUSS YOUR TESTIMONY WITH ANYONE.

19 THE WITNESS: YES, SIR.

20 (WITNESS LEAVES STAND.)

21 (WHEREUPON, A RECESS WAS TAKEN.)

22 THE COURT: IS THE STATE READY TO PROCEED?

23 MS. PORTER: YES, SIR.

24 THE COURT: DEFENSE?

25 MR. KAPPEL: YES, SIR, JUDGE.

1 **THE COURT:** BEFORE THE BREAK THE DEFENDANT
2 MADE A NOTICE OF OBJECTION TO THE NEXT EXHIBIT, WHICH I
3 UNDERSTAND WILL BE STATE'S EXHIBIT NUMBER FOUR, WHICH IS
4 A DIAGRAM OF INDIVIDUALS AND CONNECTIONS THAT ALLEGEDLY
5 ARE A PART OF THIS CONSPIRACY, OR THIS ALLEGED
6 CONSPIRACY, A PART OF THE CONSPIRACY.

7 **MR. KAPPEL:** I OBJECT TO THIS EXHIBIT NUMBER
8 FOUR BEING ADMITTED INTO EVIDENCE. IT'S NOT SO MUCH I
9 HAVE A PROBLEM WITH ANY KIND OF DIAGRAM DEPICTING WHAT
10 THEY ARE ALLEGING TO HAVE OCCURRED. IT'S ACTUALLY
11 PHOTOGRAPHS BEING AFFIXED TO THE EXHIBIT. IN MY VIEW
12 THE PHOTOGRAPHS ARE NOT PROBATIVE IN TERMS OF MOVING THE
13 CASE FORWARD IN TERMS OF ILLUSTRATING ANY FACTS THEY
14 NEED TO ILLUSTRATE FOR THE JURY. THE DIAGRAM WOULD BE
15 SUFFICIENT.

16 IT'S MY IDEA THE PHOTOGRAPHS ALMOST HAVE A
17 FLAVOR OF A PHOTOGRAPHIC LINE-UP, SO I OBJECT THAT IT'S
18 PREJUDICIAL. IF THE COURT CAN RECALL, WHEN THIS CASE
19 FIRST STARTED THE ATTORNEY GENERAL'S OFFICE POSTED ALL
20 THE PHOTOGRAPHS OF ALL THEIR PHOTOGRAPHS ON THEIR
21 WEBSITE WHEN THIS CASE FIRST CAME OUT AND IT HAS A GUILT
22 BY ASSOCIATION, SO I OBJECT ON THAT GROUND. I FEEL THE
23 NEED TO OBJECT TO IT.

24 **THE COURT:** ALL RIGHT. WHAT DO YOU SAY,
25 MS. PORTER?

1 **MS. PORTER:** YOUR HONOR, I THINK ALL OF
2 THESE INDIVIDUALS, OF COURSE, ARE IDENTIFIED AS
3 CO-CONSPIRATORS BY THE TESTIMONY OF MAX DORSEY, HE'S
4 ESTABLISHED THE CONSPIRACY. EVERYTHING THAT IS IN THIS
5 CHART IS IN EVIDENCE THROUGH HIS TESTIMONY. I DON'T
6 THINK THE PHOTOGRAPHS ARE PREJUDICIAL.

7 FIRST AND FOREMOST, THE MAJORITY OF THEM
8 WERE TAKEN OFF OF THEIR DRIVERS' LICENSES. WE OBTAINED
9 THESE PHOTOGRAPHS PRIOR TO ANY OF THESE INDIVIDUALS
10 BEING ARRESTED. AND I BELIEVE, IF I'M NOT MISTAKEN, THE
11 MAJORITY WERE TAKEN OFF OF THE DRIVER'S LICENSE WEBSITE,
12 SPECIFICALLY SETH STEARNS' WAS, AND IN EVIDENCE IS HIS
13 DRIVER'S LICENSE PHOTOGRAPH FROM THE D.M.V., WHICH IS
14 THE EXACT SAME PHOTOGRAPH USED ON THIS PARTICULAR CHART.

15 **THE COURT:** I'M LOOKING AT STATE'S EXHIBIT
16 THREE.

17 **MS. PORTER:** THIS IS NOT A LINE-UP, SIX IN A
18 ROW, AND SOMEBODY CIRCLED AND IDENTIFIED IT. IT'S
19 SIMPLY A DEMONSTRATIVE OF THE TESTIMONY HERE TODAY.

20 **THE COURT:** WELL, AGAIN, THAT'S ONE OF THE
21 THINGS THAT KIND OF CONCERNS ME. IT IS DEMONSTRATIVE
22 RATHER THAN SOMETHING THAT DEALS WITH THE FACTS
23 THEMSELVES.

24 **MS. PORTER:** WELL, I THINK -- AND MAYBE I
25 CAN MOVE TO ENTER IT AT THE CONCLUSION OF ALL THE

1 TESTIMONY ---

2 THE COURT: FIRST OF ALL, LET ME SAY ABOUT
3 THE PHOTOGRAPHS. OBVIOUSLY THE PHOTOGRAPHS ARE ALL, I
4 THINK EACH ONE HAS BEEN IDENTIFIED AS HAVING BEEN
5 ARRESTED IN THE TESTIMONY WE'VE HAD.

6 MS. PORTER: CORRECT.

7 THE COURT: THE SECOND THING IS THEY ARE ALL
8 IDENTIFIED AS BEING A PART OF THE CONSPIRACY. THE FACT
9 THAT THEY MIGHT NOT BE THAT FLATTERING IS SOMETHING
10 ELSE. THE GUILT BY ASSOCIATION IS OBVIOUSLY WHAT THE
11 THRUST OF THE STATE'S CASE, IS CONSPIRACY, OR ASSOCIATE
12 TO CONSPIRE TO DO A CRIMINAL ACT.

13 SO LET'S DO THIS. FOR THE TIME BEING,
14 LET'S -- I'M GOING TO PERMIT YOU TO USE IT FOR
15 DEMONSTRATIVE PURPOSES.

16 MS. PORTER: THANK YOU, YOUR HONOR.

17 THE COURT: I THINK, AS THEY SAY, A PICTURE
18 IS WORTH A THOUSAND WORDS, AND UNFORTUNATELY WE ARE ALL
19 STUCK WITH THE FACE WE HAVE. I MIGHT REMIND YOU OF
20 SOMEBODY ONCE ACCUSED ABRAHAM LINCOLN OF BEING
21 TWO-FACED. HE SAID IF THAT WERE SO, WOULD I HAVE THE
22 FACE I HAVE ON TODAY? ABRAHAM LINCOLN WASN'T PROUD OF
23 HIS FACE. I'M SURE THESE GENTLEMEN AND THE LADY ARE.

24 I'M GOING TO OVERRULE YOUR MOTION TO EXCLUDE
25 THE PHOTOGRAPHS, BUT AT THIS TIME I'M GOING TO ASK YOU

1 TO JUST USE IT FOR DEMONSTRATIVE PURPOSES. VERY GOOD.
2 I NOTE YOUR OBJECTION.

3 MS. PORTER: JUST FOR CLARIFICATION, WHAT
4 HAS BEEN MARKED FOR IDENTIFICATION PURPOSES AS STATE'S
5 EXHIBIT FOUR.

6 THE COURT: OR STATE'S EXHIBIT FOUR FOR I.D.
7 IF IT DOESN'T COME IN, IT STAYS FOR DEMONSTRATIVE
8 PURPOSES.

9 MS. PORTER: I JUST WANTED TO KNOW HOW TO
10 REFER TO IT FOR THE RECORD.

11 THE COURT: JUST WHAT IT IS. THE CHART OR
12 WHATEVER. BUT RIGHT NOW IT'S STATE'S EXHIBIT NUMBER
13 FOUR FOR I.D., AND IF IT STAYS THAT WAY, IT CAN BE USED
14 FOR DEMONSTRATIVE PURPOSES BUT WILL NOT GO BACK TO THE
15 JURY.

16 ALL RIGHT. LET'S TAKE THE STAND.

17 (WITNESS RESUMES STAND.)

18 THE COURT: ANYTHING FROM THE STATE BEFORE
19 WE BRING THE JURY BACK?

20 MS. PORTER: NO.

21 THE COURT: FROM THE DEFENSE?

22 MR. KAPPEL: NOTHING, YOUR HONOR.

23 (OFF-THE-RECORD DISCUSSION.)

24 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
25 10:48 A.M.)

1 **THE COURT:** LET THE RECORD REFLECT THAT THE
2 JURY AND ALTERNATES ARE IN THE JURY-BOX.

3 MADAM FORELADY, LADIES AND GENTLEMEN OF THE
4 JURY, WE WILL NOW CONTINUE WITH THE TESTIMONY BY THE
5 STATE.

6 **MS. PORTER:** THANK YOU, YOUR HONOR. AT THIS
7 TIME I'M GOING TO PUBLISH STATE'S EXHIBIT NUMBER FOUR
8 FOR IDENTIFICATION PURPOSES AND ASK IF YOU WILL KEEP
9 YOUR VOICE UP.
10 BY MS. PORTER:

11 Q. EARLIER I WENT THROUGH THE INDIVIDUALS INVOLVED
12 IN THIS CONSPIRACY AND ASKED IF THEY COOPERATED.
13 SOMETIMES, WHEN INDIVIDUALS COOPERATE, DO THEY INITIALLY
14 COOPERATE AND THEN HAVE A CHANGE OF HEART?

15 A. CHANGE OF HEART MAY NOT BE THE WAY TO TERM IT.
16 SOMETIMES THEY COOPERATE AND THEY GET BACK IN THE GAME.

17 Q. SOME OF THESE INDIVIDUALS ON THIS CHART, DID THEY
18 DO THAT?

19 A. YES.

20 Q. CAN YOU POINT OUT TO THE JURY WHICH ONES DID
21 THAT?

22 A. IN THIS CHART?

23 Q. ON THIS CHART.

24 A. KENNETH LAVENDER, CHAD SEXTON; THOSE WERE THE
25 TWO.

1 Q. HOW ABOUT ROBBY SEXTON?

2 A. AND THAT WAS MY QUESTION. I WOULD SAY YES, YES,
3 THEY DID GET BACK IN THE GAME.

4 Q. WHEN THEY GET BACK IN THE GAME, AND IF YOU CATCH
5 THEM A SECOND TIME, DO YOU GIVE THEM ANOTHER OPPORTUNITY
6 TO COOPERATE?

7 A. YES, MA'AM. BUT TAKING INTO CONSIDERATION, OF
8 COURSE, THEIR CREDIBILITY IS ABSOLUTELY ZERO, AND YOU
9 JUST HAVE TO, YOU HAVE TO TAKE MEASURES TO CONTROL THE
10 EVIDENCE THAT YOU GET. I'M NOT GONNA SAY BETTER BECAUSE
11 WE DO OUR BEST AT WHAT WE DO EVERY TIME. BUT YOU JUST,
12 YOU JUST HAVE TO DO THINGS DIFFERENT.

13 FOR EXAMPLE, IN ANOTHER INVESTIGATION, IN ICE
14 CREAM BUT A DIFFERENT CONSPIRACY, WE HAD ONE OF THOSE
15 INDIVIDUALS GET ON BOARD, HE AGREED TO COOPERATE, HE SET
16 UP HIS SOURCE, AND THEN HE GOT BACK INTO THE GAME.

17 THE NEXT TIME HE WAS APPROACHED, HE AGREED TO SET
18 UP HIS SOURCE, BUT WE TRIED -- WE HAD TO DO THAT DEAL
19 BEFORE WE WERE ABLE TO TAKE THAT SOURCE OFF, WE HAD TO
20 DO IT KNOWING THAT HE WAS GONNA HAVE CREDIBILITY ISSUES
21 AS A WITNESS, AND WE HAD TO TAKE MEASURES TO TAKE --
22 WELL, NOT TO TAKE CARE OF THAT, BUT WE HAD TO ALLOT FOR
23 THAT. SO INSTEAD OF HIM DOING AN UNDERCOVER BUY WHERE
24 HE ACTUALLY RECEIVED THE EVIDENCE OR WHERE HE ACTUALLY
25 DID THE DEAL ITSELF, WE WERE IN THE BACK ROOM AND WE

1 JUST TOOK THE GUY OFF WHEN HE CAME IN.

2 Q. SO IS IT FAIR TO SAY THAT YOU CHANGED SOME OF
3 YOUR COOPERATING TECHNIQUES ONCE THEY HAD FALLEN OFF THE
4 WAGON, SO TO SPEAK?

5 A. I GUESS SO, YES, MA'AM. I DON'T FEEL LIKE I'M
6 BEING CLEAR ENOUGH. BUT I GUESS OUR TACTICS. BUT THERE
7 AGAIN, NOT TO SAY THAT WE DO IT BETTER BECAUSE WE DON'T
8 TRUST HIM. WE JUST, THERE ARE JUST CERTAIN MEASURES
9 THAT WE HAVE TO, THAT WE HAVE TO TAKE, REALIZING THAT
10 THAT GUY HAS CREDIBILITY ISSUES.

11 Q. AND DO YOU ALSO ATTEMPT TO CORROBORATE THROUGH
12 OTHER MEANS?

13 A. YES, MA'AM.

14 MS. PORTER: BEG THE COURT'S INDULGENCE.

15 AT THIS TIME, YOUR HONOR, I HAVE NO FURTHER
16 QUESTIONS FOR LIEUTENANT DORSEY.

17 THE WITNESS: YES, MA'AM.

18 THE COURT: MR. KAPPEL?

19 MR. KAPPEL: THANK YOU, YOUR HONOR, MAY IT
20 PLEASE THE COURT.

21 CROSS-EXAMINATION BY MR. KAPPEL:

22 Q. AGENT DORSEY, GOOD MORNING.

23 A. GOOD MORNING.

24 Q. JUST TO BACK UP BRIEFLY. WHEN YOU TALK ABOUT
25 YOUR TRAINING AND ALL THE EXPERIENCE THAT YOU HAVE

1 RECEIVED THROUGH S.L.E.D. AND VARIOUS OTHER CONTINUING
2 EDUCATION AND BEING QUALIFIED AS AN EXPERT, YOU ARE
3 FAMILIAR WITH SEARCH WARRANTS, ARE YOU NOT?

4 A. YES, SIR.

5 Q. YOU ARE FAMILIAR WITH WIRETAPS, PHONE TAPS?

6 A. YES, SIR, I'M FAMILIAR WITH THEM.

7 Q. AND YOU ARE FAMILIAR WITH TAPING TELEPHONE CALLS?

8 A. YES, SIR.

9 Q. YOU ARE FAMILIAR WITH SURVEILLANCE?

10 A. YES, SIR.

11 Q. YOU ARE FAMILIAR WITH ALL THESE VARIOUS
12 TECHNIQUES, ARE YOU NOT?

13 A. YES, SIR.

14 Q. AND YOU ARE TRAINED IN THOSE; IS THAT CORRECT?

15 A. YES, SIR.

16 Q. YOU HAD INDICATED EARLIER THAT YOU WERE
17 CONDUCTING SURVEILLANCE ON KENNY LAVENDER ON APRIL 5TH,
18 2005, ISN'T THAT RIGHT?

19 A. YES, SIR.

20 Q. AND YOU DID SURVEILLANCE, AND WHAT YOU DID IS
21 AFTER YOU DID ALL THIS SURVEILLANCE ON KENNY LAVENDER,
22 YOU TYPED UP A DOCUMENT, A REPORT -- ISN'T THAT CORRECT?

23 A. THAT'S RIGHT.

24 Q. -- WHERE YOU DOCUMENTED EVERY PERSON, OR EVERY
25 PLACE THAT HE WENT, IF HE TALKED TO SOMEONE AND YOU KNEW

1 THEIR IDENTITY, YOU PUT THAT IN THE REPORT, BASICALLY
2 SUMMARIZED EVERYTHING THAT HE WAS DOING. IT WAS A
3 SURVEILLANCE REPORT; ISN'T THAT CORRECT?

4 A. I DON'T RECALL IF I GENERATED A SURVEILLANCE
5 REPORT IN THAT DEAL.

6 Q. YOU DON'T?

7 A. I MAY HAVE. I KNOW I GENERATED A REPORT FROM HIS
8 APPROACH.

9 Q. (HANDING.) DOES THAT REFRESH YOUR MEMORY?

10 MS. PORTER: YOUR HONOR, I'D ASK THAT HE AT
11 LEAST MARK IT FOR IDENTIFICATION PURPOSES TO KEEP THE
12 RECORD CLEAR.

13 MR. KAPPEL: I'M JUST ASKING HIM TO REFRESH
14 HIS RECOLLECTION, JUDGE; I'M NOT PLANNING ON PUTTING
15 THIS INTO EVIDENCE.

16 MS. PORTER: I'M NOT ASKING TO PUT IT INTO
17 EVIDENCE, JUST A CLEAR RECORD FOR THE COURT REPORTER,
18 YOUR HONOR.

19 MR. KAPPEL: WE'RE NOT EVEN GONNA IDENTIFY
20 IT, YOUR HONOR.

21 THE COURT: LET'S NOT WORRY ABOUT IT.
22 GO AHEAD AND IDENTIFY IT IF YOU CAN.

23 THE WITNESS: YES, SIR. THIS IS A
24 SURVEILLANCE REPORT I DID MAKE.

25 BY MR. KAPPEL:

1 Q. ALL RIGHT. AND WHO IS THE SUBJECT OF THAT
2 SURVEILLANCE REPORT?

3 A. THE SUBJECT UNDER SURVEILLANCE WOULD BE KENNY
4 LAVENDER.

5 Q. OKAY, THANK YOU. NOW, VARIOUS THINGS THAT YOU
6 DID DURING THE COURSE OF THIS INVESTIGATION WAS YOU
7 APPROACHED KENNY LAVENDER. HE WAS ARRESTED IN MARCH.
8 ISN'T THAT RIGHT, MARCH THE 15TH, 2005?

9 A. I BELIEVE THAT'S CORRECT, YES, SIR.

10 Q. HE WAS ARREST ON MARCH 15, 2005, BY THE
11 GREENVILLE POLICE DEPARTMENT; ISN'T THAT CORRECT?

12 A. YES, SIR.

13 Q. DO YOU RECALL WHAT HE HAD IN HIS POSSESSION THAT
14 DAY?

15 A. I THINK IT WAS APPROXIMATELY FOUR OUNCES OF ICE,
16 AND THEN A SEARCH WARRANT WAS CONDUCTED AT HIS
17 RESIDENCE, WHERE I BELIEVE IN EXCESS OF 20 POUNDS OF
18 MARIJUANA WAS ALSO SEIZED.

19 Q. OKAY. HOW MUCH MONEY?

20 A. A LARGE QUANTITY, BUT I CAN'T RECALL.

21 Q. DOES \$80,000 SOUND RIGHT?

22 A. IT WAS A LARGE AMOUNT, I DON'T REMEMBER THE EXACT
23 AMOUNT.

24 Q. IS \$80,000 IN CASH A LARGE AMOUNT OF MONEY TO
25 YOU?

1 A. YES, SIR.

2 Q. OKAY. DO YOU RECALL THAT KENNY GAVE A STATEMENT
3 ON MARCH 15TH, THAT DAY?

4 A. I WAS TOLD THAT HE GAVE A STATEMENT. I WASN'T
5 PRESENT DURING ANY OF, ANY OF THE STUFF THE CITY DID.

6 Q. ALL RIGHT. BUT YOU WERE THE AGENT IN CHARGE OF
7 THIS ICE CREAM INVESTIGATION INVOLVING 44 INDIVIDUALS.
8 IT STARTED WITH KENNY LAVENDER, HE WAS ARRESTED ON MARCH
9 THE 15TH, HE'S FOUND WITH \$80,000 IN CASH, HE'S FOUND
10 WITH LARGE QUANTITIES OF METHAMPHETAMINE AND MARIJUANA.
11 HE GIVES A STATEMENT TO THE POLICE DEPARTMENT. AND
12 SURELY YOU REVIEWED THAT STATEMENT?

13 A. I HAVE SINCE HE GAVE IT, YES, SIR.

14 Q. OKAY. AND YOU RECALL THE SOURCES THAT HE
15 IDENTIFIED IN THAT STATEMENT FOR HIS METHAMPHETAMINE?

16 A. NOT OFF THE TOP OF MY HEAD.

17 Q. OKAY, JUST A MOMENT. (HANDING.) PLEASE TAKE
18 YOUR TIME, REFRESH YOUR RECOLLECTION.

19 A. YES, SIR, I'VE SEEN THIS STATEMENT BEFORE.

20 Q. OKAY. DOES THIS REFRESH YOUR MEMORY AS TO WHO HE
21 IDENTIFIED AS HIS SOURCES FOR METHAMPHETAMINE BACK ON
22 MARCH 15TH OF '05?

23 A. IT'S MY UNDERSTANDING THAT'S THE STATEMENT HE
24 GAVE THE LAW ENFORCEMENT OFFICERS AT THAT TIME.

25 Q. OKAY. DO YOU REMEMBER WHO HE IDENTIFIED AS HIS

1 SOURCES FOR METHAMPHETAMINE?

2 A. THE INDIVIDUALS NAMED IN THAT STATEMENT.

3 Q. THAT WOULD BE A GUY NAMED EDDIE CASH?

4 A. EDDIE CASH -- FOR METHAMPHETAMINE?

5 Q. YES, SIR. AND EDDIE CASH IS OUT OF COLUMBIA;

6 ISN'T THAT CORRECT?

7 A. LEXINGTON, YES, SIR.

8 Q. LEXINGTON IS RIGHT NEXT TO COLUMBIA; IS THAT

9 CORRECT?

10 A. YES, SIR.

11 Q. IN FACT, THIS ISN'T THE FIRST STATEMENT THAT

12 KENNY LAVENDER HAS GIVEN, IS IT?

13 A. NO, SIR.

14 Q. IN FACT, HE GAVE ANOTHER STATEMENT PRIOR TO THAT

15 IN JULY 2004; ISN'T THAT RIGHT?

16 A. TO PICKENS COUNTY?

17 Q. YES, SIR.

18 A. YES, SIR.

19 Q. AND YOU HAVE REVIEWED THAT STATEMENT, DID YOU

20 NOT?

21 A. I HAVE. IT'S BEEN A LONG TIME AGO, BUT YES, SIR.

22 Q. OKAY. DO YOU RECALL WHO HE IDENTIFIED AS HIS

23 SOURCE FOR METHAMPHETAMINE IN JULY 2004?

24 A. NOT WITHOUT LOOKING AT IT.

25 Q. DO YOU WANT TO REFRESH YOUR MEMORY WITH THIS

1 (HANDING)?

2 A. I REMEMBER THIS. DANNY HOLCOMBE WAS HIS
3 METHAMPHETAMINE SOURCE AT THAT TIME.

4 Q. SO YOU HOOK UP WITH KENNY LAVENDER MARCH 24TH,
5 2005; IS THAT CORRECT?

6 A. YES, SIR. I MET WITH HIM.

7 Q. AND THIS WAS PURSUANT TO HIS WILLINGNESS TO
8 COOPERATE?

9 A. YES, SIR.

10 Q. NOW, YOU WENT THROUGH THE SAME TECHNIQUE THAT YOU
11 DESCRIBED TO US IN GREAT DETAIL WITH KENNY ABOUT YOUR
12 DEBRIEFING; ISN'T THAT RIGHT?

13 A. I DID A DEBRIEFING WITH KENNY.

14 Q. ALL RIGHT. FIRST OF ALL, LET ME JUST ASK YOU
15 THIS QUESTION I FORGOT TO ASK YOU. THIS WHOLE DIAGRAM,
16 ALL THIS INFORMATION THAT YOU HAVE PRESENTED, HAVE ALL,
17 IT'S ALL COME FROM ---

18 A. THOSE PEOPLE.

19 Q. --- THESE INDIVIDUALS?

20 A. YES, SIR.

21 Q. IT'S NOTHING THAT YOU HAVE OBSERVED PERSONALLY,
22 CORRECT?

23 A. WELL, I'VE OBSERVED CERTAIN ACTS THAT CONTINUE
24 THE CONSPIRACY, THAT ARE IN FURTHERANCE OF THE
25 CONSPIRACY.

1 Q. ALL RIGHT. WELL, CONNECTING SETH STEARNS. YOU
2 HAVE NOT OBSERVED ANYTHING ---

3 A. NO, SIR. ---

4 Q. --- PERSONALLY ON THAT?

5 A. --- I HAVE NOT.

6 Q. WHEN YOU GO TO THE JAIL TO TALK TO BRIAN MUELLER,
7 YOU PERSONALLY OBSERVED HIM IN JAIL, CORRECT?

8 A. SIR, WHAT I MEAN BY THAT IS I SAW OR I SURVEILLED
9 THE INCIDENT WHERE CHAD SEXTON DELIVERED THE ICE TO
10 KENNY LAVENDER. THAT'S WHAT I MEANT.

11 Q. OF COURSE. ALL RIGHT. SO YOU WENT THROUGH THE
12 SAME DIALOGUE WITH MR. LAVENDER, WITH KENNY LAVENDER,
13 THAT YOU JUST DISCUSSED THIS MORNING AND THAT IS YOU
14 TALKED TO HIM ABOUT, "ALL RIGHT, TELL US WHO YOUR
15 SOURCES ARE." CORRECT?

16 A. YES, SIR.

17 Q. "TELL US THE TRUTH." CORRECT?

18 A. YES, SIR.

19 Q. "TELL US WHAT YOU'VE DONE." CORRECT?

20 A. YES, SIR.

21 Q. BECAUSE YOU INDICATED EARLIER THAT IF THEY DON'T
22 TELL YOU WHAT THEY'VE DONE THEMSELVES, THEN THEY LOSE
23 CREDIBILITY; ISN'T THAT RIGHT?

24 A. WELL, NO. I SAID THEY GAIN CREDIBILITY BY
25 ADMITTING TO THEIR CRIME.

1 Q. ALL RIGHT. WELL, HALF FULL OR EMPTY. THE GLASS
2 IS HALF FULL OR HALF EMPTY. I MEAN, IF THEY TELL YOU
3 WHAT THEY'VE DONE, THEN THEY ARE BUILDING CREDIBILITY
4 WITH YOU; ISN'T THAT CORRECT?

5 A. WELL, YES, SIR. BUT I SAY IT LIKE THAT BECAUSE I
6 KNOW THEY NEVER TELL ME EVERYTHING.

7 Q. SO THEY KEEP STUFF FROM YOU?

8 A. ABSOLUTELY. I'VE NEVER ENCOUNTERED AN INFORMANT
9 THAT COOPERATES WITH ME THAT TELLS ME THE ABSOLUTE 100
10 PERCENT TRUTH. IT HAS BEEN MY EXPERIENCE THAT THEY,
11 THEY ALWAYS HOLD BACK SOMETHING. WHY, I DON'T KNOW.
12 THEY ALWAYS HOLD BACK SOMETHING.

13 Q. SO THEY DON'T ALWAYS TELL YOU THE TRUTH, THEN; IS
14 THAT RIGHT?

15 A. YES, SIR. THEY'RE DRUG DEALERS, THEY'RE NOT
16 GONNA TELL THE TRUTH.

17 Q. OKAY. AND SO IT'S NOT UNCOMMON, THEN, FOR THEM
18 TO LIE TO YOU?

19 A. SOMETIMES, YES, SIR.

20 Q. YOU JUST SAID THAT EVERY ONE OF THEM WILL HOLD
21 SOMETHING BACK. ISN'T IT THEREFORE THE SAME STATEMENT
22 TO SAY THAT THEY ALL LIE?

23 A. IF YOU DON'T TELL ME THE WHOLE TRUTH, THAT'S THE
24 SAME THING AS LYING, YES, SIR.

25 Q. SO THEY ALL LIE?

1 A. YES, SIR.

2 Q. OKAY. AND, IN FACT, ON THURSDAY, APRIL THE 5TH,
3 2005, WHEN YOU WERE CONDUCTING SURVEILLANCE, YOU
4 ACTUALLY HAD A MEETING WITH KENNY LAVENDER AND HIS
5 LAWYER, KIM VARNER, RIGHT?

6 A. YES, SIR.

7 Q. AND YOU MADE A COMMENT -- DO YOU REMEMBER THE
8 COMMENT YOU MADE TO HIS LAWYER, KIM VARNER, REGARDING
9 HIS CREDIBILITY?

10 A. I DO NOT.

11 Q. OKAY. (HANDING.)

12 A. IS IT THE HIGHLIGHTED PART HERE? (READING.)
13 OKAY.

14 Q. ALL RIGHT. SO THIS SURVEILLANCE REPORT WAS
15 DRAFTED BASED UPON YOUR WORK ON APRIL THE 5TH, 2005,
16 REGARDING KENNY LAVENDER, RIGHT?

17 A. THAT'S RIGHT.

18 Q. AND YOU HAD ALREADY GOTTEN OR REVIEWED TWO
19 STATEMENTS FROM KENNY LAVENDER, ONE IN JULY OF '04 AND
20 ONE OF MARCH 15TH, AND THEN THIS WAS APRIL THE 5TH -- OR
21 EXCUSE ME, I BEG YOUR PARDON. YOU TOOK A STATEMENT FROM
22 HIM AS WELL MARCH 24TH. THERE'S A THIRD STATEMENT.
23 THREE STATEMENTS.

24 A. I DON'T THINK I WAS PRIVY TO THE JULY OF '04
25 STATEMENT AT THAT TIME.

1 Q. OKAY.

2 A. BUT NEVERTHELESS, I WAS AWARE OF -- I WAS
3 EVENTUALLY AWARE OF THE JULY '04 STATEMENT, I WAS AWARE
4 OF THE ONE THAT THE CITY HAD TAKEN AROUND MARCH 15TH OF
5 '05, AND THEN I TOOK ONE ON MARCH 24TH, '05.

6 Q. THAT'S CORRECT. AND THEN THE SURVEILLANCE
7 OCCURRED AFTER YOU TOOK THE STATEMENT FROM HIM ON MARCH
8 24TH, RIGHT?

9 A. THAT'S CORRECT, YES.

10 Q. IT WAS IN THIS STATEMENT OF MARCH 24TH THAT YOU
11 FIRST LEARNED THE IDENTITY OF SETH STEARNS, CORRECT?

12 A. I BELIEVE SO, YES, SIR.

13 Q. OKAY. AND THEN ON APRIL THE 5TH YOU DID THE
14 SURVEILLANCE AND YOU MADE THIS COMMENT TO KIM VARNER.
15 DO YOU RECALL NOW WHAT THE COMMENT WAS?

16 A. IT WAS THAT HE'S BEEN UNTRUTHFUL AND LIED TO US,
17 ESPECIALLY ABOUT HIS ASSETS.

18 Q. ALL RIGHT. DO YOU RECALL SPECIFICALLY WHAT YOUR
19 COMMENT WAS IN YOUR REPORT? WAS IT TO THE EFFECT?

20 A. I'D JUST RATHER NOT, I CAN'T QUOTE IT.

21 Q. WAS IT IN EFFECT THAT YOU EXPLAINED TO HIS LAWYER
22 THAT HE HAS CONTINUALLY LIED TO LAW ENFORCEMENT ABOUT
23 HIS INVOLVEMENT AND ESPECIALLY HIS ASSETS? DO YOU
24 RECALL MAKING THAT STATEMENT?

25 A. YES, SIR.

1 Q. AND YOU MADE THAT STATEMENT TO KIM VARNER THAT HE
2 CONTINUALLY LIED TO YOU AND LAW ENFORCEMENT TO TRY TO
3 PRESSURE HIM INTO COMING CLEAN AND TELLING YOU THE
4 TRUTH; ISN'T THAT RIGHT?

5 A. SAY THAT AGAIN, PLEASE?

6 Q. WELL, I MEAN YOU MADE THE COMMENT TO KIM VARNER
7 THAT KENNY LAVENDER CONTINUALLY LIED TO YOU AND TO LAW
8 ENFORCEMENT, NOT BECAUSE YOU WERE HAPPY THAT KENNY
9 LAVENDER WAS LYING TO YOU, BUT BECAUSE YOU WANTED TO
10 LEARN THE TRUTH, CORRECT?

11 A. YES, SIR, THAT'S CORRECT.

12 Q. AND THAT'S WHY YOU MADE THAT STATEMENT?

13 A. I DID. GRANTED, I'D JUST CAUGHT HIM AGAIN WITH
14 ABOUT AN OUNCE OF ICE ---

15 Q. RIGHT.

16 A. --- SHORTLY, JUST A FEW HOURS BEFORE ME AND KENNY
17 MET.

18 Q. SO THAT'S A PROBLEM.

19 A. THAT'S A LIE, RIGHT.

20 Q. THAT'S BASICALLY HE AGREED TO COOPERATE ON MAY
21 14TH AND SPOKE TO YOU ON MAY -- EXCUSE ME, I BEG YOUR
22 PARDON -- MARCH 14TH AND SPOKE TO YOU AGAIN ON MARCH
23 24TH OF 2005, AND THEN HE, QUOTE, GOT BACK IN THE GAME.
24 AND YOU TESTIFIED JUST A FEW MINUTES AGO THAT WHEN THEY
25 GET BACK IN THE GAME, THEY HAVE ZERO CREDIBILITY. DO

1 YOU REMEMBER MAKING THAT STATEMENT A FEW MINUTES AGO?

2 A. YES.

3 Q. SO ESSENTIALLY YOU MEET WITH HIS LAWYER AND HE
4 HAS ZERO CREDIBILITY WITH YOU AT THAT POINT. HE'S
5 GOTTEN BACK INTO THE GAME AND YOU MAKE A STATEMENT HE
6 HAS CONTINUALLY LIED TO YOU AND TO LAW ENFORCEMENT ABOUT
7 HIS INVOLVEMENT AND ESPECIALLY HIS ASSETS. ISN'T THAT
8 RIGHT?

9 A. I SAID THAT, YES, SIR.

10 Q. OKAY. NOW, SUBSEQUENT TO THIS SURVEILLANCE ON
11 APRIL THE 5TH AND YOUR STATEMENT TO KIM VARNER THAT HE
12 CONTINUALLY LIED TO YOU, DID YOU DISCOVER THROUGH THE
13 COURSE OF THIS INVESTIGATION THAT HE DECEIVED YOU AGAIN?

14 A. YES, SIR.

15 Q. OKAY. SO BASICALLY WHAT HAPPENED WAS, IS YOU
16 MEET WITH KIM VARNER, YOU THREATENED -- NOT THREATENED,
17 EXCUSE ME, I'LL TAKE THAT BACK -- YOU MAKE THE STATEMENT
18 THAT HE HAS CONTINUALLY LIED TO YOU AND TO LAW
19 ENFORCEMENT. YOU GIVE HIM BASICALLY AN ULTIMATUM TO
20 COME CLEAN AND TELL THE TRUTH, AND YOU SUBSEQUENTLY
21 DISCOVERED HE'S BEEN DECEPTIVE TO YOU AFTERWARDS.

22 A. YES, SIR.

23 Q. THAT DIDN'T FIX IT.

24 A. NO, SIR.

25 Q. ALL RIGHT. NOW LET'S TALK ABOUT THE INCIDENT

1 INVOLVING CHAD SEXTON.

2 A. YES, SIR.

3 Q. SO KENNY LAVENDER BASICALLY ON THE 6TH OF APRIL,
4 2005, TALKS ABOUT CHAD SEXTON, TELLS YOU CHAD IS COMING
5 BACK FROM ATLANTA, YOU CAN GET HIM RIGHT NOW. AND
6 THROUGH THE COURSE OF TELEPHONE CALLS THEY MEET UP AT
7 THE MCDONALD'S. RIGHT?

8 A. YES, SIR.

9 Q. AND YOU'RE UNDER SURVEILLANCE, AS YOU SHOULD BE
10 WITH THE VARIOUS SUPPORTING UNITS THAT ARE HELPING;
11 ISN'T THAT CORRECT?

12 A. YES, SIR.

13 Q. AND KENNY IS ADVISED TO GET IN THE CAR WITH CHAD,
14 DO THE DEAL, PERHAPS THERE'S SOME SORT OF SIGNAL OR JUST
15 WHEN KENNY GETS OUT OF THE CAR THAT'S WHEN YOU KNOW TO
16 DO THE BUY-BUST, SO TO SPEAK, AND THAT'S WHEN YOU
17 SURROUND CHAD SEXTON AND YOU ARREST HIM?

18 A. THAT'S CORRECT.

19 Q. ISN'T THAT RIGHT?

20 A. YES, SIR.

21 Q. NOW YOU TALKED ABOUT HAVING HARD APPROACHES OR
22 SOFT APPROACHES, AND THAT THIS WAS ESSENTIALLY A HARD
23 APPROACH I GUESS BECAUSE THE WAY IT WENT DOWN ---

24 A. IT TURNED INTO ONE.

25 Q. WELL, BEFORE IT TURNED INTO, BEFORE HE TRIED TO

1 RUN YOU ALL OVER AND FLEE, WAS IT A HARD OR SOFT
2 APPROACH?

3 A. IT WOULD HAVE BEEN A SOFT APPROACH. WE WOULD
4 HAVE, OF COURSE, SURROUNDED THE VEHICLE SAFELY, BUT WE
5 WOULD HAVE ASKED FOR HIS COOPERATION AND GONE TO ANOTHER
6 LOCATION. IT WOULD HAVE BEEN VISIBLE TO THE GENERAL
7 PUBLIC, BUT THERE AGAIN, IT'S AT MIDNIGHT, NOT A WHOLE
8 LOT OF PEOPLE ARE OUT.

9 Q. EVEN THOUGH IT'S A BUY-BUST SITUATION WHERE
10 MULTIPLE UNITS ARE SURROUNDING THIS TRUCK, THIS PICKUP
11 TRUCK, IT'S A SOFT APPROACH, CORRECT?

12 A. THAT'S VERY MISLEADING, BUT WE WOULD HAVE
13 APPROACHED HIM TO ASK HIM FOR HIS COOPERATION.

14 Q. OKAY. NOW, WHEN HE FLED OFF, ARE WE TO ASSUME
15 THAT HE DID NOT WANT TO COOPERATE AT THAT POINT; IS THAT
16 RIGHT?

17 A. I WOULD IMAGINE SO, YES, SIR. THAT'S THE WAY I
18 TOOK IT.

19 Q. SO BASICALLY HE TRIES TO RUN EVERYBODY OVER AND
20 IS RUNNING DOWN 123, SO IT'S PRETTY CLEAR THAT HE'S NOT
21 WILLING TO COOPERATE WITH YOU; IS THAT RIGHT?

22 A. YES, SIR.

23 Q. OKAY. SO WE'LL GET TO CHAD SEXTON IN JUST A
24 MINUTE. BUT LET'S TALK ABOUT THE TRUCK. AS IT TURNED
25 OUT, AS YOU DISCOVERED THROUGH EASLEY POLICE DEPARTMENT

1 WITH MR. LOVELL, THAT THERE WERE OTHER DRUGS IN THE
2 TRUCK, CHAD SEXTON'S TRUCK?

3 A. THAT'S RIGHT. OTHER THAN WHAT HE HAD GIVEN KENNY
4 LAVENDER.

5 Q. CHAD SEXTON GOES TO ATLANTA, HE BUYS DRUGS FROM
6 AMANDA DIRECTLY? CORRECT?

7 A. RIGHT.

8 Q. SO CHAD SEXTON GOES TO ATLANTA AND BUYS DRUGS
9 DIRECTLY FROM AMANDA, COMES BACK TO GREENVILLE,
10 SOMEHOW -- OR EASLEY, HE SOMEHOW TALKS TO KENNY LAVENDER
11 ON THE PHONE. HE TELLS YOU. YOU SET UP THE BUY-BUST.
12 THE BUY-BUST GOES DOWN, OR THE DEAL GOES DOWN WHERE HE
13 IS SELLING SOME DRUGS, BUT THERE ARE OTHER DRUGS IN THE
14 CAR, AS YOU TESTIFIED, AND YOU DISCOVER THAT THROUGH THE
15 EASLEY POLICE DEPARTMENT THAT THERE ARE OTHER DRUGS IN
16 THE TRUCK?

17 A. YES, SIR, I DID.

18 Q. AND DO YOU RECALL HOW THE EASLEY POLICE
19 DEPARTMENT DISCOVERED THAT THERE WERE OTHER DRUGS HIDDEN
20 IN THE TRUCK?

21 A. IT'S MY UNDERSTANDING THAT THEY HAD AN INFORMANT
22 TELL THEM AND THEY WERE ABLE TO GET A SEARCH WARRANT
23 BASED ON THAT INFORMATION.

24 Q. AND WHAT INFORMATION DID THE INFORMANT PROVIDE
25 THEM? DO YOU REMEMBER?

1 A. THAT JUST SOME DRUGS HAD BEEN LEFT IN THERE. AND
2 I THINK THEY GOT -- I THINK, I'M NOT ABSOLUTELY SURE --
3 I THINK THEY GOT A DRUG DOG TO SEARCH, TO GO AROUND THE
4 PERIMETER OF THE VEHICLE AND THE DOG HIT ON IT.

5 Q. SO YOU DON'T KNOW SPECIFICALLY WHAT INFORMATION
6 THAT INFORMANT HAD, THEN, DO YOU?

7 A. I DON'T REMEMBER, NO, SIR.

8 Q. ALL RIGHT.

9 A. I MAY HAVE AT THE TIME, BUT I DON'T REMEMBER IT
10 RIGHT NOW.

11 Q. ISN'T IT TRUE THAT THE INFORMANT NOTIFIED THE
12 POLICE DEPARTMENT THAT KENNY LAVENDER TRIED TO GET THEM
13 TO GO BACK INTO THE IMPOUND LOT TO GET THOSE DRUGS?

14 A. THAT'S WHAT I'VE BEEN TOLD. THAT'S CORRECT. NOW
15 I DO RECALL THAT.

16 Q. DID KENNY TELL YOU HE WAS GONNA DO THAT?

17 A. NO, KENNY DID NOT TELL ME HE WAS GONNA DO THAT.

18 Q. WOULD THAT HAVE BEEN A VIOLATION OF YOUR TRUST
19 WITH HIM FOR HIM TO NOT DISCLOSE THAT THERE WERE OTHER,
20 THERE WAS A POUND UNDER THE HOOD OR IN A SPEAKER IN THE
21 TRUCK?

22 A. ABSOLUTELY.

23 Q. AND WOULD IT ALSO VIOLATE THAT TRUST FOR HIM TO
24 TRY TO GET SOME OTHER PERSON TO GO TO THAT IMPOUND LOT,
25 WITHOUT TELLING ANYBODY, IN THE MIDDLE OF THE NIGHT, TO

1 GO INTO THAT CAR AND TAKE THOSE DRUGS?

2 A. ABSOLUTELY.

3 Q. IS THAT GETTING OUT OF THE GAME TO YOU?

4 A. NO, SIR, NOT AT ALL.

5 Q. SO AFTER YOUR MEETING ON APRIL THE 5TH, AFTER THE

6 BUY-BUST ON APRIL THE 6TH, AFTER ALL OF THIS, KENNY

7 LAVENDER IS STILL IN THE GAME, CORRECT?

8 A. YES, SIR.

9 Q. AND THEREFORE HAS ---

10 A. AT SOME LEVEL.

11 Q. --- AND THEREFORE HAS ZERO CREDIBILITY.

12 A. HE HAS ZERO CREDIBILITY UNTIL IT IS CORROBORATED.

13 Q. CORROBORATED BY DOCUMENTS?

14 A. INFORMATION FROM OTHER COOPERATING WITNESSES.

15 Q. OTHER TESTIMONY FROM OTHER PEOPLE?

16 A. THAT'S CORRECT. OR WHATEVER ELSE, YES,

17 DOCUMENTS.

18 Q. ALL RIGHT. LET ME ASK YOU THIS: HAVE YOU EVER

19 SEEN A PHONE BOOK BELONGING TO KENNY LAVENDER?

20 A. YES, SIR, I HAVE.

21 Q. AND IT HAD VARIOUS NAMES AND PHONE NUMBERS IN IT;

22 ISN'T THAT RIGHT?

23 A. YES, SIR. YES, SIR.

24 Q. DID IT NOT HAVE AMOUNTS, PAYMENTS IN THERE AS

25 WELL?

1 A. YES, SIR.

2 Q. SO WHEN WE'RE TALKING ABOUT RECEIPTS AND TALKING
3 ABOUT WAL-MART ACCEPTS CREDIT CARDS AND THEY GIVE YOU A
4 RECEIPT, AND YOU SAID THAT WHEN THERE'S A DRUG
5 CONSPIRACY, THEY DON'T TAKE CREDIT CARDS, THEY ONLY TAKE
6 CASH, OR THEY DON'T GIVE YOU RECEIPTS, THAT'S RIGHT,
7 THEY TAKE CASH AND THEY DON'T GIVE RECEIPTS, RIGHT? BUT
8 THEY ALSO DO DRUGS ON THE FRONT; ISN'T THAT RIGHT?

9 A. THEY TAKE CREDIT, VERBAL CREDIT.

10 Q. THEY TAKE CREDIT.

11 A. IT'S CALLED FRONTING.

12 Q. AND UNLESS THEY HAVE A SUPER INCREDIBLE MEMORY, A
13 LOT OF TIMES THEY WRITE IT DOWN.

14 A. SOMETIMES THEY WRITE IT DOWN.

15 Q. OKAY. AND IN THIS SITUATION KENNY WROTE A LOT OF
16 THOSE FIGURES DOWN; DID HE NOT?

17 A. YES, SIR, HE DID.

18 Q. AND HE ALSO HAD THE NAMES AND PHONE NUMBERS OF A
19 LOT OF DIFFERENT PEOPLE -- IS THAT RIGHT?

20 A. THAT'S RIGHT.

21 Q. -- IN HIS PHONE BOOK.

22 IN ADDITION, DIDN'T YOU EXECUTE A SEARCH WARRANT
23 ON KENNY LAVENDER IN A HOTEL ROOM WHERE HE AND HIS
24 GIRLFRIEND WERE STAYING?

25 A. I THINK WE GOT CONSENT.

1 Q. YOU GOT CONSENT AND YOU SEARCHED HIS HOTEL ROOM?

2 A. WE SEIZED SOME ITEMS FROM THERE, YES, SIR.

3 Q. DIDN'T YOU ALSO SEIZE A COMPUTER?

4 A. YES, SIR.

5 Q. AND YOU SEIZED OTHER VARIOUS ELECTRONIC
6 EQUIPMENT?

7 A. YES, SIR, I THINK SO.

8 Q. AND OTHER PAPERS AND DOCUMENTS; ISN'T THAT RIGHT?

9 A. YES, SIR.

10 Q. NOW, KENNY LAVENDER. HE ALSO TOLD YOU THAT HE
11 DEALS A GREAT AMOUNT OF MARIJUANA, DID HE NOT?

12 A. HE DOES, OR HE DID.

13 Q. AND THAT HE HAD A CONNECTION IN CALIFORNIA WHERE
14 HE WAS RECEIVING SHIPMENTS OF 500 POUNDS OF MARIJUANA AT
15 A TIME?

16 A. YES, SIR.

17 Q. AND THAT KENNY LAVENDER WAS ACTUALLY DISTRIBUTING
18 MULTIPLE THOUSAND POUNDS OF MARIJUANA THROUGH THE COURSE
19 OF HIS ASSOCIATION WITH THIS CONNECTION IN CALIFORNIA?

20 A. YES, SIR.

21 Q. AND HE DESCRIBED FOR YOU HIS INVOLVEMENT WITH THE
22 MARIJUANA TRADE IN GETTING THOUSANDS, TENS OF THOUSANDS
23 OF DOLLARS BACK AND FORTH TO CALIFORNIA; ISN'T THAT
24 RIGHT?

25 A. THAT'S CORRECT, YES, SIR.

1 Q. ALL RIGHT. YOU ALSO INDICATED IN ADDITION TO
2 EDDIE CASH OUT OF LEXINGTON THAT WAS HIS SUPPLIER FOR
3 METHAMPHETAMINE, HE ALSO IDENTIFIED ANOTHER INDIVIDUAL
4 BY THE NAME OF DENNIS STYLES; ISN'T THAT RIGHT?

5 A. YES, SIR.

6 Q. AND THAT HE RECEIVED DRUGS FROM DENNIS STYLES,
7 RIGHT?

8 A. YES, SIR.

9 Q. IN ADDITION, HE RECEIVED DRUGS FROM BRIAN
10 MUELLER?

11 A. YES, SIR.

12 Q. AND, IN FACT, THROUGH YOUR INVESTIGATION YOU
13 DISCOVERED THAT BRIAN MUELLER AND KENNY LAVENDER
14 ACTUALLY HAD A PRETTY COZY RELATIONSHIP AND THAT THEY
15 WOULD TRADE MARIJUANA AND METHAMPHETAMINE?

16 A. YES, SIR.

17 Q. YOU ALSO LEARNED THAT DENNIS STYLES, WHO WAS
18 SUPPLYING KENNY LAVENDER METHAMPHETAMINE, WAS A GOOD
19 FRIEND OF HIS, TOO; ISN'T THAT RIGHT?

20 A. THEY WERE ACQUAINTANCES.

21 Q. THEY WEREN'T DESCRIBED AS BEING FRIENDS?

22 A. THEY MAY HAVE BEEN.

23 Q. OKAY. AND THAT CHAD SEXTON, WHILE THEIR
24 RELATIONSHIP AT TIMES WAS A LITTLE BIT ROCKY, BUT THEY
25 WERE CLOSELY CONNECTED, TOO, WERE THEY NOT, KENNY

1 LAVENDER AND CHAD SEXTON?

2 A. YES, THEY WERE.

3 Q. AND, IN FACT, CHAD SEXTON SAID THAT HE RECOVERED
4 A STOLEN MOTORCYCLE FOR KENNY. DO YOU REMEMBER THAT?

5 A. YES, SIR.

6 Q. AND THAT CHAD SAID "I RECOVERED A STOLEN
7 MOTORCYCLE FOR KENNY" AND THAT THEY, THAT KIND OF
8 FURTHERED THEIR BOND OR THEIR FRIENDSHIP, ISN'T THAT
9 RIGHT, OUT OF GOOD WILL? ISN'T THAT RIGHT?

10 A. IF YOU WANT TO CHARACTERIZE IT AS THAT.

11 Q. OKAY. NOW LET'S TALK ABOUT CHAD SEXTON FOR A
12 MINUTE. FIRST OF ALL, LET ME ASK YOU A QUESTION. YOU
13 ARE AWARE THAT KENNY LAVENDER ENTERED INTO AN AGREEMENT;
14 IS THAT RIGHT?

15 A. YES, SIR.

16 Q. PART OF THAT PLEA AGREEMENT IS FOR HIM TO TELL
17 THE TRUTH?

18 A. YES, SIR.

19 Q. THROUGHOUT THE COURSE OF THIS INVESTIGATION DO
20 YOU BELIEVE THAT HE HAS FULFILLED THAT OBLIGATION, TOLD
21 YOU THE TRUTH?

22 A. HE HAS NOT TOLD ME THE WHOLE TRUTH.

23 Q. OKAY. HOW MANY HOUSES DID LAVENDER HAVE?

24 A. I DON'T THINK LAVENDER HAD ANY HOUSES. HE LIVED
25 AT SEVERAL LOCATIONS THAT I BELIEVE HE RENTED. I DON'T

1 THINK KENNY HAD ANY HOUSES THAT WERE ACTUALLY IN HIS
2 NAME.

3 Q. HOW MANY RESIDENCES DOES KENNY HAVE, DO YOU KNOW
4 THAT?

5 A. I KNOW THAT HE LIVED AT THE ONE THAT WAS SEARCHED
6 ON MARCH 15TH, I THINK HE MOVED OUT OF THAT. I THINK HE
7 LIVED SOMEWHERE IN TRAVELER'S REST FOR A PERIOD, AND I
8 KNOW OF ONE OTHER LOCATION THAT HE WAS STAYING IN. BUT
9 THERE AGAIN, I DON'T, I DON'T KNOW IF ANY OF THEM WERE
10 IN HIS NAME.

11 Q. NOW, CHAD SEXTON, HE FLEES FROM YOUR ATTEMPT TO
12 ARREST HIM AT THE MCDONALD'S APRIL I THINK 6, 2005?

13 A. CORRECT.

14 Q. HE TRIES TO RUN Y'ALL OVER, HE RUNS DOWN TO THE
15 PARKING LOT GETS SHOT IN THE STOMACH AND HE'S AT THE
16 HOSPITAL?

17 A. YES, SIR.

18 Q. AT SOME POINT DURING HIS RECOVERY HE DECIDES TO
19 COOPERATE; ISN'T THAT CORRECT?

20 A. YES, SIR.

21 Q. AND HE TELLS YOU, GIVES YOU A STATEMENT, RIGHT?

22 A. YES, SIR.

23 Q. HE AGREES TO COOPERATE; ISN'T THAT RIGHT?

24 A. YES, SIR.

25 Q. AND YOU SAID IT WAS DIFFICULT FOR HIM TO DO

1 ANYTHING PROACTIVE AT THAT POINT BECAUSE OF ALL THE
2 PUBLICITY THAT THIS INCIDENT GENERATED AT THE
3 MCDONALD'S?

4 A. PLUS HE WAS IN JAIL.

5 Q. ALL RIGHT. HE WAS IN JAIL OR IN THE HOSPITAL,
6 THEN TO THE JAIL, AND IT'S IN THE NEWSPAPER THAT THIS
7 INCIDENT OCCURRED AND THAT MADE IT VERY DIFFICULT FOR
8 YOU TO PURSUE OTHER LEADS; ISN'T THAT RIGHT?

9 A. YES, SIR.

10 Q. CHAD EVENTUALLY BECAME FREE, DID HE NOT?

11 A. HE MADE BOND, YES, SIR.

12 Q. OKAY. DID Y'ALL ASSIST HIM IN MAKING BOND?

13 A. WE CAME TO AN AGREEMENT ON HIS BOND.

14 Q. TELL THE JURY ABOUT THE AGREEMENT ON HIS BOND.
15 WHAT WAS THE AGREEMENT?

16 A. I THINK IT WAS A TWO-HUNDRED OR
17 TWO-HUNDRED-FIFTY-THOUSAND-DOLLAR BOND, I BELIEVE HE MAY
18 HAVE BEEN ON ELECTRONIC MONITORING, HE HAD TO STAY OUT
19 OF TROUBLE. IF HE GOT IN TROUBLE, HE WAS SUBJECT TO HIS
20 BOND BEING REVOKED. STAY IN CONTACT WITH THE CLERK'S
21 OFFICE. THERE WERE VARIOUS CONDITIONS.

22 Q. SO THIS WOULD AGAIN BE PART OF THE DEBRIEFING
23 PROCESS: TELL THE TRUTH, COOPERATE, LET'S COME TO AN
24 AGREEMENT ON THE BOND, LET'S SEE WHAT WE CAN FIGURE OUT
25 TO WORK THIS INDIVIDUAL?

1 A. WELL, I WOULDN'T NECESSARILY SAY THAT'S TRUE. WE
2 CAME -- AND I SAY WE, WE, S.L.E.D., THE STATE ATTORNEY
3 GENERAL'S OFFICE, THE ATTORNEY GENERAL'S OFFICE CAME TO
4 AN AGREEMENT WITH HIS ATTORNEY, WHICH WAS ORDERED BY THE
5 JUDGE. BUT I GUESS TO ANSWER YOUR QUESTION, WE DIDN'T
6 OPPOSE ---

7 Q. YOU DIDN'T OPPOSE HIM GETTING A BOND?

8 A. NO.

9 Q. IN FACT, YOU DIDN'T OPPOSE HIM GETTING A
10 \$200,000.00 BOND.

11 A. I THINK THAT'S QUITE A SUBSTANTIAL AMOUNT FOR A
12 BOND.

13 Q. YOU KNEW HE COULD MAKE THAT BOND, CORRECT, DID HE
14 NOT?

15 A. YES, SIR.

16 Q. SO YOU WERE BASICALLY AGREEING TO A \$200,000.00
17 BOND THAT MOST PEOPLE REALLY DON'T HAVE THE MEANS TO
18 MAKE, RIGHT? I MEAN, A \$200,000.00 BOND IS A VERY HIGH
19 BOND, AS YOU SAID, BUT YOU AGREED TO THAT \$200,000.00
20 BOND BECAUSE YOU KNEW THAT HE WOULD POST IT, HE WOULD
21 MAKE IT AND BE FREE. NOT SO MUCH FREE, BUT HE WOULD BE
22 ON THE STREET ---

23 A. HE'D BE OUT AWAITING TRIAL.

24 Q. OUT OF JAIL AWAITING TRIAL?

25 A. UNDER THE CONSTRAINTS AND THE CONDITIONS OF HIS

1 BOND.

2 Q. OKAY. AND DURING THE COURSE THAT HE WAS OUT ON
3 THE STREET, YOU ATTEMPTED TO USE CHAD SEXTON
4 PROACTIVELY, DID YOU NOT?

5 A. YES, SIR.

6 Q. IN OTHER WORDS, YOU USED HIM TO ATTEMPT TO
7 UNCOVER OTHER INFORMATION ABOUT THIS CONSPIRACY?

8 A. YES, SIR.

9 Q. ISN'T THAT CORRECT?

10 A. THAT'S RIGHT.

11 Q. IN FACT, YOU USED CHAD SEXTON TO PLACE AN
12 UNDERCOVER PHONE CALL WITH AMANDA FORDHAM?

13 A. YES, SIR.

14 Q. AND DO YOU RECALL TAPING THAT PHONE CALL?

15 A. I WASN'T PRESENT BUT I'M AWARE OF THAT HAPPENING.

16 Q. OKAY. SO WHEN YOU TALKED ABOUT HOW CHAD IS IN
17 THE HOSPITAL, HE WAS SHOT IN THE STOMACH, HE'S IN JAIL,
18 IT'S IN THE PAPERS. HE TRIES TO CALL AMANDA, AS YOU
19 SUGGESTED EARLIER SHE WOULDN'T TAKE THAT PHONE CALL, OR
20 FROM KEVIN MUELLER OR WHOEVER, I CAN'T REMEMBER. BUT ON
21 THIS PARTICULAR OCCASION, AFTER HE HAD POSTED HIS BOND,
22 SHE TOOK HIS PHONE CALL AND THEY HAD A FREE-RANGE
23 DISCUSSION; DID THEY NOT?

24 A. THEY TALKED. BUT TO CLARIFY ---

25 Q. THEY TALKED. THEY SPOKE ON THE PHONE. SHE TOOK

1 HIS CALL AND THEY HAD A LENGTHY CONVERSATION?

2 A. THAT'S RIGHT.

3 Q. THEY HAD MULTIPLE PHONE CALLS, IN FACT, DID THEY
4 NOT?

5 A. I DON'T KNOW. IT WAS ONE DAY. THEY MAY HAVE HAD
6 MULTIPLE PHONE CALLS. BUT LET ME CLARIFY THAT THESE
7 PHONE CALLS WERE OF NO SUBSTANCE ABOUT THIS ORGANIZATION
8 OR THIS ONGOING DRUG ACTIVITY.

9 Q. DIDN'T CHAD SAY TO AMANDA ON THE TELEPHONE THAT
10 HE WAS GONNA COME DOWN AND SEE HER, HAVE LUNCH AND HANG
11 OUT?

12 A. I THINK SO. I HAVEN'T HEARD THAT TAPE, BUT
13 THAT'S WHAT HAD BEEN CONVEYED TO ME.

14 Q. ALL RIGHT.

15 A. BUT THAT'S NOT NECESSARILY EVIDENCE OF AN ONGOING
16 DRUG CONSPIRACY.

17 Q. I AGREE WITH YOU.

18 A. IT COULD BE.

19 Q. I AGREE WITH YOU.

20 A. BUT WE WOULD WANT MORE.

21 Q. ISN'T IT EVIDENCE OF AMANDA FORDHAM TAKING CHAD
22 SEXTON'S PHONE CALL?

23 A. YES, SIR, IT IS.

24 Q. ALL RIGHT. NOW, DID CHAD SEXTON GET OUT OF THE
25 GAME?

1 A. NO, HE DID NOT.

2 Q. TELL THE JURY HOW HE DID NOT GET OUT OF THE GAME
3 AT THAT POINT.

4 A. WELL, WE HAD RECEIVED SOME INFORMATION THAT WE
5 COULDN'T NECESSARILY CORROBORATE THROUGH THE MEANS THAT
6 WE HAD, SO CHAD HAD GOTTEN BACK INVOLVED IN DRUGS. SO
7 ONE OF THE CONDITIONS OF HIS BOND IS THAT HE'S SUBJECT
8 TO RANDOM DRUG TESTING. SO ONE DAY WE HAD A HEARING UP
9 HERE, HE WAS HERE, WE ASKED FOR HIM TO TAKE A DRUG TEST.
10 I THINK CHAD TOOK IT AND FAILED, BUT BEFORE WE HAD THE
11 HEARING REGARDING HIM FAILING THE DRUG TEST, HE LEFT THE
12 COURTHOUSE AND HE RAN.

13 Q. NOW, DO YOU RECALL CHAD SEXTON SAYING THAT HE HAD
14 ACTUALLY MET KENNY LAVENDER THROUGH MUELLER, BRIAN
15 MUELLER, DO YOU REMEMBER THAT?

16 A. I BELIEVE THAT'S RIGHT.

17 Q. SO IN A SENSE, THEN, IF WE GO TO YOUR DIAGRAM --
18 AND I DON'T MEAN TO STAND IN FRONT OF YOU -- BRIAN
19 MUELLER INTRODUCED KENNY LAVENDER THROUGH CHAD SEXTON;
20 ISN'T THAT RIGHT?

21 A. I THINK THAT'S RIGHT. I WOULD HAVE TO LOOK AT MY
22 NOTES.

23 Q. DO YOU WANT TO LOOK AT THE REPORT?

24 A. IF YOU'VE GOT IT CLOSE BY.

25 Q. I'VE GOT EVERYTHING CLOSE BY.

1 A. EASILY ACCESSIBLE. SORRY.

2 Q. (HANDING.)

3 A. IS THIS THE INTERVIEW FROM MARCH -- NO, APRIL
4 4TH, OKAY. (READS DOCUMENT.)

5 Q. DOES THAT REFRESH YOUR MEMORY ON THAT ISSUE?

6 A. RIGHT.

7 Q. SO THE ANSWER IS THEN THAT, IN FACT, IS CORRECT?

8 A. YES, SIR.

9 Q. YOU ALSO LEARNED THROUGH THAT INTERVIEW THAT
10 AFTER KENNY LAVENDER MET BRIAN MUELLER THROUGH CHAD
11 SEXTON, THAT KENNY LAVENDER AND BRIAN MUELLER HAD THEIR
12 OWN LITTLE ARRANGEMENT WHERE THEY WERE TRADING MARIJUANA
13 AND METHAMPHETAMINE?

14 A. THAT'S WHAT CHAD SEXTON SAYS, YES, SIR.

15 Q. OKAY. HAVE YOU EVER HEARD OF THE NAME OF
16 DONALD -- DAVID RONALD REVIS, JUNIOR? DOES THAT NAME
17 RING ANY BELLS FOR YOU?

18 A. NO, SIR. IT SOUNDS FAMILIAR, BUT THERE WERE
19 HUNDREDS OF NAMES IN THIS INVESTIGATION.

20 Q. WASN'T DONALD REVIS SUPPLYING THE SEXTONS WITH
21 METHAMPHETAMINE?

22 A. HAVE YOU GOT THAT INTERVIEW ---

23 Q. YES, SIR.

24 A. --- CLOSE BY? MAYBE THAT WILL REFRESH MY MEMORY.

25 Q. OF COURSE. I THINK WHAT YOU WILL DISCOVER IS

1 THAT DONALD -- EXCUSE ME -- DAVID REVIS SUPPLIED 15
2 POUNDS OF METHAMPHETAMINE TO THE SEXTONS.

3 A. COULD I ASK WHAT TIME PERIOD THAT WAS?

4 Q. IF YOU WOULD GIVE ME JUST A SECOND.

5 A. OKAY.

6 Q. I THINK MR. REVIS SAID SOMETIME IN THE SUMMER OF
7 2004 HE WAS SUPPLYING THE SEXTONS WITH MULTIPLE POUNDS
8 OF METHAMPHETAMINE?

9 A. I -- THIS IS A REPORT OF AN INTERVIEW OF MINE
10 THAT I INTERVIEWED MR. REVIS. HE DOES STATE THAT
11 SOMETIME DURING THE SUMMER OF '04 HE SOLD ROBBY SEXTON
12 DRUGS ON NUMEROUS OCCASIONS, ICE. HE ALSO STATED THAT
13 HE HAS SOLD AT LEAST A TOTAL OF 15 POUNDS OF ICE TO BOTH
14 ROBBY AND CHAD SEXTON TOGETHER.

15 Q. OKAY. SO BASICALLY ON THIS CHART THEN WE COULD
16 HAVE A GUY NAMED REVIS OVER HERE SUPPLYING SEXTON; ISN'T
17 THAT RIGHT? WE HAVE A GUY LIKE EDDIE CASH, DANNY
18 HOLCOMBE OVER HERE SUPPLYING LAVENDER; ISN'T THAT RIGHT?
19 I MEAN, THIS ISN'T A COMPREHENSIVE STUDY ON YOUR CASE.
20 THIS IS JUST A ONE LITTLE MICROCOSM, SO TO SPEAK, OF THE
21 ENTIRE CASE; ISN'T THAT RIGHT?

22 A. COULD YOU BE A LITTLE MORE CLEAR?

23 Q. THIS LINE FROM AMANDA FORDHAM TO CHAD SEXTON IS
24 NOT THE ONLY LINE OF METHAMPHETAMINE LEADING TO CHAD
25 SEXTON?

1 A. ABSOLUTELY NOT, NO, SIR.

2 Q. ALL RIGHT. LET ME MAKE SURE WE'RE ON THE SAME
3 PAGE BECAUSE I DON'T WANT TO BE ON DOUBLE OR TRIPLE
4 NEGATIVES. THERE ARE OTHER LINES TO CHAD SEXTON FOR
5 METHAMPHETAMINE.

6 A. THERE ARE OTHER SOURCES THAT CHAD SEXTON HAD THAT
7 HE RECEIVED METHAMPHETAMINE FROM.

8 Q. IN OTHER WORDS, YOU COULD HAVE MULTIPLE LINES
9 LEADING TO CHAD SEXTON?

10 A. YES, SIR.

11 Q. AND THE SAME WOULD BE TRUE FOR KENNY LAVENDER?

12 A. YES, SIR.

13 Q. NOW LET'S TALK ABOUT BRIAN MUELLER. BRIAN
14 MUELLER WAS ARRESTED IN GEORGIA -- GIVE ME ONE SECOND --
15 BRIAN MUELLER WAS ARRESTED I THINK BRASELTON,
16 GEORGIA ---

17 A. BRASELTON POLICE DEPARTMENT.

18 Q. BRASELTON, BRASELTON, I'M SORRY -- IN SEPTEMBER
19 OF '05; IS THAT RIGHT?

20 A. SEPTEMBER OF '05, YES, SIR.

21 Q. OKAY. DO YOU RECALL WHAT HE HAD IN HIS CAR?

22 A. IT IS MY UNDERSTANDING THAT HE HAD IN EXCESS OF A
23 HUNDRED THOUSAND DOLLARS IN U.S. CURRENCY AND
24 APPROXIMATELY THREE POUNDS OF ICE.

25 Q. BRIAN MUELLER ACTUALLY, HE HAD THREE POUNDS OF

1 METHAMPHETAMINE, HE HAD \$115,000 IN U.S. CASH IN HIS
2 CAR?

3 A. YES, SIR.

4 Q. AND HE WAS ACTUALLY -- DIDN'T HE SAY THAT HE WAS
5 DRIVING BACK TO AMANDA'S HOUSE BECAUSE THE THREE POUNDS
6 OF METHAMPHETAMINE THAT HE HAD OBTAINED WERE BAD?

7 A. THAT'S MY UNDERSTANDING, THAT'S WHAT HE TOLD THE
8 LAW ENFORCEMENT AGENCIES IN GEORGIA.

9 MR. KAPPEL: COURT'S INDULGENCE FOR JUST ONE
10 MOMENT.

11 THE COURT: CERTAINLY.

12 BY MR. KAPPEL:

13 Q. DID YOU EVER GO VISIT BRIAN MUELLER IN THE JAIL
14 DOWN IN GEORGIA?

15 A. I DIDN'T -- WELL, NO, I DID NOT.

16 Q. HAVE YOU EVER INTERVIEWED BRIAN MUELLER?

17 A. I DON'T BELIEVE I INTERVIEWED BRIAN MUELLER.

18 Q. WOULD IT SURPRISE YOU TO KNOW THAT YOU HAVE NOT
19 DONE -- LET ME ASK YOU THIS: WHEN YOU DO AN INTERVIEW
20 OF THESE INDIVIDUALS, FOR EXAMPLE KENNY LAVENDER, THE
21 SECOND TIME YOU INTERVIEWED KENNY LAVENDER, THE THIRD
22 TIME, YOU DO A MEMORANDUM TO YOUR FILE; ISN'T THAT
23 RIGHT?

24 A. YES, SIR.

25 Q. IN FACT, IN YOUR MEMORANDUM YOU TAKE DETAILED

1 NOTES OF THESE INTERVIEWS, AND WHEN YOU INTERVIEW KENNY
2 LAVENDER YOU TAKE YOUR DETAILED NOTES, GO BACK TO YOUR
3 OFFICE AND YOU TYPE UP A MEMORANDUM FOR THE FILE SO THAT
4 THE FILE WILL BE UP TO DATE AND IT'LL HAVE A
5 COMPREHENSIVE ANALYSIS -- NOT ANALYSIS -- BUT A RECORD
6 OF WHAT YOUR DISCUSSION WAS WITH THAT PERSON?

7 A. THAT'S RIGHT.

8 Q. OKAY. SO YOU DON'T BELIEVE YOU HAVE MET WITH
9 MR. MUELLER -- AND IT WOULDN'T SURPRISE YOU, THEN, THAT
10 YOU DON'T HAVE ANY OF THESE MEMORANDA REGARDING BRIAN
11 MUELLER?

12 A. I DON'T. NO, SIR, I DON'T THINK SO.

13 Q. RIGHT. IN FACT, I DON'T THINK HE'S GIVEN A
14 SINGLE WRITTEN STATEMENT IN THIS CASE.

15 A. I DON'T THINK SO. AND LET ME CLARIFY THIS, ALSO.
16 THIS THING HAS BEEN GOING ON SINCE 2005. THE DISCOVERY
17 OR THE REPORTS OR THE PAPERWORK, THE EVIDENCE THAT IS
18 GENERATED FROM THIS CASE ALONE I BELIEVE FILLED UP TWO
19 DVD'S. YOU KNOW HOW MUCH IS ON A DVD, YOU CAN PUT AN
20 ENTIRE MOVIE ON THERE, SO ---

21 Q. ISN'T IT FIVE DVD'S?

22 A. I THOUGHT IT WAS TWO, AND IT MAY HAVE BEEN EVEN
23 MORE. SO THERE IS AN ENORMOUS AMOUNT. THIS IS PROBABLY
24 THE BIGGEST CASE I'VE BEEN INVOLVED IN THAT INVOLVED SO
25 MANY PEOPLE AND SO MUCH PAPERWORK. I HAVE INTERVIEWED

1 LOTS OF PEOPLE AND I HAVE BEEN A WITNESS TO EVEN MORE
2 INTERVIEWS. SO WHEN I REALLY SEARCHED MY MIND TRYING TO
3 REMEMBER IF I'VE INTERVIEWED SOMEONE, I REALLY AM
4 SEARCHING MY MIND TO TRY TO RECALL IF I HAVE. BUT I
5 DON'T BELIEVE I HAVE INTERVIEWED BRIAN MUELLER.

6 Q. OKAY. AND FOR A FACT HE HAS NOT GIVEN A
7 STATEMENT.

8 A. OKAY.

9 Q. DOES THAT SOUND CORRECT?

10 A. YES, SIR, IT DOES TO ME.

11 Q. LET'S TALK ABOUT ROBBY SEXTON. ROBBY SEXTON
12 AGAIN WAS RECEIVING DRUGS FROM MR. REVIS AND SUPPLYING
13 KEVIN MOSER, ISN'T THAT RIGHT, AMONG OTHERS?

14 A. AMONG OTHERS, YES, SIR.

15 Q. JUST A MOMENT. I'M GONNA TALK ABOUT ROBBY SEXTON
16 IN A SECOND, BUT LET'S TALK ABOUT KEVIN MOSER FOR A
17 MINUTE. KEVIN MOSER HAS BEEN COOPERATIVE WITH YOU, HAS
18 HE NOT?

19 A. YES, SIR, HE HAS.

20 Q. AND KEVIN MOSER WAS, HE WAS THE SUBJECT OF AN
21 UNDERCOVER DRUG DEAL IN FEBRUARY OF 2005; ISN'T THAT
22 RIGHT?

23 A. THAT'S MY UNDERSTANDING.

24 Q. THERE WAS AN INFORMANT WHO WAS BUYING DRUGS FROM
25 KEVIN MOSER FOR A HUNDRED DOLLARS, \$150.00, AND THAT

1 WENT ON ON TWO OR THREE OCCASIONS; ISN'T THAT RIGHT?
2 FEBRUARY THE 17TH '05 AND FEBRUARY THE 25TH OF '05.

3 DOES THAT SOUND CORRECT?

4 A. THAT SOUNDS CORRECT, YES, SIR.

5 Q. AND BASED UPON THOSE TWO BUYS, YOU DID A SEARCH
6 WARRANT?

7 A. THE GREENVILLE COUNTY SHERIFF'S OFFICE DID A
8 SEARCH WARRANT.

9 Q. A SEARCH WARRANT OF MR. MOSER'S HOUSE; IS THAT
10 CORRECT?

11 A. YES, SIR.

12 Q. ULTIMATELY HE IS ARRESTED FOR POSSESSION WITH
13 INTENT TO DISTRIBUTE METHAMPHETAMINE, POSSESSION OF A
14 CONTROLLED SUBSTANCE, POSSESSION OF A FIREARM, AND HE
15 HAS IN HIS POSSESSION CLOSE TO \$11,000.00 IN CASH. DOES
16 THAT SOUND CORRECT?

17 A. THAT SOUNDS CORRECT.

18 Q. WOULD YOU CHARACTERIZE HIM -- I MEAN SOMEONE
19 TRIED TO DO AN APPROACH, A SOFT OR HARD APPROACH AT THAT
20 POINT, WOULD YOU CHARACTERIZE HIM AS BEING COOPERATIVE
21 WHEN HE WAS ARRESTED?

22 A. I DON'T KNOW; I WASN'T, I WASN'T PRESENT AT THAT
23 TIME.

24 Q. YOU HAVE REVIEWED THE FILE, HAVE YOU NOT, IN
25 PREPARATION FOR THIS TRIAL?

1 A. YES, SIR. WHICH FILE IN PARTICULAR? KEVIN
2 MOSER'S?

3 Q. WELL, I MEAN, KEVIN MOSER IS A WITNESS THAT'S
4 GOING TO BE CALLED. YOU CERTAINLY REVIEWED HIS
5 INFORMATION BEFORE THIS TRIAL.

6 A. YES, SIR.

7 Q. AND THAT WOULD INCLUDE THE STATEMENTS THAT HE
8 GAVE TO LAW ENFORCEMENT, WOULD IT NOT?

9 A. I TOOK THOSE STATEMENTS FROM HIM.

10 MR. KAPPEL: COURT'S INDULGENCE FOR JUST A
11 MOMENT.

12 BY MR. KAPPEL:

13 Q. DID YOU REVIEW THE INCIDENT REPORT REGARDING
14 KEVIN MOSER FROM SEPTEMBER 22ND OF '05? WELL, LET ME
15 BACK UP FOR A MINUTE. HE WAS ARRESTED BASED UPON THE
16 SEARCH WARRANT AT THE HOUSE IN MARCH OF 2005; ISN'T THAT
17 RIGHT?

18 A. I THINK IT WAS FEBRUARY.

19 Q. WELL, THE DISTRIBUTIONS WERE IN FEBRUARY, AND
20 THEN THE SEARCH WARRANT WAS MARCH THE 2ND. DOES THAT
21 SOUND ABOUT RIGHT?

22 A. THAT SOUNDS ABOUT RIGHT.

23 Q. AND THEN HE AGREED TO COOPERATE, HE'S IN THE
24 DETENTION CENTER, AND THEN HE INTERVIEWS WITH YOU ON
25 APRIL THE 13TH OF 2005, CORRECT?

1 A. THAT'S WHEN I BECAME AWARE OF KEVIN MOSER WAS THE
2 DAY I INTERVIEWED HIM, OR MAYBE A COUPLE DAYS PRIOR TO
3 THAT.

4 Q. JUST SO I'M NOT CONFUSING THE ISSUE, SO AFTER HE
5 MEETS WITH YOU ON APRIL THE 13TH, 2005, HE IS
6 SUBSEQUENTLY RELEASED FROM THE DETENTION CENTER; ISN'T
7 THAT CORRECT?

8 A. (NO RESPONSE.)

9 Q. HE'S ARRESTED AGAIN IN SEPTEMBER OF 2005.
10 PRESUMABLY HE'S ON THE STREET WHEN HE'S ARRESTED IN
11 SEPTEMBER OF '05; ISN'T THAT RIGHT?

12 A. IF HE WAS ARRESTED, YES, SIR I GUESS SO. BUT
13 UNDERSTAND THIS. THAT WHEN I INTERVIEWED HIM, HE WAS
14 IN -- I GUESS ICE CREAM, THE DAY THAT I ATTRIBUTE ICE
15 CREAM, THE ICE CREAM INVESTIGATION TO BEGINNING IS SAINT
16 PATRICK'S DAY, MARCH 17TH, BECAUSE WE DID A PARTICULAR
17 SEARCH WARRANT THAT KIND OF INITIATED OUR INVESTIGATION.

