

22638

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Roger M. Young, Sr. Circuit Court Judge

Case No. 2011-GS-10-5527, 5528, 5531  
Appellate Case No. 2014-001051

**RECEIVED**  
DEC 29 2015  
SC Court of Appeals

THE STATE, ..... Respondent,

v.

JOSEPH TODD ROWLAND, ..... Appellant.

**RECORD ON APPEAL**

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1637 Savannah Highway, Suite 202  
Charleston, SC 29407  
(843) 225-2520  
  
Counsel for Appellant

Alan Wilson  
Attorney General  
  
Mark R. Farthing  
Assistant Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
  
Scarlett A. Wilson  
Solicitor, Ninth Judicial Circuit  
O.T. Wallace Building  
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Charleston, SC 29401  
(843) 958-1900  
  
Counsel for Respondent

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.
Joseph Todd Rowland
AKA:
Race: WHITE Sex: M Age: 30
DOB: SS#:
Address: 31 Woodleaf Court
City, State, Zip: Charleston, SC 29407-0000
DL#: 011303469 SID#: SC01437446

INDICTMENT/CASE#: 2011GS1005527
A/W#: M611692
Date of Offense: 6/3/2011
S.C. Code §: 44-53-0370(e)(2)(b)i
CDR Code #: 2359

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Trafficking in cocaine, 28 to 100 grams, 2nd offense (7-30)

in violation of § 44-53-0370(e)(2)(b)2 of the S.C. Code of Laws, bearing CDR Code # 0388
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) § 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

Blender 72656
Lindor, Stephanie B. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$9.40, TOTAL \$280.40

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, § 47.12 requires \$500 to be paid to Clerk during probation.
Presiding Judge
Judge Code: 2139
Sentence Date: 5/13/14

Clerk of Court/ Deputy Clerk: Amanda Hadden
Court Reporter:
SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS. Joseph Todd Rowland
AKA:
Race: WHITE Sex: M Age: 30
DOB: SS#:
Address: 31 Woodleaf Court
City, State, Zip: Charleston, SC 29407-0000
DL#: 011303469 SID#: SC01437446

INDICTMENT/CASE#: 2011GS1005528
A/W#: M611693
Date of Offense: 6/3/2011
S.C. Code §: 44-53-0370(b)(2)
CDR Code #: 0186

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: PWID/Dist. of Marijuana or other Sch. I, II, III drug, 1st Offense

CONVICED OF or PLEADS

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Stephanie B. Linden SC Bar# Defendant
Stephanie B. Linden 72656 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS
days/hours Public Service Employment

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$8.40, TOTAL \$208.40

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
prmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.
Presiding Judge
Judge Code: 2139
Sentence Date: 5/13/14

Clerk of Court/ Deputy Clerk: Amanda H. Borden
Court Reporter:
SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.
Joseph Todd Rowland
AKA:
Race: WHITE Sex: M Age: 30
DOB: SS#:
Address: 31 Woodleaf Court
City, State, Zip: Charleston, SC 29407-0000
DL#: 011303469 SID#: SC01437446

INDICTMENT/CASE#: 2011GS1005531
A/W#: M611696
Date of Offense: 6/3/2011
S.C. Code §: 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Possession of a Firearm or Knife During Commission of a Violent Crime (5) CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC § 17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

STEPH BLINDER 721656
Under, Stephanie B. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 days/months/year or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk:
Court Reporter:
SCCA/217 (03/2011)

Presiding Judge:
Judge Code: 2134
Sentence Date: 5/12/14

STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON 2011-GS-10-5527  
2011-GS-10-5528  
2011-GS-10-5531

STATE OF SOUTH CAROLINA )  
 ) TRANSCRIPT OF RECORD  
 -vs- )  
 ) May 12-13, 2014  
 JOSEPH TODD ROWLAND, )  
 ) Charleston, South Carolina  
 Defendant. )

B E F O R E:

The Honorable Roger M. Young, Sr., Judge.  
The Honorable Thomas L. Hughston, Judge.

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

Stephanie Bianco Linder, Assistant Solicitor  
Randell Stoney, Assistant Solicitor  
Attorneys for the State

William Runyon, Esquire  
Attorney for the Defendant

Amanda K. Haffenden, RPR, CRR  
Circuit Court Reporter

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Keith Sumner	45	51	119	139
	149	151	--	--
Brandon Ratliff	55 185	62 189	-- --	-- --
Jennifer Habbestad	91	104	--	--
Randall Unterbrink	106	111	--	--
Jennifer Wooley	112	115	117	117
Elizabeth Mitchell	156	160	170	173
William Olson	175	178	183	184
Linda Wilson	193	196	--	--

1	E X H I B I T S			
2	NO.	DESCRIPTION	ID.	EV.
3	State's 1	Photograph	122	122
4	State's 2	Photograph	124	124
5	State's 3	Photograph	124	124
6	State's 4	Photograph	124	124
7	State's 5	Photograph	124	124
8	State's 6	Photograph	124	124
9	State's 7	Photograph	124	124
10	State's 8	Photograph	124	124
11	State's 9	Photograph	124	124
12	State's 10	Photograph	124	124
13	State's 11	Photograph	124	124
14	State's 12	Photograph	124	124
15	State's 13	Photograph	124	124
16	State's 14	Photograph	124	124
17	State's 15	Photograph	124	124
18	State's 16	Photograph	124	124
19	State's 17	Photograph	124	124
20	State's 18	Photograph	124	124
21	State's 19	Photograph	124	124
22	State's 20	Photograph	124	124
23	State's 21	Gun	110	110
24	State's 22	Drugs	195	195
25	State's 23	Drugs	195	195

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E X H I B I T S

NO.	DESCRIPTION	ID.	EV.
State's 24	Telephone	200	200
State's 25	Telephones	200	200
State's 26	Baggies	178	178
State's 28	Misc. Paperwork	178	178
State's 29	Drug book	189	189
State's 30	Scales	178	178
State's 31	Ledger	178	178
State's 32	Drug report	170	170
State's 34	Cellphone reports	204	204
State's 35	Cellphone reports	204	204

1 (May 12, 2014.)

2 THE COURT: All right. Are you Joseph Todd  
3 Rowland?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Stand up. Mr. Rowland, you're  
6 getting ready to go to trial.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You are indicted for trafficking  
9 cocaine. It could get you up to 25 years in prison,  
10 minimum of seven, possession with intent to distribute  
11 marijuana, zero to five, unlawful possession of a stolen  
12 weapon, zero to five, possession of a firearm during  
13 commission of a violent crime, zero to five.

14 Mr. Runyon is your lawyer, tells me you want  
15 to go to trial; is that right?

16 THE DEFENDANT: That's correct, sir. I've  
17 been waiting for trial three years. This case is three  
18 years old.

19 THE COURT: We're about to start now and  
20 accommodate you. I just wanted to make sure that we have  
21 on the record that you have turned down a plea offer that  
22 reduces your exposure substantially to the amount of time  
23 that you would spend in prison. The offer is getting  
24 ready to expire once we get a jury. Mr. Runyon tells me  
25 that if you were to take their plea offer, you would be

1 out of jail in about a year. If you don't take their  
2 offer, and you go to trial and you get convicted, I don't  
3 know what you'll get, but you are exposed to, on the one  
4 charge, a minimum of -- a maximum of 25 years, a minimum  
5 of seven. Nothing I can do about that to help you out.

6 But I do want to make sure that you  
7 understand that you are facing quite a bit of time in  
8 jail. The fact that the cocaine charge, if you were to  
9 get maxed out on that at 25, firearm charge, five, two of  
10 those and then the PWID on distribution, you're looking  
11 at 40 years in prison.