18 NOW, WITH THAT BEING SAID, LOCAL LAW ENFORCEMENT
19 HAD DONE SOME OTHER THINGS PRIOR TO ICE CREAM, BEGINNING,
20 AND AFTER ICE CREAM WAS IN -- AFTER WE WERE IN, WE WERE
21 IN THE MIDDLE OF ICE CREAM, OR AT LEAST INVESTIGATING
22 ICE CREAM, THEN WE LEANED ON THE LOCALS AND THEY WERE
23 ABLE TO FIND US OTHER CO-CONSPIRATORS THAT WOULD PROVIDE
24 US THAT INFORMATION, AND THIS WAS A PRIME EXAMPLE OF
25 THAT.

1 I, NOR MANY OF THE AGENTS INVOLVED IN THIS
2 INVESTIGATION, DID NOT KNOW OF KEVIN MOSER UNTIL HE
3 WAS -- ONE OF THE INVESTIGATORS SAID, "WELL, MOSER IS IN
4 JAIL, MAYBE HE'LL COOPERATE WITH US AND TELL US ABOUT
5 HIS INFORMATION THAT HE HAS." SO THAT KIND OF EXPLAINS
6 HOW, HOW WE GOT INVOLVED WITH INTERVIEWING KEVIN MOSER.

7 Q. ALL RIGHT. SO KEVIN MOSER IS ARRESTED BASED ON
8 THE TWO DISTRIBUTIONS AND THE SEARCH WARRANT, HE'S IN
9 THE GREENVILLE COUNTY DETENTION CENTER, AND YOU GO DOWN
10 THERE APRIL THE 13TH AND INTERVIEW HIM?

11 A. THAT IS CORRECT, YES, SIR.

12 Q. OKAY. AND IT IS DURING THE COURSE OF THIS
13 INTERVIEW HE TELLS YOU ABOUT HIS DRUG INVOLVEMENT?

14 A. YES, SIR, HE DOES.

15 Q. AND HE TELLS YOU THAT HE'S BOUGHT DRUGS FROM
16 ROBBY SEXTON ON AT LEAST 200 OCCASIONS?

17 A. I THINK THAT'S RIGHT, YES, SIR.

18 Q. HE ALSO TELLS YOU THAT HE IS INVOLVED IN STEALING
19 THINGS, RIGHT?

20 A. YES, SIR.

21 Q. TRAILERS?

22 A. YES, SIR.

23 Q. EQUIPMENT?

24 A. YES, SIR.

25 Q. WHAT ELSE?

1 A. I THINK THAT'S ALL.

2 Q. SO HE, HIS WAY OF DOING BUSINESS IS TO RUN AROUND
3 TOWN TO LIKE THE HOME DEPO AND VARIOUS PLACES, STEAL
4 THESE TRAILERS AND FENCE THEM, TAKE THEM TO A FENCE,
5 RIGHT?

6 A. WHICH I BELIEVE WAS ROBBY SEXTON.

7 Q. AND THE FENCE IS BASICALLY SOMEONE THAT WILL BUY
8 AND DEAL THE STOLEN GOODS, CORRECT?

9 A. HE WOULD TRADE STOLEN EQUIPMENT FOR DRUGS.

10 Q. IN FACT, ON ONE OCCASION HE SOLD A TRAILER TO
11 ROBBY SEXTON'S FATHER; DID HE NOT?

12 A. THAT'S WHAT HE TOLD ME.

13 Q. SO HE'S GOT THESE TRAILERS, HE CALLS ROBBY
14 SEXTON, HE BOUGHT DRUGS FROM HIM OVER 200 TIMES. HE
15 CALLS HIM AND TELLS THEM, I GOT THIS STOLEN TRAILER. HE
16 GOES TO ROBBY SEXTON'S FATHER'S HOUSE WHO WRITES HIM A
17 CHECK FOR THE TRAILER -- CORRECT?

18 A. THAT'S WHAT HE SAID.

19 Q. HE CASHES THE CHECK AND GOES TO ROBBY TO BUY MORE
20 DRUGS; ISN'T THAT RIGHT? ISN'T THAT WHAT KEVIN MOSER
21 WAS ALL ABOUT WHEN YOU MET WITH HIM ON THE 13TH OF
22 APRIL?

23 A. ESSENTIALLY. I DON'T KNOW IF IT WENT IN THAT
24 ORDER. BUT HE TRADED A STOLEN TRAILER FOR SOME ICE WITH
25 ROBBY SEXTON.

1 Q. HE ALSO INDICATED TO YOU IN THIS INTERVIEW THAT
2 MOSER RECEIVED OVER TEN OUNCES OF ICE FROM ROBBY SEXTON?

3 A. YES, SIR.

4 Q. AND THAT ONCE HE GOT ARRESTED, THEN HE STARTED
5 GETTING ICE FROM SAMMY BAKER?

6 A. YES, SIR.

7 Q. ISN'T THAT CORRECT?

8 NOW, SUBSEQUENT TO THIS INTERVIEW HE WAS RELEASED
9 ON BOND, WAS HE NOT?

10 A. YES, SIR.

11 Q. AND THEN THAT'S WHEN HE WAS ARRESTED SEPTEMBER
12 22ND, 2005, FOR THE POSSESSION WITH INTENT TO DISTRIBUTE
13 METH, THE PISTOL, AND THE \$11,000.00 IN CASH. DOES THAT
14 SOUND CORRECT?

15 A. YES, SIR.

16 Q. DOES THAT SOUND LIKE HE'S GETTING OUT OF THE
17 GAME?

18 A. IT DOESN'T SOUND LIKE IT NO, SIR.

19 Q. HE AGREES TO COOPERATE WITH YOU ON APRIL 13TH.
20 HE MAKES BOND AND HE'S -- I'M SURE HE DIDN'T TELL
21 ANYBODY HE WAS CARRYING, ANY LAW ENFORCEMENT INDIVIDUALS
22 HE WAS CARRYING \$11,000.00 IN CASH?

23 A. NOT TO MY KNOWLEDGE, NO, SIR.

24 Q. THROUGH THE COURSE OF ALL THESE INTERVIEWS AND
25 STATEMENTS THAT HE'S PROVIDED, HE'S NOT ONCE MENTIONED

1 SETH STEARNS' NAME; ISN'T THAT RIGHT?

2 A. NO, SIR, HE HAS NOT.

3 Q. OKAY. NOW LET'S TALK ABOUT, LET'S TALK ABOUT
4 ROBBY SEXTON. DO YOU HAVE ANY MEMORANDA REGARDING ROBBY
5 SEXTON?

6 A. I DON'T BELIEVE I DO, NO, SIR.

7 Q. THE FACT IS THAT ROBBY SEXTON HAS ONLY GIVEN ONE
8 STATEMENT IN THIS CASE; IS THAT RIGHT?

9 A. I DON'T THINK I -- I DON'T BELIEVE I TOOK IT.
10 COULD YOU REFRESH MY MEMORY ---

11 Q. ABSOLUTELY.

12 A. --- WITH SOME DOCUMENTATION?

13 Q. (HANDING.)

14 A. OH, YES, YES, SIR, HE HAS, THAT'S CORRECT, HE'S
15 GIVEN ONE STATEMENT.

16 Q. OKAY. BUT THAT WASN'T TO YOU, WAS IT?

17 A. NO, SIR. AND IT WAS IN NOVEMBER OF 2004.

18 Q. OKAY. SO THE ONLY STATEMENT THAT ROBBY SEXTON
19 HAS EVER PROVIDED TO LAW ENFORCEMENT WAS A STATEMENT HE
20 GAVE TO A SPECIAL AGENT FROM SECRET SERVICE EARL
21 GILLIAM?

22 A. YES, SIR.

23 Q. AND, IN FACT, IT WAS AN INVESTIGATION REGARDING
24 COUNTERFEIT; ISN'T THAT RIGHT?

25 A. THAT'S RIGHT.

1 Q. I GUESS WE CAN ADD TO OUR LIST OF HOW PEOPLE BUY
2 DRUGS: CASH, CREDIT, STOLEN PROPERTY, AND NOW
3 COUNTERFEIT; ISN'T THAT RIGHT?

4 A. COUNTERFEIT CASH.

5 Q. COUNTERFEIT CASH?

6 A. YES, SIR.

7 Q. OKAY. NOW, DID YOU INVESTIGATE ROBBY SEXTON
8 BECAUSE ROBBY SEXTON WANTED TO HAVE LIEUTENANT CHAD
9 BROOKS KILLED?

10 A. THAT INFORMATION WAS MADE -- YES, WE WERE MADE
11 AWARE OF SOME INFORMATION THAT LED US TO BELIEVE THAT
12 CHAD -- I'M SORRY -- THAT ROBBY WANTED TO KILL CHAD
13 BROOKS.

14 Q. ALL RIGHT. NOW, CHAD BROOKS, HE IS A LIEUTENANT
15 OVER THE VICE AND NARCOTICS UNIT IN PICKENS?

16 A. THAT'S CORRECT, THE PICKENS COUNTY SHERIFF'S
17 OFFICE.

18 Q. HE'S IN CHARGE OF THE VICE AND NARCOTICS UNIT,
19 CORRECT?

20 A. THAT'S CORRECT.

21 Q. THROUGH THE COURSE OF AN INFORMANT DISCLOSING
22 ROBBY SEXTON'S INTENTIONS TO KILL CHAD BROOKS, THAT'S
23 SOMETHING YOU INVESTIGATED?

24 A. YES, SIR. AN INFORMANT IN THE PICKENS COUNTY
25 JAIL, AND I CAN'T RECALL HIS NAME, BUT HE DID RELAY THAT

1 INFORMATION TO US.

2 Q. CRAIG ALLEN STAMEY, DOES THAT SOUND RIGHT?

3 A. YES, SIR.

4 Q. IN FACT, CRAIG ALLEN STAMEY WAS SO CONCERNED THAT
5 HE WROTE A NOTE TO LAW ENFORCEMENT, HEY, I GOT THIS GUY
6 THAT'S IN THE DETENTION CENTER WITH ME AND HE KEEPS
7 TALKING ABOUT, AS HE PUT IT, PUTTING A HIT OUT ON CHAD
8 SEXTON?

9 A. RIGHT. AND IT WASN'T ROBBY, IT WAS ANOTHER GUY
10 THAT HAD SOME CONVERSATIONS WITH ROBBY WHO SAID THAT
11 ROBBY WANTED A HIT PUT OUT ON CHAD.

12 Q. AND THAT'S NOT SOMETHING YOU TAKE LIGHTLY, IS IT?

13 A. ABSOLUTELY NOT.

14 Q. JUST LIKE CHAD WANTING TO RUN EVERYBODY OVER AND
15 FLEEING YOUR WISHES TO ARREST HIM, THAT'S SOMETHING THAT
16 YOU ABSOLUTELY WILL NOT STAND FOR?

17 A. THAT'S CORRECT.

18 Q. THAT'S ABOUT THE WORST THING THAT COULD POSSIBLY
19 HAPPEN IN THE COURSE OF AN INVESTIGATION IS WHERE ONE OF
20 YOU GUYS ACTUALLY GETS HURT?

21 A. YES, SIR, THAT'S CORRECT.

22 Q. ALL RIGHT. I WANT TO ASK YOU A COUPLE QUESTIONS
23 ABOUT AMANDA FORDHAM. AS YOU'VE DESCRIBED HER, YOU'VE
24 DESCRIBED HER AS THE DISTRIBUTION CENTER IN ATLANTA; IS
25 THAT CORRECT?

1 A. YES, SIR, THAT'S THE ANALOGY I USED.

2 Q. OKAY. HER SOURCES ARE HISPANIC, MEXICAN SOURCES?

3 A. THAT'S MY UNDERSTANDING.

4 Q. SO IT DOESN'T GET MUCH HIGHER THAN AMANDA
5 FORDHAM?

6 A. IT DOES, WE JUST DIDN'T GET THERE.

7 Q. WELL, WAS THAT MEXICO?

8 A. WELL, IT COULD BE. I MEAN, ICE IS A SYNTHETIC
9 DRUG, IT'S A MAN-MADE PRODUCT USING VARIOUS CHEMICALS,
10 SO THEY COULD HAVE BEEN MAKING IT IN ATLANTA FOR ALL WE,
11 FOR ALL WE KNOW, BUT THERE'S A GOOD CHANCE THAT IT CAME
12 FROM MEXICO OR TEXAS OR CALIFORNIA, BUT THERE ARE
13 INSTANCES WHERE IT'S BEEN, WHERE THERE'S A LAB BEEN
14 FOUND IN ATLANTA.

15 Q. ALL RIGHT. YOU HAVE BEEN QUALIFIED AS AN EXPERT.
16 ISN'T IT FAIR TO SAY THAT THE MAJORITY OF
17 METHAMPHETAMINE THAT'S IN THIS COUNTRY IS COMING FROM
18 MEXICO? ISN'T THAT RIGHT?

19 A. YES, I WOULD SAY THE MAJORITY.

20 Q. AND THE MAJORITY OF THE PEOPLE THAT ARE ACTUALLY
21 CONTROLLING METHAMPHETAMINE ARE MEXICAN NATIONALS?

22 A. YES, SIR.

23 Q. ALL RIGHT. AND IT'S FAIR TO SAY THAT ON MANY
24 OCCASIONS AMANDA FORDHAM DEALT DIRECTLY WITH BRIAN
25 MUELLER AND DEALT DIRECTLY WITH CHAD SEXTON. CORRECT?

1 A. YES, SIR.

2 Q. WE KNOW THAT BECAUSE BRIAN MUELLER SAID HE WAS
3 TAKING THREE POUNDS OF BAD METH DIRECTLY TO AMANDA TO
4 RETURN THEM WHEN HE HAD ONE HUNDRED FIFTEEN THOUSAND IN
5 CASH AND THAT CHAD SEXTON KNEW HER DIRECTLY BECAUSE
6 THAT'S WHERE HE WAS COMING FROM WHEN THIS MCDONALD'S
7 THING HAPPENED, AND WHEN HE PLACED THE PHONE CALL TO
8 AMANDA FORDHAM; ISN'T THAT RIGHT? THERE'S A DIRECT LINK
9 BETWEEN MUELLER AND FORDHAM AND FROM CHAD SEXTON AND
10 FORDHAM; ISN'T THAT CORRECT?

11 A. YES, SIR.

12 Q. AMANDA FORDHAM HAS SAID THAT SHE DELIVERED OVER
13 50 POUNDS OF METHAMPHETAMINE TO BRIAN MUELLER. DO YOU
14 RECALL HER SAYING THAT?

15 A. I WASN'T PRESENT, AND I HAD NOT READ THAT
16 INTERVIEW. ANOTHER S.L.E.D. AGENT DID THAT.

17 Q. YOU HAVE NOT READ ---

18 A. I'VE NOT READ AMANDA FORDHAM'S INTERVIEW.

19 Q. ALL RIGHT. HOW LONG WERE YOU LOOKING FOR AMANDA
20 FORDHAM?

21 A. I WOULD SAY PROBABLY SINCE APRIL OF 2005.

22 Q. SO YOU WERE LOOKING FOR HER FOR A LONG TIME?

23 A. YES.

24 Q. SHE WAS THE MYSTERY WOMAN IN ATLANTA THAT
25 EVERYBODY WAS TALKING ABOUT. RIGHT?

1 A. THAT'S RIGHT.

2 Q. SHE WAS THIS CONNECTION TO THE MEXICAN
3 METHAMPHETAMINE TRADE?

4 A. YES, SIR.

5 Q. IN FACT, I THINK ONE PERSON EVEN MADE A STATEMENT
6 TO YOU THAT THE WAY SHE COLORED HER HAIR WAS ALMOST A
7 CODE FOR THE MEXICAN METHAMPHETAMINE TRAFFICKERS; ISN'T
8 THAT RIGHT?

9 A. SHE WAS VERY FREQUENTLY REFERRED TO AS THE
10 MULTICOLORED-HAIRED GIRL, AND THAT WAS BECAUSE SOME OF
11 OUR WITNESSES REFERRED TO HER AS A LADY THAT HAD
12 DIFFERENT COLOR HAIR.

13 Q. DID THEY NOT DESCRIBE FOR YOU THE METHOD THAT
14 THEY USED, THE MEXICAN ---

15 A. THAT WAS MENTIONED BY SOMEONE.

16 Q. YOU REMEMBER THAT, THAT IT WAS AT LEAST MENTIONED
17 TO YOU CORRECT?

18 A. THAT THE COLOR OF HER HAIR HAD SOMETHING TO DO
19 WITH HER CONNECTIONS WITH DRUG TRAFFICKERS?

20 Q. UH-HUH.

21 A. THAT WAS MENTIONED, YES, SIR, BY SOMEONE.

22 Q. ALL RIGHT. NOW, YOU HAVE BEEN LOOKING FOR HER
23 FOR OVER TWO YEARS. SHE'S CAUGHT IN ROUGHLY MARCH OF
24 2007; ISN'T THAT CORRECT?

25 A. I BELIEVE THAT'S RIGHT.

1 Q. SO SHE'S THE ONE THAT EVERYBODY IS POINTING TO IN
2 ATLANTA, BIG SOURCE, MULTICOLORED HAIR. SHE'S THE BIG
3 SOURCE FOR EVERYBODY ---

4 MR. KAPPEL: JUDGE, I THINK THE BAILIFF IS
5 TRYING TO GET THE COURT'S ATTENTION.

6 THE BAILIFF: THEY NEED A SHORT BREAK.

7 THE COURT: LET'S TAKE A BREAK. AND AGAIN,
8 DO NOT UNDERTAKE DISCUSSION OF THE CASE AMONG
9 YOURSELVES.

10 (WHEREUPON, THE JURY LEFT THE COURTROOM AT
11 11:52 A.M.)

12 THE COURT: ALL RIGHT. WE'LL TAKE A SHORT
13 BREAK.

14 (WHEREUPON, A RECESS WAS TAKEN.)

15 THE COURT: ALL RIGHT. ARE WE READY TO
16 PROCEED, FROM THE STATE?

17 MS. PORTER: YES, YOUR HONOR.

18 THE COURT: ARE WE READY?

19 MR. KAPPEL: I'M SORRY, YES, SIR, JUDGE.

20 THE COURT: ALL RIGHT. YOU UNDERSTAND YOU
21 ARE STILL UNDER OATH?

22 THE WITNESS: YES, SIR.

23 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
24 12:04 P.M.)

25 THE COURT: LET THE RECORD REFLECT THE JURY

1 AND ALTERNATES ARE IN THE JURY-BOX.

2 YOU MAY CONTINUE WITH YOUR
3 CROSS-EXAMINATION.

4 MR. KAPPEL: THANK YOU, YOUR HONOR, MAY IT
5 PLEASE THE COURT.
6 BY MR. KAPPEL:

7 Q. AGENT DORSEY, IF YOU RECALL BEFORE THE BREAK, WE
8 WERE TALKING ABOUT AMANDA FORDHAM, RIGHT?

9 A. YES, SIR.

10 Q. WE WERE TALKING ABOUT HOW SHE STATED THAT SHE HAS
11 DELIVERED OVER THE HISTORY OF DEALING WITH THIS
12 INDIVIDUAL, BRIAN MUELLER, MORE THAN 50 POUNDS OF
13 METHAMPHETAMINE OR ICE. DO YOU REMEMBER THAT DURING MY
14 QUESTIONS?

15 A. YES, SIR.

16 Q. AND YOU INDICATED THAT YOU HAD NOT READ THE
17 REPORT. AND WE WERE TALKING ABOUT HOW LONG YOU HAD BEEN
18 LOOKING FOR AMANDA FORDHAM. REMEMBER THAT?

19 A. YES, SIR.

20 Q. AND HELP ME AGAIN BECAUSE I WROTE DOWN 2005. HOW
21 LONG HAD YOU BEEN LOOKING FOR AMANDA FORDHAM?

22 A. I WOULD SAY OFFICIALLY SINCE THAT NIGHT OF CHAD
23 SEXTON'S ---

24 Q. SO APRIL 6, 2005, YOU KNEW CONNECTION IN ATLANTA
25 THROUGH KENNY LAVENDER, AND THEN THAT WAS LATER VERIFIED

1 BY CHAD SEXTON, PARTICULARLY THROUGH HIS PHONE CALL TO
2 AMANDA FORDHAM, AND SO YOU WERE LOOKING FOR THIS WOMAN.

3 A. YES.

4 Q. IS THAT RIGHT?

5 A. THAT'S RIGHT.

6 Q. BECAUSE YOU KNEW THAT IF YOU COULD ARREST AMANDA
7 FORDHAM, YOU WOULD ESSENTIALLY SEAL OFF OR SHUT DOWN, SO
8 TO SPEAK, THAT DISTRIBUTION CENTER IN ATLANTA?

9 A. I HAD HOPED THAT I WOULD BE ABLE -- THAT I WOULD
10 BE IN A POSITION TO APPROACH AMANDA AND GET HER TO
11 COOPERATE AND, OF COURSE, REVEAL HER SOURCE.

12 Q. ALL RIGHT. BUT THE ULTIMATE IS TO TRY TO SHUT
13 DOWN THE DISTRIBUTION CENTER THAT'S SENDING THIS GARBAGE
14 TO OUR STATE.

15 A. ABSOLUTELY.

16 Q. IS THAT RIGHT?

17 A. THAT WOULD BE THE ULTIMATE RESULT, OR I WOULD
18 HOPE THAT WOULD BE.

19 Q. ALL RIGHT. SO WHEN YOU LEARNED THAT SHE WAS
20 SUBSEQUENTLY ARRESTED IN MARCH OF 2007, THAT SHE WAS
21 FOUND, IN FACT, S.L.E.D. PLAYED AN INTEGRAL ROLE IN
22 THAT, DID THEY NOT?

23 A. YES, SIR.

24 Q. IS IT FAIR TO SAY THAT YOU WEREN'T GETTING MUCH
25 COOPERATION FROM THE FEDERAL GOVERNMENT IN FINDING HER

1 OR ARRESTING HER?

2 A. I WOULDN'T SAY THAT. IT WAS JUST WE DIDN'T KNOW
3 WHERE SHE WAS AND DIDN'T REALLY HAVE ANY INSIDERS TO
4 PROVIDE SOME ACTIVE INFORMATION ON WHERE SHE WAS. SO WE
5 HAD AN ANONYMOUS TIP TO CALL S.L.E.D. AND SAY, ARE YOU
6 LOOKING FOR AMANDA FORDHAM? THIS IS WHERE SHE'S AT.
7 AND REID CRESTWELL, ANOTHER S.L.E.D. AGENT, GOT THAT
8 INFORMATION AND CONTACTED THE MARSHALS IN THE ATLANTA
9 AREA, AND THEY WERE ABLE TO APPREHEND HER.

10 Q. SO WHEN SHE WAS ARRESTED, SHE'S INTERVIEWED?

11 A. YES, SIR.

12 Q. AND THERE'S A MEMORANDUM NOT BY YOU BUT BY
13 SOMEBODY ELSE ON WHAT SHE SAID?

14 A. YES, SIR.

15 Q. ISN'T THAT RIGHT?

16 A. THAT'S RIGHT.

17 Q. IT'S DECEMBER OF 2007 AND WE'RE AT TRIAL ---

18 A. YES, SIR.

19 Q. --- AND YOU HAVE NOT READ HER STATEMENT YET.

20 A. I HAVE NOT, NO, SIR. AND I SAY THAT BECAUSE SHE
21 WAS APPREHENDED IN MARCH OF '07, MARCH OF THIS YEAR, AND
22 I WAS TRANSFERRED TO ANOTHER DEPARTMENT. I'M NOW THE
23 SUPERVISOR OVER THE MIDLANDS VICE REGION AND THE NEW
24 GANG UNIT SUPERVISOR. I'M OUT AT HEADQUARTERS.

25 I'M NOT GONNA SAY THE INVESTIGATION WAS HANDED

1 OVER TO OTHER AGENTS, BUT WE WORK THESE INVESTIGATIONS
2 AS A TEAM. I MAY BE THE CASE AGENT, BUT I IN NO WAY DO
3 IT ALL. WE ALL WORK THIS TOGETHER AND, THEREFORE, THESE
4 AGENTS, WHO, ONE OF WHICH WAS THE SUPERVISOR OF THE
5 STATE GRAND JURY, FRANK O'NEAL, MY BOSS BEFORE I WAS
6 PROMOTED, HE'S THE ONE THAT DID THAT.

7 AND YES, I, I PROBABLY SHOULD HAVE READ HER
8 INTERVIEW BEFORE I GOT UP ON THE STAND TODAY, BUT I HAVE
9 NOT DONE THAT. BECAUSE I KNEW TWO VERY CAPABLE AGENTS,
10 BEING FRANK O'NEAL OR REID CRESTWELL, OR RHETT HOLDEN, I
11 CAN'T REMEMBER WHICH ONE OF THE TWO, WENT AND DID THE
12 INTERVIEW.

13 Q. YOU PREPARED FOR THIS TRIAL?

14 A. YES, SIR.

15 Q. YOU ARE AWARE THAT THE MEMO REGARDING HER
16 STATEMENT IS ONLY TEN PAGES DOUBLE SPACED?

17 A. LIKE I SAID, I HAVEN'T LOOKED AT IT. I DON'T
18 KNOW HOW LONG IT IS. I KNOW THE INFORMATION IN THAT
19 INTERVIEW WAS TYPED UP, IT WAS PROVIDED TO THE
20 ATTORNEYS, IT WAS PROVIDED TO YOU. I DON'T HAVE TO KNOW
21 EVERY SINGLE DETAIL THAT'S GOING ON IN THE CASE,
22 ESPECIALLY SINCE I'VE BEEN TRANSFERRED.

23 Q. ALL RIGHT. SO IN TERMS OF YOUR PERSONAL
24 KNOWLEDGE, EVEN AT THIS MOMENT, RIGHT NOW, THERE'S NO
25 STATEMENT FROM BRIAN MUELLER, SO WE CAN THROW AN X OVER

1 HIM REGARDING SETH STEARNS. THERE'S NO STATEMENT FROM
2 KEVIN MOSER REGARDING SETH STEARNS, SO WE CAN DRAW AN X
3 OVER KEVIN MOSER. THERE'S NO STATEMENT FROM ROBBY
4 SEXTON REGARDING SETH STEARNS, SO WE CAN DRAW AN X OVER
5 ROBBY SEXTON.

6 THE ONLY STATEMENTS THAT YOU ARE AWARE OF, THEN,
7 REGARDING SETH STEARNS IS KENNY LAVENDER AND CHAD
8 SEXTON; ISN'T THAT CORRECT?

9 A. THAT I'M AWARE OF. I'M AWARE THAT THERE WAS A
10 STATEMENT GIVEN BY AMANDA FORDHAM THAT TALKS ABOUT SETH
11 STEARNS.

12 Q. BUT YOU HAVEN'T READ IT?

13 A. I HAVEN'T READ IT, BUT I WAS TOLD BY THE PERSON
14 THAT WROTE IT THAT SHE TALKS ABOUT SETH STEARNS.

15 Q. ALL RIGHT. SO PUT AN X OVER MUELLER, AN X OVER
16 SEXTON, AN X OVER MOSER, SO WE HAVE GOT LAVENDER,
17 SEXTON, AND FORDHAM?

18 A. THAT HAVE STATEMENTS THAT, PROVIDED STATEMENTS TO
19 LAW ENFORCEMENT AT THIS TIME, YES, SIR.

20 MR. KAPPEL: I DON'T HAVE ANYTHING FURTHER
21 AT THIS TIME. THANK YOU.

22 THE COURT: REDIRECT?

23 MS. PORTER: THANK YOU, YOUR HONOR.

24 REDIRECT EXAMINATION BY MS. PORTER:

25 Q. TO REFRESH YOUR MEMORY I'M GOING TO HAND YOU

1 SEVERAL CHARTS AND ASK YOU IF YOU MADE THOSE CHARTS.

2 A. WE HAVE SOME GUYS AND LADIES, BUT ONE LADY THAT
3 SINCE THIS INVESTIGATION HAS BEEN GOING ON THAT WORK IN
4 THE OFFICE OF THE STATE GRAND JURY, AND THEY ARE
5 ASSIGNED TO THE SOUTH CAROLINA NATIONAL GUARD AND THEY
6 ARE A PART OF THE UNIT CALLED THE COUNTER DRUG UNIT.
7 AND WHAT THEY DO IS THEY PROVIDE SUPPORT TO VARIOUS
8 AGENCIES THROUGHOUT SOUTH CAROLINA THROUGH INTELLIGENCE
9 ASSISTANCE, ANALYSIS OF THINGS, AND THEY DO A LOT OF
10 STUFF THAT, WITH COMPUTERS, THAT I KNOW I DON'T HAVE THE
11 KNOWLEDGE TO DO. SO MEMBERS OF THAT UNIT PREPARED THESE
12 CHARTS.

13 Q. AT WHOSE DIRECTION?

14 A. AT MY DIRECTION, AT THE VARIOUS AGENTS THAT ARE
15 INVOLVED IN THIS INVESTIGATION. AND THEY USED IT --
16 THEY DEVELOPED THESE CHARTS BASED ON INFORMATION THAT WE
17 AS INVESTIGATORS, AND NOT JUST S.L.E.D. AGENTS,
18 GREENVILLE, PICKENS, ALL THESE OTHER AGENCIES, ALL THIS
19 INFORMATION IS DUMPED INTO THESE CHARTS TO TRY TO MAKE
20 IT SOMEWHAT UNDERSTANDABLE.

21 Q. AND DO ALL OF THOSE CHARTS RELATE TO ICE CREAM?

22 A. YES, MA'AM.

23 Q. ALL RIGHT. AND ON THAT FIRST CHART,
24 APPROXIMATELY HOW MANY DEFENDANTS WERE ON THAT FIRST
25 CHART?

1 A. APPROXIMATELY 40.

2 Q. OKAY. TODAY WHAT PART OF THIS INVESTIGATION ARE
3 WE TALKING ABOUT?

4 A. THAT PART OF THE CHART RIGHT THERE.

5 Q. ALL RIGHT. WAS CHAD SEXTON INVOLVED IN MORE THAN
6 JUST THIS ONE PART, THIS ONE CONSPIRACY WE ARE TALKING
7 ABOUT HERE TODAY?

8 A. YES, MA'AM.

9 Q. WAS KENNY LAVENDER INVOLVED IN MORE THAN JUST
10 THIS CONSPIRACY HERE TODAY?

11 A. YES, MA'AM.

12 Q. WAS KEVIN MOSER INVOLVED IN MORE THAN JUST ONE
13 PART OF THIS INVESTIGATION OTHER THAN THIS CONSPIRACY
14 HERE TODAY?

15 A. YES, MA'AM.

16 Q. AS A MATTER OF FACT, BASED UPON THESE
17 INDIVIDUALS' COOPERATION, I BELIEVE THE DEFENSE ATTORNEY
18 MENTIONED DANNY HOLCOMBE, DENNIS STYLES AND SAMMY BAKER;
19 IS THAT CORRECT?

20 A. THOSE ARE THREE, YES, MA'AM.

21 Q. ARE THEY INVOLVED IN THIS INVESTIGATION?

22 A. NOT IN THIS PARTICULAR CONSPIRACY, BUT IN THE ICE
23 CREAM INVESTIGATION, YES.

24 Q. AND YOU LEARNED ABOUT THEM THROUGH THESE
25 INDIVIDUALS, IN ADDITION TO OTHERS?

1 A. YES, MA'AM.

2 Q. AND HAVE THEY ALL PLED GUILTY AND BEEN CONVICTED
3 IN THIS INVESTIGATION?

4 A. YES, MA'AM.

5 Q. ALL RIGHT. SO TODAY WHAT ARE WE TALKING ABOUT?

6 A. THESE INDIVIDUALS ON THIS CHART RIGHT HERE.

7 Q. AND IN THIS CONSPIRACY?

8 A. YES, MA'AM.

9 Q. HOW ABOUT EDDIE CASH, HAS HE SUBSEQUENTLY BEEN
10 ARRESTED IN CONNECTION WITH DRUGS?

11 A. IN FACT, HE HAS. WELL, HE'S BEEN CAUGHT. HE
12 HASN'T ENTERED A GUILTY PLEA YET, BUT ---

13 Q. BUT HE'S BEEN ARRESTED IN CONNECTION WITH DRUGS?

14 A. YES, MA'AM, HE HAS.

15 Q. AND THAT HAS NOTHING TO DO WITH THIS
16 INVESTIGATION HERE TODAY -- I'M SORRY -- THIS CONSPIRACY
17 HERE TODAY?

18 A. NO, MA'AM.

19 Q. OKAY. IS IT COMMON FOR A DRUG DEALER TO HAVE
20 MORE THAN ONE SOURCE?

21 A. YES, MA'AM.

22 Q. WHY?

23 A. BECAUSE, LIKE I'D SAID EARLIER, THE DYNAMICS OF
24 DRUG ORGANIZATIONS CHANGE RAPIDLY, AND YOU ARE ALWAYS
25 THINKING DOWN THE ROAD, WELL, WHAT IF THIS GUY, WHAT IF

1 MY SOURCE GETS BUSTED, WHAT AM I GONNA DO? I'M STILL
2 GONNA HAVE THE SAME CUSTOMERS. I'VE GOT TO FIND THAT
3 PRODUCT SOME OTHER WAY. SO THEY ARE CONSTANTLY AT LEAST
4 THINKING DOWN THE ROAD OR PREPARING IN SOME WAY
5 SOMETHING HAPPENING TO THE ORGANIZATION.

6 Q. BASED UPON YOUR EXPERIENCE AS A NARCOTICS
7 INVESTIGATOR, INDIVIDUALS USING METHAMPHETAMINES, DO
8 THEY TYPICALLY FALL OFF THE WAGON?

9 A. YES, MA'AM.

10 Q. AND WHEN THEY FALL OFF THE WAGON, DO YOU USE
11 OTHER MEANS OF INVESTIGATION TO CORROBORATE WHAT THEY'VE
12 TOLD YOU AND CHANGE YOUR TECHNIQUES OF UNDERCOVER BUYS
13 BASED ON THEM FALLING OFF THE WAGON?

14 A. YES, MA'AM. IT'S A VERY, VERY POWERFUL DRUG.
15 AND I'VE NOT STRUGGLED WITH THAT TYPE OF ADDICTION, BUT
16 THE WAY IT'S BEEN TOLD TO ME BY ADDICTS IS IT'S A BATTLE
17 THAT THEY FIGHT EVERY DAY. AND VERY OFTEN THEY DO FALL
18 OFF THE WAGON AND GET BACK INTO IT. THEY GET BACK TO
19 USING. AND MANY TIMES WHEN THEY GET BACK TO USING,
20 THEIR SOURCE IS NOT GONNA GIVE THEM THE DRUGS FOR FREE,
21 SO THEY'VE GOT TO GENERATE SOME MONEY SOMEHOW, AND
22 THAT'S WHY THEY END UP SELLING.

23 Q. DOES THAT MEAN THAT EVERYTHING THEY'VE TOLD YOU
24 IS UNTRUTHFUL, OR DOES THAT MEAN AT THIS POINT THEY'VE
25 GOT CREDIBILITY ISSUES AND YOU NEED TO CORROBORATE THEM

1 AS MUCH AS POSSIBLE?

2 A. THAT'S THE BEST WAY IT CAN BE DESCRIBED.

3 Q. IS PART OF THAT CORROBORATION FINDING PRIOR
4 STATEMENTS THEY'VE MADE TO OTHER LAW ENFORCEMENT
5 AGENCIES AND COMPARING THOSE STATEMENTS WITH WHAT YOU
6 HAVE LEARNED THROUGH THEM?

7 A. YOU MEAN GOING OUT AND ACTIVELY SEEKING -- ARE
8 YOU SAYING ---

9 Q. FOR INSTANCE, ON KEVIN MOSER. YOU HAVE TESTIFIED
10 HERE TODAY THAT THE CITY EXECUTED AND THE COUNTY
11 EXECUTED A TRAFFIC STOP WHICH RESULTED IN A SEARCH
12 WARRANT WHICH HE MADE STATEMENTS?

13 A. ON KENNY LAVENDER.

14 Q. I'M SORRY, ON KENNY LAVENDER.

15 A. YES, MA'AM.

16 Q. ALL RIGHT. DID YOU HAVE THAT INFORMATION WHEN
17 YOU FIRST APPROACHED HIM?

18 A. NOT ON MARCH 24TH I DID NOT.

19 Q. OKAY. ON APRIL 5TH, WHEN YOU APPROACHED HIM AND
20 DETERMINED THAT HE WAS BACK IN THE GAME, DID AT THAT
21 TIME YOU EMPLOY OTHER TECHNIQUES TO ENSURE THAT THE
22 CREDIBILITY OF THE UNDERCOVER BUY WAS MAINTAINED DESPITE
23 THE FACT THAT KENNY HAD FALLEN OFF THE WAGON?

24 A. ABSOLUTELY. CAN I TELL YOU WHAT THAT IS?

25 Q. PLEASE.

1 A. IT WAS A BUY-BUST. MANY TIMES WHEN WE'VE GOT AN
2 INFORMANT AND WE'RE WORKING THEM, WE'LL GIVE THEM MONEY,
3 THEY'LL GO BUY DRUGS, THEY'LL BRING THOSE DRUGS BACK TO
4 US AND THE BUY GUY GOES HOME OR GOES OFF. WE DON'T BUST
5 THEM. BUT IN THIS PARTICULAR CASE WE KNEW THAT LAVENDER
6 HAD ISSUES, HE WAS BACK IN THE GAME, AND THEREFORE
7 INSTEAD OF ABSOLUTELY RELYING ON KENNY'S TESTIMONY OR
8 INFORMATION, OR INFORMATION THAT HE HAD DONE THIS CRIME,
9 WE TOOK THE GUY OFF RIGHT THERE AT THE DEAL.

10 NOW, OF COURSE, HE DIDN'T STOP FOR A LITTLE BIT
11 AND WE HAD TO CHASE HIM A LITTLE BIT. BUT IT'S HARD FOR
12 A DEFENDANT OR SUSPECT OR HOWEVER YOU WANT TO CALL IT,
13 WHATEVER YOU WANT TO CALL THEM, TO REFUTE THAT, NO, I
14 WASN'T A PART OF THAT DRUG DEAL, WHEN YOU BUST THEM
15 RIGHT THEN AFTER IT HAPPENS. WE DO THAT SOMETIMES AND
16 SOMETIMES WE DON'T BECAUSE YOU'VE GOT TO LOOK AT WHAT'S
17 BEST FOR THE DIRECTION OF THE INVESTIGATION? WHAT'S
18 BEST FOR THE OVERALL INVESTIGATION?

19 Q. THAT OCCURRED IN THE LATE EVENING HOURS OF APRIL
20 5TH AND THE EARLY MORNING HOURS OF APRIL 6TH; IS THAT
21 CORRECT?

22 A. YES, MA'AM.

23 Q. AND ON APRIL 7TH I BELIEVE YOU SAID THE EASLEY
24 POLICE DEPARTMENT RECEIVED A TIP REGARDING ICE STILL
25 FOUND IN CHAD SEXTON'S TRUCK?

1 A. YES, MA'AM.

2 Q. AND THAT TIP I BELIEVE YOU TESTIFIED CAME FROM A
3 CONFIDENTIAL INFORMANT SAYING THAT KENNY LAVENDER WAS
4 TRYING TO GET INTO THAT TRUCK TO GET THAT ICE?

5 A. THAT'S RIGHT.

6 Q. ALL RIGHT. BASED UPON THAT INFORMATION, YOU ALL
7 OBTAINED THE SEARCH WARRANT AND FOUND THE ICE, CORRECT?

8 A. YES, MA'AM.

9 Q. AFTER THAT DID YOU APPROACH KENNY LAVENDER ON THE
10 7TH AND SPEAK WITH HIM?

11 A. I BELIEVE I DID.

12 Q. AND WASN'T HE SUBSEQUENTLY ARRESTED ON THAT DAY?

13 A. I'D LIKE TO LOOK AT MY NOTES IF YOU HAVE THEM
14 AVAILABLE, PLEASE, MA'AM.

15 MS. PORTER: BEG THE COURT'S INDULGENCE.

16 I'LL COME BACK TO THAT.

17 BY MS. PORTER:

18 Q. THE DEFENSE ATTORNEY TALKED ABOUT A NOTEBOOK THAT
19 WAS FOUND IN THE JULY 2004 SEARCH WARRANT EXECUTED ON
20 KENNY LAVENDER'S HOUSE.

21 A. THE ONE WITH THE CITY AND THE COUNTY?

22 Q. YES.

23 A. THAT WOULD HAVE BEEN MARCH 15TH, 2005?

24 Q. HE ASKED YOU IF YOU HAD SEEN A COPY OF A PHONE
25 BOOK OF KENNY LAVENDER'S THAT WAS OBTAINED IN JULY OF

1 2004, AND YOU ANSWERED YES.

2 A. YES, MA'AM. IN PICKENS, YES, MA'AM.

3 Q. OKAY. WAS THAT OBTAINED PURSUANT TO A SEARCH
4 WARRANT, OR A SEARCH WARRANT AT ANOTHER INDIVIDUAL'S
5 HOUSE WHERE MR. LAVENDER WAS LOCATED?

6 A. THAT'S RIGHT. IT'S MY UNDERSTANDING PICKENS
7 COUNTY, THEY WERE SEARCHING DANNY HOLCOMBE'S HOUSE, AND
8 KENNY LAVENDER DROVE UP, AND CHAD BROOKS, THE LIEUTENANT
9 IN PICKENS, INTERVIEWED LAVENDER AND I BELIEVE SEIZED
10 THAT NOTEBOOK, OR AT LEAST ASKED THAT HE BE ABLE TO MAKE
11 SOME COPIES OF IT, AND I THINK MR. LAVENDER COMPLIED
12 WITH THAT.

13 Q. AND WITHIN THAT NOTEBOOK YOU SAID THERE WAS DEBT
14 AMOUNTS WRITTEN DOWN?

15 A. YES, MA'AM, THAT'S RIGHT.

16 Q. OKAY. WHEN YOU SEARCHED HIS HOTEL ROOM, DID YOU
17 FIND ANOTHER NOTEBOOK WITH DEBT AMOUNTS WRITTEN DOWN?

18 A. YOU'RE TALKING ABOUT IN APRIL?

19 Q. IN APRIL.

20 A. WE SEIZED A NOTEBOOK THAT HAD SOME RECORDS IN IT;
21 PHONE NUMBERS, MOSTLY.

22 Q. OKAY. AND DID YOU CONFRONT MR. LAVENDER WITH
23 THOSE RECORDS?

24 A. YES, MA'AM. AND ALSO MR. LAVENDER WAS, HE WAS A
25 CAR SALESMAN, AND HE KEPT LOTS OF RECORDS. HE KEPT

1 TELEPHONE NUMBERS OF NOT JUST CO-CONSPIRATORS, BUT HE
2 ALSO KEPT THEM OF PEOPLE THAT HE HAD A LEGITIMATE
3 BUSINESS WITH IN DEALING CARS.

4 Q. SO THOSE DEBT AMOUNTS COULD HAVE BEEN FROM DRUGS
5 AND THEY COULD HAVE BEEN FROM HIS CAR BUSINESS?

6 A. YES, MA'AM.

7 Q. WERE Y'ALL EVER ABLE TO DETERMINE ONE WAY OR THE
8 OTHER?

9 A. NOT FOR SURE, NOT POSITIVELY FOR SURE, NO, MA'AM.

10 Q. I'M GONNA HAND YOU YOUR MEMORANDUM FROM APRIL
11 7TH, 2005. IF YOU COULD REFRESH YOUR MEMORY WITH THAT.

12 MR. KAPPEL: I'M SORRY, DID YOU SAY APRIL
13 7TH?

14 MS. PORTER: I BELIEVE SO.

15 THE WITNESS: OKAY. YES, MA'AM. KENNY
16 LAVENDER WAS ARRESTED BY ME, SERVED WITH AN ARREST
17 WARRANT FOR TRAFFICKING ICE, AND THAT WAS THE RESULT OF
18 THE ICE THAT WAS FOUND IN HIS VEHICLE IN POWERSVILLE ON
19 THE DAY THAT HE WAS APPROACHED, HE WAS ARRESTED RIGHT
20 THEN YES, MA'AM.

21 BY MS. PORTER:

22 Q. SO THERE ARE CONSEQUENCES FOR FALLING OFF THE
23 WAGON?

24 A. YES, MA'AM.

25 Q. IN ADDITION TO OBTAINING PRIOR STATEMENTS OF

1 KENNY LAVENDER, DID YOU ALSO OBTAIN PRIOR STATEMENTS
2 FROM KEVIN MOSER REGARDING AN INVESTIGATION THAT STARTED
3 IN FEBRUARY OF 2005?

4 A. I INTERVIEWED MR. MOSER IN APRIL OF '05. HE
5 PROVIDED ME WITH INFORMATION REGARDING THIS PARTICULAR
6 CONSPIRACY. BUT HE WAS INTERVIEWED BECAUSE HE WAS IN
7 THE GREENVILLE JAIL ON CHARGES IMPOSED ON HIM BY THE
8 GREENVILLE SHERIFF'S OFFICE FOR VARIOUS CHARGES AS A
9 RESULT OF THAT SEARCH WARRANT THEY CONDUCTED IN
10 FEBRUARY, OR THE FIRST OF MARCH.

11 Q. AND IT WAS AT THAT TIME AFTER HE HAD BEEN
12 ARRESTED THAT HE AGREED TO COOPERATE; IS THAT CORRECT?

13 A. YES, MA'AM.

14 Q. AND THEN HE FELL OFF THE WAGON, TOO, DIDN'T HE?

15 A. YES, MA'AM.

16 Q. WERE YOU ALL ABLE TO USE HIM TO MAKE ANY
17 UNDERCOVER BUYS OR ANYTHING OF THAT NATURE AFTER HAVING
18 BEEN ARRESTED TWICE?

19 A. NO, MA'AM. WE JUST, WE DIDN'T CHOOSE TO USE HIM.

20 Q. WHEN DID CHAD SEXTON AGREE TO COOPERATE?

21 A. I BELIEVE IT WAS AROUND APRIL 14TH, A COUPLE
22 WEEKS AFTER, AFTER THE INCIDENT, OR A WEEK OR TWO AFTER
23 THE INCIDENT OCCURRED WHERE IT RESULTED IN HIM GETTING
24 SHOT.

25 Q. SO YOU FOUND THE REMAINING DRUGS IN HIS VEHICLE

1 BEFORE HE BEGAN TO COOPERATE?

2 A. YES, MA'AM.

3 Q. SO BEFORE HE HAD AN OPPORTUNITY TO TELL YOU ABOUT
4 THEM?

5 A. THAT'S CORRECT, YES, MA'AM.

6 Q. AND WE'VE DISCUSSED HOW CHAD SEXTON RAN. HE
7 RECEIVED, I BELIEVE THE DEFENSE ATTORNEY MADE A BIG DEAL
8 ABOUT HIM RECEIVING A \$200,000.00 BOND; IS THAT CORRECT?

9 A. YES, MA'AM.

10 Q. AND HE RAN. WAS HE SUBSEQUENTLY LOCATED?

11 A. YES, MA'AM, HE WAS.

12 Q. HOW WAS HE FOUND AND WHERE WAS HE FOUND?

13 A. HE WAS FOUND BY THE I.C.E. AGENTS AT THE
14 MEXICAN/UNITED STATES BORDER, I BELIEVE IN LAREDO,
15 TEXAS.

16 Q. FOR THOSE OF US WHO AREN'T FAMILIAR WITH THAT
17 ACRONYM, ICE?

18 A. I'M SORRY. IMMIGRATION AND CUSTOMS ENFORCEMENT
19 ADMINISTRATION, THEY ARE AN EXTENSION OF THE BORDER
20 PATROL. AND IT'S MY UNDERSTANDING THAT MR. SEXTON, CHAD
21 SEXTON, HAD GONE TO MEXICO FLEEING FROM US AND THEN WAS
22 CAUGHT AS HE TRIED TO ENTER, COME BACK ACROSS THE BORDER
23 INTO THE UNITED STATES.

24 Q. WAS HIS BOND SUBSEQUENTLY ESTREATED?

25 A. THAT'S CORRECT. HE'S BEEN IN CUSTODY EVER SINCE.

1 AND HIS SURETY HAS HAD TO PAY SOME MONEY BECAUSE OF HIS
2 FLIGHT.

3 Q. LET'S TALK ABOUT KENNY LAVENDER. DID HE FLEE?

4 A. HE FLED TO FLORIDA, YES, MA'AM.

5 Q. DO YOU REMEMBER HOW MUCH HIS BOND WAS?

6 A. I BELIEVE IT WAS \$200,000.00 OR IN THAT BALLPARK.

7 Q. WAS HE SUBSEQUENTLY APPREHENDED?

8 A. YES, MA'AM. F.D.L.E. AGENTS, WHICH IS OUR SISTER
9 AGENCY IN FLORIDA, THE FLORIDA DEPARTMENT OF LAW
10 ENFORCEMENT, THEY LOCATED HIM IN FLORIDA, AND HE'S BEEN
11 IN CUSTODY EVER SINCE. AND HIS SURETY HAS ALSO HAD TO
12 PAY SOME MONEY BECAUSE THEY FAILED TO UPHOLD THEIR END
13 OF THE DEAL MAKING SURE HE WOULD STAY ON BOND OR TO STAY
14 IN SOUTH CAROLINA.

15 Q. AND IS THE STATE ATTEMPTING TO ESTREAT HIS BOND?

16 A. YES, MA'AM.

17 Q. ROBBY SEXTON, DID HE FLEE?

18 A. YES, MA'AM, HE DID.

19 Q. AND DO YOU REMEMBER WHAT TYPE OF BOND HE HAD?

20 A. I DO NOT, NO, MA'AM. MAYBE THE HUNDRED THOUSAND,
21 MAYBE A LITTLE LESS.

22 Q. AND WAS HE APPREHENDED?

23 A. HE WAS. HE WAS APPREHENDED DOWN IN LAURENS
24 COUNTY. WE WERE ABLE TO TAKE HIM INTO CUSTODY AFTER, OF
25 COURSE ---

1 MR. KAPPEL: JUDGE, I'M GOING TO START
2 OBJECTING TO THIS LINE OF QUESTIONING AS BEYOND THE
3 SCOPE OF MY CROSS-EXAMINATION. SHE'S ASKING ABOUT
4 ISSUES THAT WERE NEVER ADDRESSED OR BROUGHT UP ON CROSS.
5 I LET IT GO A COUPLE TIMES. THIS IS THE THIRD TIME.

6 THE COURT: ALL RIGHT, I UNDERSTAND.

7 MS. PORTER: YOUR HONOR, HE BROUGHT UP,
8 SPECIFICALLY WITH REGARD TO CHAD SEXTON, THE STATE'S
9 CREDIBILITY IN GIVING INDIVIDUAL BONDS, AND OUR DECISION
10 TO CONSENT TO THESE BONDS OR NOT TO OBJECT TO THEM AND
11 THEM BE ISSUED. I'M JUST TRYING TO ESTABLISH THAT, DID
12 EVERYONE WITHIN THIS CONSPIRACY CAUGHT IN SOUTH CAROLINA
13 WAS GIVEN A BOND? HE PUT IT AT ISSUE.

14 MR. KAPPEL: JUDGE, THE ONLY ISSUE WAS
15 WHETHER OR NOT THEY WORKED WITH THE GUY ON THE BOND.
16 THAT WAS IT. THEN SHE'S TAKING IT AND MOVING IT
17 INTO ---

18 THE COURT: WELL, AS I SAID, I THINK YOU'VE
19 MADE YOUR POINT, WHATEVER IT MIGHT HAVE BEEN. LET'S
20 MOVE ON.

21 BY MS. PORTER:

22 Q. THE DEFENSE ATTORNEY ALSO MADE A BIG DEAL ABOUT
23 ROBBY SEXTON ---

24 THE COURT: LET'S DON'T EDITORIALIZE. YOU
25 CAN DO THAT IN ARGUMENT.

1 BY MS. PORTER:

2 Q. ROBBY SEXTON ATTEMPTING TO TAKE OUT A HIT ON CHAD
3 BROOKS. A VERY SERIOUS SITUATION?

4 A. YES, MA'AM.

5 Q. DO YOU-ALL TAKE THAT LIGHTLY?

6 A. NO, MA'AM, NOT AT ALL.

7 Q. AND DID YOU INVESTIGATE THAT LEAD?

8 A. WE INVESTIGATED IT AND IT TURNED OUT THAT WE
9 COULDN'T CORROBORATE IT. AND WE WORKED IT HARD BECAUSE
10 YOU GOT TO IMAGINE, THIS IS A GUY THAT WE WORK WITH DAY
11 IN AND DAY OUT, AND HIS LIFE IS BEING THREATENED. OF
12 COURSE, IT TOOK A LOT OF OUR TIME AND WE INVESTIGATED
13 IT, AND THAT INFORMATION WAS FOUND TO BE -- WE WERE NOT
14 ABLE TO CORROBORATE THAT.

15 Q. WHEN AN INDIVIDUAL COOPERATES AND YOU APPROACH
16 THESE INDIVIDUALS, DO YOU TELL THE OTHER INDIVIDUALS
17 THAT SO-AND-SO IS COOPERATING, SO-AND-SO IS GIVING US A
18 STATEMENT, SO-AND-SO HAS DONE THIS AND THAT?

19 A. NO, MA'AM, NOT AT ALL.

20 Q. SO THEY ARE INDEPENDENT OF ONE ANOTHER
21 COOPERATING WITH THE STATE, UNBEKNOWNST TO THE OTHER
22 CO-CONSPIRATORS?

23 A. THAT'S RIGHT. WHEN I TALKED TO KEVIN MOSER, I
24 DIDN'T TELL HIM THAT KENNY LAVENDER WAS COOPERATING AT
25 THAT TIME, SO NO, MA'AM, I DID NOT.

1 Q. AND BRIAN MUELLER, WHEN HE WAS ARRESTED IN
2 GEORGIA, DID HE ACTUALLY GIVE A STATEMENT TO THE GEORGIA
3 POLICE DEPARTMENT?

4 A. YES, MA'AM, HE DID.

5 Q. ALL RIGHT. SO HE JUST HASN'T GIVEN A STATEMENT
6 TO S.L.E.D.?

7 A. THAT'S RIGHT. I MEAN, HE GAVE IT TO LAW
8 ENFORCEMENT, BUT IT WAS IN GEORGIA.

9 Q. HOW ABOUT AMANDA FORDHAM, DID SHE GIVE A
10 STATEMENT WHEN SHE WAS ARRESTED?

11 A. SHE DID.

12 Q. WAS IT TO S.L.E.D.?

13 A. IT WAS IN GEORGIA, ALSO, GEORGIA POLICE OFFICERS.

14 Q. ALL OF THAT INFORMATION TAKEN TOGETHER, THE
15 DIRECT LINKS BETWEEN AMANDA AND BRIAN AND AMANDA AND
16 CHAD, WHAT'S THE COMMON DENOMINATOR?

17 A. SETH STEARNS.

18 Q. HOW IS HE THE COMMON DENOMINATOR?

19 A. BECAUSE IF IT WERE NOT FOR HIM, BRIAN WOULDN'T
20 HAVE MET AMANDA; AND IF IT WERE NOT FOR HIM, CHAD SEXTON
21 WOULD NOT HAVE MET AMANDA. HE INTRODUCED THEM TO
22 AMANDA.

23 Q. FROM THE INFORMATION YOU GATHERED, WAS SETH
24 STEARNS GIVEN PAYMENT FOR THOSE INTRODUCTIONS?

25 A. YES, MA'AM.

1 Q. IN WHAT FORM?

2 A. FOR EACH TRIP THAT WAS MADE TO PICK UP DRUGS FROM
3 AMANDA, BY WHETHER IT WAS CHAD OR BRIAN, HE WAS TO
4 RECEIVE A THOUSAND DOLLARS IN CASH AND ONE OUNCE OF ICE
5 FOR EACH TRIP THAT HE WAS TO MAKE, THAT WAS TO BE MADE
6 TO PICK UP DRUGS FROM AMANDA IN ATLANTA.

7 MS. PORTER: NOTHING FURTHER FOR THIS
8 WITNESS, YOUR HONOR.

9 THE COURT: RECROSS-EXAMINATION?
10 RECROSS-EXAMINATION BY MR. KAPPEL:

11 Q. LET'S TALK ABOUT A COUPLE THINGS REAL QUICK. YOU
12 SUGGESTED THE REASON THAT YOU ARRESTED KENNY LAVENDER ON
13 APRIL THE 7TH, 2005, WAS BECAUSE OF THE METHAMPHETAMINE
14 FOUND IN HIS POSSESSION. DO YOU REMEMBER SAYING THAT?

15 A. THAT WAS THE BASIS FOR THE ARREST WARRANT.

16 Q. OKAY. WHY ELSE WAS HE ARRESTED? WHY ELSE?

17 A. I THINK -- I BELIEVE I MAY HAVE GOTTEN SOME OTHER
18 WARRANTS, ALSO. IS THAT WHAT YOU ARE ASKING?

19 Q. FEEL FREE TO REVIEW YOUR MEMORANDUM. MY QUESTION
20 TO YOU IS: WHY ELSE WAS HE ARRESTED ON APRIL THE 7TH,
21 2005?

22 A. I HAD SOME QUESTIONS REGARDING HIS PREPARATIONS
23 FOR POSSIBLY FLEEING THE STATE OF SOUTH CAROLINA.

24 Q. WHY ELSE? THAT'S NOT THE ONLY REASON. ANYTHING
25 ELSE?

1 MS. PORTER: YOUR HONOR, MAY WE APPROACH?

2 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
3 CONFERRED WITH THE COURT OUT OF THE PRESENCE
4 OF THE COURT REPORTER AND THE JURY.)

5 THE COURT: ALL RIGHT. YOU MAY PROCEED.

6 MR. KAPPEL: THANK YOU, SIR.

7 BY MR. KAPPEL:

8 Q. YOU RECALL THE DATE OF APRIL 7TH, 2005, DO YOU
9 NOT?

10 A. THE DAY I MET WITH HIM IN THE PARK, CLEVELAND
11 PARK, YES, SIR.

12 Q. THAT'S CLEVELAND PARK IN THE CITY OF GREENVILLE;
13 IS THAT RIGHT?

14 A. YES.

15 Q. AND YOU MET WITH KIM VARNER, ALSO, RIGHT?

16 A. THAT'S RIGHT.

17 Q. AND THAT'S WHEN YOU MADE THE STATEMENT TO KIM
18 VARNER, HE'S TOTALLY LYING TO US ABOUT HIS INVOLVEMENT
19 AND HIS ASSETS.

20 A. YES, SIR.

21 Q. CORRECT?

22 A. RIGHT.

23 Q. AND SO YOU HAD ANOTHER INTERVIEW WITH KENNY
24 LAVENDER?

25 A. THAT EVENING.

1 Q. THAT'S CORRECT.

2 A. YES, SIR.

3 Q. AND AT THAT POINT HE WAS ARRESTED?

4 A. THAT'S RIGHT.

5 Q. SO WHY? WHY WAS HE ARRESTED ON APRIL THE 7TH,
6 2005?

7 A. BECAUSE I DIDN'T FEEL LIKE HE WAS TELLING ME THE
8 TRUTH, AND I FELT LIKE HE WASN'T GONNA BE A COOPERATING
9 WITNESS FOR US ANYMORE.

10 Q. WHY DIDN'T YOU THINK HE WAS TELLING YOU THE
11 TRUTH?

12 A. BECAUSE I KNEW HE WASN'T TELLING ---

13 Q. HOW DID YOU KNOW? HOW DID YOU KNOW HE WAS LYING?

14 A. HE WAS GIVEN A POLYGRAPH.

15 Q. AND WHAT WAS THE RESULT OF THAT?

16 A. HE FAILED THE POLYGRAPH.

17 Q. ALL RIGHT.

18 A. I DIDN'T KNOW I WAS, I WAS ABLE TO TALK ABOUT
19 THAT.

20 Q. WHEN THEY TALK ABOUT YOU KNOW AN INDIVIDUAL IS
21 LYING TO YOU AND YOU USE CORROBORATION, TO CORROBORATE
22 KENNY LAVENDER YOU JUST SIMPLY HAVE AT THIS POINT SEXTON
23 AND FORDHAM, BECAUSE YOU SAID THAT MUELLER HASN'T GIVEN
24 ANY WRITTEN STATEMENTS REGARDING CHAD -- OR REGARDING
25 SETH STEARNS.

1 A. HE'S NOT GIVEN ANY TO ME.

2 Q. SO YOUR ONLY CONFIRMATION OF WHAT LAVENDER IS
3 SAYING IS WITH WHAT SEXTON AND AMANDA FORDHAM ARE
4 SAYING, RIGHT?

5 A. YES, SIR.

6 MR. KAPPEL: ALL RIGHT. THAT'S ALL I HAVE.

7 FURTHER REDIRECT EXAMINATION BY MS. PORTER:

8 Q. HE FAILED ON THE ASSETS, RIGHT?

9 A. THAT'S WHAT THE POLYGRAPHER TOLD US.

10 MS. PORTER: THANK YOU.

11 MR. KAPPEL: I HATE TO HAVE A PING PONG
12 MATCH.

13 THE COURT: JUST ASK THE QUESTION IF YOU'VE
14 GOT THAT. I'M GOING TO PERMIT YOU TO DO THAT. IT HAS
15 TO BE WITHIN THE PURVIEW OF THAT LAST EXAM.

16 MR. KAPPEL: THAT'S FINE. I'M GONNA PULL
17 THE REPORT.

18 FURTHER RECROSS-EXAMINATION BY MR. KAPPEL:

19 Q. THE POLYGRAPH WAS CONDUCTED BY LARK AND
20 ASSOCIATES; WAS IT NOT?

21 A. YES, SIR. HE'S A PRIVATE COMPANY. THAT'S VERY
22 UNUSUAL THAT WE WOULD USE SOMEONE OUTSIDE OF LAW
23 ENFORCEMENT, BUT GIVEN THE CIRCUMSTANCES AND THE AMOUNT
24 OF HOURS THAT WE'D BEEN UP, WE HAD TO UTILIZE HIM.

25 Q. ALL RIGHT. AND THEY USE WHAT THEY CALL TEST

1 QUESTIONS ON A POLYGRAPH, DON'T THEY?

2 A. YES, SIR.

3 Q. CORRECT?

4 A. YES, SIR, THAT'S RIGHT.

5 Q. AND THE TEST QUESTIONS ON KENNY LAVENDER INVOLVED
6 WHO HIS SUPPLIERS WERE AND WHO HE WAS SELLING TO AND
7 WHERE HIS ASSETS ARE AND WHAT HE OWNS, CORRECT?

8 A. I BELIEVE THAT'S RIGHT.

9 Q. DO YOU WANT TO LOOK AT THIS?

10 A. IF YOU DON'T MIND, COULD I SEE IT?

11 Q. (HANDING.)

12 A. YES. I GAVE MR. LARK SOME PARAMETERS ON WHAT I
13 WOULD LIKE TO ASK HIM, AND HE, THE RESULT OF THE TEST
14 WAS THAT HE EXHIBITED PHYSIOLOGICAL RESPONSES NORMALLY
15 INDICATIVE OF DECEPTION TO THE RELEVANT TEST QUESTIONS.

16 Q. OKAY. IT DOESN'T SAY WHICH QUESTIONS, DOES IT?

17 A. NO, SIR.

18 Q. I'M SORRY?

19 A. NO, SIR.

20 MR. KAPPEL: THAT'S ALL I'VE GOT.

21 THE COURT: ANY RE, RE, REDIRECT?

22 (LAUGHTER.)

23 I MIGHT NOTE, LADIES AND GENTLEMEN, THE WAY
24 WE DO EXAMINATION OF WITNESSES IS YOU HAVE DIRECT
25 EXAMINATION AND THEN YOU HAVE CROSS-EXAMINATION, AND THE

1 REDIRECT EXAMINATION IS LIMITED TO NEW MATTER THAT'S
2 BROUGHT OUT ON CROSS-EXAMINATION. SO BY THAT MECHANISM
3 WE HOPE THAT WE ULTIMATELY GET TO AN END, AND I THINK --
4 I'M GOING TO ASK: ARE WE THERE?

5 MS. PORTER: JUST ONE MORE.

6 FURTHER REDIRECT EXAMINATION BY MS. PORTER:

7 Q. WAS THAT POLYGRAPH EXAMINATION SUBSEQUENTLY
8 REVIEWED BY LIEUTENANT PETE LOGAN WITH S.L.E.D. AND
9 CLARIFIED?

10 A. I DON'T REMEMBER.

11 THE COURT: ALL RIGHT. THAT'S IT.

12 MR. KAPPEL: NO MORE QUESTIONS, YOUR HONOR.

13 THE COURT: ALL RIGHT. I THINK THAT THIS
14 WOULD BE A GOOD TIME TO TAKE A LUNCH BREAK.

15 MADAM FORELADY, LADIES AND GENTLEMEN OF THE
16 JURY, WHEN WOULD YOU LIKE TO RECONVENE? YOU PROBABLY
17 NEED AT LEAST AN HOUR. A QUARTER TO, 1:45 OR 2:00,
18 EITHER.

19 (JURY CONFERS.)

20 THE FORELADY: 2:00.

21 THE COURT: 2:00, VERY GOOD. AND COME BACK
22 TO THE JURY ROOM THAT YOU HAVE BEEN IN, AND WE'LL
23 RECONVENE AT THAT TIME. AGAIN, DO NOT UNDERTAKE
24 DISCUSSION OF THE CASE AMONG YOURSELVES IN ANY WAY.

25 (WHEREUPON, THE JURY LEFT THE COURTROOM AT

1 12:40 P.M.)

2 THE COURT: ALL RIGHT. YOU MAY STEP DOWN.

3 THANK YOU, SIR.

4 (WITNESS LEAVES STAND.)

5 THE COURT: IS THERE ANYTHING FROM THE STATE
6 BEFORE WE RECEDE FOR LUNCH?

7 MS. PORTER: NO, YOUR HONOR.

8 THE COURT: FROM THE DEFENDANT?

9 MR. KAPPEL: NOTHING, YOUR HONOR.

10 THE COURT: I'LL SEE YOU BACK AT 2:00.

11 (A LUNCHEON RECESS OCCURRED.)

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1 **AFTERNOON PROCEEDINGS**

2 **MS. PORTER:** YOUR HONOR, KEVIN MOSER IS OUR
3 NEXT WITNESS. HE'S INCARCERATED. HE WAS UPSTAIRS THIS
4 MORNING. I HAVEN'T SEEN HIM RETURN FROM LUNCH AND HE'S
5 OUR NEXT WITNESS. WE'VE BEEN WAITING FOR THE DEPUTIES
6 BUT I HAVEN'T SEEN ANY.

7 **THE COURT:** MAYBE THEY'VE GONE HOME.

8 (OFF-THE-RECORD DISCUSSION.)

9 **THE COURT:** READY TO GO BACK ON THE RECORD,
10 FROM THE STATE?

11 **MS. EVANS:** YES. WE HAVE PLEA AGREEMENTS
12 SIGNED BY EACH OF THESE WITNESSES. WE CERTAINLY WERE
13 GOING TO GO OVER THE PLEA AGREEMENTS WITH THESE PEOPLE.
14 WE USUALLY DON'T ADMIT THEM INTO EVIDENCE BECAUSE ONE OF
15 THE PARAGRAPHS DOES SAY THAT THIS IS A PLEA AGREEMENT,
16 THAT THEY AGREE TO SUBMIT TO A POLYGRAPH OR POLYGRAPH
17 EXAMINATIONS. NOWHERE IN THE PLEA AGREEMENT DOES IT SAY
18 ANYTHING ABOUT WHETHER THEY PASSED OR FAILED.

19 SINCE THE ISSUE OF POLYGRAPHS IS ALREADY OUT
20 THERE AND THEY REALIZE WE DO POLYGRAPH THESE PEOPLE, WE
21 WOULD LIKE TO PUT THE FULL EXTENT OF THEIR PLEA
22 AGREEMENT INTO EVIDENCE.

23 **THE COURT:** UNDER WHAT RULE?

24 **MS. EVANS:** UNDER RULE ---

25 **THE COURT:** WHAT RULE? HOW WOULD IT BE

1 ADMISSIBLE?

2 MS. EVANS: IT'S ADMISSIBLE BECAUSE THIS IS
3 THEIR PLEA AGREEMENT THAT THEY SIGNED.

4 THE COURT: IT'S ONLY IF THERE IS AN
5 INCONSISTENCY IN WHAT THEY'VE DONE BEFORE. IF YOU WANT
6 TO DEVELOP AN INCONSISTENCY, THEN YOU COULD PROBABLY ---

7 MS. EVANS: THIS IS NOT A STATEMENT. THIS
8 IS A PLEA AGREEMENT THAT DETAILS THEIR COOPERATION WITH
9 THE STATE.

10 THE COURT: WELL, UNDER WHAT RULE OF
11 EVIDENCE ARE YOU GOING TO ADMIT IT? I MEAN, I THOUGHT
12 IT WAS A BASIC QUESTION.

13 MS. EVANS: IT'S A RECORD CONTAINED IN THE
14 REGULAR COURSE OF BUSINESS. THIS IS THE REGULAR PLEA
15 AGREEMENT THE STATE USES WITH THE DEFENDANTS. IT'S
16 ABOUT THEIR COOPERATION ---

17 THE COURT: WHAT DOES IT HAVE TO DO IN THIS
18 CASE? IF THEY CONTRADICT IT. IF THEY'VE GIVEN AN
19 AGREEMENT TO DO SOMETHING AND THEY CONTRADICT IT, YES,
20 THEN YOU CAN PUT -- BUT OTHERWISE, WHAT'S THE RELEVANCE
21 HERE?

22 MS. EVANS: THE RELEVANCE HERE IS THROUGH
23 SPECIAL AGENT MAX DORSEY THEY HAVE MADE IT SOUND THAT
24 THESE PEOPLE AGREED TO THIS COOPERATION WITH THE STATE.

25 THE COURT: WILL YOU GIVE ME THE RULE OR THE

1 CASE THAT SAYS THAT YOU ARE ABLE TO PUT IN A COLLATERAL
2 DOCUMENT, AND I WILL BE GLAD TO RULE ON IT.

3 MS. EVANS: THIS IS A CERTIFIED COPY OF A
4 PUBLIC RECORD, A PUBLIC PLEA AGREEMENT THAT IS SIGNED BY
5 THE STATE.

6 THE COURT: MA'AM, MA'AM, PLEASE UNDERSTAND,
7 JUST BECAUSE IT'S CERTIFIED, THE DECLARATION OF
8 INDEPENDENCE COULD BE CERTIFIED, IT DOESN'T MEAN IT'S
9 ADMISSIBLE. THAT'S WHAT I'M ASKING YOU. HOW DOES IT
10 BECOME ADMISSIBLE HERE?

11 (READING):

12 RULE 613(B). EXTRINSIC EVIDENCE
13 OF A PRIOR INCONSISTENT STATEMENT BY A
14 WITNESS IS NOT ADMISSIBLE UNLESS THE
15 WITNESS IS ADVISED OF THE SUBSTANCE OF
16 THE STATEMENT, THE TIME AND PLACE IT WAS
17 ALLEGEDLY MADE AND THE PERSON TO WHOM IT
18 WAS MADE AND IS GIVEN AN OPPORTUNITY TO
19 EXPLAIN OR DENY THE STATEMENT.

20 THAT'S THE ONLY WAY YOU CAN GET IN EXTRINSIC
21 EVIDENCE.

22 MS. EVANS: THIS IS NOT A PRIOR STATEMENT OF
23 THE WITNESS.

24 THE COURT: I KNOW IT'S NOT BECAUSE YOU
25 HAVEN'T ASKED THEM. ALL RIGHT. YOUR REQUEST IS DENIED.

1 MS. EVANS: OKAY. AND I GUESS WHERE I'M
2 GOING IS IF THE CROSS-EXAMINATION GOES TO YOU HAVE NOT
3 LIVED UP TO THE PLEA AGREEMENT, I GUESS WE WOULD RENEW
4 THE MOTION TO HAVE THIS ADMISSIBLE BECAUSE THEN IT WOULD
5 BE, THAT THEY WOULD BE ADMISSIBLE.

6 THE COURT: YOU'RE NOT GOING TO BE ABLE TO
7 DO THAT. I MEAN, IF HE WANTS TO, THEN I'LL HAVE TO DO
8 IT. I'LL HAVE TO FACE IT AT THE TIME -- STAY ON YOUR
9 FEET WHEN YOU ADDRESS THE COURT -- THEN I'LL HAVE TO
10 RULE ON IT AT THAT TIME.

11 MS. EVANS: OKAY. THANK YOU, YOUR HONOR.

12 THE COURT: YOU'RE WELCOME.

13 MR. KAPPEL: THANK YOU, JUDGE.

14 THE COURT: ALL RIGHT. NOW ARE WE READY TO
15 PROCEED, FROM THE STATE?

16 MS. EVANS: THE STATE IS READY IF WE HAVE
17 OUR WITNESS.

18 THE COURT: YOU DO HAVE YOUR WITNESS?

19 MS. EVANS: I SAID IF WE'VE GOT OUR WITNESS.

20 THE COURT: MR. MOSER? ALL RIGHT. IS THE
21 DEFENSE READY?

22 MR. KAPPEL: ALL SET, JUDGE.

23 THE COURT: ALL RIGHT. PLEASE PROCEED.

24 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
25 2:13 P.M.)

1 **THE COURT:** ALL RIGHT. LET THE RECORD
2 REFLECT THE JURY AND ALTERNATES ARE IN THE JURY-BOX.

3 MADAM FORELADY, LADIES AND GENTLEMEN OF THE
4 JURY, I SEE THE BAILIFF THERE TRYING TO ADJUST, I TRUST,
5 THE ---

6 **THE BAILIFF:** I'M DOING WHAT THE MAINTENANCE
7 MAN ASKED ME TO DO.

8 **THE COURT:** ALL RIGHT. HOPEFULLY -- IF IT'S
9 STILL UNCOMFORTABLE, LET ME KNOW AND WE'LL SEE WHAT WE
10 CAN DO ABOUT IT.

11 VERY WELL. WE WILL NOW PROCEED WITH THE
12 STATE'S CASE. YOU MAY CALL YOUR NEXT WITNESS.

13 **MS. EVANS:** THANK YOU, YOUR HONOR. IF IT
14 PLEASES THE COURT, THE STATE WOULD CALL KEVIN DALE
15 MOSER.

16 (WHEREUPON, THE WITNESS WAS SWORN BY THE
17 CLERK.)

18 **THE CLERK:** PLEASE STATE YOUR FULL NAME AND
19 SPELL YOUR LAST NAME FOR THE RECORD.

20 **THE WITNESS:** MY NAME IS KEVIN MOSER,
21 K-E-V-I-N, M-O-S-E-R.
22 WHEREUPON,

23 **KEVIN MOSER,**
24 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS
25 FOLLOWS:

1 **DIRECT EXAMINATION BY MS. EVANS:**

2 Q. PLEASE TELL THE JURY WHERE YOU ARE FROM.

3 A. GREENVILLE, SOUTH CAROLINA.

4 Q. AND HOW LONG HAVE YOU LIVED IN GREENVILLE?

5 A. 34 YEARS NOW.

6 Q. HOW OLD ARE YOU?

7 A. 34.

8 Q. YOU HAVE LIVED IN GREENVILLE ALL YOUR LIFE?

9 A. YES.

10 Q. WHEREABOUTS IN GREENVILLE DID YOU LIVE?

11 A. OFF OF OLD BUNCOMBE ROAD.

12 Q. AND ARE YOU CURRENTLY INCARCERATED?

13 A. YES, MA'AM.

14 Q. WHERE ARE YOU INCARCERATED?

15 A. AT GREENVILLE COUNTY DETENTION CENTER.

16 Q. AND HAVE YOU PLED GUILTY?

17 A. YES, MA'AM.

18 Q. PLEASE TELL THE JURY WHAT YOU PLED GUILTY TO.

19 A. CONSPIRACY TO TRAFFIC METHAMPHETAMINES.

20 Q. OKAY. AND WHAT TIME ARE YOU FACING ON THE

21 CHARGES THAT YOU PLED GUILTY TO?

22 A. UP TO 25 YEARS.

23 Q. AND HAS THE STATE RECOMMENDED A SENTENCE FOR YOU?

24 A. YES, MA'AM: 13 YEARS.

25 Q. AND WHO ULTIMATELY IS THE INDIVIDUAL THAT WILL

1 DECIDE HOW LONG YOU WILL BE INCARCERATED FOR?

2 A. THE JUDGE.

3 Q. DO YOU KNOW WHAT JUDGE THAT IS?

4 A. THE ONE ON THE BENCH RIGHT THERE.

5 Q. THANK YOU. AND AS PART OF YOUR DECIDING TO PLEAD

6 GUILTY, DID YOU SIGN A COOPERATION AGREEMENT WITH THE

7 STATE?

8 A. DO WHAT, NOW?

9 Q. DID YOU SIGN A COOPERATION AGREEMENT WITH THE
10 STATE?

11 A. YES, MA'AM.

12 Q. DO YOU KNOW APPROXIMATELY WHEN THAT WAS SIGNED?

13 A. I CAN'T REMEMBER, NO, MA'AM.

14 Q. AND IF I SHOW YOU SOMETHING, THAT MAYBE WILL
15 REFRESH YOUR MEMORY. CAN YOU READ THAT?

16 A. THE 7TH OF AUGUST, 2006.

17 Q. OKAY. AND CAN YOU PLEASE TELL THE JURY WHAT YOUR
18 UNDERSTANDING OF COOPERATION WITH THE STATE MEANS?

19 A. ANSWERING ANY QUESTIONS OR TELLING ANYTHING THAT
20 IS ASKED OF ME.

21 Q. AND ABOUT WHAT?

22 A. ABOUT TRAFFICKING METHAMPHETAMINES.

23 Q. WHAT, IN ESSENCE, DID YOU HAVE TO TELL ABOUT YOUR
24 ACTIONS AND OTHER PEOPLE'S ACTIONS?

25 A. YES, MA'AM.

1 Q. LET'S GO BACK IN TIME. PLEASE TELL THE JURY WHEN
2 AND HOW YOU GOT INVOLVED -- WELL, YOU PLED GUILTY TO
3 METH. WHEN DID YOU GET INVOLVED WITH METH?

4 A. 2003.

5 Q. CAN YOU PLEASE TELL THE JURY A LITTLE BIT ABOUT
6 HOW YOU GOT INVOLVED WITH METH?

7 A. IN 2003 I LOST MY MOTHER, AND A COUPLE MONTHS
8 AFTER THAT I LOST MY GRANDMOTHER, AND A COUPLE MONTHS
9 AFTER THAT I LOST MY FATHER, AND I COULDN'T BEAR TO
10 STAND REALITY. I HAD A GOOD JOB MAKING GOOD MONEY, AND
11 MY JOB WAS PAYING FOR ME TO SEE A PSYCHIATRIST, BUT I'D
12 GOT ON THE DOPE AND LOST MY JOB, AND THAT MEANS I LOST
13 MY DOCTOR, SO IT JUST MADE IT WORSE, AND I STARTED, YOU
14 KNOW, DOING MORE DOPE.

15 Q. OKAY. BEFORE WE GET INTO DOING THE DOPE, WHAT
16 WAS YOUR JOB BEFORE YOU STARTED USING ICE?

17 A. I WAS A WELDER.

18 Q. WHO DID YOU WORK FOR?

19 A. ENGINEERING PRODUCTS.

20 Q. ALL RIGHT. AND TELL THE JURY HOW IT MADE YOU
21 FEEL WHEN YOU STARTED TO USE ICE.

22 A. IT TOOK REALITY AWAY. I DIDN'T -- IT LIKE -- I
23 DIDN'T HAVE NO PAIN AS IN LIKE THE THOUGHT OF LOSING MY
24 MOTHER OR THE THOUGHT OF LOSING MY FAMILY. I DID NOT, I
25 DID NOT, I DID NOT CARE ANY MORE. YOU KNOW, IT TOOK

1 REALITY AWAY. IT PUT ME IN A DIFFERENT STATE OF MIND.
2 I DIDN'T CARE WHAT HAPPENED OR WHAT WOULD HAPPEN.

3 Q. AND YOU SAID THAT YOU WERE FROM IN AND AROUND
4 GREENVILLE?

5 A. YES, MA'AM.

6 Q. YOUR MOTHER AND YOUR FATHER AND YOUR GRANDMOTHER
7 THAT YOU LOST, WHERE DID THEY LIVE?

8 A. IN GREENVILLE, ALSO.

9 Q. THEY LIVED WITH YOU MOST OF YOUR LIFE?

10 A. YES, MA'AM. MY MOM AND DAD LIVED DIRECTLY BESIDE
11 ME; THE ONLY TIME THAT THEY DIDN'T IS WHEN I LIVED WITH
12 THEM. AND MY GRANDMOTHER DIDN'T LIVE BUT, YOU KNOW,
13 ABOUT TEN MINUTES AWAY, SO, YOU KNOW, WE WAS ALL REAL
14 CLOSE.

15 Q. YOU SAID YOU HAD A JOB AS A WELDER. CAN YOU JUST
16 BRIEFLY TELL THE JURY ABOUT YOUR EDUCATIONAL BACKGROUND?

17 A. I DROPPED OUT OF SCHOOL IN THE NINTH GRADE. I
18 HAD A LEARNING DISABILITY. SO IF I WOULD HAVE
19 GRADUATED, I STILL WOULDN'T HAVE GOT A DIPLOMA, I WOULD
20 HAVE JUST GOT A PIECE OF PAPER STATING THAT I DID 12
21 YEARS. SO I WENT AHEAD AND DROPPED OUT GOT A JOB AND
22 STARTED ON WITH MY LIFE. THE JOB AS A WELDER, I HAD
23 BEEN THERE OVER TEN YEARS, YOU KNOW, I WAS DOING GOOD AT
24 THAT.

25 Q. AND I'M NOT ASKING THIS TO EMBARRASS YOU, BUT DO

1 YOU HAVE A HARD TIME READING DOCUMENTS?

2 A. YES, MA'AM.

3 Q. LET'S GO BACK TO YOUR GETTING INVOLVED WITH ICE.
4 PLEASE TELL THE JURY ABOUT HOW MUCH, WHEN YOU FIRST
5 STARTED USING, HOW MUCH YOU WERE GETTING.

6 A. LIKE A QUARTER GRAM, HALF GRAM AT A TIME.

7 Q. AND ABOUT HOW MUCH WOULD THAT COST YOU?

8 A. ANYWHERE FROM THIRTY TO FIFTY DOLLARS.

9 Q. WHEN YOU FIRST WERE GETTING IT, HOW WOULD YOU PAY
10 FOR THE METH WHEN YOU FIRST STARTED USING IT?

11 A. WHEN I FIRST STARTED USING IT, SEE, MY MOM WHEN
12 THEY PASSED AWAY, THEY LEFT ME A SMALL TRAILER PARK, AND
13 I HAD MONEY COMING IN FROM THAT, PLUS I HAD A LITTLE BIT
14 OF INHERITANCE MONEY, AND ALSO WORKED. WHEN I HAD LOST
15 MY JOB AS A WELDER, I ALSO STARTED, YOU KNOW, WORKING
16 FLEA MARKETS, SELLING ODDS AND ENDS AND STUFF LIKE THAT.

17 Q. THE ODDS AND ENDS YOU WERE SELLING AT THE FLEA
18 MARKET, WHERE DID YOU GET THOSE ODDS AND ENDS?

19 A. I WOULD GO TO LIKE GOODWILL AUCTIONS AND LITTLE
20 AUCTIONS LIKE THAT RIGHT THERE THAT WOULD SELL BY THE
21 TRUCKLOAD. YOU KNOW, I COULD GO TO GOODWILL AND BUY A
22 WHOLE TRUCKLOAD FOR A SMALL PRICE AND TAKE IT TO THE
23 JOCKEY LOT AND MAKE MONEY OFF OF IT.

24 Q. DID YOU ALSO SELL SOME STUFF THAT YOUR FAMILY
25 LEFT YOU?

1 A. YES, MA'AM.

2 Q. COLLECTIBLES?

3 A. YES, MA'AM.

4 Q. LET ME MAKE SURE I GET IT STRAIGHT. THOSE ITEMS,
5 WHEN YOU FIRST STARTED SELLING, THOSE WERE NOT STOLEN
6 ITEMS, WERE THEY?

7 A. NO, MA'AM.

8 Q. AND HOW OFTEN WHEN YOU FIRST STARTED WOULD YOU DO
9 METH?

10 A. JUST A COUPLE DAYS AT A TIME.

11 Q. AND WHAT WOULD METH DO? YOU HAVE ALREADY SAID
12 THAT IT MADE YOU ESCAPE FROM REALITY. BUT PHYSICALLY,
13 NOT MENTALLY, PHYSICALLY WHAT EFFECT DID THIS ICE HAVE
14 ON YOU?

15 A. IT MADE ME TO WHERE I FINALLY GOT TO START
16 STEALING AS I STARTED, YOU KNOW, NOT CARING WHAT I DID
17 AS FAR AS I WOULD GO STEAL FOR THE DOPE. BOX TRAILERS,
18 WHATEVER I COULD GET MY HANDS ON AT THE TIME, YOU KNOW,
19 TO, TO SUPPLY MY HABIT.

20 Q. OKAY. AND THAT WAS LEADING TO MY NEXT QUESTION.
21 YOU WERE TELLING THE JURY HOW AT FIRST YOU HAD YOUR
22 MONEY COMING IN AND YOU HAD ODD-AND-END JOBS. AT SOME
23 POINT DID YOU INCREASE YOUR METH USE?

24 A. YES, MA'AM.

25 Q. AND WHEN YOU INCREASED YOUR METH USE, ABOUT HOW

1 MUCH WERE YOU USING AT THAT POINT?

2 A. AT THAT POINT I WOULD BE GETTING AROUND ABOUT AN
3 EIGHT BALL AT A TIME, IT WOULD BE LIKE THREE, THREE AND
4 A HALF GRAMS, AND BY THAT TIME I WAS USING EVERY DAY.

5 Q. AND APPROXIMATELY FROM THE FIRST TIME THAT YOU
6 TRIED METH TO WHERE YOU WERE UP TO YOUR EIGHT BALL
7 AMOUNT DAILY, WHAT IS THE TIME FRAME THAT YOU ARE
8 TALKING ABOUT?

9 A. I CAN'T REMEMBER.

10 Q. WAS IT WEEKS, MONTHS?

11 A. I WOULD SAY AT LEAST A COUPLE MONTHS.

12 Q. AND HOW MUCH WOULD AN EIGHT BALL COST YOU?

13 A. SOMEWHERE BETWEEN TWO HUNDRED FIFTY TO THREE
14 HUNDRED DOLLARS.

15 Q. AND THAT WAS DAILY?

16 A. NOT NECESSARILY DAILY. AT FIRST AN EIGHT BALL
17 WOULD LAST ME A COUPLE DAYS, A COUPLE OR THREE DAYS,
18 MAYBE, AND THAT'S ME AND, LIKE I SAY, IF SOMEBODY WAS
19 AROUND, I WOULD SHARE IT WITH THEM -- YOU KNOW WHAT I'M
20 SAYING? SO IT WASN'T JUST ME BUT WHOEVER WAS AROUND ME
21 DOING IT.

22 Q. STICKING IN THIS TIME FRAME, WERE YOU SELLING THE
23 METH OR WERE YOU SHARING IT WITH PEOPLE THAT WERE THERE
24 WITH YOU? HOW DID YOU USE YOUR METH WHEN YOU USED IT?

25 A. AT THAT POINT IN TIME I WAS JUST USING IT MYSELF

1 AND SMOKING WITH FRIENDS OR USING IT WITH FRIENDS. I
2 WAS NOT SELLING AT THAT TIME.

3 Q. OKAY. AND SO YOU WOULD SMOKE THE METH?

4 A. YES, MA'AM. AT THAT TIME I WAS SNORTING IT AND
5 SMOKING IT, YES, MA'AM.

6 Q. AND I THINK YOU JUST SAID IT. AN EIGHT BALL WAS
7 LASTING YOU A COUPLE OF DAYS. AT SOME POINT DID YOUR
8 HABIT GET TO BE THAT YOU NEEDED MORE METH ON A DAILY
9 BASIS?

10 A. YES, MA'AM.

11 Q. AND DID YOU EVENTUALLY RUN OUT OF THE MONEY
12 BETWEEN YOUR INHERITANCE AND WHAT YOU WERE SELLING AT
13 THE FLEA MARKET?

14 A. YES, MA'AM.

15 Q. ALL RIGHT. YOU TOUCHED ON IT BUT PLEASE TELL THE
16 JURY WHAT YOU WERE DOING THEN TO SUPPORT YOUR METH
17 HABIT.

18 A. I WOULD, I WOULD GO AND FIND COMPANIES THAT HAD
19 LIKE BOX TRAILERS, UTILITY TRAILERS SITTING THERE THAT
20 THEY USE, AND I WOULD HOOK UP TO THEM WITH MY PICKUP
21 TRUCK AND HAUL THEM OFF AND FIND SOMEBODY TO SELL THEM
22 TO, OR TRADE THEM FOR DOPE SO I COULD SUPPLY MY HABIT.

23 Q. WHEN YOU FIRST STARTED USING METH, AND GOING BACK
24 TO THE ORIGINAL TIME FRAME AROUND YOUR PARENTS' DEATH,
25 WHO WERE YOU GETTING YOUR METH FROM AT THAT TIME?

1 A. ROBBY SEXTON.

2 Q. AND HOW DID YOU KNOW ROBBY SEXTON?

3 A. I GREW UP WITH HIM.

4 Q. DID YOU KNOW HIS BROTHER?

5 A. YES, MA'AM.

6 Q. WHAT'S HIS BROTHER'S NAME?

7 A. CHAD SEXTON.

8 Q. HOW LONG HAD YOU KNOWN ROBBY AND CHAD SEXTON?

9 A. AS FAR BACK AS I CAN REMEMBER.

10 Q. AND DO YOU KNOW APPROXIMATELY WHEN YOU FIRST
11 STARTED BUYING YOUR METH FROM ROBBY SEXTON?

12 A. NOT RIGHT OFFHAND, MA'AM, I DON'T REMEMBER.

13 Q. WHAT WAS THE TIME AROUND THE TIME THAT YOUR
14 PARENTS DIED? DO YOU REMEMBER THAT TIME?

15 A. SOMEWHERE PROBABLY THE END OF 2003.

16 Q. LET'S GO BACK TO THE BOX CARS. PLEASE DESCRIBE
17 TO THE JURY WHAT YOU MEAN BY A BOX CAR AND WHAT THEY
18 WOULD BE.

19 A. YOU MEAN A BOX TRAILER?

20 Q. BOX TRAILER, EXCUSE ME.

21 A. OKAY. A BOX TRAILER, IT'S A UTILITY TRAILER.
22 IT'S USED TO LIKE PUT TOOLS IN OR TO MOVE STUFF IN. I
23 WOULD GET ANYWHERE FROM FIVE HUNDRED TO EIGHT HUNDRED
24 DOLLARS FOR ONE. IT'S JUST ACCORDING TO HOW, ACCORDING
25 ON HOW QUICK HE WANTED IT OR HOW, YOU KNOW, WHAT COLOR

1 HE WANTED AND HOW BAD I NEEDED DOPE AT THE TIME. IF I
2 NEEDED DOPE REAL BAD, I'D LET IT GO CHEAPER. YOU KNOW
3 WHAT I'M SAYING? IF I DIDN'T, SAY IF I STILL HAD A
4 LITTLE BIT OF DOPE, THEN I WOULD TRY TO GET MORE OUT OF
5 IT, ACCORDING TO WHAT SIZE IT WAS.

6 Q. CAN YOU TELL SOME OF THE JURORS SOME OF THE
7 BUSINESSES THAT YOU WERE TAKING THESE BOX TRAILERS FROM?

8 A. I TOOK ONE FROM THE CHURCH ON OLD BUNCOMBE ROAD,
9 AND IT WAS A WHITE ONE. I TOOK ONE FROM A CAR WASH ON
10 WHITE HORSE ROAD. I TOOK ONE FROM CEDAR LANE ROAD FROM
11 THE OLD BOWLING ALLEY, AND I TOOK A WHITE ONE FROM THE
12 WAL-MART ON WHITE HORSE ROAD.

13 Q. AND YOU SAID YOU WERE SELLING THESE BOX TRAILERS.
14 WHO WERE YOU SELLING THESE BOX TRAILERS TO, PRIMARILY?

15 A. ROBBY SEXTON.

16 Q. AND WOULD HE ALWAYS GIVE YOU CASH OR WOULD YOU
17 EXCHANGE SOMETHING ELSE FOR THE BOX TRAILERS?

18 A. DOPE.

19 Q. OKAY. APPROXIMATELY HOW MANY TIMES DID YOU BUY
20 METH FROM ROBBY SEXTON?

21 A. 20-SOMETHING TIMES THAT I CAN RECALL.

22 Q. OKAY. HAVE YOU PREVIOUSLY REVIEWED A STATEMENT
23 THAT WAS WRITTEN BY LAW ENFORCEMENT ABOUT YOUR
24 INVOLVEMENT WITH METH?

25 A. YES, MA'AM.

1 Q. AND I'M GONNA SHOW YOU SOMETHING TO REFRESH YOUR
2 MEMORY. PLEASE LET ME KNOW IF YOU NEED ME TO READ IT TO
3 YOU. BUT IN THAT, WAS THERE A CORRECTION THAT YOU MADE?

4 A. YES, MA'AM.

5 Q. DO YOU KNOW OFF THE TOP OF YOUR HEAD WHAT THAT
6 CORRECTION WAS?

7 A. YES, MA'AM. IN THE STATEMENT IT HAD SAID THAT I
8 HAD BOUGHT DOPE FROM HIM OVER 200 TIMES, AND I DON'T
9 RECALL THAT. MORE TO MY MEMORY, IT SHOULD HAVE SAID
10 OVER 20-SOMETHING TIMES.

11 Q. DO YOU KNOW, OVER THOSE 20 TIMES, APPROXIMATELY
12 HOW MUCH METH OVER THOSE 20 TIMES DID YOU GET FROM ROBBY
13 SEXTON?

14 A. ABOUT TEN OUNCES.

15 Q. OKAY. AND AT SOME POINT, BESIDES STEALING THE
16 BOX TRAILERS, DID YOU START SELLING METH TO SUPPORT YOUR
17 HABIT?

18 A. AFTER I QUIT DEALING WITH ROBBY.

19 Q. OKAY. WHEN YOU WERE DEALING WITH ROBBY -- WE'LL
20 GET TO THAT IN A SECOND. WHEN YOU WERE DEALING WITH
21 ROBBY, YOU WERE PURELY STEALING THE BOX TRAILERS TO GET
22 THE METH FOR YOUR OWN USE?

23 A. YES, MA'AM.

24 Q. AGAIN, WOULD YOU SHARE IT WITH PEOPLE IF THEY
25 WERE AROUND?

1 A. YES, MA'AM.

2 Q. WERE YOUR FRIENDS ALSO USING METH?

3 A. YES, MA'AM. ANYBODY THAT I WAS AROUND, YOU KNOW,
4 WAS MORE OR LESS USING 'CAUSE I DIDN'T -- WHEN YOU ARE
5 ON IT, YOU STAY AROUND PEOPLE WHO'S ON IT BECAUSE THEY
6 GOT THE SAME KIND OF ATTITUDE -- YOU KNOW WHAT I'M
7 SAYING? OF A DON'T-CARE ATTITUDE. I DIDN'T HANG
8 AROUND, I DIDN'T GO AROUND MY FAMILY, MY BROTHER AND MY
9 SISTER, WHEN I WAS ON THE DOPE BECAUSE THEY WOULD FUSS
10 AT ME. THEY KNEW SOMETHING WAS DIFFERENT ABOUT ME SO
11 THEY WOULD FUSS. YOU KNOW, I DIDN'T HANG AROUND NOBODY
12 WHO WASN'T ON IT, THE ONLY PEOPLE I HUNG AROUND WAS
13 PEOPLE WHO WAS ON IT.

14 Q. AND DESCRIBE WHAT YOU ACTED LIKE WHEN YOU WERE ON
15 METH.

16 A. I DON'T -- I CAN'T RECALL. BUT PEOPLE HAS TOLD
17 ME THAT I WAS A TOTALLY DIFFERENT PERSON. I WAS EVIL.
18 YOU KNOW WHAT I MEAN? I WASN'T WHO I AM. I MEAN...

19 Q. HOW LONG DID YOU GO WITHOUT SEEING YOUR BROTHER
20 AND SISTER BECAUSE YOU WERE ON METH?

21 A. A MONTH OR TWO AT A TIME.

22 Q. AT SOME POINT YOU JUST TOLD THIS JURY YOU WERE
23 STEALING THESE BOX TRAILERS, DID YOU GET CAUGHT FOR
24 DOING THAT, OR GET ARRESTED?

25 A. YES, MA'AM.

1 Q. AND WHAT HAPPENED AFTER YOU GOT ARRESTED FOR
2 STEALING THESE TRAILERS?

3 A. THAT'S WHEN I QUIT DEALING WITH ROBBY, THAT'S
4 WHEN I QUIT GOING AROUND HIM, I QUIT BUYING THE DOPE
5 FROM HIM. I, THE WAY -- THE LAST ONE I GOT ARRESTED FOR
6 WAS, HAD BEEN SOLD TO HIS DADDY.

7 Q. OKAY. WHO IS ROBBY'S DADDY?

8 A. ROGER SEXTON.

9 Q. OKAY. AND YOU SOLD IT TO HIM. WHY DID YOU QUIT
10 HANGING AROUND OR GETTING YOUR DOPE FROM ROBBY SEXTON
11 AFTER YOU GOT ARRESTED FOR STEALING BOX TRAILERS?

12 A. BECAUSE HE SAID I WAS TALKING TO THE POLICE AND,
13 OR WORKING WITH THE POLICE, AND I DIDN'T WANT CONFLICT
14 BETWEEN ME AND ROBBY. YOU KNOW WHAT I'M SAYING? I
15 DIDN'T WANT NO TROUBLE OR NOTHING LIKE THAT, SO I QUIT
16 DEALING WITH HIM -- YOU KNOW WHAT I'M SAYING -- BECAUSE
17 THE BOX TRAILER, THE LAST ONE HAD BEEN PICKED UP FROM
18 ROBBY'S DADDY. AND WHEN THEY PICKED IT UP, THEN THEY
19 COME PICKED ME UP.

20 Q. SO THEY WERE AWARE OF YOUR ARREST?

21 A. ROBBY AND THEM, YES.

22 Q. AND I DRAW YOUR ATTENTION TO WHAT'S BEEN MARKED
23 FOR STATE'S IDENTIFICATION PURPOSES ONLY AS NUMBER FOUR.
24 IS THAT A PICTURE OF YOU?

25 A. YES, MA'AM.

1 Q. OBVIOUSLY, YOU HAVE GOTTEN YOUR HAIR CUT SINCE
2 THEN?

3 A. YES, MA'AM.

4 Q. AND THE TWO PEOPLE YOU TALKED TO, IS THAT ROBBY
5 SEXTON?

6 A. YES, MA'AM.

7 Q. AND IS THAT HIS BROTHER, CHAD?

8 A. YES, MA'AM.

9 Q. AND YOU WERE GETTING YOUR DRUGS FROM ROBBY
10 SEXTON?

11 A. THAT'S RIGHT.

12 Q. DID YOU EVER BUY ANY, GET ANY DRUGS FROM CHAD?

13 A. NO, MA'AM.

14 Q. IT WAS JUST ROBBY SEXTON?

15 A. ROBBY.

16 Q. DID YOU HAVE ANY IDEA WHERE THEY WERE GETTING
17 THEIR DRUGS FROM?

18 MR. KAPPEL: I'M GONNA OBJECT, JUDGE, ON
19 HEARSAY. I THINK THEY CAN ASK THE SUBSEQUENT WITNESSES.
20 I DON'T THINK HE'S IN A POSITION TO ANSWER.

21 THE COURT: RESTATE YOUR QUESTION SO WE'LL
22 KNOW WHAT HE KNOWS.

23 BY MS. EVANS:

24 Q. DID YOU HAVE ANY KNOWLEDGE OF WHERE ROBBY
25 RECEIVED THE METH THAT HE WAS SELLING TO YOU?

1 A. THE ONLY KNOWLEDGE THAT I KNOW OF IS I HAD HEARD
2 HIM SAY THEY HAD WENT TO ATLANTA BEFORE AND GOT IT.

3 Q. OKAY. AFTER YOU QUIT DEALING WITH ROBBY SEXTON,
4 DID YOU QUIT USING METH?

5 A. NO, MA'AM.

6 Q. WHO DID YOU START GETTING YOUR METH FROM AFTER
7 YOU GOT YOUR METH FROM ROBBY SEXTON?

8 A. I WAS INTRODUCED TO A GUY NAMED SAMMY BAKER.

9 Q. OKAY. AND HOW DID YOU MEET SAMMY BAKER?

10 A. THROUGH A GUY NAMED T BIRD. HE WAS WORKING ON
11 SOME OF SAMMY'S CARS, AND I TOOK T BIRD OVER ONE DAY TO
12 LIKE FINISH UP A JOB HE WAS DOING AND WAS INTRODUCED TO
13 HIM THEN.

14 Q. AND HOW MUCH WERE YOU BUYING FROM SAMMY BAKER?

15 A. STARTING OUT, APPROXIMATELY AN EIGHT BALL AT A
16 TIME.

17 Q. AND WERE YOU -- LET ME GET INTO, ONCE YOU STARTED
18 BUYING FROM SAMMY BAKER, DID YOU CONTINUE TO STEAL THE
19 BOX TRAILERS, OR HOW DID YOU SUPPORT YOUR METH HABIT
20 THEN?

21 A. THAT'S WHEN I WENT TO SELLING, AS IN I WOULD, I
22 WOULD SELL ENOUGH TO MAKE ENOUGH FOR ME, AS IN I'D GET
23 ENOUGH FROM HIM AND SELL LIKE HALF OF IT TO PAY FOR IT.

24 Q. AND ABOUT HOW -- I MIGHT HAVE ASKED YOU THIS --
25 BUT ABOUT HOW MUCH WERE YOU GETTING FROM YOUR NEW

1 SOURCE?

2 A. AT A TIME?

3 Q. YES.

4 A. IT VARIED. I MEAN, IT GOT, IT GOT MORE AND MORE.
5 AT FIRST, LIKE I SAID, IT WASN'T BUT APPROXIMATELY THE
6 EIGHT BALL, BUT THEN IT GOT TO WHERE I'D GET LIKE HALF
7 AN OUNCE FROM HIM.

8 Q. AND HOW MUCH WOULD A HALF AN OUNCE COST YOU?

9 A. APPROXIMATELY PROBABLY SEVEN, EIGHT HUNDRED
10 DOLLARS.

11 Q. AND WOULD THAT HALF OUNCE, HOW MUCH WOULD YOU USE
12 FOR YOUR PERSONAL CONSUMPTION AND HOW MUCH WOULD YOU
13 SELL?

14 A. USUALLY ANYTHING I GOT FROM SAMMY BAKER I WOULD
15 USE APPROXIMATELY HALF OF IT AND SELL HALF OF IT.
16 THAT'S THE WAY I COULD PAY FOR THE AMOUNT THAT I USED.

17 Q. AND WHEN YOU BOUGHT FROM SAMMY BAKER, WERE YOU
18 FRONTED THE DRUGS OR DID YOU HAVE TO GO WITH CASH?

19 A. SOMETIMES A LITTLE BIT OF BOTH, AS IN SOMETIMES
20 THAT I COULD DO CASH IF I HAD CASH. THERE'S BEEN TIMES
21 THAT HE HAD FRONTED TO ME.

22 Q. AND WHO WERE THE PEOPLE THAT YOU WERE SELLING TO
23 ONCE YOU STARTED SELLING METH?

24 A. A GUY NAMED BIG COUNTRY, TRISH, SOME, A GROUP OF
25 PEOPLE THAT I HAD MET LIKE AT OTHER PLACES, I'D MET AT

1 ROBBY'S HOUSE, I HAD MET THEM AT OTHER PLACES THAT I HAD
2 SMOKED METH, AND JUST PLACES LIKE THAT. A GUY NAMED BIG
3 COUNTRY, TRISH, PEE WEE, I MEAN, THEY WAS, YOU KNOW...

4 Q. AND ALL TOTAL, HOW MUCH METH DO YOU THINK YOU GOT
5 FROM SAMMY BAKER?

6 A. SOMEWHERE AROUND ABOUT TEN OUNCES.

7 Q. AND SO YOU WOULD SAY ABOUT FIVE OF THOSE OUNCES
8 YOU WOULD HAVE SOLD?

9 A. YES, MA'AM.

10 Q. WERE YOU MAKING A PROFIT? WHERE WERE YOU LIVING
11 AT THIS TIME?

12 A. IN THE TRAILER PARK THAT MY MOM AND DAD HAD LEFT
13 ME WHEN THEY DIED.

14 Q. GOING BACK TO ROBBY SEXTON, ABOUT HOW LONG OF A
15 TIME FRAME WERE YOU PURCHASING YOUR METH FROM ROBBY
16 SEXTON?

17 A. AROUND EIGHT MONTHS, SOMETHING LIKE THAT.

18 Q. EIGHT MONTHS? AND AGAIN, HOW MUCH TOTAL DID YOU
19 GET FROM HIM?

20 A. TEN OUNCES.

21 Q. GOING BACK TO ROBBY SEXTON'S SOURCE, DO YOU KNOW
22 IF HE EVER GOT METH FROM HIS BROTHER, CHAD?

23 A. NO, MA'AM.

24 Q. AND GOING BACK TO WHAT HE TOLD YOU ABOUT WHERE HE
25 GOT HIS METH, WHAT DID HE TELL YOU ABOUT THAT?

1 **MR. KAPPEL:** AGAIN, I'M GONNA OBJECT. I
2 THINK SHE'S TRYING TO GET HIM TO TESTIFY FOR SOMEBODY
3 ELSE.

4 **MS. EVANS:** YOUR HONOR?

5 **THE COURT:** YES, MA'AM.

6 **MS. EVANS:** IT'S CO-CONSPIRATOR'S STATEMENTS
7 IN FURTHERANCE OF THE SAME CONSPIRACY. THEY ARE ALL
8 INDICTED IN THE SAME CONSPIRACY.

9 **THE COURT:** RESTATE YOUR QUESTION.
10 BY MS. EVANS:

11 Q. DID YOU EVER TALK TO ROBBY SEXTON ABOUT WHERE HE
12 GOT HIS METH?

13 A. YES, MA'AM. ONE TIME THEY HAD TALKED ABOUT ---

14 **THE COURT:** OVERRULE YOUR OBJECTION.
15 GO AHEAD.

16 **MR. KAPPEL:** IT'S BEEN ASKED AND ALREADY
17 ANSWERED.

18 **THE COURT:** NO, I ASKED HER TO RESTATE HER
19 QUESTION.

20 **MR. KAPPEL:** NO, I UNDERSTAND. BUT THIS
21 PARTICULAR QUESTION HAS ALREADY BEEN ASKED ABOUT FIVE
22 MINUTES AGO ABOUT THIS SOURCE, AND HE SAID THEY WOULD GO
23 TO ATLANTA.

24 **THE COURT:** RIGHT.

25 **MR. KAPPEL:** SHE'S ASKING THE QUESTION

1 AGAIN, AND I'M OBJECTING THAT IT'S ALREADY BEEN ASKED
2 AND ANSWERED.

3 THE COURT: WHAT DO YOU SAY ABOUT THAT?

4 MS. EVANS: I WAS GOING TO FOLLOW IT UP BUT
5 I DIDN'T FOLLOW IT UP WITH A QUESTION. I WAS TRYING TO
6 GO CHRONOLOGICALLY ABOUT HIS METH INVOLVEMENT AND THEN I
7 WAS GOING TO GO BACK AND FILL IN SOME OF THE DETAILS OF
8 HIS INVOLVEMENT WITH THIS CONSPIRACY, YOUR HONOR.

9 THE COURT: NOW YOU ARE STILL TALKING ABOUT
10 ROBBY?

11 MS. EVANS: I WANTED TO DEVELOP THE WHOLE
12 THING AND THEN GO BACK AND ASK HIM MORE DETAILED
13 QUESTIONS ABOUT ROBBY SEXTON.

14 THE COURT: ALL RIGHT. GO AHEAD.

15 I'M GOING TO OVERRULE YOUR OBJECTION FOR THE
16 TIME BEING.

17 BUT AGAIN, IF YOU ARE NOT ACCEPTING HIS
18 ANSWER, THAT'S GOING TO CREATE A PROBLEM.

19 MS. EVANS: IT'S REALLY JUST GOING TO BE A
20 BRIEF COUPLE OF QUESTIONS.

21 THE COURT: WELL, THE ONLY THING IS THAT HE
22 DID SAY THAT, DID HE KNOW WHERE THEY HAD GOTTEN IT. HE
23 SAID "GO TO ATLANTA."

24 MS. EVANS: I'LL MOVE ON TO MY NEXT
25 QUESTION.

1 THE COURT: OKAY. THAT WOULD BE GOOD.
2 LET'S JUST DO THAT.

3 MS. EVANS: I'LL MOVE ON TO WHERE I WAS
4 GOING WITH THAT LINE OF QUESTIONING.

5 THE COURT: ALL RIGHT.

6 BY MS. EVANS:

7 Q. WHEN YOU WERE BUYING YOUR METH FROM ROBBY SEXTON,
8 WHERE WOULD YOU GO TO GET IT?

9 A. HIS HOUSE.

10 Q. AND WHERE DID ROBBY SEXTON LIVE?

11 A. IN PICKENS COUNTY.

12 Q. AND WOULD YOU GO FROM YOUR HOUSE IN GREENVILLE
13 COUNTY TO HIS HOUSE IN PICKENS COUNTY TO GET IT?

14 A. YES, MA'AM.

15 Q. DID YOU EVER MEET ANY OTHER PLACE?

16 A. NOT THAT I CAN RECALL, NO, MA'AM.

17 Q. OKAY. YOU ALREADY TALKED ABOUT BEING ARRESTED
18 FOR STEALING THE BOX TRAILERS. WERE YOU SUBSEQUENTLY
19 ARRESTED BY THE GREENVILLE COUNTY NARCOTICS?

20 A. YES, MA'AM.

21 Q. AND DO YOU REMEMBER APPROXIMATELY WHEN THAT WAS?

22 A. NO, MA'AM.

23 Q. DO YOU REMEMBER IF THERE WAS A SEARCH WARRANT
24 THAT WAS EXECUTED AT YOUR HOUSE?

25 A. I NEVER DID SEE ONE. I MEAN, I DON'T KNOW. I

1 DON'T KNOW.

2 Q. WAS YOUR HOUSE SEARCHED?

3 A. YES, MA'AM.

4 Q. OKAY. WAS YOUR HOUSE SEARCHED BY LAW
5 ENFORCEMENT?

6 A. YES, MA'AM.

7 Q. DO YOU REMEMBER OR CAN YOU JUST FROM WHAT YOU
8 REMEMBER TELL THE JURY WHAT WAS FOUND WHEN LAW
9 ENFORCEMENT EXECUTED THAT SEARCH WARRANT?

10 A. OKAY. AT THE TIME MY, THE HOUSE WAS STILL IN
11 PROBATE, BUT THEY SEARCHED MY TRAILER PARK AND MY MOM
12 AND DAD'S HOUSE. THE HOUSE WAS LEFT TO ME ALSO WHEN MY
13 MOM AND DAD PASSED. THE TRAILER PARK I WAS ALREADY
14 LIVING IN, AND I CONTINUED TO LIVE IN IT AFTER MY MOM
15 AND DAD PASSED. I HAD NOT MOVED INTO THE HOUSE.

16 WHEN THEY COME OUT AND ARRESTED ME AND SEARCHED
17 MY TRAILER PARK AND THE HOUSE, THE HOUSE WAS NOT IN MY
18 NAME. BUT THEY COME OUT WITH APPROXIMATELY
19 200-SOMETHING GUNS, EXPLOSIVE DEVICE, FOUR SAWED-OFF
20 SHOTGUNS, AND A FEW GUNS WHERE THE SERIAL NUMBERS HAD
21 BEEN FILED OFF OF.

22 Q. AND WHAT TYPE OF DRUGS WERE FOUND WHEN YOUR HOUSE
23 WAS SEARCHED?

24 A. AS FAR AS I KNOW, THE ONLY THING THAT WAS FOUND
25 WHEN MY HOUSE WAS SEARCHED WAS A GRAM OF DOPE.

1 Q. DURING THAT TIME FRAME WERE YOU STILL CONTINUING
2 TO USE METH?

3 A. YES, MA'AM.

4 Q. HOW OFTEN?

5 A. EVERY FEW DAYS, AT LEAST.

6 Q. AND HOW OFTEN WERE YOU SELLING IT?

7 A. WHENEVER I NEEDED TO MAKE MONEY TO GET MORE.

8 Q. WHERE WOULD PEOPLE COME TO BUY METH FROM YOU?

9 A. MY HOUSE, OR LIKE IF WE MET UP AT ANOTHER -- AT
10 SOMEBODY ELSE'S HOUSE WHILE I WAS SITTING AT SOMEBODY'S
11 -- YOU KNOW, IF I WAS SITTING AT SOMEBODY'S HOUSE AND I
12 WAS SMOKING WITH THEM, AND SOMEBODY ELSE THERE WANTED TO
13 BUY SOME, THEN, YOU KNOW, THAT'S HOW THEY WOULD GET IT.

14 Q. AND WHEN YOU WERE TALKING ABOUT THAT SEARCH
15 WARRANT AND YOU TALKED ABOUT THE GUNS AND THE DRUGS, ARE
16 YOU SAYING THAT THOSE WEREN'T YOUR GUNS THAT WERE FOUND
17 AT THAT RESIDENCE?

18 A. YES, MA'AM, THAT'S WHAT I'M SAYING.

19 Q. THOSE WERE NOT YOUR GUNS?

20 A. NO, MA'AM.

21 Q. DO YOU KNOW WHOSE GUNS THEY WERE?

22 A. THEY WAS MY FATHER'S. THE HOUSE WAS STILL IN
23 PROBATE. NOBODY HAD CONTROL OF THE HOUSE. THE HOUSE
24 WAS LOCKED UP. THE HOUSE WAS BEING WILLED TO ME, BUT I
25 HAD NOT GOTTEN CONTROL OVER THE HOUSE YET.

1 Q. WAS THERE ANYBODY ELSE LIVING IN THAT HOUSE AT
2 THAT TIME?

3 A. NO, MA'AM.

4 Q. WERE YOU LIVING IN THAT HOUSE EVEN THOUGH IT WAS
5 IN PROBATE?

6 A. NO, MA'AM. I WAS LIVING IN THE TRAILER PARK.

7 Q. WERE YOU AWARE OF OTHER DRUGS BESIDES METH THAT
8 WAS FOUND IN THE EXECUTION OF THE SEARCH WARRANT? DO
9 YOU REMEMBER IF MARIJUANA OR COCAINE OR ANYTHING LIKE
10 THAT WAS FOUND?

11 A. NO, MA'AM.

12 Q. DID THEY JUST SEARCH YOUR PARENTS' RESIDENCE?

13 A. NO, MA'AM. THEY SEARCHED THE HOUSE AND THE
14 TRAILER PARK.

15 Q. SO HOW MANY TRAILERS ARE IN THAT TRAILER PARK?

16 A. THREE.

17 Q. THE METH THAT WAS FOUND, WAS THAT YOUR METH THAT
18 WAS FOUND?

19 A. IT WAS FOUND IN THE POSSESSION OF MY GIRLFRIEND,
20 BUT YES, MA'AM, IT WAS MY METH.

21 Q. I WAS ABOUT TO SAY: WAS IT YOUR METH THAT WAS
22 FOUND?

23 A. YES, MA'AM.

24 Q. AND BASED UPON -- DID YOU LATER REALIZE THAT
25 GREENVILLE COUNTY HAD CONDUCTED TWO UNDERCOVER BUYS THAT

1 GOT THAT SEARCH WARRANT?

2 A. LATER ON, YES, MA'AM, I REALIZED THAT.

3 Q. AND DO YOU KNOW APPROXIMATELY WHEN THAT WAS?

4 A. NO, MA'AM, I DON'T RECALL.

5 Q. A YEAR?

6 A. I DON'T RECALL.

7 Q. WELL, SHORTLY AFTER THAT ARREST, DID YOU AGREE TO
8 COOPERATE AND GIVE A STATEMENT TO S.L.E.D.?

9 A. YES, MA'AM.

10 Q. I'M GOING TO SHOW YOU TO REFRESH YOUR MEMORY --
11 LET ME KNOW IF YOU NEED ME TO READ IT. DO YOU SEE THE
12 DATE ON THAT?

13 A. APRIL 13TH, 2005.

14 Q. OKAY. LOOKING AT THAT, DOES THAT REFRESH YOUR
15 MEMORY ABOUT THE TIME FRAME IN WHICH THERE WAS THE
16 UNDERCOVER BUYS MADE FROM YOU AND WHEN THE TRAILER PARK
17 WAS SEARCHED, WAS IT CLOSE IN TIME TO YOUR GIVING THAT
18 STATEMENT?

19 A. FEBRUARY. FEBRUARY I DO BELIEVE IS WHEN THE BUYS
20 AND THE PLACE WAS SEARCHED, SOMEWHERE RIGHT AROUND IN
21 FEBRUARY.

22 Q. OKAY. AND WHEN SPECIAL AGENT -- EXCUSE ME --
23 LIEUTENANT DORSEY CAME AND INTERVIEWED YOU, DID YOU
24 AGREE TO COOPERATE WITH THE STATE?

25 A. YES, MA'AM.

1 Q. AND AGAIN, WHAT TYPE OF QUESTIONS WERE YOU ASKED
2 ABOUT?

3 A. WHO I HAD BOUGHT DOPE FROM.

4 Q. AND WHO DID YOU TELL HIM THEN?

5 A. ROBBY SEXTON. AND WHO I HAD SOLD DOPE TO,
6 QUESTIONS WAS ASKED.

7 Q. DID YOU ALSO BRING UP SAMMY BAKER DURING THAT
8 INTERVIEW?

9 A. YES, MA'AM.

10 Q. AND AS PART OF YOUR AGREEMENT WERE YOU TOLD TO
11 STAY OUT OF DRUGS, AWAY FROM DRUGS?

12 A. WAS I TOLD LIKE BY ---

13 Q. WHEN YOU AGREED TO COOPERATE WITH THE STATE, WAS
14 THAT SUPPOSED TO BE COOPERATION, THAT YOU WOULDN'T BE
15 GOING TO BE SELLING DRUGS?

16 A. YES, MA'AM.

17 Q. OR USING DRUGS?

18 A. YES, MA'AM.

19 Q. DID YOU GO BACK ON THAT PROMISE?

20 A. YES, MA'AM.

21 Q. DID YOU SUBSEQUENTLY GET ARRESTED AGAIN?

22 A. YES, MA'AM, I DID.

23 Q. ABOUT HOW LONG AFTER, APPROXIMATELY, WERE YOU
24 ARRESTED AFTER YOU TOLD MAX DORSEY ON APRIL 13TH, 2005,
25 DID YOU GET BACK TO USING METH?

1 A. I WAS ARRESTED ABOUT SIX MONTHS AFTER THAT.

2 Q. OKAY. SO APRIL, MAY, JUNE, JULY, AUGUST. ABOUT
3 SEPTEMBER?

4 A. YES, MA'AM.

5 Q. OKAY. BUT MY QUESTION WAS AFTER ---

6 A. OH, HOW LONG?

7 Q. --- HOW LONG DID YOU AGREE, AND HOW LONG YOU STAY
8 AWAY ---

9 A. A FEW WEEKS.

10 Q. --- FROM USING -- SO JUST A FEW WEEKS?

11 A. YES, MA'AM.

12 Q. WHY DID YOU GO BACK TO USING METH WHEN YOU AGREED
13 TO COOPERATE WITH THE STATE?

14 A. IT'S A VERY ADDICTIVE DRUG. IT'S HARD, IT'S HARD
15 TO STAY OFF OF IT. ONCE I GOT ON IT, I COULDN'T GET OFF
16 OF IT. I DON'T KNOW HOW TO EXPLAIN IT. WHEN I WAS OUT
17 THERE FOR THE TIME FRAME THAT I QUIT, WHEN I WAS OFF OF
18 IT, I STAYED IN A STATE OF DEPRESSION, AND WHEN I GOT
19 BACK ON IT I WASN'T DEPRESS DEPRESSED NO MORE. SO IT
20 WAS HARD TO STAY OFF THE DOPE. I TRIED A COUPLE TIMES,
21 NOT JUST WHEN I GOT CAUGHT, BUT I TRIED A COUPLE OTHER
22 TIMES TO QUIT AND I COULDN'T. YOU KNOW WHAT I'M SAYING?

23 Q. I JUST WANT TO GET THIS STRAIGHT FOR THE JURY.
24 IT WAS YOUR CHOICE TO START USING METH AFTER YOUR
25 PARENTS PASSED AWAY, CORRECT?

1 A. YES, MA'AM.

2 Q. AND IT WAS YOUR CHOICE TO START BACK UP AFTER YOU
3 COOPERATED WITH S.L.E.D., CORRECT?

4 A. YES, MA'AM.

5 Q. ALTHOUGH YOU WENT BACK TO SELLING METH, DID YOU
6 TELL SPECIAL AGENT DORSEY EVERYTHING THAT YOU KNEW OR
7 YOU WERE AWARE OF ABOUT YOUR INVOLVEMENT WITH METH WHEN
8 YOU WERE INTERVIEWED ON APRIL 13TH, 2005?

9 A. YES, MA'AM.

10 Q. AND AFTER YOU WERE ARRESTED IN SEPTEMBER OF 2005,
11 WERE YOU REARRESTED?

12 A. YES, MA'AM.

13 Q. AND HAVE YOU BEEN OUT SINCE?

14 A. NO, MA'AM.

15 Q. HAVE YOU USED METH SINCE?

16 A. NO, MA'AM.

17 Q. AND WHERE HAVE YOU BEEN SINCE YOU WERE ARRESTED
18 ON SEPTEMBER 22ND, 2005?

19 A. I SPENT A YEAR IN PICKENS COUNTY L.E.C., AND THEN
20 I WAS TRANSFERRED TO GREENVILLE COUNTY DETENTION CENTER,
21 AND I'VE BEEN THERE FOR A YEAR AND THREE MONTHS.

22 Q. IN THIS PLEA AGREEMENT THAT YOU SIGNED WITH THE
23 STATE, AND I THINK YOU DESCRIBED WHAT YOU UNDERSTOOD THE
24 TERMS TO BE, WAS THIS PLEA AGREEMENT AFTER YOU WERE
25 ARRESTED THE SECOND TIME?

1 A. YES, MA'AM.

2 Q. SO FROM THE DATE THAT YOU SIGNED THIS PLEA
3 AGREEMENT, HAVE YOU SOLD ANY METH?

4 A. NO, MA'AM.

5 Q. HAVE YOU BOUGHT ANY METH?

6 A. NO, MA'AM.

7 Q. HAVE YOU USED ANY METH?

8 A. NO, MA'AM.

9 Q. HAVE YOU STOLEN ANY BOX TRAILERS?

10 A. NO, MA'AM.

11 Q. FROM YOUR UNDERSTANDING OF THAT PLEA AGREEMENT,
12 HAVE YOU FULFILLED THE TERMS OF THAT PLEA AGREEMENT?

13 A. YES, MA'AM.

14 Q. WHAT'S THE ONE THING THAT WAS ASKED OF YOU ABOUT
15 YOUR COOPERATION?

16 A. TO TELL THE TRUTH.

17 Q. WHEN YOU WERE INTERVIEWED BY S.L.E.D., DID THEY
18 TELL YOU ABOUT ANYONE ELSE THAT HAD GIVEN STATEMENTS OR
19 SHOWN YOU STATEMENTS ABOUT WHAT OTHER PEOPLE SAID WERE
20 INVOLVED IN THIS DRUG DEALING CONSPIRACY?

21 A. NO, MA'AM.

22 Q. SO THE INFORMATION THAT YOU GAVE TO SPECIAL AGENT
23 DORSEY, HOW DID YOU KNOW ALL THAT INFORMATION?

24 A. FROM FIRSTHAND, FROM MY EXPERIENCE.

25 Q. AND GOING BACK TO THIS CHART AGAIN, ARE THE ONLY

1 TWO PEOPLE THAT YOU KNEW BEFORE YOU GOT ARRESTED ROBBY
2 AND CHAD SEXTON?

3 A. YES, MA'AM.

4 Q. BEFORE YOU GOT ARRESTED, YOU DIDN'T HAVE ANY
5 DEALINGS WITH SETH STEARNS; IS THAT CORRECT?

6 A. THAT'S CORRECT.

7 Q. BEFORE YOU GOT ARRESTED, DID YOU EVEN KNOW HIS
8 NAME?

9 A. NO, MA'AM.

10 MS. EVANS: BEG THE COURT'S INDULGENCE.

11 I HAVE NO OTHER QUESTIONS. PLEASE ANSWER
12 ANY QUESTIONS THE DEFENSE ATTORNEY MAY HAVE FOR YOU.

13 MR. KAPPEL: MAY IT PLEASE THE COURT.

14 CROSS-EXAMINATION BY MR. KAPPEL:

15 Q. MR. MOSER GOOD AFTERNOON. A COUPLE QUESTIONS.
16 AS I UNDERSTAND IT, ROBBY SEXTON WAS YOUR INITIAL SOURCE
17 FOR METHAMPHETAMINE; ISN'T THAT CORRECT?

18 A. YES, MA'AM. I MEAN YES, SIR.

19 Q. I UNDERSTAND. IT'S KIND OF A NERVOUS THING HERE.

20 SO BEFORE YOU STARTED USING METHAMPHETAMINE, OR
21 WHEN YOU STARTED USING METHAMPHETAMINE, YOU WERE BUYING
22 FROM ROBBY SEXTON?

23 A. YES, SIR.

24 Q. AND IF I UNDERSTAND YOUR TESTIMONY CORRECTLY, YOU
25 STARTED OFF WITH VERY LITTLE AMOUNTS, I MEAN YOU DIDN'T

1 JUST START DIVING INTO HUGE AMOUNTS OF METHAMPHETAMINE,
2 YOU STARTED OFF WITH LITTLE USER AMOUNTS; ISN'T THAT
3 RIGHT?

4 A. (NODDED HEAD.)

5 Q. I'M SORRY?

6 A. YES, SIR.

7 Q. THAT'S ALL RIGHT. I BEG YOUR PARDON. SHE HAS TO
8 TAKE EVERYTHING DOWN SO IF YOU WILL MAKE SURE YOU SPEAK
9 INTO THAT MICROPHONE.

10 SO IT'S JUST LITTLE USER AMOUNTS; ISN'T THAT
11 CORRECT?

12 A. YES, SIR.

13 Q. AND THEN YOU INDICATED THAT YOU, OVER A PERIOD OF
14 TIME YOU STARTED WORKING YOUR WAY UP TO WHAT WE WOULD
15 CALL AN EIGHT BALL, WHICH IS BASICALLY AN EIGHTH OF AN
16 OUNCE, WHICH IS ONE-EIGHTH OF 28 OUNCES, WHICH IS A
17 LITTLE MORE THAN THREE GRAMS; ISN'T THAT CORRECT?

18 A. YES, SIR.

19 Q. SO WHEN YOU INDICATED THAT AN EIGHT BALL OF
20 METHAMPHETAMINE WOULD LAST YOU, YOU SAID A COUPLE TO
21 THREE DAYS, YOU WOULD BUY AN EIGHT BALL FROM ROBBY
22 SEXTON AND TWO OR THREE DAYS LATER YOU WOULD RUN OUT AND
23 YOU WOULD GO BUY MORE; ISN'T THAT CORRECT?

24 A. WELL, SEE, I HAD FRIENDS THAT WOULD SMOKE WITH ME
25 JUST AS WELL AS I SMOKED WITH THEM. YOU SEE WHAT I'M

1 SAYING? BUT, YEAH, WHEN I RUN OUT, I WOULD GO GET MORE.

2 Q. WELL, WHOEVER WAS USING IT, THAT WAS IN YOUR
3 SUPPLY, AND WHEN IT WOULD RUN OUT, THAT'S WHEN YOU WOULD
4 GO BACK TO ROBBY SEXTON FOR ANOTHER EIGHT BALL; ISN'T
5 THAT CORRECT?

6 A. YES, SIR.

7 Q. NOW, YOU INDICATED IN THIS STATEMENT OF APRIL
8 13TH, 2005 THAT YOU GAVE TO AGENT DORSEY THAT YOU
9 PURCHASED APPROXIMATELY TEN OUNCES TOTAL FROM ROBBY
10 SEXTON?

11 A. YES, SIR.

12 Q. ISN'T THAT CORRECT?

13 A. YES, SIR.

14 Q. AND TEN OUNCES WOULD BE TEN TIMES 28, WHICH
15 THERE'S 28 GRAMS IN AN OUNCE; ISN'T THAT RIGHT? SO 28
16 TIMES TEN IS 280 GRAMS.

17 A. OKAY.

18 Q. DOES THAT SOUND ABOUT RIGHT?

19 A. YES.

20 Q. TEN TIMES 28 WOULD BE 280 GRAMS; ISN'T THAT
21 CORRECT?

22 A. YES, SIR.

23 Q. NOW YOU ALSO INDICATED IN THIS STATEMENT ON APRIL
24 THE 13TH THAT ROBBY MOSER -- EXCUSE ME -- ROBBY SEXTON
25 SOLD YOU DRUGS 200 TIMES. DO YOU RECALL MAKING THAT

1 STATEMENT?

2 A. THAT I DO NOT RECALL, NO, SIR.

3 Q. OKAY. YOU CORRECTED THAT ---

4 A. YES, SIR.

5 Q. --- TODAY BY SAYING INSTEAD OF IT SAYING 200, IT
6 WAS ACTUALLY 20.

7 A. TWENTY-SOMETHING, YES, SIR, APPROXIMATELY
8 20-SOMETHING TIMES.

9 Q. NOW, WHEN DID YOU DISCOVER THIS ERROR IN YOUR
10 STATEMENT? WHEN?

11 A. WHEN I WENT OVER IT, I DID NOT -- I CANNOT READ
12 REAL GOOD, SO WHEN MY LAWYER SHOWED IT TO ME, WHEN HE
13 SHOWED ME THE STUFF, I COULD NOT READ REAL GOOD SO I
14 DIDN'T TRY TO READ IT ALL. WHEN WE -- IT WAS BROUGHT TO
15 MY ATTENTION I THINK LAST, THIS PAST APRIL THAT IT SAID
16 THAT.

17 Q. OKAY.

18 A. AND THAT'S WHEN I CORRECTED IT.

19 Q. ALL RIGHT. DID YOU COMMUNICATE THAT OR DID YOUR
20 LAWYER COMMUNICATE THAT TO S.L.E.D. TO CORRECT YOUR
21 STATEMENT?

22 A. I TALKED TO ONE OF THE S.L.E.D. PEOPLE OR THE
23 SOLICITOR OR ONE OF THE LADIES IN APRIL OF THIS PAST
24 YEAR ABOUT IT.

25 Q. ALL RIGHT. LET ME JUST ASK YOU THIS QUESTION:

1 IF YOU ONLY PURCHASED DRUGS FROM ROBBY SEXTON ON 20
2 OCCASIONS AND YOU BOUGHT TEN OUNCES FROM HIM, WOULDN'T
3 THAT BE A HALF AN OUNCE PER TRIP?

4 A. SEE, WHEN I STARTED STEALING THE BOX TRAILERS, I
5 WAS GETTING A WHOLE LOT MORE DOPE THAN JUST THE EIGHT
6 BALL OR WHATEVER. DO YOU SEE WHAT I'M SAYING? THAT'S
7 WHEN I WAS GETTING LARGE AMOUNTS AND I WOULDN'T HAVE TO
8 GO BACK NEARLY AS OFTEN. DO YOU SEE WHAT I'M SAYING?

9 Q. WELL, MAYBE I MISUNDERSTOOD YOU. I THOUGHT YOU
10 TESTIFIED THAT YOU WERE GETTING THREE GRAMS AT A TIME.
11 DID YOU NOT JUST SAY THAT?

12 A. AT ONE TIME, YES, SIR.

13 Q. SO IF YOU WERE GETTING THREE GRAMS AT ONE ---

14 THE COURT: JUST A MOMENT.

15 MR. KAPPEL: EXCUSE ME.

16 THE COURT: JUST A MOMENT. LET HIM ANSWER
17 THE QUESTION AND LET HIM EXPLAIN HIS ANSWER, AND THEN
18 YOU CAN ASK HIM ANOTHER QUESTION.

19 MR. KAPPEL: VERY WELL.

20 THE WITNESS: WHEN I WAS BUYING, AND THAT'S
21 WHY I'M SAYING WHEN I WAS BUYING, I BOUGHT LIKE AN EIGHT
22 BALL, AND THEN WHEN I STARTED STEALING THE BOX TRAILERS,
23 I WAS GETTING A LOT MORE DOPE SO I WOULDN'T HAVE TO GO
24 NEARLY AS OFTEN. YOU KNOW WHAT I'M SAYING? AND I'D GO
25 STEAL A BOX TRAILER AND I'D GET A WHOLE LOT MORE DOPE

1 FOR IT.

2 BY MR. KAPPEL:

3 Q. ALL RIGHT. SO WHEN YOU SAID YOU WERE BUYING
4 THREE GRAMS AT A TIME, HOW MANY TIMES DID YOU BUY ONLY
5 THREE GRAMS FROM HIM?

6 A. I DON'T RECALL, SIR.

7 Q. ISN'T IT, IN FACT, TRUE THAT IT MAKES FAR MORE
8 PERFECT SENSE THAT YOU BOUGHT FROM HIM 200 TIMES THAN
9 YOU BOUGHT ABOUT THREE GRAMS AT A TIME?

10 MS. EVANS: OBJECTION, YOUR HONOR.

11 THE WITNESS: NO, SIR.

12 THE COURT: JUST -- WHEN I INTERRUPT,
13 EVERYBODY IS INTERRUPTED, OKAY?

14 RESTATE YOUR QUESTION AGAIN.

15 BY MR. KAPPEL:

16 Q. SIR, DOESN'T IT MAKE MORE MATHEMATICAL SENSE THAT
17 YOU PURCHASED DRUGS FROM ROBBY SEXTON 200 OCCASIONS AT
18 THREE GRAMS APIECE?

19 A. NO, SIR. BECAUSE WHEN I WAS STEALING THE BOX
20 TRAILERS, I WAS GETTING MORE THAN THREE GRAMS AT A TIME.

21 Q. ALL RIGHT. SO YOU WERE BUYING MORE THAN A HALF
22 AN OUNCE AT A TIME?

23 A. WHEN I WAS STEALING BOX TRAILERS, I WAS SELLING
24 THEM FROM ANYWHERE FROM FIVE TO EIGHT HUNDRED DOLLARS.
25 WHATEVER THAT WOULD COME OUT TO BE IS HOW MUCH DOPE HE

1 WOULD GIVE ME.

2 Q. ALL RIGHT. NOW, AFTER A PERIOD OF TIME YOU --
3 WELL, LET'S TALK ABOUT THE BOX TRAILERS FOR A MINUTE.
4 DID YOU EVER TELL ROBBY SEXTON THAT THESE TRAILERS WERE
5 STOLEN?

6 A. YES... HE KNEW.

7 Q. SO IT WAS VERY CLEAR TO HIM THAT YOU WERE
8 STEALING THESE ITEMS?

9 A. YES, SIR.

10 Q. YOU TOLD HIM?

11 A. YES, SIR.

12 Q. DID YOU TELL HIS DAD?

13 A. NO, SIR.

14 Q. SO HIS DAD DIDN'T KNOW?

15 A. NOT OF MY KNOWLEDGE.

16 Q. OKAY. THE SAWED-OFF SHOTGUNS THAT WERE SEIZED AT
17 YOUR FATHER'S HOUSE, THOSE WEREN'T YOURS?

18 A. NO, SIR.

19 Q. AND SAMMY BAKER, DID YOU EVER BUY WEAPONS FROM
20 HIM?

21 A. YES, SIR. YES, SIR.

22 Q. DID YOU BUY AN S.K.S.?

23 A. YES, SIR.

24 Q. WHAT IS THAT?

25 A. IT'S AN ASSAULT RIFLE.

1 Q. IS IT AN AUTOMATIC?

2 A. NO, IT'S A SEMIAUTOMATIC.

3 Q. WHAT'S A NAME THAT YOU RECALL AN S.K.S.? IS
4 THERE A MORE COMMON NAME FOR IT?

5 A. NO, SIR. THERE'S TWO DIFFERENT KINDS. THERE'S A
6 CHINESE AND A RUSSIAN-MADE ONE. THERE'S A KIND THAT'S
7 MADE IN CHINESE, IN CHINA, AND THEN THERE'S THE KIND
8 THAT'S MADE IN RUSSIA.

9 Q. DID YOU PURCHASE A TECH NINE FROM HIM?

10 A. YES, SIR.

11 Q. A 12-GAUGE SHOTGUN WITH PISTOL GRIP?

12 A. YES, SIR.

13 Q. A .22 RIFLE?

14 A. YES, SIR.

15 Q. ALL TOLD, HOW MUCH DID YOU BUY FROM SAMMY BAKER,
16 ABOUT TEN TO 15 OUNCES?

17 A. APPROXIMATELY TEN OUNCES, YES, SIR.

18 Q. OKAY. YOU SAID YOU HAD BEEN INCARCERATED IN
19 PICKENS AND IN GREENVILLE; ISN'T THAT CORRECT?

20 A. YES, SIR.

21 Q. ARE YOU FAMILIAR WITH THE WORD ICE CREAM IN TERMS
22 OF THIS CASE?

23 A. YES, SIR.

24 Q. ARE YOU FAMILIAR WITH THE LARGE NUMBER OF PEOPLE
25 THAT ARE INVOLVED IN THIS ICE CREAM CASE?

1 A. YES, SIR.

2 Q. HAVE YOU HAD ANY CONTACT WITH THEM IN THE
3 DETENTION CENTERS, EITHER IN PICKENS OR IN GREENVILLE?

4 A. I'VE SEEN A FEW, YES, SIR.

5 Q. OKAY.

6 MR. KAPPEL: COURT'S INDULGENCE FOR JUST ONE
7 MOMENT.

8 BY MR. KAPPEL:

9 Q. HAVE YOU EVER HEARD OF A NAME OF CUDDY,
10 C-U-D-D-Y?

11 A. CUDDY, NO, SIR.

12 Q. THERE WAS A METH LAB AT A WOMAN'S NAME BY THE
13 HOUSE [SIC] OF CUDDY. YOU WEREN'T INVOLVED WITH THAT
14 WITH ROBBY AND T BIRD?

15 A. NO, SIR.

16 Q. ON SEPTEMBER 22ND, 2005, THIS IS WHEN YOU WERE
17 ARRESTED FOR THE LAST TIME, AND THEY FOUND YOU WITH
18 POSSESSION WITH INTENT TO DISTRIBUTE WEIGHT OF
19 METHAMPHETAMINE, WEAPONS, AND ABOUT \$11,000.00 IN CASH,
20 DO YOU RECALL THAT?

21 A. YES, SIR.

22 Q. DO YOU RECALL THE POLICE OFFICER ASKING YOU IF
23 YOU HAD ANY WEAPONS OR DRUGS IN THE VEHICLE WHEN YOU
24 WERE PULLED OVER?

25 A. I DON'T RECALL, SIR.

1 Q. DO YOU RECALL IF YOU LIED TO THEM?

2 A. IF THEY ASKED ME, I PROBABLY SAID NO, I MEAN, BUT
3 I WAS INTOXICATED. I WAS ON THE METH ITSELF. I MEAN...

4 Q. DO YOU RECALL WHAT KIND OF WEAPONS YOU HAD IN
5 YOUR CAR THAT DAY?

6 A. NO, SIR.

7 Q. A 12-GAUGE SHOTGUN, A ROSSI PISTOL, DOES THAT
8 SOUND RIGHT?

9 A. YES, SIR.

10 Q. OKAY. FINALLY I WANT TO POINT OUT YOUR ATTENTION
11 TO ONE LAST THING AND THAT IS YOU HAVE INDICATED THAT
12 YOU PURCHASED TEN OUNCES FROM ROBBY SEXTON. THAT'S 280
13 GRAMS, CORRECT?

14 A. YES, SIR.

15 Q. YOU ALSO PURCHASED BETWEEN TEN AND 15 OUNCES FROM
16 SAMMY BAKER. THAT'S ANOTHER 200-PLUS GRAMS; ISN'T THAT
17 RIGHT?

18 A. YES, SIR.

19 Q. AND THE TOTAL IS ABOUT 560 GRAMS; ISN'T THAT
20 CORRECT?

21 A. YES, SIR.

22 Q. AND IN YOUR PLEA AGREEMENT THAT THE STATE HAS
23 MENTIONED, YOU PLED GUILTY TO TRAFFICKING OF
24 METHAMPHETAMINE, 28 TO 100 GRAMS; ISN'T THAT RIGHT?

25 A. YES, SIR.

1 MR. KAPPEL: ALL RIGHT. THAT'S ALL I HAVE.

2 MS. EVANS: JUST A FEW.

3 THE COURT: RE-EXAM.

4 MS. EVANS: JUST A FEW QUICK QUESTIONS.

5 REDIRECT EXAMINATION BY MS. EVANS:

6 Q. KEVIN, MAYBE I DIDN'T MAKE THIS CLEAR. DO YOU
7 HAVE A DISTINCTION BETWEEN TRADING THE STOLEN TRAILERS
8 FOR METH AND BUYING METH?

9 A. WHAT NOW?

10 Q. YOU MADE THE DISTINCTION, YOU WERE TALKING ABOUT
11 THE AMOUNT OF METH YOU WERE BUYING FROM ROBBY SEXTON.

12 A. RIGHT.

13 Q. YOU DISTINGUISH THAT FROM THE AMOUNT THAT YOU
14 WERE GETTING FROM HIM FOR TRADING IN THE STOLEN
15 TRAILERS?

16 A. YEAH. I WAS GETTING A LOT MORE WHEN I WAS
17 TRADING STOLEN TRAILERS THAN WHAT I WAS ACTUALLY
18 PURCHASING.

19 Q. OKAY. AND ALL THOSE WEAPONS, THE S.K.S., TECH
20 NINE, THE 12-GAUGE SHOTGUN WITH A PISTOL GRIP, THE .22
21 RIFLE, WERE ALL THOSE DRUGS THAT YOU BOUGHT FROM SAMMY
22 BAKER, DID YOU TELL THAT TO SPECIAL AGENT DORSEY WHEN
23 YOU WERE INTERVIEWED BY HIM IN APRIL 2005?

24 A. WOULD YOU REPEAT THAT ONE MORE TIME? I'M SORRY.

25 Q. WHEN YOU WERE ASKED ABOUT THE GUNS THAT YOU

1 BOUGHT FROM SAMMY BAKER, DID YOU ADMIT TO ALL OF THAT
2 WHEN YOU SPOKE TO SPECIAL AGENT DORSEY IN APRIL 2005
3 WHEN YOU AGREED TO COOPERATE?

4 A. YES, MA'AM.

5 Q. AND I'M GOING TO SHOW YOU, DOES THAT APPEAR?

6 A. YES.

7 Q. AND IS THIS THE STATEMENT?

8 A. YES, MA'AM.

9 Q. OKAY. SO YOU ARE THE ONE THAT TOLD LAW
10 ENFORCEMENT ABOUT THE GUNS YOU BOUGHT FROM SAMMY BAKER?

11 A. YES, MA'AM.

12 Q. AND YOU JUST SAID ONE THING ABOUT WHEN YOU WERE
13 PULLED OVER AND THE POLICE ASKED IF YOU HAD GUNS OR
14 DRUGS IN YOUR CAR WHEN YOU WERE PULLED OVER IN SEPTEMBER
15 2005 BY PICKENS COUNTY. WERE YOU HIGH THAT DAY?

16 A. YES, MA'AM.

17 Q. WERE YOU GONNA TELL LAW ENFORCEMENT THAT YOU HAD
18 STUFF IN YOUR CAR?

19 A. NO, MA'AM.

20 Q. WHY, SIR?

21 A. BECAUSE THAT'S A GUARANTEE TO GO TO JAIL. AT
22 THAT DAY I HAD BEEN HIGH FOR ABOUT THREE DAYS. I WAS ON
23 MY WAY TO GO HOME TO GET SOME SLEEP. IN THAT STATE OF
24 MIND I'M NOT GONNA, I'M NOT GONNA SIT THERE AND TELL
25 THEM WHAT I HAVE OR, YOU KNOW...

1 Q. WERE YOU HOPING THEY WEREN'T GONNA FIND IT AND
2 YOU COULD GO HOME?

3 A. RIGHT.

4 Q. DO YOU THINK A LOT CLEARER NOW THAT YOU'RE NOT
5 DOING METH EVERY DAY?

6 A. YES, MA'AM.

7 Q. DO YOU THINK MUCH CLEARER THAN EVEN WHEN YOU WERE
8 GIVING THAT INTERVIEW TO SPECIAL AGENT DORSEY?

9 A. YES, MA'AM.

10 MS. EVANS: I HAVE NO FURTHER QUESTIONS.
11 THANK YOU VERY MUCH.

12 RECROSS-EXAMINATION BY MR. KAPPEL:

13 Q. YOU SAID THAT IF YOU TELL THE TRUTH, YOU GO TO
14 JAIL; ISN'T THAT RIGHT? IF YOU TELL THEM THERE ARE
15 DRUGS IN THE CAR, YOU'D GO TO JAIL?

16 A. IF I TOLD THEM THERE WAS DRUGS IN THE CAR, YES,
17 THEY'D HAVE TOOK ME STRAIGHT TO JAIL.

18 Q. SO YOU TOLD THEM SOMETHING THAT WAS NOT TRUE TO
19 TRY TO STAY OUT OF JAIL?

20 A. UNDER THE INFLUENCE.

21 Q. JUST ANSWER MY QUESTION. YOU TOLD THE OFFICER
22 SOMETHING THAT WAS NOT TRUE IN AN EFFORT TO STAY OUT OF
23 JAIL?

24 A. YES, SIR.

25 MR. KAPPEL: THANK YOU.

1 FURTHER REDIRECT EXAMINATION BY MS. EVANS:

2 Q. WERE YOU UNDER THE INFLUENCE?

3 A. YES, MA'AM.

4 MR. KAPPEL: THAT'S ASKED AND ANSWERED,
5 JUDGE.

6 THE COURT: ALL RIGHT. LET'S GO SOMETIME.
7 LET IT GO.

8 ALL RIGHT. YOU MAY STEP DOWN, SIR.

9 (THE WITNESS WAS EXCUSED.)

10 THE COURT: MADAM FORELADY, DO YOU ALL NEED
11 A BREAK? IF YOU DO, JUST LET ME KNOW, JUST RAISE YOUR
12 HAND.

13 MS. PORTER: YOUR HONOR, THE STATE CALLS
14 ROBBY SEXTON TO THE STAND.

15 MR. KAPPEL: JUDGE, BEFORE THEY BRING HIM
16 OUT, CAN WE APPROACH ON ONE MATTER?

17 THE COURT: CERTAINLY.

18 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
19 CONFERRED WITH THE COURT OUT OF THE PRESENCE
20 OF THE COURT REPORTER AND THE JURY.)

21 THE COURT: ALL RIGHT. YOU MAY PROCEED.

22 (WHEREUPON, THE WITNESS WAS SWORN BY THE
23 CLERK.)

24 THE CLERK: PLEASE STATE YOUR FULL NAME AND
25 SPELL YOUR LAST NAME FOR THE RECORD.

1 **THE WITNESS:** ROBERT LAWRENCE SEXTON,
2 ROBERT, LAST NAME IS S-E-X-T-O-N.
3 WHEREUPON,

4 **ROBERT SEXTON,**
5 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS
6 FOLLOWS:

7 **DIRECT EXAMINATION BY MS. PORTER:**

8 Q. GOOD AFTERNOON MR. SEXTON.

9 A. HOW ARE YOU DOING, MA'AM?

10 Q. ARE YOU CURRENTLY IN JAIL?

11 A. YES, MA'AM.

12 Q. WHY ARE YOU IN JAIL?

13 A. ON A CONSPIRACY CHARGE.

14 Q. REGARDING THAT CHARGE, HAVE YOU BEEN CONVICTED?

15 A. NO, MA'AM. I MEAN I PLED GUILTY.

16 Q. YOU PLED GUILTY?

17 A. YES, MA'AM.

18 Q. OKAY. HAVE YOU EVER BEEN CONVICTED OF OTHER
19 CRIMES PRIOR TO THIS CONSPIRACY?

20 A. SOME BURGLARIES AND SOME PETIT LARCENIES.

21 Q. WAS THAT IN 1998?

22 A. YES, MA'AM.

23 Q. DID YOU RECEIVE JAIL TIME FOR THAT?

24 A. YES, MA'AM.

25 Q. HOW MANY YEARS?

1 A. 15 SUSPENDED TO FIVE AND FIVE YEARS PROBATION.

2 Q. HOW LONG DID YOU SERVE?

3 A. I DID THREE YEARS, A LITTLE OVER THREE YEARS.

4 Q. WHEN YOU WERE OUT ON PROBATION, DID YOU GET SOME
5 OF THAT PROBATION REVOKED?

6 A. YES, MA'AM.

7 Q. WHY DID YOU GET SOME OF THAT PROBATION REVOKED?

8 A. FOR VIOLATING A LEG MONITOR.

9 Q. WITH REGARDS TO THIS CASE, THIS CONSPIRACY, YOU
10 SAID YOU PLED GUILTY?

11 A. YES, MA'AM.

12 Q. WHAT DID YOU PLEAD GUILTY TO, IF YOU REMEMBER?

13 A. I BELIEVE SEVEN TO 25, THE STATE IS RECOMMENDING
14 18, BUT WHEN IT'S ALL SAID AND DONE THIS GENTLEMAN
15 BEHIND ME ON THIS BENCH HAS THE FINAL SAY-SO.

16 Q. WHAT'S THE MINIMUM YOU CAN GET?

17 A. SEVEN YEARS.

18 Q. WHAT'S THE MAXIMUM YOU CAN GET?

19 A. 25.

20 Q. AS PART OF YOUR PLEA AGREEMENT WITH THE STATE,
21 DID YOU AGREE TO COME HERE AND TESTIFY TODAY?

22 A. YES, MA'AM.

23 Q. AND WHAT, IF ANYTHING, HAS THE STATE ASKED YOU TO
24 DO?

25 A. JUST TO BE TRUTHFUL.

1 Q. DO YOU REMEMBER THE DATE THAT YOU ENTERED INTO
2 THAT PLEA AGREEMENT WITH THE STATE?

3 A. NO, MA'AM, I HONESTLY DON'T.

4 Q. I'M GONNA SHOW YOU A COPY OF YOUR PLEA AGREEMENT
5 IF THAT WILL REFRESH YOUR MEMORY.

6 A. OKAY. MARCH 21ST, 2007.

7 Q. AND IS THAT THE DAY YOU AGREED TO COOPERATE?

8 A. YES, MA'AM.

9 Q. WHEN DID YOU FIRST BECOME INVOLVED IN DRUGS?

10 A. NEAR THE END OF 2003.

11 Q. AND WHO INTRODUCED YOU INTO DRUGS?

12 A. A FELLOW, A FRIEND OF MINE NAMED DUSTY MARTIN.

13 Q. HOW DID THAT COME ABOUT?

14 A. I DID THE JOCKEY LOT FOR A LIVING, AND I RUN INTO
15 HIM. AND I WORKED A LOT OF HOURS, AND HE TOLD ME ABOUT
16 THIS NEW DRUG HE HAD BEEN INTRODUCED TO CALLED ICE; AND
17 I TRIED IT, AND I LIKED IT, GOT HOOKED ON IT.

18 Q. WHEN YOU SAY YOU WORKED THE JOCKEY LOT, WHAT DO
19 YOU MEAN?

20 A. I'D GO TO AUCTIONS, STORAGE BUILDING AUCTIONS,
21 AND BUY BUILDINGS, CLEAN STUFF UP, GET IT PRESENTABLE,
22 TAKE TO THE FLEA MARKET AND SELL IT TO PEOPLE.

23 Q. WHEN YOU STARTED USING THIS METH, HOW DID IT
24 AFFECT YOU?

25 A. IT JUST GAVE ME ENERGY. IT JUST MADE ME WANT TO

1 GO, IT DIDN'T MAKE ME WANT TO SLEEP. THE MORE I DID,
2 THE LONGER I'D STAY UP, THE LONGER I COULD WORK.

3 Q. WOULD IT BE FAIR TO SAY THAT YOU BECAME ADDICTED?

4 A. YES, MA'AM.

5 Q. WHEN YOU FIRST STARTED USING ICE, HOW MUCH WOULD
6 YOU USE A WEEK?

7 A. PROBABLY ABOUT A HALF AN EIGHT BALL A WEEK
8 BECAUSE I WAS USING ROUGHLY A QUARTER OF A GRAM A DAY.

9 Q. HALF AN EIGHT BALL, IS THAT ABOUT 1.5 GRAMS?

10 A. 1.75.

11 Q. ALL RIGHT. AND HOW MUCH WOULD THAT COST YOU?

12 A. WELL AT THE TIME I WAS PAYING STREET PRICES,
13 WHICH WAS \$40.00 A QUARTER GRAM, SO, I MEAN, IT WAS
14 PRETTY EXPENSIVE, IT'S A \$40.00-A-DAY HABIT. SO YOU
15 FIGURE 280 A WEEK.

16 Q. WHO WERE YOU PURCHASING IT FROM?

17 A. FROM DUSTY.

18 Q. DID YOUR ADDICTION GROW AND DID YOU BEGIN TO USE
19 MORE AND MORE METH?

20 A. YES, MA'AM.

21 Q. AT SOME POINT DID YOU BEGIN TO SELL ICE AS WELL
22 AS USE IT?

23 A. YES, MA'AM.

24 Q. WHY?

25 A. I BOUGHT THIS BOX TRAILER FULL OF STOLEN STAGE

1 EQUIPMENT, AND I NEEDED TO DO SOMETHING WITH THE STAGE
2 EQUIPMENT. AND DUSTY TOLD ME THAT HIS DRUG DEALER WOULD
3 BE INTERESTED IN THE STAGE EQUIPMENT, AND SO HE SET UP A
4 MEETING FOR HIM TO COME OVER AND LOOK AT THE STAGE
5 EQUIPMENT I HAD, AND WE WORKED OUT A DEAL ON IT. THAT'S
6 HOW I MET SETH STEARNS.

7 Q. YOU SAID YOU GOT AHOLD OF A STOLEN TRAILER FULL
8 OF EQUIPMENT?

9 A. YES, MA'AM.

10 Q. AND YOU KNEW IT WAS STOLEN?

11 A. YES, MA'AM.

12 Q. WHY DID YOU DEAL WITH IT?

13 A. WHEN YOU'RE IN DRUGS, I MEAN, YOU DEAL WITH
14 WHATEVER YOU CAN DEAL WITH TO MAKE MONEY. AND, I MEAN,
15 I'LL BE HONEST WITH YOU. I WAS JUST DOING WRONG AT THE
16 TIME.

17 Q. WELL, WHAT DO YOU DO WITH THE MONEY THAT YOU GET?

18 A. WHAT DO YOU MEAN, THE MONEY?

19 Q. YOU JUST SAID THAT YOU WOULD DO ANYTHING TO GET
20 MONEY ---

21 A. YES, MA'AM.

22 Q. --- WHEN YOU ARE INVOLVED WITH DRUGS AND YOU HAVE
23 A DRUG HABIT.

24 A. YES, MA'AM.

25 Q. WELL, WHAT DO YOU DO WITH THE MONEY?

1 A. WELL, YOU BUY MORE DRUGS.

2 Q. ALL RIGHT. DID YOU, IN FACT, MEET DUSTY MARTIN'S
3 SOURCE?

4 A. YES, MA'AM.

5 Q. AND WHO WAS THAT?

6 A. SETH, SETH STEARNS.

7 Q. AND DID YOU DISCUSS THIS BOX TRAILER OF STOLEN
8 GOODS?

9 A. YES, MA'AM, WE DID.

10 Q. ALL RIGHT. DID YOU ALL WORK OUT A TRADE?

11 A. YES, MA'AM, WE DID.

12 Q. AND WHAT DID YOU TRADE THAT BOX TRAILER FOR?

13 A. I DIDN'T ACTUALLY GIVE HIM THE BOX TRAILER, I
14 GAVE HIM THE CONTENTS OF THE BOX TRAILER FOR AN OUNCE
15 AND A HALF OF METH, \$1,800.00 IN CASH AND THREE BOTTLES
16 OF LORTABS THAT HAD 500 LORTABS IN EACH BOTTLE.