12 Do you understand that?

13 THE DEFENDANT: That's correct, sir.

14 THE COURT: Do you want to take your chances  
15 with a jury trial?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right.

18 THE DEFENDANT: Could I put something on the  
19 record, Your Honor?

20 THE COURT: Sure.

21 THE DEFENDANT: This case is three years old,  
22 which puts the prosecution in violation of my speedy  
23 trial rights, and my initial appearance took place in  
24 front of chief Judge McDonald May 24, 2013, which gives  
25 the deposition date of September 24, 2013 to be resolved

1 in a timely matter, which puts the prosecution in  
 2 violation of my speedy trial right under Title 18, Part  
 3 2, Chapter 2, 3161, deadlines and exclusions from 120  
 4 days initial appearance, Cooperative Case Management  
 5 administrative order from the South Carolina Supreme  
 6 Court, which Judge Dennis put into effect.

7 And I assert prejudice due to the fact of the  
 8 State's failure to comply with that procedure.

9 THE COURT: How does that prejudice you?

10 THE DEFENDANT: This case is three years old,  
 11 Your Honor.

12 THE COURT: How does that prejudice you?

13 THE DEFENDANT: I was in jail two years with  
 14 no bond, and she did not move forward with this case.

15 THE COURT: Again, what is the prejudice?  
 16 What has changed that would be detrimental to you if you  
 17 went to trial now? You would get credit for the time  
 18 that you served, if you got convicted. Is there evidence  
 19 missing or witness?

20 THE DEFENDANT: There is a lot of  
 21 insufficient evidence in this case.

22 THE COURT: We'll find out about that. I  
 23 don't know.

24 THE DEFENDANT: Detective Ratliff has been  
 25 demoted off narcotics, which makes him unreliable as a

1 government witness.

2 THE COURT: Doesn't that benefit you?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: As opposed to prejudice you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Well, then, you got to show  
7 prejudice on you.

8 THE DEFENDANT: I'm asserting prejudice on  
9 everything, Your Honor.

10 THE COURT: Okay. You've made a record. All  
11 of these things you'll be able to argue on appeal if you  
12 get convicted.

13 You're turning down a deal that would get you  
14 out of prison in substantially less than time than if you  
15 get convicted. That's my sole purpose in bringing this  
16 up.

17 THE DEFENDANT: I'm just requesting for  
18 suppression hearing.

19 THE COURT: Well, you got a lawyer. Any  
20 motions that you need to make he'll make. You don't get  
21 to make motions.

22 MR. RUNYON: We anticipated the question of  
23 drawing the jury and then introduction of evidence, and  
24 any suppression will be addressed at that time and then  
25 we'll go on with the trial.

1 THE COURT: All right.

2 MR. RUNYON: Pending your decision.

3 THE COURT: We'll deal with all that in good  
4 time. Just -- if you get convicted, I want you to know  
5 that the minimum amount of time that you serve will be  
6 substantially more than it would be if you got  
7 convicted -- or if you pled to the offer that you got  
8 made. That is my sole purpose, so you can't come back  
9 later and say, well, I had no idea. If I would have  
10 taken that -- if I had known of that offer, I would have  
11 taken that offer.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: That's my sole purpose in this  
14 discussion. None other. I'm not trying to talk you into  
15 taking it. I'm not telling you that I'm going to punish  
16 you for going to trial. I don't know anything about the  
17 evidence in the case. I don't know anything about this  
18 case. I just got it this morning.

19 THE DEFENDANT: Your Honor, I suggest you not  
20 go forward with this case. This case got more holes than  
21 Fruit Loops. I'm not trying to make a joke, but I'm  
22 serious.

23 THE COURT: We'll find out. We'll find out.

24 All right. You want to say something, Ms.  
25 Linder?

1 MS. LINDER: I didn't know if you wanted to  
2 clarify on the record some of the things Mr. Rowland  
3 brought up from the time he was initially charged --

4 THE COURT: If you would like to put that on  
5 the record, that would be fine.

6 MS. LINDER: Your Honor, I would.

7 Mr. Rowland explained he was in jail for two  
8 years without bond. What it was is he got his first set  
9 of charges. He was released on bond with special  
10 conditions. He then picked up a second set of charges.  
11 At that time the State did move forward to revoke his  
12 bond, based on violations of his previous bond, including  
13 some special conditions.

14 At that time his bond was revoked by a  
15 circuit judge, and then as far as his complaining, I  
16 believe he was attempting to say something about Judge  
17 McDonald hearing this in May of '13. What that was, Your  
18 Honor, the weekend before Memorial weekend we were first  
19 up for trial, and at that time he had Mr. Bobby Howell  
20 representing him and then it became an issue.

21 Mr. Howell said Mr. Rowland and he could not  
22 communicate, and he was trying to get off the case.  
23 Mr. Rowland was trying to fire Mr. Howell. There have  
24 been, I believe -- Andy Savage represented him and then  
25 Bobby Howell and then the public defender was appointed,

1 and then Mr. Runyon has only been brought in this case in  
2 November of '13. I just want to clear up the record that  
3 it has not been due to any delay on the State's part.  
4 We've been prepared to go forward and have given --  
5 reextended offers to each of his attorneys as they've  
6 gotten them.

7 THE COURT: All right. Thank you.

8 Okay. We got a jury panel to bring up?  
9 Bring them up.

10 (In open court, jury panel present.)

11 THE COURT: All right, folks. Welcome. My  
12 name is Roger Young, and I am one of the judges presiding  
13 over General Sessions Court this week. General Sessions  
14 court is just our big, fancy word for criminal court. I  
15 think we've also got Common Pleas Court going this week,  
16 which is also known as civil court, so I'm now going to  
17 go over a few things with you on what we do to draw a  
18 jury for a criminal case, and then we will proceed to  
19 draw a case which we will begin after lunch.

20 Now, in a criminal case in South Carolina,  
21 and in every state in this union, for example, for the  
22 that matter, the State alleges that somebody has  
23 committed a crime, and if that person denies it, then  
24 they are entitled to a jury trial on the issue.

25 In this state, and in most states, you can

1 THE COURT: Okay. He represented your  
2 family?

3 A PROSPECTIVE JUROR: My mother.

4 THE COURT: Currently, or how long ago in the  
5 past?

6 A PROSPECTIVE JUROR: Twenty years.

7 THE COURT: Would that affect your ability to  
8 be fair and impartial, either for or against the State or  
9 for or against the defense? Okay. Thank you. Anyone  
10 else? Thank you.

11 I'm going to read you the indictments out  
12 simply for the purpose of letting you know what this case  
13 is about and to see if anybody knows about this case.  
14 There are, as I said, four indictments in this case, and  
15 these are the allegations against Mr. Rowland: First is  
16 indictment 2011-GS-10-5527, State versus Joseph Todd  
17 Rowland, which alleges that in Charleston County, South  
18 Carolina, on or about June 3, 2011, the defendant, Joseph  
19 Todd Rowland, unlawfully and knowingly did sell, traffic,  
20 cultivate, deliver, purchase, or bring into the state or  
21 did provide financial assistance or otherwise aid, abet,  
22 attempt, or conspire to sell, manufacture, or cultivate,  
23 deliver, purchase, or bring into this state or did  
24 possess or attempt to possess a controlled substance, or  
25 a controlled substance analog, to wit, cocaine in excess

1 of 28 grams in violation of code 44-53-370 of the South  
2 Carolina code of law. That's known as trafficking  
3 cocaine. He pled not guilty to that.