17 Q. IS THAT THE FIRST TIME YOU MET HIM?

18 A. YES, MA'AM.

19 Q. WAS ANYBODY ELSE PRESENT?

20 A. BRIAN MUELLER WAS PRESENT.

21 Q. ANYBODY ELSE?

22 A. DUSTY MARTIN, KEN BO (PHONETIC) JOHNSON WAS
23 THERE.

24 Q. WHAT WAS YOUR UNDERSTANDING OF WHY BRIAN MUELLER
25 WAS THERE?

1 A. HIM AND SETH WAS FRIENDS, AND THEY ALL PLAYED
2 MUSIC TOGETHER, SOME OF THEM PLAYED GUITARS, THEY HAD
3 ONE THAT PLAYED DRUMS. THEY ALL GOT TOGETHER AND JUST
4 PLAYED MUSIC TOGETHER.

5 Q. HAD YOU EVER MET BRIAN MUELLER BEFORE THAT DAY?

6 A. NO, MA'AM.

7 Q. WHAT DID YOU DO WITH THE LORTABS?

8 A. I SOLD THEM.

9 Q. SO YOU DIDN'T USE ANY OF THE LORTABS?

10 A. NO, MA'AM.

11 Q. WHAT DID YOU DO WITH THE METH?

12 A. USED SOME OF IT, SOLD SOME OF IT.

13 Q. WHO DID YOU SELL IT TO?

14 A. FRIENDS, PEOPLE THAT I KNEW THAT DID DRUGS.

15 Q. AND THAT'S HOW YOU STARTED SELLING?

16 A. YES, MA'AM.

17 Q. LET ME BACK YOU UP. HOW MUCH WOULD YOU SELL ON
18 AVERAGE?

19 A. ON THE AVERAGE? I MEAN, IN THE BEGINNING I'D
20 SELL QUARTER GRAMS, HALF GRAMS, GRAMS. AND, I MEAN, IT
21 FURTHERED TO WHERE I'D SELL AN OUNCE TO TWO OUNCES A
22 DAY, EVERY OTHER DAY.

23 Q. THE LONGER YOU SOLD IT, DID THE AMOUNTS THAT YOU
24 SOLD INCREASE?

25 A. YES, MA'AM.

1 Q. DID THE AMOUNTS THAT YOU WERE USING INCREASE?

2 A. YES, MA'AM.

3 Q. HOW MANY CUSTOMERS DID YOU HAVE?

4 A. I'D SAY A GOOD DOZEN CUSTOMERS. BUT, I MEAN,
5 WHEN IT COMES DOWN TO SELLING THEM LITTLE STREET QUARTER
6 GRAMS AND HALF GRAMS, I MEAN, SOMETIMES I'D HAVE 30, 40
7 PEOPLE AT MY HOUSE.

8 Q. WHEN YOU SAY GOOD CUSTOMERS, WHAT DO YOU MEAN?

9 A. THAT'S PEOPLE THAT COME BUY HALF OUNCES, OUNCES.

10 Q. ON A REGULAR BASIS?

11 A. YES, MA'AM.

12 Q. WERE THEY, DID YOU KNOW THEM?

13 A. YES, MA'AM.

14 Q. WOULD YOU SELL TO JUST ANYBODY THAT WALKED UP TO
15 YOU OFF THE STREET?

16 A. NO, MA'AM.

17 Q. HOW WOULD SOMEONE GET YOU TO SELL TO THEM?

18 A. THEY WOULD HAVE TO KNOW SOMEBODY THAT I KNEW REAL
19 WELL.

20 Q. WHY IS THAT?

21 A. WELL, I TRIED TO AVOID WHERE I'M AT RIGHT NOW, I
22 RECKON, BUT IT DIDN'T WORK.

23 Q. WELL, IF YOU ARE SELLING ALL THESE DRUGS, ARE YOU
24 MAKING A PROFIT?

25 A. YOU COULD SAY I WAS MAKING A PROFIT, BUT I WAS

1 USING UP AS MUCH AS I WAS MAKING.

2 Q. SO YOU WERE SUPPORTING YOUR HABIT?

3 A. YES, MA'AM.

4 Q. ALL RIGHT. TELL THE JURY ABOUT THE FIRST TIME
5 YOU MET SETH STEARNS. AFTER THAT DID HE BECOME YOUR
6 DEALER?

7 A. YES, MA'AM.

8 Q. WAS HE YOUR SOLE DEALER?

9 A. YES, MA'AM.

10 Q. AND DO YOU REMEMBER APPROXIMATELY WHEN THIS
11 HAPPENED?

12 A. IT WAS THE END OF 2003, EARLY 2004.

13 Q. HOW OFTEN AFTER THIS FIRST DEAL WOULD YOU CONTACT
14 SETH STEARNS?

15 A. ON AN EVERY-OTHER-DAY BASIS PRETTY MUCH,
16 SOMETIMES ON A DAILY BASIS.

17 Q. AND HOW MUCH WERE YOU BUYING EACH TIME YOU
18 CONTACTED HIM?

19 A. I'D BUY ANYWHERE FROM AN OUNCE TO TWO OUNCES.

20 Q. AND HOW MUCH DID THOSE, WAS HE CHARGING YOU PER
21 OUNCE?

22 A. WHEN WE FIRST STARTED DEALING, IT WAS \$1,600.00
23 AN OUNCE, BUT THE FURTHER WE DEALT, THE LONGER WE GOT TO
24 KNOW EACH OTHER, THE PRICE WENT DOWN.

25 Q. DID YOU ALWAYS HAVE CASH UP FRONT?

1 A. NOT ALWAYS.

2 Q. SOMETIMES WOULD HE GIVE IT TO YOU ON CREDIT?

3 A. HE'D GIVE IT TO ME ON CREDIT, ON THE FRONT.

4 Q. WHAT'S THE TERM FOR THAT?

5 A. FRONT.

6 Q. WHERE WOULD THESE DEALS GO DOWN?

7 A. MY HOUSE, SETH'S HOUSE.

8 Q. WHERE WAS YOUR HOUSE?

9 A. IN EASLEY, PICKENS COUNTY.

10 Q. AND WHERE WAS SETH'S HOUSE?

11 A. IN ANDERSON COUNTY.

12 Q. AND APPROXIMATELY HOW LONG DID YOU DEAL WITH SETH
13 STEARNS?

14 A. PRETTY MUCH UP UNTIL THE TIME I WENT TO PRISON.
15 I MEAN, WE REMAINED FRIENDS. IN BETWEEN THAT TIME I DID
16 BUY DRUGS FROM OTHER PEOPLE, BUT ME AND SETH ALWAYS
17 REMAINED FRIENDS AND DEALT WITH EACH OTHER UP UNTIL THE
18 TIME I WENT TO PRISON IN 2005.

19 Q. DO YOU KNOW AN INDIVIDUAL BY THE NAME OF KEVIN
20 MOSER?

21 A. YES, MA'AM.

22 Q. HOW DO YOU KNOW MR. MOSER?

23 A. HE WOULD BRING A LOT OF STOLEN GOODS TO MY HOUSE
24 AND TRADE THEM.

25 Q. AGAIN, DID YOU KNOW THEY WERE STOLEN?

1 A. YES, MA'AM.

2 Q. WHAT TYPE OF STOLEN GOODS WOULD HE BRING?

3 A. HE WOULD STEAL BOX TRAILERS, AND SOMETIMES THEY
4 WOULD BE EMPTY, SOMETIMES THEY WOULD BE FULL OF STUFF.

5 Q. WHAT WOULD YOU PAY HIM?

6 A. USUALLY A SMALL BOX TRAILER, I'D GIVE HIM AN
7 EIGHT BALL FOR IT; IF IT'S A BIGGER BOX TRAILER, I'D
8 GIVE HIM A COUPLE EIGHT BALLS.

9 Q. AND WHEN YOU SAY A COUPLE OF EIGHT BALLS, CAN YOU
10 PUT THAT IN OUNCES FOR ME? I'M NOT VERY GOOD AT MATH.

11 A. SEVEN GRAMS IS A COUPLE OF EIGHT BALLS, THREE AND
12 A HALF GRAMS IS AN EIGHT BALL.

13 Q. DO YOU KNOW APPROXIMATELY HOW MANY TIMES YOU
14 TRADED WITH MOSER LIKE THIS?

15 A. I'D SAY AROUND FIVE TRAILERS.

16 Q. AND THE ICE YOU WERE GIVING KEVIN MOSER, WHERE
17 DID THAT COME FROM?

18 A. IT COME FROM MY BROTHER.

19 Q. WHEN DID YOU BEGIN -- WELL, WHO IS YOUR BROTHER?

20 A. CHAD SEXTON.

21 Q. WHEN DID YOU BEGIN BUYING FROM CHAD SEXTON?

22 A. I WAS BUYING FROM SETH AND SETH KIND OF GOT
23 SCARED AT THE TIME AND KIND OF LAID DOWN AND QUIT DOING
24 ANYTHING. AND I HAD ANOTHER FRIEND, NICK ALLISON, THAT
25 I WAS BUYING FROM. AND NICK GOT BUSTED AND WENT TO

1 PRISON, AND WHEN HE DID, THAT'S WHEN MY BROTHER AND SETH
2 HAD STARTED DEALING IT AND I STARTED GETTING IT FROM MY
3 BROTHER.

4 Q. WELL, IF YOU ARE GETTING IT DIRECTLY FROM SETH,
5 WHY ARE YOU NOW GOING THROUGH A MIDDLEMAN, YOUR BROTHER?

6 A. WELL, LIKE I SAY, SETH, HE GOT SCARED AND HE LAID
7 DOWN. HE FELT THE HEAT WAS TOO HOT ON HIM. SO WHAT HE
8 DONE WAS HE DECIDED TO SELL HIS CONNECTION, AND THAT'S
9 HOW I WOUND UP GOING THROUGH MY BROTHER.

10 Q. DID YOU ALSO OWE SETH STEARNS SOME MONEY?

11 A. WHAT DO YOU MEAN WHEN YOU SAY "OWE"?

12 Q. WELL, DID YOU HAVE A DEBT WITH SETH WHERE HE HAD
13 FRONTED YOU SOME DRUGS AND YOU HADN'T PAID FOR ALL OF
14 THEM?

15 A. NO, MA'AM.

16 Q. OKAY. SO IT JUST TRULY WAS HE WASN'T AVAILABLE
17 ANYMORE?

18 A. YES, MA'AM. HE JUST LAID DOWN.

19 Q. HOW DO YOU KNOW HE SOLD SOURCE TO CHAD SEXTON?

20 A. MY BROTHER TOLD ME.

21 Q. DO YOU KNOW WHO THAT SOURCE WAS?

22 A. I'VE NEVER MET HER, BUT I KNOW HER NAME WAS
23 AMANDA. I KNOW IT'S AMANDA FORDHAM NOW, BUT I DID NOT
24 KNOW HER LAST NAME UNTIL THESE INDICTMENTS CAME OUT.
25 BUT I KNEW MY BROTHER AND SETH, THEY WERE TALKING ABOUT

1 GOING TO ATLANTA TO MEET A GIRL NAMED AMANDA.

2 Q. WHAT KIND OF BUSINESS WAS YOUR BROTHER IN, OTHER
3 THAN DEALING DRUGS?

4 A. HE'S A LANDLORD. HE OWNS SOME RENTAL PROPERTY.

5 Q. WAS HE ALSO IN THE CAR BUSINESS?

6 A. YES, MA'AM, HE HAD A CAR LOT.

7 Q. LET ME TAKE YOU BACK TO MARCH OF 2004. AT THAT
8 TIME WHO WAS YOUR SOURCE FOR METH?

9 A. IN MARCH OF 2004 IT WAS SETH.

10 Q. DID YOU RECEIVE A PHONE CALL FROM YOUR BROTHER IN
11 MARCH OF 2004?

12 A. YES, MA'AM.

13 Q. TELL THIS JURY ABOUT THAT PHONE CALL.

14 A. MY BROTHER HAD WENT TO A BIRTHDAY PARTY, IT WAS
15 FOR HIS WIFE, AND HE GOT PRETTY DRUNK, HE HADN'T DRANK
16 IN ABOUT SEVEN YEARS. AND HE CALLED AND HE TOLD ME, HE
17 SAID, "I KNOW THAT YOU GOT SOME OF THAT SPEED." HE
18 SAID, "I'M ABOUT TO PASS OUT HERE AT THE BAR." HE SAID,
19 "WILL YOU BRING ME A LITTLE BIT OF SPEED TO PICK ME UP,
20 TO KEEP ME UP SO I CAN GET HOME AND STAY AWAKE?" HE
21 SAID, "I REALLY DON'T TO WANT PASS OUT RIGHT NOW." AND
22 SO I WENT AND MET HIM AT THE BAR AND TOOK HIM SPEED.

23 Q. WHAT DO YOU MEAN BY "SPEED"?

24 A. ICE.

25 Q. WAS THERE ANOTHER TIME THAT YOU PROVIDED YOUR

1 BROTHER DRUGS?

2 A. I MEAN, WE SHARED DRUGS OFTEN.

3 Q. WAS THIS BIRTHDAY PARTY, WAS THAT THE FIRST TIME
4 YOU WERE AWARE OF YOUR BROTHER DOING DRUGS?

5 A. YES, MA'AM.

6 Q. AND PRIOR TO THIS WAS HE SELLING ANY DRUGS TO
7 YOUR KNOWLEDGE?

8 A. NO, MA'AM.

9 Q. IS IT FAIR TO SAY THAT YOUR BROTHER BECAME
10 ADDICTED?

11 A. YES, MA'AM.

12 Q. YOU JUST TESTIFIED THAT SETH STEARNS LAID DOWN
13 AND SOLD HIS CONNECTION TO CHAD SEXTON'S BROTHER. DO
14 YOU KNOW HOW THEY MET TO BEGIN WITH?

15 A. I WAS DRIVING A VEHICLE THAT WAS OFF MY BROTHER'S
16 CAR LOT, IT WAS A 2000, I BELIEVE IT WAS A 2000 OR '99
17 MODEL FORD EXPLORER, AND SETH HAD NOTICED AND LIKED IT,
18 AND I SET HIM UP A MEETING BETWEEN THEM FOR SETH TO BUY
19 THE VEHICLE.

20 Q. AND SO YOU INTRODUCED YOUR BROTHER, CHAD, TO SETH
21 STEARNS?

22 A. YES, MA'AM.

23 Q. WAS THAT THE ONLY TYPE OF BUSINESS THEY DID, THAT
24 CAR DEAL?

25 A. NO, MA'AM.

1 Q. WHAT OTHER TYPE OF BUSINESS DID THEY GET INTO?

2 A. THE DRUG BUSINESS.

3 Q. AND HOW DO YOU KNOW THAT?

4 A. BECAUSE MY BROTHER STAYED AT MY HOUSE MOST OF THE
5 TIME, AND, I MEAN, HE'S MY BROTHER, I SOLD THE DRUGS FOR
6 HIM.

7 Q. LET ME SEE IF I'VE GOT THIS STRAIGHT. YOU
8 ORIGINALLY WERE BUYING FROM SETH STEARNS?

9 A. YES, MA'AM.

10 Q. YOU INTRODUCE SETH STEARNS TO YOUR BROTHER OVER A
11 CAR DEAL?

12 A. YES, MA'AM.

13 Q. BOTH OF Y'ALL ARE ADDICTED TO METH?

14 A. YES, MA'AM.

15 Q. YOU'RE SELLING. HE BEGINS PURCHASING METH FROM
16 SETH?

17 A. YES, MA'AM.

18 Q. AND YOU BEGAN SELLING IT FOR YOUR BROTHER?

19 A. YES, MA'AM.

20 Q. WHEN YOU WERE DEALING JUST WITH SETH,
21 APPROXIMATELY HOW MUCH ICE DID YOU BUY DIRECTLY FROM
22 SETH?

23 A. AT A TIME, UP TO TWO OUNCES.

24 Q. TOTAL.

25 A. TOTAL? UP INTO THE POUNDS.

1 Q. DO YOU KNOW HOW MANY GRAMS ARE IN A POUND?

2 A. A LOT.

3 Q. WERE YOU CHAD'S ONLY CUSTOMER?

4 A. NO, MA'AM.

5 Q. HOW DO YOU KNOW?

6 A. LIKE I SAY, HE'S MY BROTHER.

7 Q. WHO WERE SOME OF CHAD'S OTHER CUSTOMERS?

8 A. KEMEL ABNER DEALT WITH MY BROTHER, KEVIN MOSER
9 DEALT WITH MY BROTHER, BRIAN MUELLER DEALT WITH MY
10 BROTHER. I'M NOT SAYING THEY WAS ALL CUSTOMERS, BUT
11 THEY WAS ALL AFFILIATED.

12 Q. HOW WERE THEY AFFILIATED?

13 A. THEY ALL KNEW EACH OTHER, THEY WAS ALL INTO THE
14 DRUG GAME.

15 Q. IF YOU KNOW, WHAT TYPE OF RELATIONSHIP EXISTED
16 BETWEEN SETH STEARNS AND CHAD SEXTON ONCE SETH STOPPED
17 DIRECTLY SELLING DRUGS BUT SOLD HIS CONNECTION?

18 A. EXPLAIN IT ONE MORE TIME? WILL YOU REPEAT THAT?

19 Q. WHEN SETH STOPPED DIRECTLY DEALING WITH YOU, BUT
20 YOU TESTIFY HE SOLD HIS CONNECTION TO YOUR BROTHER --

21 A. YES, MA'AM.

22 Q. -- WHAT WAS THE ARRANGEMENT BETWEEN THOSE TWO, IF
23 YOU KNOW?

24 MR. KAPPEL: JUDGE, I'M GOING TO OBJECT IF
25 HE'S GOING TO STATE SOMETHING HIS BROTHER SAID. IF

1 THERE'S SOMETHING THAT HE WITNESSED PERSONALLY ---

2 THE COURT: LET'S FIND OUT. FIRST OF ALL,
3 ASK THE QUESTION DOES HE KNOW OF AN ARRANGEMENT.

4 MS. PORTER: YES.

5 BY MS. PORTER:

6 Q. WERE YOU AWARE OF ANY ARRANGEMENT BETWEEN SETH
7 AND CHAD REGARDING ---

8 A. YES, MA'AM.

9 THE COURT: DO YOU KNOW IT OF YOUR OWN
10 KNOWLEDGE?

11 BY MS. PORTER:

12 Q. DO YOU KNOW IT FROM FIRSTHAND KNOWLEDGE?

13 A. I KNOW IT FROM MY BROTHER STATING IT TO ME.

14 MS. PORTER: AT THIS TIME, YOUR HONOR, I'D
15 ASK THAT HE BE ABLE TO SAY WHAT HIS BROTHER SAID BASED
16 ON AS A CO-CONSPIRATOR STATEMENT IN FURTHERANCE OF THE
17 CONSPIRACY.

18 THE COURT: I THINK WE HAVE HEARD ENOUGH
19 CONSPIRACY, SO I'M GOING TO OVERRULE YOUR OBJECTION.

20 BY MS. PORTER:

21 Q. WHAT DID YOUR BROTHER SAY?

22 THE COURT: THIS IS IN FURTHERANCE OF THE
23 ALLEGED CONSPIRACY?

24 MS. PORTER: YES, SIR.

25 THE COURT: ALL RIGHT, VERY GOOD.

1 THE WITNESS: MY BROTHER SAID FOR EVERY TRIP
2 HE MADE DOWN THERE, FOR EVERY POUND HE BOUGHT, THAT SETH
3 GOT A THOUSAND DOLLARS AND AN OUNCE OF ICE FOR EVERY
4 POUND.

5 BY MS. PORTER:

6 Q. IN YOUR EXPERIENCE IN THE DRUG BUSINESS, IS IT A
7 DANGEROUS BUSINESS?

8 A. YES, MA'AM, IT CAN BE.

9 Q. DO YOU SEE LOTS OF WEAPONS?

10 A. YES, MA'AM.

11 Q. OUT OF THE INDIVIDUALS THAT YOU DEALT WITH IN
12 THIS CONSPIRACY, WHO ARE YOU AWARE OR SAW CARRY WEAPONS?

13 A. ALL OF US.

14 Q. TYPICALLY IN YOUR BUSINESS, YOUR DRUG BUSINESS,
15 DO YOU KEEP RECORDS?

16 A. YOU MEAN LIKE LEDGERS, BOOKS?

17 Q. SURE.

18 A. YES, MA'AM.

19 Q. WHAT DID YOU DO WITH THOSE RECORDS?

20 A. I MEAN, IT'S BEEN SO LONG AGO I REALLY DON'T
21 KNOW. MY WIFE AND I SPLIT UP. TO BE HONEST WITH YOU,
22 HALF MY STUFF WHEN I WENT TO PRISON WAS STOLEN FROM THE
23 DOPE HEADS THAT WAS BUYING DOPE FROM ME, SO, I MEAN, I
24 REALLY DON'T KNOW.

25 Q. WHEN YOU KEPT THOSE LEDGERS, WERE THEY PRETTY

1 DETAILED WITH NAMES, SOCIAL SECURITY NUMBERS?

2 A. WE'D WRITE THE NAMES DOWN AND JUST PUT A PRICE
3 OUT BESIDE IT. I MEAN, IT WAS JUST LIKE A LITTLE
4 COMPOSITION BOOK. IT WAS -- I MEAN, WE WASN'T NO AL
5 CAPONE ORGANIZATION OR NOTHING. BUT, I MEAN, IT WAS
6 JUST SOMETHING SIMPLE.

7 Q. AND WHEN YOU WERE APPROACHED BY S.L.E.D. IN THIS
8 CASE, WHERE WERE YOU LOCATED?

9 A. I WAS ALREADY IN PRISON.

10 Q. DID YOU HAVE ACCESS TO THOSE RECORDS AT THAT
11 POINT?

12 A. NO, MA'AM.

13 Q. AS A PART OF YOUR COOPERATION, HAD YOU BEEN ASKED
14 TO TURN THEM OVER, COULD YOU HAVE?

15 A. NO, MA'AM, AT THAT TIME I COULDN'T HAVE. LIKE I
16 SAY, I WAS IN PRISON AND DON'T KNOW WHAT, WHERE NONE OF
17 MY STUFF WAS NO MORE.

18 Q. WHEN YOU WERE APPROACHED BY S.L.E.D. AND ASKED TO
19 COOPERATE, WERE YOU TOLD WHO ELSE WAS COOPERATING IN
20 THIS INVESTIGATION?

21 A. NO, MA'AM.

22 Q. WERE YOU TOLD WHAT ANY OF THESE OTHER
23 CO-CONSPIRATORS HAD SAID IN THEIR STATEMENTS TO LAW
24 ENFORCEMENT?

25 A. NO, MA'AM.

1 Q. WERE YOU INTERVIEWED BY S.L.E.D. WITH ANY OF
2 THESE OTHER INDIVIDUALS?

3 A. NO, MA'AM.

4 Q. SO YOU WERE BY YOURSELF, WITH S.L.E.D., IN THIS
5 AGREEMENT TO COOPERATE, UNBEKNOWNST TO YOU OF WHO ELSE
6 WAS COOPERATING?

7 A. YES, MA'AM.

8 MS. PORTER: BEG THE COURT'S INDULGENCE.
9 AT THIS TIME IF YOU WILL ANSWER ANY
10 QUESTIONS MR. KAPPEL HAS FOR YOU.

11 THE WITNESS: YES, MA'AM.

12 MR. KAPPEL: MAY IT PLEASE THE COURT.

13 CROSS-EXAMINATION BY MR. KAPPEL:

14 Q. WHEN DID YOU MEET WITH S.L.E.D.?

15 A. WHEN DID I MEET WITH S.L.E.D.?

16 Q. YES, SIR. WHEN DID YOU MEET WITH THEM?

17 A. WHAT DO YOU MEAN: A DATE?

18 Q. WELL, WHEN YOU TALKED TO SOMEONE FROM S.L.E.D.?
19 YOU WHAT S.L.E.D. IS? LIKE MAX DORSEY, WHEN DID YOU
20 TALK WITH HIM?

21 A. YES, I KNOW WHO S.L.E.D. IS. THE FIRST TIME I
22 TALKED TO MAX DORSEY WAS DECEMBER OF 2005. IT MIGHT
23 HAVE BEEN NOVEMBER. BUT IT WAS RIGHT AROUND IN THAT
24 TIME.

25 Q. DID HE INTERVIEW YOU?

1 A. HE CAME TO WHERE I WAS AT AT NORTHSIDE AND TOLD
2 ME I WAS GONNA BE INDICTED.

3 Q. DID YOU TALK TO HIM?

4 A. ONLY FOR A FEW SECONDS.

5 Q. SO YOU DIDN'T TELL HIM ANYTHING?

6 A. NO, SIR.

7 Q. OKAY. WHEN DID YOU NEXT MEET WITH SOMEONE FROM
8 S.L.E.D.?

9 A. MY NEXT MEETING WITH SOMEONE FROM S.L.E.D. WAS
10 WHEN I GOT OUT, MY NEXT MEETING WITH SOMEONE FROM
11 S.L.E.D. IS WHEN THEY CAME AND GOT ME WHEN I JUMPED
12 BOND.

13 Q. HOW LONG AGO WAS THAT?

14 A. OCTOBER OF 2006.

15 Q. OKAY. AND DID YOU MEET WITH MR. DORSEY FROM
16 S.L.E.D.?

17 A. HE WAS ONE OF THE PEOPLE THAT CAME IN ON THE TEAM
18 THAT TOOK ME DOWN, YES, SIR.

19 Q. OKAY. WHEN YOU SAY THE TEAM THAT TOOK YOU DOWN,
20 WHAT DOES THAT MEAN?

21 A. WELL, I MEAN, I WAS STAYING AT A FRIEND'S
22 PROPERTY IN GRAY COURT, AND THEY COME ABOUT 25 DEEP AND
23 THEY CALL IT A TAKEDOWN TEAM.

24 Q. THAT'S BECAUSE YOU WERE WANTED?

25 A. YES, SIR.

1 Q. DID YOU COOPERATE WITH THEM ON OCTOBER 26 WHEN
2 THEY CAME DOWN TO GRAY COURT TO GET YOU?

3 A. YES, SIR.

4 Q. HOW DID YOU COOPERATE?

5 A. I CAME OUT AND I GAVE MYSELF UP.

6 Q. OKAY. AND SUBSEQUENT TO THAT DID YOU ACTUALLY
7 MEET WITH SOMEONE FROM S.L.E.D.?

8 A. EXPLAIN "SUBSEQUENT."

9 Q. AFTER YOU COOPERATED AND GAVE YOURSELF UP IN GRAY
10 COURT, DID YOU EVER MEET WITH SOMEONE FROM S.L.E.D. ---

11 A. YES, SIR.

12 Q. --- AND TELL THEM YOUR STORY?

13 A. YES, SIR.

14 Q. WHEN WAS THAT?

15 A. I BELIEVE IT WAS MARCH, APRIL OF THIS YEAR.

16 Q. WHO DID YOU MEET WITH?

17 A. MAX DORSEY.

18 Q. WHERE DID YOU MEET WITH HIM?

19 A. THE GREENVILLE COUNTY DETENTION CENTER.

20 Q. DID YOU HAVE YOUR LAWYER THERE WITH YOU?

21 A. YES, SIR.

22 Q. HOW LONG DID THIS MEETING LAST?

23 A. PROBABLY ABOUT AN HOUR.

24 Q. OKAY. DID YOU TELL THEM ESSENTIALLY WHAT YOU
25 HAVE TESTIFIED TO TODAY?

1 A. YES, SIR.

2 MR. KAPPEL: JUDGE, AT THIS TIME I'D ASK FOR
3 THE STATE TO PRODUCE ME SOME SORT OF RECORD, IF THERE IS
4 ONE, FROM THAT MEETING.

5 MS. PORTER: MAY WE APPROACH, YOUR HONOR?
6 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
7 CONFERRED WITH THE COURT OUT OF THE PRESENCE
8 OF THE COURT REPORTER AND THE JURY.)

9 THE COURT: ALL RIGHT. SUBJECT TO THE
10 COURT'S RULING, RESTATE YOUR QUESTION.

11 MR. KAPPEL: JUST SO I UNDERSTAND IT, THE
12 COURT HAS RULED ON MY MOTION; IS THAT CORRECT, SIR?

13 THE COURT: YES, SIR, AND IT'S DENIED.
14 BY MR. KAPPEL:

15 Q. THIS STATEMENT THAT YOU GAVE TO LAW ENFORCEMENT
16 IN MARCH OF THIS YEAR, THAT WAS ACTUALLY THE FIRST TIME
17 THAT YOU HAVE EVER DISCUSSED ANY OF THESE MATTERS WITH
18 ANYONE FROM LAW ENFORCEMENT; ISN'T THAT RIGHT?

19 A. FROM LAW -- I MEAN, IS MS. PORTER CONSIDERED LAW
20 ENFORCEMENT?

21 Q. SHE'S PART OF THE ATTORNEY GENERAL'S OFFICE,
22 SO ---

23 A. I MEAN, YOU ARE THROWING THESE QUESTIONS AT ME
24 PRETTY FAST.

25 THE COURT: JUST DO THIS. I'VE ALREADY

1 RULED ON THE QUESTION, SO WHAT YOU NEED TO DO NOW IS
2 JUST ANSWER THE QUESTION. HAVE YOU TALKED TO ANYBODY
3 FROM THE STATE OR ANY OTHER GOVERNMENT AGENCY ABOUT YOUR
4 PARTICIPATION?

5 THE WITNESS: NO, SIR.

6 BY MR. KAPPEL:

7 Q. OKAY. SO THE FIRST TIME YOU MENTIONED THE NAME
8 SETH STEARNS WAS IN MARCH 2007?

9 A. YES, SIR.

10 Q. OKAY. AND THAT WAS IN PREPARATION FOR THIS
11 TRIAL, WAS IT NOT?

12 A. YES, SIR.

13 Q. IN FACT, YOU KNEW THIS CASE WAS GOING TO TRIAL
14 AND THAT'S WHEN THEY INTERVIEWED YOU?

15 A. I MEAN, I WASN'T A HUNDRED PERCENT FOR SURE IT
16 WAS GOING TO TRIAL, BUT THEY SAID IT LOOKED LIKE IT WAS
17 GOING TO TRIAL.

18 Q. AND THAT'S WHY THEY WERE MEETING WITH YOU?

19 A. YES, SIR.

20 Q. OKAY. DID BRIAN MUELLER EVER SUPPLY YOU WITH
21 METHAMPHETAMINE?

22 A. YES, SIR.

23 Q. OKAY. SO WHEN YOU SAY THAT SETH STEARNS WAS YOUR
24 SUPPLIER, IN FACT, BRIAN MUELLER WAS SUPPLYING YOU
25 METHAMPHETAMINE?

1 A. NO, SIR. ACTUALLY, SETH WAS SUPPOSED TO BRING
2 SOME DRUGS TO MY RESIDENCE, AND HE COULDN'T GET AWAY AND
3 HE ASKED BRIAN TO DROP BY AND DROP ME SOME OFF.

4 Q. DID YOU EVER RECEIVE DRUGS, METHAMPHETAMINE, FROM
5 BRIAN MUELLER ON A REGULAR BASIS?

6 A. NO, SIR.

7 Q. JUST A ONE-TIME THING?

8 A. YES, SIR.

9 Q. OKAY. SO YOU NEVER HAD A WORKING RELATIONSHIP,
10 THEN, BETWEEN YOU DOWN HERE AND BRIAN MUELLER OVER HERE
11 (INDICATING); YOU NEVER HAD A COURSE OF BUSINESS WITH
12 HIM; IS THAT RIGHT?

13 A. OTHER THAN THE STEREO EQUIPMENT AND THE ONE-TIME
14 SALE, NO, SIR.

15 Q. OKAY. AND SO YOU NEVER HAD ANY PROBLEMS WITH
16 BRIAN MUELLER BECAUSE YOU WEREN'T DEALING WITH HIM?

17 A. YES, SIR. I MEAN, WE REALLY HARDLY EVEN KNEW
18 EACH OTHER.

19 Q. OKAY. HOW CLOSE ARE YOU TO YOUR BROTHER?

20 A. WE'RE CLOSE.

21 Q. HOW OFTEN DO YOU SEE HIM?

22 A. ON A DAILY BASIS.

23 Q. AFTER YOU HAVE BEEN INCARCERATED, HOW OFTEN HAVE
24 YOU SEEN HIM?

25 A. HERE UNTIL JUST A FEW DAYS AGO, ON A DAILY BASIS.

1 Q. OKAY. WHEN YOU SAY "HERE UNTIL A FEW DAYS AGO,"
2 WHAT DOES ALL THAT MEAN?

3 A. WELL, A FEW DAYS AGO SOMEBODY DROPPED A NOTE AND
4 SAID I HAD AN I-POD IN THE JAILHOUSE, AND ALL I HAD WAS
5 A DIGITAL RADIO, BUT BECAUSE THE NOTE WAS DROPPED, THEY
6 HAD TO PUT ME UNDER INVESTIGATION SO THEY PUT ME IN RED
7 POD. I WAS A WORKER.

8 Q. OKAY. SO PRIOR TO GOING TO RED POD, YOU WERE IN
9 THE SAME POD WITH YOUR BROTHER?

10 A. YES, SIR, WE WAS IN THE SAME SECTION.

11 Q. OKAY. DID Y'ALL TALK ABOUT THIS CASE?

12 A. NO, SIR, NOT REALLY.

13 Q. IT NEVER CAME UP?

14 A. NO, SIR. I MEAN, IT'S SOMETHING WE BOTH KNOW WAS
15 INEVITABLE, IT REALLY WASN'T NOTHING TO DISCUSS.

16 Q. YOU SAID YOU WORKED AT THE JOCKEY LOT PRIOR TO
17 YOUR ADDICTION TO METHAMPHETAMINE; ISN'T THAT RIGHT?

18 A. YES, SIR.

19 Q. AND REFRESH MY MEMORY. WHAT IS IT THAT YOU WERE
20 WORKING OR SELLING AT THE JOCKEY LOT?

21 A. I GO TO THESE LITTLE, THESE LITTLE MINI
22 WAREHOUSES. WHEN PEOPLE LOSE THEM, THEY AUCTION THEM
23 OFF, THEY PUT THEM IN THE NEWSPAPER, AND I GO TO THE
24 AUCTIONS AND BID ON THEM. IF I GET THEM, I TAKE THE
25 STUFF OUT OF THEM, II CLEAN THE GOOD STUFF UP, HAUL THE

1 OLD STUFF OFF TO THE TRASH, TAKE THE GOOD STUFF TO THE
2 FLEA MARKET AND SELL IT.

3 Q. OKAY. DID YOU HAVE A TABLE AT THE JOCKEY LOT OR
4 WERE YOU JUST TAKING STUFF AND SELLING IT AS YOU HAD IT?

5 A. I HAD TABLES.

6 Q. I'M SORRY?

7 A. I HAD TABLES.

8 Q. YOU HAD TABLES, AND THEN YOU WERE SELLING ON YOUR
9 TABLES TO PEOPLE ---

10 A. YES, SIR.

11 Q. --- IS THAT CORRECT?

12 A. YES, SIR.

13 Q. WERE YOU SELLING STOLEN GOODS AT THE JOCKEY LOT?

14 A. I HAVE AT TIMES, YES, SIR.

15 Q. AND YOU DO THAT BECAUSE IT'S EASIER AT THE JOCKEY
16 LOT TO SELL THINGS THAT ARE STOLEN AS OPPOSED TO A PAWN
17 SHOP BECAUSE YOU DON'T HAVE TO HAVE TICKETS OR YOU DON'T
18 HAVE TO DOCUMENT WHAT IT IS YOU'RE SELLING; ISN'T THAT
19 RIGHT?

20 A. YES, SIR.

21 Q. SO ACTUALLY THE JOCKEY LOT BUSINESS IS RIPE FOR
22 SELLING THINGS THAT ARE STOLEN; ISN'T THAT CORRECT?

23 A. YES, SIR. BUT IF YOU WOULD LET ME STATE THAT,
24 YOU SAID BEFORE MY DRUG ADDICTION. BEFORE MY DRUG
25 ADDICTION, I DID NOT SELL STOLEN GOODS.

1 Q. OKAY. AND YOU NEVER SOLD ANYTHING THAT WAS
2 STOLEN AT THE JOCKEY LOT PRIOR TO BEING ADDICTED TO
3 DRUGS?

4 A. PRIOR TO BEING ADDICTED TO DRUGS, NO, SIR.

5 Q. OKAY. AND AFTER BEING ADDICTED TO DRUGS, YOU
6 STARTED SELLING QUITE A BIT OF STOLEN PROPERTY?

7 A. YES, SIR.

8 Q. AND THERE WAS NO QUESTION THE STUFF THAT MOSER,
9 KEVIN MOSER WAS GIVING YOU WAS STOLEN. YOU KNEW THAT.

10 A. YES, SIR.

11 Q. ALL THOSE TRAILERS THAT HE WAS SELLING TO YOU FOR
12 DRUGS, YOU KNEW THAT.

13 A. YES.

14 Q. DUSTY MARTIN, WHO WAS ONE OF YOUR SUPPLIERS THAT
15 CONNECTED YOU EVIDENTLY WITH SETH STEARNS?

16 A. YES, SIR.

17 Q. WHERE IS HE?

18 A. I BELIEVE HE'S INCARCERATED AT THIS TIME, I'M NOT
19 SURE WHERE.

20 Q. OKAY. THE STOLEN STAGE EQUIPMENT, WHERE DID ALL
21 THAT COME FROM?

22 A. I REALLY DIDN'T ASK.

23 Q. HOW DID YOU GET IT?

24 A. KEN BO JOHNSON.

25 Q. SO YOU WERE MOVING SOME STOLEN STAGE EQUIPMENT

1 FOR THIS OTHER PERSON BY THE NAME OF JOHNSON?

2 A. I BOUGHT IT FROM TIMOTHY JOHNSON.

3 Q. OKAY. DID YOU KNOW IT WAS STOLEN?

4 A. YES, SIR.

5 Q. SO YOU WERE FENCING STOLEN STAGE EQUIPMENT AND
6 CONVERTING IT INTO DRUGS?

7 A. YES, SIR.

8 Q. AND SOME CASH.

9 YOU'VE GOT A PLEA AGREEMENT IN THIS CASE. ARE
10 YOU AWARE OF THAT?

11 A. YES, SIR.

12 Q. HOW MUCH METHAMPHETAMINE HAVE YOU SOLD OR BOUGHT
13 IN THE LAST COUPLE YEARS? DO YOU HAVE ANY IDEA?

14 A. NO, SIR. IT'S A GOOD BIT.

15 Q. MORE THAN FIVE POUNDS?

16 A. YES, SIR.

17 Q. MORE THAN TEN POUNDS?

18 A. I WOULDN'T THINK SO.

19 Q. BETWEEN FIVE AND TEN POUNDS?

20 A. YES, SIR.

21 Q. IS THAT RIGHT?

22 A. AND I WOULDN'T SAY OVER THE LAST COUPLE YEARS
23 BECAUSE SINCE 2005 I HAVEN'T BEEN IN THE DOPE GAME. I
24 MEAN, ALL THIS IS WHAT I'M SAYING IS PRIOR TO MARCH OF
25 2005.

1 Q. THAT'S BECAUSE YOU WERE IN JAIL?

2 A. YES, SIR.

3 Q. AND IN YOUR PLEA AGREEMENT YOU HAVE PLED GUILTY
4 TO POSSESSION -- OR EXCUSE ME -- TRAFFICKING
5 METHAMPHETAMINE, 28 TO A HUNDRED GRAMS. ARE YOU AWARE
6 OF THAT?

7 A. YES, SIR.

8 Q. HAVE YOU READ ANY MATERIALS OR BEEN -- HAVE YOU
9 READ ANY MATERIALS PRIOR TO WITHIN THE LAST COUPLE WEEKS
10 IN PREPARATION FOR TODAY?

11 A. NO, SIR.

12 Q. HAS ANYBODY TALKED TO YOU OR PREPPED YOU IN TERMS
13 OF YOUR TESTIMONY?

14 A. MS. PORTER CAME BY THE OTHER DAY AND PREPPED US.
15 I RECKON THAT'S WHAT YOU'D CALL IT.

16 Q. LET'S TALK ABOUT CHAD BROOKS. DO YOU KNOW HIM?

17 A. I MET HIM ONE TIME.

18 Q. OKAY. DID YOU EVER TRY TO HAVE HIM KILLED?

19 A. NO, SIR.

20 Q. THERE'S NO TRUTH TO THAT AT ALL?

21 A. NO, SIR.

22 Q. ARE YOU AWARE OF AN INFORMANT ACTUALLY TELLING
23 THE POLICE THAT YOU WERE HAVING CHAD BROOKS KILLED?

24 A. MY UNDERSTANDING WAS IT WAS JOEY DUNCAN AND NOT
25 CHAD BROOKS. AT LEAST THAT'S WHAT JOEY TOLD ME WHEN I

1 TALKED TO HIM.

2 Q. HAVE YOU HEARD THIS BEFORE, THOUGH, AS FAR AS ---

3 A. I HEARD ---

4 Q. --- YOU TRYING TO HAVE A POLICEMAN KILLED?

5 A. JOEY DUNCAN, YEAH, ASKED ME ABOUT IT.

6 Q. ASKED IF YOU WERE GONNA HAVE HIM KILLED?

7 A. YES, SIR.

8 Q. AND ARE YOU AWARE OF HOW THEY FOUND OUT THAT
9 INFORMATION?

10 A. HE TOLD ME THAT ONE OF HIS SNITCHES HAD SAID IT.

11 Q. SNITCHES. THAT WOULD BE AN INFORMANT?

12 A. AN INFORMANT, YES, SIR.

13 Q. WHAT DO YOU INTERPRET A SNITCH WHO MAKES
14 SOMETHING UP LIKE THAT ABOUT YOU, WHAT DO YOU THINK THEY
15 ARE TRYING TO DO?

16 A. THEY'RE PROBABLY TRYING TO GET A BETTER DEAL FOR
17 THEIRSELF.

18 Q. OKAY. THAT WOULD BE TELLING SOMETHING THAT'S NOT
19 TRUE?

20 A. YES, SIR.

21 MR. KAPPEL: JUST A MOMENT, JUDGE.

22 BY MR. KAPPEL:

23 Q. DID YOU EVER TRAVEL TO ATLANTA YOURSELF?

24 A. NO, SIR.

25 Q. YOU NEVER WENT DOWN THERE?

1 A. NO, SIR.

2 MR. KAPPEL: THAT'S ALL I HAVE. THANK YOU.

3 THE COURT: RE-EXAM?

4 MS. PORTER: NO FURTHER QUESTIONS, YOUR
5 HONOR.

6 THE COURT: YOU MAY STEP DOWN.

7 MS. PORTER: YOUR HONOR?

8 THE COURT: YES, MA'AM.

9 MS. PORTER: IF WE MAY JUST INFORM HIM THAT
10 HE IS UNDER SEQUESTRATION AND CANNOT DISCUSS HIS
11 TESTIMONY WITH ANYONE ELSE, IF HE HAPPENS TO RUN INTO
12 HIS BROTHER OR ANY OTHER CO-DEFENDANT AT THE GREENVILLE
13 DETENTION CENTER.

14 THE WITNESS: YES, MA'AM.

15 THANK YOU, SIR.

16 (WHEREUPON, THE WITNESS WAS EXCUSED.)

17 THE COURT: ALL RIGHT. LET'S DO TAKE A VERY
18 SHORT BREAK. I NEED TO TAKE UP MATTERS. THEN WHEN YOU
19 ARE READY TO COME BACK, MADAM FORELADY, JUST KNOCK ON
20 THE DOOR, PLEASE. AGAIN, DO NOT UNDERTAKE DISCUSSION OF
21 THE CASE AMONG YOURSELVES.

22 (WHEREUPON, THE JURY LEFT THE COURTROOM AT
23 3:50 P.M.)

24 THE COURT: ALL RIGHT. THE DEFENDANT HAS
25 MADE A MOTION AT SIDE-BAR, THE COURT DENIED THE MOTION.

1 BUT IF YOU WOULD LIKE TO PUT IT ON THE RECORD AT THIS
2 TIME?

3 **MATTER OF LAW:**

4 **MR. KAPPEL:** THANK YOU, JUDGE. FOR THE
5 RECORD, THIS CASE WAS SET TO GO TO TRIAL IN EARLY APRIL
6 OF 2007. IN PREPARATION FOR TRIAL ROBBY SEXTON WAS
7 DEBRIEFED, INTERVIEWED, HOWEVER YOU WANT TO PUT IT,
8 PREPARED FOR TRIAL FOR THE FIRST TIME IN MARCH 2007.
9 THE TRIAL WAS SUBSEQUENTLY MISTRIED AND CANCELLED.

10 I WAS NEVER PROVIDED A SUMMARY OR ANY KIND
11 OF RECORD OF THE STATEMENTS THAT HE PROVIDED TO LAW
12 ENFORCEMENT, TO THE ATTORNEY GENERAL'S OFFICE, IN
13 PREPARATION FOR TODAY'S TRIAL. NATURALLY, I WOULD WANT
14 TO REVIEW ANY PRIOR STATEMENTS THAT SOMEBODY HAS MADE TO
15 LAW ENFORCEMENT. THE ONLY STATEMENT THAT I CAN FIND WAS
16 A STATEMENT THAT ROBBY SEXTON GAVE TO EARL GILLIAM OF
17 THE U.S. SECRET SERVICE.

18 I FURTHER INQUIRED OF THE STATE GRAND JURY
19 TESTIMONY; HE HAS NOT TESTIFIED BEFORE THE STATEWIDE
20 GRAND JURY. I WAS LED TO BELIEVE THAT THE ONLY
21 STATEMENT THAT HE HAD GIVEN WAS THE ONE, IN FACT, GIVEN
22 TO EARL GILLIAM, AND NOW WE ARE DISCOVERING THAT HE DID
23 GIVE A STATEMENT PREVIOUSLY, WHETHER THAT WAS RECORDED
24 OR WRITTEN OR WHATEVER.

25 I THINK PURSUANT TO MY DISCOVERY REQUEST

1 IT'S INCUMBENT UPON THE STATE TO PROVIDE ME A SUMMARY OF
2 THE STATEMENT SO THAT I CAN ADEQUATELY PREPARE FOR
3 TRIAL. INSTEAD, WE'RE MIDWAY THROUGH THE CASE TODAY,
4 AND I'M BEING WHIPSAWED TO SOME DEGREE THAT I'M
5 DISCOVERING THAT HE'S GIVEN A STATEMENT PREVIOUSLY.

6 THE COURT: WELL, THAT'S, JUST FOR THE
7 RECORD, THOUGH, AT SIDE-BAR I THINK THE, THERE WAS A
8 CONFERENCE, WAS IT MARCH 2007 WITH THE ATTORNEY, AN
9 ATTORNEY GENERAL WAS THE FIRST TIME THAT HE MET, FIRST
10 TIME HE MENTIONED SETH.

11 IS THAT CORRECT, MS. PORTER?

12 MS. PORTER: I BELIEVE THAT WAS HIS
13 TESTIMONY, YES, SIR.

14 THE COURT: IS THAT THE ONE WE ARE TALKING
15 ABOUT? HOW ABOUT TELLING WHAT YOU DID, WHAT OCCURRED AT
16 THAT TIME.

17 MS. PORTER: YOUR HONOR, ON MARCH 21ST,
18 2007, I MET AT THE GREENVILLE COUNTY DETENTION CENTER
19 WITH AGENT MAX DORSEY, WITH MR. ROBERT SEXTON AS WELL AS
20 HIS ATTORNEY, MR. RODNEY RICHEY IN PREPARATION FOR THIS
21 TRIAL THAT WAS ORIGINALLY SCHEDULED FOR THE WEEK OF
22 APRIL, I BELIEVE IT WAS THE 9TH, OF THIS PAST YEAR.

23 AT THAT TIME HE SIGNED HIS PLEA AGREEMENT
24 AND AT THAT TIME I QUESTIONED HIM WITH REGARD TO WHAT
25 HIS TESTIMONY WOULD BE REGARDING THIS CONSPIRACY.

1 UNDER RULE 5 ---

2 THE COURT: I CAN READ. BUT WHAT I'M
3 ASKING, I'M TRYING TO FIND OUT WHAT THE FACTS ARE
4 APPLICABLE TO THE RULE. SO WHAT HAPPENED? LIEUTENANT
5 DORSEY --

6 BY THE WAY, IS IT LIEUTENANT OR MAJOR?

7 LIEUTENANT DORSEY: IT'S LIEUTENANT.

8 THE COURT: WAS LIEUTENANT DORSEY THERE AT
9 THE TIME YOU WERE INTERVIEWING THE WITNESS?

10 MS. PORTER: YES, SIR. MR. DORSEY WAS THERE
11 FOR TWO PURPOSES: THE FIRST AND FOREMOST PURPOSE WAS
12 BECAUSE WE WERE MEETING IN THE GREENVILLE COUNTY
13 DETENTION CENTER, HE IS LAW ENFORCEMENT AND HE ARRANGES
14 FOR THEM TO BE BROUGHT FROM THEIR CELLS ---

15 THE COURT: HE WAS THERE THE WHOLE TIME THAT
16 YOU WERE THERE TALKING TO THE WITNESS?

17 MS. PORTER: YOUR HONOR, I DON'T WANT TO
18 MISLEAD THE COURT. HE WAS IN AND OUT, BUT PRIMARILY
19 THERE ESSENTIALLY.

20 THE COURT: WELL, LET ME ASK YOU: WAS HE
21 MAKING NOTES?

22 MS. PORTER: NO, SIR.

23 THE COURT: ALL RIGHT. NOW, WHO DID MAKE
24 NOTES, IF ANYBODY?

25 MS. PORTER: I DID.

1 THE COURT: ALL RIGHT. ARE THOSE THE ONLY
2 NOTES MADE OF THE STATEMENT?

3 MS. PORTER: YES, SIR.

4 THE COURT: ALL RIGHT, THANK YOU.

5 MR. KAPPEL: JUDGE, WHETHER OR NOT LAW
6 ENFORCEMENT MADE THE NOTES, WHETHER OR NOT THE ATTORNEY
7 GENERAL MADE THE NOTES, IT'S INCUMBENT UPON THEM TO
8 PROVIDE ME A SUMMARY OF THE STATEMENT. I CAN'T POINT
9 DIRECTLY TO THE RULE AND I CAN'T POINT DIRECTLY TO THE
10 CASE.

11 THE COURT: WELL, THE ONLY THING IS -- I'M
12 SORRY. THE ONLY THING I UNDERSTAND YOU HAVE NOW IS
13 HANDWRITTEN NOTES. I DON'T KNOW IF -- WE DON'T HAVE
14 INTERROGATORIES IN CRIMINAL CASES THAT I'M AWARE OF THAT
15 WOULD REQUIRE THE SUBSTANCE OF THE TESTIMONY. AND THE
16 CASES DO SAY THAT THE HANDWRITTEN NOTES OF THE
17 PROSECUTION AGENTS, TO INCLUDE THE PROSECUTING ATTORNEY,
18 ARE NOT DISCOVERABLE BY RULE 5. THAT'S STATE V. BRYANT,
19 304 S.C. 488, CT. APP. 1991; AND THEN MORE RECENTLY
20 STATE V. MYERS, 359 S.C. 40, SUP. CT. 2004.

21 SO THE THRUST OF THE DEFENSE ARGUMENT IS
22 THAT IT WAS NOT PROVIDED INFORMATION IN THE PREP THAT
23 WOULD BE CRITICAL TO THE PREPARATION OF HIS DEFENSE; IS
24 THAT RIGHT?

25 MR. KAPPEL: THAT'S CORRECT, JUDGE. AND

1 IT'S NOT NECESSARILY THE NOTES THAT I -- I WOULDN'T
2 SUGGEST THAT I NEED HER NOTES THAT SHE TOOK IN THE
3 MEETING. WHAT I'M SUGGESTING IS THAT I SHOULD HAVE BEEN
4 PROVIDED A SUMMARY OF WHAT IN EFFECT HE STATED. IF I
5 HAD BEEN PROVIDED A SUMMARY OF WHAT HE HAD STATED TO HER
6 AND TO MAX DORSEY, THEN I COULD HAVE SIMPLY -- HE'S A
7 WITNESS, HE'S NOT THEIR WITNESS OR ANYBODY'S WITNESS.

8 IF I HAD GOTTEN A SUMMARY OF WHAT HE HAD
9 SAID, THEN I MIGHT COULD HAVE TRIED TO INTERVIEW HIM, I
10 MIGHT COULD HAVE TRIED TO TALK TO HIS LAWYER, I MIGHT
11 COULD HAVE TRIED TO ARRANGE THE VERY SAME MEETING WITH
12 HIM THAT THEY DID. BUT IT IS MY UNDERSTANDING THAT HE
13 HAD NOT PROVIDED ANY STATEMENT AND ANY REFERENCE TO THE
14 PLEA AGREEMENT IS NOT, THERE IS NOT AN ASSUMPTION THAT
15 HE HAS GIVEN A STATEMENT IF HE SIGNED A PLEA AGREEMENT.

16 **THE COURT:** WHAT WOULD YOU SEEK TO DISCOVER?
17 DID YOU HAVE ANY DOUBT THAT IN PUTTING THIS WITNESS UP
18 THAT HIS ULTIMATE PURPOSE WAS IN CONNECTING CHAD TO
19 SETH?

20 **MR. KAPPEL:** THE REALITY IS, JUDGE -- AND I
21 SEE WHERE YOU ARE GOING ---

22 **THE COURT:** I'M JUST ASKING FOR THE
23 SURPRISE. I MEAN, I WAS SURPRISED THAT YOU GOT OUT OF
24 THE FIRST WITNESS THAT THE NAME SETH NEVER CAME UP. BUT
25 ANYWAY ---

1 MR. KAPPEL: I WASN'T SURPRISED ABOUT THAT.

2 THE COURT: I WAS. BUT HERE I WOULDN'T HAVE
3 BEEN SURPRISED IF HE HAD SAID SETH HAD COME UP. ALL
4 RIGHT.

5 MR. KAPPEL: THE FACT OF THE MATTER IS,
6 JUDGE, I DIDN'T KNOW WHAT HE WAS GOING TO SAY.

7 THE COURT: OKAY. WELL, AS I SAY, IT LOOKS
8 LIKE IT IS NOT DISCOVERABLE UNDER THE RULES. THE ONLY
9 THING IT WILL BE, NOW, I ALWAYS THINK IT'S BETTER FOR
10 ATTORNEYS TO DISCUSS THEIR CASES WITH THE OTHER SIDE SO
11 THEY WILL KNOW WHAT TO EXPECT, AND SOMETIMES THAT HELPS.
12 OF COURSE, IN THIS CASE WE DON'T HAVE A DEFENDANT TO
13 COUNSEL THE COUNSEL, THE COUNSELOR. SO I'M GOING TO SAY
14 THAT I HAVEN'T HEARD -- AND THAT'S WHY I WAS ASKING YOU
15 ABOUT THE FACTS, WHAT YOU HAD -- I HAVEN'T HEARD
16 ANYTHING THAT WOULD SUGGEST.

17 NO WRITTEN STATEMENT WAS GIVEN.

18 MS. PORTER: THAT'S CORRECT, YOUR HONOR.

19 THE COURT: AND SO THERE'S NOTHING TO, EVEN
20 UNDER THE RULE TO PROVIDE YOU WITH THE STATEMENT OF THE
21 DEFENDANT -- I MEAN OF THE WITNESS.

22 THE COURT'S RULING ON MATTER OF LAW:

23 THE COURT: ALL RIGHT. MY RULING IS THAT
24 THE EXAMINATION WAS PROPER AND THAT YOUR MOTION TO
25 EITHER STRIKE THE TESTIMONY OR DISCHARGE IT IN SOME

1 FASHION IS DENIED.

2 MS. PORTER: BEG THE COURT'S INDULGENCE.

3 THE COURT: YES, MA'AM. HOW MANY MORE
4 WITNESSES DO WE HAVE THIS AFTERNOON?

5 MS. PORTER: WE'D LIKE TO CALL MR. MUELLER.

6 THE COURT: WE GOT AN HOUR.

7 MS. EVANS: ONE ISSUE THAT CAME TO OUR
8 ATTENTION, AND IT CAME TO OUR ATTENTION BY DEFENSE
9 ATTORNEY'S OPENING OF SAYING THERE WAS NO RECORDS.
10 BEING THAT WE HAVEN'T STARTED TESTIMONY, THE WITNESSES
11 WERE NOT SEQUESTERED, WE HAVE PROMISED THEM THEY WERE
12 GONNA COME BACK, WE WENT AND TALKED TO THREE WITNESSES
13 AT THE JAIL LAST NIGHT BRINGING UP WHAT WAS MENTIONED IN
14 OPENING.

15 AMANDA FORDHAM FOR THE VERY FIRST TIME TOLD
16 US THAT THE D.E.A. SEIZED HER CELL PHONE WHICH CONTAINED
17 WHAT WE BELIEVED TO BE A PHONE CALL TO SETH STEARNS. WE
18 JUST GOT THIS. WHAT I HAD TO DO FROM THE JAIL LAST
19 NIGHT WAS CALL THE U.S. ATTORNEY HIMSELF ON HIS CELL
20 PHONE TO SAY WE NEVER HEARD ABOUT THIS BEFORE ---

21 THE COURT: ATTORNEY LLOYD?

22 MS. EVANS: ATTORNEY LLOYD.

23 THE COURT: I THINK YOU KNOW HIM.

24 MS. EVANS: I KNOW HIM, YES, I DO. BUT HE
25 IS THE U.S. ATTORNEY. TO MAKE SURE FIRST THING THIS

1 MORNING WE GOT THIS. WE HAVE BEEN WORKING THIS CASE
2 JOINTLY. AMANDA FORDHAM IS THE FEDS'. THIS WAS NOT IN
3 OUR CUSTODY AND CONTROL. WE JUST GOT IT. WE HAVE BEEN
4 WORKING DILIGENTLY. WE EVEN CALLED LISA WASHINGTON ---

5 THE COURT: WELL, HAVE YOU GIVEN IT TO ---

6 MR. KAPPEL: NO, SIR.

7 MS. EVANS: WE JUST GOT THE COPY RIGHT
8 BEFORE WE TOOK THIS BREAK. I'M GIVING TO HIM. I DON'T
9 KNOW IF IT'S SETH STEARNS' NUMBER. BUT I'M GIVING HIM
10 THE COPY. IT'S BLACKED OUT. THAT'S THE WAY THE FEDS
11 GIVE US EVERYTHING. SO I CAN'T GET AN UNREDACTED COPY.
12 THEY DON'T REDACT IT TOO WELL, SO YOU CAN KIND OF READ
13 WHAT THEY BLACKED OUT IN THE ORIGINAL. BUT WE HAD JUST
14 GOTTEN THAT AND WE HAVE BEEN WORKING ALL MORNING BECAUSE
15 THIS WAS THE FIRST WE ---

16 THE COURT: WELL, LET ME ASK YOU THE
17 QUESTION AGAIN: DURING THE INVESTIGATIONS BY LIEUTENANT
18 DORSEY AND THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION,
19 HAVE ANY RECORDS OR ANYTHING OF THAT NATURE BEEN
20 DISCOVERED?

21 MS. EVANS: NOT THROUGH S.L.E.D., AND NOT
22 THAT WE WERE AWARE OF FROM THE D.E.A.

23 THE COURT: ALL RIGHT.

24 MS. EVANS: AND WE DON'T HAVE THE CONTROL
25 AND CUSTODY OVER ---

1 **THE COURT:** PLEASE. YOU ALL GIVE ME MORE
2 INFORMATION THAN I NEEDED. I JUST ASKED IF THE STATE
3 HAS ANY INFORMATION OF RECORDS OR OTHER MATTER THAT
4 WOULD SPREAD TO AN OPENING STATEMENT.

5 ALL RIGHT. DO YOU WANT SOME TIME TO
6 CONSIDER THAT?

7 YOU ARE NOT PUTTING AMANDA UP TODAY, ARE
8 YOU?

9 **MS. EVANS:** NO, SIR. I DO WANT TO BRING UP
10 THE -- I DON'T WANT TO GIVE TOO MUCH INFORMATION ---

11 **THE COURT:** I SAY THAT. I HAVEN'T MET THE
12 LADY. FORDHAM, MS. FORDHAM. YOU ARE NOT PUTTING
13 MS. FORDHAM UP?

14 **MS. EVANS:** NO. BUT WHAT I DO WANT TO BRING
15 TO HIS ATTENTION IS BRIAN MUELLER, I MET WITH HIM LAST
16 WEEK FOR TRIAL PREP. HE TALKED TO ME ABOUT THINGS.
17 THERE'S NOT MANY STATEMENTS. IF YOU WANT US TO TAKE A
18 BREAK AND HAVE ME TELL HIM WHAT HE TOLD ME, I HAVE NO
19 PROBLEM WITH THAT. BUT THERE ARE NOT MANY STATEMENTS
20 FROM BRIAN MUELLER, AND I DO BELIEVE ---

21 **THE COURT:** DO YOU HAVE ANYTHING YOU WANT
22 TO...

23 **MR. KAPPEL:** I DON'T HAVE ANY STATEMENTS
24 FROM BRIAN MUELLER. IF SHE SPOKE TO HIM LAST NIGHT, I'D
25 CERTAINLY LIKE TO KNOW ---

1 THE COURT: LAST WEEK.

2 MS. EVANS: I SPOKE TO HIM LAST NIGHT ---

3 THE COURT: OH, I'M SORRY, LAST NIGHT.

4 MS. EVANS: --- YES, I DID, TO CLARIFY ONE
5 ISSUE.

6 THE COURT: ALL RIGHT. WELL, Y'ALL DO THAT.
7 JUST TAKE FIVE MINUTES. AND IF YOU CAN'T SATISFY
8 YOURSELVES, THEN I'LL DO MY BEST. OKAY. FIVE MINUTES.
9 EVERYBODY CAN TAKE A BREAK.

10 (WHEREUPON, A RECESS WAS TAKEN.)

11 THE COURT: IS THE STATE READY?

12 MS. EVANS: YES, SIR.

13 THE COURT: DEFENSE?

14 MR. KAPPEL: I HAD A DISCUSSION WITH
15 JENNIFER EVANS REGARDING HER MEETING WITH MR. MUELLER
16 LAST NIGHT. SHE SHOWED ME DOCUMENTS THAT SHE REVIEWED
17 WITH HIM. THERE'S NOTHING IN THOSE DOCUMENTS RELATING
18 TO MY CLIENT SPECIFICALLY. SHE SIMPLY OUTLINED THE
19 STORY THAT HE'S GOING TO TESTIFY TO. SO THANK YOU.

20 THE COURT: VERY GOOD. ASK THE JURY TO JOIN
21 US.

22 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
23 4:13 P.M.)

24 THE COURT: LET THE RECORD REFLECT THE JURY
25 AND ALTERNATES ARE IN THE JURY-BOX.

1 YOU MAY CALL YOUR NEXT WITNESS.

2 **MS. EVANS:** THE STATE CALLS BRIAN MUELLER,
3 IF IT PLEASES THE COURT, YOUR HONOR.

4 (WHEREUPON, THE WITNESS WAS SWORN BY THE
5 CLERK.)

6 **THE CLERK:** PLEASE STATE YOUR FULL NAME AND
7 SPELL YOUR LAST NAME FOR THE RECORD.

8 **THE WITNESS:** BRIAN OLIVER MUELLER,
9 B-R-I-A-N, O-L-I-V-E-R, M-U-E-L-L-E-R.
10 WHEREUPON,

11 **BRIAN MUELLER,**
12 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS
13 FOLLOWS:

14 **DIRECT EXAMINATION BY MS. EVANS:**

15 Q. MR. MUELLER, IF YOU SPEAK UP SO ALL THE JURORS
16 CAN HEAR, AND YOU MIGHT NEED TO PULL THE MICROPHONE OVER
17 IF YOU NEED TO. PLEASE TELL THE LADIES AND GENTLEMEN OF
18 THE JURY WHERE YOU ARE FROM.

19 A. GREENVILLE, SOUTH CAROLINA.

20 Q. AND DID YOU GRADUATE FROM SCHOOL HERE IN
21 GREENVILLE?

22 A. YES, MA'AM, MAULDIN ^ HIGH SCHOOL.

23 Q. AND WHERE EXACTLY IN GREENVILLE DID YOU LIVE?

24 A. SIMPSONVILLE.

25 Q. AND AFTER HIGH SCHOOL DID YOU HAVE A JOB?

1 A. YES, MA'AM.

2 Q. PLEASE TELL THE JURORS WHERE YOU WORKED.

3 A. I WORKED AT BUFFALO'S CAFE ON HAMMOND (PHONETIC)
4 ROAD.

5 Q. AND, MR. MUELLER, ARE YOU CURRENTLY INCARCERATED?

6 A. YES, MA'AM.

7 Q. AND WHERE ARE YOU CURRENTLY INCARCERATED?

8 A. IN THE STATE OF GEORGIA.

9 Q. AND WHY ARE YOU CURRENTLY INCARCERATED IN THE
10 STATE OF GEORGIA?

11 A. I'M IN ON A TRAFFICKING CHARGE.

12 Q. TRAFFICKING WHAT, SIR?

13 A. METHAMPHETAMINES.

14 Q. AND WHAT OTHER CONVICTIONS DO YOU HAVE FROM THE
15 STATE OF GEORGIA?

16 A. A FELON WITH THE POSSESSION OF A FIREARM.

17 Q. DO YOU HAVE ANY DRIVING OFFENSES?

18 A. DRIVING UNDER SUSPENSION.

19 Q. AND HAVE YOU BEEN SENTENCED BY THE STATE OF
20 GEORGIA?

21 A. YES, MA'AM.

22 Q. AND HAVE YOU ALSO BEEN CHARGED IN THIS CONSPIRACY
23 THAT YOU ARE HERE TODAY FOR?

24 A. YES, MA'AM.

25 Q. AND WHAT HAVE YOU PLED GUILTY TO?

1 A. CONSPIRACY TO TRAFFIC METHAMPHETAMINE.

2 Q. DO YOU KNOW THE AMOUNT THAT YOU PLED GUILTY TO?

3 A. 400 GRAMS OR MORE.

4 Q. OKAY. LET ME SHOW YOU SOMETHING THAT MAY REFRESH
5 YOUR MEMORY. DO YOU RECOGNIZE THIS (HANDING)?

6 A. YES, MA'AM.

7 Q. AND IS THAT YOUR SIGNATURE ON THE BACK?

8 A. YES, MA'AM.

9 Q. AND WITHOUT READING IT OUT LOUD, BUT CAN YOU
10 PLEASE READ THAT ONE LINE RIGHT THERE?

11 A. TRAFFICKING METHAMPHETAMINES.

12 Q. NO, JUST READ IT TO YOURSELF. I'M SORRY.

13 A. ALL RIGHT. 28 TO A HUNDRED.

14 Q. OKAY. WHAT DID YOU PLED GUILTY TO?

15 A. TRAFFICKING METHAMPHETAMINES, 28 GRAMS TO A
16 HUNDRED GRAMS.

17 Q. OKAY. AND WHAT TIME, TYPE OF TIME ARE YOU FACING
18 HERE IN SOUTH CAROLINA ON YOUR CHARGES?

19 A. ANYWHERE FROM SEVEN TO 30 YEARS.

20 Q. AND WHEN WILL, WHO WILL SENTENCE YOU?

21 A. THE JUDGE THAT'S PRESIDING NOW.

22 Q. AND IS THERE A RECOMMENDATION BY THE STATE AS
23 PART OF YOUR PLEA AGREEMENT?

24 A. 15 YEARS.

25 Q. AND AS PART OF YOUR PLEA AGREEMENT, DID YOU AGREE

1 TO COOPERATE WITH THE STATE?

2 A. YES, MA'AM.

3 Q. AND WHAT DOES COOPERATION MEAN TO YOU?

4 A. JUST TO BE HONEST AND TELL THINGS THE WAY THEY
5 HAPPENED.

6 Q. AND WHEN DID YOU FIRST BECOME INVOLVED WITH
7 DRUGS?

8 A. PROBABLY ABOUT FIVE YEARS AGO.

9 Q. ALL RIGHT. PLEASE TELL THE JURY ABOUT THAT.

10 A. I WAS SMOKING MARIJUANA, I STARTED TO GET INTO
11 SOME OTHER THINGS, STARTED TO DO METH. THINGS JUST
12 ESCALATED FROM THERE.

13 Q. OKAY. AND LET ME ASK YOU THIS: BESIDES YOUR
14 GEORGIA CHARGES AND THE CHARGES THAT YOU PLED GUILTY TO,
15 DO YOU HAVE A PRIOR DRUG CHARGE ON YOUR RECORD?

16 A. YES, MA'AM.

17 Q. AND PLEASE TELL THE JURY WHAT THAT IS.

18 A. POSSESSION OF METHAMPHETAMINES.

19 Q. AND APPROXIMATELY DO YOU KNOW WHEN THAT WAS FROM?

20 A. THAT WAS FROM WINTER OF 2004 TO EARLY 2005.

21 Q. WAS THAT HERE IN GREENVILLE?

22 A. NO, MA'AM.

23 Q. WHERE WAS THAT?

24 A. NORTH CAROLINA.

25 Q. OKAY. LET'S TELL THE JURY ABOUT WHEN YOU FIRST

1 GOT INVOLVED IN SELLING METH.

2 A. I STARTED OUT JUST USING, YOU KNOW, LITTLE BITS
3 HERE AND THERE. IT GOT TO THE POINT WHERE I COULDN'T,
4 COULDN'T AFFORD MY HABIT, SO I HAD TO START SELLING IN
5 ORDER TO BE ABLE TO SUSTAIN THE USE I WAS PUTTING IN.

6 Q. AND WHAT WAS THE DRUG THAT YOU WERE INVOLVED IN?

7 A. MA'AM?

8 Q. WHAT WAS THE DRUG THAT YOU WERE INVOLVED IN
9 SELLING?

10 A. METHAMPHETAMINES.

11 Q. AND WHAT FORM OF METH WERE YOU INVOLVED WITH?

12 A. ICE.

13 Q. AND DO YOU KNOW THE DIFFERENCE? WHAT IS ICE?

14 A. ICE IS JUST A MORE REFINED FORM OF
15 METHAMPHETAMINES.

16 Q. AND IS THAT WHAT YOU WERE SELLING AND USING?

17 A. YES, MA'AM.

18 Q. WHEN YOU FIRST STARTED USING, APPROXIMATELY HOW
19 MUCH ICE WERE YOU USING?

20 A. PROBABLY ABOUT A HALF GRAM A WEEK.

21 Q. ONCE A WEEK?

22 A. YES, MA'AM.

23 Q. DID YOU BECOME ADDICTED?

24 A. YES, MA'AM.

25 Q. HOW QUICKLY?

1 A. PRETTY QUICKLY. IT DIDN'T TAKE LONG AT ALL.

2 Q. AND BY "PRETTY QUICKLY," PLEASE TELL THE JURY
3 WHAT YOU MEAN: DAYS, WEEKS, MONTHS?

4 A. MAYBE WITHIN A COUPLE WEEKS AT THE MOST.

5 Q. AND WHAT HAPPENED AS A RESULT?

6 A. I STARTED USING MORE, I STARTED TO LOSE CONTACT
7 WITH FAMILY AND FRIENDS, I WORRIED MORE ABOUT GETTING
8 HIGH THAN ANYTHING ELSE.

9 Q. YOU JUST PREVIOUSLY TESTIFIED TO THE JURY THAT
10 YOU WERE WORKING AT I THINK YOU SAID BUFFALO'S AND OTHER
11 RESTAURANTS.

12 A. YES, MA'AM.

13 Q. DID YOU EVENTUALLY LOSE YOUR JOB?

14 A. WELL, I QUIT BEFORE THEY HAD A CHANCE TO FIRE ME.

15 Q. AND WHAT DID YOU DO THEN TO SUPPORT YOUR HABIT?
16 WELL, BEFORE I ASK YOU THAT, YOU WERE USING THAT AMOUNT.
17 HOW MUCH DID IT COST YOU FOR HALF AN OUNCE?

18 A. FOR HALF AN OUNCE?

19 Q. EXCUSE ME. FOR HALF A GRAM THAT YOU WERE GETTING
20 AT THE TIME?

21 A. AROUND \$60.00.

22 Q. ALL RIGHT. AND AFTER YOU QUIT YOUR JOB, ABOUT
23 THE TIME YOU QUIT YOUR JOB, HOW MUCH WERE YOU USING PER
24 WEEK?

25 A. A GRAM OR MORE.

1 Q. AND HOW MUCH WOULD THAT COST YOU PER WEEK?

2 A. AROUND A HUNDRED BUCKS.

3 Q. SO \$100.00 A WEEK JUST FOR YOUR METH HABIT?

4 A. YES, MA'AM.

5 Q. WHERE DID YOU LIVE AT THE TIME?

6 A. I WAS IN BETWEEN PLACES TO LIVE, STAYING ON
7 PEOPLE'S COUCHES.

8 Q. HOW DID YOU SUPPORT YOURSELF IF YOU HAD NO JOB
9 AND SPENDING A HUNDRED DOLLARS A WEEK JUST ON YOUR METH
10 HABIT?

11 A. I HAD TO START SELLING.

12 Q. AND WHEN DID YOU START SELLING, APPROXIMATELY?

13 A. PROBABLY ABOUT FOUR YEARS AGO.

14 Q. ALL RIGHT. AND WHEN YOU FIRST STARTED USING, WHO
15 WERE YOU GETTING YOUR METH FROM?

16 A. I WAS GETTING IT FROM A GUY NATE.

17 Q. NATE? DO YOU KNOW HIS LAST NAME?

18 A. NO, MA'AM.

19 Q. ALL RIGHT. ONCE YOU STARTED GETTING -- DID YOU
20 START TO GET MORE AND MORE DRUGS THE MORE YOU STARTED
21 USING THEM?

22 A. YES, MA'AM.

23 Q. DID YOU EVENTUALLY ACQUIRE A DIFFERENT SOURCE
24 AFTER NATE?

25 A. YES, MA'AM.

1 Q. AND WHO WAS THAT?

2 A. SETH STEARNS.

3 Q. AND HOW DID YOU MEET SETH STEARNS?

4 A. THROUGH NATE.

5 Q. DO YOU KNOW HOW NATE KNEW SETH STEARNS?

6 A. I DO NOT.

7 Q. WHERE WERE YOU LIVING AT THE TIME?

8 A. I WAS STAYING AT A FRIEND'S HOUSE DOWNTOWN.

9 Q. DO YOU REMEMBER WHERE SETH WAS LIVING AT THE
10 TIME?

11 A. I BELIEVE HE HAD A TRAILER IN PIEDMONT AT THAT
12 TIME.

13 Q. AND WHERE DID YOU MEET SETH STEARNS FOR THE FIRST
14 TIME?

15 A. WE MET AT NATE'S HOUSE THE FIRST TIME.

16 Q. AND WHERE WAS NATE'S HOUSE?

17 A. IT'S OFF OF PELHAM ROAD.

18 Q. AND YOU SAID YOU WERE STAYING AT VARIOUS --
19 PELHAM ROAD UP HERE IN GREENVILLE?

20 A. YES, MA'AM.

21 Q. OKAY. AND YOU WERE STAYING AT VARIOUS LOCATIONS?

22 A. YES, MA'AM.

23 Q. WHO WERE SOME OF THE FRIENDS' HOUSE YOU WERE
24 STAYING AT?

25 A. KYLE DUNAWAY, A GUY NAMED JASON LET ME STAY THERE

1 A FEW TIMES.

2 Q. WHO WERE YOU SELLING TO WHEN YOU FIRST STARTED
3 SELLING TO SUPPORT YOUR HABIT?

4 A. KYLE AGAIN, A GUY NAMED JEFF, ANOTHER GUY NAMED
5 CHRIS.

6 Q. AND WHY DID NATE INTRODUCE YOU TO SETH?

7 A. BECAUSE I WAS ASKING FOR MORE THAN WHAT HE COULD
8 SUPPLY ME WITH.

9 Q. AND DID YOU START GETTING YOUR METH FROM SETH
10 THEN?

11 A. YES, MA'AM.

12 Q. AND HOW MUCH DID YOU GET FROM HIM THE FIRST TIME
13 YOU BOUGHT?

14 A. AN EIGHT BALL.

15 Q. AND APPROXIMATELY HOW MUCH DID THAT COST YOU?

16 A. THREE HUNDRED TO THREE HUNDRED FIFTY DOLLARS.

17 Q. WAS THAT SOMETHING THAT WAS FRONTED TO YOU? DID
18 YOU HAVE TO BRING THE CASH? PLEASE JUST EXPLAIN WHEN
19 YOU FIRST STARTED DEALING WITH SETH STEARNS HOW THE DRUG
20 TRANSACTIONS OCCURRED.

21 A. WELL, HE UNDERSTOOD THAT I DIDN'T HAVE ANY MONEY
22 AND I WAS WILLING TO SELL METH FOR HIM. HE JUST GAVE IT
23 TO ME ON CREDIT, SO TO SPEAK, UNTIL I COULD GET THE
24 MONEY TO PAY HIM BACK.

25 Q. AND WHEN YOU BOUGHT THIS EIGHT BALL FROM HIM, HOW

1 DID YOU GET THE MONEY TO PAY SETH STEARNS BACK FOR THIS
2 ORIGINAL EIGHT BALL?

3 A. I WOULD TAKE THE EIGHT BALL AND BREAK IT DOWN
4 INTO HALF GRAMS AND GRAMS AND SELL IT LIKE THAT.

5 Q. AND ABOUT HOW MUCH, HOW MANY GRAMS IS AN EIGHT
6 BALL?

7 A. 3.5.

8 Q. AND WOULD YOU ALSO USE SOME OF THAT EIGHT BALL?

9 A. YES, MA'AM.

10 Q. HOW MANY TIMES A WEEK WOULD YOU AT FIRST BUY FROM
11 SETH STEARNS?

12 A. ONCE OR TWICE.

13 Q. OKAY. AND I THINK YOU ALREADY TOLD ME, WHERE WAS
14 HE LIVING AT THE TIME THAT YOU FIRST STARTED PURCHASING
15 METH FROM HIM?

16 A. IN A TRAILER IN PIEDMONT, SOUTH CAROLINA.

17 Q. AND WERE THOSE TRANSACTIONS EARLY ON, ALL TAKE
18 PLACE THE SAME WAY, WERE THEY FRONTED TO YOU?

19 A. YES, MA'AM.

20 Q. EVENTUALLY DID YOU MOVE ON TO LARGER QUANTITIES
21 OF ICE?

22 A. YES, MA'AM.

23 Q. AND WERE YOU STILL PURCHASING THOSE LARGER
24 QUANTITIES FROM SETH STEARNS?

25 A. YES, MA'AM.

1 Q. APPROXIMATELY WHAT WEIGHT DID YOU START GETTING
2 FROM SETH STEARNS?

3 A. AFTER A FEW WEEKS I STARTED GETTING HALF OUNCES,
4 OUNCES.

5 Q. AND HOW MUCH WOULD SETH STEARNS CHARGE YOU FOR AN
6 OUNCE OF ICE?

7 A. AROUND 1200 TO 1300 DOLLARS.

8 Q. AND AGAIN, WHAT WOULD YOU DO WITH THAT OUNCE OF
9 ICE THAT SETH STEARNS SOLD TO YOU?

10 A. BREAK IT DOWN INTO EIGHT BALLS AND QUARTER OUNCES
11 AND SELL IT.

12 Q. IS IT FAIR TO SAY THE LARGER AMOUNT YOU GET, THE
13 BETTER PRICE YOU GET?

14 A. YES, MA'AM.

15 Q. SO THE MORE YOU GOT, THE MORE YOU COULD TURN
16 AROUND AND SELL AND THE MORE YOU COULD MAKE OFF OF IT?

17 A. YES, MA'AM.

18 Q. CONTINUE ON. HOW DID YOUR RELATIONSHIP WITH SETH
19 STEARNS DEVELOP?

20 A. IT WENT PRETTY RAPIDLY. I DON'T THINK YOU CAN
21 CONSIDER US FRIENDS AND WHATNOT. BUT I STARTED GOING TO
22 SEE HIM THREE, FOUR TIMES A WEEK, GETTING OUNCES OR
23 OUNCE AND A HALVES, AND IT JUST PROGRESSED FROM THERE.

24 Q. AND WHEN YOU FIRST STARTED GETTING OUNCE AMOUNTS
25 AND YOU WERE BREAKING THEM DOWN INTO EIGHT BALLS, WHAT'S

1 THE SHORTEST TIME IT TOOK FOR YOU TO GET RID OF THAT
2 METH?

3 A. THREE TO FOUR HOURS.

4 Q. AND ABOUT HOW MANY TIMES A WEEK WERE YOU GOING UP
5 THERE?

6 A. THREE TO FOUR.

7 Q. AND AGAIN, WOULD IT BE THE SAME THING, HE WOULD
8 FRONT YOU THE OUNCE AND THEN WHEN YOU WOULD SELL IT, THE
9 NEXT TIME YOU WOULD PAY HIM FOR THE PREVIOUS OUNCE?

10 A. YES, MA'AM.

11 Q. DURING THIS TIME FRAME DID YOU EVER GET MORE THAN
12 AN OUNCE FROM SETH STEARNS?

13 A. YES, MA'AM.

14 Q. ABOUT HOW MUCH WAS THE MOST DURING THIS TIME
15 FRAME GETTING OUNCE AMOUNTS DID YOU GET FROM HIM?

16 A. TWO TO THREE OUNCES.

17 Q. AND THE MORE YOU GOT, WAS IT STILL THE SAME PRICE
18 HER OUNCE?

19 A. YEAH.

20 Q. WHERE WAS -- SETH STEARNS EVENTUALLY MOVED
21 SOMEPLACE?

22 A. HE MOVED TO A HOUSE ON LAKE HARTWELL.

23 Q. DO YOU KNOW WHAT COUNTY THAT'S IN?

24 A. NO, I DO NOT.

25 Q. OKAY. DO YOU KNOW APPROXIMATELY WHEN THAT WAS?

1 A. THAT WOULD BE THE SUMMER OF 2004.

2 Q. ALL RIGHT. DID YOU EVENTUALLY COME TO KNOW OR
3 KNOW WHO SETH STEARNS' SOURCE OF ICE WAS?

4 A. EVENTUALLY, YES.

5 Q. AND APPROXIMATELY BETWEEN THE TIME PERIOD WHERE
6 YOU FIRST STARTED BUYING EIGHT BALLS TO WHERE YOU ARE UP
7 TO A COUPLE OF OUNCES, HOW LONG WAS IT BEFORE HE TOLD
8 YOU WHERE HE WAS GETTING HIS ICE FROM?

9 A. PROBABLY ABOUT FIVE TO SIX MONTHS.

10 Q. ALL RIGHT. AND WHERE DID HE TELL YOU HE WAS
11 GETTING THE ICE FROM?

12 A. FROM ATLANTA.

13 Q. DID HE TELL YOU A NAME?

14 A. NOT AT FIRST, NO.

15 Q. OKAY. HOW OFTEN DID SETH GO TO ATLANTA TO GET
16 THIS ICE?

17 A. AT LEAST ONCE A WEEK.

18 Q. DID YOU EVENTUALLY LEARN WHO THE ACTUAL SOURCE IN
19 ATLANTA WAS?

20 A. YES, MA'AM.

21 Q. AND WHO WAS THAT?

22 A. AMANDA FORDHAM.

23 Q. ALL RIGHT. DID YOU EVENTUALLY MEET AMANDA
24 FORDHAM?

25 A. YES, MA'AM.

1 Q. HOW DID YOU MEET AMANDA FORDHAM?

2 A. SETH TOOK ME DOWN TO ATLANTA WITH HIM TO GO PICK
3 UP AND HE INTRODUCED ME TO HER.

4 Q. PLEASE TELL THE JURY ABOUT THAT FIRST TIME YOU
5 MET AMANDA FORDHAM, WHERE WAS IT, THE DETAILS, PLEASE?

6 A. WE WERE AT A HOTEL IN ATLANTA. WE SAT THERE FOR
7 ABOUT AN HOUR. AMANDA CAME IN. THEY, THEY TRANSACTED
8 SOME MONEY. AMANDA THEN WENT TO THE RESTROOM. A
9 HISPANIC GUY CAME IN AND ALSO WENT TO THE RESTROOM, AND
10 AFTER THEY LEFT, SETH HAD A CONTAINER FULL OF METH AND
11 WE WERE READY TO RIDE.

12 Q. AND YOU SAID SOMEBODY CAME IN BESIDES AMANDA?

13 A. YES, MA'AM.

14 Q. AND DESCRIBE THAT INDIVIDUAL.

15 A. ABOUT 5'10", HISPANIC.

16 Q. DO YOU REMEMBER HIS NAME?

17 A. NO. I THINK IT STARTED WITH AN R.

18 Q. OKAY. AND DID YOU GET ANY OF THE METH THAT SETH
19 PURCHASED FROM AMANDA THAT DAY?

20 A. YES, MA'AM.

21 Q. HOW MUCH DID YOU GET?

22 A. ABOUT EIGHT TO TEN OUNCES.

23 Q. AND I USE THE WORD "PURCHASE." DO YOU KNOW WHAT
24 THE ARRANGEMENT OR THE AGREEMENT BETWEEN SETH AND AMANDA
25 WAS? WAS AMANDA FRONTING THE DRUGS TO SETH OR WAS HE

1 PAYING FOR THE DRUGS BEFORE HE GOT THEM WHEN HE WOULD GO
2 TO ATLANTA TO PICK THEM UP?

3 A. HE PURCHASED THEM WHEN WE GOT THERE.

4 Q. THEY WERE NOT BEING FRONTED?

5 A. NO.

6 Q. WHEN HE GAVE YOU THAT SEVEN OUNCES ON THE WAY
7 BACK, WAS THAT FRONTED TO YOU?

8 A. YES, MA'AM.

9 Q. DO YOU KNOW HOW MUCH SETH, WHEN YOU FIRST WENT
10 DOWN THAT TIME, WAS APPROXIMATELY PAYING FOR A POUND OF
11 METH?

12 A. \$12,500.00.

13 Q. WHAT DID YOU DO WITH THAT SEVEN OUNCES THAT HE
14 GOT -- THAT YOU GOT? I APOLOGIZE.

15 A. I WENT AND SOLD THEM.

16 Q. AND WHO DID YOU SELL IT TO?

17 A. I SOLD SOME TO KYLE, THE SAME GUY I MENTIONED
18 BEFORE; THE SAME PEOPLE AS BEFORE, I WAS STILL DEALING
19 WITH THEN.

20 Q. WELL, EXPLAIN TO THE JURY, YOU'RE GETTING AN
21 OUNCE, YOU TESTIFIED YOU GOT ABOUT TWO AND A HALF
22 OUNCES. THIS TIME YOU GET SEVEN OUNCES. HOW LONG DID
23 IT TAKE YOU TO GET RID OF SEVEN OUNCES?

24 A. ABOUT TWO DAYS.

25 Q. AND HOW WAS THE METH PACKAGED WHEN AMANDA GAVE IT

1 TO SETH?

2 A. IT WAS IN A CLEAR BLUE TUPPERWARE CONTAINER.

3 Q. ALL RIGHT. DID YOU EVER GO BACK TO ATLANTA WITH
4 SETH?

5 A. NO, WE DIDN'T, WE DIDN'T GO BACK TOGETHER AGAIN.

6 Q. ALL RIGHT. AT SOME POINT DID YOU AND SETH HAVE
7 AN AGREEMENT ABOUT YOU GOING TO ATLANTA?

8 A. YES, MA'AM.

9 Q. AND WHEN DID YOU GO BACK TO ATLANTA?

10 A. ABOUT A WEEK AFTER THE FIRST TIME WE WENT.

11 Q. ALL RIGHT. CAN YOU PLEASE TELL THE JURY ABOUT
12 YOURS AND SETH'S AGREEMENT ABOUT YOU GOING DOWN TO
13 ATLANTA?

14 A. YEAH. IT WOULD BE I WOULD GIVE HIM A THOUSAND
15 DOLLARS EVERY TIME I WENT DOWN THERE AND ONE OUNCE PER
16 POUND THAT I PICKED UP.

17 Q. AND THE FIRST TIME YOU WENT DOWN THERE, WHERE DID
18 YOU GO? BY YOURSELF I'M TALKING ABOUT.

19 A. I WENT DOWN TO PLEASANT HILL WHICH WAS JUST
20 OUTSIDE OF ATLANTA.

21 Q. WHAT DID YOU DO WHEN YOU GOT THERE?

22 A. I GOT A HOTEL ROOM AND CALLED AMANDA AND SHE CAME
23 BY AND DROPPED OFF A POUND OF DOPE.

24 Q. AND WAS IT PACKAGED THE SAME WAY?

25 A. YES.

1 Q. AND WHAT DID YOU DO WITH THAT DOPE?

2 A. I BROUGHT IT BACK TO SOUTH CAROLINA, WENT AND SAW
3 SETH, GAVE HIM HIS OUNCE, GIVE HIM A THOUSAND BUCKS, AND
4 THEN CONTINUED ON TO SELL IT.

5 Q. WAS AMANDA FRONTING YOU THE DRUGS OR WERE YOU
6 HAVING TO PURCHASE THOSE DRUGS?

7 A. I WAS PURCHASING THEM.

8 Q. SO YOU GO FROM HAVING TO BE FRONTED THE DRUGS
9 FROM SETH TO BEING ABLE TO PURCHASE THE DRUGS FROM
10 AMANDA. WHERE DID YOU GET THE MONEY FROM TO GET THAT
11 FIRST -- HOW MUCH DID YOU GET WHEN YOU WENT DOWN THERE?

12 A. ABOUT A POUND.

13 Q. OKAY. WHERE DID YOU GET THE MONEY TO GET THAT
14 INITIAL POUND?

15 A. I HAD SOME THAT I HAD BEEN PUTTING UP FROM MY OWN
16 DEALINGS. ALSO, KENNETH LAVENDER AND CHAD SEXTON THREW
17 IN SOME MONEY TOGETHER.

18 Q. ALL RIGHT. I'M GOING TO DRAW YOUR ATTENTION TO
19 WHAT HAS BEEN MARKED FOR JUST IDENTIFICATION PURPOSES AS
20 STATE'S EXHIBIT NUMBER FOUR. IS THAT YOU, SIR?

21 A. YES, MA'AM.

22 Q. WAS YOUR HAIR LONGER THEN?

23 A. YES, MA'AM.

24 Q. DID YOU HAVE A FULL BEARD THEN?

25 A. YES, MA'AM.

1 Q. AND THIS INDIVIDUAL, IS THIS SETH STEARNS, THE
2 ONE YOU WERE DEALING WITH?

3 A. YES, MA'AM.

4 Q. THIS WAS THE SAME INDIVIDUAL YOU HAD THIS
5 AGREEMENT WITH?

6 A. YES, MA'AM.

7 Q. AND WHO IS THIS?

8 A. AMANDA FORDHAM.

9 Q. AND YOU JUST MENTIONED (INDICATING)?

10 A. CHAD SEXTON.

11 Q. AND KENNY LAVENDER. HOW DID YOU KNOW KENNY
12 LAVENDER AND CHAD SEXTON?

13 A. I MET THEM THROUGH SETH.

14 Q. OKAY. WHEN YOU STARTED TAKING OVER AND HAVING TO
15 GO DOWN AND GET THESE POUND AMOUNTS FOR SETH, WERE YOU
16 STILL SELLING TO YOUR REGULAR CUSTOMERS?

17 A. YES, MA'AM.

18 Q. AS PART OF YOUR AGREEMENT DID YOU HAVE TO START
19 SELLING TO OTHER CUSTOMERS THAT WERE SETH'S CUSTOMERS?

20 A. YES, MA'AM.

21 Q. PLEASE TELL THE JURY ABOUT THAT.

22 A. SETH WAS TRYING TO ELIMINATE THE RISK OF THE DRUG
23 GAME AND PRETTY MUCH JUST HAVE HIS CAKE AND EAT IT, TOO,
24 SO HE ASKED ME TO TAKE CARE OF CHAD SEXTON AND KENNY
25 LAVENDER AFTER HE WAS SUPPOSEDLY TRYING TO QUIT, YOU

1 KNOW? SO I HAD THEM TO DEAL WITH, ALSO.

2 Q. SO IN ESSENCE YOU KEPT YOUR CUSTOMER BASE, BUT
3 YOU HAD TO KEEP ON SUPPLYING NOT ONLY SETH'S FINDER'S
4 FEE, IS THAT A GOOD WAY OF DESCRIBING THE THOUSAND
5 DOLLARS YOU WOULD HAVE TO GIVE HIM?

6 MR. KAPPEL: OBJECTION, LEADING.

7 THE COURT: THAT IS LEADING, SO YOU CAN
8 RESTATE THE QUESTION.

9 LADIES AND GENTLEMEN OF THE JURY, WHILE WE
10 DO NOT PERMIT LEADING OF YOUR OWN WITNESS, A LEADING
11 QUESTION IS A QUESTION THAT SUGGESTS AN ANSWER, IN OTHER
12 WORDS, IT'S ACTUALLY THE ATTORNEY TESTIFYING AND ASKING
13 THE WITNESS TO AGREE OR DISAGREE. SO IT'S REALLY, WE
14 WANT TO HEAR WHAT THE WITNESS KNOWS.

15 NOW, THE LEADING IS NOT PERMITTED ON
16 EXAMINATION OF YOUR WITNESS; HOWEVER, ON
17 CROSS-EXAMINATION THE ATTORNEY CAN LEAD. AND THESE
18 RULES APPLY BOTH TO THE STATE AND THE DEFENSE.

19 NOW RESTATE YOUR QUESTION.

20 MS. EVANS: THANK YOU, YOUR HONOR. I
21 APOLOGIZE.

22 BY MS. EVANS:

23 Q. PLEASE EXPLAIN TO THE JURY HOW YOUR DRUG BUSINESS
24 CHANGED AFTER YOU STARTED GOING DOWN TO ATLANTA.

25 A. WELL, I WOULD, I WOULD START -- I WOULD SELL IT

1 TO MY CUSTOMERS WHEN I GOT BACK, AND I WOULD ALSO SELL
2 IT TO SETH'S SELECT CUSTOMERS, THOSE TWO GUYS THERE
3 (INDICATING), AND EVERY TIME I CAME BACK I WOULD HAVE TO
4 GIVE HIM, SETH, A THOUSAND DOLLARS AND AN OUNCE,
5 DEPENDING ON WHAT I PICKED UP.

6 Q. ALL RIGHT. DEPENDING ON WHAT YOU PICKED UP. IF
7 YOU PICKED UP MORE THAN A POUND, WHAT WAS YOUR AGREEMENT
8 WITH SETH ABOUT THAT?

9 A. I WOULD GIVE HIM A THOUSAND DOLLARS AND AN OUNCE
10 PER POUND. IF I PICKED UP TWO, I WOULD GIVE HIM TWO
11 OUNCES.

12 Q. AND APPROXIMATELY WHILE YOU HAD THIS AGREEMENT
13 GOING ON, HOW MANY POUNDS DID YOU GO DOWN AND GET FROM
14 AMANDA AND HAVE THE TRANSACTIONS OCCUR THE WAY YOU JUST
15 DESCRIBED TO THE JURY?

16 A. I'D SAY 10 TO 15.

17 Q. AND APPROXIMATELY HOW MANY POUNDS WAS THAT?

18 A. PROBABLY ABOUT 20.

19 Q. AND HOW MUCH WERE YOU SELLING TO CHAD WHEN YOU
20 WOULD GET BACK FROM ATLANTA?

21 A. A COUPLE OUNCES.

22 Q. AND DID YOU EVER SELL DIRECTLY TO KENNY LAVENDER?

23 A. YES, MA'AM.

24 Q. AND ABOUT HOW MUCH DID YOU SELL TO HIM?

25 A. A HALF POUND.

1 Q. AND WHO ELSE WERE YOU SELLING TO?

2 A. STILL MESSING WITH KYLE, THE SAME GUY; A FELLA
3 NAMED CHRIS AND ANOTHER GUY NAMED JASON.

4 Q. AND I MIGHT HAVE ASKED THIS AND I APOLOGIZE. HOW
5 OFTEN DID YOU GO DOWN TO ATLANTA UNDER THIS ARRANGEMENT
6 YOU HAD WITH SETH?

7 A. AROUND ONCE A WEEK.

8 Q. AND ABOUT HOW MUCH METH DURING THIS TIME FRAME
9 WERE YOU MOVING PER WEEK?

10 A. ANYWHERE FROM ONE TO THREE POUNDS.

11 Q. AND DID YOU KNOW -- AND I DRAW YOUR ATTENTION TO
12 THE CHART -- AN INDIVIDUAL BY THE NAME OF ROBBY SEXTON?

13 A. YEAH, I KNEW HE WAS CHAD'S BROTHER.

14 Q. ALL RIGHT. HOW DID YOU KNOW ROBBY SEXTON?

15 A. I MET HIM THROUGH SETH, ALSO.

16 Q. AND DID YOU HAVE ANY DEALINGS BESIDES DRUG
17 DEALINGS WITH ROBBY SEXTON?

18 A. WE HAD SOME PROPERTY AND STUFF THAT HE SOLD AT
19 HIS HOUSE, BUT THAT WAS IT.

20 Q. DO YOU REMEMBER WHAT TYPE OF PROPERTY IT WAS?

21 A. AUDIO EQUIPMENT.

22 Q. AND WHO PURCHASED THAT AUDIO EQUIPMENT WITH YOU
23 FROM HIM?

24 A. SETH.

25 Q. DID YOU EVER SELL DRUGS TO ROBBY?

1 A. YES.

2 Q. HOW MANY TIMES?

3 A. JUST ONCE.

4 Q. ALL RIGHT. DID YOU STOP DEALING WITH SETH, OR
5 DID YOU QUIT THIS AGREEMENT AT SOME POINT?

6 A. YES, I DID.

7 Q. WOULD YOU PLEASE TELL THE JURY ABOUT THAT.

8 A. SETH STARTED TO TRY TO TELL ME WHO I COULD AND
9 COULDN'T SELL DOPE TO, SO I BASICALLY TOLD HIM THAT, YOU
10 KNOW, HE COULD STICK IT WHERE THE SUN DOESN'T SHINE.

11 Q. AND THIS AGREEMENT, WAS THIS WRITTEN DOWN
12 SOMEWHERE? DID YOU HAVE A RECORD OR ANYTHING OF THIS
13 AGREEMENT THAT YOU ENTERED INTO WITH SETH?

14 A. NO.

15 Q. PLEASE EXPLAIN TO THE JURY WHY NOT.

16 A. THAT'S REALLY NOT SOMETHING YOU DO. YOU DON'T
17 REALLY TEND TO WRITE STUFF DOWN WHEN YOU'RE DEALING
18 DRUGS, IT'S NOT LIKE YOU'RE GONNA FILE TAXES OR
19 ANYTHING.

20 Q. AND DURING THE TIME BEFORE YOU WENT TO ATLANTA
21 AND YOU WERE GETTING FRONTED YOUR DRUGS BY SETH, DID YOU
22 EVER GET A RECEIPT, AN I.O.U. OR ANYTHING LIKE THAT?

23 A. NO.

24 Q. WOULD YOU KEEP A LEDGER, THOUGH, OF PEOPLE THAT
25 OWED YOU MONEY AT THE TIME JUST TO TRY TO KEEP UP WITH

1 IT?

2 A. YES.

3 Q. HOW LONG WOULD YOU KEEP THAT LEDGER AROUND?

4 A. NO MORE THAN A WEEK.

5 Q. AND WHY WOULDN'T YOU KEEP THAT?

6 A. THAT'S JUST NOT SOMETHING YOU WANT TO HOLD ON TO.

7 Q. WHY NOT?

8 A. IT'S INCRIMINATING.

9 Q. MEANING? PLEASE ELABORATE TO THE JURY ABOUT WHAT
10 YOU MEAN BY "INCRIMINATING."

11 A. IT'S EVIDENCE OF YOU ARE DOING SOMETHING YOU ARE
12 NOT SUPPOSED TO BE DOING.

13 Q. DID YOU WANT TO GET CAUGHT DEALING IN DRUGS?

14 A. NO.

15 Q. BESIDES NOT AGREEING WITH YOUR AGREEMENT WITH
16 SETH, DID SOMETHING ELSE HAPPEN TO YOU WHICH MADE YOU
17 STOP GOING TO SEE AMANDA ON BEHALF OF SETH?

18 A. I GOT ARRESTED IN NORTH CAROLINA.

19 Q. OKAY. AND WHAT WERE YOU ARRESTED FOR IN NORTH
20 CAROLINA?

21 A. POSSESSION OF METHAMPHETAMINE.

22 Q. AND IS THAT THE CHARGE THAT WE PREVIOUSLY TALKED
23 ABOUT?

24 A. YES, MA'AM.

25 Q. AND DID YOU GET OUT OF JAIL ON THAT?

1 A. YES, MA'AM.

2 Q. DID YOU STOP THE DRUG BUSINESS THEN?

3 A. I DID FOR A FEW MONTHS, YEAH.

4 Q. APPROXIMATELY WHEN WAS THAT, DO YOU REMEMBER?

5 A. LATE 2004, BEGINNING OF 2005.

6 Q. OKAY. DID YOU GET BACK INTO THE DRUG BUSINESS?

7 A. YES, MA'AM.

8 Q. AND WHEN DID YOU GET BACK INTO THE DRUG BUSINESS?

9 A. SEVERAL MONTHS, THREE TO FOUR MONTHS AFTER THAT,
10 SO IT WAS PROBABLY MARCH OR APRIL 2005.

11 Q. AND WHEN YOU GOT BACK INTO THE DRUG BUSINESS, WHO
12 DID YOU GET BACK INTO THE DRUG BUSINESS WITH?

13 A. AMANDA FORDHAM.

14 Q. WERE YOU GETTING BACK INTO THE DRUG BUSINESS WITH
15 AMANDA WITH THE SAME AGREEMENT THAT YOU PREVIOUSLY HAD
16 WITH SETH?

17 A. NO.

18 Q. WHAT WERE YOU DOING AFTER YOU GOT OUT OF JAIL
19 WITH AMANDA?

20 A. I WOULD GO DOWN TO ATLANTA AND PICK UP X AMOUNT,
21 ONE TO TWO POUNDS AT FIRST, AND JUST COME BACK AND SELL
22 IT.

23 Q. AND WHO WERE YOU SELLING TO THEN?

24 A. IT WAS A WHOLE NEW LIST OF PEOPLE, I DIDN'T DEAL
25 WITH ANYBODY THAT I'D DEALT WITH BEFORE.

1 Q. YOU DIDN'T DEAL WITH CHAD SEXTON AFTER YOU GOT
2 ARRESTED IN NORTH CAROLINA?

3 A. NO, I DIDN'T DEAL WITH ANYBODY.

4 Q. KENNY LAVENDER?

5 A. NO.

6 Q. DID YOU HAVE ANY IDEA IF SETH STEARNS WAS
7 CONTINUING, AFTER YOU STOPPED, TO CONTINUE TO GET METH
8 THROUGH AMANDA?

9 A. I NEVER SAW HIM DOWN THERE, BUT I HEARD YES, HE
10 WAS.

11 Q. WHO DID YOU HEAR THAT FROM?

12 A. AMANDA.

13 Q. WHAT DID AMANDA TELL YOU ABOUT THAT?

14 A. THAT HE WAS STILL DEALING METH.

15 MR. KAPPEL: OBJECTION, YOUR HONOR.

16 THE COURT: A CONSPIRACY? NO CONSPIRACY.

17 ALL RIGHT.

18 BY MS. EVANS:

19 Q. PLEASE TELL THE JURY WHAT ---

20 THE COURT: OVERRULED.

21 BY MS. EVANS:

22 Q. --- AMANDA TOLD YOU.

23 A. THAT HE WAS COMING DOWN TO GET METH.

24 Q. AND WHO WAS COMING DOWN TO GET METH?

25 A. SETH STEARNS.

1 Q. SETH WAS? WAS ANYONE ELSE COMING DOWN TO GET
2 METH FROM AMANDA FOR SETH?

3 A. I THINK CHAD MAY HAVE BEEN COMING DOWN.

4 Q. AND DID YOU AGAIN GET CAUGHT WITH DRUGS?

5 A. YES, MA'AM.

6 Q. PLEASE TELL THE JURY ABOUT THAT.

7 A. I GOT CAUGHT WITH THREE POUNDS OF
8 METHAMPHETAMINES IN GEORGIA.

9 Q. AND PLEASE TELL THE JURY WHAT YOU WERE DOING
10 WITH, PLEASE JUST GO INTO DETAIL ABOUT WHAT HAPPENED.

11 A. I WAS TAKING, I HAD PICKED UP PREVIOUSLY IN A
12 WEEK AND I WAS TAKING THREE POUNDS BACK THAT WERE NOT AS
13 GOOD AS WHAT I WAS USED TO GETTING, AND I WAS PULLED
14 OVER ON A ROUTINE TRAFFIC VIOLATION AND SEARCHED.

15 Q. HOW MUCH DID YOU GET WHEN YOU PURCHASED THE
16 ORIGINAL AMOUNT OF THE THREE YOU WERE TAKING BACK?

17 A. ABOUT 15 POUNDS.

18 Q. AND WHAT DID YOU DO WITH THE OTHER 12 POUNDS OF
19 METH?

20 A. I SOLD THEM IN GREENVILLE.

21 Q. AND HOW QUICKLY DID IT TAKE YOU TO SELL THOSE 12
22 POUNDS IN GREENVILLE?

23 A. ABOUT A WEEK.

24 Q. AND DID YOU ALSO HAVE CASH WHEN YOU WERE STOPPED
25 IN GEORGIA?

1 A. YES, MA'AM.

2 Q. HOW MUCH CASH DID YOU HAVE?

3 A. \$116,200.00.

4 Q. AND WHAT WAS THAT CASH FOR?

5 A. PURCHASING MORE METHAMPHETAMINES.

6 Q. WHAT HAPPENED TO THAT CASH?

7 A. IT WAS SEIZED BY THE GOVERNMENT.

8 Q. DID THEY GIVE IT BACK TO YOU?

9 A. NO.

10 Q. AND ARE THOSE THE CHARGES THAT YOU ARE CURRENTLY
11 INCARCERATED FOR?

12 A. YES, MA'AM.

13 Q. WHEN YOU WERE ALSO STOPPED, WE WERE TALKING JUST
14 BRIEFLY, DID THEY ALSO FIND JUST SOME INFORMATION THAT
15 YOU HAD WRITTEN DOWN ON SOME OF THE PEOPLE THAT OWED YOU
16 MONEY?

17 A. YES.

18 Q. AND I'M GONNA SHOW YOU SOMETHING TO REFRESH YOUR
19 MEMORY.

20 A. YES, MA'AM.

21 Q. AND WERE THESE NOTES THAT WERE FOUND IN YOUR CAR?

22 A. YES, MA'AM.

23 Q. AND TELL THE JURY EXACTLY WHAT THESE WERE.

24 A. IT'S LIKE THE SHEETS WE WERE TALKING ABOUT
25 EARLIER WITH THE AMOUNTS OF MONEY PEOPLE OWED ME.

1 Q. HOW LONG WOULD YOU KEEP SOMETHING LIKE THAT
2 AROUND?

3 A. EITHER UNTIL THEY PAID OR NOT MORE THAN A WEEK.

4 Q. WHEN YOU WERE SELLING THE DRUGS, AND I USE THE
5 TERM "SELLING," WERE YOU FRONTING ANY INDIVIDUALS' DRUGS?

6 A. YES, MA'AM.

7 Q. AND IS THAT NORMALLY WHO YOU WOULD KEEP A RECORD
8 OF, THE PEOPLE THAT YOU WERE FRONTING DRUGS TO?

9 A. YES, MA'AM.

10 Q. DID YOU EVER FRONT ANY DRUGS TO SETH STEARNS?

11 A. NO, MA'AM.

12 Q. DID HE FRONT THEM TO YOU, HOWEVER?

13 A. YES, MA'AM.

14 MS. EVANS: BEG THE COURT'S INDULGENCE FOR
15 ONE SECOND.

16 BY MS. EVANS:

17 Q. I'M SORRY. WHEN YOU WERE ALSO STOPPED IN
18 GEORGIA, DID YOU HAVE A GUN WITH YOU?

19 A. YES, MA'AM.

20 Q. WHY DID YOU HAVE A GUN WITH YOU?

21 A. JUST IN CASE. I HAD A LOT OF MONEY WITH ME; I
22 DIDN'T WANT ANYBODY TO COME ALONG AND TAKE IT.

23 Q. AND WHEN YOU WENT BACK INTO DEALING WITH AMANDA,
24 DO YOU KNOW WHO HER SOURCE CONTINUED TO BE?

25 A. ALL I KNOW IS THEY WERE, THEY WERE HISPANIC. I

1 DON'T KNOW WHO THEY WERE.

2 MS. EVANS: BEG THE COURT'S INDULGENCE.

3 (COUNSEL CONFER.)

4 BY MS. EVANS:

5 Q. WE TALKED BRIEFLY ABOUT YOU ENTERING INTO A
6 COOPERATION AGREEMENT. I SHOW YOU THIS TO REFRESH YOUR
7 MEMORY. DO YOU KNOW WHAT DAY YOU ENTERED INTO THAT
8 AGREEMENT?

9 A. THE 9TH DAY OF APRIL.

10 Q. WHAT YEAR?

11 A. 2005.

12 Q. FROM THE TIME THAT YOU SIGNED THIS COOPERATION
13 AGREEMENT TILL TODAY, HAVE YOU BEEN INVOLVED IN ANY DRUG
14 DEALING?

15 A. NO.

16 Q. HAVE YOU BEEN INCARCERATED SINCE THE TIME YOU
17 SIGNED THIS PLEA AGREEMENT?

18 A. YES, MA'AM.

19 Q. IS IT POSSIBLE TO CONTINUE ON A DRUG BUSINESS
20 FROM JAIL?

21 A. NOT THAT I'M AWARE OF, NO.

22 Q. OKAY. WHEN YOU SIGNED THAT COOPERATION
23 AGREEMENT, DID YOU AGREE TO COOPERATE WITH THE GEORGIA
24 AUTHORITIES, TOO?

25 A. YES, MA'AM.

1 Q. WHEN YOU DID THAT, DID ANYONE FROM GEORGIA OR
2 ANYONE FROM S.L.E.D. TELL YOU ABOUT ANY OTHER STATEMENTS
3 THAT OTHER PEOPLE MIGHT HAVE MADE ABOUT WHAT WAS GOING
4 ON WITH THIS CONSPIRACY?

5 A. DID THEY TELL ME ABOUT OTHER STATEMENTS MADE?

6 Q. YES, SIR.

7 A. NO, MA'AM.

8 Q. SO THE INFORMATION THAT YOU ARE TESTIFYING HERE
9 TODAY, HOW DO YOU KNOW THAT INFORMATION?

10 A. FIRSTHAND.

11 Q. AND THE INFORMATION OF ANY STATEMENTS YOU MIGHT
12 HAVE GIVEN TO LAW ENFORCEMENT IN GEORGIA, HOW DID YOU
13 KNOW THAT INFORMATION?

14 A. IT'S WHAT I'VE SEEN.

15 Q. AND ARE YOU CURRENTLY -- I KNOW YOU ARE CURRENTLY
16 INCARCERATED IN GEORGIA. HAVE YOU BEEN BROUGHT TO THE
17 GREENVILLE COUNTY DETENTION CENTER?

18 A. YES, MA'AM.

19 Q. HAVE YOU SEEN ANY OTHER PEOPLE THAT EITHER, THAT
20 YOU KNEW OF, CHAD, ANYBODY THERE?

21 A. NO, MA'AM.

22 Q. HAVE YOU NOT SEEN ANY OF THEM?

23 A. NO, MA'AM.

24 Q. HAVE YOU TALKED TO ANY OF THOSE INDIVIDUALS ABOUT
25 WHAT YOU WERE GONNA TESTIFY TO HERE TODAY?

1 A. NO, MA'AM.

2 Q. WHEN YOU COOPERATED, DID YOU TALK TO ANY OF THE
3 INDIVIDUALS ABOUT WHAT TO SAY AND WHAT YOU WERE GOING TO
4 SAY?

5 A. NO, MA'AM.

6 Q. WHAT DID YOU TELL LAW ENFORCEMENT?

7 A. MA'AM?

8 Q. WHAT DID YOU TELL LAW ENFORCEMENT WHEN YOU AGREED
9 TO COOPERATE?

10 A. JUST THE TRUTH.

11 Q. AND WAS IT ALSO ABOUT YOUR INVOLVEMENT?

12 A. YES, MA'AM.

13 Q. AND EVERYBODY ELSE'S INVOLVEMENT?

14 A. YES, MA'AM.

15 Q. BESIDES THE PEOPLE THAT APPEAR ON THIS BOARD, YOU
16 TALKED ABOUT WHEN YOU FIRST GOT INVOLVED. DID YOU EVER
17 HAVE ANY OTHER SOURCES OF METH FROM ANY OTHER PEOPLE?

18 A. NO, MA'AM.

19 MS. EVANS: BEG THE COURT'S INDULGENCE.

20 I HAVE NO FURTHER QUESTIONS. PLEASE ANSWER
21 ANY QUESTIONS MR. KAPPEL MAY HAVE FOR YOU.

22 MR. KAPPEL: THANK YOU, YOUR HONOR, MAY IT
23 PLEASE THE COURT.

24 THE COURT: YES, SIR.

25

1 CROSS-EXAMINATION BY MR. KAPPEL:

2 Q. THE \$116,000.00 THAT WAS FOUND IN YOUR CAR, THAT
3 WAS YOUR MONEY, WAS IT NOT?

4 A. YES, SIR.

5 Q. THAT'S WHY YOU HAD THE GUN?

6 A. YES, SIR.

7 Q. YOU DIDN'T WANT ANYBODY TO TAKE IT?

8 A. YES, SIR.

9 Q. YOU WERE PREPARED TO DO WHATEVER IT TOOK TO
10 PROTECT YOUR MONEY?

11 A. YES, SIR.

12 Q. ISN'T THAT RIGHT?

13 A. YES, SIR.

14 Q. AND HOW MANY POUNDS DID YOU PICK UP EARLIER THAT
15 DAY, THAT WEEK FROM AMANDA?

16 A. 15.

17 Q. OKAY. AND HOW MANY TIMES DID YOU PICK UP 15
18 POUNDS FROM AMANDA FORDHAM?

19 A. TWICE.

20 Q. ALL RIGHT. AND OTHER THAN THOSE TWO TIMES, HOW
21 MANY OTHER TRIPS DID YOU MAKE TO SEE AMANDA?

22 A. PROBABLY 10.

23 Q. AND HOW MANY POUNDS WOULD YOU PICK UP ON EACH OF
24 THOSE TRIPS?

25 A. IT JUST DEPENDED. IT DIFFERED EVERY TIME.

1 Q. IT DEPENDED HOW MUCH SHE HAD, DIDN'T IT?

2 A. YES, SIR.

3 Q. SO, IF SHE HAD A CERTAIN AMOUNT, YOU WOULD TAKE
4 IT; ISN'T THAT CORRECT?

5 A. WHATEVER I NEEDED, I COULD GET.

6 Q. SO YOU WOULD TAKE THE MONEY DOWN THERE AND YOU
7 WOULD BUY IT?

8 A. YES, SIR.

9 Q. YOU'D COME BACK TO GREENVILLE OR TO ANDERSON OR
10 TO PICKENS AND YOU WOULD SELL IT?

11 A. YES, SIR.

12 Q. YOU WOULD BASICALLY TAKE 12 POUNDS ON THIS
13 PARTICULAR OCCASION, OR UP TO 15 POUNDS OF
14 METHAMPHETAMINE AND YOU WOULD DISTRIBUTE IT OUT IN THE
15 UPSTATE OF SOUTH CAROLINA ---

16 A. YES, SIR.

17 Q. --- ISN'T THAT RIGHT?

18 A. YES, SIR.

19 Q. WHEN YOU WENT DOWN AND YOU MADE THIS TRIP TO SEE
20 AMANDA FORDHAM AND YOU PICKED UP MULTIPLE POUNDS OF
21 METHAMPHETAMINE FROM HER, YOU INDICATED THAT SHE DIDN'T
22 GIVE YOU CREDIT FOR THAT METHAMPHETAMINE, RIGHT?

23 A. NO, SIR. I WAS PURCHASING IT.

24 Q. THAT'S RIGHT, YOU PURCHASED IT. AND YOU SAID YOU
25 PURCHASED IT WITH YOUR OWN MONEY, AND WITH MONEY FROM

1 KENNY LAVENDER AND CHAD SEXTON. DO YOU REMEMBER SAYING
2 THAT?

3 A. YES, SIR.

4 Q. SO THAT WOULD ALMOST IN A SENSE MAKE YOU A
5 PARTNER WITH KENNY LAVENDER AND CHAD SEXTON. YOU'RE ALL
6 THROWING YOUR MONEY INTO A POT AND YOU WERE GOING DOWN
7 TO ATLANTA AND PURCHASING THESE DRUGS, CORRECT?

8 A. YES, SIR.

9 Q. WHEN YOU WERE ARRESTED IN NORTH CAROLINA, WHEN
10 WAS THAT?

11 A. DECEMBER OF 2004.

12 Q. WHERE IN NORTH CAROLINA WERE YOU?

13 A. COLUMBUS.

14 Q. WHERE IS COLUMBUS?

15 A. IT'S RIGHT ON THE BORDER OF SOUTH CAROLINA.

16 Q. I'M SORRY, HE WAS COUGHING. YOU WERE ON THE
17 BORDER?

18 A. RIGHT ON THE BORDER OF NORTH AND SOUTH CAROLINA
19 AND TRYON.

20 Q. OKAY. SO IT'S CLOSE TO GREENVILLE?

21 A. YES, SIR.

22 Q. AND WHAT DID YOU HAVE IN YOUR POSSESSION WHEN YOU
23 WERE ARRESTED IN NORTH CAROLINA?

24 A. TWO OUNCES OF METHAMPHETAMINE, THREE PISTOLS, AND
25 \$12,000.00.

1 Q. SO YOU HAD TWO OUNCES, THREE PISTOLS, AND
2 \$12,000.00 IN CASH?

3 A. YES, SIR.

4 Q. YOU WERE MAKING A DELIVERY IN NORTH CAROLINA?

5 A. I WAS LIVING IN NORTH CAROLINA.

6 Q. ALL RIGHT. SO YOU WERE, WAS THIS ARREST AT YOUR
7 HOUSE?

8 A. NO.

9 Q. YOU WERE ON YOUR WAY TO YOUR HOUSE?

10 A. YES, SIR.

11 Q. YOU WERE ARRESTED IN NORTH CAROLINA AND YOU
12 INDICATED THAT THAT'S WHEN YOU GOT OUT OF THE DRUG
13 BUSINESS, RIGHT?

14 A. YES, SIR.

15 Q. YOU WERE OUT OF THE DRUG BUSINESS FOR TWO OR
16 THREE MONTHS?

17 A. YES, SIR.

18 Q. SO YOU WERE ABLE TO POST A BOND IN NORTH CAROLINA
19 FOR HAVING TWO OUNCES OF METHAMPHETAMINE AND \$12,000.00
20 AND MULTIPLE WEAPONS?

21 A. YES, SIR.

22 Q. IS THAT CORRECT?

23 A. UH-HUH.

24 Q. DO YOU RECALL WHAT YOUR BOND WAS?

25 A. I BELIEVE IT WAS \$10,000.00. A HUNDRED THOUSAND,

1 \$10,000.00 TO GET OUT ON BOND.

2 Q. YOU HAD A HUNDRED THOUSAND DOLLARS BOND, YOU GAVE
3 A BONDSMAN TEN THOUSAND DOLLARS AND YOU WERE OUT?

4 A. YEAH.

5 Q. YOU STAYED OUT OF THE BUSINESS FOR A COUPLE
6 MONTHS AND THEN YOU WENT BACK TO AMANDA TO CONTINUE
7 DEALING WITH AMANDA; ISN'T THAT RIGHT?

8 A. YES, SIR.

9 Q. WHEN YOU WENT BACK TO ATLANTA, YOU WERE
10 CONTINUING TO DEAL WITH HER, YOU WERE PURCHASING THESE
11 LARGE QUANTITIES OF METHAMPHETAMINE, AND YOU WERE
12 BRINGING THEM BACK TO THE UPSTATE AND YOU WERE SELLING
13 THEM?

14 A. YES, SIR.

15 Q. HOW OFTEN WOULD YOU TALK TO AMANDA? WOULD YOU
16 TALK TO HER ON THE PHONE?

17 A. YES, SIR.

18 Q. SO YOU HAD HER PHONE NUMBER?

19 A. YES.

20 Q. SHE KNEW HOW TO FIND YOU?

21 A. YES, SIR.

22 Q. SO YOU EACH HAD EACH OTHER'S PHONE NUMBER?

23 A. CORRECT.

24 Q. SO YOU TALKED TO HER IN ADVANCE OF MAKING A TRIP?

25 A. I WOULD CALL HER THAT DAY AND TELL HER I WAS ON

1 THE WAY DOWN.

2 Q. SO IT WAS NEVER A MATTER OF HER BEING OUT OF
3 TOWN; YOU KNEW SHE WAS ALWAYS IN TOWN YOU WOULD JUST
4 CALL HER WHEN YOU WERE ON YOUR WAY DOWN THERE?

5 A. YES, SIR.

6 Q. OKAY. AND THROUGH YOUR CONVERSATIONS WITH AMANDA
7 AND YOUR DEALINGS WITH AMANDA, Y'ALL BECAME PRETTY GOOD
8 FRIENDS, DIDN'T YOU?

9 A. IF YOU CAN CALL IT THAT.

10 Q. WELL, DID YOU BECOME FRIENDS WITH HER?

11 A. WE BECAME ACQUAINTANCES, YES, SIR.

12 Q. OKAY. WELL, YOU ARE OBVIOUSLY DEALING HER ON
13 NUMEROUS OCCASIONS ON A HIGH-RISK, BIG MONEY VENTURE.
14 YOU DIDN'T GROW SOME SORT OF BOND WITH HER DURING THE
15 COURSE OF YOUR DEALINGS WITH HER?

16 A. IT'S NOT REALLY A SITUATION WHERE FRIENDSHIPS ARE
17 THAT IMPORTANT.

18 Q. IS THAT BECAUSE YOU ARE ON METHAMPHETAMINE AT THE
19 SAME TIME?

20 A. THAT, AND IT'S MORE BUSINESS THAN ANYTHING.

21 Q. LET'S TALK ABOUT THESE RECORDS THAT YOU HAVE.
22 YOU SAID YOU KEPT A LEDGER, YOU WOULD KEEP A LEDGER OF
23 PEOPLE THAT OWED YOU MONEY. YOU SAID, WELL, WE DON'T
24 REALLY KEEP THAT STUFF AROUND. I KEEP IT AROUND FOR
25 LIKE A WEEK TO MAKE SURE THOSE PEOPLE WILL COME BACK AND

1 ACTUALLY PAY ME; BUT THEN ONCE THAT HAPPENS OR A WEEK
2 GOES BY, THEN I DESTROY THE RECORDS.

3 ISN'T THAT WHAT YOU SAID?

4 A. YES, SIR.

5 Q. HOW WOULD YOU DESTROY IT: WOULD YOU THROW IT IN
6 THE GARBAGE?

7 A. I FLUSHED IT DOWN THE TOILET.

8 Q. FLUSHED IT DOWN THE TOILET?

9 A. BURNED IT.

10 Q. ALL RIGHT. SO YOU WOULD BURN IT SO THERE WOULD
11 BE ABSOLUTELY NO WAY TO RECREATE THOSE DOCUMENTS,
12 CORRECT?

13 A. YES, SIR.

14 Q. OR YOU WOULD FLUSH IT IN THE TOILET?

15 A. YES, SIR.

16 Q. ARE THOSE ABOUT THE TWO BEST WAYS TO DESTROY
17 DOCUMENTS THAT YOU KNOW OF?

18 A. THAT I KNOW OF, YES, SIR.

19 Q. AND YOU WOULDN'T PUT IT IN THE GARBAGE?

20 A. NO.

21 Q. YOU WOULDN'T PUT IT OUT IN YOUR DUMPSTER ON THE
22 STREET OR ANYTHING?

23 A. NO, SIR.

24 Q. AND YOU DID THIS, YOU THREW OUT ALL THESE RECORDS
25 AND YOU THREW OUT ALL THESE DOCUMENTS IN AN EFFORT TO

1 COVER YOUR TRAIL?

2 A. YES, SIR.

3 Q. SO THAT NOBODY COULD COME BACK AND REALLY TRY TO
4 AUTHENTICATE OR RECREATE WHAT IT IS THAT YOU WERE DOING?

5 A. YES, SIR.

6 Q. ISN'T THAT RIGHT?

7 A. UH-HUH.

8 Q. JUST LIKE THIS ARRANGEMENT YOU HAD WITH KENNY
9 LAVENDER AND CHAD SEXTON. THERE'S NO RECORD OF THE
10 THREE OF Y'ALL BECOMING PARTNERS AND DEALING WITH AMANDA
11 FORDHAM IN ATLANTA; ISN'T THAT RIGHT?

12 A. NO.

13 Q. NO, THERE WERE NO RECORDS?

14 A. NO, THERE WERE NO RECORDS.

15 Q. OKAY. WHEN, YOU KNOW, THIS NOTION THAT SETH
16 INTRODUCED YOU TO AMANDA FORDHAM, WHEN DID YOU TELL LAW
17 ENFORCEMENT ABOUT THAT?

18 A. AFTER I SIGNED MY PLEA AGREEMENT.

19 Q. OKAY. WHEN WAS THAT, DO YOU REMEMBER?

20 A. APRIL OF 2007.

21 Q. I'M SORRY?

22 A. APRIL OF 2007.

23 Q. SO THAT WOULD HAVE BEEN THIS YEAR; ISN'T THAT
24 RIGHT?

25 A. YES, SIR.

1 Q. DID YOU GIVE THEM ANY KIND OF WRITTEN STATEMENTS?

2 A. YES, SIR.

3 Q. I'M SORRY?

4 A. YES, SIR.

5 Q. YOU GAVE THEM A WRITTEN STATEMENT?

6 A. YES, SIR.

7 Q. YOU SIGNED A STATEMENT TO THE ATTORNEY GENERAL'S
8 OFFICE?

9 A. I GAVE A STATEMENT, YES, SIR.

10 Q. MY QUESTION TO YOU IS: DID YOU GIVE A WRITTEN
11 STATEMENT?

12 A. NO, NOT WRITTEN, VERBAL.

13 Q. ALL RIGHT. SO YOU DIDN'T UNDERSTAND ME WHEN I
14 SAID WRITTEN. YOU GAVE THEM A VERBAL STATEMENT; ISN'T
15 THAT RIGHT?

16 A. YES, SIR.

17 Q. AND THAT WAS IN PREPARATION FOR THIS TRIAL ---

18 A. YES, SIR.

19 Q. --- ISN'T THAT CORRECT?

20 A. YES, SIR.

21 Q. YOU KNEW IT WAS GOING TO TRIAL, RIGHT?

22 A. I DIDN'T KNOW IT WAS GOING TO TRIAL THEN, NO;
23 SIR.

24 Q. YOU JUST SAID IT WAS IN PREPARATION FOR TRIAL;
25 ISN'T THAT RIGHT?

1 A. FOR MY TRIAL, YEAH.

2 Q. FOR YOUR TRIAL?

3 A. YES, SIR.

4 Q. SO YOU GAVE A STATEMENT TO LAW ENFORCEMENT ABOUT
5 ALL OF YOUR ACTIVITIES INVOLVING YOURSELF, KENNY
6 LAVENDER, CHAD SEXTON, SETH STEARNS, AMANDA FORDHAM IN
7 PREPARATION FOR YOUR OWN TRIAL?

8 A. FOR MY PLEA AGREEMENT, YES, SIR.

9 Q. ALL RIGHT. WERE YOU AWARE THAT THIS CASE WAS
10 GOING TO TRIAL?

11 A. NOT AT THAT TIME, NO.

12 Q. ALL RIGHT. HOW OFTEN HAVE YOU PREPARED YOURSELF
13 FOR APPEARING HERE TODAY?

14 A. NONE.

15 Q. ALL RIGHT. DID YOU NOT MEET WITH SOME PEOPLE
16 FROM THE ATTORNEY GENERAL'S OFFICE LAST NIGHT?

17 A. SIR?

18 Q. DID YOU MEET WITH SOME PEOPLE FROM THE ATTORNEY
19 GENERAL'S OFFICE LAST NIGHT?

20 A. YES, SIR.

21 Q. DID YOU EVER SUPPLY ROBBY SEXTON WITH DRUGS?

22 A. JUST ONCE.

23 Q. JUST THAT ONE OCCASION?

24 YOU'VE IDENTIFIED A WHOLE HOST OF PEOPLE THAT YOU
25 SOLD DRUGS TO, ISN'T THAT RIGHT?

1 A. YES.

2 Q. CHRIS, KYLE, JASON. DO YOU REMEMBER THEIR LAST
3 NAMES?

4 A. SOME OF THEM, YES, SIR.

5 Q. WHAT ARE THEY?

6 A. DUNAWAY.

7 Q. WHICH NAME DOES THAT BELONG TO?

8 A. KYLE.

9 Q. KYLE DUNAWAY?

10 A. YES, SIR.

11 Q. WHO ELSE?

12 A. CHRIS STROUD.

13 Q. I'M SORRY?

14 A. CHRIS STROUD. JASON THOMAS.

15 Q. OKAY.

16 A. AND THE LAST ONE I DON'T KNOW.

17 Q. ALL RIGHT. YOU ONLY HAD THREE CUSTOMERS?

18 A. NO, SIR.

19 Q. HOW MANY CUSTOMERS DID YOU HAVE?

20 A. ABOUT SIX OR SEVEN.

21 Q. WHAT ARE THEIR NAMES?

22 A. I CAN'T REALLY RECALL.

23 Q. OKAY. WHEN YOU WERE INTERVIEWED WITH LAW
24 ENFORCEMENT, DID THEY WANT TO KNOW WHO WAS BUYING BELOW
25 YOU?

1 A. YES, SIR.

2 Q. AND YOU TRIED TO PROVIDE THEM THAT INFORMATION;
3 IS THAT RIGHT?

4 A. YES, SIR.

5 Q. BUT YOU CAN'T REMEMBER ALL THOSE NAMES; ISN'T
6 THAT CORRECT?

7 A. I CAN'T REMEMBER ALL OF THOSE NAMES, NO, SIR.

8 Q. I'M SORRY?

9 A. I CAN'T REMEMBER ALL OF THEM, NO, SIR.

10 Q. WERE THEY NOT MORE INTERESTED, OR WAS LAW
11 ENFORCEMENT INTERESTED IN THE NAMES ABOVE YOU?

12 A. YES, SIR.

13 Q. THEY WANTED TO KNOW REALLY WHO WAS SUPPLYING YOU;
14 ISN'T THAT CORRECT?

15 A. YES, SIR.

16 Q. AND YOU COOPERATED WITH THEM IN AN EFFORT TO TRY
17 TO REDUCE THE AMOUNT OF TIME THAT YOU WOULD SPEND IN
18 PRISON?

19 A. YES, SIR.

20 Q. BY PROVIDING THEM NAMES OF PEOPLE THAT ARE ABOVE
21 YOU; ISN'T THAT RIGHT?

22 A. YES, SIR.

23 MR. KAPPEL: JUST A MOMENT, JUDGE.

24 BY MR. KAPPEL:

25 Q. JUST TO MAKE SURE I UNDERSTAND YOU, YOU HAVE

1 NEVER PROVIDED A WRITTEN STATEMENT REGARDING YOUR
2 ACTIVITY WITH SETH STEARNS, EVER?

3 A. NO, SIR.

4 Q. THE ANSWER IS, "NO, SIR, I HAVE NEVER PROVIDED A
5 WRITTEN STATEMENT," OR "YES, I HAVE PROVIDED A WRITTEN
6 STATEMENT"?

7 A. NO, SIR, I HAVE NOT PROVIDED A WRITTEN STATEMENT.

8 Q. ALL RIGHT. DO YOU RECALL THE AMOUNT THAT YOU ARE
9 PLEADING GUILTY TO IN YOUR PLEA AGREEMENT IN SOUTH
10 CAROLINA, DO YOU RECALL THAT AMOUNT?

11 A. 28 TO A HUNDRED GRAMS.

12 Q. ALL TOLD HOW MANY POUNDS DID YOU GET FROM AMANDA?

13 A. 50 TO 60.

14 Q. 50 TO 60 POUNDS FROM HER?

15 A. YES, SIR.

16 Q. OKAY.

17 MR. KAPPEL: THAT'S ALL I HAVE, JUDGE.

18 THE COURT: RE-EXAM?

19 MS. EVANS: JUST A FEW QUICK QUESTIONS.

20 REDIRECT EXAMINATION BY MS. EVANS:

21 Q. MR. MUELLER, WHO TAUGHT YOU ABOUT DESTROYING THE
22 EVIDENCE OF YOUR DRUG TRANSACTIONS?

23 A. I JUST LEARNED FROM PEOPLE AS I'VE COME ALONG,
24 YOU KNOW, THEY TELL ME NOT TO LEAVE A RECORD.

25 Q. WHO ARE SOME OF THOSE PEOPLE?

1 A. OLD ACQUAINTANCES, NATE, SETH; KENNY SAID
2 SOMETHING ABOUT IT BEFORE, ALSO.

3 Q. DID SETH DO THE SAME THING?

4 MR. KAPPEL: OBJECTION JUDGE. NOT UNLESS
5 HE'S A WITNESS TO IT HIMSELF.

6 THE COURT: WELL, THAT'S WHAT I WAS GOING TO
7 SAY. IF YOU CAN ESTABLISH A FOUNDATION.
8 BY MS. EVANS:

9 Q. DO YOU HAVE ANY KNOWLEDGE ABOUT THE WAY SETH
10 STEARNS CONDUCTED HIS BUSINESS, DID HE TALK TO YOU ABOUT
11 THAT?

12 A. NOT THAT ASPECT, NO.

13 Q. OKAY. WHEN YOU AGREED TO COOPERATE, WERE YOU
14 ASKED ABOUT EVERYBODY, PEOPLE YOU SOLD TO AND PEOPLE YOU
15 GOT THE DRUGS FROM?

16 A. YES, MA'AM.

17 Q. WERE YOU ASKED FOR -- WHAT -- WHEN YOU WERE ASKED
18 TO COOPERATE, WHAT DID COOPERATION MEAN?

19 A. JUST TO BE HONEST ABOUT EVERYTHING, EVERYTHING
20 THAT HAD TRANSPIRED.

21 Q. ABOVE YOU AND BELOW YOU?

22 A. BELOW ME AND ABOVE ME, EVERYTHING.

23 Q. PARTNERS?

24 A. EVERYTHING.

25 Q. YOU SAID THAT IN ESSENCE THE FIRST TIME THAT YOU

1 WENT DOWN TO GET THE DRUGS FROM AMANDA YOU WERE PARTNERS
2 WITH KENNY LAVENDER AND CHAD SEXTON. WHO ELSE WAS A
3 PARTNER IN THAT TRANSACTION?

4 A. SETH STEARNS.

5 MS. EVANS: ALL RIGHT. I HAVE NO FURTHER
6 QUESTIONS.

7 THE COURT: ALL RIGHT. ANY RECROSS?

8 MR. KAPPEL: QUICKLY.

9 RECROSS-EXAMINATION BY MR. KAPPEL:

10 Q. WHO IS NATE'S LAST, WHAT IS NATE'S LAST NAME?

11 A. I'M NOT SURE, SIR.

12 Q. OKAY. WAS HE A FRIEND OF YOURS?

13 A. YES, SIR.

14 Q. HOW LONG DID YOU KNOW HIM?

15 A. ABOUT SIX MONTHS.

16 Q. AND YOU DON'T HAVE ANY IDEA WHAT HIS LAST NAME
17 IS?

18 A. NO, SIR.

19 Q. WHERE DID HE LIVE?

20 A. OFF OF PELHAM ROAD.

21 Q. DO YOU HAVE HIS PHONE NUMBER?

22 A. I DID, BUT I DON'T NOW.

23 Q. HOW DID YOU MEET HIM?

24 A. I PURCHASED SOME MARIJUANA FROM HIM.

25 Q. WHEN YOU PURCHASED MARIJUANA, DIDN'T YOU HAVE AN

1 ARRANGEMENT WITH LAVENDER ---

2 MS. EVANS: OBJECTION, YOUR HONOR. THIS IS
3 WAY OUT OF THE SCOPE OF ANY REDIRECT.

4 MR. KAPPEL: THAT'S FINE.

5 THE COURT: ALL RIGHT. VERY GOOD. AS I
6 SAY, THESE RULES APPLY TO BOTH THE STATE AND THE
7 DEFENDANT.

8 ALL RIGHT. ANYTHING ELSE?

9 MS. EVANS: NOTHING FROM THE STATE.

10 THE COURT: ALL RIGHT. VERY GOOD. YOU MAY
11 STEP DOWN. THANK YOU, SIR.

12 (WHEREUPON, THE WITNESS WAS EXCUSED AT 5:00
13 P.M.)

14 MS. PORTER: YOUR HONOR, BEFORE HE GETS OUT
15 OF THE COURTROOM -- WELL, I'LL TELL HIM.

16 THE COURT: YOU'LL TELL HIM LATER. VERY
17 GOOD.

18 ALL RIGHT. MADAM FORELADY, LADIES AND
19 GENTLEMEN OF THE JURY, OBVIOUSLY THIS IS A GOOD TIME TO
20 BREAK FOR THE DAY. AGAIN, WHAT TIME WOULD YOU LIKE TO
21 START IN THE MORNING?

22 (JURY CONFERS.)

23 THE FORELADY: 9:00.

24 THE COURT: 9:00, VERY GOOD. THANK YOU VERY
25 MUCH. I'M SORRY ABOUT THE LITTLE DELAY THIS MORNING,

1 BUT IT WAS JUST SOMETHING I NEEDED TO ADDRESS. BUT ALSO
2 I WANT TO THANK THE JURY FOR ITS CONSCIENTIOUS APPROACH
3 TO ITS DUTIES, AND I THANK YOU FOR THAT. BUT WE'LL TRY
4 TO BEGIN AT 9:00 AS SOON AS YOU GATHER. WITH THAT, AND
5 AGAIN, PLEASE DO NOT UNDERTAKE DISCUSSION WITH ANYBODY
6 OR PERMIT ANYBODY TO DISCUSS IT WITH YOU.

7 THANK YOU VERY MUCH. HAVE A GOOD EVENING
8 AND I'LL SEE YOU IN THE MORNING AT 9:00.

9 (WHEREUPON, THE JURY LEFT THE COURTROOM AT
10 5:01 P.M.)

11 THE COURT: ALL RIGHT. ANYTHING FROM THE
12 STATE?

13 MS. PORTER: NO, YOUR HONOR.

14 THE COURT: FROM THE DEFENSE?

15 MR. KAPPEL: NOTHING, JUDGE.

16 THE COURT: I MIGHT SAY, ON THE
17 CO-CONSPIRACY, STATEMENTS BY CO-CONSPIRATOR, IT'S NOT
18 ANY STATEMENT MADE, BUT IT HAS TO OBVIOUSLY BE IN
19 FURTHERANCE OF THE CONSPIRACY, DURING THE CONSPIRACY,
20 AND BE AN ADVANCEMENT OF THE CONSPIRACY.

21 THERE WAS A LITTLE QUESTION THERE ABOUT THE
22 LAST WITNESS BECAUSE HE SAID THAT HE DISASSOCIATED
23 HIMSELF FROM SETH AND WAS KIND OF ON HIS OWN; HOWEVER,
24 HE WAS STILL WORKING WITH AMANDA, WHICH WAS A PART OF
25 THE CONSPIRACY AND THE WHOLE CONSPIRACY IS APPARENTLY TO

1 PROVIDE AND SELL DRUGS.

2 SO CLOSE. SO YOU DON'T WANT A NARRATIVE.
3 DON'T PUT THEM UP HERE JUST TO GIVE THEIR FIRESIDE
4 STORY. TRY TO BE SURE WHAT YOU ARE DOING IS SHOWING
5 THAT WHAT IT RELATES AS TO SETH AND ANYONE ELSE IN THE
6 CONSPIRACY IS FURTHERANCE OF IT, NOT WHAT THEY JUST
7 HEARD FROM HERE OR SOMETHING LIKE THAT.

8 ALL RIGHT. THEY HAVEN'T VIOLATED AS FAR AS
9 WHAT I'VE SEEN SO FAR, BUT I'LL BE LISTENING. ALL
10 RIGHT, VERY GOOD. Y'ALL HAVE A VERY GOOD EVENING AND
11 I'LL SEE YOU IN THE MORNING.

12 (COURT ADJOURNED AT 5:05 P.M.)

13 **THE COURT:** BY THE WAY, AGAIN, IF Y'ALL HAVE
14 ANY REQUESTS FOR CHARGES, PLEASE GIVE THEM TO ---

15 **MS. EVANS:** OUR OFFICE IS E-MAILING THEM TO
16 US THIS AFTERNOON AND WE'RE GOING TO REVIEW THEM TONIGHT
17 AND E-MAIL THEM TO YOUR CLERK IN THE MORNING, SIR.

18 **THE COURT:** ALL RIGHT.

19 (COURT ADJOURNED AT 5:05 P.M. ON DECEMBER 11,
20 2007, TO RESUME ON DECEMBER 12, 2007, AT 9:00
21 A.M.)

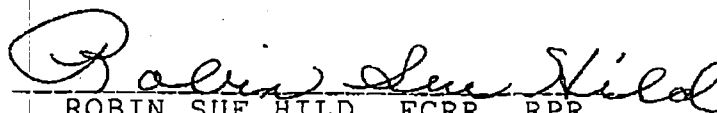
22 ***** END OF REQUESTED TRANSCRIPT *****
23
24
25

CERTIFICATE OF COURT REPORTER

I, THE UNDERSIGNED, ROBIN SUE HILD, FCRR, RPR,
OFFICIAL COURT REPORTER FOR THE TENTH JUDICIAL CIRCUIT
OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT
THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE
TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND THE
EVIDENCE INTRODUCED IN THE TRIAL, VOLUME II, DECEMBER
11, 2007, PAGES 78 THROUGH 347, OF THE CAPTIONED CASE,
RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS FOR
THE STATE GRAND JURY, GREENVILLE COUNTY, SOUTH CAROLINA,
ON THE 10TH DAY, 11TH DAY, 12TH DAY, AND 13TH DAY OF
DECEMBER 2007.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL NOR INTEREST TO ANY PARTY HERETO.

JULY 24, 2008


ROBIN SUE HILD, FCRR, RPR
CIRCUIT COURT REPORTER

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1 ***** START OF REQUESTED TRANSCRIPT *****

2 (WHEREUPON, THE TRIAL IN THE CASE OF THE
3 STATE OF SOUTH CAROLINA VERSUS SETH AARON
4 STEARNS RESUMED AT APPROXIMATELY 9:03 A.M.)

5 THE COURT: ANYTHING FROM THE STATE BEFORE
6 WE PROCEED?

7 MS. PORTER: BRIEFLY, YOUR HONOR. YESTERDAY
8 THE DEFENSE ASKED QUESTIONS REGARDING A POLYGRAPH OF
9 LIEUTENANT DORSEY, A POLYGRAPH THAT WAS TAKEN OF KENNETH
10 LEE LAVENDER, WHO IS OUR NEXT WITNESS. DOING A LITTLE
11 RESEARCH LAST NIGHT AND THIS MORNING, WE OBJECT TO THE
12 POLYGRAPH UNLESS SOME FOUNDATION IS LAID BY THE DEFENSE.
13 STATE V. MAHONEY, 344 SOUTH ---

14 THE COURT: GIVE ME THE CITE.

15 MS. PORTER: 344 S.C. 85.

16 THE COURT: WAS THERE ANY MENTION OF THE
17 POLYGRAPH MADE AT THE TIME THE MOTION TO BE EXCLUDED,
18 HAD IT BEEN INTRODUCED IN THE RECORD? IT'S OUT NOW.

19 MS. PORTER: IT'S OUT NOW.

20 THE COURT: WITH MAHONEY WAS IT OUT AT THAT
21 TIME?

22 MS. PORTER: I DON'T KNOW, YOUR HONOR. WHAT
23 MAHONEY SAYS IS: POLYGRAPHS PER SE ARE NOT ADMISSIBLE.
24 THE PARTY SEEKING TO INTRODUCE THE POLYGRAPH MUST
25 SATISFY THE STATE'S REQUIREMENTS.

1 THE COURT: I UNDERSTAND. AND THERE'S A
2 GATEKEEPER. I DIDN'T OPEN THE GATE.

3 MS. PORTER: I AGREE.

4 THE COURT: THE GATE WAS OPENED BY YOUR
5 WITNESS THAT SAID HE DIDN'T COOPERATE AND HE WAS LYING
6 ABOUT HIS ASSETS, ABOUT HIS PARTICIPATION IN DRUG
7 DEALING. HOW DID YOU DETERMINE THAT?

8 MS. PORTER: YES, SIR.

9 THE COURT: THEY GOT A PRIVATE POLYGRAPH
10 OPERATOR THAT GAVE HIM A TEST, ONE THAT WE USUALLY DON'T
11 DO. AN EXTRAORDINARY THING. IN OTHER WORDS, THE STATE
12 ALMOST VOUCHERED FOR THE POLYGRAPH IN THIS CASE. NEXT?

13 MS. PORTER: IF MR. KAPPEL IS GOING TO BE
14 ALLOWED TO ASK MR. LAVENDER ABOUT THIS POLYGRAPH, I
15 WOULD REQUEST THAT I BE ABLE TO TELL MR. LAVENDER HE
16 CANNOT ANSWER THAT QUESTION. IN PRE-TRIAL PREP I TOLD
17 HIM UNDER NO CIRCUMSTANCES IS HE TO MENTION THE
18 POLYGRAPH.

19 THE COURT: I'LL TAKE THAT BURDEN OFF OF
20 YOU. NO MATTER WHAT YOU TELL A WITNESS OR MR. KAPPEL OR
21 MS. EVANS TELLS A WITNESS, WHEN IT COMES DOWN TO WHAT IS
22 ADMISSIBLE, I'LL MAKE THE DECISION. AND I'LL INSTRUCT
23 THE WITNESS TO ANSWER.

24 MS. PORTER: YOUR HONOR, I JUST TOLD HIM --
25 IF I MAY EXPLAIN, I'VE JUST TOLD HIM THAT A POLYGRAPH

1 WOULD RESULT IN A MISTRIAL. I THINK IF MR. KAPPEL
2 ELICITS THAT ANSWER, HE'S NOT GOING TO ATTEMPT TO LIE
3 BUT HE'LL BE HESITANT TO ANSWER.

4 THE COURT: HOW DO YOU KNOW IT'S GOING TO
5 RESULT IN A MISTRIAL?

6 MS. PORTER: IN MY SHORT, LIMITED
7 EXPERIENCE, IF I BRING OUT POLYGRAPHS ---

8 THE COURT: I DON'T KNOW HOW MUCH EXPERIENCE
9 YOU HAVE. AGAIN, THE ONLY PERSON THAT CAN DECLARE A
10 MISTRIAL IS ME, OR IN THIS CASE ME, A JUDGE IN ANY CASE.
11 ANYTHING ELSE? WE'VE GOT A JURY OUT THERE AND I HOPED
12 THAT WE COULD START ONE TIME ON TIME. ANYTHING ELSE?
13 WHAT'S YOUR CONCERN?

14 MS. PORTER: MY CONCERN IS HE'S GOING TO BE
15 EVADING THE ANSWER, AND IT'S GONNA LOOK ---

16 THE COURT: I'LL TAKE CARE OF THAT. IF YOU
17 THINK HE'S EVADING THE ANSWER, SAY, YOUR HONOR, YOU CAN
18 INSTRUCT HIM TO ANSWER THE QUESTION OR NOT.

19 MS. PORTER: THANK YOU.

20 THE COURT: ANYTHING FROM THE DEFENSE?

21 MR. KAPPEL: NOTHING, JUDGE.

22 THE COURT: ASK THE JURY TO JOIN US, PLEASE.

23 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
24 9:11 A.M.)

25 THE COURT: LET THE RECORD REFLECT THE JURY

1 AND ALTERNATE ARE IN THE JURY-BOX.

2 MADAM FORELADY, LADIES AND GENTLEMEN OF THE
3 JURY, WE WILL NOW PROCEED WITH THE STATE'S CASE.

4 MS. PORTER: AND, YOUR HONOR, THE STATE
5 CALLS KENNY LAVENDER TO THE STAND.

6 THE COURT: VERY GOOD.

7 (WHEREUPON, THE WITNESS WAS SWORN BY THE
8 CLERK.)

9 THE CLERK: PLEASE STATE YOUR FULL NAME AND
10 SPELL YOUR LAST NAME FOR THE RECORD.

11 THE WITNESS: KENNETH LAVENDER,
12 K-E-N-N-E-T-H, LAVENDER, L-A-V-E-N-D-E-R.
13 WHEREUPON,

14 KENNETH LAVENDER,
15 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS
16 FOLLOWS:

17 DIRECT EXAMINATION BY MS. PORTER:

18 Q. MR. LAVENDER, ARE YOU CURRENTLY INCARCERATED?

19 A. YES, MA'AM.

20 Q. WHY?

21 A. FOR DRUGS.

22 Q. HAVE YOU EVER BEEN CONVICTED OF A DRUG OFFENSE
23 BEFORE?

24 A. YES, MA'AM.

25 Q. APPROXIMATELY HOW MANY TIMES, DO YOU KNOW?

1 A. SEVERAL. FIVE, MAYBE.

2 Q. AS A MATTER OF FACT, YOUR FIRST CONVICTION WAS IN
3 1976, WAS IT NOT?

4 A. YES, MA'AM.

5 Q. AND WAS THAT FOR POSSESSION WITH INTENT TO
6 DISTRIBUTE MARIJUANA?

7 A. YES, MA'AM.

8 Q. DID YOU HAVE ANOTHER CONVICTION IN 1981 FOR THE
9 SAME THING?

10 A. YES, MA'AM, I DID.

11 Q. AND IN 1982 FOR SIMPLE POSSESSION OF MARIJUANA
12 AND METHAMPHETAMINES?

13 A. YES, MA'AM.

14 Q. AND IN 1983 FOR SIMPLE POSSESSION OF MARIJUANA?

15 A. I DID, YES, MA'AM.

16 Q. IN 1987 FOR POSSESSION WITH INTENT TO DISTRIBUTE
17 MARIJUANA AND POSSESSION OF A SAWED-OFF SHOTGUN?

18 A. YES, MA'AM.

19 Q. AND IN 2001 FOR SIMPLE POSSESSION OF
20 METHAMPHETAMINES?

21 A. I DID, YES, MA'AM.

22 Q. HAVE YOU EVER SERVED ANY TIME?

23 A. YES, MA'AM.

24 Q. HOW LONG HAVE YOU SERVED?

25 A. 13 MONTHS.

1 Q. DID YOU ALSO PLEAD GUILTY TO TRAFFICKING
2 METHAMPHETAMINE 28 TO A HUNDRED GRAMS BY CONSPIRACY,
3 SECOND OFFENSE, IN THIS CASE?

4 A. YES, MA'AM.

5 Q. AND TRAFFICKING METHAMPHETAMINES TEN TO 28 GRAMS,
6 SECOND OFFENSE, IN THIS CASE?

7 A. YES, MA'AM.

8 Q. HOW ABOUT TRAFFICKING MARIJUANA TEN TO A HUNDRED
9 POUNDS BY CONSPIRACY, SECOND OFFENSE, IN THIS
10 INVESTIGATION BUT A SEPARATE CONSPIRACY IN THIS
11 INVESTIGATION?