4 He was also indicted in 2011-GS-10-5522 for  
5 possession with intent to distribute marijuana. Again,  
6 Charleston County, June 3, 2011, the defendant in  
7 Charleston County did manufacture, distribute, dispense,  
8 deliver, purchase, or attempt to abet, attempt or  
9 conspire to manufacture, distribute, dispense, deliver or  
10 purchase, or did purchase with the intent to manufacture,  
11 distribute, dispense, deliver, or purchase a controlled  
12 substance or a controlled substance analog, to wit,  
13 marijuana, in violation of 44-53-370 of the South  
14 Carolina code of laws. He also pled not guilty to that  
15 indictment.

16 Indictment 2011-GS-10-5531 is for possession  
17 of a firearm during the commission of a violent crime,  
18 and it alleges that in Charleston County, South Carolina,  
19 on June 3, 2011 the defendant, Joseph Todd Rowland, did  
20 possess a 45 caliber handgun or visibly display what  
21 appeared to be a knife during the commission or attempted  
22 commission of trafficking, a violent crime. This is in  
23 violation of 16-23-490 of the South Carolina code of  
24 laws. He pled not guilty to that charge as well.

25 Finally, indictment 2011-GS-10-5529, unlawful

1 possession of a stolen pistol alleges that in Charleston  
2 County, South Carolina, on June 3, 2011, defendant,  
3 Joseph Todd Rowland, did unlawfully have in his  
4 possession a firearm with an obliterated serial number or  
5 a stolen firearm, to wit, a 45 caliber handgun, all in  
6 violation of section 16-23-30 of the South Carolina code  
7 of laws, and he pled not guilty to that as well.

8 Any member of the jury panel know anything at  
9 all about this case or these indictments? If so, would  
10 you please stand. All right. I find none.

11 I'm going to call out the names of some  
12 witnesses out there who are going to testify. Not all of  
13 these necessarily will, but probably most will, and if  
14 anybody is related by blood or marriage or acquainted in  
15 any way with any of these folks, when I call the names,  
16 would you please stand: Sergeant Brandon Ratliff of the  
17 Charleston police department? I find none. PO Keith  
18 Sumner, Charleston police? I find none. Ronnie Van  
19 Horn, Charleston police? I find none. Elizabeth Nikki  
20 Wiggins Mitchell? I find none. Renee Hilton, Charleston  
21 police? I find none. Linda Wilson, Charleston police?  
22 I find none. Investigator Jason Scurry, Charleston  
23 police? I find none. Detective Jennifer Habbestad,  
24 Charleston police? I find none. Investigator Michael  
25 Burke, Charleston police? I find none. Lieutenant

1 in the jury room at 2:00, we will get started shortly  
2 after 2:00. All right? Thank you for your patience and  
3 we'll see you later this afternoon.

4 All right. The defendant is in custody  
5 during the remainder of the trial, and we'll see y'all at  
6 2:00.

7 (Recess taken.)

8 A F T E R N O O N S E S S I O N

9 THE COURT: Ready to do your suppression  
10 motion?

11 All right. Call your witness.

12 MR. STONEY: State calls Keith Sumner.

13 KEITH SUMNER,

14 having been first duly sworn,  
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. STONEY:

18 Q. Good afternoon. What are your duties with the  
19 Charleston Police Department?

20 A. At the time of this event, I was working narcotics  
21 unit, special investigations unit, which is mostly  
22 narcotics, dealing with narcotics.

23 Q. And how long have you been with CPD?

24 A. Seventeen years.

25 Q. Can you tell us about any special education,

1 training, special skills you may have.

2 A. Yeah. First of all, I graduated from USC. After  
3 I graduated from USC got hired on with the City of  
4 Charleston Police Department and had to go to the  
5 criminal justice academy up in Columbia, and since I've  
6 been with them, I've gone to DEA investigator school,  
7 I've gone to several surveillance schools, and  
8 interviewing, interrogation classes.

9 Q. Were you working on June 3 of 2011?

10 A. Yes, I was.

11 Q. And did you become involved in the investigation  
12 of this case?

13 A. Yes, I did.

14 Q. And how were you brought into this case?

15 A. Brought in doing surveillance with the head case  
16 agent, which is Ratliff.

17 Q. And can you tell us a little bit more about why  
18 y'all were doing surveillance in this location.

19 A. We had several complaints in reference to the  
20 location, 31 Woodleaf Court, and since Detective Ratliff  
21 knew this individual, he was the one taking the case,  
22 that he's going to be the head agent on this.

23 On this date in particular, we were in the area.  
24 Didn't have much going on, so Detective Ratliff and  
25 myself were in the same vehicle, and we went over to

1 conduct surveillance in that area.

2 Q. So you were doing stationary surveillance with  
3 Detective Ratliff?

4 A. Correct, in my vehicle.

5 Q. And what did you witness when you were doing this  
6 surveillance?

7 A. When we were set up, we were set up kind of like a  
8 street over, but we were able to see a beeline, straight  
9 line from where we were at to 31 Woodleaf Court. It was  
10 unobstructive -- there was nothing in our way.

11 Q. So you're doing the surveillance, and what did you  
12 see outside of 31 Woodleaf Court?

13 A. We saw three vehicles there, and we saw Joseph  
14 Rowland was the only person outside when we set up  
15 surveillance. Saw him out there by his cars.

16 Q. And what did you see him do?

17 A. After we were there for about 20, 30 minutes or  
18 so, saw this blue Honda Accord drive up, drive down the  
19 roadway, and park across from Rowland's house, and Joseph  
20 Rowland came out from the residence, went over there to  
21 the car, into the passenger side, and conducted a  
22 hand-to-hand drug transaction.

23 After the transaction was complete, Joseph Rowland  
24 walked back into his residence. The vehicle turned  
25 around and left. There was only one entrance, one way in

1 and one way out.

2 Q. And what did you do after y'all witnessed this  
3 hand-to-hand?

4 A. After we witnessed that, we stayed there  
5 discussing surveillance, and we used our radios to  
6 contact a marked unit to pull the vehicle over. We also  
7 had two other -- or we had another vehicle that had two  
8 officers in it that was at the front entrance of that  
9 subdivision, and they observed the blue car coming out  
10 and they followed it until the marked units could get  
11 behind it to conduct a traffic stop.

12 Q. And did they conduct a traffic stop on that  
13 vehicle?

14 A. Yes, they did.

15 Q. And so they pulled the vehicle over. Did they  
16 have a conversation with the driver?

17 A. They had a conversation with the driver --

18 MR. RUNYON: Your Honor, I object at this  
19 point in time. I realize we're nonjury, but the hearsay  
20 of Mr. --

21 THE COURT: Sustained.

22 BY MR. STONEY:

23 Q. Ultimately, did you end up speaking to the driver  
24 of the vehicle?

25 A. Yes, because the officer that pulled him over

1 asked us to come over there because he had -- there was  
2 marijuana and coke in the vehicle, and the driver of the  
3 vehicle wanted to talk to a detective.

4 Q. And did he tell you where he got the marijuana and  
5 coke?

6 MR. RUNYON: Your Honor, once again, we're  
7 talking about hearsay.

8 THE COURT: Did who tell you, the detective  
9 or the --

10 THE WITNESS: No. When Ratliff and I went  
11 over there, we spoke to the driver, and the driver told  
12 us that he just purchased the coke and marijuana from  
13 Blow.

14 BY MR. STONEY:

15 Q. And who do you know Blow to be?

16 A. Blow is Joseph Rowland.

17 Q. And did he indicate what address he purchased it  
18 from?

19 A. Yes. He said it was like where there's three  
20 cars, there's a white house, and there's three cars out  
21 there. There's a red Cadillac and a white Crown Vic, and  
22 that's the only two cars he remembered.