12 A. I DID.

13 Q. HAVE YOU BEEN SENTENCED ON THOSE CHARGES?

14 A. NO, MA'AM.

15 Q. WHY NOT?

16 A. I HAVEN'T BEEN SENTENCED YET.

17 Q. IS THERE A DEAL BETWEEN YOU AND THE STATE?

18 A. NO, MA'AM.

19 Q. OKAY. DO YOU REMEMBER SIGNING A PLEA AGREEMENT
20 WITH THE STATE?

21 A. YES, MA'AM, I DO.

22 Q. I'M GONNA HAND THIS TO YOU AND SEE IF IT
23 REFRESHES YOUR MEMORY. IF YOU WILL READ PARAGRAPH ONE?

24 A. YES, MA'AM.

25 Q. WAS THERE A DEAL BETWEEN YOU AND THE STATE?

1 A. FIVE TO 30 OR 18 YEARS.

2 Q. SO THE STATE IS RECOMMENDING THAT YOU SERVE 18
3 YEARS?

4 A. YES, MA'AM.

5 Q. AND YOU ARE FACING SOMEWHERE BETWEEN FIVE AND 30
6 YEARS?

7 A. YES, MA'AM.

8 Q. ISN'T IT TRUE THAT YOU ARE FACING THAT ON EACH OF
9 THE CHARGES THAT YOU PLED GUILTY TO?

10 A. YES, MA'AM.

11 Q. WHICH IS ONE, TWO, THREE CHARGES?

12 A. YES, MA'AM.

13 Q. I'M SORRY, ON THE MARIJUANA CHARGE YOU ARE ONLY
14 FACING UP TO 20 YEARS. DOES THAT SOUND ABOUT RIGHT?

15 A. I THINK SO, YES, MA'AM.

16 Q. SO THAT'S, IF MY MATH IS CORRECT, YOU ARE FACING
17 UP TO 80 YEARS IN JAIL?

18 A. YES, MA'AM.

19 Q. WHO MAKES THE DECISION AS TO HOW LONG YOU WILL
20 SERVE IN JAIL?

21 A. THE JUDGE.

22 Q. WHICH JUDGE?

23 A. THIS SITTING JUDGE.

24 Q. AND THE STATE IS JUST RECOMMENDING THAT YOU SERVE
25 18?

1 A. YES, MA'AM.

2 Q. AND THE PART OF THE DEAL BETWEEN THE STATE, WHAT
3 HAS THE STATE ASKED YOU TO DO?

4 A. PROVIDE INFORMATION ON SETH.

5 Q. ANYTHING ELSE?

6 A. AND CHAD SEXTON.

7 Q. MR. LAVENDER, HOW DID YOU FIRST BECOME INVOLVED
8 IN DRUGS?

9 A. JUST IN HIGH SCHOOL.

10 Q. IS IT FAIR TO SAY THAT YOU HAVE BEEN SELLING
11 MARIJUANA FOR THE MAJORITY OF YOUR ADULT LIFE?

12 A. YES, MA'AM, PRETTY MUCH.

13 Q. IN ADDITION TO SELLING MARIJUANA, DID YOU ALSO
14 HAVE A LEGITIMATE JOB?

15 A. YES, MA'AM.

16 Q. WHAT DID YOU DO?

17 A. I OWNED A CAR LOT.

18 Q. WHERE WAS THAT CAR LOT LOCATED?

19 A. ONE IN GREENVILLE OFF 253 BYPASS AND ONE IN
20 EASLEY.

21 Q. ARE YOU FAMILIAR WITH A DRUG CALLED ICE?

22 A. YES, MA'AM.

23 Q. AND HOW DID YOU FIRST BECOME FAMILIAR WITH ICE?

24 A. THROUGH A GUY NAMED SETH. I SOLD HIM A CAR, AND
25 HE TURNED ME ON TO IT.

1 Q. DID YOU BEGIN USING IT?

2 A. YES, MA'AM, I DID.

3 Q. AND DID YOU BECOME ADDICTED TO IT?

4 A. YES, MA'AM.

5 Q. APPROXIMATELY HOW MUCH A WEEK WOULD YOU USE WHEN
6 YOU WERE ADDICTED TO ICE?

7 A. PROBABLY CLOSE TO AN OUNCE.

8 Q. HOW WOULD THE ICE AFFECT YOU?

9 A. IT WOULD JUST KEEP ME UP AND KEEP ME GOING.

10 Q. AT SOME POINT DID YOU BEGIN NOT ONLY USING ICE
11 BUT SELLING ICE?

12 A. YES, MA'AM.

13 Q. AND WHO WERE YOU SUPPLYING WITH ICE?

14 A. THE SAME PEOPLE I WAS SELLING MY POT TO.

15 Q. APPROXIMATELY HOW MANY PEOPLE WAS THAT?

16 A. MAYBE FIVE, SIX PEOPLE.

17 Q. SO WHILE YOU WERE SELLING ICE, YOU WERE STILL
18 SELLING MARIJUANA?

19 A. YES, MA'AM.

20 Q. AND YOU WERE STILL IN THE CAR BUSINESS?

21 A. YES, MA'AM.

22 Q. THIS HAS BEEN MARKED AS STATE'S EXHIBIT NUMBER
23 FOUR FOR IDENTIFICATION PURPOSES. CAN YOU SEE THAT?

24 A. YES, MA'AM.

25 THE COURT: MS. PORTER, YOU MIGHT WANT TO

1 TURN IT A LITTLE BIT TO THE ---

2 MS. PORTER: A LITTLE BIT TOWARDS THE JURY?

3 THE COURT: YES, MA'AM.

4 MS. PORTER: SURE. (COMPLIES.)

5 THE COURT: CAN EVERYBODY SEE?

6 JURORS: UH-HUH.

7 THE COURT: VERY GOOD.

8 BY MS. PORTER:

9 Q. A MOMENT AGO YOU SAID YOU SERVED 13 MONTHS. WAS
10 THAT FOR SELLING MARIJUANA?

11 A. YES, MA'AM. NO, MA'AM, THAT WAS FOR POSSESSION
12 OF METH.

13 Q. POSSESSION OF METH?

14 A. YES, MA'AM.

15 Q. WHEN WERE YOU RELEASED FROM PRISON?

16 A. 2002.

17 Q. OKAY. AND YOU SAID JUST A MOMENT AGO THAT YOU
18 MET AN INDIVIDUAL NAMED SETH THAT YOU SOLD A CAR TO?

19 A. YES, MA'AM.

20 Q. WAS THAT BEFORE OR AFTER YOU WERE RELEASED FROM
21 PRISON?

22 A. AFTER.

23 Q. ALL RIGHT. DO YOU REMEMBER APPROXIMATELY WHEN
24 THAT WAS?

25 A. I THINK IT WAS 2004, JANUARY OR FEBRUARY.

1 Q. OKAY. AND DO YOU KNOW HIS LAST NAME?

2 A. NO, MA'AM, I DON'T.

3 Q. IS HE ON THAT BOARD?

4 A. YES, MA'AM.

5 Q. WHICH ONE?

6 A. THE GUY IN THE MIDDLE.

7 Q. THE GUY IN THE MIDDLE?

8 A. YES.

9 Q. IT SAYS SETH STEARNS UNDER HIS NAME?

10 A. YES, MA'AM.

11 Q. I MEAN UNDER HIS PHOTOGRAPH?

12 WHAT KIND OF CAR DID HE BUY FROM YOU?

13 A. A '95 MERCEDES.

14 Q. HOW DID HE PAY FOR IT?

15 A. CASH.

16 Q. HAD YOU HEARD OF HIM PRIOR TO SELLING HIM THAT
17 CAR?

18 A. NO, MA'AM, NOT AT THAT TIME.

19 Q. WHEN YOU SOLD HIM THAT CAR IN 2004, WHAT, IF
20 ANYTHING, ELSE DID YOU DO?

21 A. SMOKED SOME ICE.

22 Q. IF YOU DIDN'T KNOW HIM, HADN'T HEARD OF HIM, WHY
23 DID YOU SMOKE SOME ICE WITH HIM?

24 A. HE ASKED ME DID I WANT TO GET HIGH AND I SAID YES
25 AND WE DID.

1 Q. WHEN WAS THE NEXT TIME YOU SAW SETH STEARNS?

2 A. I HAD A PONTOON FOR SALE, AND HE CALLED ME AND I
3 CARRIED THE PONTOON DOWN TO HIM AND SOLD IT.

4 Q. DO YOU REMEMBER APPROXIMATELY WHEN THAT WAS?

5 A. PROBABLY APRIL, MAY OF 2004.

6 Q. SO JUST A COUPLE OF MONTHS AFTER YOU SOLD HIM THE
7 MERCEDES?

8 A. RIGHT.

9 Q. WHY DID YOU SELL HIM THE PONTOON?

10 A. BECAUSE HE LIVED ON THE LAKE.

11 Q. DO YOU KNOW WHICH LAKE?

12 A. LAKE HARTWELL.

13 Q. AND WHERE DID YOU MEET HIM TO SELL HIM THE
14 PONTOON?

15 A. ON HIGHWAY 24, EXIT 14, IN ANDERSON AT THE
16 INGLES.

17 Q. WHERE DO YOU LIVE?

18 A. I LIVE IN GREENVILLE.

19 Q. HOW DID HE PAY FOR THE BOAT?

20 A. WE TRADED. HE GAVE ME AN OUNCE OF ICE FOR IT.

21 Q. IT SOUNDS LIKE A PRETTY GOOD TRADE FOR HIM. HOW
22 MUCH IS AN OUNCE OF ICE WORTH?

23 A. 1200, MAYBE.

24 Q. WAS ANYBODY ELSE PRESENT WHEN THIS TRADE WENT
25 DOWN?

1 A. NO, MA'AM.

2 Q. WHAT DID YOU DO WITH THAT OUNCE OF ICE?

3 A. I SMOKED MOST OF IT.

4 Q. WHAT DID YOU DO WITH THE PART YOU DIDN'T SMOKE?

5 A. I SOLD IT.

6 Q. WAS HE YOUR -- WELL, AFTER THAT DID HE BECOME
7 YOUR DEALER?

8 A. YES, MA'AM, HE DID. I GOT HIS PHONE NUMBER.

9 Q. DO YOU REMEMBER WHAT THAT PHONE NUMBER WAS?

10 A. NO, MA'AM, I DON'T.

11 Q. WAS IT A CELL PHONE OR A LAND LINE?

12 A. CELL PHONE.

13 Q. WERE YOU ALREADY SELLING ICE AT THIS POINT?

14 A. I SOLD A LITTLE, YES, MA'AM.

15 Q. WHO WERE YOU SELLING IT TO BEFORE ---

16 A. JUST SETH.

17 Q. JUST SETH?

18 A. YES, MA'AM, AT THAT TIME.

19 Q. AT THAT TIME?

20 A. YES, MA'AM.

21 Q. AFTER THIS INITIAL TRADE THAT Y'ALL DID IN THE
22 INGLES PARKING LOT, HOW OFTEN FROM THAT POINT ON WOULD
23 YOU BUY ICE FROM SETH STEARNS?

24 A. ABOUT EVERY TWO WEEKS.

25 Q. AND HOW MUCH WERE YOU BUYING IN THE BEGINNING?

1 A. ABOUT TWO OUNCES.

2 Q. AND THIS IS -- YOU -- I MEAN, YOU BOUGHT THE
3 PONTOON IN APRIL OR MAY OF '04, OR SOLD THE PONTOON?

4 A. YES, MA'AM.

5 Q. SO EVERY TWO TO THREE WEEKS -- I'M SORRY -- EVERY
6 ONE TO TWO WEEKS?

7 A. YES, MA'AM.

8 Q. OKAY. WERE YOU PAYING CASH UP FRONT OR WAS
9 HE ---

10 A. CASH.

11 Q. OKAY. WOULD HE TAKE A CREDIT CARD?

12 A. NO, MA'AM.

13 Q. DID HE EVER GIVE YOU A RECEIPT?

14 A. NO, MA'AM.

15 Q. DID YOU EVER KEEP ANY RECORDS AS TO WHAT YOU OWED
16 HIM?

17 A. NO, MA'AM, I DIDN'T.

18 Q. DID YOU KEEP ANY RECORDS AS TO HOW MUCH HE WAS
19 CHARGING YOU?

20 A. NO, MA'AM.

21 Q. HOW ABOUT ANY RECORDS ABOUT HOW MUCH YOU HAD
22 BOUGHT?

23 A. NO, MA'AM.

24 Q. WHY NOT?

25 A. I JUST DIDN'T SEE NO REASON.

1 Q. DID YOU KEEP RECORDS FOR YOUR CAR BUSINESS?

2 A. YES, MA'AM.

3 Q. WHY?

4 A. BECAUSE IT WAS A LEGITIMATE BUSINESS.

5 Q. SO YOU KEEP RECORDS FOR A LEGITIMATE BUSINESS BUT
6 NOT FOR AN ILLEGITIMATE BUSINESS?

7 A. YES, MA'AM.

8 Q. WHERE WOULD THESE DEALS GO DOWN, WHERE WOULD YOU
9 MEET HIM TO BUY ICE?

10 A. WELL, AT FIRST I WAS MEETING HIM AT THE INGLES
11 DOWN THERE AT SADLER'S CREEK, AND THEN HE SHOWED ME
12 WHERE HE LIVED, WHICH IS ON SADLER'S CREEK DOWN ON LAKE
13 HARTWELL.

14 Q. HOW MUCH WERE YOU PAYING PER OUNCE?

15 A. A THOUSAND TO 1200 AN OUNCE.

16 Q. WHO ELSE WAS PRESENT WHEN THESE DEALS WOULD GO
17 DOWN?

18 A. THERE WAS GENERALLY A HOUSE FULL OF PEOPLE DOWN
19 THERE.

20 Q. DID YOU MEET ANY OF THEM?

21 A. I MET BRIAN MUELLER.

22 Q. HOW LONG DID YOU PURCHASE FROM CHAD,
23 APPROXIMATE -- I'M SORRY -- FROM SETH STEARNS,
24 APPROXIMATELY HOW LONG DID YOU PURCHASE FROM HIM?

25 A. PROBABLY THREE TO FOUR MONTHS, MAYBE FIVE.

1 Q. DID THE AMOUNTS YOU WERE PURCHASING INCREASE OVER
2 TIME?

3 A. I EVENTUALLY BOUGHT UP TO A QUARTER POUND.

4 Q. WHEN YOU WERE BUYING THESE LARGER AMOUNTS, WOULD
5 YOU GO LESS OFTEN?

6 A. YES, MA'AM.

7 Q. IF YOU WERE BUYING QUARTER-POUND AMOUNTS, HOW
8 OFTEN WOULD YOU GO?

9 A. MAYBE EVERY TWO OR THREE WEEKS. IT WAS STILL
10 ABOUT THE SAME, I GUESS.

11 Q. HOW LONG -- WHAT WOULD YOU DO WITH THIS QUARTER
12 POUND OF ICE?

13 A. I WOULD DO MOST OF IT AND SELL IT, SELL THE REST.

14 Q. WERE YOU MAKING A PROFIT?

15 A. NO, MA'AM.

16 Q. YOU WERE SUPPORTING YOUR HABIT?

17 A. PRETTY MUCH, YES, MA'AM.

18 Q. DID YOU KNOW WHO THE DEFENDANT'S SOURCE FOR ICE
19 WAS?

20 A. I HEARD HIM TALK ABOUT IT.

21 Q. WHEN WOULD YOU HEAR HIM TALK ABOUT IT?

22 A. WHEN I WOULD GO TO PICK UP.

23 Q. WHEN YOU WOULD GO TO PICK UP?

24 A. YES, MA'AM.

25 Q. WHAT DID HE SAY ABOUT IT?

1 A. HE SAID HE WAS GETTING IT FROM A GIRL IN ATLANTA.

2 Q. DID HE DESCRIBE THE GIRL IN ANY WAY, SHAPE OR
3 FORM?

4 A. PRETTY MUCH SAID SHE HAD JUST ALL DIFFERENT
5 COLORED HAIR.

6 Q. DID YOU EVER HEAR HER NAME?

7 A. I THINK THEY SAID HER NAME WAS AMANDA.

8 Q. DID YOU EVER MEET HER?

9 A. NO, MA'AM.

10 Q. YOU MENTIONED A MOMENT AGO YOU MET AN INDIVIDUAL
11 BY THE NAME OF BRIAN OVER AT SETH'S HOUSE?

12 A. YES, MA'AM.

13 Q. IS HE ALSO ON THAT BOARD?

14 A. YES, MA'AM.

15 Q. WHICH ONE IS HE?

16 A. HE'S THE ONE RIGHT HERE ON YOUR LEFT.

17 Q. DO YOU KNOW HIS LAST NAME?

18 A. MUELLER.

19 Q. HOW DID YOU MEET BRIAN?

20 A. I WAS AT SETH'S HOUSE ONE AFTERNOON AND SETH WAS
21 TELLING ME THAT HE WAS GETTING OUT OF THE BUSINESS, THAT
22 BRIAN WAS GONNA TAKE CARE OF HIS BUSINESS FOR HIM.

23 Q. SO HE INTRODUCED YOU TO BRIAN?

24 A. YES, MA'AM.

25 Q. DO YOU REMEMBER APPROXIMATELY WHEN THIS WAS?

1 A. PROBABLY MAY, JUNE, JULY, SOMEWHERE IN THERE.

2 Q. WELL, LET ME BACK YOU UP. YOU SAID THAT YOU SOLD
3 HIM THE PONTOON IN APRIL OR MAY OF '04 AND THAT YOU HAD
4 BOUGHT FROM HIM FOR PROBABLY THREE TO FIVE MONTHS?

5 A. PROBABLY JULY, SEPTEMBER, MAYBE.

6 Q. OKAY. WHEN HE INTRODUCED YOU TO BRIAN, WHAT ELSE
7 DID YOU ALL DO?

8 A. WE EXCHANGED PHONE NUMBERS AND HE TOLD ME
9 APPROXIMATELY WHERE HE WAS LIVING.

10 Q. WHERE WAS THIS?

11 A. THIS WAS IN DACUSVILLE IN PICKENS COUNTY.

12 Q. WHERE?

13 A. DACUSVILLE.

14 Q. IS THAT WHERE BRIAN LIVED?

15 A. YES, MA'AM.

16 Q. WHERE WAS IT WHERE YOU MET HIM?

17 A. AT SETH'S HOUSE.

18 Q. STILL AT THE LAKE?

19 A. YES, MA'AM.

20 Q. WHY WERE YOU AT SETH'S HOUSE?

21 A. TO PICK UP SOME ICE.

22 Q. AND YOU JUST SAID THAT SETH WAS GETTING OUT OF
23 THE BUSINESS.

24 A. THAT'S WHAT HE SAID, YES, MA'AM.

25 Q. DID YOU KEEP IN TOUCH WITH SETH AFTER THAT TRIP?

1 A. NO, MA'AM, I DIDN'T.

2 Q. SO AT THAT POINT, SEPTEMBER OF '04, ROUGHLY,
3 BRIAN BECAME YOUR SUPPLIER?

4 A. YES, MA'AM.

5 Q. WERE YOU AWARE OF ANY CONTINUING BUSINESS
6 RELATIONSHIP BETWEEN SETH AND BRIAN?

7 A. NO, MA'AM, I WASN'T.

8 Q. FOR THOSE THREE TO FIVE MONTHS TOTAL, HOW MUCH
9 ICE DID YOU GET DIRECTLY FROM SETH STEARNS?

10 A. PROBABLY A POUND, POUND AND A HALF.

11 Q. DID BRIAN HAVE A CELL PHONE OR WAS IT A LAND LINE
12 HE GAVE YOU?

13 A. IT WAS A CELL PHONE.

14 Q. AND THE NEXT TIME YOU BOUGHT ICE, IT WAS FROM
15 BRIAN MUELLER?

16 A. YES, MA'AM.

17 Q. WHERE DID THAT DEAL GO DOWN?

18 A. AT HIS TRAILER IN DACUSVILLE.

19 Q. AND HOW MUCH WAS HE CHARGING YOU?

20 A. ABOUT 1200 AN OUNCE.

21 Q. SO THE SAME PRICE?

22 A. YES, MA'AM.

23 Q. THE SAME QUALITY ICE FROM BOTH GENTLEMEN?

24 A. YES, MA'AM.

25 Q. WHO ELSE WAS PRESENT WHEN YOU WOULD GO TO THE

1 TRAILER IN DACUSVILLE?

2 A. THERE WAS QUITE A FEW PEOPLE THERE.

3 Q. DID YOU KNOW ANY OF THEM?

4 A. I KNEW CHAD.

5 Q. DO YOU KNOW CHAD'S LAST NAME?

6 A. SEXTON.

7 Q. AND HOW DO YOU KNOW HIM?

8 A. I KNEW HIM FROM THE AUCTIONS, CAR LOTS.

9 Q. WHAT TYPE AUCTIONS?

10 A. CAR AUCTIONS.

11 Q. WAS HE ALSO IN THE CAR BUSINESS?

12 A. YES, MA'AM.

13 Q. HOW OFTEN -- WELL, HOW MUCH WERE YOU PURCHASING
14 FROM BRIAN MUELLER?

15 A. A QUARTER POUND AT A TIME.

16 Q. WHAT'S THE MOST YOU EVER BOUGHT FROM BRIAN
17 MUELLER?

18 A. PROBABLY A QUARTER OR SIX OUNCES OR SOMETHING
19 AROUND IN THERE, AROUND THAT.

20 Q. HOW OFTEN WERE YOU GETTING FROM BRIAN MUELLER?

21 A. ABOUT EVERY COUPLE OF WEEKS.

22 Q. HOW LONG DID YOU PURCHASE FROM BRIAN?

23 A. PROBABLY TO OCTOBER OR SO, NOVEMBER. UNTIL HE
24 TOLD ME HE WAS MOVING.

25 Q. WHERE WAS HE MOVING?

1 A. HE SAID HE WAS MOVING TO NORTH CAROLINA.

2 Q. DID YOU KNOW WHO BRIAN'S SOURCE WAS FOR THOSE TWO
3 TO THREE MONTHS THAT YOU BOUGHT FROM HIM?

4 A. HE SAID AMANDA.

5 Q. WHO WAS YOUR NEW SOURCE?

6 A. I HAD MET CHAD AND ME AND CHAD EXCHANGED PHONE
7 NUMBERS.

8 Q. AND THAT'S CHAD SEXTON?

9 A. YES, MA'AM.

10 Q. IS HE ON THAT CHART?

11 A. YES, MA'AM.

12 Q. WHICH ONE?

13 A. THE ONE ON YOUR RIGHT.

14 Q. OVER THAT TWO TO THREE MONTHS THAT YOU DEALT WITH
15 BRIAN MUELLER, BEFORE HE MOVED TO NORTH CAROLINA, HOW
16 MUCH ICE TOTAL DID YOU BUY FROM HIM?

17 A. PROBABLY HALF TO A POUND.

18 Q. NOW THAT YOU'VE MOVED ON TO GETTING YOUR ICE FROM
19 CHAD SEXTON, WHAT WAS THE DEAL BETWEEN Y'ALL?

20 A. I WOULD GIVE HIM THE MONEY AND HE WOULD GO PICK
21 IT UP.

22 Q. SO DID YOU EVER GET DRUGS ON CONSIGNMENT OR
23 FRONTED TO YOU?

24 A. WELL, SOMETIMES I'D GET HALF ON FRONT.

25 Q. BUT YOU ALWAYS PAID SOME?

1 A. YES, MA'AM.

2 Q. HOW MUCH WERE YOU PURCHASING FROM MR. SEXTON?

3 A. A COUPLE OUNCES TO A QUARTER POUND.

4 Q. WHERE WOULD THESE DEALS GO DOWN?

5 A. DIFFERENT PLACES. SOMETIMES THE CAR LOT,
6 SOMETIMES A CAR WASH, JUST DIFFERENT PLACES. MY HOUSE.

7 Q. WHEN WOULD YOU SET UP THE DEAL?

8 A. BEFORE HE WOULD LEAVE TO GO PICK IT UP.

9 Q. DO YOU KNOW WHERE HE WAS GOING TO PICK IT UP?

10 A. TO GEORGIA, ATLANTA.

11 Q. DO YOU KNOW WHO HIS SOURCE WAS?

12 A. YES, MA'AM, AMANDA.

13 Q. WHO WAS THAT?

14 A. AMANDA.

15 Q. AND DO YOU KNOW APPROXIMATELY WHEN YOU STARTED
16 DEALING WITH CHAD?

17 A. IT WAS PROBABLY JANUARY OF 2005, MAYBE.

18 Q. HOW MUCH WAS HE CHARGING YOU PER OUNCE?

19 A. THE SAME THING: ABOUT 1200 AN OUNCE.

20 Q. DID YOU EVER GO TO ATLANTA?

21 A. NO, MA'AM.

22 Q. WERE YOU AWARE IF CHAD KNEW SETH STEARNS?

23 A. I THINK I SAW CHAD AT HIS HOUSE ONCE.

24 Q. DO YOU KNOW IF THEY WERE IN BUSINESS TOGETHER?

25 A. NO, MA'AM. I FIGURED THEY WERE, BUT I DIDN'T

1 KNOW.

2 Q. HOW LONG DID YOU PURCHASE ICE FROM CHAD?

3 A. A COUPLE OF MONTHS, THREE MONTHS.

4 Q. HOW MUCH TOTAL DO YOU THINK YOU PURCHASED FROM
5 CHAD?

6 A. MAYBE A HALF POUND, QUARTER POUND, THREE QUARTERS
7 OF A POUND.

8 Q. AND THE SAME TIME FRAME, EVERY COUPLE WEEKS?

9 A. EVERY COUPLE OF WEEKS, YES, MA'AM, PRETTY MUCH.

10 Q. DO YOU KNOW AN INDIVIDUAL BY THE NAME OF ROBBY
11 SEXTON?

12 A. YES, MA'AM.

13 Q. HOW DO YOU KNOW HIM?

14 A. JUST -- I KNEW HE WAS CHAD'S BROTHER AND I SAW
15 HIM WITH CHAD ONCE OR TWICE. I'VE BEEN OVER TO HIS
16 HOUSE ONCE.

17 Q. DID YOU EVER SELL OR PURCHASE METH FROM ROBBY?

18 A. NO, MA'AM.

19 Q. DID YOU EVER GET HIGH WITH HIM?

20 A. YES, MA'AM.

21 Q. DID YOU EVER GET HIGH WITH CHAD?

22 A. YES, MA'AM.

23 Q. HOW ABOUT WITH BRIAN?

24 A. YES, MA'AM.

25 Q. IN MARCH OF 2005, DID THE GREENVILLE COUNTY

1 NARCOTICS UNIT SEARCH YOUR HOUSE?

2 A. YES, MA'AM, THEY DID.

3 Q. WHY DID THEY SEARCH IT?

4 A. THEY HAD A SEARCH WARRANT.

5 Q. WHAT DID THEY FIND?

6 A. MARIJUANA AND ICE.

7 Q. HOW MUCH?

8 A. I'M NOT SURE ON HOW MUCH EXACTLY.

9 Q. DID THEY FIND ANY MONEY?

10 A. YES, MA'AM.

11 Q. HOW MUCH MONEY?

12 A. TWENTY, THIRTY THOUSAND DOLLARS.

13 Q. WHERE DID THAT MONEY COME FROM?

14 A. IT WAS FROM THE CAR LOT AND MARIJUANA.

15 Q. LET ME ASK YOU THIS: WHEN YOU SOLD MARIJUANA,
16 DID YOU SMOKE MARIJUANA, TOO?

17 A. NO, MA'AM.

18 Q. SO THAT WAS PURELY FOR PROFIT?

19 A. YES, MA'AM. I HAD TO PAY FOR MY ICE.

20 Q. DID THEY ARREST YOU?

21 A. YES, MA'AM, THEY DID.

22 Q. AFTER BEING ARRESTED ON MARCH 24TH, 2005, DID
23 S.L.E.D. COME AND APPROACH YOU?

24 A. YES, MA'AM, THEY DID.

25 Q. WHO CAME FROM S.L.E.D.?

1 A. MAX DORSEY.

2 Q. AND WHAT DID HE ASK YOU?

3 A. HE WANTED TO KNOW IF I WOULD WORK WITH HIM.

4 Q. DID YOU AGREE TO COOPERATE?

5 A. YES, MA'AM, I DID.

6 Q. WERE YOU INTERVIEWED AT THAT TIME BY MR. DORSEY?

7 A. I WAS.

8 Q. WHAT DID YOU TELL HIM?

9 A. I TOLD HIM THAT I WOULD WORK WITH HIM, THAT I
10 WOULD HELP HIM OUT.

11 Q. WHAT DID YOU TELL HIM WHEN YOU WERE INTERVIEWED?
12 WHAT KIND OF INFORMATION DID YOU GIVE HIM?

13 A. I GAVE HIM MY ICE CONNECTION AND MY POT
14 CONNECTION.

15 Q. WHAT HAPPENED AFTER YOU WERE INTERVIEWED?

16 A. I WENT BACK TO THE HOUSE AND I GOT BUSTED AGAIN
17 JUST A LITTLE WHILE LATER.

18 Q. SO YOU DIDN'T STOP DEALING?

19 A. NO, MA'AM, NOT REALLY.

20 Q. WHEN YOU WERE APPROACHED AND ASKED TO COOPERATE,
21 WERE YOU TOLD TO STOP DEALING?

22 A. YES, MA'AM.

23 Q. DID YOU AGREE TO STOP DEALING?

24 A. YES, MA'AM, I DID.

25 Q. ON TUESDAY, APRIL 5TH, 2005, WERE YOU APPROACHED

1 A SECOND TIME BY MR. DORSEY?

2 A. I WAS.

3 Q. WHERE?

4 A. ON 153 IN EASLEY.

5 Q. WHAT WERE YOU DRIVING AT THE TIME?

6 A. A SUBURBAN.

7 Q. AND WHO WAS WITH YOU?

8 A. I WAS BY MYSELF.

9 Q. WHAT DID YOU HAVE WITH YOU IN THAT SUBURBAN?

10 A. A COUPLE OUNCES OF ICE AND SOME MONEY.

11 Q. DID YOU GIVE LIEUTENANT DORSEY CONSENT TO SEARCH
12 YOUR VEHICLE?

13 A. I DID.

14 Q. DID YOU AGREE TO COOPERATE WITH HIM AGAIN?

15 A. YES, MA'AM, I DID.

16 Q. THE ICE THAT WAS IN YOUR VEHICLE, WHERE DID THAT
17 COME FROM?

18 A. FROM CHAD.

19 Q. WHEN DID YOU PURCHASE IT FROM CHAD?

20 A. A COUPLE OF WEEKS BEFORE.

21 Q. THE MONEY THAT WAS IN YOUR VEHICLE, WHERE DID
22 THAT COME FROM?

23 A. IT COME FROM MARIJUANA.

24 Q. DID YOU FORFEIT THAT MONEY TO LIEUTENANT DORSEY?

25 A. I DID.

1 Q. AND DID YOU TURN OVER THE ICE?

2 A. YES, MA'AM.

3 Q. SO AS PART OF YOUR COOPERATION DID YOU ALLOW HIM
4 TO SEARCH ANYTHING ELSE?

5 A. SEARCH MY MOTEL ROOM.

6 Q. WHAT WAS FOUND AT YOUR MOTEL ROOM?

7 A. I THINK SOME MORE SPEED.

8 Q. LATER ON THAT DAY -- WELL LET ME ASK YOU THIS.
9 ON APRIL 5TH DID YOU KNOW WHERE CHAD SEXTON WAS?

10 A. YES, MA'AM.

11 Q. HOW DID YOU KNOW?

12 A. 'CAUSE WE HAD TALKED THE NIGHT BEFORE.

13 Q. DID YOU DELIVER ANYTHING TO HIM THE NIGHT BEFORE?

14 A. I GAVE HIM SOME MONEY.

15 Q. HOW MUCH MONEY?

16 A. \$2,400.00, I THINK.

17 Q. WHAT WAS THE PURPOSE OF THAT MONEY?

18 A. TO GET SOME ICE.

19 Q. HOW DID YOU KNOW THAT?

20 A. BECAUSE WE WAS GOING TO PICK UP, HE WAS GOING TO
21 PICK IT UP.

22 Q. SO THIS MONDAY YOU TOOK MONEY TO CHAD AND Y'ALL
23 TALKED ABOUT HIM GOING TO PICK UP ICE.

24 A. YES, MA'AM.

25 Q. DID HE TELL YOU WHERE HE WAS GOING TO GET IT?

1 A. I ASSUMED HE WAS GOING TO ATLANTA.

2 Q. ON THE 5TH, WHEN YOU BEGAN COOPERATING AGAIN,
3 WHAT DID YOU DO?

4 A. I MET WITH CHAD THAT NIGHT.

5 Q. DID YOU CALL HIM BEFORE YOU MET WITH HIM?

6 A. YES, MA'AM, I DID.

7 Q. A COUPLE TIMES, ONE TIME, TEN TIMES?

8 A. SEVERAL TIMES.

9 Q. SEVERAL TIMES. WERE THOSE PHONE CALLS RECORDED?

10 A. I THINK THEY WAS, YES, MA'AM.

11 Q. WHO RECORDED THEM?

12 A. MR. DORSEY AND HIS ASSOCIATES.

13 Q. WAS MR. DORSEY SUPERVISING OR OVER-, OR
14 LISTENING?

15 A. YES, MA'AM, PRETTY MUCH.

16 Q. WHAT DID YOU ALL TALK ABOUT, YOU AND CHAD ON
17 THESE PHONE CALLS?

18 A. WHEN HE WAS GONNA BE THERE AND WHERE HE WAS AT.

19 Q. HOW MUCH ICE DID YOU ORDER?

20 A. I THINK BETWEEN US A QUARTER OR A HALF A POUND.

21 Q. LET ME ASK YOU THIS: ON APRIL 5TH WHEN YOU WERE
22 COOPERATING, HAD YOU DONE ICE THAT DAY?

23 A. YES, MA'AM, I HAD.

24 Q. SO WERE YOU HIGH?

25 A. YES, MA'AM.

1 Q. HOW LONG DO THOSE HIGHS LAST?

2 A. WELL, IT ALL DEPENDS ON HOW MUCH YOU DONE. I WAS
3 PRETTY MUCH IMMUNE TO IT.

4 Q. HOW MUCH WAS CHAD GONNA CHARGE YOU FOR THIS ICE?

5 A. 1200 AN OUNCE.

6 Q. SO HOW MUCH DID YOU NEED TO BRING TO THE DEAL?

7 A. I'D ALREADY GAVE HIM HALF OF IT AND I NEEDED
8 ANOTHER 2400 MORE.

9 Q. WHERE DID YOU ALL AGREE TO EXCHANGE THE ICE FOR
10 THE MONEY?

11 A. IT STARTED WE WAS GONNA MEET AT THE WAL-MART, AND
12 THEN WE CHANGED IT TO MCDONALD'S, THEN WE CHANGED IT
13 BACK TO WAL-MART, AND FINALLY WE MET AT MCDONALD'S.

14 Q. BEFORE YOU WENT TO MCDONALD'S, WHAT, IF ANYTHING,
15 DID LAW ENFORCEMENT DO?

16 A. THEY SEARCHED ME AND ---

17 Q. DID THEY FIND ANYTHING ON YOU?

18 A. NO, MA'AM.

19 Q. DID THEY LET YOU CARRY ANYTHING WITH YOU?

20 A. MONEY.

21 Q. WHERE DID THE MONEY COME FROM?

22 A. FROM MR. DORSEY.

23 Q. SO IT WASN'T YOUR MONEY?

24 A. NO.

25 Q. SO WAS THAT THE ONLY THING YOU HAD IN YOUR

1 POCKETS?

2 A. YES, MA'AM.

3 Q. DID THEY PUT A WIRE ON YOU?

4 A. YES, MA'AM.

5 Q. DO YOU REMEMBER HOW MUCH MONEY HE GAVE YOU?

6 A. I THINK 2400, MAYBE, SOMEWHERE IN THERE.

7 Q. WERE YOU FOLLOWED TO MCDONALD'S?

8 A. YES, MA'AM, I WAS.

9 Q. DO YOU KNOW APPROXIMATELY HOW MANY LAW
10 ENFORCEMENT AGENTS WERE IN AND AROUND?

11 A. SIX, EIGHT, TEN.

12 Q. DO YOU REMEMBER APPROXIMATELY WHAT TIME YOU
13 REACHED MCDONALD'S?

14 A. BETWEEN 11:00 AND 12:00.

15 Q. WHAT DID YOU DO WHEN YOU GOT THERE?

16 A. I PULLED OVER ON THE SIDE. I HAD MY MOTOR-, I
17 HAD A MOTORCYCLE BEHIND ME ON THE TRAILER, AND I JUST
18 PULLED OVER ON THE SIDE.

19 Q. AND PARKED IT?

20 A. YES, MA'AM.

21 Q. DID YOU ARRIVE BEFORE CHAD OR AFTER?

22 A. BEFORE.

23 Q. WHAT HAPPENED WHEN CHAD ARRIVED?

24 A. I GOT OUT OF THE VEHICLE AND GOT IN WITH HIM.

25 Q. WHAT WAS HE DRIVING?

1 A. A FORD TRUCK.

2 Q. WHEN YOU GOT IN THE VEHICLE WITH CHAD, WHAT
3 HAPPENED?

4 A. WE RODE AROUND AND CAME THROUGH THE DRIVETHROUGH.

5 Q. WHY DID YOU ALL DO THAT?

6 A. WELL, WHERE WE COULD EXCHANGE.

7 Q. DID YOU ORDER ANY FOOD?

8 A. YES, MA'AM.

9 Q. WHO PAID FOR THE FOOD?

10 A. I DID.

11 Q. WHAT DID YOU PAY IT WITH?

12 A. A HUNDRED DOLLAR BILL.

13 Q. AND YOU SAID YOU EXCHANGED THE DRUGS?

14 A. YES, MA'AM.

15 Q. AFTER YOU EXCHANGED THE DRUGS, WHAT HAPPENED?

16 A. WE PULLED OVER CLOSE TO MY CAR, MY TRUCK; AND AS
17 I WAS GETTING OUT, THE POLICE CAME IN.

18 Q. WHAT DID YOU DO?

19 A. WELL, CHAD BACKED UP AND IT KIND OF THREW ME IN
20 BETWEEN MY VEHICLE AND THE TRAILER AND I JUST LAID DOWN
21 ON THE GROUND.

22 Q. DID YOU SEE WHAT HAPPENED NEXT?

23 A. CHAD WENT OVER TO THE SIDEWALK AND TOOK OFF DOWN
24 THE ROAD.

25 Q. WHEN YOU SAY WENT OVER TO THE SIDEWALK, WHAT DID

1 HE HAVE TO DO TO GET TO THE ROAD?

2 A. HE, HE JUMPED OVER SOME BUSHES AND A MEDIAN LINE
3 AND HIT A, HIT A CAR, HIT A TRUCK, AND THEN HEADED INTO
4 THE ROAD, TOOK OFF DOWN THE ROAD.

5 Q. WAS HE BEING CHASED?

6 A. YES, MA'AM.

7 Q. BY WHOM?

8 A. THE UNDERCOVER AGENTS.

9 Q. WHAT DID YOU DO?

10 A. I STAYED RIGHT THERE UNTIL THIS LONG-HAIRED
11 GENTLEMAN IN A TRUCK ROLLED HIS WINDOW DOWN.

12 Q. WHAT DID HE SAY TO YOU?

13 A. AND HE TOLD ME, HE JUST TOLD ME TO STAY WHERE I
14 WAS AT. AND I SAID, LOOK, I'M GOING BACK DOWN TO WHERE
15 WE WAS AT, AND HE FOLLOWED ME DOWN THERE.

16 Q. WHAT DO YOU MEAN BY WHERE YOU WERE AT?

17 A. WE WERE, IT'S A FAIRGROUNDS.

18 Q. IS THAT WHERE Y'ALL MET BEFORE THIS WHOLE THING
19 WENT DOWN?

20 A. YES, MA'AM.

21 Q. YOU AND LAW ENFORCEMENT?

22 A. YES, MA'AM.

23 Q. DID HE FOLLOW YOU?

24 A. YES, MA'AM, HE DID.

25 Q. AND WHAT DID THEY DO WHEN YOU GOT BACK TO THE

1 FAIRGROUNDS?

2 A. THEY SEARCHED ME.

3 Q. DID THEY FIND ANYTHING ON YOU?

4 A. YES, MA'AM.

5 Q. WHAT DID THEY FIND ON YOU?

6 A. A BAG OF ICE.

7 Q. WHO DID YOU GIVE IT TO?

8 A. I THINK IT WAS A LADY.

9 Q. WAS SHE A POLICE OFFICER?

10 A. YES, MA'AM.

11 Q. WAS HE A POLICE OFFICER?

12 A. YES, MA'AM.

13 Q. DID YOU HAVE ANYTHING ELSE ON YOU?

14 A. NO, MA'AM.

15 Q. YOU DIDN'T HAVE ANY MONEY ON YOU?

16 A. OH, YEAH, I HAD SOME MONEY ON ME.

17 Q. WHY DIDN'T YOU GIVE THE MONEY TO CHAD?

18 A. I WAS JUST TOO NERVOUS.

19 Q. SO YOU JUST FORGOT?

20 A. YES, MA'AM.

21 Q. DID YOU ALSO WRITE OUT A STATEMENT AFTER THAT
22 HAPPENED?

23 A. I DID.

24 Q. WHAT DID YOU DO AFTER YOU WROTE THAT STATEMENT?

25 A. THEY TOLD ME THAT I COULD LEAVE AND TO GET BACK

1 IN TOUCH WITH THEM TOMORROW, THE NEXT DAY.

2 Q. WHEN THIS -- YOU MET CHAD AROUND BETWEEN 11:00
3 AND 12:00, WHEN YOU GOT TO LEAVE, WAS IT THE EARLY
4 MORNING HOURS ON THE 6TH OR LATE EVENING HOURS ON THE
5 5TH?

6 A. I WOULD SAY IT WAS EARLY ON THE 6TH.

7 Q. SO WHEN YOU SAY THAT YOU MET THE NEXT DAY, WAS
8 THAT THE 6TH OR THE 7TH?

9 A. I THINK IT WAS THE 6TH, THAT AFTERNOON.

10 Q. AND WHO DID YOU MEET WITH?

11 A. MAX DORSEY.

12 Q. DID YOU GET A TALKING-TO?

13 A. EXCUSE ME?

14 Q. DID YOU GET A TALKING-TO FROM MR. DORSEY?

15 A. YES, MA'AM.

16 Q. WHY?

17 A. I'M SORRY, I DIDN'T UNDERSTAND.

18 Q. DID HE KIND OF LECTURE YOU, YELL AT YOU?

19 MR. KAPPEL: I'M GONNA OBJECT. IT'S LEADING
20 NOW. THANK YOU.

21 THE WITNESS: NO, MA'AM.

22 THE COURT: ALL RIGHT. JUST A MOMENT,
23 PLEASE. WHEN SOMEONE OBJECTS, I NEED TO DEAL WITH IT
24 BEFORE YOU ANSWER.

25 LET'S DO ASK HIM IF ANYTHING OCCURRED AND

1 LET HIM TELL US WHAT HAPPENED.

2 BY MS. PORTER:

3 Q. WHAT OCCURRED WHEN YOU MET WITH MAX DORSEY?

4 A. HE GOT ANOTHER GENTLEMAN WITH HIM FROM PICKENS,
5 AND I CALLED MY LAWYER DOWN THERE, AND THEY WERE TALKING
6 AND DISCUSSING THINGS, AND I SAT OVER THERE IN MY TRUCK.
7 AND THEN I FOLLOWED HIM TO EASLEY.

8 Q. WHAT HAPPENED WHEN YOU GOT TO EASLEY?

9 A. THEY LOCKED ME UP.

10 Q. DID YOU MAKE BOND AFTER THEY LOCKED YOU UP?

11 A. NO, MA'AM, I DIDN'T.

12 Q. DID YOU EVENTUALLY MAKE BOND?

13 A. SIX MONTHS LATER, YES, MA'AM.

14 Q. WHAT, IF ANYTHING, WERE YOU TOLD WHEN YOU MADE
15 BOND ABOUT BEHAVING?

16 A. THEY TOLD ME THAT I NEEDED TO STAY AROUND AND
17 DON'T SELL NO DRUGS.

18 Q. AND WHAT WOULD HAPPEN IF YOU DID?

19 A. THEY'D REVOKE MY BOND.

20 Q. SHORTLY AFTER YOU WERE RELEASED, DID YOU HAVE
21 ANOTHER RUN-IN WITH THE LAW?

22 A. YES, MA'AM.

23 Q. TELL US, PLEASE TELL THE JURY ABOUT THAT.

24 A. ABOUT WHEN THEY CAME TO MY HOUSE ABOUT PULLING A
25 FIREARM?

1 Q. YES.

2 A. I HAD SOLD A GUY A TRUCK AND HE HADN'T PAID ME,
3 OR HE PAID ME HALF THE MONEY. AND I WENT UP TO HIS WIFE
4 AND KNOCKED ON THE DOOR AND ASKED HER WAS HE THERE. AND
5 I FORGOT HIS NAME NOW. SHE SAID NO. I SAID, LOOK, I
6 NEED FOR HIM TO GET IN TOUCH WITH ME TO PAY FOR THE
7 TRUCK OR BRING IT BACK. AND AS I WAS LEAVING, SHE
8 CALLED THE LAW AND TOLD THEM THAT I'D PULLED A SHOTGUN
9 ON HER AND DEMANDED MY MONEY.

10 Q. AND THAT'S WHAT THE OFFICERS CAME TO YOUR HOUSE
11 ABOUT?

12 A. YES, MA'AM, IT WAS.

13 Q. IS THAT WHAT HAPPENED?

14 A. NO, MA'AM, IT WASN'T.

15 Q. AFTER THE OFFICERS CAME TO YOUR HOUSE, WHAT DID
16 YOU DO?

17 A. THE NEXT DAY I LEFT.

18 Q. WHERE DID YOU GO?

19 A. I WENT TO FLORIDA.

20 Q. DO YOU REMEMBER APPROXIMATELY WHEN THIS WAS?

21 A. APRIL 6TH, 7TH.

22 Q. APRIL 2006?

23 A. YES, MA'AM.

24 Q. WERE YOU ALLOWED TO GO TO FLORIDA?

25 A. NO, MA'AM, I WASN'T.

1 Q. DID YOU GET CAUGHT?

2 A. YES, MA'AM.

3 Q. AND WHERE HAVE YOU BEEN SINCE YOU WERE CAUGHT?

4 A. IN THE GREENVILLE COUNTY DETENTION CENTER.

5 Q. WHEN YOU WERE DEALING DRUGS, BOTH MARIJUANA AND
6 ICE, DID YOU SEE A LOT OF GUNS?

7 A. NO, MA'AM.

8 Q. DID YOU OWN ANY GUNS?

9 A. NO, I DIDN'T, NO, MA'AM.

10 Q. DO YOU KNOW IF ANY OF THE INDIVIDUALS ON THAT
11 BOARD CARRIED A GUN?

12 A. I THINK I'D SEEN A GUN OR TWO OF BRIAN'S. OTHER
13 THAN THAT, I DIDN'T ASSOCIATE WITH GUNS.

14 MS. PORTER: BEG THE COURT'S INDULGENCE.

15 BY MS. PORTER:

16 Q. AFTER YOU WERE ARRESTED IN FLORIDA AND BROUGHT
17 BACK HERE, DID YOU AGAIN AGREE TO COOPERATE?

18 A. YES, MA'AM.

19 Q. ISN'T THAT WHEN YOU SIGNED YOUR PLEA AGREEMENT,
20 AFTER YOU GOT BACK?

21 A. NO, MA'AM. I SIGNED IT BEFORE I LEFT.

22 Q. LET ME SHOW YOU THIS ---

23 A. I THINK.

24 Q. --- TO REFRESH YOUR MEMORY.

25 WHAT'S THE DATE?

1 A. MARCH 21ST, 2007.

2 Q. IS THAT BEFORE OR AFTER YOU RAN?

3 A. AFTER.

4 Q. WHEN YOU AGAIN AGREED TO COOPERATE, OR EACH TIME
5 YOU HAVE AGREED TO COOPERATE AND TALK TO S.L.E.D., DID
6 THEY TELL YOU ANYBODY ELSE WAS COOPERATING?

7 A. NOT TO MY KNOWLEDGE.

8 Q. DID THEY TELL YOU ANYTHING ANYBODY ON THAT BOARD
9 HAD SAID?

10 A. NO, MA'AM.

11 Q. DID THEY INTERVIEW YOU IN THE PRESENCE OF ANY OF
12 THOSE INDIVIDUALS?

13 A. NO, MA'AM.

14 Q. HAVE YOU BEEN INCARCERATED WITH ANY OF THOSE
15 INDIVIDUALS?

16 A. I'VE BEEN LOCKED UP WITH THEM, YES, MA'AM.

17 Q. HAVE YOU HAD AN OPPORTUNITY TO DISCUSS THIS CASE
18 WITH THEM?

19 A. NO, MA'AM.

20 Q. DID YOU EVER OWN ANY GUNS?

21 A. NO, MA'AM, I HADN'T OWNED ANY GUNS.

22 Q. WHEN THE GREENVILLE COUNTY NARCS SEARCHED YOUR
23 HOUSE ON MARCH 15TH, 2005, DID THEY FIND ANY GUNS AT
24 YOUR HOUSE?

25 A. I THINK THEY FOUND TWO.

1 Q. AND WHOSE WERE THOSE?

2 A. THOSE WERE MY GIRLFRIEND'S, THEY WEREN'T MINE.

3 Q. OKAY. BUT YOU NEVER PERSONALLY OWNED ANY GUNS?

4 A. NO, MA'AM.

5 MS. PORTER: PLEASE ANSWER ANY QUESTIONS
6 MR. KAPPEL HAS FOR YOU.

7 THE COURT: CROSS-EXAMINATION.

8 MR. KAPPEL: THANK YOU, YOUR HONOR, MAY IT
9 PLEASE THE COURT.

10 CROSS-EXAMINATION BY MR. KAPPEL:

11 Q. ALL RIGHT, MR. LAVENDER, WE GOT A PICTURE OF YOUR
12 PRIOR RECORD CONCERNING YOUR DRUG ACTIVITY, AND I THINK
13 THE POINT WAS WELL MADE THAT YOU HAVE A HISTORY WITH
14 MARIJUANA TRAFFICKING; IS THAT CORRECT?

15 A. YES, SIR.

16 Q. AND, IN FACT, YOU WERE SELLING AND MOVING OVER
17 THOUSANDS OF POUNDS OF MARIJUANA, WERE YOU NOT?

18 A. I WOULDN'T SAY THOUSANDS, BUT YES, I WAS SELLING
19 MARIJUANA.

20 Q. OKAY. YOU WOULDN'T SAY UP TO A THOUSAND POUNDS?

21 A. NO, SIR.

22 Q. THEY DIDN'T FIND 500 POUNDS IN YOUR HOUSE?

23 A. NO, SIR.

24 Q. OR YOUR WAREHOUSE?

25 A. NO, SIR.

1 Q. DID YOU NOT HAVE A CONNECTION IN CALIFORNIA THAT
2 WAS SHIPPING HUNDREDS OF POUNDS OF MARIJUANA IN CRATES
3 TO YOU?

4 A. YES, SIR.

5 Q. AND THAT WOULD HAVE OCCURRED FOR AN EXTENDED
6 PERIOD OF TIME; DID IT NOT?

7 A. YES, SIR.

8 Q. WELL, OVER THE EXTENDED PERIOD OF TIME WHEN YOU
9 WERE RECEIVING HUNDREDS OF POUNDS OF MARIJUANA, WOULDN'T
10 THAT ADD UP TO MORE THAN A THOUSAND POUNDS?

11 A. YES.

12 Q. I'M SORRY?

13 A. YES. YES.

14 Q. SO YOU WERE A MARIJUANA TRAFFICKER. AND WHERE
15 WERE YOU LIVING?

16 A. IN GREENVILLE.

17 Q. SO YOU WERE A MARIJUANA TRAFFICKER IN GREENVILLE,
18 SOUTH CAROLINA, HAVING MARIJUANA SHIPPED TO YOU FROM
19 CALIFORNIA?

20 A. YES, SIR.

21 Q. WERE THOSE SHIPMENTS COMING THROUGH ATLANTA AT
22 ALL?

23 A. I DON'T KNOW.

24 Q. OKAY. YOU HAD SAID YOU FIRST GOT TURNED ON TO
25 ICE WHEN YOU MET SETH STEARNS FOR THE FIRST TIME; ISN'T

1 THAT RIGHT?

2 A. YES, SIR.

3 Q. THAT'S WHEN HE WENT TO PURCHASE A CAR FROM YOU?

4 A. RIGHT.

5 Q. AND HE WAS BUYING A '95 MERCEDES?

6 A. YES, SIR.

7 Q. HE SAID "DO YOU WANT TO GET HIGH?" AND THE TWO
8 OF YOU ALL SMOKED METHAMPHETAMINE TOGETHER; IS THAT
9 CORRECT?

10 A. YES, SIR.

11 Q. YOU FURTHER INDICATED THAT WAS IN ROUGHLY MAY
12 2004?

13 A. YES, SIR.

14 Q. AND THAT SETH -- THAT WAS THE FIRST TIME YOU HAD
15 HAD ANY EXPOSURE TO METHAMPHETAMINE; ISN'T THAT CORRECT?

16 A. NO, SIR. BEFORE, IN THE YEARS BEFORE I'D HAD IT.
17 NOT ICE BUT SPEED. THAT'S WHAT WE CALLED IT.

18 Q. ALL RIGHT. WHAT'S THE DIFFERENCE BETWEEN SPEED
19 AND ICE?

20 A. THEY SAY IT'S JUST CLEANER, A CLEANER TYPE OF
21 SPEED.

22 Q. ISN'T IT TRUE THAT YOU GAVE A STATEMENT
23 PREVIOUSLY TO CHAD BROOKS IN JULY 2004?

24 A. YES, SIR.

25 Q. DO YOU REMEMBER GIVING THAT STATEMENT?

1 A. I REMEMBER TALKING WITH HIM.

2 Q. DO YOU REMEMBER WHAT YOU SAID?

3 A. NOT -- VAGUELY. I DON'T, NO, SIR.

4 Q. DIDN'T YOU SAY THAT DANNY HOLCOMBE WAS THE
5 INDIVIDUAL THAT CAME TO YOUR CAR LOT TO PURCHASE A
6 VEHICLE FROM YOU, THAT WANTED TO EXCHANGE A CAR OUT FOR
7 ICE, METHAMPHETAMINE; ISN'T THAT RIGHT?

8 A. I THINK SO, YES, FOR SPEED, YES, SIR.

9 Q. WELL, YOU HAVE NEVER SAID BEFORE THAT SETH
10 STEARNS CAME TO YOU AND GAVE YOU ICE FOR THE FIRST TIME
11 IN MAY OF 2004, YOU HAVE NEVER SAID THAT BEFORE TODAY.
12 YOU DID SAY THAT DANNY HOLCOMBE CAME TO YOU IN MAY 2004;
13 ISN'T THAT CORRECT?

14 A. YES. FOR THE METH.

15 Q. METHAMPHETAMINE?

16 A. YES, SIR.

17 Q. AND IN THIS STATEMENT OF 2004 YOU SAID THAT YOUR
18 SOURCE WAS DANNY HOLCOMBE, AND THIS, OF COURSE, WAS
19 GIVEN NOT IN MAY 2004 BUT IN JULY OF 2004, ACTUALLY
20 TOWARD THE END OF JULY 2004, DO YOU REMEMBER, JULY 29TH,
21 2004?

22 A. I -- VAGUELY.

23 Q. WELL, DO YOU WANT TO HAVE A LOOK AT THE
24 STATEMENT? (HANDING.)

25 A. I BELIEVE I MIGHT HAVE.

1 Q. WHAT'S THE DATE ON THAT STATEMENT?

2 A. THE 29TH, 2004.

3 Q. WHAT MONTH?

4 A. THE SEVENTH.

5 Q. SO THAT WOULD BE JULY 29TH?

6 A. YES, SIR.

7 Q. OKAY. YOU DIDN'T MENTION SETH STEARNS IN THIS
8 STATEMENT, DID YOU?

9 A. NO, SIR.

10 Q. OKAY. YOU GAVE ANOTHER STATEMENT IN MARCH OF
11 2005. DO YOU REMEMBER THAT STATEMENT?

12 A. NO, SIR.

13 Q. DO YOU RECALL THAT THE GREENVILLE POLICE
14 DEPARTMENT HAD SET YOU UP ON TWO UNDERCOVER PURCHASES OF
15 METHAMPHETAMINE, DO YOU REMEMBER THAT?

16 A. NO, SIR, NOT RIGHT OFFHAND I DON'T.

17 Q. YOU DON'T KNOW THAT THE GREENVILLE CITY POLICE
18 DEPARTMENT USED AN INFORMANT WEARING A WIRE, THE SAME AS
19 YOU DID WITH CHAD SEXTON LATER, TO PURCHASE
20 METHAMPHETAMINES FROM YOU ON TWO DIFFERENT OCCASIONS?

21 A. NO, SIR.

22 MS. PORTER: YOUR HONOR, MAY WE APPROACH?

23 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
24 CONFERRED WITH THE COURT OUT OF THE PRESENCE
25 OF THE COURT REPORTER AND THE JURY.)

1 MS. PORTER: YOUR HONOR, WE WOULD OBJECT TO
2 THAT LINE OF QUESTIONING. HE'S NOT BEEN CONVICTED OF
3 THOSE CRIMES, THEY'RE NOT A PART OF THE CONSPIRACY, AND
4 MOVE TO STRIKE.

5 THE COURT: WOULD YOU SAY THEY ARE PRIOR BAD
6 ACTS?

7 MS. PORTER: YES, SIR. WITHIN THE RULE I
8 BELIEVE HE HAS TO HAVE BEEN CONVICTED ON THAT, AND
9 THEY'RE STILL PENDING.

10 THE COURT: NO, I THINK LYLES PERMITS PRIOR
11 BAD ACTS, AND PARTICULARLY IF THEY GO TO A METHOD OR A
12 MODE, SO I OVERRULE YOUR OBJECTION.

13 MR. KAPPEL: THANK YOU, JUDGE.
14 BY MR. KAPPEL:

15 Q. I HATE TO REASK THE QUESTION, BUT I BELIEVE YOUR
16 ANSWER WAS NO, YOU DON'T RECALL HAVING THE GREENVILLE
17 POLICE DEPARTMENT USE AN INFORMANT TO PURCHASE
18 METHAMPHETAMINE?

19 A. THAT WAS THE SAME TIME THAT THEY CAME DOWN AND
20 BUSTED ME WITH THE MARIJUANA AT MY HOUSE.

21 Q. OKAY. SO SHORTLY AFTER THESE TRANSACTIONS THEY
22 SERVED A SEARCH WARRANT AT YOUR RESIDENCE?

23 A. YES.

24 Q. ISN'T THAT CORRECT?

25 A. YES, SIR.

1 Q. ALL RIGHT. NOW, THAT'S WHEN THEY FOUND 30 POUNDS
2 OF MARIJUANA, SEVERAL GUNS, AND A LARGE AMOUNT OF CASH?

3 A. YES, SIR.

4 Q. WAS IT \$80,000.00 IN CASH?

5 A. I'M NOT SURE EXACTLY HOW MUCH IT WAS.

6 Q. OKAY. YOU DON'T RECALL.

7 DO YOU RECALL GIVING INFORMATION TO THE POLICE
8 DEPARTMENT ON THAT DAY?

9 A. YES, SIR.

10 Q. AND LAW ENFORCEMENT APPROACHED YOU ABOUT -- WELL,
11 THEY WANTED TO TALK TO YOU?

12 A. YES, SIR.

13 Q. AND YOU AGREED TO SPEAK WITH THEM?

14 A. YES, SIR.

15 Q. AND THEY WERE INTERESTED IN WHO OR WHERE YOU WERE
16 GETTING YOUR DRUGS, CORRECT?

17 A. YES, SIR.

18 Q. IS IT FAIR TO SAY THAT, OF COURSE, THEY WERE MORE
19 INTERESTED IN WHO WAS SUPPLYING YOU THAN WHO YOU WERE
20 ACTUALLY SELLING TO?

21 A. YES.

22 Q. IN OTHER WORDS, THEY DIDN'T WANT TO PUT A WIRE ON
23 YOU TO GO OUT INTO GREENVILLE COUNTY TO BUST SOMEONE
24 BUYING DRUGS FROM YOU, CORRECT?

25 A. RIGHT.

1 Q. THEY WANTED YOU TO GIVE INFORMATION ABOUT PEOPLE
2 THAT WERE HIGHER; ISN'T THAT RIGHT?

3 A. YES, SIR.

4 Q. AND THAT'S WHAT YOU DID: YOU GAVE THEM A
5 STATEMENT AND YOU TOLD THEM?

6 A. YES.

7 Q. AND DO YOU RECALL WHO YOU SAID WAS PROVIDING YOU
8 WITH METHAMPHETAMINE?

9 A. (NO RESPONSE.)

10 Q. THIS IS MARCH 2005. DO YOU REMEMBER?

11 A. I DON'T REMEMBER WHO I SAID, NO, SIR.

12 Q. OKAY. (HANDING.)

13 A. (READS DOCUMENT.)

14 Q. DO YOU REMEMBER NOW?

15 A. DENNIS STYLES.

16 Q. WHO ELSE?

17 A. AND EDDIE.

18 Q. EDDIE WHO?

19 A. EDDIE CASH.

20 Q. YOU GAVE THEM THE NAMES OF TWO DIFFERENT
21 INDIVIDUALS THAT WERE PROVIDING YOU METHAMPHETAMINE AND
22 THAT WAS DENNIS STYLES AND EDDIE CASH; ISN'T THAT
23 CORRECT?

24 A. YES, SIR.

25 Q. YOU DIDN'T SAY SETH STEARNS, DID YOU?

1 A. NO, SIR.

2 Q. ALL RIGHT. NOW, YOU MEET WITH THESE GREENVILLE
3 POLICE OFFICERS, THEY FIND ALL THIS MARIJUANA, THEY
4 SEIZE ALL THIS MONEY, YOU GIVE THEM A SIGNED STATEMENT,
5 AND YOU ARE FREE, SO TO SPEAK, YOU WERE OUT ON BOND ---

6 A. YES.

7 Q. --- ISN'T THAT RIGHT?

8 YOU WERE CHARGED WITH SOME CRIMES, THEY SEARCHED
9 AND FOUND SOME THINGS IN YOUR HOME, YOU GAVE THEM A
10 STATEMENT, YOU IDENTIFIED WHO YOUR SOURCES WERE, AND
11 THEN YOU WENT OUT ON BOND; ISN'T THAT CORRECT?

12 A. YES.

13 Q. WHILE YOU WERE OUT ON BOND, YOU WENT STRAIGHT
14 BACK IN TO THE DISTRIBUTION OF METHAMPHETAMINE, DID YOU
15 NOT, PURCHASE AND DISTRIBUTION?

16 A. FOR MY HABIT.

17 Q. IS THE ANSWER TO MY QUESTION YES OR NO?

18 A. YES. YES.

19 Q. THANK YOU. SO ABOUT NINE DAYS LATER YOU GET --
20 ARE YOU APPROACHED OR ARRESTED ON MARCH 24TH, DO YOU
21 REMEMBER?

22 A. APPROACHED.

23 Q. YOU WERE APPROACHED BY WHOM?

24 A. MAX DORSEY, I THINK.

25 Q. OKAY. AND YOU WERE APPROACHED BY MAX DORSEY FROM

1 S.L.E.D. WHO INFORMED YOU, "HEY, YOU'RE UNDER
2 INVESTIGATION, WE WANT TO TALK TO YOU"; ISN'T THAT
3 RIGHT?

4 A. YES.

5 Q. AND YOU TOLD THEM, "I'LL TALK TO YOU, I'LL TELL
6 YOU WHAT I KNOW."

7 A. YEAH.

8 Q. AND MAX TOLD YOU, "YOU KNOW, YOU HAVE TO BE
9 TRUTHFUL"; ISN'T THAT RIGHT?

10 A. YES, SIR.

11 Q. ISN'T THE FUNDAMENTAL PRINCIPLE OF COOPERATION IN
12 HELPING THE POLICE IS TO ACTUALLY TELL THEM THE TRUTH?

13 A. YES.

14 Q. IT'S NOT TO LIE TO THEM?

15 A. RIGHT.

16 Q. HE MADE THAT VERY CLEAR TO YOU, DID HE NOT?

17 A. YES.

18 Q. HE MADE THAT VERY CLEAR TO YOU ON THE 24TH OF
19 MARCH, 2005; ISN'T THAT CORRECT?

20 A. YES.

21 Q. NOW, YOU GAVE HIM A STATEMENT, AND THIS WAS THE
22 FIRST TIME THAT YOU HAD MENTIONED SETH STEARNS' NAME;
23 ISN'T THAT RIGHT?

24 A. I THINK SO, YES, SIR.

25 Q. OKAY. IN ADDITION YOU MENTIONED APPROXIMATELY

1 SIX OR SEVEN PEOPLE YOU HAD BEEN SELLING 50 POUNDS OR
2 MORE OF MARIJUANA TO, TOO; ISN'T THAT CORRECT?

3 A. YES.

4 Q. SO YOU BASICALLY, YOU STARTED OUT BY TELLING MAX
5 DORSEY ABOUT YOUR MARIJUANA TRAFFICKING; ISN'T THAT
6 CORRECT?

7 A. YES, SIR.

8 Q. AND THEN YOU WENT INTO YOUR METHAMPHETAMINE
9 TRAFFICKING, CORRECT?

10 A. YES, SIR.

11 Q. AND IN YOUR METHAMPHETAMINE TRAFFICKING, THIS IS
12 THE FIRST TIME YOU HAD MENTIONED SETH STEARNS' NAME?

13 A. CAN I SAY THIS?

14 Q. JUST ANSWER THE QUESTION.

15 THE COURT: NO, JUST A MOMENT. ANSWER THE
16 QUESTION, BUT THEN YOU CAN EXPLAIN YOUR ANSWER.

17 MR. KAPPEL: THANKS, JUDGE.

18 THE WITNESS: YES, SIR.

19 THE COURT: NOW YOU CAN EXPLAIN YOUR ANSWER.

20 THE WITNESS: WITH DENNIS STYLES AND EDDIE
21 CASH, THEY PROVIDED ME WHEN I COULDN'T GET ANYTHING, AND
22 I HAD TO HAVE IT, I HAD TO HAVE SPEED TO KEEP GOING, AND
23 THOSE WERE THE ONLY TIMES THAT I DEALT WITH THEM.

24 BY MR. KAPPEL:

25 Q. NOW, YOU HAD SAID THAT YOU MET SETH STEARNS WHEN

1 HE CAME TO YOUR LOT IN MAY OF 2004 TO PURCHASE A
2 VEHICLE; ISN'T THAT RIGHT?

3 A. YES, SIR.

4 Q. YOU HAVE ALSO SAID THAT IN THE SAME TIME FRAME,
5 MAY 2004, THE FACT THAT DANNY HOLCOMBE CAME TO YOU AT
6 YOUR CAR LOT TO SELL YOU METHAMPHETAMINE?

7 A. TO TRADE IT FOR A CAR, OR TRIED TO.

8 Q. AND YOU INDICATED THAT YOU MET BRIAN MUELLER,
9 THAT'S THIS INDIVIDUAL RIGHT HERE, STATE'S NUMBER FOUR
10 FOR IDENTIFICATION, YOU SAW HIM FOR THE FIRST TIME AT
11 SETH STEARNS' HOUSE?

12 A. YES.

13 Q. AND THAT WOULD HAVE BEEN SOMETIME IN SEPTEMBER OF
14 2004, DOES THAT SOUND ABOUT RIGHT?

15 A. CLOSE, YES, SIR.

16 Q. ALL RIGHT. NOW, LET ME TELL YOU SOMETHING.
17 ISN'T IT A FACT THAT YOU TOLD MAX DORSEY ON THE 24TH OF
18 MARCH THAT YOU HADN'T EVEN MET SETH STEARNS UNTIL AFTER
19 YOU KNEW BRIAN MUELLER?

20 A. NO, SIR, I DON'T THINK SO, BECAUSE I MET BRIAN
21 MUELLER THROUGH SETH.

22 Q. (HANDING.) YOU ARE WELCOME TO LOOK AT THIS
23 DOCUMENT. LOOK AT THE TOP OF THAT PAGE.

24 A. (WITNESS READS DOCUMENT.)

25 Q. DO YOU REMEMBER NOW TELLING MR. DORSEY THAT YOU

1 FIRST MET SETH STEARNS THROUGH BRIAN MUELLER IN
2 SEPTEMBER OF 2004?

3 A. NO, SIR, I DON'T RECALL IT. LIKE I SAID, I WAS,
4 YOU KNOW, HIGH ON THAT SPEED.

5 Q. SO ANY REFERENCE TO YOU MEETING SETH STEARNS
6 THROUGH BRIAN MUELLER IN A REPORT BY MR. DORSEY WAS
7 INACCURATE, THEN?

8 A. I MET BRIAN MUELLER THROUGH SETH.

9 Q. BUT MY QUESTION TO YOU IS: ANY REFERENCE TO HIS
10 REPORT THAT SAYS THAT YOU MET SETH STEARNS THROUGH BRIAN
11 MUELLER WOULD BE INACCURATE?

12 A. YEAH.

13 Q. IS THAT RIGHT?

14 A. YES, SIR.

15 Q. OKAY. SO YOU COOPERATE AND YOU GIVE THIS
16 STATEMENT ON MARCH THE 24TH, YOU AGREED TO TELL THE
17 TRUTH, STAY OUT OF TROUBLE. I ASSUME MR. DORSEY TOLD
18 YOU HE WOULD GET BACK IN TOUCH WITH YOU?

19 A. YES, SIR.

20 Q. ISN'T THAT CORRECT?

21 A. (NODDED HEAD.)

22 Q. YOU WEREN'T ABLE TO STAY OUT OF TROUBLE, THOUGH,
23 WERE YOU, NOT FOR TOO LONG?

24 A. NO, SIR.

25 Q. IN FACT, YOU WERE ARRESTED AGAIN ON APRIL THE 5TH

1 OF 2005?

2 A. YES, SIR.

3 Q. ABOUT TEN DAYS LATER?

4 A. I THINK SO.

5 Q. I'M SORRY?

6 A. YES.

7 Q. PLEASE KEEP YOUR VOICE UP. SHE HAS TO TAKE
8 EVERYTHING DOWN.

9 A. SORRY.

10 Q. IN FACT, YOU WERE APPROACHED ON HIGHWAY 153 IN
11 POWERSVILLE, YOU WERE IN POSSESSION OF TWO OUNCES OF
12 ICE, MARIJUANA, AND ABOUT \$22,000.00 IN CASH?

13 A. YES, SIR.

14 Q. DO YOU REMEMBER THAT?

15 A. YES.

16 Q. THAT ICE, I ASSUME, CAME THROUGH CHAD SEXTON?

17 A. YES.

18 Q. IT CAME FROM HIS SOURCE IN ATLANTA?

19 A. I ASSUME SO, YES, SIR.

20 Q. OKAY. DID YOU GO TO JAIL ON THE 5TH OF APRIL?

21 A. 6TH, I THINK.

22 Q. WHEN YOU WERE PULLED OVER IN POWERSVILLE WITH
23 TWO OUNCES OF METHAMPHETAMINE, MARIJUANA, AND
24 \$22,000.00, DID YOU GO TO JAIL THAT DAY?

25 A. I WENT TO THE FAIRGROUNDS WITH THE POLICE.

1 Q. THE FAIRGROUNDS?

2 A. YES. GREENVILLE-PICKENS FAIRGROUNDS WHICH
3 WAS ---

4 Q. DID YOU MEET WITH SOMEBODY THERE?

5 A. YES, MAX DORSEY.

6 Q. SO HOW DID -- WAS IT THE POWERSVILLE POLICE
7 DEPARTMENT OR THE HIGHWAY PATROL THAT PULLED YOU OVER?

8 A. IT WAS MAX DORSEY THAT PULLED ME OVER.

9 Q. MAX DORSEY PULLED YOU OVER ON THE 5TH OF APRIL,
10 2005, AND THEN TOOK YOU TO THE FAIRGROUNDS?

11 A. YES, SIR.

12 Q. DID HE HAVE A DISCUSSION WITH YOU ABOUT
13 CONTINUING IN YOUR DRUG TRAFFICKING ACTIVITIES?

14 A. YES, SIR.

15 Q. DID HE TELL YOU THAT IT HAD HURT YOUR
16 CREDIBILITY?

17 A. YES, SIR.

18 Q. HE TOLD YOU THAT YOU HAD BEEN ACTUALLY LYING TO
19 HIM THROUGHOUT; DID HE NOT?

20 A. YES.

21 Q. HE TOLD YOU YOU HAD -- YOUR LAWYER WAS THERE,
22 TOO, WAS HE NOT, KIM VARNER?

23 A. I'M NOT SURE WHAT DATE THAT WAS, BUT IT WASN'T AT
24 PICKENS, THAT WAS AT CLEVELAND PARK.

25 Q. WELL, DID YOU LEAVE THE FAIRGROUNDS AND GO TO

1 CLEVELAND PARK?

2 A. NO.

3 Q. WHEN DID YOU END UP IN CLEVELAND PARK?

4 A. WHEN I MET MAX DORSEY AND TURNED MYSELF IN ON THE
5 NEXT DAY.

6 Q. SO ON TUESDAY, APRIL THE 5TH, HE TOOK YOU TO THE
7 FAIRGROUNDS?

8 A. YES, SIR.

9 Q. THEN HE LET YOU GO?

10 A. AFTER WE SET CHAD UP THAT NIGHT.

11 Q. SO THE CLEVELAND PARK MEETING WAS AFTER ---

12 A. THAT WAS THE NEXT.

13 Q. --- THE CHAD SEXTON INCIDENT ---

14 A. YES.

15 Q. --- ISN'T THAT RIGHT?

16 BUT, IN FACT, YOU MET WITH MAX DORSEY ON APRIL
17 5TH, 2005, AND HE STRONGLY WARNED YOU BECAUSE YOU HAD
18 CONTINUALLY LIED TO LAW ENFORCEMENT ABOUT YOUR
19 INVOLVEMENT AND YOUR ASSETS. DO YOU REMEMBER THAT?

20 A. YEAH.

21 Q. AND THAT WAS TRUE, WASN'T IT?

22 A. YES, SIR.

23 Q. YOU HAD, IN FACT, LIED TO HIM ABOUT YOUR
24 INVOLVEMENT AND YOUR ASSETS?

25 A. EXCUSE ME?

1 Q. YOU HAD, IN FACT, LIED TO HIM ABOUT YOUR ASSETS
2 AND YOUR INVOLVEMENT; ISN'T THAT CORRECT?

3 A. YES, SIR.

4 Q. AND YOU CONTINUED TO LIE TO HIM, DID YOU NOT, ON
5 THE INCIDENT WITH CHAD SEXTON?

6 A. NO, SIR.

7 Q. ALL RIGHT. YOU WOULDN'T CONSIDER NOT INFORMING
8 THE POLICE DEPARTMENT THAT THERE WAS A QUANTITY OF
9 METHAMPHETAMINE THAT REMAINED IN CHAD SEXTON'S CAR THAT
10 YOU TRIED TO GET A DAY OR TWO LATER, YOU WOULDN'T
11 CONSIDER THAT LYING?

12 A. NO, SIR. I DID NOT KNOW THAT.

13 Q. YOU NEVER TRIED TO GET INTO THAT CAR OR USE
14 SOMEBODY ELSE TO GET INTO THAT CAR WHILE IT WAS IN
15 IMPOUND TO GET THE DRUGS THAT WERE STILL IN IT?

16 A. NO, SIR. I WAS IN RICHLAND COUNTY IN JAIL.

17 Q. I'M NOT TALKING ABOUT THAT, I'M TALKING ABOUT
18 APRIL THE 6TH.

19 A. THAT'S WHAT I'M TALKING ABOUT, APRIL THE 6TH,
20 THAT NIGHT, THEY SHIPPED ME, THEY PUT ME IN RICHLAND
21 COUNTY.

22 Q. ARE YOU SURE YOU WEREN'T IN -- YOUR MEETING IN
23 CLEVELAND PARK WAS ON APRIL THE 7TH. DO YOU REMEMBER
24 THAT?

25 A. THAT'S WHEN I TURNED MYSELF IN.

1 Q. SO YOU WERE FREE ON APRIL THE 6TH.

2 A. ON APRIL THE 6TH I MET -- THE 6TH OR THE 7TH I
3 MET WITH MAX AT CLEVELAND PARK.

4 Q. CLEVELAND PARK. OKAY. SO YOU HAD, IN FACT, WHEN
5 MAX HAD PULLED YOU OVER ON APRIL 5TH, YOU HAD CALLED
6 CHAD, YOU HAD GIVEN HIM \$6,000.00 FOR METHAMPHETAMINE,
7 CORRECT, FOR ICE?

8 A. NO, SIR, I DIDN'T GIVE HIM THAT MUCH.

9 Q. YOU DIDN'T GIVE HIM \$6,000.00?

10 A. NO, SIR.

11 Q. DID YOU GIVE HIM ANY MONEY?

12 A. YES, SIR.

13 Q. HOW MUCH MONEY DID YOU GIVE HIM?

14 A. I THINK I GAVE HIM \$2,400.00.

15 Q. ALL RIGHT. SO YOU GAVE HIM \$2,400.00, SENT HIM
16 ON HIS WAY TO ATLANTA, HE WAS COMING BACK THAT DAY, YOU
17 GET PULLED OVER BY MAX DORSEY, CORRECT?

18 A. YES.

19 Q. YOU TELL MAY DORSEY, "I REALIZE I'VE BEEN LYING
20 TO YOU THE WHOLE TIME, BUT LET ME TELL YOU WHAT'S GOING
21 ON. CHAD SEXTON, MY PARTNER, HAS GONE DOWN TO ATLANTA,
22 HE'S GONE TO THIS WOMAN TO PICK UP METHAMPHETAMINE AND
23 HE'S ON HIS WAY BACK RIGHT NOW." ISN'T THAT CORRECT?

24 A. YES, SIR.

25 Q. AND YOU CALLED CHAD ON THE TELEPHONE AND SAID,

1 "HEY, WHERE ARE YOU?" ISN'T THAT RIGHT?

2 A. YES. YES.

3 Q. MR. DORSEY LISTENED IN?

4 A. YES.

5 Q. AND YOU ARRANGED THROUGH MAX DORSEY TO MEET CHAD
6 SEXTON ORIGINALLY AT THE WAL-MART, AND THEN IT CHANGED
7 TO THE MCDONALD'S?

8 A. YES.

9 Q. ISN'T THAT CORRECT?

10 A. YES, SIR.

11 Q. AND THAT WAS ON THE 5TH OF APRIL?

12 A. YES, SIR.

13 Q. AND IT ENDED IN THE EARLY MORNING HOURS ON THE
14 6TH OF APRIL?

15 A. YES, SIR.

16 Q. AND AFTER THAT OCCURRED, YOU HAD SAID EARLIER
17 THAT YOU LEFT THE SCENE AT MCDONALD'S AND WENT BACK TO
18 THE FAIRGROUNDS WHERE YOU ALL HAD MET UP, AND THEN YOU
19 WERE TOLD TO LEAVE AND THEY WOULD BE IN TOUCH WITH YOU.
20 DO YOU REMEMBER THAT?

21 A. YES, SIR, THE NEXT DAY.

22 Q. SO YOU WERE FREE AFTER THE INCIDENT INVOLVING
23 CHAD SEXTON. YOU WEREN'T IN RICHLAND COUNTY. YOU WERE
24 STILL OUT ON BOND FROM THESE OTHER CHARGES; ISN'T THAT
25 CORRECT?

1 A. I THINK SO.

2 Q. ALL RIGHT. NOW, ON THIS DATE OF APRIL THE 5TH,
3 WHEN YOU HAD \$22,000.00 IN CASH, TWO OUNCES OF ICE, AND
4 MARIJUANA, WERE YOU ARRESTED FOR THAT STUFF, DID THEY
5 WRITE YOU A WARRANT FOR THAT?

6 A. EVENTUALLY THEY DID, I THINK.

7 Q. ALL RIGHT. WELL, DID THEY DO THAT ON APRIL THE
8 6TH?

9 A. THE 7TH -- I THINK IT WAS ALL ---

10 Q. ON THE 7TH?

11 A. I THINK SO, YES, SIR.

12 Q. OKAY.

13 A. WHENEVER I TURNED MYSELF IN AT CLEVELAND PARK.
14 I'M NOT SURE OF THE DATE.

15 Q. ALL RIGHT. DO YOU RECALL AFTER YOU TURNED
16 YOURSELF IN ON APRIL THE 7TH -- WELL, LET'S TALK ABOUT
17 APRIL THE 7TH FOR A MINUTE. YOU MET WITH MAX DORSEY AND
18 YOUR LAWYER, KIM VARNER?

19 A. YES.

20 Q. AND THAT WAS IN CLEVELAND PARK?

21 A. YES, SIR.

22 Q. NOT TWO MILES FROM HERE?

23 A. YES, SIR.

24 Q. AND THEY HAD CONCERNS THAT YOU WERE FLEEING THE
25 JURISDICTION; ISN'T THAT RIGHT?

1 A. I DON'T KNOW. THEY SAID SOMETHING ABOUT IT, YES,
2 SIR, ME FLEEING.

3 Q. OKAY. WELL, ISN'T THAT WHAT I JUST SAID?

4 A. YES, SIR.

5 Q. SO Y'ALL HAD A DISCUSSION, AND ESSENTIALLY LAW
6 ENFORCEMENT TOLD YOU THAT ---

7 MS. PORTER: OBJECTION; HEARSAY, YOUR HONOR.

8 MR. KAPPEL: I CAN TIE IT IN LATER, JUDGE,
9 BY CALLING MR. DORSEY.

10 THE COURT: RESTATE YOUR QUESTION. JUST
11 RESTATE YOUR QUESTION.

12 MR. KAPPEL: THAT'S FINE.

13 BY MR. KAPPEL:

14 Q. Y'ALL TALKED ABOUT YOUR COOPERATION, CORRECT?

15 A. YES, SIR.

16 Q. THE LEVEL OF YOUR COOPERATION, RIGHT?

17 A. YES, SIR.

18 Q. YOUR TRUTHFULNESS?

19 A. YES.

20 Q. RIGHT?

21 A. YES, SIR.

22 Q. AND THAT THEY WERE LOSING THEIR PATIENCE WITH
23 YOU?

24 A. YES.

25 Q. THAT THEY WERE TIRED OF TALKING TO YOU AND TAKING

1 STATEMENTS FROM YOU; THAT YOU WERE CONTINUALLY LYING TO
2 THEM; THAT YOU WERE WORKING WITH AN INFORMANT TO TRY TO
3 GET INTO CHAD SEXTON'S CAR TO GET THE REST OF THE DRUGS?

4 A. NO.

5 Q. ALL RIGHT. WELL, YOU DENY THAT PART?

6 A. EXACTLY.

7 Q. BUT AT THE END OF THIS MEETING YOU TALKED WITH
8 YOUR LAWYER AND YOU TALKED WITH LAW ENFORCEMENT ABOUT
9 TAKING A POLYGRAPH EXAMINATION; DID YOU NOT?

10 MS. PORTER: OBJECTION, YOUR HONOR.

11 THE COURT: OVERRULED.

12 BY MR. KAPPEL:

13 Q. ARE YOU AWARE OF THAT?

14 A. SIR?

15 Q. YOU TALKED TO YOUR LAWYER, KIM VARNER ---

16 A. YES.

17 Q. --- AND LAW ENFORCEMENT ABOUT TAKING A POLYGRAPH
18 EXAMINATION?

19 A. YES.

20 Q. AND YOU DECIDED TO TAKE A POLYGRAPH EXAMINATION,
21 CORRECT?

22 A. YES, SIR.

23 Q. AND YOU TOOK A POLYGRAPH AFTER ALL OF THESE
24 WARNINGS AND ADMONITIONS FROM LAW ENFORCEMENT; ISN'T
25 THAT CORRECT?

1 A. YES.

2 Q. AND SO THEY TOOK YOU TO EASLEY?

3 A. YES, SIR.

4 Q. AND THEY HOOKED YOU UP TO A POLYGRAPH MACHINE?

5 A. YES.

6 Q. AND THEY ASKED YOU A BUNCH OF QUESTIONS; IS THAT
7 RIGHT?

8 A. YES.

9 Q. THEY ASKED YOU ABOUT WHO YOUR SOURCES ARE?

10 A. YES.

11 MS. PORTER: OBJECTION, YOUR HONOR. HE'S
12 ELICITING HEARSAY ABOUT WHAT HE WAS ASKED.

13 BY MR. KAPPEL:

14 Q. DID YOU ATTEMPT ---

15 THE COURT: NO. HEARSAY IS SOMETHING HE
16 HEARS SOMEBODY ELSE SAY. BUT WHAT HE HAS HEARD IS NOT
17 HEARSAY.

18 BY MR. KAPPEL:

19 Q. WERE YOU ASKED ABOUT WHO YOUR SOURCES ARE?

20 A. YES.

21 THE COURT: THAT HAS BEEN THROUGHOUT THIS
22 CASE.

23 BY MR. KAPPEL:

24 Q. AND YOU TOLD HIM ---

25 THE COURT: JUST A MOMENT.

1 MR. KAPPEL: I'M SORRY.

2 THE COURT: AN OBJECTION HAS BEEN MADE.

3 DO YOU STILL MAKE AN OBJECTION?

4 MS. PORTER: NO, YOUR HONOR.

5 THE COURT: VERY GOOD.

6 MR. KAPPEL: I BEG YOUR PARDON.

7 THE COURT: NOW YOU MAY PROCEED.

8 BY MR. KAPPEL:

9 Q. YOU WERE ASKED ABOUT WHO YOUR SOURCES WERE?

10 A. YES.

11 Q. YOU WERE ASKED ABOUT WHO YOU WERE SELLING IT TO,

12 RIGHT?

13 A. YES.

14 Q. AND YOU WERE ASKED ABOUT YOUR ASSETS, ISN'T THAT

15 RIGHT?

16 A. NOT MY ASSETS, I DON'T THINK.

17 Q. SO THEY NEVER ASKED YOU ABOUT YOUR ASSETS?

18 A. NOT AT THAT TIME THEY DIDN'T.

19 Q. DURING THE POLYGRAPH THEY JUST ASKED ABOUT YOUR

20 SOURCES?

21 A. YES.

22 Q. AND THE EMPHASIS AT LEAST IN YOUR MIND WAS ON WHO

23 YOUR SOURCES WERE?

24 A. RIGHT.

25 Q. THEY WEREN'T INTERESTED IN WHO YOU WERE SELLING

1 TO, WHILE THAT'S IMPORTANT INFORMATION.

2 A. WHERE IT WAS COMING FROM.

3 Q. THEY WANTED TO KNOW WHERE IT WAS COMING FROM.

4 AND YOU ANSWERED ALL OF THOSE QUESTIONS.

5 A. YES.

6 Q. WERE YOU EVER ADVISED AS TO THE RESULTS OF THAT
7 POLYGRAPH EXAMINATION?

8 A. NO, SIR, I DON'T THINK SO.

9 Q. OKAY. DID YOU THINK THAT IF YOU PASSED THE
10 POLYGRAPH EXAMINATION, THAT THEY WOULD LET YOU GO HOME?

11 A. NO.

12 MS. PORTER: OBJECTION; CALLS FOR
13 SPECULATION.

14 THE COURT: IT CALLS FOR A STATE OF MIND.
15 OVERRULED.

16 THE WITNESS: NO, SIR.

17 BY MR. KAPPEL:

18 Q. OKAY. SO WHEN YOU WENT TO TAKE THE POLYGRAPH
19 EXAM, YOU FELT LIKE YOU WERE GOING TO BE ARRESTED NO
20 MATTER WHAT?

21 A. YES, SIR.

22 Q. ALL RIGHT. NO ONE EVER INFORMED YOU THAT YOU
23 FAILED THE POLYGRAPH EXAM?

24 A. NO, SIR.

25 Q. I'M SORRY?

1 A. NO, SIR.

2 Q. DO YOU KNOW THAT, IF LAW ENFORCEMENT SEARCHED
3 YOUR RESIDENCE ON APRIL THE 8TH, 2005?

4 A. THAT THEY SEARCHED MY RESIDENCE?

5 Q. YES, SIR.

6 A. YES, SIR.

7 Q. DO YOU KNOW THAT THEY FOUND OVER 500 POUNDS OF
8 MARIJUANA IN IT?

9 A. NO, SIR.

10 Q. HAVE YOU GIVEN ANY OTHER STATEMENTS IN THIS CASE
11 THAT YOU ARE AWARE OF?

12 A. NO, SIR.

13 Q. YOU DON'T RECALL MEETING WITH LAW ENFORCEMENT IN
14 MAY OF 2005?

15 A. I DON'T RECALL.

16 Q. YOU DON'T RECALL BEING INTERVIEWED THEN, EITHER?

17 A. NO, SIR.

18 Q. (HANDING.)

19 A. (WITNESS READS DOCUMENT.)

20 Q. DOES THAT DOCUMENT REFRESH YOUR RECOLLECTION
21 ABOUT ANY KIND OF MEETINGS WITH LAW ENFORCEMENT IN MAY
22 OF 2005?

23 A. (WITNESS READS DOCUMENT.) RICHLAND COUNTY?

24 Q. YES.

25 A. YES.

1 Q. SO YOU DID, IN FACT, MEET WITH THEM IN MAY 2005?

2 A. YES, SIR.

3 Q. DID YOU NOT, IN FACT, TELL THEM IN MAY OF 2005
4 THAT YOU HAD, AGAIN YOU MET SETH STEARNS THROUGH BRIAN
5 MUELLER?

6 A. NO, SIR. I DID NOT. IF I DID, THAT'S NOT RIGHT.

7 Q. (HANDING.)

8 A. (WITNESS READS DOCUMENT.) THIS IS BACKWARDS,
9 SIR.

10 Q. SO THAT'S ANOTHER MISTAKE IN THE REPORTING; IS
11 THAT RIGHT?

12 A. YES, SIR.

13 Q. SO THAT'S TWICE THAT YOU TOLD THEM THAT YOU HAD
14 MET MUELLER THROUGH STEARNS AND THEY HAD WRITTEN DOWN
15 THAT YOU HAD MET STEARNS THROUGH MUELLER; IS THAT RIGHT?

16 A. THAT'S NOT CORRECT.

17 Q. OKAY. DID YOU EVER SHARE PROPERTY WITH A GUY
18 NAMED REVIS?

19 A. REVIS, YES, SIR.

20 Q. DID YOU EVER KEEP ANY PISTOLS WITH YOUR, OR
21 FIREARMS WITH YOUR MARIJUANA AT HIS PROPERTY?

22 A. NO, SIR.

23 Q. DO YOU EVER RECALL A SEARCH BEING CONDUCTED AT
24 MR. REVIS'S PROPERTY?

25 A. NOT TO MY KNOWLEDGE, NO, SIR.

1 Q. (HANDING.)

2 A. (WITNESS READS DOCUMENT.)

3 MS. PORTER: CAN YOU TELL ME WHAT HE'S
4 LOOKING AT?

5 THE WITNESS: NO, SIR, I WASN'T THERE. I
6 DIDN'T RENT A WAREHOUSE FROM HIM, I RENTED A CAR LOT, A
7 HOUSE.

8 THE COURT: SHOW THE STATE.

9 MS. PORTER: I'M JUST NOT SURE WHAT DOCUMENT
10 IT IS. OKAY.
11 BY MR. KAPPEL:

12 Q. SO YOU DON'T RECOLLECT THAT?

13 A. NO, SIR. I RENTED A HOUSE WHICH WAS A CAR LOT
14 OFF OF EIGHTY- -- HIGHWAY 8.

15 Q. DO YOU REMEMBER ABOUT HOW MUCH METHAMPHETAMINE
16 YOU BOUGHT WITH CHAD SEXTON?

17 A. A HALF POUND, THREE QUARTERS OF A POUND.

18 Q. DO YOU RECALL ABOUT HOW MUCH METHAMPHETAMINE YOU
19 BOUGHT FROM BRIAN MUELLER?

20 A. PROBABLY THE SAME.

21 Q. DO YOU RECALL TRADING MARIJUANA FOR
22 METHAMPHETAMINE WITH BRIAN MUELLER?

23 A. I DID.

24 Q. SO THAT Y'ALL HAD, IN ADDITION TO YOUR
25 RELATIONSHIP WITH CHAD SEXTON OVER HERE (POINTING ON

1 BOARD) WHERE YOU WERE PROVIDING MONEY TO HIM FOR HIM TO
2 GO TO ATLANTA, YOU WERE ALSO WORKING WITH BRIAN MUELLER
3 RECEIVING METHAMPHETAMINE FROM HIM, BUT ALSO TRADING
4 MARIJUANA FOR METHAMPHETAMINE; ISN'T THAT CORRECT?

5 A. NOT AT THE SAME TIME.

6 Q. WELL, VARIOUS TIMES. I MEAN, AT SOME POINT IN
7 TIME YOU WERE WORKING WITH CHAD SEXTON BUYING
8 METHAMPHETAMINE IN ATLANTA?

9 A. YES.

10 Q. AND THEN AT OTHER TIMES YOU WOULD WORK WITH BRIAN
11 MUELLER BUYING METHAMPHETAMINE FROM HIM THROUGH ATLANTA?

12 A. YES.

13 Q. AND YOU WERE TRADING MARIJUANA AND
14 METHAMPHETAMINE WITH HIM AT THE SAME TIME -- I MEAN,
15 ALSO, CORRECT?

16 A. YES.

17 MR. KAPPEL: JUST A MOMENT, JUDGE.

18 BY MR. KAPPEL:

19 Q. THERE'S BEEN A LITTLE BIT OF A DISCUSSION ON YOUR
20 PLEA AGREEMENT. IF I WERE TO TELL YOU THAT YOU HAD
21 SIGNED A PLEA AGREEMENT ON MARCH 21ST, 2007, YOU WOULD
22 RECOLLECT THAT, WOULD YOU NOT?

23 A. YES, SIR.

24 Q. AND YOU WOULD ALSO RECOLLECT THAT YOU PLED GUILTY
25 TO TRAFFICKING IN METHAMPHETAMINE TEN TO 28 GRAMS?

1 A. YES, SIR.

2 Q. DID YOU PLEAD GUILTY TO TRAFFICKING MARIJUANA,
3 ALSO?

4 A. YES.

5 Q. WHAT WAS THE AMOUNT OF THE MARIJUANA?

6 A. 20 TO 30 POUNDS.

7 Q. WAS IT NOT 100 TO 2,000 POUNDS?

8 A. NO, SIR.

9 MR. KAPPEL: JUDGE, CAN I APPROACH FOR JUST
10 A MOMENT?

11 THE COURT: CERTAINLY.

12 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
13 CONFERRED WITH THE COURT OUT OF THE PRESENCE
14 OF THE COURT REPORTER AND THE JURY.)

15 BY MR. KAPPEL:

16 Q. YOU PLED TO TRAFFICKING MARIJUANA TEN TO ONE
17 HUNDRED POUNDS ---

18 A. YES.

19 Q. --- IS THAT CORRECT?

20 AND TRAFFICKING METHAMPHETAMINES BY CONSPIRACY 28
21 TO A HUNDRED GRAMS ---

22 A. YES.

23 Q. --- ISN'T THAT RIGHT?

24 NOW, THE ACTUAL WEIGHT OF THE MARIJUANA, TEN TO
25 ONE HUNDRED POUNDS, YOU TRAFFICKED A LOT MORE THAN THAT;

1 ISN'T THAT CORRECT?

2 A. YES.

3 Q. AS YOU SAID, OVER A THOUSAND POUNDS OVER A PERIOD
4 OF TIME?

5 A. A PERIOD OF HISTORY, YEAH.

6 Q. AND TEN TO 28 GRAMS, YOU TRAFFICKED A LOT MORE
7 METHAMPHETAMINE THAN THAT, TOO, AS WELL; ISN'T THAT
8 RIGHT?

9 A. YES.

10 Q. ARE YOU FAMILIAR WITH THE TYPOGRAPHICAL ERROR IN
11 YOUR PLEA AGREEMENT?

12 A. NO, SIR.

13 Q. (HANDING.)

14 A. (WITNESS READS DOCUMENT.)

15 Q. I REFER YOU TO THE BOTTOM OF THE PAGE. DID IT
16 GIVE YOU SOME CONCERN WHEN YOU FIRST READ IT THAT YOUR
17 AGREEMENT SAID THAT YOU WERE GONNA PLEAD GUILTY TO
18 TRAFFICKING MARIJUANA ONE HUNDRED TO 2,000 POUNDS?

19 A. YES, SIR. I DON'T READ THAT WELL, I'M SORRY.

20 Q. OKAY. BUT Y'ALL WERE ABLE TO CORRECT THE TYPO
21 AND FIXED THE TEN TO ONE HUNDRED; IS THAT RIGHT?

22 A. I ASSUME SO.

23 Q. OKAY.

24 MR. KAPPEL: THAT'S ALL I HAVE.

25 THE COURT: RE-EXAM?

1 MS. PORTER: THANK YOU, YOUR HONOR.

2 REDIRECT EXAMINATION BY MS. PORTER:

3 Q. JUST A MOMENT AGO YOU TESTIFIED THAT YOU WERE
4 TRADING MARIJUANA AND GETTING ICE FROM BRIAN ---

5 MR. KAPPEL: OBJECTION TO LEADING.

6 THE COURT: SHE'S RECAPPING THE TESTIMONY.

7 BUT LET'S DO, LET'S ASK WHAT HE KNOWS, NOT
8 WHAT YOU ---

9 BY MS. PORTER:

10 Q. OTHER THAN BRIAN MUELLER AND CHAD SEXTON, WHO
11 ELSE WERE YOU GETTING ICE FROM?

12 A. FOR MY OWN PERSONAL USE, I WAS GETTING SOME FROM
13 DANNY HOLCOMBE AND EDDIE CASH FOR MY OWN PERSONAL USE.

14 Q. ANYBODY ELSE?

15 A. DENNIS STYLES.

16 Q. ANYBODY ELSE?

17 A. NO, MA'AM, NOT TO MY KNOWLEDGE.

18 Q. SETH STEARNS, MAYBE?

19 A. WELL, YES, SETH, BRIAN.

20 MR. KAPPEL: JUDGE ---

21 MS. PORTER: ARE YOU IN THE CAR BUSINESS?

22 THE WITNESS: YES, I AM.

23 THE COURT: ALL RIGHT, JUST A MOMENT.

24 RESTATE YOUR QUESTION.

25 BY MS. PORTER:

1 Q. OTHER THAN BRIAN MUELLER, CHAD SEXTON, DENNIS
2 STYLES, AND EDDIE CASH, WHO WERE YOU BUYING ICE FROM?

3 A. SETH, SETH STEARNS.

4 Q. YOU OWN A CAR BUSINESS?

5 A. YES, MA'AM.

6 Q. DID YOU SELL LOTS OF CARS?

7 A. PRETTY MUCH, YES, MA'AM.

8 Q. TO LOTS OF DIFFERENT INDIVIDUALS?

9 A. YES, MA'AM.

10 Q. HOW DID SETH STEARNS PAY FOR THE MERCEDES HE
11 BOUGHT FROM YOU?

12 A. CASH MONEY.

13 Q. CASH. HOW DID DANNY HOLCOMBE PAY FOR THE CAR
14 THAT HE BOUGHT FROM YOU?

15 A. CASH AND TRADE.

16 Q. WHAT DID HE TRADE?

17 A. METH.

18 Q. WAS IT METH OR ICE?

19 A. IT WAS METH OR HOMEMADE SPEED.

20 Q. AND ARE YOU AWARE THAT DANNY HOLCOMBE WAS ALSO
21 CONVICTED IN THIS CONSPIRACY?

22 A. NO, MA'AM.

23 Q. OKAY. I'M GONNA HAND YOU A COPY OF THE POLYGRAPH
24 REPORT TO REFRESH YOUR MEMORY. I JUST WANT YOU TO READ
25 THOSE THREE QUESTIONS. DON'T READ THEM OUT LOUD, READ

1 THEM TO YOURSELF.

2 MR. KAPPEL: JUDGE? OH, I'M SORRY, OKAY.

3 BY MS. PORTER:

4 Q. ARE THOSE QUESTIONS ASKING YOU ABOUT YOUR ASSETS?

5 A. YES, MA'AM.

6 Q. AND LASTLY --

7 MS. PORTER: I BEG THE COURT'S INDULGENCE.

8 BY MS. PORTER:

9 Q. ON APRIL 8TH, 2005, S.L.E.D. SEARCHED [REDACTED]
10 CLAREMONT COURT IN LIBERTY. WAS THAT YOUR RESIDENCE?

11 A. NO, MA'AM.

12 Q. ARE YOU FAMILIAR WITH THAT ADDRESS?

13 A. IT'S A WAREHOUSE OF MR. REVIS'S.

14 Q. IS THAT WHERE THE 500 POUNDS OF MARIJUANA WERE
15 FOUND?

16 A. I DON'T KNOW.

17 MS. PORTER: NOTHING FURTHER, YOUR HONOR.

18 MR. KAPPEL: NOTHING.

19 THE COURT: ALL RIGHT. YOU MAY STEP DOWN.

20 (WHEREUPON, THE WITNESS WAS EXCUSED.)

21 MS. PORTER: YOUR HONOR?

22 THE COURT: YES, MA'AM.

23 MS. PORTER: MAY WE REMIND MR. LAVENDER THAT
24 HE HAS BEEN SEQUESTERED AND NOT TO DISCUSS HIS TESTIMONY
25 WITH ANY INDIVIDUAL THAT HE MAY RUN INTO AT THE

1 GREENVILLE DETENTION CENTER?

2 THE COURT: DO YOU UNDERSTAND THAT, SIR?

3 THE WITNESS: YES, SIR.

4 THE COURT: VERY GOOD. THANK YOU VERY MUCH.

5 ALL RIGHT. LADIES AND GENTLEMEN OF THE
6 JURY, LET'S TAKE A VERY SHORT RECESS, AND WHEN YOU ARE
7 READY TO COME BACK, JUST KNOCK ON THE DOOR AND WE WILL
8 CONTINUE WITH THE TRIAL AT THAT TIME. AGAIN, DO NOT
9 UNDERTAKE DISCUSSION OF THE CASE AMONG YOURSELVES IN ANY
10 WAY.

11 (WHEREUPON, THE JURY LEFT THE COURTROOM AT
12 10:35 A.M.)

13 THE COURT: ANYTHING FROM THE STATE BEFORE
14 WE GO TO BREAK?

15 MS. PORTER: NO.

16 THE COURT: FROM THE DEFENSE?

17 MR. KAPPEL: NO.

18 THE COURT: ALL RIGHT, VERY GOOD.

19 (WHEREUPON, A RECESS WAS TAKEN.)

20 THE COURT: ALL RIGHT. ARE WE READY TO
21 PROCEED, FROM THE STATE?

22 MS. PORTER: YES, SIR.

23 THE COURT: FROM THE DEFENSE?

24 MR. KAPPEL: YES, SIR.

25 THE COURT: ALL RIGHT. ASK THE JURY TO JOIN

1 US, PLEASE.

2 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
3 10:53 A.M.)

4 THE COURT: LET THE RECORD REFLECT THE JURY
5 AND ALTERNATES ARE IN THE JURY-BOX.

6 MS. PORTER: THE STATE CALLS CHAD SEXTON TO
7 THE STAND.

8 (WHEREUPON, THE WITNESS WAS SWORN BY THE
9 CLERK.)

10 THE CLERK: PLEASE STATE YOUR FULL NAME AND
11 SPELL YOUR LAST NAME FOR THE RECORD.

12 THE WITNESS: MY NAME IS CHAD ERNEST SEXTON,
13 C-H-A-D, S-E-X-T-O-N.

14 WHEREUPON,

15 CHAD SEXTON,
16 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS
17 FOLLOWS:

18 DIRECT EXAMINATION BY MS. PORTER:

19 Q. MR. SEXTON, ARE YOU CURRENTLY IN JAIL?

20 A. YES, MA'AM.

21 Q. WHY?

22 A. FOR TRAFFICKING METHAMPHETAMINES AND CONSPIRACY
23 TO TRAFFIC METHAMPHETAMINES, FAILURE TO STOP FOR A BLUE
24 LIGHT, AND THAT'S IT.

25 MS. PORTER: I APOLOGIZE. BEG THE COURT'S

1 INDULGENCE.

2 BY MS. PORTER:

3 Q. DID YOU PLEAD GUILTY TO TRAFFICKING
4 METHAMPHETAMINES BETWEEN 28 AND A HUNDRED GRAMS, TO
5 TRAFFICKING METHAMPHETAMINES BY CONSPIRACY 28 TO 100
6 GRAMS, TRAFFICKING METHAMPHETAMINES 10 TO 28 GRAMS,
7 POSSESSION OF A FIREARM DURING THE COMMISSION OF A
8 VIOLENT CRIME, AND FAILURE TO STOP FOR A BLUE LIGHT?

9 A. YES, MA'AM, I DID.

10 Q. AND IS THAT REGARDING THIS CONSPIRACY THAT WE ARE
11 HERE TODAY ON?

12 A. YES, MA'AM, IT IS.

13 Q. HAVE YOU BEEN SENTENCED ON THOSE CHARGES?

14 A. NO, MA'AM.

15 Q. DO YOU HAVE A DEAL WITH THE STATE?

16 A. JUST SEVEN TO 25.

17 Q. HAVE YOU SIGNED A PLEA AGREEMENT WITH THE STATE?

18 A. YES, MA'AM.

19 Q. AND ON EACH OF THE TRAFFICKING CHARGES, ARE YOU
20 FACING A RANGE OF SEVEN TO 25 YEARS?

21 A. YES, MA'AM.

22 Q. AND ON THE POSSESSION OF A FIREARM, DO YOU KNOW
23 HOW LONG YOU ARE FACING ON THAT?

24 A. FIVE YEARS.

25 Q. AND HOW ABOUT THE FAILURE TO STOP FOR A BLUE

1 LIGHT?

2 A. I'M NOT SURE ABOUT THAT ONE.

3 Q. DOES THREE YEARS SOUND ABOUT RIGHT?

4 A. YES, MA'AM.

5 MR. KAPPEL: JUDGE, MAY WE APPROACH FOR JUST
6 A MOMENT?

7 THE COURT: CERTAINLY.

8 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
9 CONFERRED WITH THE COURT OUT OF THE PRESENCE
10 OF THE COURT REPORTER AND THE JURY.)

11 BY MS. PORTER:

12 Q. SO YOU ARE FACING UP TO 83 YEARS?

13 A. YES, MA'AM, THAT'S CORRECT.

14 Q. IS THE STATE MAKING A RECOMMENDATION?

15 A. THEY RECOMMENDED 20 YEARS.

16 Q. AND WHO WILL ULTIMATELY DECIDE HOW LONG YOU WILL
17 BE IN PRISON?

18 A. THE JUDGE.

19 Q. THE JUDGE PRESIDING HERE TODAY?

20 A. YES, MA'AM.

21 Q. WILL YOU PLEASE TELL THE JURY ABOUT YOUR
22 EDUCATIONAL BACKGROUND?

23 A. I COMPLETED 11 YEARS OF HIGH SCHOOL, TABERNACLE
24 CHRISTIAN. I DID NOT GRADUATE. I HAD SOME BACK
25 SURGERIES AND I MISSED TOO MANY DAYS DURING MY SENIOR

1 YEAR TO GRADUATE. I NEVER WENT BACK AND FURTHERED MY
2 EDUCATION ANY.

3 Q. DID YOU RECEIVE A SETTLEMENT FROM THAT CAR WRECK?

4 A. YES, MA'AM, I DID.

5 Q. WHAT DID YOU DO WITH THAT MONEY?

6 A. I LET MY FATHER INVEST IT FOR ME IN SOME RENTAL
7 HOUSES AND RENTAL PROPERTY.

8 Q. DID YOU ALSO HAVE A CAR LOT?

9 A. YES, MA'AM, I DID.

10 Q. SO YOU HAD A LEGITIMATE BUSINESS?

11 A. YES, MA'AM.

12 Q. HAVE YOU EVER DONE DRUGS?

13 A. THAT'S WHAT GOT ME IN THIS SITUATION: I GOT
14 HOOKED ON DRUGS.

15 Q. WHAT TYPE OF DRUGS HAVE YOU DONE?

16 A. I DON'T -- IN THE PAST, WHEN I WAS YOUNGER I DONE
17 SOME COCAINE. AND FROM MY BACK SURGERIES MY DOCTOR HAD
18 PUT ME ON PAIN MEDICATION. IT STARTED WITH LORTABS AND
19 GRADUATED TO OXYCONTINS. AND I WAS ON OXYCONTINS WHEN I
20 GOT INTRODUCED TO ICE.

21 Q. DID YOU GET HOOKED ON OXYCONTIN?

22 A. YES, MA'AM.

23 Q. WHEN DID YOU FIRST USE ICE?

24 A. IT WAS MY WIFE'S BIRTHDAY PARTY IN '04. I WAS
25 DRINKING HEAVILY. AND SOMEONE THERE WAS, WANTED ME TO

1 FIND THEM -- A GIRL THERE ASKED ME IF I WANTED SOME
2 COCAINE TO STAY AWAKE, AND I DIDN'T -- I KNEW BETTER
3 THAN TO FOOL WITH THAT BECAUSE OF MY PREVIOUS HISTORY
4 WITH IT. AND SO I MADE SOME CALLS AND I HAD SOMEONE
5 BRING ME OUT SOME ICE IN CAPSULES AND I SWALLOWED IT,
6 THE CAPSULES TO STAY AWAKE.

7 Q. WHO BROUGHT YOU THAT ICE?

8 A. MY BROTHER, ROBBY SEXTON.

9 Q. AND WHAT MONTH WAS YOUR WIFE'S BIRTHDAY PARTY?

10 A. IT WAS IN MARCH.

11 Q. HOW DID THAT ICE MAKE YOU FEEL?

12 A. IT KEPT ME UP FOR A FEW DAYS, REAL JITTERY, KIND
13 OF LIKE THE COCAINE DID, A LITTLE BIT.

14 Q. DID YOU USE IT AGAIN AFTER THAT?

15 A. NOT FOR SEVERAL MONTHS I DIDN'T.

16 Q. WHERE WAS THE NEXT TIME YOU USED ICE?

17 A. I WAS AT MY BROTHER'S HOUSE, AND SOME OF HIS
18 FRIENDS WERE DOWN THERE, AND THEY ALL KEPT GOING BACK
19 AND FORTH INTO A ROOM DOING SOMETHING, THEY WOULDN'T DO
20 IT IN FRONT OF ME. AND SO FINALLY I ASKED ONE OF THEM,
21 YOU KNOW, WHAT THEY WERE DOING AND HE TOLD ME. AND HE
22 STARTED TRYING TO GET ME TO TRY IT AND TRYING TO GET ME
23 TO TRY IT BECAUSE THEY WERE ALL DOING IT. HE KEPT
24 HOLDING IT IN FRONT OF MY FACE AND PUTTING THE PIPE UP
25 THERE AND LIGHTING IT AND STUFF. IT TOOK HIM ABOUT 30

1 MINUTES TO GET ME TO TRY IT. I TRIED IT AND I GOT
2 HOOKED ON IT FROM THE FIRST TIME I SMOKED IT.

3 Q. NOW, LET'S BE CLEAR. DID ANYBODY HOLD A GUN TO
4 YOUR HEAD AND TELL YOU TO SMOKE IT?

5 A. NO, MA'AM, I MEAN, IT WASN'T THEIR FAULT.

6 Q. SO YOU CHOSE TO SMOKE ICE?

7 A. I CHOSE TO SMOKE IT, YES, MA'AM, I DID.

8 Q. AND YOU HAVE BEEN ADDICTED SINCE THAT DAY?

9 A. YES, MA'AM.

10 Q. WHEN YOU BECAME ADDICTED, HOW MUCH ICE WERE YOU
11 USING PER WEEK?

12 A. AT FIRST IT WAS A SMALL LITTLE BIT, A QUARTER TO
13 A HALF AN OUNCE, AND THEN IT GREW TO A HALF AN OUNCE A
14 DAY, A GOOD BIT, A QUARTER POUND A WEEK. IT WAS A VERY
15 HIGH-DOLLAR HABIT.

16 Q. WHEN YOU SAY HIGH DOLLAR, HOW MUCH MONEY ARE YOU
17 TALKING ABOUT?

18 A. FOUR TO FIVE THOUSAND DOLLARS A WEEK.

19 Q. AT SOME POINT DID YOU BEGIN NOT ONLY TO USE ICE
20 BUT TO SELL IT?

21 A. YES, MA'AM, I DID.

22 Q. WHY?

23 A. TO SUPPORT MY HABIT.

24 Q. WELL, WEREN'T YOU -- DIDN'T YOU HAVE RENTAL
25 PROPERTY AND THE CAR BUSINESS?

1 A. IT WOULDN'T GIVE ME MONEY LIKE THAT.

2 Q. WHEN ROUGHLY DID YOU BEGIN TO SELL ICE?

3 A. UM, THE LATER PART OF '04, THE END OF IT, MAYBE
4 NOVEMBER, SOMEWHERE AROUND IN THERE.

5 Q. I'M SORRY, LET ME BACK UP. WHEN YOU WERE JUST
6 USING IT, BEFORE YOU STARTED SELLING IT, WHO WAS YOUR
7 SUPPLIER, WHERE WERE YOU GETTING IT?

8 A. I STARTED GETTING IT -- THE FIRST GUY I WAS
9 GETTING IT FROM WAS A GUY IN PICKENS, JEFF, BUT I ONLY
10 BOUGHT FROM HIM ONCE. BUT THEN I MET SETH STEARNS AND
11 STARTED BUYING FROM HIM. AND HE, HE HAD SOME
12 COMPLICATIONS, GOT IN SOME TROUBLE OR SOMETHING, AND HE
13 KIND OF PUSHED ME OVER TO BRIAN MUELLER, BUT HE WAS
14 STILL KIND OF INVOLVED WITH IT, HE WAS STILL KIND OF
15 GETTING SOME OF THE PROCEEDS OFF OF IT, HE WAS PROFITING
16 OFF OF IT.

17 Q. THIS WAS BEFORE YOU STARTED SELLING?

18 A. YES, MA'AM.

19 Q. OKAY. AFTER YOU STARTED -- WELL, LET'S TALK
20 ABOUT SETH. WHAT'S SETH'S LAST NAME?

21 A. STEARNS.

22 Q. IS HE ON THAT CHART?

23 A. YES, MA'AM.

24 Q. CAN YOU DESCRIBE WHICH PHOTOGRAPH IS HIS?

25 A. THE ONE IN THE MIDDLE.

1 Q. WHEN DID YOU MEET SETH STEARNS?

2 A. WHEN HE WAS BUYING A CAR THAT I HAD. MY BROTHER
3 HAD IT AND HE WAS BUYING IT FROM ME. BUT WHEN WE DID
4 THE PAPERWORK, THAT'S THE FIRST TIME I MET HIM, AND THAT
5 WAS AROUND NOVEMBER OF '04.

6 Q. DO YOU REMEMBER WHAT KIND OF CAR IT WAS?

7 A. THE FIRST ONE WAS A FORD EXPLORER; HE DROVE IT
8 FOR A FEW WEEKS AND TRADED IT BACK IN ON A TAHOE.

9 Q. SO YOU MET SETH STEARNS THROUGH YOUR BROTHER,
10 ROBBY?

11 A. YES, MA'AM, I DID.

12 Q. AT THAT TIME WAS ROBBY USING ICE?

13 A. YES, MA'AM, HE WAS.

14 Q. WAS ROBBY SELLING ICE?

15 A. I'M SURE HE WAS AT THAT POINT. I NEVER SEEN HIM,
16 BUT I'M SURE HE WAS.

17 Q. THE DAY THAT HE BOUGHT THE FORD EXPLORER FROM
18 YOU, WHAT ELSE DID YOU ALL DO TOGETHER?

19 A. SMOKED DOPE.

20 Q. WAS ANYBODY ELSE WITH SETH WHEN HE CAME TO YOUR
21 CAR LOT THAT DAY?

22 A. WELL, I DIDN'T HAVE THE CAR LOT AT THIS POINT, I
23 CLOSED IT DOWN; THOSE WERE JUST CARS I HAD LEFT OVER.

24 Q. I'M SORRY. WHERE DID YOU ALL MEET, THEN, WHERE
25 DID YOU SELL HIM THE CAR?

1 A. IN MY BROTHER'S HOUSE.

2 Q. AND WHERE WAS THAT?

3 A. ON PACE VALLEY ROAD IN EASLEY.

4 Q. IS THAT IN PICKENS COUNTY?

5 A. YES, MA'AM, IT IS.

6 Q. WELL, AFTER THAT DAY, DID YOU BEGIN TO PURCHASE
7 ICE FROM MR. STEARNS ON A REGULAR BASIS?

8 A. YES, MA'AM, I DID.

9 Q. TELL THE JURY, PLEASE, HOW THOSE DEALS WOULD GO
10 DOWN.

11 A. I WOULD JUST MEET HIM AT VARIOUS LOCATIONS. HE
12 STARTED OUT GIVING ME A REAL GOOD DEAL ON IT, AND THEN,
13 YOU KNOW, I'D CALL HIM EVERY TWO OR THREE DAYS AND GET
14 MORE BECAUSE I NEEDED IT. AT FIRST, LIKE I SAID, IT WAS
15 SMALL AMOUNTS, AND IT GREW.

16 Q. WHEN YOU SAY SMALL AMOUNTS, GIVE US AN EXAMPLE OF
17 WHAT A SMALL AMOUNT IS.

18 A. WELL, AT FIRST I THINK I BOUGHT A GRAM OR SO, A
19 HALF GRAM; AND THEN IT GREW UP TO LIKE AN EIGHT BALL,
20 AND THEN TO TWO EIGHT BALLS WITHIN A SHORT PERIOD OF
21 TIME.

22 Q. WHAT'S A SHORT PERIOD OF TIME: A WEEK, A MONTH,
23 SIX MONTHS?

24 A. WITHIN A FEW WEEKS MY HABIT WENT UP THAT MUCH.

25 Q. HOW OFTEN WOULD YOU GO AND MEET HIM?

1 A. TWO TO THREE TIMES A WEEK.

2 Q. AND YOU SAY IT WAS AT VARIOUS LOCATIONS?

3 A. YES.

4 Q. IN GEORGIA AND NORTH CAROLINA, VIRGINIA, WHERE?

5 A. USUALLY EITHER IN ANDERSON AT HIS HOUSE WHERE HE
6 LIVED OR IN GREER OR IN EASLEY.

7 Q. WHAT WOULD YOU DO WITH THE ICE THAT YOU BOUGHT
8 FROM THE DEFENDANT SPECIFICALLY WHEN YOU WERE GETTING A
9 COUPLE OF EIGHT BALLS AT A TIME?

10 A. I'D GO BACK AND ME AND MY BROTHER WOULD DO IT,
11 SPLIT IT UP; HE WOULD GET SOME OF IT, I WOULD KEEP SOME
12 OF IT.

13 Q. WOULD YOU SELL ANY OF IT?

14 A. I'D LET MY BROTHER USUALLY GET HALF OF WHATEVER I
15 HAD, YES, MA'AM.

16 Q. DID HE PAY YOU FOR IT?

17 A. NOT VERY OFTEN.

18 Q. DID YOU HAVE ANY OTHER CUSTOMERS OTHER THAN
19 ROBBY?

20 A. AT THAT POINT? OR WHEN I STARTED SELLING IT?

21 Q. WELL, I'M SORRY. I THOUGHT YOU WERE ALREADY
22 SELLING IT.

23 A. I WAS JUST GETTING SOME FOR ME AND MY BROTHER AT
24 THAT POINT.

25 Q. OKAY. ALL RIGHT. AND WHEN YOU STARTED SELLING

1 IT, I THINK YOU SAID THAT WAS IN NOVEMBER; IS THAT
2 CORRECT?

3 A. YES, MA'AM.

4 Q. ALL RIGHT. WHEN YOU STARTED SELLING IT, WHAT
5 TYPE OF AMOUNTS WERE YOU GETTING?

6 A. JUST QUARTER OUNCES AND HALF OUNCES TO START
7 WITH.

8 Q. AND DID THOSE AMOUNTS GROW?

9 A. YES, MA'AM, THEY DID.

10 Q. TO WHAT?

11 A. TO WHEN I STARTED GOING TO ATLANTA I STARTED
12 GETTING -- THE FIRST TIME I WENT DOWN THERE I GOT FOUR
13 OUNCES, AND THEN IT GREW TO A HALF A POUND, THEN A
14 POUND.

15 Q. WHEN YOU BEGAN SELLING IT, HOW MANY CUSTOMERS
16 APPROXIMATELY DID YOU HAVE?

17 A. FOUR.

18 Q. AND WHO WERE THEY?

19 A. KENNETH LAVENDER, ROBBY SEXTON, TOMMY TIMS; AND A
20 LADY NAMED BECKY, I DON'T KNOW HER LAST NAME.

21 Q. WHEN DID YOU -- OR LET ME ASK YOU THIS: AT SOME
22 POINT DID YOU STOP DEALING WITH SETH STEARNS?

23 A. YES, MA'AM.

24 Q. WHEN WAS THAT?

25 A. IT WAS, IT WAS SOMETIME AROUND ABOUT A MONTH

1 AFTER I'D -- I'D SAY IN DECEMBER OR SO, MAYBE.

2 Q. OKAY. AND THE MONTH THAT YOU WERE PURCHASING
3 LARGE AMOUNTS FROM HIM IN ORDER TO SELL, HOW MUCH TOTAL
4 DID YOU PURCHASE DIRECTLY FROM SETH STEARNS?

5 A. PROBABLY A QUARTER POUND TOTAL, ALL, ALL
6 TOGETHER.

7 Q. WHY DID YOU STOP BUYING FROM SETH STEARNS?

8 A. BECAUSE HE HAD GOTTEN IN SOME TROUBLE. HE KIND
9 OF PUSHED ME OFF ON BRIAN, HE SAID BRIAN WAS GONNA BE
10 TAKING OVER ALL HIS CUSTOMERS AND STUFF. BECAUSE
11 SOMETIMES I WOULD STILL GET THE STUFF FROM BRIAN, BUT I
12 WOULD HAVE TO GIVE SETH THE MONEY ON IT BECAUSE OF SOME
13 KIND OF DEAL THEY HAD WORKED OUT, I WOULD PAY SETH FOR
14 IT LATER OR SOMETHING.

15 Q. WELL, LET ME ASK YOU THIS: DID YOU KNOW BRIAN
16 MUELLER?

17 A. YES, MA'AM, I DID.

18 Q. AND WHEN DID YOU MEET BRIAN MUELLER?

19 A. IT WAS AFTER I MET SETH.

20 Q. HOW DID YOU MEET BRIAN MUELLER?

21 A. THROUGH SETH.

22 Q. WHERE DID YOU MEET BRIAN MUELLER?

23 A. THE FIRST TIME I SAW HIM WAS AT SETH'S HOUSE.

24 Q. AND SO THERE WERE TIMES THAT YOU ORDERED FROM
25 SETH, ORDERED ICE FROM SETH BUT HE DIDN'T BRING IT TO

1 YOU?

2 A. YEAH. BRIAN -- YEAH. I WOULD GIVE -- I WOULD
3 TELL SETH I WANTED IT, AND HE WOULD CALL BRIAN TO START
4 WITH, I DIDN'T HAVE BRIAN'S NUMBER TO START WITH, AND
5 THEN BRIAN WOULD MEET ME SOMEWHERE AND DELIVERED IT TO
6 ME. OR AND THEN EVENTUALLY I, YOU KNOW, GOT TO KNOW
7 BRIAN AND I GOT TO WHERE I COULD CALL HIM MYSELF OR
8 WHATEVER. BUT STILL, SOMETIMES EVEN TOWARDS THE END,
9 WHEN I WAS DEALING WITH BRIAN, I WOULD HAVE TO STILL
10 GIVE THE MONEY TO SETH BECAUSE OF SOME KIND OF A DEAL
11 THEY HAD WORKED OUT AS FAR AS SETH GIVING BRIAN HIS
12 CONNECT OR WHATEVER, HE GOT SO MUCH PERCENTAGE FROM HIS
13 CUSTOMERS THAT HE WOULD GIVE OVER TO BRIAN, AS WELL.

14 Q. AFTER YOU STOPPED DEALING WITH SETH STEARNS, DID
15 YOU ALL STAY IN TOUCH?

16 A. YES, MA'AM, WE DID.

17 Q. HOW WOULD YOU CLASSIFY Y'ALL'S RELATIONSHIP?

18 A. WE WERE FRIENDS.

19 Q. WERE YOU AWARE, OTHER THAN WHAT YOU'VE ALREADY --
20 WERE YOU AWARE OF THE SPECIFICS OF A DEAL BETWEEN BRIAN
21 AND SETH REGARDING THIS DRUG BUSINESS?

22 A. WHEN YOU SAY DEAL, YOU MEAN, LIKE AGAIN, WHEN
23 SETH INTRODUCED BRIAN TO THE GIRL IN ATLANTA, AMANDA,
24 AND EACH TIME BRIAN WENT DOWN TO ATLANTA TO PICK UP
25 DOPE, HE HAD TO GIVE SETH AN OUNCE OUT OF THE DEAL FOR

1 EACH TRIP HE WENT DOWN THERE.

2 Q. AND WHO WAS AMANDA?

3 A. SHE WAS THE CONNECTION IN ATLANTA THAT SETH KNEW.

4 Q. AT THAT TIME, WHEN YOU BEGAN PURCHASING FROM
5 BRIAN, DID YOU KNOW HER PERSONALLY?

6 A. NOT AT THE BEGINNING I DIDN'T.

7 Q. WHEN YOU BEGAN BUYING ICE FROM BRIAN MUELLER, HOW
8 DID YOU CONTACT HIM?

9 A. IN THE BEGINNING THROUGH SETH, AND THEN I GOT HIS
10 NUMBER AND I JUST CALLED HIM DIRECTLY.

11 Q. HOW MUCH ICE WERE YOU PURCHASING FROM BRIAN
12 MUELLER?

13 A. SOMETIMES A HALF OUNCE, SOMETIMES A WHOLE OUNCE.

14 Q. HOW OFTEN?

15 A. IT JUST DEPENDED: ONCE, TWICE, THREE TIMES A
16 WEEK. IT DEPENDED ON THE MONEY SITUATION AT THAT POINT,
17 HOW MUCH MONEY I HAD.

18 Q. DID YOU PURCHASE IT ON CREDIT OR DID YOU PAY FOR
19 IT UP FRONT?

20 A. THE SAME WAY. SOMETIMES I WOULD GET IT ON
21 CREDIT, SOMETIMES I WOULD PAY FOR IT UP FRONT. IT JUST
22 DEPENDED.

23 Q. HOW MANY TIMES TOTAL DO YOU THINK YOU BOUGHT FROM
24 BRIAN MUELLER?

25 A. TEN, 15 MAYBE.

1 Q. AND WHERE WOULD YOU MEET HIM TO PURCHASE THIS
2 ICE?

3 A. IN GREENVILLE, ON, SOMETIMES ON PELHAM ROAD,
4 SOMETIMES OUT ON WOODRUFF ROAD, SOMETIMES IN EASLEY AT
5 THE CORN CRIB, THE CLOCK ON 183.

6 Q. ARE YOU AWARE OF WHERE HE LIVED?

7 A. HE LIVED ON -- YES, MA'AM, I KNOW WHERE HIS
8 TRAILER WAS AT, BUT I CAN'T THINK OF THE NAME OF THE
9 ROAD.

10 Q. AT SOME POINT DID YOU STOP DEALING WITH BRIAN?

11 A. YEAH. HIM AND SETH HAD A, HAD A FALLING OUT, AND
12 SETH, THAT'S WHEN SETH STARTED TRYING TO TALK ME INTO
13 GOING TO ATLANTA. THEY'D KIND OF HAD AN ARGUMENT OVER
14 BRIAN NOT HOLDING UP HIS END OF THE BARGAIN WHEN HE WAS
15 GOING TO ATLANTA, ESPECIALLY WHERE HE WOULD GIVE SETH
16 THE DOPE. HE HAD GOTTEN TO WHERE HE DIDN'T WANT TO PAY
17 SETH HIS PART OUT OF THE DEAL, SO THEY KIND OF HAD A
18 LITTLE FALLING OUT BETWEEN EACH OTHER, AND THEN THAT'S
19 WHEN SETH HAD TALKED ME INTO GOING TO ATLANTA. HE KEPT
20 TELLING ME THAT THERE WAS NO MORE DRUGS OR WHATEVER, WE
21 WOULDN'T HAVE NONE, AND HE WASN'T GOING DOWN THERE,
22 SOMEBODY NEEDED TO GO DOWN AND GET IT, AND IT LED FROM
23 THERE.

24 Q. WHEN DID YOU HAVE THIS CONVERSATION WITH SETH
25 STEARNS?

1 A. IT WAS AROUND, HAD TO BE AROUND NOVEMBER BECAUSE
2 THAT'S WHEN I WENT TO ATLANTA IN '04, NOVEMBER, LATE
3 DECEMBER.

4 Q. WHERE WERE Y'ALL WHEN YOU HAD THIS DISCUSSION:
5 WERE YOU ON THE PHONE, WERE YOU IN PERSON?

6 A. IN PERSON.

7 Q. WHERE?

8 A. IT FIRST STARTED THE NIGHT HE AND BRIAN HAD SOME
9 WORDS OUT ON PELHAM ROAD. IT STARTED THERE. HIM AND
10 BRIAN KIND OF GOT INTO IT. AND SETH CALLED ME AND TOLD
11 ME, ASKED ME WOULD I START GOING DOWN THERE. HE WAS
12 GONNA TRY TO GET BRIAN WHERE HE COULDN'T GO DOWN THERE
13 NO MORE.

14 AND, YOU KNOW, FIRST I TOLD HIM NO, I COULDN'T DO
15 NOTHING LIKE THAT. HE JUST KEPT ON BEING PERSISTENT
16 ABOUT IT. WHEN I WENT DOWN TO HIS HOUSE THE NEXT TIME,
17 HE TALKED TO ME MORE ABOUT IT, YOU KNOW, HE TALKED ME
18 INTO GOING DOWN THERE..

19 Q. WELL, WHEN YOU SAY HE TALKED YOU INTO GOING DOWN
20 THERE, WHAT DID HE SAY? I MEAN, DID HE EXPLAIN TO YOU
21 WHO HIS CONNECTION WAS AND HOW IT WORKED?

22 A. YES, MA'AM. HE TOLD ME THAT IT WAS A GIRL IN
23 ATLANTA HE KNEW VERY WELL AND THERE WAS NO PROBLEM, THAT
24 I COULD RIDE DOWN THERE AND JUST GET, YOU KNOW, ENOUGH
25 TO DO OR WHATEVER. I COULD GET IT CHEAPER DOWN THERE

1 AND IT WOULD BE BETTER DOWN THERE. JUST, YOU KNOW, HE
2 JUST KIND OF COAXED ME INTO IT.

3 Q. WELL, WAS THIS INFORMATION FREE?

4 A. NO. I HAD TO DO THE SAME DEAL WITH HIM. HE WANTED
5 ME TO DO THE THE SAME DEAL WITH HIM AS HE DID WITH
6 BRIAN. EACH TIME I WENT HE GOT A FREE OUNCE OF OF THE
7 DEAL EACH TIME I WENT TO ATLANTA. THAT WAS LIKE HIS
8 PAYMENT.

9 Q. WELL, COULD YOU JUST CALL THIS SOURCE UP OUT OF
10 THE BLUE? HOW DID THAT WORK?

11 A. WHEN I GOT READY TO GO DOWN, I WOULD JUST CALL
12 AND TELL HER -- USUALLY I WOULD GO DOWN THE FIRST PART
13 OF EACH WEEK, AND I WOULD JUST TELL HER I WOULD BE THERE
14 SOMETIME IN THE NEXT 48 HOURS. AND WHEN I CALLED HER, I
15 MIGHT BE RIGHT AROUND THE CORNER OR I MIGHT STILL BE AT
16 HOME, NOT EVEN LEFT YET. I WOULDN'T GIVE HER A SPECIFIC
17 TIME. I'D JUST KIND OF LET HER KNOW THAT WITHIN TWO
18 DAYS I'D BE THERE.

19 Q. THE FIRST TIME YOU WENT DOWN TO MEET AMANDA, TELL
20 THE JURY ABOUT THAT.

21 A. THE FIRST TIME I WENT DOWN THERE I MET SETH IN
22 ATLANTA. HE WAS ALREADY WENT ON DOWN BEFORE HE TALKED
23 TO HER. AND HE WENT DOWN AND TALKED WITH HER. I CALLED
24 HIM ON THE PHONE, AND HE TOLD ME TO COME ON DOWN THERE,
25 AND HE WAS WAITING AND WHEN I GOT THERE TO CALL HIM.

1 HE GIVE ME THE EXIT NUMBER AND THE ROAD. AND I
2 GOT OFF ON THE EXIT, AND I WAS SUPPOSED TO CALL HIM WHEN
3 I GOT TO THE GAS STATION. WHEN I GOT TO THE GAS
4 STATION, I CALLED HIM AND THEY COME OUT AND MET ME. WE
5 WENT BACK TO HER HOUSE, WE SAT AROUND AND TALKED A
6 LITTLE WHILE.

7 AND THAT'S WHEN I BOUGHT THE, THE FIRST TIME I
8 BOUGHT FROM HER. I THINK I BOUGHT THREE OR FOUR OUNCES
9 THAT NIGHT. BUT I MET THEM DOWN THERE, THEY DROVE THEIR
10 CAR AND I DROVE MINE.

11 Q. DO YOU REMEMBER APPROXIMATELY WHEN THAT WAS?

12 A. THAT WAS AROUND NOVEMBER-DECEMBER OF '04.

13 Q. DID YOU PAY CASH? WERE YOU FRONTED?

14 A. THE FIRST TIME I PAID CASH.

15 Q. DO YOU KNOW HER FULL NAME?

16 A. AMANDA FORDHAM.

17 Q. CAN YOU DESCRIBE HER FOR THE JURY?

18 A. THAT'S HER RIGHT THERE ON THE TOP PICTURE
19 (POINTING).

20 Q. WAS THERE ANYTHING SPECIFIC ABOUT HER HAIR?

21 A. SHE USED TO HAVE MULTICOLORED HAIR. AND SETH'S
22 GIRLFRIEND, NINA, HAD TOLD ME AT THAT POINT ---

23 MR. KAPPEL: OBJECTION.

24 THE COURT: SUSTAINED.

25

1 BY MS. PORTER:

2 Q. LET ME ASK YOU A QUESTION: DID SHE TAKE CREDIT
3 CARDS?

4 A. NOT THAT I KNOW OF.

5 Q. DID YOU EVER PAY HER WITH A CREDIT CARD?

6 A. I DIDN'T HAVE A CREDIT CARD TO PAY HER WITH.

7 Q. DID YOU PAY HER CASH EACH TIME OR WAS SHE, DID
8 SHE ALSO FRONT YOU SOME?

9 A. YES, MA'AM, SHE FRONTED, AS WELL.

10 Q. DID SHE EVER GIVE YOU A RECEIPT?

11 A. NO, MA'AM.

12 Q. DID YOU WRITE DOWN HOW MUCH YOU OWED HER, DID YOU
13 KEEP A LEDGER OR ANY TYPE OF RECORDS?

14 A. NO, MA'AM. I DON'T KNOW IF SHE DID. I MEAN, I
15 OWED HER QUITE A GOOD BIT OF THAT MONEY. IT GOT TO THE
16 POINT I HAD TO PAY CASH AT THE END WHEN I WAS GOING DOWN
17 THERE TO GET WHAT I WANTED BECAUSE I OWED HER SO MUCH
18 MONEY, I OWED HER ABOUT \$30,000.00 TOWARDS THE END.

19 Q. WHY DIDN'T YOU KEEP ANY RECORDS?

20 A. I JUST TRIED TO KEEP UP WITH IT IN MY HEAD.

21 Q. WELL, WITH YOUR CAR BUSINESS DID YOU KEEP
22 RECORDS?

23 A. YES, MA'AM.

24 Q. WHY?

25 A. BECAUSE IT WAS LEGAL.

1 Q. HOW MUCH WAS SHE CHARGING YOU PER OUNCE FOR THIS
2 ICE?

3 A. I WOULD PAY HER A THOUSAND DOLLARS AN OUNCE WHEN
4 I FIRST STARTED GETTING IT, BUT THEN WHEN I STARTED
5 BUYING MORE, THE PRICE WENT DOWN A LITTLE BIT.

6 Q. THIS FIRST TIME YOU GOT THOSE FOUR OUNCES, WHERE
7 DID YOU GO AFTER YOU GOT THE FOUR OUNCES?

8 A. I CAME BACK TO GREENVILLE.

9 Q. WHAT DID YOU DO WITH THAT ICE?

10 A. I GIVE SETH HIS PART OUT OF IT. I GIVE HIM HIS
11 PART WHILE WE WERE STILL IN ATLANTA BECAUSE HE WAS STILL
12 THERE. AND THEN I CAME BACK AND WENT TO MY BROTHER'S
13 HOUSE AND HE GOT SOME OF IT AND KENNY GOT SOME OF IT AND
14 TOMMY TIMS GOT SOME OF IT AND I DONE SOME OF IT.

15 Q. HOW DID YOU MEET KENNY LAVENDER?

16 A. I KIND OF KNEW KENNY A LITTLE BIT THROUGH THE CAR
17 BUSINESS, BUT I DIDN'T KNOW HIM WELL. AND WE KIND OF
18 JUST SPOKE LIKE AT CAR AUCTIONS OR WHEREVER, AND I'D
19 SEEN HIM AROUND A FEW TIMES, BUT I REKINDLED TO HIM
20 THROUGH BRIAN MUELLER.

21 BECAUSE KENNY WENT TO PRISON AFTER THE CAR
22 BUSINESS OR WHATEVER, AND I DIDN'T SEE HIM FOR A LONG
23 TIME, AND HE STARTED COMING AROUND BRIAN'S HOUSE AND
24 THAT'S WHEN I KIND OF RUN BACK INTO HIM AT BRIAN
25 MUELLER'S.

1 Q. SO AT THAT TIME WHEN YOU RAN BACK INTO HIM, WERE
2 BOTH OF YOU PURCHASING ICE FROM BRIAN?

3 A. YES, MA'AM.

4 Q. AND THEN YOU SUBSEQUENTLY BECAME HIS SUPPLIER?

5 A. KENNY'S?

6 Q. YES.

7 A. YES, MA'AM. AFTER BRIAN -- BRIAN HAD GOT IN SOME
8 TROUBLE, AND WHEN BRIAN GOT IN TROUBLE, I WOUND UP
9 TALKING WITH KENNY ON THE PHONE. AND I KNOW THAT KENNY
10 AND BRIAN, BRIAN WOULD SELL KENNY THE ICE AND KENNY
11 WOULD SELL BRIAN POT. KENNY HAD A CONNECTION ON POT, HE
12 WOULD SELL IT CHEAP TO BRIAN AND, YOU KNOW, KIND OF
13 TRADED IT OUT TO EACH OTHER.

14 AND THEN WHEN BRIAN GOT IN TROUBLE, ME AND KENNY
15 TALKED -- ACTUALLY, THE FIRST TIME I TALKED WITH KENNY,
16 I BOUGHT SOME FROM KENNY, AND THEN I HADN'T STARTED
17 GOING TO ATLANTA AT THAT POINT, THOUGH.

18 Q. AFTER YOU WENT TO ATLANTA, THOUGH, HE WAS ONE OF
19 YOUR MAIN CUSTOMERS?

20 A. YES, MA'AM.

21 Q. TYPICALLY WHERE WOULD THE DEALS GO DOWN WHEN YOU
22 WENT TO ATLANTA?

23 A. AT HER HOUSE ON ROSWELL ROAD.

24 Q. WHO ELSE WAS PRESENT?

25 A. A FEW TIMES THERE WAS SOME OF HER FRIENDS OR

1 WHATEVER; BUT SHE HAD A ROOMMATE NAMED MICHAEL, HE WAS
2 THERE SEVERAL TIMES.

3 Q. AND OVER TIME DID THE AMOUNTS YOU WERE PURCHASING
4 FROM MS. FORDHAM DOWN IN ATLANTA INCREASE?

5 A. YES, MA'AM.

6 Q. WHAT DID THEY INCREASE UP TO?

7 A. USUALLY A POUND. I THINK ONE TIME I GOT TWO
8 POUNDS. THAT WAS ONLY ON JUST ONE OCCASION.

9 Q. WELL, WHEN YOU WERE BUYING A POUND, HOW MUCH WERE
10 YOU PAYING FOR IT?

11 A. \$14,000.00. AND THEN I HAD TO GIVE SETH AN OUNCE
12 OF IT EACH TIME.

13 Q. HOW MUCH WAS THAT OUNCE WORTH?

14 A. A THOUSAND DOLLARS. I WAS ACTUALLY PAYING
15 \$15,000.00.

16 Q. APPROXIMATELY HOW MANY TRIPS DID YOU MAKE TO
17 ATLANTA?

18 A. MAYBE 13, 14 TRIPS.

19 Q. AND WHEN YOU HAD MONEY TO PAY UP FRONT, WHERE DID
20 YOU GET THAT MONEY?

21 A. SOMETIMES KENNY WOULD SEND THE MONEY WITH ME TO
22 GET HIS PART.

23 Q. WHERE WOULD YOU GET THE OTHER MONEY?

24 A. WHEN I GOT ON THAT STUFF, I STARTED SELLING
25 EVERYTHING I HAD. I WAS SELLING MY CARS AND THIS, THAT

1 AND THE OTHER JUST TO GET MONEY TO GO DOWN THERE ON MY
2 OWN. AND THEN I, I WOULD BRING BACK AND TRY AND SELL
3 STUFF THAT I HAD GOT TO MAKE MONEY, BUT I WOUND UP DOING
4 MORE THAN I WAS SELLING, SO I WAS PROBABLY PUTTING
5 MYSELF MORE IN A FINANCIAL BIND EACH TIME.

6 Q. AND APPROXIMATELY HOW MANY TIMES DID YOU DEAL
7 WITH KENNY LAVENDER?

8 A. ABOUT EACH AND EVERY TIME I WENT DOWN THERE TO
9 ATLANTA, SO MAYBE 12 TO 15 TIMES.

10 Q. HOW MANY TIMES DID YOU DEAL WITH YOUR BROTHER?

11 A. ABOUT THE SAME AMOUNT.

12 Q. HOW WOULD YOU CHARACTERIZE YOUR RELATIONSHIP WITH
13 MS. FORDHAM?

14 A. WHAT DO YOU MEAN AS RELATIONSHIP?

15 Q. WAS IT PURELY BUSINESS, WAS IT ALSO A FRIENDSHIP,
16 WERE YOU ALL LOVERS? WHAT TYPE OF RELATIONSHIP DID YOU
17 ALL HAVE?

18 A. NO. WE WERE JUST -- I MEAN, IT WASN'T REALLY A
19 FRIENDSHIP. I WOULD JUST GO DOWN THERE TO ATLANTA. I
20 MEAN, I GUESS WE WERE KIND OF FRIENDS. I WOULD GO DOWN
21 TO ATLANTA OR WHATEVER, AND THEN IF I HAD TO WAIT,
22 SOMETIMES I WOULD HAVE TO WAIT, I WOULD EITHER STAY AT
23 HER HOUSE OR SHE WOULD BE OUT AT A CLUB OR SOMETHING,
24 AND ONE TIME I WENT TO ONE OF THE CLUBS. I DIDN'T
25 REALLY KNOW HER WELL ENOUGH TO CONSIDER HER AS A

1 FRIENDSHIP.

2 Q. SO IT WAS MORE OF A BUSINESS RELATIONSHIP?

3 A. YES, MA'AM.

4 Q. BUT YOUR RELATIONSHIP WITH SETH STEARNS WAS MORE
5 OF A FRIENDSHIP?

6 A. WELL, IT STARTED AS A FRIENDSHIP, BUT IT GREW
7 INTO A, IT ESCALATED TO WHERE I HAD TO PAY HIM EACH TIME
8 I WENT TO ATLANTA, IT WAS LIKE A BUSINESS.

9 Q. WHAT ABOUT YOUR RELATIONSHIP WITH KENNY LAVENDER?

10 A. KENNY, LIKE I SAID, IT WAS BUSINESS, TOO.

11 Q. AND BRIAN MUELLER?

12 A. IT WAS BUSINESS.

13 Q. WHAT ABOUT WITH YOUR BROTHER, ROBBY?

14 A. I MEAN, IT'S MY BROTHER, I LOVE HIM, BUT IT WAS
15 BUSINESS, AS WELL.

16 Q. WHEN YOU ARE IN THIS BUSINESS, DO YOU SEE LOTS OF
17 GUNS?

18 A. YES, MA'AM.

19 Q. DID YOU HAVE LOTS OF GUNS?

20 A. I HAD QUITE A FEW.

21 Q. APPROXIMATELY HOW MANY?

22 A. THEY TOOK THEM FROM MY HOUSE. I HAD, I THINK, 40
23 GUNS THEY TOOK FROM MY HOUSE.

24 Q. WHO TOOK THEM FROM YOUR HOUSE?

25 A. S.L.E.D.

1 Q. DID ANYBODY ELSE ON THAT CHART HAVE GUNS?

2 A. BRIAN HAD A LOT OF GUNS. BRIAN HAD MORE GUNS
3 THAN -- HE WAS LIKE A PAWN SHOP, HE HAD SO MANY GUNS.
4 HE HAD GUNS STASHED EVERYWHERE.

5 Q. ANYBODY ELSE?

6 A. SETH HAD A FEW GUNS. SETH DIDN'T HAVE A LOT OF
7 GUNS. YOU KNOW, I GUESS EVERYBODY HAD A FEW GUNS LAYING
8 AROUND. BUT BRIAN HAD A LOT OF GUNS, THOUGH. I DON'T
9 KNOW IF HE COLLECTED THEM OR WHAT. EVERY TIME YOU WOULD
10 SEE HIM HE WOULD HAVE A NEW GUN OR TWO OR THREE NEW GUNS
11 HE BOUGHT FROM SOMEWHERE. SOME OF THEM WERE AUTOMATIC
12 WEAPONS, SOME WEAPONS YOU SHOULDN'T HAVE, YOU SHOULDN'T
13 BE ABLE TO GET.

14 Q. ON APRIL 5TH, 2005, WHERE WERE YOU?

15 A. I WAS IN ATLANTA.

16 Q. WHAT WERE YOU DOING?

17 A. I WAS WAITING TO PICK UP SOME DRUGS.

18 Q. WHILE YOU WERE WAITING TO PICK UP SOME DRUGS,
19 WERE YOU USING DRUGS?

20 A. YES, MA'AM, I WAS. I'D BEEN UP FOR QUITE A FEW
21 DAYS AT THAT POINT.

22 Q. WELL, WHERE WERE YOU WAITING TO PICK UP THE
23 DRUGS?

24 A. AT AMANDA FORDHAM'S HOUSE ON ROSWELL ROAD.

25 Q. DID YOU HAVE ANYTHING WITH YOU WHEN YOU WENT DOWN

1 THERE?

2 A. AS FAR AS?

3 Q. MONEY.

4 A. YES, MA'AM, I HAD MONEY.

5 Q. HOW MUCH MONEY DID YOU HAVE?

6 A. I THINK I HAD ABOUT, ABOUT \$9,000.00 OR SO.

7 Q. WHERE DID YOU GET THAT MONEY?

8 A. KENNY LAVENDER HAD GIVEN ME SOME OF IT, THE REST
9 I HAD SCRAPED TOGETHER TO TRY TO GO DOWN THERE AND GET
10 SOME DOPE WITH.

11 Q. YOU SAID YOU WERE WAITING. WHAT WERE YOU WAITING
12 FOR?

13 A. FOR HER PEOPLE TO BRING IT TO HER HOUSE, THE
14 DOPE.

15 Q. DO YOU KNOW WHO HER SOURCES WERE?

16 A. IT WAS A -- I'D MET -- THE MEXICAN, I'D SEEN HIM
17 ONE TIME, I NEVER REALLY MET HIM. HE HAD LIKE A PATCH
18 OVER HIS EYE, AND I KNOW HIS WIFE'S NAME WAS ROSA LINDA.
19 SHE WOULD ALWAYS SIT IN THE VAN, SHE NEVER CAME IN AND
20 WAITED.

21 Q. DO YOU REMEMBER HIS NAME?

22 A. NO, MA'AM, I DON'T.

23 Q. WHEN DID THEY ARRIVE?

24 A. WHAT DO YOU MEAN AS FAR AS?

25 Q. WELL, YOU WERE DOWN THERE IN ATLANTA WAITING.

1 A. I WAITED FOR LIKE TWO DAYS OR SO BEFORE THEY
2 COME, AND I GUESS THEY, THEY ARRIVED THAT NIGHT, THAT
3 AFTERNOON. I'D ALREADY, I'D ACTUALLY ALREADY LEFT AND
4 GIVE UP BECAUSE I'D WAITED SO LONG. AND I STOPPED AT A
5 CAR WASH AND WAS WASHING MY CAR, AND SHE CALLED ME AND
6 TOLD ME THAT THEY WERE ON THE WAY, TO COME BACK. AND I
7 WENT BACK OVER THERE, AND THEY COME WITHIN AN HOUR OR SO
8 THAT NIGHT.

9 Q. WAS THERE ANYBODY ELSE PRESENT WHEN THEY ARRIVED?

10 A. THERE WAS A, THERE WAS TWO GUYS FROM SOUTH
11 CAROLINA DOWN THERE. THAT'S THE FIRST TIME I'D MET
12 THEM. ONE OF THEM -- WELL, I KNEW ONE OF THEM, BEN, I
13 SEEN HIM AROUND BRIAN MUELLER, SO I DIDN'T KNOW HIM BUT
14 I SEEN HIS FACE. AND THEN THERE WAS A GUY DOWN THERE
15 NAMED YOUNG'UN, THAT'S THE FIRST TIME I'D EVER MET HIM,
16 I DON'T KNOW HIS REAL NAME BUT THEY CALL HIM YOUNG'UN.

17 Q. AND WERE YOU PRESENT WHEN AMANDA'S SOURCE
18 ARRIVED?

19 A. YES, MA'AM, I WAS.

20 Q. WHAT HAPPENED WHEN HE ARRIVED?

21 A. WHEN HE ARRIVED THEY WENT IN THE BACK ROOM AND I
22 GUESS THEY DONE WHATEVER HIM AND -- I THINK IT WAS THE
23 MAN THAT TIME THAT CAME DOWN, THE MEXICAN, AND THEY WENT
24 IN THE BACK ROOM BACK THERE AND DONE WHATEVER.

25 Q. WHO IS "THEY"?

1 A. AMANDA, AND HIM TO START WITH, THE MEXICAN, SHE
2 GOT THE ICE FROM HIM. AND THEN YOUNG'UN WENT BACK TO
3 TALK WITH HIM IN THE ROOM BEFORE I DID. AND HE COME
4 BACK OUT. I NEVER SEEN WHAT HE DONE AND HE NEVER SEEN
5 WHAT I DONE. I WENT TO THE BATHROOM AND WHEN I CAME OUT
6 I HAD MY STUFF HIDDEN. I SAT AROUND FOR ABOUT AN HOUR
7 AFTERWARDS AND SMOKED DOPE, AND THEN I LEFT AND STARTED
8 BACK TO SOUTH CAROLINA.

9 Q. HOW MUCH DID YOU PURCHASE FROM AMANDA THAT DAY?

10 A. IT WAS A LITTLE LESS THAN A POUND.

11 Q. WHY WAS IT LESS THAN A POUND?

12 A. BECAUSE I DIDN'T HAVE ENOUGH CASH TO GET THE
13 WHOLE THING.

14 Q. WHY WOULDN'T SHE FRONT YOU THE OTHER?

15 A. BECAUSE I OWED HER SO MUCH MONEY.

16 Q. WHERE DID YOU GO WHEN YOU LEFT AMANDA'S HOUSE?

17 A. I WENT HOME. I WAS HEADED HOME.

18 Q. DID YOU MAKE ANY STOPS ALONG THE WAY?

19 A. YEAH, I STOPPED AT A GUY NAMED KELLY MANN'S
20 (PHONETIC) HOUSE.

21 Q. WHAT DID YOU ALL DO?

22 A. SMOKED SOME MORE DOPE. BECAUSE I WAS SLEEPY AND
23 TIRED, I WAS TRYING TO WAKE BACK UP BECAUSE I'D BEEN UP
24 SO MANY DAYS AT THIS POINT. AND THEN I WENT TO MY HOUSE
25 TO TAKE A SHOWER.

1 AND THEN WHILE I WAS TAKING MY, GETTING READY TO
2 TAKE A SHOWER, THAT'S WHEN KENNY STARTED CALLING ME,
3 WANTING ME TO COME OUT AND MEET HIM, WANTING ME TO COME
4 OUT AND MEET HIM. AND AT FIRST I WASN'T GONNA COME OUT
5 AND MEET HIM, I WAS TRYING TO GET HIM TO WAIT.

6 BUT HE KEPT CALLING AND KEPT CALLING, SO I WENT
7 AHEAD AND CAME OUT TO MEET HIM, BUT I DIDN'T HAVE ANY OF
8 THE SCALES OR NOTHING TO WEIGH IT WITH TO KNOW WHAT I
9 HAD. SO I STOPPED BY MY BROTHER'S HOUSE ON THE WAY AND
10 WENT AHEAD WEIGHED IT UP, AND I GOT KENNY OUT ABOUT 90
11 GRAMS AND I WENT TO MEET KENNY.

12 Q. IS THAT WHAT KENNY HAD ORDERED?

13 A. ACTUALLY, I OWED HIM A LITTLE MORE THAN THAT, BUT
14 THAT WAS JUST ALL -- THAT WAS WHAT WAS IN THAT BAG.

15 Q. WELL, WHERE DID YOU MEET KENNY?

16 A. AT THE MCDONALD'S PARKING LOT.

17 Q. THE MCDONALD'S WHERE?

18 A. IN EASLEY.

19 Q. WHAT HAPPENED WHEN YOU GOT TO MCDONALD'S?

20 A. I PULLED UP AND KENNY GOT OUT OF HIS CAR AND
21 KENNY GOT INTO MINE. WE WAS PULLED NEXT TO THE EXIT SO
22 I WAS GONNA GO BACK THROUGH THE DRIVETHROUGH SO I
23 ACTUALLY WENT OUT ON 123, CAME BACK INTO THE MCDONALD'S
24 PARKING LOT THROUGH THE ENTRANCE SIDE, COME AROUND THE
25 DRIVETHROUGH, WENT THROUGH, ORDERED FOOD, AND WE GOT UP

1 THE DRIVETHROUGH. I DIDN'T HAVE ANY CASH ON ME AT ALL,
2 I WAS BROKE, SO KENNY PAID FOR THE FOOD. I GIVE HIM HIS
3 DOPE, HE'D ALREADY PREPAID ME FOR IT.

4 AND AS HE EXITED THE CAR, THAT'S WHEN A WHITE
5 SUBURBAN, I BELIEVE IT WAS, COME IN TOWARDS ME, AND I
6 SEEN THE SUBURBAN, SO I STARTED BACKING UP TRYING TO GET
7 AWAY. I KNEW SOMETHING WASN'T RIGHT. THERE WAS A BLUE
8 LIGHT FLASHING IN THE VEHICLE AND I STARTED BACKING UP.
9 ACTUALLY, AT FIRST I THOUGHT THEY WERE COMING AFTER
10 KENNY BECAUSE HE TOLD ME THAT HE WAS, HE WAS HAVING SOME
11 PROBLEMS WITH THE LAW, WHATEVER THEY WERE.

12 AND WHEN I STARTED FLEEING, WHEN I STARTED GOING
13 BACKWARDS, IN MY REARVIEW MIRROR I SAW A TRUCK, I SEEN
14 THE TRUCK COMING AROUND THE CORNER. I DON'T REMEMBER A
15 BLUE LIGHT BEING IN THE TRUCK, BUT I KNOW IT WAS COMING
16 AROUND THE CORNER FAST FOR SOME REASON.

17 SO I HAD MY TRUCK TURNED TOWARDS THE BUSHES AND I
18 PULLED IT DOWN IN THE DRIVE, TOOK OFF AND I RAN THROUGH
19 THE BUSHES. AND WHEN I RAN THROUGH THE BUSHES, THERE
20 WAS A DROP-OFF THERE, AND WHEN I HIT THAT DROP-OFF, IT
21 BUSTED MY TIRE.

22 Q. LET ME STOP RIGHT THERE AND ASK YOU A COUPLE
23 QUESTIONS. WHEN YOU WENT THROUGH THE DRIVETHROUGH, DO
24 YOU REMEMBER WHAT KENNY USED TO PAY FOR THE FOOD?

25 A. I THINK IT WAS A HUNDRED DOLLAR BILL.

1 Q. WHAT TIME ROUGHLY WAS THIS, TIME OF DAY?

2 A. IT WAS CLOSE TO MIDNIGHT.

3 Q. WHEN YOU -- ALL RIGHT. YOU RAN. IS THAT
4 ACCURATE?

5 A. YES, MA'AM.

6 Q. ALL RIGHT. PLEASE CONTINUE ON FROM THAT POINT.
7 YOU JUMPED THE CURB AND WENT OVER A DROP-OFF AND BUSTED
8 YOUR TIRE. WHAT HAPPENED AFTER THAT?

9 A. I GOT ON 123, AND AT THAT POINT I SEEN A LOT OF
10 BLUE LIGHTS IN MY REARVIEW MIRROR, AND I WENT ABOUT A
11 MILE AND TURNED INTO A PARKING LOT AND I STOPPED AND
12 THEY KIND OF SURROUNDED MY VEHICLE. THERE WAS ALL KIND
13 OF PICKENS COUNTY, EASLEY, S.L.E.D. OUT THERE, AND THEY
14 ALL GOT OUT OF THE VEHICLE AND THEY WERE HOLDING GUNS ON
15 ME AND TELLING ME TO STOP OR THEY'LL SHOOT.

16 SO I, FROM, FROM THE CURB, I WAS PARKED ON THE
17 CURB AFTER I'D STOPPED, SO I PULLED BACK UP FROM THE
18 CURB TO THE MEDIAN, AND FROM THAT POINT I HAD A WRECK
19 WITH ANOTHER SHERIFF'S VEHICLE TRUCK I HIT -- NOT
20 INTENTIONALLY.

21 Q. LET ME SLOW YOU DOWN. WHEN YOU STOPPED IN THAT
22 PARKING LOT, YOU SAID YOU GOT A LOT OF GUNS ON YOU AND
23 PEOPLE ARE YELLING AT YOU?