23 Q. Did he indicate he purchased it from Joseph  
24 Rowland's house?

25 A. Yes.

1 Q. Did was he -- had he been advised of his Miranda  
2 at this point?

3 A. Before we asked him any questions, yes, we did.

4 Q. And so based on your surveillance and your talking  
5 to this individual, did you all obtain a search warrant?

6 A. Yes, we did.

7 Q. And did you accompany Officer Ratliff when he went  
8 to have that search warrant filed?

9 A. Yes, I did.

10 Q. So you were there for his interaction with the  
11 magistrate judge?

12 A. Yes, I was.

13 Q. Did you witness him verbally supplement through  
14 conversation to the magistrate anything that was not in  
15 the search warrant affidavit?

16 A. Like we always do, we always give as much  
17 information as possible to the judge when we talk to him,  
18 and he elaborated on knowing Joseph Rowland and his  
19 history and stuff.

20 MR. STONEY: Court's indulgence.

21 BY MR. STONEY

22 Q. Did you hear now Sergeant Ratliff give you more  
23 details about the tips?

24 A. Yes. That was, like -- the history that we've had  
25 is we've been getting tips from different people in

1 reference to Joseph Rowland for about a year-and-a-half,  
2 and he was just explaining that, you know, we've been  
3 getting numerous tips.

4 Q. And how recent were those tips in times when y'all  
5 did surveillance?

6 A. I didn't -- I want to say about a week or so is  
7 the last tip that we had.

8 MR. STONEY: Thank you.

9 THE WITNESS: All right.

10 THE COURT: Mr. Runyon?

11 CROSS-EXAMINATION

12 BY MR. RUNYON:

13 Q. Let me see if I understand this right because I'm  
14 getting old, kind of hard of hearing from time to time.  
15 Y'all were surveilling a particular house on this street;  
16 is that correct, sir?

17 A. Yes.

18 Q. And you said it was Joseph Rowland's house; is  
19 that correct?

20 A. That's where he stays at, yes.

21 Q. That's where he stays at.

22 A. Lives with his parents.

23 Q. Do you know if that's his house or -- basically  
24 it's your understanding that is where he stays?

25 A. That's where his license came to and all his cars

1 came to that residence.

2 Q. This was this as a result of your investigation?

3 A. Detective Ratliff's.

4 Q. Okay. So this is the information you had in the  
5 course of investigation?

6 A. I pulled his information up for Detective Ratliff.

7 Q. Okay. All right. Now, jump ahead, did you  
8 participate in serving a search warrant?

9 A. Yes, I did.

10 Q. Was Mr. Joseph Rowland in the house?

11 A. No, sir.

12 Q. Was there another person there in the house?

13 A. I can't -- I don't remember if there was or not.

14 I know there was -- when we got there, I know his mom was  
15 there at the house, but I don't know if she was inside  
16 the house or not.

17 Q. Do you know if he has a twin brother, John  
18 Rowland?

19 A. I know John Rowland, yes, sir.

20 Q. Does he live there?

21 A. He stays there.

22 Q. He stays there. Now, just for the record, so we  
23 make it clear, for posterity, staying, is that the  
24 equivalent of living someplace?

25 A. If there -- they may claim and get all their mail

1 there, may stay one or two nights, but I couldn't tell  
2 you -- I've seen both of them there at the house, but I  
3 don't know if they sleep there or not.

4 Q. Okay.

5 A. If he sleeps there.

6 Q. That's what I'm trying to get at. Sometimes it's  
7 kind of a Charleston thing to say someone stays some  
8 place, but that doesn't necessarily mean they live there,  
9 does it?

10 A. Yeah.

11 Q. Okay. And so after what you observed what you  
12 thought to be -- based upon your experience as a police  
13 officer, what you thought to be a hand-to-hand  
14 transaction, you radioed for a police car to stop the  
15 blue Accord?

16 A. Correct.

17 Q. And they did, and the resultant conversation  
18 occurred?

19 A. Correct.

20 Q. Okay. Now, there was an application made to a  
21 magistrate, and you accompanied Detective Ratliff?

22 A. Correct.

23 Q. And there was -- not only was there the affidavit  
24 for the search warrant, but there was supplemental  
25 comments or testimony given to the magistrate but not on

1 a particular record, correct?

2 A. Correct.

3 Q. Now, how far away was the alleged transaction that  
4 you say you witnessed, 100 feet, 100 yards, 200 feet, 300  
5 feet?

6 A. I would have to say about 300 or so feet, but I  
7 had binoculars also so it could be closer.

8 Q. So you had about a football field?

9 A. Half a football field.

10 Q. Well, 300 feet -- it's 300 feet?

11 A. 50 yards.

12 Q. So about 50 yards away, so it's only about 150  
13 feet, so it wouldn't be 300 feet?

14 A. Correct.

15 Q. Okay. And plus you had binoculars?

16 A. Correct.

17 Q. And you're sure it was Joseph Rowland you saw in  
18 the yard?

19 A. Yes.

20 Q. Not his twin brother, John?

21 A. No.

22 Q. All right.

23 MR. RUNYON: One moment, Your Honor. Beg the  
24 Court's indulgence.

25 We have no further questions of this witness

1 at this time, Your Honor.

2 THE COURT: Do you have any other witnesses?

3 MS. LINDER: Yes, the lead detective,  
4 Sergeant Ratliff.

5 THE COURT: Okay.

6 BRANDON RATLIFF,  
7 having been first duly sworn,  
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. LINDER:

11 Q. What's your occupation?

12 A. I'm a police officer with the Charleston city  
13 police department.

14 Q. What's your rank.

15 A. Sergeant.

16 Q. And what were your duties back in June of '11?

17 A. June of 2011, I was assigned special  
18 investigations unit primarily focussing on narcotics in  
19 West Ashley, James, and Johns Island.

20 Q. And can you talk about how everything started to  
21 come about on June the 3rd of 2011?

22 A. Yes, ma'am. I've had some familiarity with the  
23 area. I've worked in the past ten years in West Ashley.  
24 In that capacity I was familiar with the defendant. How  
25 our unit works is we work off of receiving information

1 and then corroborating that information. We've been  
 2 receiving in the past year numerous complaints about  
 3 Joseph Rowland and his activities at 31 Woodleaf Court.  
 4 We had also been debriefing other informants and parties  
 5 that we had arrested and corroborated the fact that he  
 6 was dealing drugs and from that residence.

7 Q. Any complaints stand out in your mind about this  
 8 defendant and that address?

9 A. Yes, actually. I made contact with his brother,  
 10 John, and the mother of his children, and I spoke to them  
 11 about some of Joseph's different activities, where he was  
 12 going, who he was dealing with, and what specifically he  
 13 did at that house.

14 Didn't specifically say he was selling drugs but  
 15 alluded to his drugs was consistent with him continuing  
 16 to do so and that he had prior knowledge of him doing  
 17 that in the past.

18 Q. And you have these tips. Including these tips --  
 19 not limited to but including these tips from his brother  
 20 and his child's father, did you do any surveillance that  
 21 day?

22 A. Yes, ma'am, we.

23 Q. Could you tell the Court what happened when you  
 24 did that surveillance?

25 A. We set up previously early in the morning, and

1 then again at around 2:15 we set up. We initially had  
2 seen Joseph Rowland come out of his house and he was  
3 standing in his yard, then went to his vehicle, got in  
4 the vehicle. A black male on a bicycle came. We were  
5 positioning was a street adjacent to his, and there were  
6 two cross streets that come over to it.

7 He came through the yard, got in the vehicle with  
8 Joseph Rowland. It was a matter of maybe a minute that  
9 he was in the vehicle with him. They tend to be talking,  
10 exchanging some sort of information. He then exited the  
11 vehicle, got back on his bicycle, and went back across  
12 the street. We were unable to stop him due to cutting  
13 through yards and we had just started the surveillance.

14 About 15 minutes later, we had a blue vehicle  
15 drive up on Woodleaf Court, park facing us but directly  
16 in front of the defendant's residence at 31 Woodleaf  
17 Court. He sat there for about 30 seconds. The defendant  
18 walked out of the residence, walked straight through his  
19 yard to the passenger side window, reached in through the  
20 window, appeared to do a hand-to-hand transaction, giving  
21 the driver who was the sole occupant of that vehicle what  
22 he had, got something, returned, immediately turned and  
23 went back into his residence.

24 The blue vehicle then drove off. At that time we  
25 had two officers, Officer Koegler and Scurry, who were

1 riding together. We had them stationed at the front  
2 of -- well, say the front, but it's the side of this  
3 neighborhood on 61, and we had another surveillance unit  
4 on the only access road from 31 Woodleaf Court.

5 They caught sight of the vehicle. We pointed it  
6 out to the patrol unit who initiated a traffic stop on  
7 that vehicle. Myself and Detective Sumner stayed at our  
8 surveillance post.

9 Q. Did you ever end up talking to the individual and  
10 the sole occupant of that blue car?

11 A. Yes, ma'am. We were talked to by Officer Koegler.  
12 They advised us they found an amount of illegal  
13 narcotics, primarily cocaine and marijuana, in the  
14 vehicle. They said that this party was given the option  
15 to talk to a narcotics detective, at which time he said  
16 he would like to. We responded over there and met them  
17 on Sycamore Avenue.

18 From there we started -- asked him if he did, in  
19 fact, want to talk to us about narcotic activity. He  
20 said yes, gave him a statement sheet, which also has the  
21 Miranda warning on it. He was read his Miranda, verified  
22 he understood it. I had him initial beside each part of  
23 the Miranda that he had read it, he did understand it and  
24 signed it, and then began talking to him, asking him what  
25 he had previously done, where he was coming from --

1 MR. RUNYON: Judge, I apologize for  
2 interrupting, Detective Ratliff, but, once again, she can  
3 ask him as a result of that conversation, but if we're  
4 going to recite the conversation, it's hearsay, even at  
5 this stage.

6 BY MS. LINDER:

7 Q. After interviewing and speaking with the  
8 individual, post Miranda in the statement, when he gave  
9 you a written statement, what did you learn to further  
10 your investigation?

11 A. He said he had just bought marijuana and cocaine  
12 from a party he knows as Blow.

13 Q. Have you ever heard the name Blow?

14 A. Yes, ma'am.

15 Q. And with your training and experience and your  
16 knowledge, who do you know Blow to be?

17 A. Blow is an alias of Joseph Rowland.

18 Q. And with your training and experience and  
19 defending of this, do you know Blow, or the defendant in  
20 this case, to sell marijuana?

21 A. Yes, ma'am.

22 Q. And do you know the defendant to also sell  
23 cocaine?

24 A. Yes, ma'am.

25 Q. And after all of this, did you end up going to see

1 a magistrate to attempt to get a warrant signed?

2 A. Yes, ma'am, I did.

3 Q. And were you the affiant on the search warrant?

4 A. Yes, ma'am, I was.

5 Q. And on that search warrant, what address is it  
6 for?

7 A. 21 Woodleaf Court.

8 Q. And do you give a description of that residence on  
9 the search warrant?

10 A. Yes, ma'am.

11 Q. And is the address of 31 Woodleaf Court listed  
12 multiple times in the search warrant?

13 A. Yes, ma'am, it is.

14 Q. On -- I don't even know what page this is. Toward  
15 the end of the sworn affidavit, the typed part, does it  
16 state 101-A Pamlico Terrace?

17 A. Yes, ma'am, it does.

18 Q. Could you explain that.

19 A. Yes, ma'am. It's 100 mistake on my part. Due to  
20 the nature of this case, we didn't have control over a  
21 whole lot of what was going on. Primarily we would have  
22 liked to work with an informant that we had control over.  
23 In this case we didn't, where we had to interview the  
24 party we did not have a lot of information on, so in  
25 essence to saving time, which was paramount in this case,

1 I had taken a template from a previous search warrant I  
2 had written, deleted out what I could, and supplemented  
3 in the facts that happened in this incident, and I simply  
4 overlooked on the very last page changing the Pamlico  
5 Terrace address to Woodleaf Court.

6 Q. In the body of the search warrant where it says  
7 reason for affiant's belief and it goes into a typed  
8 multi-paragraph narrative, is that from an old search  
9 warrant or for the 31 Woodleaf search warrant?

10 A. 32 Woodleaf Court.

11 Q. And who, if anyone, accompanied you to go to the  
12 magistrate'S office to get it signed?

13 A. Detective Sumner.

14 Q. Did you supplement the written affidavit with oral  
15 testimony?

16 A. Yes, ma'am, I did. I basically explained a  
17 question answer session with the magistrate, the  
18 background I've had with the defendant, the different  
19 calls I've gone to involving the defendant at that  
20 residence and elsewhere, the numerous complaints that we  
21 had received, and the fact that I had spoken with a  
22 sibling of his.

23 Q. And why didn't you just include everything in this  
24 typed affidavit?

25 A. Because things of a sensitive nature, we don't

1 typically like to put -- you know, share a whole bag with  
2 the party. He is given a copy of the affidavit at the  
3 conclusion of the search warrant when it's served, but  
4 sensitive information we don't give out due to protecting  
5 identities.

6 Q. Beg the Court's indulgence.

7 MS. LINDER: That's all the question I have  
8 for you at this time, if you would answer anything the  
9 defense may have.

10 CROSS-EXAMINATION

11 BY MR. RUNYON:

12 Q. Let me see if I can understand this: You took an  
13 avenue from an old search warrant?

14 A. No, sir. I used a template. I deleted out the  
15 information from that affidavit portion of the old search  
16 warrant and added in the information from 31 Woodleaf  
17 Court.

18 Q. Well, template, is that kind of like a form? Is  
19 that what a template is?

20 A. It's a structured word document that has the basis  
21 of a search warrant in it, but what we have to add into  
22 it is all the probable cause that existed for that  
23 incident.

24 Q. All right. And that's how this whole issue of the  
25 wrong address being -- appearing in some body of the

1 affidavit, correct?

2 A. Yes, sir, the very end of the affidavit.

3 Q. Okay. But if you read -- may I see that? If you  
4 read the affidavit, it's got all this other stuff about  
5 radar trained and all that other sort of stuff, right?

6 A. I'm sorry?

7 Q. It talks about radar training and what your job  
8 was.

9 A. Yes.

10 Q. And what judge did you go before?

11 A. Judge Gosnell..

12 Q. Okay. Got it. I've known him for 30 years, but I  
13 still can't read his signature. That's why I asked you  
14 who you were before.

15 Now, as it relates to -- as it relates to the  
16 basis for the search warrant, though, was essentially  
17 stopping the blue car because there was what appeared to  
18 you, as a trained narcotics detective, the appearance of  
19 perhaps hand-to-hand transaction?

20 A. Well, it was the culmination of all the  
21 information we received from outside sources accompanied  
22 by the fact that we witnessed a hand-to-hand transaction  
23 and then got a written statement from that party saying  
24 it was that such transaction.

25 Q. Well, Detective Ratliff, the information you're

1 talking about you got from other sources and whatever,  
2 that was prior to 72 hours before this, wasn't it?

3 A. No, not entirely, no, sir. I was just in contact  
4 with people who were receiving complaints, constantly in  
5 contact with different sources and different CIs.