24 A. YES, MA'AM.

25 Q. ARE THEY IN THEIR CARS OR OUT OF THEIR CARS?

1 A. THEY WERE OUT OF THEIR VEHICLES.

2 Q. DID THEIR CARS HAVE SIRENS AND BLUE LIGHTS?

3 A. YES, MA'AM.

4 Q. DID YOU OBEY THEIR COMMANDS?

5 A. NO, MA'AM.

6 Q. WHAT DID YOU DO?

7 A. I MADE A BAD DECISION.

8 Q. AND WHAT WAS THAT DECISION?

9 A. I PULLED UP, AND I GUESS I WAS GONNA ACTUALLY RUN
10 AGAIN IS WHAT I WAS GONNA DO, AND THEN I HAD THE WRECK
11 WITH THE OTHER VEHICLE.

12 Q. DID THAT PREVENT YOU FROM RUNNING?

13 A. YES, MA'AM.

14 Q. HAD THAT VEHICLE, HAD YOU NOT COLLIDED WITH THAT
15 VEHICLE, WOULD YOU HAVE KEPT RUNNING?

16 A. I PROBABLY WOULD HAVE TRIED. I HAD A FLAT TIRE,
17 I PROBABLY WOULDN'T HAVE MADE IT VERY FAR.

18 Q. WERE YOU UNDER THE INFLUENCE AT THAT TIME?

19 A. YES, MA'AM. I'D BEEN UP FOR PROBABLY, ALL
20 TOGETHER, PROBABLY FOUR TO FIVE DAYS AT THAT POINT.

21 Q. WHAT HAPPENED AFTER YOU COLLIDED WITH THAT TRUCK?

22 A. WHEN I COLLIDED WITH THE TRUCK, THE BUMPERS ON
23 OUR TRUCKS STAYED TOGETHER. AND AT THAT POINT THE
24 OFFICER CAME IN THE CAR WITH ME, OPENED THE PASSENGER
25 DOOR, WAS HOLDING THE GUN ON ME TALKING TO ME, I WAS

1 TALKING WITH HIM.

2 FROM THE WAY I REMEMBER IT, WHAT HAPPENED THAT
3 NIGHT WAS THE OTHER COP COULDN'T SEE IN THE CAR BECAUSE
4 MY WINDOWS WERE SO DARK. AND WHEN HE BUSTED THE WINDOW
5 OUT WITH HIS FLASHLIGHT, I JUMPED, AND WHEN I JUMPED, IT
6 WENT FROM THERE. I GOT SHOT, TASERED.

7 WHEN I GOT TASERED, MY FOOT -- I HAD FIVE BACK
8 SURGERIES. I HAD METAL RODS IN MY BACK. SO I DON'T
9 KNOW IF THAT, WHEN I GOT THE TASER IT LOCKED ME IN THE
10 GAS ON THE TRUCK, WHATEVER, BUT IT WAS PUSHING THE OTHER
11 VEHICLE, MY TRUCK WAS PUSHING THEIR TRUCK, BUT IT WAS
12 BECAUSE OF THE TASERS AT THAT POINT.

13 Q. WHAT HAPPENED AFTER YOU GOT SHOT AND TASERED?

14 A. I WENT TO THE HOSPITAL.

15 Q. WERE YOU RELEASED?

16 A. YES, MA'AM. WELL, I WAS, I WENT TO JAIL.

17 Q. YOU WERE ARRESTED?

18 A. YES, MA'AM.

19 Q. WHEN YOU WERE IN JAIL, DID S.L.E.D. APPROACH YOU
20 AND ASK YOU TO COOPERATE?

21 A. THEY APPROACHED ME WHEN I WAS IN THE HOSPITAL.

22 Q. WHAT DID YOU SAY WHEN YOU WERE IN THE HOSPITAL?

23 A. I ASKED THEM I WOULD LIKE TO WAIT AND TALK TO MY
24 ATTORNEY. I MEAN, I WAS STILL UPSET FROM THE SHOOTING
25 AND THE TASERS AND ALL THAT. BUT I TOLD THEM WHEN I WAS

1 STILL ON THE ROAD THAT I WOULD COOPERATE THAT NIGHT WHEN
2 I WAS LAYING THERE WHEN THEY WERE STILL SEARCHING THE
3 TRUCK.

4 I TOLD THE GUY TO ACTUALLY TO GET ME OUT OF THERE
5 BEFORE SOMEBODY SEEN ME IF HE WANTED ME TO HELP THEM.
6 AND THEN WHEN I GOT TO THE HOSPITAL AND THEY ASKED ME, I
7 TOLD THEM THAT I WOULD COOPERATE BUT I WANTED TO TALK TO
8 MY LAWYER FIRST.

9 Q. DID YOU HAVE AN OPPORTUNITY TO TALK TO YOUR
10 LAWYER?

11 A. AT THE HOSPITAL?

12 Q. NO. JUST LATER, BEFORE YOU BEGAN COOPERATING.

13 A. OH, YES, MA'AM.

14 Q. WHAT DOES COOPERATION ENTAIL?

15 A. WHAT DO YOU MEAN?

16 Q. WHAT DO YOU HAVE TO DO TO COOPERATE?

17 A. WELL, YOU HAVE TO TELL THE TRUTH TO START WITH.
18 YOU HAVE TO TELL THE TRUTH, AND I DID THAT, I TOLD THE
19 TRUTH ABOUT EVERYTHING I DONE. I DIDN'T HIDE NOTHING,
20 DIDN'T HOLD NOTHING BACK. THAT'S THE FIRST STEP.

21 AND THEN YOU GOT TO GO OUT THERE AND TRY AND STOP
22 SOME OTHER PEOPLE FROM DOING THE THINGS THAT YOU DONE,
23 YOU KNOW, GO OUT AND MAKE BUYS AND STUFF LIKE THAT.

24 Q. WHEN YOU TELL THE TRUTH ABOUT EVERYTHING YOU'VE
25 DONE, DO YOU HAVE TO TELL THE TRUTH ABOUT YOUR

1 SUPPLIERS, CUSTOMERS, PARTNERS, EVERYBODY, OR JUST YOU?

2 A. EVERYBODY.

3 Q. HOW FAR BACK?

4 A. I WENT ALL THE WAY BACK TO HIGH SCHOOL. THEY
5 TALKED TO ME ABOUT EVERYTHING I'VE DONE SINCE HIGH
6 SCHOOL.

7 Q. DID YOU ATTEMPT TO ARRANGE UNDERCOVER BUYS?

8 A. YES, MA'AM.

9 Q. HOW MANY TIMES?

10 A. I ACTUALLY, AS FAR AS ATLANTA GOES, I MADE THREE
11 OR FOUR CALLS DOWN THERE AND I ACTUALLY WENT DOWN THERE
12 TO ATLANTA.

13 Q. WERE YOU SUCCESSFUL?

14 A. NO, MA'AM, I WASN'T SUCCESSFUL.

15 Q. WHY NOT?

16 A. THE OFFICER WENT WITH ME DOWN THERE. I MEAN, I
17 WAS TOLD THAT THEY KNEW I WAS COMING BEFORE I GOT THERE.
18 I'M NOT SURE ABOUT THAT.

19 Q. WHO IS "THEY"?

20 A. AMANDA.

21 Q. DID YOU EVENTUALLY BOND OUT OF JAIL?

22 A. I BONDED OUT BEFORE I WENT TO ATLANTA AND I WAS
23 PUT ON HOUSE ARREST.

24 Q. WHILE YOU WERE ON HOUSE ARREST, DID YOU FALL OFF
25 THE WAGON AND GET BACK INVOLVED WITH ICE?

1 A. I THINK IT WAS AFTER -- I'D DONE SIX MONTHS HOUSE
2 ARREST FIRST. I THINK IT WAS AFTER THAT THAT I KIND OF
3 FELL OFF THE WAGON, OR MAYBE TOWARDS THE LATER END OF IT
4 I MIGHT HAVE A LITTLE BIT.

5 BUT THEY TOOK ME OFF THE HOUSE ARREST. WHEN THEY
6 COME, WHEN THEY REARRESTED EVERYONE AND I COME IN FRONT
7 OF THE JUDGE, THEY TOOK ME OFF HOUSE ARREST BECAUSE I'D
8 DONE SO WELL ON IT. I WAS HOME IN TIME EVERY NIGHT AND
9 HADN'T CAUSED ANY PROBLEMS, AND SO THEY REMOVED THE
10 HOUSE ARREST FROM ME.

11 Q. DID YOU APPEAR AT A MOTIONS HEARING DATE IN
12 REGARDS TO THIS CASE?

13 A. YES, MA'AM.

14 Q. WHAT HAPPENED THAT DAY?

15 A. I WAS, I WAS ASKED TO TAKE A DRUG TEST.

16 Q. DID YOU FAIL THAT DRUG TEST?

17 A. YES, MA'AM, I DID. WHEN I GOT, WHEN I GOT BACK
18 OUT AROUND THE DOPE AGAIN, I KIND OF FELL BACK INTO A
19 SLING TRYING TO HELP MYSELF AND I WAS, I HADN'T HAD
20 ENOUGH TIME AWAY FROM IT. I JUST, I DON'T KNOW, THINGS
21 WASN'T GOING AS GOOD AS I THOUGHT THEY WERE, AND I WAS
22 HAVING PROBLEMS AT HOME AND JUST FELT LIKE I WAS IN A
23 TRAP.

24 Q. AND AGAIN, WHOSE DECISION WAS IT, THOUGH, TO
25 SMOKE ICE?

1 A. IT WAS MY DECISION; IT WAS A VERY BAD DECISION.

2 Q. WELL, WHAT DID YOU DO AFTER YOU FAILED THAT DRUG
3 TEST?

4 A. I LEFT THE COURTHOUSE.

5 Q. WHERE DID YOU GO?

6 A. I WENT TO NORTH CAROLINA TO START WITH.

7 Q. WHERE DID YOU END UP?

8 A. MEXICO.

9 Q. WERE YOU CAUGHT AT THE BORDER?

10 A. I HAD, I HAD -- IN MEXICO I GOT DOWN THERE AND I
11 GOT SCARED AND I CALLED MY FATHER TO COME GET ME. I
12 TOLD HIM IF HE WOULD COME GET ME -- HE WAS MY BONDSMAN,
13 AS WELL. I TOLD HIM IF WOULD HE COME GET ME, I WOULD
14 TURN MYSELF IN AND START GOING THROUGH THE MOTIONS OF
15 GETTING OVER THIS. I KNEW THAT MY LIFE HAD WENT TO A
16 VERY BAD POINT. WHEN I WAS COMING OUT OF MEXICO, I GOT
17 CAUGHT AT THE BORDER, AND THAT'S WHERE THEY PUT ME IN
18 JAIL IN TEXAS, AND THEN I WAS EXTRADITED BACK TO SOUTH
19 CAROLINA.

20 Q. AFTER YOU WERE EXTRADITED BACK TO SOUTH CAROLINA,
21 DID YOU SIGN A PLEA AGREEMENT WITH THE STATE OF SOUTH
22 CAROLINA?

23 A. YES, MA'AM.

24 Q. DO YOU REMEMBER WHAT DATE YOU SIGNED THAT?

25 A. NO, MA'AM, I DON'T.

1 Q. I SHOW YOU A COPY OF YOUR PLEA AGREEMENT TO
2 REFRESH YOUR MEMORY.

3 A. (WITNESS READS DOCUMENT.)

4 Q. WHAT DATE WAS THAT?

5 A. THAT WAS THE 21ST OF MARCH.

6 Q. WHAT YEAR?

7 A. 2007.

8 Q. DID YOU AGAIN AGREE TO COOPERATE WITH THE STATE?

9 A. YES, MA'AM, I DID.

10 Q. DURING ANY OF THE INTERVIEWS WITH S.L.E.D. OR ANY
11 OF YOUR COOPERATION WITH LAW ENFORCEMENT, WERE YOU AWARE
12 OF ANYBODY ELSE WHO WAS COOPERATING?

13 A. AS FAR AS?

14 Q. I MEAN, DID YOU KNOW WHO ELSE WAS -- HAD TAKEN A
15 DEAL AND TALKED TO THE STATE AND CONFESSED AND DONE WHAT
16 YOU DESCRIBED AS COOPERATION?

17 A. NO, MA'AM.

18 Q. AT ANY POINT IN TIME WERE YOU INTERVIEWED BY LAW
19 ENFORCEMENT WITH ANOTHER CO-CONSPIRATOR?

20 A. NO, MA'AM.

21 Q. WERE YOU EVER TOLD BY LAW ENFORCEMENT OF THE
22 STATEMENTS MADE BY OTHER CO-CONSPIRATORS?

23 A. NO, MA'AM.

24 Q. TOTAL, HOW MUCH ICE DID YOU DEAL IN THIS
25 CONSPIRACY?

1 A. TAKING OUT WHAT I SMOKED?

2 Q. NO. HOW MUCH DID YOU PURCHASE TOTAL?

3 A. AROUND TEN POUNDS.

4 Q. AND WHO WERE YOU DEALING WITH PRIMARILY?

5 A. RECEIVING OR SELLING?

6 Q. BOTH.

7 A. I WAS RECEIVING IT FROM AMANDA FORDHAM, AND I
8 WOULD SELL IT TO KENNY LAVENDER; MY BROTHER, ROBBY
9 SEXTON; AND TOMMY TIMS; AND THE LADY, BECKY, I TOLD YOU
10 ABOUT.

11 Q. AND EACH TIME THAT YOU BOUGHT IT FROM AMANDA
12 FORDHAM DID YOU HAVE TO PAY SOMEBODY?

13 A. I HAD TO GIVE SETH STEARNS EACH TIME AN OUNCE OUT
14 OF THE DEAL, YES, MA'AM, I DID.

15 MS. PORTER: BEG THE COURT'S INDULGENCE.
16 BY MS. PORTER:

17 Q. WHEN YOU WERE INTERVIEWED BY LAW ENFORCEMENT,
18 WHAT YOU TOLD THEM, HOW DID YOU KNOW THAT INFORMATION?

19 A. WHICH PART OF IT?

20 Q. ALL OF IT.

21 A. BECAUSE I WAS AROUND IT. EACH INDIVIDUAL PERSON
22 I KNEW WHAT THEY WERE DOING BECAUSE I WAS AROUND THEM.
23 I EITHER BOUGHT DOPE FROM THEM OR I'D SOLD THEM DOPE.
24 THAT'S HOW I KNEW WHAT I KNEW.

25 Q. SO YOU SAW IT ALL?

1 A. I SAW A GOOD BIT OF IT, YES, MA'AM.

2 MS. PORTER: PLEASE ANSWER ANY QUESTIONS

3 MR. KAPPEL HAS FOR YOU.

4 MR. KAPPEL: MAY IT PLEASE THE COURT?

5 THE COURT: MR. KAPPEL.

6 MR. KAPPEL: THANK YOU, SIR.

7 CROSS-EXAMINATION BY MR. KAPPEL:

8 Q. WHEN YOU SAY THAT YOU HAD TO BUY OR YOU HAD TO
9 PAY SETH WITH AN OUNCE OUT OF EVERY TRIP THAT YOU WENT
10 DOWN TO ATLANTA, AND YOU SAID THAT YOU WENT DOWN TO
11 ATLANTA 12, 13 TIMES, SOMETHING LIKE THAT; ISN'T THAT
12 RIGHT?

13 A. YES, SIR.

14 Q. WHEN YOU WOULD PAY SETH STEARNS, YOU WOULD JUST
15 SIMPLY STOP, ISN'T THAT WHAT YOU SAID, YOU WOULD STOP ON
16 YOUR WAY BACK AND YOU WOULD DROP OFF HIS PART?

17 A. SOMETIMES. SOMETIMES HE WOULD COME MEET ME.

18 Q. OKAY. YOU WOULD DO THAT BECAUSE THAT'S WHAT YOU
19 WERE REQUIRED TO DO, IS THAT WHAT YOU ARE SAYING?

20 A. YES, SIR.

21 Q. NOW, WHEN YOU DESCRIBE THE INCIDENT THAT OCCURRED
22 AT MCDONALD'S, WHERE YOU WERE UP FOR TWO DAYS AND YOU
23 WERE -- WELL, LET ME ASK YOU THIS QUESTION REAL QUICK:
24 HE WOULD COME MEET YOU, AND YOU WOULD CALL, RIGHT?

25 A. IF HE WAS GONNA MEET ME, I'D TELL HIM I'D BE --

1 SOMETIMES HE WOULD JUST COME OUT THERE ON THE INTERSTATE
2 AND MEET ME ON THE WAY BACK.

3 Q. DID YOU EVER CALL HIM?

4 A. YES, SIR.

5 Q. AND YOU WOULD CALL HIM BY TELEPHONE ---

6 A. YES, SIR.

7 Q. --- ISN'T THAT RIGHT?

8 A. YES, SIR.

9 Q. AND ON APRIL 6TH, 2005, WAS NO DIFFERENT THAN ANY
10 OTHER OCCASION WHEN YOU WENT DOWN TO ATLANTA?

11 A. YES, SIR.

12 Q. SO YOU WOULD GO DOWN THERE AND YOU WOULD CALL
13 HIM, MEET HIM, WHAT HAVE YOU. YOU WOULD PICK UP THE ICE
14 FROM AMANDA FORDHAM, AND THEN YOU WOULD COME BACK AND
15 YOU WOULD MEET HIM OR DROP IT OFF AT HIS HOUSE AND GIVE
16 HIM HIS SHARE; ISN'T THAT CORRECT?

17 A. YES, SIR.

18 Q. WHEN YOU WENT TO ATLANTA ON APRIL 5TH OR 4TH, I
19 CAN'T REMEMBER WHICH, YOU SAID YOU HAD BEEN DOWN THERE
20 FOR TWO DAYS WAITING ON AMANDA'S SUPPLIERS TO BRING THAT
21 METHAMPHETAMINE TO HER, YOU WERE HAVING YOUR CAR WASHED,
22 EVENTUALLY SHE TELEPHONED YOU; ISN'T THAT RIGHT?

23 A. YES, SIR.

24 Q. ON YOUR CELL PHONE?

25 A. YES, SIR.

1 Q. AND YOU WOULD GO BACK TO HER HOUSE AND PICK UP
2 THE METHAMPHETAMINE; ISN'T THAT CORRECT?

3 A. YES, SIR.

4 Q. THEN YOU WOULD TURN AROUND AND YOU WOULD GET BACK
5 ON INTERSTATE 85 AND DRIVE BACK UP TO GREENVILLE ---

6 A. YES, SIR.

7 Q. --- ISN'T THAT CORRECT?

8 SO WHEN YOU WERE TALKING ABOUT THIS PARTICULAR
9 DAY AND THAT YOU WERE TIRED AND YOU SAID YOU MADE ONE
10 STOP. AND I CAN'T REMEMBER THE INDIVIDUAL'S NAME. YOU
11 SAID YOU STOPPED AT A GUY'S HOUSE AND Y'ALL SMOKED SOME
12 OF THE METHAMPHETAMINE. I WANT TO SAY KENNY BUT IT
13 WASN'T KENNY. WHO WAS IT?

14 A. KELLY.

15 Q. KELLY?

16 A. YES, SIR.

17 Q. SO YOU STOPPED AT KELLY'S. WHAT'S KELLY'S LAST
18 NAME?

19 A. MANN.

20 Q. AND WHERE DOES KELLY MANN LIVE? IS IT A GUY OR A
21 GIRL?

22 A. IT'S A GUY.

23 Q. WHERE DOES HE LIVE?

24 A. HE LIVES RIGHT AROUND THE STREET FROM ME, A FEW
25 MILES DOWN THE ROAD FROM ME.

1 Q. AND WHERE IS THAT?

2 A. IN EASLEY.

3 Q. ALL RIGHT. SO YOU DROVE DIRECTLY TO EASLEY AND
4 YOU STOPPED AT KELLY MANN'S HOUSE WHERE YOU SMOKED --
5 THAT'S HOW YOU DO METHAMPHETAMINE, DIDN'T YOU SMOKE IT?

6 A. YOU DO IT SEVERAL WAYS: SMOKE IT, SNORT IT. I
7 SMOKED IT.

8 Q. OKAY. YOU WOULD PUT IT IN A PIPE AND LIGHT IT
9 AND SMOKE IT?

10 A. YES, SIR.

11 Q. AND YOU WOULD INGEST IT THROUGH YOUR RESPIRATORY
12 SYSTEM?

13 A. YES, SIR.

14 Q. SO YOU GO TO THIS KELLY'S HOUSE AND SMOKED SOME.
15 AND THEN ALL YOU WANTED TO DO WAS GO STRAIGHT HOME TO
16 SLEEP; ISN'T THAT RIGHT?

17 A. GO HOME, TOOK A SHOWER, YES, SIR.

18 Q. TOOK A SHOWER, YOU JUST WANTED TO WIND DOWN, YOU
19 HAD BEEN UP SO LONG?

20 A. YES, SIR.

21 Q. BUT YOU JUST SMOKED METHAMPHETAMINE, SO IT WOULD
22 BE AWFULLY DIFFICULT TO SLEEP AFTER JUST DOING THE
23 METHAMPHETAMINE WITH KELLY; ISN'T THAT RIGHT?

24 A. ONCE YOU GET A HIGH TOLERANCE TOWARDS IT, IT
25 TAKES A LOT TO KEEP YOU AWAKE... THAT'S THE REASON I WAS

1 SMOKING SO MUCH. IT DON'T LAST AS LONG AS IT DOES WHEN
2 YOU FIRST STARTED.

3 Q. ALL RIGHT. SO WHEN YOU SMOKED IT AT KELLY'S
4 HOUSE, THEN YOU WEREN'T ANTICIPATING IT WAS GONNA KEEP
5 YOU UP FOR VERY LONG?

6 A. NO, SIR.

7 Q. OKAY. WHEN YOU LEFT KELLY'S HOUSE AND YOU WENT
8 TO YOUR HOUSE AND YOU WERE TAKING YOUR SHOWER, THAT'S
9 WHEN KENNY WAS CALLING YOU AND CALLING YOU AND SAID
10 "HEY, I WANT TO GET MY STUFF"; ISN'T THAT RIGHT?

11 A. YES, SIR.

12 Q. SO THAT'S WHEN YOU WENT DIRECTLY TO MEET KENNY?

13 A. NO, I STOPPED BY MY BROTHER'S HOUSE FIRST.

14 Q. OKAY, I'M SORRY. YOU STOPPED BY YOUR BROTHER'S
15 HOUSE AND THEN YOU WENT TO MEET KENNY?

16 A. YES, SIR.

17 Q. ALL RIGHT. THE LOAD THAT YOU PICKED UP IN
18 ATLANTA ON THAT DAY, YOU SAID YOU DIDN'T HAVE A WHOLE
19 LOT OF MONEY, YOU SCRAPED TOGETHER WHAT YOU COULD; ISN'T
20 THAT RIGHT?

21 A. YES, SIR.

22 Q. IN FACT, YOU HAD, IN YOUR POSSESSION -- I'M NOT
23 SAYING IT'S ALL YOURS -- BUT IN YOUR POSSESSION YOU HAD
24 THAT \$9,000.00 WHEN YOU WENT DOWN TO SEE AMANDA?

25 A. YES, SIR.

1 Q. OF THAT, WAS IT ABOUT 3,000 WAS YOURS?

2 A. UH-HUH.

3 Q. I'M SORRY?

4 A. YES, SIR.

5 Q. SO KENNY LAVENDER ACTUALLY GAVE YOU THE LION'S
6 SHARE OF THE MONEY THAT YOU TOOK TO ATLANTA?

7 A. YES, SIR.

8 Q. HE GAVE YOU DOUBLE WHAT YOU TOOK?

9 A. YES, SIR.

10 Q. HE GAVE YOU SIX THOUSAND DOLLARS, YOU TOOK THREE
11 AND YOU WENT DOWN TO ATLANTA TO BUY THE DRUGS?

12 A. YES, SIR.

13 Q. NOW, YOU BOUGHT FROM AMANDA DIRECTLY 12 TO 13
14 TIMES?

15 A. YES, SIR.

16 Q. AND YOU BOUGHT FIVE POUNDS YOU SAID TOTAL?

17 A. NO, SIR.

18 Q. HOW MANY POUNDS?

19 A. ABOUT TEN POUNDS TOTAL.

20 Q. TEN POUNDS?

21 A. YES, SIR.

22 Q. IT WAS ABOUT \$15,000.00 A POUND?

23 A. YES, SIR.

24 Q. SO YOU HAD PURCHASED ESSENTIALLY \$150,000.00
25 WORTH OF DRUGS FROM AMANDA FORDHAM?

1 A. OVER A FIVE-MONTH PERIOD.

2 Q. THAT'S, THAT'S FINE. BUT OVER THE TOTAL PERIOD
3 YOU PURCHASED ABOUT \$150,000.00 IN DRUGS FROM HER?

4 A. YES, SIR.

5 Q. AND YOU OWED HER ABOUT \$30,000.00 WHERE SHE HAD
6 LOANED YOU, OR GAVE YOU CREDIT; IS THAT CORRECT?

7 A. MONEY WHERE SHE GAVE ME CREDIT, YES, SIR.

8 Q. ALL RIGHT. AM I CORRECT IN ASSUMING THAT THIS
9 ICE GOES FOR ABOUT 15,000 A POUND, IS THAT ABOUT THE
10 GOING RATE?

11 A. YES, SIR.

12 Q. YOU ALSO GOT TO KNOW BRIAN MUELLER, AND YOU MET
13 BRIAN MUELLER THROUGH YOUR BROTHER, ROBBY SEXTON?

14 A. NO, SIR. I MET BRIAN MUELLER THROUGH SETH.

15 Q. ALL RIGHT. BRIAN ACTUALLY SOLD TO YOUR BROTHER,
16 DIDN'T HE, BEFORE YOU BOUGHT FROM BRIAN MUELLER; ISN'T
17 THAT RIGHT?

18 A. MY BROTHER HAD OWED BRIAN SOME MONEY, BUT I
19 DIDN'T KNOW HIM AT THAT POINT.

20 Q. I'M NOT ASKING THAT THAT. I'M ASKING YOU: DID
21 ROBBY SEXTON BUY METHAMPHETAMINE OR ICE FROM BRIAN
22 MUELLER BEFORE YOU STARTED BUYING FROM BRIAN?

23 A. YES, SIR.

24 Q. OKAY. AND YOU ACTUALLY BOUGHT FROM BRIAN MUELLER
25 20 TIMES, ISN'T THAT RIGHT, OR THEREABOUTS?

1 A. TEN OR 15. 15 OR 20 TIMES. YES, SIR. YOU GOT
2 TO UNDERSTAND THIS HAS BEEN A LONG TIME AGO. THIS HAS
3 BEEN -- YOU ARE TALKING ABOUT SOMETHING THAT STARTED
4 THREE YEARS AGO.

5 Q. I UNDERSTAND. DO YOU REMEMBER ABOUT HOW MUCH
6 METHAMPHETAMINE YOU PURCHASED FROM BRIAN MUELLER? IS IT
7 FAIR TO SAY YOU PURCHASED ROUGHLY FIVE POUNDS FROM HIM?

8 A. I DON'T THINK IT WAS THAT MUCH.

9 Q. OKAY. YOU GAVE AN INTERVIEW TO THE LAW
10 ENFORCEMENT DIVISION ON APRIL 14TH, 2005, WHERE YOU
11 DISCUSSED THIS -- WELL, I'LL JUST LET YOU REFRESH YOUR
12 MEMORY AND THEN I'LL ASK YOU AGAIN, OKAY? (HANDING.)

13 A. (WITNESS READS DOCUMENT.) IS THAT WHERE YOU ARE
14 TALKING ABOUT, RIGHT HERE, SIR?

15 Q. I'M TALKING ABOUT THIS PARAGRAPH RIGHT HERE.

16 A. OH, I'M SORRY. (WITNESS CONTINUES TO READ
17 DOCUMENT.) IT JUST SAYS 20 OCCASIONS RECEIVING A
18 QUARTER OUNCE.

19 Q. SO 20 OCCASIONS AT A QUARTER OUNCE AT A TIME?

20 A. SOMETIMES IT WOULD BE MORE.

21 Q. EVEN MORE. SO IF YOU WERE TO MULTIPLY ONE
22 QUARTER OUNCE -- EXCUSE ME -- A QUARTER OUNCE INCREMENT
23 20 TIMES, AND THEN IT WAS SOMETIMES MORE, SO AT SOME
24 POINT HOW MUCH DID YOU BUY FROM BRIAN MUELLER TOTAL?

25 A. THE MOST I EVER BOUGHT FROM BRIAN WAS AROUND AN

1 OUNCE.

2 Q. HOW MANY POUNDS TOTAL DID YOU GET FROM BRIAN
3 MUELLER?

4 A. I MEAN, I COULDN'T REALLY TELL YOU.

5 Q. MORE THAN A POUND?

6 A. IT WAS CLOSE TO IT, IF NOT RIGHT AT IT.

7 Q. ALL RIGHT. DID HE LOAN YOU THE MONEY OR DID YOU
8 PAY CASH FOR IT?

9 A. DID HE FRONT IT, YOU MEAN?

10 Q. YES.

11 A. SOMETIMES HE WOULD FRONT IT AND SOMETIMES I WOULD
12 PAY CASH, DEPENDING ON MY MONEY SITUATION.

13 Q. ALL RIGHT. DID YOU END UP OWING BRIAN MUELLER
14 MONEY?

15 A. I'M SURE I DID.

16 Q. DO YOU HAVE ANY IDEA HOW MUCH YOU OWED HIM?

17 A. IT WOULDN'T HAVE BEEN OVER A THOUSAND DOLLARS OR
18 SO. BRIAN WOULDN'T LET YOU GET IN DEBT WITH HIM VERY
19 MUCH.

20 Q. DID IT BOTHER YOU THAT YOU OWED MONEY TO HIM WHEN
21 HE HAD ALL THESE WEAPONS AND FIREARMS, DID THAT CAUSE
22 YOU ANY CONCERN?

23 A. NO, SIR.

24 Q. OKAY. WERE YOU AWARE OF -- YOU WERE AWARE
25 ACTUALLY OF THE RELATIONSHIP BETWEEN KENNY AND BRIAN IN

1 TERMS OF HOW THEY TRADED THEIR DRUGS, WERE YOU NOT?

2 A. YES, SIR.

3 Q. AND YOU WERE ALSO WORKING WITH KENNY ON VARIOUS
4 LOADS THAT YOU WERE PICKING UP IN ATLANTA, CORRECT?

5 A. JUST FROM ATLANTA, YES, SIR.

6 Q. OKAY. DID YOU RETRIEVE A MOTORCYCLE FOR KENNY
7 LAVENDER ONE TIME?

8 A. YES, SIR.

9 Q. AND DID THAT KIND OF ENDEAR YOURSELF TO HIM SOME?

10 A. WHAT DO YOU MEAN?

11 Q. WELL, WERE Y'ALL FRIENDS, OR...

12 A. IT WAS MORE OF A BUSINESS THING WITH ME AND
13 KENNY. I MEAN, I LIKE KENNY, I AIN'T GOT NO PROBLEMS
14 WITH KENNY.

15 MR. KAPPEL: JUST A MOMENT.

16 BY MR. KAPPEL:

17 Q. DO YOU KNOW A DAVID REVIS?

18 A. I KNOW OF HIM.

19 Q. DID YOU EVER RECEIVE UP TO 15 POUNDS OF ICE FROM
20 DAVID REVIS?

21 A. NO, SIR.

22 Q. THAT'S NOT TRUE?

23 A. THAT'S NOT TRUE.

24 Q. DID YOUR BROTHER, DO YOU KNOW IF YOUR BROTHER
25 DID?

1 A. I DON'T KNOW.

2 Q. YOU WERE INTERVIEWED ON -- LET ME ASK YOU THIS
3 BECAUSE I'M KIND OF CURIOUS ABOUT THIS: YOU WERE SHOT
4 ON APRIL THE 6TH IN YOUR STOMACH?

5 A. YES, SIR.

6 Q. AND YOU WENT TO THE HOSPITAL?

7 A. YES, SIR.

8 Q. AND YOU TOLD THE OFFICERS OUT ON THE INTERSTATE
9 OR ON 123 THAT YOU WANTED TO COOPERATE. DID YOU HAVE TO
10 HAVE SURGERY BECAUSE OF THE GUNSHOT WOUND OR WAS IT JUST
11 A GRAZE ON YOUR STOMACH OR HOW WAS THAT?

12 A. I WAS, I WAS GRAZED UNDER THE CHIN AND I WAS HIT
13 TWICE IN THE STOMACH, BUT IT PASSED THROUGH.

14 Q. SO IT DIDN'T AFFECT ANY OF YOUR ORGANS OR
15 ANYTHING?

16 A. NO, SIR.

17 Q. YOU DIDN'T HAVE TO GO INTO EMERGENCY SURGERY?

18 A. NO, SIR.

19 Q. HOW LONG WERE YOU IN THE HOSPITAL?

20 A. ABOUT HALF THAT NIGHT.

21 Q. SO YOU DIDN'T EVEN SPEND 24 HOURS IN THE
22 HOSPITAL?

23 A. NO, SIR.

24 Q. SO YOU WERE GRAZED UNDER THE CHIN AND YOU WERE
25 SHOT TWICE IN THE STOMACH?

1 A. YES, SIR.

2 Q. AND THEN THEY TOOK YOU TO THE HOSPITAL, AND
3 LUCKILY YOU WEREN'T MORTALLY WOUNDED, AND SO YOU WEREN'T
4 -- THEY PATCHED YOU UP, STOPPED THE BLEEDING, AND SENT
5 YOU TO THE DETENTION CENTER; IS THAT CORRECT?

6 A. YES, SIR. ONLY BY THE HAND OF GOD WAS I NOT
7 WOUNDED THAT NIGHT.

8 Q. AND ROUGHLY ONE WEEK LATER, THAT'S WHEN YOU SAT
9 DOWN WITH THE S.L.E.D. AGENTS AND TOLD THEM EVERYTHING
10 YOU KNEW?

11 A. YES, SIR. THEY TOOK ME, THEY TOOK ME TO -- FROM
12 THE HOSPITAL THAT NIGHT THEY TOOK ME TO, TO EASLEY JAIL,
13 AND THE VERY NEXT MORNING THEY COME GOT ME AND SENT ME
14 TO COLUMBIA. WHEN I COME BACK FROM COLUMBIA, I HAD A
15 BOND HEARING IN COLUMBIA AND BOND WAS DENIED. AND WHEN
16 I COME BACK -- I STAYED IN MEDICAL WHEN I WAS IN
17 COLUMBIA, AND THAT WAS AT LEXINGTON COUNTY JAIL. THEY
18 ACTUALLY TOOK ME TO RICHLAND COUNTY TO START WITH, BUT
19 THEY WOULDN'T ACCEPT ME THERE BECAUSE OF MY GUNSHOT
20 WOUNDS, THEY DENIED ME, SO THEY TOOK ME OVER TO
21 LEXINGTON COUNTY.

22 Q. ALL RIGHT. DO YOU RECALL MEETING WITH THE LAW
23 ENFORCEMENT OFFICERS ON APRIL THE 14TH, 2005, WITH
24 MR. DORSEY?

25 A. IN PICKENS COUNTY.

1 Q. IN PICKENS COUNTY?

2 A. I THINK SO.

3 Q. AND YOU TOLD HIM EVERYTHING YOU KNEW; IS THAT
4 RIGHT?

5 A. YES, SIR.

6 Q. AND YOU GAVE THEM ALL THE INFORMATION YOU JUST
7 GAVE HERE, INCLUDING ADDRESSES, PHONE NUMBERS AND ALL
8 THE INFORMATION YOU HAVE?

9 A. I TOLD HIM WHAT I COULD REMEMBER, YES, SIR.

10 Q. OKAY. THAT INCLUDED EVERYTHING ON SETH,
11 INCLUDING HIS PHONE NUMBER?

12 A. I COULDN'T REMEMBER HIS PHONE NUMBER. I HAD IT
13 PROGRAMMED IN MY PHONE. I WOULD HAVE TO USE MY PHONE TO
14 GET HIS PHONE NUMBER. THEY HAD MY PHONE, THOUGH. I
15 TOLD THEM THEY COULD LOOK THROUGH MY PHONE. THEY HAD IT
16 FROM THE NIGHT OF THE WRECK AND THE SHOOTING.

17 Q. WAS SETH'S NAME IN YOUR TELEPHONE UNDER HIS NAME
18 OR DID YOU TELL HIM?

19 A. I'M NOT SURE.

20 Q. LET ME LET YOU TAKE A LOOK AT THIS.

21 A. (WITNESS READS DOCUMENT.)

22 Q. DO YOU RECALL GIVING THE SPECIFIC PHONE NUMBERS
23 FOR SETH STEARNS TO LAW ENFORCEMENT ON APRIL THE 14TH OR
24 13TH, 2005?

25 A. SO MUCH HAS HAPPENED, I CAN'T SWEAR THAT I DO

1 REMEMBER THAT; BUT IF I DIDN'T, I TOLD THEM THAT I WOULD
2 AND IT WAS IN MY PHONE. AND I'M NOT GONNA GO UNDER OATH
3 AND SAY I REMEMBER THAT BECAUSE I DON'T. IT'S BEEN
4 QUITE A WHILE BACK.

5 MR. KAPPEL: THAT'S ALL I HAVE. THANK YOU,
6 JUDGE.

7 THE COURT: REDIRECT?

8 MS. PORTER: VERY BRIEFLY, YOUR HONOR.

9 REDIRECT EXAMINATION BY MS. PORTER:

10 Q. I'M GONNA SHOW YOU THAT SAME INTERVIEW TO REFRESH
11 YOUR MEMORY. DO YOU REMEMBER WHAT AMANDA'S CELL PHONE
12 NUMBER WAS?

13 MR. KAPPEL: JUDGE, I'M GONNA OBJECT TO THIS
14 FORM. SHE CAN ASK; IF HE CAN'T REMEMBER, HE CAN REFRESH
15 HIS RECOLLECTION. BUT I'M GONNA OBJECT TO THIS FORM, TO
16 TRY TO REFRESH HIS MEMORY BEFORE HE EVEN STATED HE CAN'T
17 REMEMBER.

18 THE COURT: HE'S GOT IT NOW. BUT LET'S TAKE
19 IT BACK. LET'S JUST, LET'S FOLLOW THE RULES, PLEASE.
20 BOTH SIDES.

21 BY MS. PORTER:

22 Q. DO YOU REMEMBER AMANDA FORDHAM'S CELL PHONE
23 NUMBER?

24 A. FROM HEART RIGHT NOW?

25 Q. YEAH.

1 A. NO, MA'AM, I DON'T.

2 Q. CAN YOU LOOK AT THE INTERVIEW YOU GAVE TO
3 S.L.E.D. AND SEE IF THAT REFRESHES YOUR MEMORY
4 (HANDING)?

5 A. (WITNESS READS DOCUMENT.) YES, MA'AM.

6 Q. AND WHAT WAS THE CELL PHONE NUMBERS YOU HAD FOR
7 HER?

8 A. THEY WERE THE 404 NUMBERS.

9 Q. CAN YOU READ WHAT THEY WERE?

10 A. [REDACTED] AND [REDACTED]

11 Q. MAY I HAVE THAT BACK, PLEASE?

12 A. (COMPLIES.)

13 Q. DO YOU REMEMBER SETH STEARNS' NUMBERS?

14 A. NOT BY HEART, NO, MA'AM.

15 Q. I HAND YOU YOUR INTERVIEW TO REFRESH YOUR MEMORY.

16 A. IT'S GOT DOWN HERE SETH'S PHONE NUMBERS, AND IT
17 SAYS SUPERMAN'S PHONE NUMBERS, AND SETH WAS SUPERMAN,
18 THAT WAS HIS NICKNAME, SUPERMAN, SO THERE MUST HAVE BEEN
19 TWO LISTINGS IN MY PHONE FOR SETH STEARNS.

20 Q. AND WHAT WERE THOSE NUMBERS?

21 A. THE FIRST WOULD HAVE BEEN SETH, [REDACTED]; THE
22 OTHER NUMBER WAS [REDACTED]. AND THEN UNDER SUPERMAN IT'S
23 GOT [REDACTED] AND ---

24 Q. WHAT AREA CODES?

25 A. THOSE ARE ALL THOSE ARE 864 AREA CODES THERE.

1 I'M SORRY.

2 Q. THANK YOU.

3 A. BUT NOW, NOW MY BROTHER NEEDED TO USE MY PHONE
4 SOMETIMES, AND HE COULD HAVE PUT THOSE OTHER NUMBERS IN
5 THERE UNDER SUPERMAN. BUT SETH STEARNS WAS CALLED
6 SUPERMAN THAT'S WHO WE CALLED HIM.

7 Q. OKAY. DO YOU REMEMBER THE PHONE NUMBER YOU
8 CONTACTED AMANDA FORDHAM ON WHEN YOU WERE COOPERATING
9 WITH S.L.E.D. AND THEY WERE SURVEILLING THE PHONE
10 RECORDS?

11 A. I'M THINKING THAT IT WAS THE [REDACTED] WAS THE LAST
12 DIGITS OF IT, BECAUSE MY GRANDMOTHER'S NUMBER WAS
13 SIMILAR TO THAT, AND I REMEMBER THAT HER NUMBER WAS LIKE
14 MY GRANDMOTHER'S NUMBER AND THAT'S HOW I REMEMBERED IT.

15 Q. I'M GOING TO SHOW YOU TWO TRANSCRIPTIONS OF THOSE
16 PHONE CALLS TO REFRESH YOUR MEMORY. WHAT WAS THE PHONE
17 NUMBER YOU CALLED WHEN YOU CONTACTED AMANDA FORDHAM
18 UNDER THE SUPERVISION OF S.L.E.D.?

19 A. THE [REDACTED].

20 Q. THANK YOU.

21 MS. PORTER: I HAVE NOTHING FURTHER, YOUR
22 HONOR.

23 RECROSS-EXAMINATION BY MR. KAPPEL:

24 Q. HAVE YOU EVER REFERRED TO SETH STEARNS AS
25 SUPERMAN IN ANY OF THESE STATEMENTS?

1 A. NO. BUT EVERYBODY CALLED HIM SUPERMAN.

2 Q. ALL RIGHT. ANSWER MY QUESTION.

3 A. NO, SIR.

4 Q. THIS IS THE FIRST TIME YOU'VE EVER REFERRED TO
5 SETH STEARNS AS SUPERMAN, ISN'T THAT CORRECT, TO LAW
6 ENFORCEMENT IN THIS PROCEEDING?

7 A. LIKE I SAID, IT'S BEEN SO LONG, I CAN'T RECALL,
8 TO BE HONEST WITH YOU.

9 MR. KAPPEL: THAT'S ALL I HAVE. THANK YOU.

10 THE COURT: ALL RIGHT. YOU MAY STEP DOWN.

11 MS. PORTER: YOUR HONOR, AT THIS TIME WE
12 INSTRUCT THE WITNESS THAT HE IS UNDER SEQUESTRATION AND
13 HE CANNOT TALK ABOUT HIS TESTIMONY HERE TODAY WITH
14 ANYONE ELSE EXCEPT FOR I BELIEVE HIS LAWYER.

15 THE COURT: DO YOU UNDERSTAND THAT?

16 THE WITNESS: YES, SIR.

17 THE COURT: VERY GOOD.

18 THE WITNESS: THANK YOU.

19 (WHEREUPON, THE WITNESS WAS EXCUSED.)

20 THE COURT: APPROACH, PLEASE.

21 (WHEREUPON, COUNSEL APPROACHED THE BENCH AND
22 CONFERRED WITH THE COURT OUT OF THE PRESENCE
23 OF THE COURT REPORTER AND THE JURY.)

24 THE COURT: MADAM FORELADY, LADIES AND
25 GENTLEMEN OF THE JURY, I UNDERSTAND THE WITNESS MIGHT

1 NOT BE LENGTHY AND I WOULD LIKE TO MOVE THE CASE AS
2 QUICKLY AS WE CAN. SO I AM GOING TO SUGGEST THAT WE
3 CONTINUE BEFORE WE TAKE A BREAK FOR LUNCH.

4 YOU MAY CALL YOUR NEXT WITNESS.

5 MS. EVANS: YES. THE STATE CALLS NEYSA
6 CARON.

7 (WHEREUPON, THE WITNESS WAS SWORN BY THE
8 CLERK.)

9 THE CLERK: PLEASE STATE YOUR FULL NAME AND
10 SPELL YOUR LAST NAME FOR THE RECORD.

11 THE WITNESS: MY NAME IS NEYSA CARON,
12 N-E-S-Y-A, C-A-R-O-N.

13 WHEREUPON,

14 NEYSA CARON,

15 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS
16 FOLLOWS:

17 DIRECT EXAMINATION BY MS. EVANS:

18 Q. CAN YOU PLEASE TELL THE JURY WHERE YOU ARE
19 CURRENTLY EMPLOYED?

20 A. I AM CURRENTLY EMPLOYED AT THE OCONEE NUCLEAR
21 STATION IN SENECA.

22 Q. AND WHAT DO YOU DO THERE?

23 A. I'M A SECURITY GUARD THERE.

24 Q. AND WHERE WERE YOU EMPLOYED BEFORE YOU WORKED
25 THERE?

1 A. PRIOR TO JUNE OF 2007 WHEN I WENT TO WORK AT
2 OCONEE, I WAS A NARCOTICS AGENT IN THE COUNTY SHERIFF'S
3 OFFICE AND HAD BEEN WITH THE PICKENS COUNTY SHERIFF'S
4 OFFICE FOR ABOUT SEVEN YEARS.

5 Q. OKAY. AND WHAT WERE YOUR DUTIES WHEN YOU WERE
6 WITH THE PICKENS COUNTY SHERIFF'S DEPARTMENT?

7 A. I STARTED OUT AS A UNIFORMED PATROL OFFICER AND
8 THEN MOVED INTO NARCOTICS AND I ASSUMED THE DUTIES OF A
9 NARCOTICS AGENT, WHICH INCLUDED UNDERCOVER BUYS,
10 NARCOTICS INVESTIGATIONS, INVESTIGATE METH LABS, THAT
11 SORT OF THING.

12 Q. OKAY. AND WHEN DID YOU LEAVE PICKENS COUNTY?

13 A. I LEFT PICKENS COUNTY I BELIEVE ABOUT THE SECOND
14 WEEK IN JUNE 2007.

15 Q. AND WHY DID YOU LEAVE THERE?

16 A. I WENT TO DUKE ENERGY MAINLY BECAUSE THEY WERE
17 ABLE TO OFFER BENEFITS THAT WOULD NOT BE OBTAINABLE AT
18 THE SHERIFF'S OFFICE. IT WAS HARD TO LEAVE, THOUGH.

19 Q. YOU CAN'T GET RICH WORKING IN LAW ENFORCEMENT?

20 A. YOU CANNOT GET RICH WORKING IN LAW ENFORCEMENT.

21 Q. WERE YOU EMPLOYED WITH THE PICKENS COUNTY
22 SHERIFF'S DEPARTMENT IN APRIL OF 2004?

23 A. I WAS, YES.

24 Q. AND I'M SORRY. APRIL 2005, ALSO?

25 A. I WAS ALSO THERE IN 2005.

1 Q. AND WERE YOU INVOLVED IN AN UNDERCOVER DRUG
2 OPERATION THAT OCCURRED APRIL 5TH THROUGH THE 6TH OF
3 2005?

4 A. YES, I WAS.

5 Q. AND PLEASE TELL THE JURY WHAT YOUR DUTIES WERE
6 THAT NIGHT.

7 A. MY DUTIES WERE MINIMAL THAT NIGHT. I WAS
8 ACTUALLY A SURVEILLANCE AGENT THAT RODE WITH ANOTHER
9 AGENT AND WE PROVIDED SURVEILLANCE DURING THE DEAL, AND
10 AFTERWARDS WE FOLLOWED THE INFORMANT, WE KEPT CONTACT
11 WITH HIM AND FOLLOWED THE INFORMANT BACK TO THE MEETING
12 LOCATION.

13 Q. OKAY. LET'S GO BACK A LITTLE BIT. WHAT WAS YOUR
14 UNDERSTANDING OF WHAT WAS TO TRANSPIRE THAT EVENING?

15 A. MY UNDERSTANDING OF WHAT WAS GONNA HAPPEN WAS
16 THAT THERE WAS GOING TO BE A DEAL BETWEEN KENNY LAVENDER
17 AND CHAD SEXTON, WHICH CHAD SEXTON WOULD BE BRINGING AN
18 AMOUNT OF METHAMPHETAMINE TO KENNY, AND AFTER THE
19 DEAL -- AND THEY WERE GONNA DO THE DEAL, AND AFTERWARDS
20 WE WOULD MEET BACK AND CHAD WAS GONNA BE ARRESTED AND
21 TAKEN DOWN.

22 Q. AND WHO WERE YOU RIDING WITH THAT DAY?

23 A. I WAS RIDING WITH SERGEANT JIM BURRIS, HE WAS AT
24 THE TIME A SERGEANT IN THE NARCOTICS DIVISION WITH
25 GREENVILLE COUNTY SHERIFF'S OFFICE.

1 Q. CAN YOU DESCRIBE WHAT HE LOOKS LIKE.

2 A. HE HAD A PONYTAIL THEN, I HEARD IT'S BEEN CUT;
3 BUT HE'S PROBABLY IN HIS FORTIES, WITH SALT AND PEPPER
4 HAIR, BROWNISH.

5 Q. OKAY. AND WHERE WAS THE UNDERCOVER DEAL TO TAKE
6 PLACE?

7 A. I BELIEVE IT WAS SUPPOSED TO TAKE PLACE AT
8 LOWE'S. WE DIDN'T LEAVE THE ORIGINAL MEETING LOCATION
9 RIGHT AT THAT TIME. BUT THE TIME WE LEFT I BELIEVE WE
10 GOT A PHONE CALL THAT THE LOCATION HAD CHANGED TO THE
11 MCDONALD'S ON HIGHWAY 123 IN EASLEY; AND ME AND SERGEANT
12 BURRIS MOVED TO THE DAY'S INN RIGHT THERE NEXT TO
13 MCDONALD'S WHERE WE COULD SEE THE PARKING LOT.

14 Q. OKAY. AND GOING ON HIGHWAY 123 LOOKING TOWARDS
15 CLEMSON, WHICH SIDE OF THE ROAD IS MCDONALD'S ON?

16 A. IF YOU'RE GOING TOWARDS CLEMSON, MCDONALD'S IS ON
17 THE RIGHT.

18 Q. AND WHERE IS THE DAY'S INN IN RELATION TO THE
19 MCDONALD'S?

20 A. THE DAY'S -- THE MCDONALD'S IS ON THE RIGHT SIDE
21 OF THE ROAD AND THE DAY'S INN IS JUST PAST IT ALSO ON
22 THE RIGHT SIDE OF THE ROAD. THEY SIT NEXT TO EACH
23 OTHER.

24 Q. OKAY. AND DID YOU OBSERVE THE DEAL? COULD YOU
25 SEE FROM WHERE YOU WERE AT THE DAY'S INN?

1 A. WE COULD SEE -- KENNY GOT INTO CHAD'S CAR AND WE
2 COULD SEE THEM COME THROUGH THE DRIVETHROUGH, AND THEN
3 AFTER THE DEAL TRANSPIRED, WE WERE NOT PART OF, GOING TO
4 BE PART OF THE TAKEDOWN. WHEN THEY CAME IN AND WE SAW
5 CHAD HE WAS JUMPING SHRUBS AND CURBS AND TOOK OFF, BUT
6 WE MAINTAINED WITH MR. LAVENDER.

7 Q. EXPLAIN TO THE JURY WHAT YOUR AND SERGEANT
8 BURRIS'S ROLE WERE -- DID THE DEAL GO THE WAY IT WAS
9 SUPPOSED TO GO?

10 A. I HADN'T SEEN ONE THAT HAS YET.

11 Q. OKAY. SO YOU SAID HE TOOK OFF. WHAT KIND OF
12 VEHICLE WERE YOU AND SERGEANT BURRIS IN?

13 A. THE CARS CHANGE A LOT. I'M PRETTY SURE WE WERE
14 IN A TRUCK, IN A PICKUP TRUCK.

15 Q. WHO WAS DRIVING?

16 A. SERGEANT BURRIS WAS DRIVING; IT WAS ONE OF HIS
17 CARS.

18 Q. OKAY. AND SO WHAT DID YOU DO AFTER CHAD SEXTON
19 TAKES OFF, WHAT DO YOU AND SERGEANT BURRIS DO?

20 A. WE PULLED UP TO KENNY LAVENDER AND TOLD HIM GO
21 BACK TO THE MEETING LOCATION, AND WE MAINTAINED SIGHT
22 AND CONTACT WITH HIM BACK TO THE SPEEDWAY.

23 Q. WHERE WAS KENNY LAVENDER WHEN YOU WENT AND TOLD
24 HIM THAT?

25 A. HE HAD GOTTEN BACK TO HIS CAR IN THE MCDONALD'S

1 PARKING LOT.

2 Q. AT ANY TIME DURING THIS DID YOU EVER LOSE SIGHT
3 OF KENNY LAVENDER?

4 A. NO.

5 Q. ANY TIME LEAVING THE MCDONALD'S GOING BACK TO THE
6 FAIRGROUNDS, DID YOU LOSE SIGHT OF HIM?

7 A. NO.

8 Q. WHAT HAPPENED -- WAS THAT A PREDETERMINED
9 LOCATION THAT YOU WERE SUPPOSED TO MEET AT WITH KENNY
10 LAVENDER?

11 A. YES.

12 Q. WHAT HAPPENED WHEN YOU GOT THERE?

13 A. WHEN WE GOT THERE, KENNY GOT OUT OF THE TRUCK AND
14 HE HAD A BAG WITH A WHITE CRYSTAL SUBSTANCE THAT WAS
15 SUPPOSED TO BE METH IN HIS HAND, AND HE HANDED IT TO ME
16 AND I TOOK IT. DURING THE RIDE BACK WE WERE HEARING
17 SOME RADIO TRAFFIC AND SOME PHONE CONVERSATIONS THAT
18 THINGS WERE GOING WILD ON THE OTHER SIDE, SO I WASN'T
19 SURE THE LENGTH OF TIME THAT IT WOULD BE FOR A S.L.E.D.
20 AGENT TO BE BACK TO OUR LOCATION, SO WE, HE HANDED ME
21 THAT BAG AND I WENT AHEAD AND TOOK POSSESSION OF IT.

22 Q. OKAY. I'M GONNA SHOW YOU --

23 (STATE'S EX. # 5, CHAIN OF CUSTODY, FORM C,
24 S.L.E.D. TO CARON, WAS MARKED FOR
25 IDENTIFICATION.)

1 MR. KAPPEL: MAY I SEE THE EXHIBIT, PLEASE?

2 MS. EVANS: OH, I APOLOGIZE.

3 (COUNSEL CONFER.)

4 BY MS. EVANS:

5 Q. I'M GOING TO SHOW YOU WHAT HAS BEEN MARKED FOR
6 IDENTIFICATION PURPOSES AS STATE'S EXHIBIT NUMBER FIVE.
7 DO YOU RECOGNIZE THAT?

8 A. I DO. THIS IS A FORM.

9 Q. OKAY. DO YOU RECOGNIZE IT?

10 A. I DO. I RECOGNIZE IT BY MY SIGNATURE AT THE
11 BOTTOM.

12 MS. EVANS: YOUR HONOR, AT THIS TIME I WOULD
13 LIKE TO MOVE WHAT'S BEEN MARKED FOR IDENTIFICATION
14 PURPOSES AS STATE'S EXHIBIT FIVE INTO EVIDENCE.

15 THE COURT: ANY OBJECTION?

16 MR. KAPPEL: NO OBJECTION.

17 THE COURT: WITHOUT OBJECTION, STATE'S
18 EXHIBIT FIVE WILL BE ADMITTED.

19 (STATE'S EXHIBIT # 5 WAS RECEIVED IN
20 EVIDENCE.)

21 BY MS. EVANS:

22 Q. TELL THE JURY WHAT THAT IS.

23 A. BASICALLY A CHAIN OF CUSTODY FOR THE SUBSTANCE I
24 TOOK INTO MY POSSESSION, AND IT'S WHERE I TOOK IT IN MY
25 POSSESSION FROM KENNY LAVENDER, AND THEN FROM ME I GAVE

1 IT TO S.L.E.D. AGENT CONIE SONNEFELD AND IT HAS
2 SIGNATURES AND A DESCRIPTION OF THE SUBSTANCE ON THE
3 FORM.

4 Q. OKAY. AND WHAT DID YOU TAKE OFF OF KENNY
5 LAVENDER?

6 A. IT WAS A PLASTIC BAGGIE, I BELIEVE IT WAS A
7 GALLON-SIZE BAGGIE WITH A WHITE, CRYSTAL-LIKE SUBSTANCE
8 IN IT. IT DIDN'T FILL IT, I DON'T BELIEVE, BUT IT WAS
9 ABOUT A QUARTER FULL.

10 Q. APPROXIMATELY -- HOW -- FROM THE TIME YOU TOOK
11 THAT FROM KENNY LAVENDER, AND HE HAD BEEN UNDER YOUR,
12 YOU WATCHED HIM THE WHOLE ENTIRE TIME, WAS THAT BAG IN
13 YOUR CONSTANT CARE AND SUPERVISION FROM THE TIME YOU HAD
14 IT FROM KENNY LAVENDER TO THE TIME YOU GAVE TO SPECIAL
15 AGENT SONNEFELD?

16 A. YES. I KEPT IT IN MY POSSESSION WHILE I WAITED
17 ON CONIE.

18 Q. AND DID YOU TAKE ANYTHING FROM THAT BAG, PUT
19 ANYTHING IN THAT BAG? WAS IT IN THE SAME CONDITION WHEN
20 YOU TURNED IT INTO SPECIAL AGENT CONIE SONNEFELD?

21 A. NO, I DID NOT PUT ANYTHING IN OR TAKE ANYTHING
22 OUT OF THE BAG, AND, YES, IT WAS IN THE SAME CONDITION.

23 Q. AND WHY DO YOU FILL OUT THOSE TYPE OF FORMS?

24 A. IT'S A RECORD OF EXACTLY LIKE IT SAYS, A CHAIN OF
25 CUSTODY OF EACH PERSON WHO HAS EVER TOUCHED THAT

1 SUBSTANCE.

2 Q. HOW LONG WAS IT BEFORE SPECIAL AGENT CONIE
3 SONNEFELD ARRIVED WHERE YOU WERE AT THE LOCATION?

4 A. IT WASN'T LONG. I WAS ACTUALLY SURPRISED. I
5 BELIEVE IT WAS ONLY ABOUT 15 MINUTES OR SO BEFORE SHE
6 WAS ABLE TO, ABLE TO -- AN OFFICER WAS ABLE TO BRING HER
7 BACK THERE.

8 Q. AND DID YOU HAVE ANY OTHER INVOLVEMENT THAT NIGHT
9 WITH THIS CASE?

10 A. NO.

11 MS. EVANS: BEG THE COURT'S INDULGENCE.

12 I DON'T HAVE ANY FURTHER QUESTIONS.

13 THE COURT: CROSS-EXAMINE?

14 MR. KAPPEL: JUDGE, I WOULD LIKE FOR HER TO
15 GET BACK TO HER JOB TO GUARD THE NUCLEAR PLANT, SO I
16 HAVE NOTHING.

17 THE COURT: EXCUSE THE WITNESS?

18 MR. KAPPEL: YES, SIR.

19 MS. EVANS: WE ARE EXCUSING HER FROM HER
20 SUBPOENA. THANK YOU VERY MUCH.

21 (WHEREUPON, THE WITNESS WAS EXCUSED.)

22 THE COURT: DO YOU THINK THE NEXT ONE WOULD
23 BE A LITTLE LONGER?

24 MS. EVANS: SLIGHTLY.

25 THE COURT: MADAM FORELADY, LADIES AND

1 GENTLEMEN OF THE JURY, IF IT TAKES 20 MINUTES, DO YOU
2 WANT TO GO AHEAD AND TAKE THE WITNESS?

3 (JURY CONFERS.)

4 THE FORELADY: YES.

5 MS. EVANS: THE STATE CALLS SPECIAL AGENT
6 CONIE SONNEFELD.

7 (WHEREUPON, THE WITNESS WAS SWORN BY THE
8 CLERK.)

9 THE CLERK: PLEASE STATE YOUR FULL NAME AND
10 SPELL YOUR LAST NAME FOR THE RECORD.

11 THE WITNESS: MY NAME IS CONSTANCE
12 SONNEFELD, C-O-N-S-T-A-N-C-E, S-O-N-N-E-F-E-L-D.
13 WHEREUPON,

14 CONSTANCE SONNEFELD,
15 AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS
16 FOLLOWS:

17 DIRECT EXAMINATION BY MS. EVANS:

18 Q. SPECIAL AGENT SONNEFELD, BEFORE I ASK YOU ANY
19 QUESTIONS, I HAVE TO HAVE TWO THINGS MARKED FOR
20 IDENTIFICATION PURPOSES.

21 (STATE'S EX. # 6, CHAIN OF CUSTODY FORM C,
22 WAS MARKED FOR IDENTIFICATION.)

23 (STATE'S EX. # 7, CHAIN OF CUSTODY FORM C,
24 WAS MARKED FOR IDENTIFICATION.)

25

1 BY MS. EVANS:

2 Q. SPECIAL AGENT SONNEFELD, WHERE ARE YOU EMPLOYED?

3 A. I WORK FOR THE STATE LAW ENFORCEMENT DIVISION.

4 Q. AND HOW LONG HAVE YOU BEEN WORKING FOR S.L.E.D.?

5 A. ALMOST SEVEN YEARS.

6 Q. WOULD YOU PLEASE TELL THE JURORS YOUR BACKGROUND
7 IN LAW ENFORCEMENT?

8 A. YES, MA'AM. I GRADUATED FROM THE UNIVERSITY OF
9 NORTH CAROLINA WITH A BACHELOR OF ARTS IN CRIMINAL
10 JUSTICE. I GRADUATED FROM THE SOUTH CAROLINA CRIMINAL
11 JUSTICE ACADEMY IN OCTOBER OF 1998. I WAS EMPLOYED BY
12 THE UNIVERSITY OF SOUTH CAROLINA POLICE DEPARTMENT AS A
13 PATROL OFFICER FOR APPROXIMATELY TWO AND A HALF YEARS,
14 AND IN FEBRUARY OF 2001 I WAS HIRED BY THE STATE LAW
15 ENFORCEMENT DIVISION AS A NARCOTICS AGENT, AND IN APRIL
16 OF 2001 I JOINED THE STATE GRAND JURY NARCOTICS UNIT.

17 Q. AND HAVE YOU BEEN WORKING WITH THE STATE GRAND
18 JURY NARCOTICS UNIT SINCE 2001?

19 A. YES, MA'AM.

20 Q. ALL RIGHT. WHAT TYPE OF CONTINUING EDUCATION DO
21 YOU HAVE FOR YOUR, TO WORK IN THE STATE GRAND JURY
22 NARCOTICS SECTION?

23 A. WE GO THROUGH TRAINING EVERY YEAR TO INCLUDE WHAT
24 ALL LAW ENFORCEMENT OFFICERS GO THROUGH, WHICH IS YOUR
25 IN-SERVICE TRAINING, YOUR FIREARMS TRAINING, YOUR LEGAL

1 UPDATES; BUT WE ALSO GO THROUGH OTHER CLASSES
2 SPECIFICALLY FOR NARCOTICS WHEN WE CAN, WHEN WE ARE
3 INVITED TO GO, WHEN WE ARE ALLOWED TO GO.

4 Q. AND WERE YOU INVOLVED IN A STATE GRAND JURY DRUG
5 CASE TITLED ICE CREAM?

6 A. YES, MA'AM.

7 Q. WERE YOU THE CASE AGENT?

8 A. NO, MA'AM.

9 Q. WHO WAS THE CASE AGENT?

10 A. MAX DORSEY.

11 Q. CAN YOU BRIEFLY DESCRIBE -- YOU SAID YOU JOINED
12 THE TEAM AT THE STATE GRAND JURY NARCOTICS. CAN YOU
13 BRIEFLY DESCRIBE, IF YOU ARE NOT THE CASE AGENT, WHAT
14 ARE SOME OF YOUR DUTIES WORKING ON A CASE?

15 A. WE HAVE SUPPORTIVE ROLES AND WE ASSIST IN
16 CONDUCTING SURVEILLANCE OR ASSIST IN INTERVIEWING
17 PEOPLE. WE SOMETIMES ACT IN AN UNDERCOVER CAPACITY TO
18 ASSIST IN UNDERCOVER BUYS.

19 Q. ALL RIGHT. AND DID YOU DO CERTAIN FUNCTIONS LIKE
20 THAT IN THIS CASE?

21 A. YES, MA'AM.

22 Q. ALL RIGHT. I'M GONNA DRAW YOUR ATTENTION TO
23 APRIL 5TH, 2006. DO YOU REMEMBER AN APPROACH THAT WAS
24 DONE OF KENNY LAVENDER?

25 A. I WAS NOT PRESENT DURING THE APPROACH OF KENNY

1 LAVENDER.

2 Q. OKAY. AT SOME POINT -- AND I'M GONNA GO AHEAD
3 AND SHOW WHAT'S BEEN MARKED -- I'M GOING TO SHOW YOU --

4 MS. EVANS: HOLD ON A SECOND. I BEG THE
5 COURT'S INDULGENCE. HERE THEY ARE. I APOLOGIZE.
6 BY MS. EVANS:

7 Q. I'M GONNA SHOW YOU WHAT I JUST GOT MARKED FOR
8 IDENTIFICATION PURPOSES AS STATE'S EXHIBIT NUMBER SIX.
9 CAN YOU PLEASE LOOK AT THAT AND DO YOU RECOGNIZE THAT?

10 A. YES, MA'AM.

11 Q. AND WHOSE SIGNATURE APPEARS ON THE BOTTOM?

12 A. MINE.

13 (COUNSEL CONFER.)

14 MS. EVANS: YOUR HONOR, AT THIS TIME I'D
15 LIKE TO MOVE WHAT'S BEEN MARKED FOR IDENTIFICATION
16 PURPOSES AS STATE'S EXHIBIT NUMBER SIX INTO EVIDENCE.

17 THE COURT: ANY OBJECTION?

18 MR. KAPPEL: JUDGE, I HAVE TO PUT AN
19 OBJECTION IN THE RECORD I NEGLECTED PREVIOUSLY. I JUST
20 OBJECT ON THE GROUNDS OF RELEVANCE.

21 THE COURT: VERY WELL. OVERRULED.

22 (STATE'S EXHIBIT # 6 WAS RECEIVED IN
23 EVIDENCE.)

24 BY MS. EVANS:

25 Q. PLEASE TELL THE JURORS WHAT THAT IS.

1 A. IT'S A CHAIN OF CUSTODY FORM C.

2 Q. OKAY. AND CAN YOU PLEASE, GOING FROM THE TOP,
3 WHAT DID YOU RECEIVE?

4 A. THE ITEMS I RECEIVED: ONE CLEAR PLASTIC BAG
5 CONTAINING ICE-LIKE SUBSTANCE, ONE GREEN BOX CONTAINING
6 ONE BAG OF GREEN PLANT MATERIAL, G.P.M.; ONE RED PLASTIC
7 CONTAINER WITH CLEAR PLASTIC BAG THAT CONTAINS ICE-LIKE
8 SUBSTANCE, CLEAR PLASTIC BAG CONTAINING ICE-LIKE
9 SUBSTANCE, CLEAR PLASTIC BAG CONTAINING G.P.M., GREEN
10 PLANT MATERIAL; CLEAR PLASTIC BAG CONTAINING 34 WHITE
11 TABLETS, EIGHT PINK TABLETS, AND THREE HALF WHITE
12 TABLETS.

13 Q. WHAT'S THE DATE YOU RECEIVED THAT?

14 A. APRIL 7TH, 2005.

15 Q. AND WHO DID YOU RECEIVE THAT FROM?

16 A. MAX DORSEY.

17 Q. WHAT DID YOU DO WITH THESE DRUGS?

18 A. I TURNED THEM IN TO THE S.L.E.D. NARCOTICS DROP
19 BOX.

20 Q. WOULD YOU PLEASE EXPLAIN TO THE JURY WHAT THE
21 S.L.E.D. NARCOTICS DROP BOX IS?

22 A. WE CALL IT THE BACK, IT'S WHERE THE NARCOTICS
23 AGENTS, THE VICE AGENTS GATHER, THEY HAVE TABLES AND
24 SUCH IN THE BACK ROOM. THERE'S A LARGE, USED TO BE A
25 LARGE METAL BOX BACK THERE THAT WE WOULD DROP OUR DRUG

1 EVIDENCE INTO AFTER IT HAD BEEN SEALED IN A S.L.E.D.
2 B.E.S.T. KIT.

3 Q. OKAY. AND CAN YOU PLEASE EXPLAIN TO THE JURY
4 WHAT SEALING IN A B.E.S.T. EVIDENCE BAG KIT IS?

5 A. YES. THERE IS A KIT THAT WE CARRY AROUND FOR
6 WHEN WE SEIZE OR BUY DRUGS. THERE ARE VARIOUS FORMS
7 THAT GO INTO THIS KIT, BUT THERE IS ALSO A CLEAR PLASTIC
8 BAG THAT AT THE TOP HAS A PLASTIC PIECE THAT YOU PULL
9 APART, AND YOU PUT YOUR EVIDENCE IN IT AS WELL AS A
10 FORM, AND YOU FOLD THE FLAP DOWN ON TOP SO IT SEALS OR
11 STICKS TOGETHER SO THAT IT CAN'T BE TAMPERED WITH.

12 Q. AND WHAT'S THE ONLY WAY THAT YOU CAN GET INTO
13 THAT BAG ONCE IT'S SEALED?

14 A. YOU HAVE TO CUT IT OPEN.

15 Q. OKAY. AND WERE THOSE ITEMS THAT YOU RECEIVED
16 FROM LIEUTENANT DORSEY IN A B.E.S.T. EVIDENCE BAG?

17 A. YES, MA'AM.

18 Q. WAS HE A SPECIAL AGENT AT THE TIME YOU RECEIVED
19 IT FROM HIM?

20 A. YES, MA'AM.

21 Q. OKAY. LET'S DRAW YOUR ATTENTION TO APRIL 5TH,
22 2005, GOING INTO APRIL 6TH, 2005. WERE YOU INVOLVED IN
23 AN UNDERCOVER DEAL BETWEEN KENNY LAVENDER AND CHAD
24 SEXTON?

25 A. YES, MA'AM.

1 Q. PLEASE EXPLAIN TO THE JURY WHAT YOUR ROLE WAS
2 SUPPOSED TO BE IN THAT UNDERCOVER DEAL.

3 A. I WAS GOING TO BE ONE OF THE SURVEILLANCE AGENTS,
4 AND ALSO THERE WAS GONNA BE AN ARREST OF CHAD SEXTON AND
5 I WAS GONNA BE A PART OF THE TAKEDOWN TEAM.

6 Q. ALL RIGHT. AND WHO WERE YOU WITH THAT NIGHT?

7 A. I WAS WITH A NUMBER OF SURVEILLANCE AGENTS FROM
8 S.L.E.D., PICKENS COUNTY, GREENVILLE COUNTY, AND A.T.F.

9 Q. AND WHERE WERE YOU LOCATED ONCE THE DEAL WAS SET
10 UP AND IT WAS GETTING READY TO GO DOWN?

11 A. I WAS IN ONE OF THE SURVEILLANCE CARS PARKED KIND
12 OF BEHIND A BANK THAT WAS LOOKING ACROSS THE STREET TO
13 THE MCDONALD'S.

14 Q. OKAY. AND WHERE WAS THIS MCDONALD'S?

15 A. IT WAS IN EASLEY.

16 Q. OKAY. AND WAS ANYONE IN THE CAR WITH YOU?

17 A. YES, MA'AM. I BELIEVE IT WAS THE A.T.F. AGENT
18 THAT WAS WITH ME IN THE CAR, AND I THINK THERE WERE TWO
19 OTHER SURVEILLANCE AGENTS THAT WERE IN THE CAR WITH ME,
20 BUT I'M NOT SURE WHICH ONES.

21 Q. OKAY. AND COULD YOU SEE THE MCDONALD'S FROM
22 WHERE YOU WERE?

23 A. YES, MA'AM.

24 Q. AND PLEASE TELL THE JURORS WHAT YOU SAW HAPPEN
25 THAT NIGHT.

1 A. ONCE WE SET UP IN THE PARKING LOT OF THE BANK, WE
2 NOTED THAT THE CONFIDENTIAL INFORMANT DROVE IN AND HAD
3 PARKED HIS CAR. WE SAW A WHITE FORD TRUCK AND IT PULLED
4 INTO THE PARKING LOT, AS WELL. WE WATCHED AS THE
5 CONFIDENTIAL INFORMANT GOT INTO THE FORD TRUCK, AND THEN
6 THEY DROVE AROUND TO GO THROUGH THE DRIVETHROUGH OF THE
7 MCDONALD'S.

8 AFTER THEY GOT THROUGH THE DRIVETHROUGH AT THE
9 MCDONALD'S, THEY SAT THERE FOR A FEW MINUTES AND THEN WE
10 WERE GIVEN THE INFORMATION OR THE TERM OR THE TAKEDOWN
11 TERM FOR WHEN EVERYBODY COMES IN AND TRIES TO INITIATE
12 THE ARREST.

13 Q. OKAY. WHAT DID YOU SEE HAPPEN?

14 A. AFTER WE CAME IN TO DO THE, TO DO THE TAKEDOWN, I
15 STEPPED OUT OF THE CAR THAT I WAS IN, AND ALL OF A
16 SUDDEN THE WHITE TRUCK JUST STARTED TO MOVE. I MEAN,
17 THEY WERE GIVING COMMANDS TO THE DRIVER OF THE WHITE
18 TRUCK. THE DRIVER OF THE WHITE TRUCK STARTED TO DRIVE
19 OFF AND IT WENT THROUGH THE HEDGES NEXT TO THE
20 MCDONALD'S, DOWN THE DITCH AND THROUGH THE ROCKS THAT
21 WERE IN THE DITCH SEPARATING THE TWO PARKING AREAS, AND
22 IT WENT BACK ONTO THE ROAD AND STARTED TO DRIVE DOWN
23 THROUGH EASLEY.

24 Q. DESCRIBE THE SIZE OF THE DITCH.

25 A. IT WAS A LARGE DITCH. IT WAS A LARGE DITCH WITH

1 REALLY BIG ROCKS IN THE BOTTOM OF THE DITCH.

2 Q. AND WHAT DID THE TRUCK DO THEN?

3 A. IT CONTINUED TO GO DOWN. AND I GOT BACK IN THE
4 CAR WITH THE OTHER AGENTS THAT I WAS WITH, AND WE
5 STARTED TO FOLLOW THE TRUCK. AND THEN I NOTICED THAT
6 THERE WERE AT LEAST TWO PATROL UNITS, THE MARKED UNITS
7 THAT WENT FLYING PAST WITH THEIR BLUE LIGHTS AND SIRENS
8 ON.

9 AND ABOUT A MILE MAYBE DOWN THE ROAD WE SAW THE
10 TRUCK; IT HAD PULLED INTO A PARKING SPACE OR A PARKING
11 LOT AND TURNED AROUND, AND IT WAS FACING THE INTERSTATE
12 OR THE HIGHWAY. WE ALL KIND OF SURROUNDED THE TRUCK AND
13 EVERYBODY STARTED TO GET OUT AND STARTED TO INITIATE THE
14 COMMANDS TO THE DRIVER.

15 THERE WAS, ONE OF THE GREENVILLE COUNTY UNMARKED
16 TRUCKS WAS DIRECTLY IN FRONT OF THE WHITE FORD TRUCK
17 SITTING THERE TRYING TO BLOCK IT SO THAT, YOU KNOW, THE
18 DRIVER COULDN'T MOVE, AND THE WHITE TRUCK JUST STARTED
19 TO PULL FORWARD AND RAMMED STRAIGHT INTO THE GREENVILLE
20 COUNTY TRUCK.

21 IT KIND OF GOT HECTIC. THERE WERE SOME SHOTS
22 THAT WERE FIRED. AND ONE OF THE GREENVILLE COUNTY GUYS
23 CAME AND BUSTED THE WINDOW OF THE TRUCK. THE DRIVER WAS
24 TASED AND HE WAS TAKEN FROM THE INSIDE OF THE TRUCK AND
25 PUT ON THE GROUND. AND HE TOLD US THAT HE HAD BEEN SHOT

1 SO WE CALLED E.M.S. HE WAS PUT IN -- THE HANDCUFFS WERE
2 PUT BEHIND HIM AND E.M.S. CAME AND TOOK HIM, TOOK HIM TO
3 THE EMERGENCY ROOM.

4 Q. APPROXIMATELY WHERE ARE YOU STANDING DURING THIS
5 TIME FRAME?

6 A. THE TRUCK IS FACING FROM THE PARKING LOT OUT TO
7 THE ROAD. I'M IN ONE OF THE CARS BACK OVER HERE TOWARDS
8 THE REAR OF THE TRUCK. (DEMONSTRATING.)

9 Q. WERE YOU ONE OF THE ONES THAT SHOT?

10 A. NO, I WAS NOT.

11 Q. OKAY. AFTER ALL THAT WENT DOWN, WHAT DID YOU DO
12 THEN?

13 A. AFTER ALL THAT WENT DOWN, OF COURSE, OTHER
14 INVESTIGATORS WERE CALLED FROM THE EASLEY POLICE
15 DEPARTMENT, FROM S.L.E.D., AS WELL, TO INVESTIGATE THE
16 REST OF THE SCENE. AND I WAS ASKED BY MAX DORSEY IF I
17 COULD GO BACK TO THE ORIGINAL MEETING LOCATION IN
18 PICKENS COUNTY TO TAKE A STATEMENT FROM THE CONFIDENTIAL
19 INFORMANT AND TO SECURE THE METHAMPHETAMINE, THE DRUGS
20 THAT WERE, THAT WERE BOUGHT.

21 Q. OKAY. AND WHO WAS THERE WHEN YOU GOT -- WHAT WAS
22 THAT PREDETERMINED LOCATION?

23 A. IT WAS THE GREENVILLE-PICKENS SPEEDWAY.

24 Q. OKAY. AND WHO WAS THERE WHEN YOU GOT THERE?

25 A. NEYSA CARON WAS THERE FROM PICKENS COUNTY,