6 Q. And you say over the past six months?

7 A. Yes, sir.

8 Q. Okay. So what I'm trying to get to the point is  
9 that your basis -- you surveil the property.

10 A. Yes.

11 Q. You saw to you what appeared to be -- strike that.

12 You saw a man or someone who got in a car and  
13 talked to Mr. Rowland?

14 A. Yes, sir.

15 Q. And then he got out and got on his bicycle and  
16 rode away?

17 A. Yes, sir.

18 Q. Did that, to you, as a trained narcotics  
19 investigator indicate a drug transaction?

20 A. Yes, sir.

21 Q. Just somebody talking to somebody in their car?

22 A. Well, the fact that he rides up on his bicycle.  
23 It's in the middle of the day. Comes in, meets him in  
24 the yard, starts talking to him in the yard, and then  
25 gets in the vehicle with him for about less than one

1 minute and then immediately leaves that vehicle, gets on  
2 his bike and leaves? Yes, sir, that would be consistent  
3 with a drug transaction.

4 Q. Now, is it the getting in the car, staying for a  
5 minute, or is it riding on the bicycle?

6 A. It's a culmination of everything involved, the  
7 fact he starts talking to him on the outside, and then  
8 gets in the vehicle for such a brief amount of time, it's  
9 not something that I commonly see the ordinary normal  
10 person who is not engaged in criminal activity do.

11 Q. Okay. Now, you had these two observations about  
12 you stopped him and you had the blue car stopped.

13 A. Yes, sir.

14 Q. And it was conversation with that person.

15 A. Yes, sir.

16 Q. As a result of that consideration, you went and  
17 you created the affidavit for the search warrant?

18 A. Well, the conversation and his written statement,  
19 yes, sir, accompanied by what we had seen.

20 Q. As a result of your -- as a result of your contact  
21 with this particular driver of the blue car?

22 A. Yes, sir.

23 Q. All right. You went and you did your affidavit  
24 and you went and got a search warrant?

25 A. Yes, sir.

1 Q. And then you went to the house to serve a search  
2 warrant?

3 A. Yes, sir.

4 Q. Were you -- did you, in fact, find Mr. Rowland at  
5 this house?

6 A. Yes, sir. We had Officer Koegler, we had the two  
7 officers stationed -- while we're talking surveillance on  
8 getting all this typed up, getting our report prepped,  
9 Joseph Rowland left the residence.

10 Q. That's what I'm trying to ask you, Mr. Ratliff.  
11 When you physically went to the house, was Mr. Rowland  
12 there?

13 A. Yes, sir, he was.

14 Q. He was physically at the house?

15 A. He was physically at that residence.

16 THE DEFENDANT: He wasn't there with him.

17 THE COURT: You need to restrain yourself.

18 Mr. Runyon, you want to have a word with him? We don't  
19 have outbursts in the court like that.

20 THE DEFENDANT: I'm sorry, sir.

21 BY MR. RUNYON:

22 Q. All right. So you went to the house to serve the  
23 search warrant. Mr. Joseph Rowland was there and he  
24 left.

25 A. Yes, sir. He came back to the residence before we

1 served the search warrant.

2 Q. He left and he came back to the residence before  
3 you --

4 A. He left while I was typing up the search warrant  
5 and going to get it signed.

6 Q. Okay.

7 A. We staged. He came back to the neighborhood. We  
8 had a marked unit initiate a traffic stop. Due to his  
9 car and the nature of this crime, we thought it safer  
10 that he not be within the residence. We attempted to  
11 stop him. We knew his brother and his two children had  
12 just arrived at the residence, also knew that his parents  
13 were possibly at the residence. We tried to have him  
14 stopped prior to him getting to the residence. He  
15 refused to stop for the police car and drove straight  
16 into his driveway where he was detained.

17 Q. Who was detained, Mr. Joseph Rowland?

18 A. Joseph Rowland.

19 Q. Okay. Now, that's what I'm trying to get at.  
20 When you physically left the magistrate's office -- see,  
21 I ain't smart enough to make this complicated, so just  
22 bear with me.

23 When you physically left the magistrate's office  
24 and drove to 31 Woodleaf Court --

25 A. Yes.

1 Q. -- to serve the search warrant and search the  
2 house, was Joseph Rowland there? That's all I was  
3 asking.

4 A. Yes, he was.

5 Q. He was in the house?

6 A. No. He was outside the residence.

7 Q. Was anybody there?

8 A. Yes, sir. His brother, the children, their  
9 mother, and Joseph's mother and father were at the  
10 residence.

11 Q. Does Joseph Rowland -- other than through hearsay  
12 or perhaps investigation, do you know if Mr. Joseph  
13 Rowland lives there?

14 A. Yes, sir.

15 Q. He does?

16 A. Yes, sir.

17 Q. How many nights a week does he live there?

18 A. I couldn't go you an exact number, but I would go  
19 with 90 percent of the time he resides there. Every time  
20 I've done surveillance on him, which has been a numerous  
21 amount of times, he has come and gone from that  
22 residence.

23 Q. Now, you then served the search warrant --

24 A. Yes, sir.

25 Q. Did you wind up arresting Mr. Joseph Rowland as a

1 result of search warrant?

2 A. Yes, sir.

3 Q. Okay. Served the search warrant, and you walked  
4 him out in the front yard and arrested Mr. Joseph  
5 Rowland?

6 A. Yes, sir.

7 Q. Okay. And the template, or the form for the  
8 affidavit, which has a least one error on it, was as a  
9 result using the template versus putting the whole  
10 affidavit together from what your investigation was?

11 A. No. It was instead of doing it from scratch. Had  
12 I not used the template, the affidavit itself would have  
13 still read the exact same with the omission of having the  
14 wrong address on the very last page.

15 Q. All right.

16 MR. RUNYON: No further questions of this  
17 witness at this time.

18 THE COURT: Any redirect?

19 MS. LINDER: No, Judge.

20 THE COURT: You may step down. Do you have  
21 any witnesses?

22 MR. RUNYON: No, Your Honor.

23 THE COURT: All right. What's your argument?

24 MR. RUNYON: Well, Your Honor, could I see  
25 the search warrant?

1 THE COURT: All right.

2 MR. RUNYON: Your Honor, I believe the Court  
3 has the search warrant in front of you. The only reason  
4 I'm standing down here is because I can't see the witness  
5 with that podium there.

6 We would respectfully suggest that the search  
7 warrant has at least one error in it. The testimony of  
8 the officer is they viewed two incidents, one of which  
9 was a man on a bicycle who got in the car with  
10 Mr. Rowland, and they found that enormously suspicious.

11 It's indicative of drug activity and the man  
12 got out and rode off on a bicycle, and I'm not sure the  
13 bicycle has any role in this, Judge, because that  
14 shouldn't be suspicious because everybody that rides a  
15 bicycle in Charleston now is demanding their own lane on  
16 the bridges and everything else, so bicycles in and of  
17 themselves are not suspicious.

18 The real crux of that affidavit is they saw a  
19 man in a blue car drive up what appeared to be a  
20 hand-to-hand transaction. This is probably the only real  
21 substance to their surveillance, and then they later stop  
22 this car, and as a result of that investigation, they had  
23 someone telling them that that was the source of the  
24 drugs. And then, of course, they use a template with  
25 oral conditions to the magistrate, and, all in all,

1 Judge, we would ask the Court to do two things at this  
2 point: One, suppress the evidence that, first of all,  
3 they did the search, we want to suppress that; secondly,  
4 we have a serious motion in limine when that jury comes  
5 in. All this talk about what John, the brother, said and  
6 somebody else said, rumors in the community and all these  
7 other things not be addressed by either the witness or by  
8 the prosecution and just limit it to what they saw and  
9 what they believed when they saw the transaction.

10 So we ask you to keep out the search warrant,  
11 but I think I know where that's headed, but, more  
12 importantly, I would have a serious motion in limine at  
13 this point not to the allow all this hearsay testimony by  
14 these officers and particularly in opening argument by  
15 the State to make reference to what the officers have  
16 been investigating and all these other transactions and  
17 all these offenses and what have you.

18 It's just patently prejudicial to justify  
19 finding a verdict in this particular case.

20 THE COURT: Ms. Linder?

21 MS. LINDER: Thank you, Your Honor. May it  
22 please the Court: First, to address what I'll refer to  
23 as a scrivener error, many times in this document, 31  
24 Woodleaf is the one that is used. The description is  
25 there. I would argue at the very end when the wrong

1 address is there, it doesn't take away from the intended  
2 officer. It was hurried to put it together, and I  
3 believe there is three or four times that that the  
4 correct address is actually in here.

5 As far as the basis for the search warrant, I  
6 believe that there is written affidavit and, more  
7 importantly, that is to be coupled with the supplemental  
8 oral testimony, and with that oral testimony Sergeant  
9 Ratliff explained that within the 72 hours prior to  
10 getting the search warrant signed and presenting it to  
11 the magistrate, he had received numerous tips. Some of  
12 those tips came from the defendant's brother and his  
13 child's mother.

14 Those two people are in a very unique  
15 situation to where they have access to and can witness  
16 things that are occurring, which increases their  
17 reliability. Another part of what the reasoning they  
18 used was the hand-to-hand they observed. Both officers  
19 observed that. They stopped the guy, and then when he  
20 gave a statement, the specifics that he gave in the  
21 statement were corroborated by information that Sergeant  
22 Ratliff and Sumner already knew, which is the defendant's  
23 street name of Blow, that both marijuana sales and  
24 cocaine sales being, I guess, the drug of choice of this  
25 defendant.

1 I believe all that together would get us past  
2 and would be a reasonable basis and information of what  
3 the magistrate relied upon when signing this warrant.

4 THE COURT: You want to respond?

5 MR. RUNYON: Judge, I hate to have to agree  
6 with my colleague, but I had to go to federal court so I  
7 didn't get a chance to eat lunch so I had to get my sugar  
8 level up with a small piece of candy.

9 Her rendition of all of these conversations  
10 goes to the weight of my motion in limine because -- they  
11 want to bring John in here and put him on the stand as a  
12 witness and say, Did you talk to Sergeant Ratliff? Did  
13 you tell him this, that's fine. If she wants to ask him  
14 the form of the question, As a result of your  
15 investigation, did you have information which caused you  
16 to set up a surveillance, that's one thing, but when he  
17 sits up there and says, Well, his own brother told me he  
18 was dealing drugs several times, Judge, not only is it  
19 hearsay, but it's totally prejudicial.

20 THE COURT: It isn't entirely proper to not  
21 have to put any of that in. The only thing they've got  
22 to put in is what they observed and that they used  
23 information based on their investigation to get a search  
24 warrant, and then, as a result of the search warrant,  
25 they executed the search warrant and this is what they

1 found.

2 MR. RUNYON: Yes.

3 THE COURT: Stopping people at the car and  
4 what those people had to say, none of that really needs  
5 to come in. The only thing that needs to come in is they  
6 had a search warrant, it's valid, and that's what they  
7 found at the house. They're not arresting him for the  
8 drugs that were in the car that got stopped.

9 MR. RUNYON: I agree with you.

10 THE COURT: So that solves that problem. All  
11 right?

12 Based on the totality of the circumstances,  
13 it's clear that the reference to the 101A Hamilton  
14 Terrace address was a scrivener's error. The correct  
15 address, 31 Woodleaf, is referenced several times in  
16 here, and that was obviously just a scrivener's error.

17 The totality of the circumstances is that  
18 they had a reason to be observing Mr. Rowland, the  
19 defendant's house. They witnessed -- or they -- based on  
20 tips that he had been drug dealing, et cetera, that's  
21 what got them to observe that house. They then witnessed  
22 at least one transaction, possibly two, on drugs. One  
23 was the bicycle, but, more importantly, the one was the  
24 one with the car.

25 They then stopped that person in driving the

1 car who said yes, I bought drugs just a short time before  
2 from the defendant. That gets the search warrant and  
3 gives them information that is sufficient to rise to the  
4 level of probable cause to issue the search warrant, so  
5 the search warrant is valid. The motion to suppress is  
6 denied.

7 Now, as far as trial testimony goes, all that  
8 stuff that got testified to, just what gave you the  
9 search warrant doesn't need to come in. I don't know how  
10 you could get it in other than bringing a lot of people  
11 in. All of it is hearsay, but, again, I'm not telling  
12 you how to try your case. I assume you're going on the  
13 basis we saw a car, we observed what looked to be a drug  
14 transaction, we got a search warrant and we executed it,  
15 and this is what we found, and then it tested out and  
16 it's drugs.

17 MS. LINDER: Yes, Judge. That is the limited  
18 amount we're going to discuss.

19 THE COURT: Okay. So if anything much beyond  
20 that about what other people said is hearsay, it's not  
21 coming in. So that's where we are at.

22 Now, are there any other motions that we need  
23 to deal with?

24 MR. RUNYON: I don't think there is anything  
25 else at this time.

1 tomorrow.

2           It may be likely that we have to break. If  
3 we do, one of the lawyers has to be in Columbia on  
4 Wednesday, and we might have to bring you back on  
5 Thursday to finish up, but right now it looks like we'll  
6 be finished by the end of the day tomorrow, at least  
7 that's the plan.

8           So we won't make any progress at all with me  
9 standing up here talking, so I'm not going to turn it  
10 over to the State with their first opening argument.

11           Madame Solicitor?

12           MS. LINDER: Thank you, Your Honor. May it  
13 please the Court:

14           On June 3rd of 2011, the city of Charleston  
15 police department narcotics unit set up a surveillance on  
16 a house at 31 Woodleaf Court after what they observed  
17 they believed to be a hand-to-hand drug transaction done  
18 by this defendant, Joseph Rowland. They ended up getting  
19 a search warrant for that house.

20           The city narcotics unit ended up executing a  
21 search warrant at that house in West Ashley at 31  
22 Woodleaf Court, and when they went inside, they found a  
23 lot of stuff. In this defendant's bedroom, in his  
24 bedroom, there was a 45 caliber handgun. There was a  
25 bunch of cocaine. There was a bunch of marijuana. There

1 was multiple scales. There were multiple cell phones,  
2 there were ledgers, and this defendant then was arrested  
3 and charged for all of that.

4 And it's important to -- just remember  
5 something that's very, very basic, that drugs are  
6 illegal. I know earlier you had those questions from the  
7 judge about your personal stance on things, and what it  
8 comes down to is drugs are illegal. It's illegal to  
9 possess, to possess with intent to distribute or to  
10 traffic drugs. Cocaine and marijuana are both illegal  
11 drugs in the State of South Carolina. Also, it's illegal  
12 to possess a handgun during -- what we call during the  
13 commission of a violent crime.

14 Violent crime is something that is statutory,  
15 and trafficking is classified as a violent crime. It's  
16 also illegal to possess a stolen firearm. So, ladies and  
17 gentlemen of the jury: I appreciate your patience. I  
18 just ask that you sit, pay attention, listen to the  
19 evidence that comes out from the witness stand and any  
20 exhibits that are entered, and I would ask at the end you  
21 come back with a verdict of guilty.

22 THE COURT: Mr. Runyon?

23 MR. RUNYON: Mr. Foreman, ladies and  
24 gentlemen of the jury: As the judge said, what we say is  
25 not evidence, but what I'd like to do is just posture

1 what, and I'll be very brief. This case is very simple  
2 in one sense because it was a search warrant of the  
3 house, but I want you to be listening to who lived at the  
4 house, whether this defendant was in total control of the  
5 house, where things were, and what the situation was, the  
6 physical layout of things.

7 Now, you may come to the conclusion that the  
8 defendant has some culpability for things, and that is  
9 going to be a very difficult job you have. There is no  
10 sense in arguing about that now, because that's what  
11 you're going to have to wrestle with, but the simple fact  
12 is, is that you're going to hear from the Court later on  
13 about the questions of what is trafficking, what is  
14 possession? What is possession with intent to  
15 distribute? What is possession of a firearm and how  
16 about knowledgeable possession? You have to know you  
17 have it, and you're also going to have to listen to  
18 whether or not, for example, this so-called weapon was  
19 anywhere near the scene when police questioned the  
20 conduct of this defendant.

21 Once you have gotten all that evidence, then  
22 we'll be able to intelligently discuss it. Until that  
23 time, I'm going to sit down, and we're going to hopefully  
24 receive and get through this evidence so we can make a  
25 presentation to you about what we think the posture of

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1 this case should be.

2 Thank you very much.

3 THE COURT: All right, Madame Solicitor, call  
4 your first witness.

5 MS. LINDER: State calls Jennifer Habbestad.

6 JENNIFER HABBESTAD,

7 having been first duly sworn,

8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. LINDER:

11 Q. What is your occupation?

12 A. I'm a detective with Charleston.

13 Q. And how long have you been in law enforcement?

14 A. Approximately -- coming up to ten years.

15 Q. What was your position and duties back in June of  
16 2011?

17 A. I was a detective assigned to special  
18 investigations unit as a narcotics investigator.

19 Q. And what did your duties as a narcotics  
20 investigator include?

21 A. It included multiple things. I conducted  
22 surveillance, confidential informants, handled drug  
23 transactions as well as executing search warrants, those  
24 things.

25 Q. And can you tell the jury a little bit about your

1 education and your training and your background.

2 A. Yes. I have a bachelor of science degree in  
3 criminal justice and psychology. Also current juris  
4 doctorate candidate in the school of law. I also  
5 attended several surveillance courses as well as various  
6 investigations and advanced investigation narcotics  
7 training.

8 Q. I'm sorry. Did you have any occasion to be  
9 working back on June the 3rd of 2011?

10 A. I was.

11 Q. And did you have the occasion to become involved  
12 in this case, the State versus Joseph Rowland, back on  
13 that date?

14 A. Yes, I was.

15 Q. How did you -- how did you first get involved with  
16 that?

17 A. I was, of course, a narcotics investigator with  
18 special investigations, and we were conducting  
19 surveillance area based on some -- you mean specifics or  
20 do you want --

21 Q. After conducting surveillance, were you involved  
22 with search warrant execution?

23 A. That's correct. Shortly thereafter, I did not do  
24 the tactical entry, but myself and another investigator  
25 stepped in and then I conducted my role as a recovery

1 agent.

2 Q. Can you just explain kind of a little bit to the  
3 jury, just generally speaking, you just mentioned  
4 tactical entry. If you could, just kind of explain to  
5 the jury how overall a search warrant is executed, what  
6 goes into it from law enforcement purposes, to the actual  
7 entry?

8 A. Yes. First, of course, you obtain probable cause,  
9 which could be from a number of things, whether it be  
10 surveillance, watching a particular narcotics activity at  
11 that location, as well as anonymous tips, et cetera,  
12 corroborated by that information. Once we have that  
13 information and the judge signs that search warrant as a  
14 lawful document, we then create an operational plan, and  
15 that consists of which particular agents and  
16 investigators will do, what particular roles.

17 Once we are in that residence, whether it's  
18 recovering the items, interviewing particular subjects  
19 that might be there, as well as how we're going to  
20 actually execute it and the technical entry, so, you  
21 know, somebody might block the door, how do you go in and  
22 clear the residence to make sure everything is secure?

23 Q. And so were you involved with the search warrant  
24 at 31 Woodleaf Court back on June 3, 2011?

25 A. I was.

1 Q. Is that in Charleston County?

2 A. It is.

3 Q. What was your specific role during the search  
4 warrant execution?

5 A. Once again, I was the recovery agent, so I took  
6 all items that were located that were considered valuable  
7 to the investigation based on the case agent, case  
8 agent's need, would be located by other investigators  
9 assigned to these particular locations in the house.

10 I would be notified, and then I would actually  
11 recover those items directly from those officers and  
12 maintain a log, which we consider a search warrant  
13 return, which also is copy given to the person in the  
14 residence.

15 Q. Items that you collected as recovery agent, what  
16 do you do with those items?

17 A. I package them appropriately. You bag them first  
18 at the scene, all together, and then we transfer -- as a  
19 recovery agent, I would be the ones transporting those  
20 items to our main headquarters where we have an evidence  
21 room, at which point I packaged them according to our  
22 policy and procedure, logged them into our records  
23 management system, and then I drop them into either a  
24 locker or whatever -- locker or mailbox, whichever one is  
25 available that would fit the size we need and stay on

1 that location till the evidence custodian, who is the  
2 only one that has access to that.

3 Q. Did you end up collecting any items as a recovery  
4 agent at 31 Woodleaf Court?

5 A. Yes, several.

6 Q. And when and what items were collected, just  
7 generally speaking?

8 A. Oh, as a whole? We located various -- well,  
9 mostly all -- the ones of value were in bedroom number  
10 two, which we identified as Joseph Rowland's room, and in  
11 that were --

12 MR. RUNYON: Your Honor, she's the inventory  
13 agent, and she's testifying to hearsay at this point in  
14 time. What she received from other agents, obviously,  
15 she can testify to, but I think testifying to where  
16 things were gotten and what have you, I think that's  
17 hearsay, Judge.

18 MS. LINDER: I would like to respond, if we  
19 may approach.

20 THE COURT: All right.

21 (Discussion held at sidebar.)

22 BY MS. LINDER:

23 Q. When there is a search warrant execution and items  
24 there are located and you said other officers are  
25 located, do they pick them up and run around and walk all

1 over the house with them, or where do you collect the  
2 items from?

3 A. No, ma'am, on that. In this particular search  
4 warrant, what it was, there were several items. We had a  
5 system where someone was assigned to that room. They  
6 located something of value that we were looking for,  
7 would yell the word "camera."

8 Last person who had the camera, what they do is  
9 hand that camera to that particular investigator. They  
10 take a photograph, exactly the location it was located,  
11 and would bring that directly to me, and the reason why  
12 is because there is so many items and it makes it --  
13 what's the word? Not simpler, but it's a more cohesive  
14 process to have the recovery agent in one location in  
15 that residence while typing out the log, stating the  
16 information as to whether we need to field test things  
17 and keep everything in a chronological order of how  
18 they're found.

19 So I stay put at the table in the kitchen, and as  
20 that process started, those cameras would be turned over  
21 to each agent as they found things and the item was  
22 always brought directly to me from that particular  
23 investigator that located the item.

24 Q. In this case did you collect any drugs?

25 A. Yes, ma'am.

1 Q. What type of drugs?

2 A. We located marijuana and cocaine.

3 MR. RUNYON: Judge, I hate to keep doing  
4 this, but she's at the kitchen table inventorying. She  
5 hadn't turned in to her cocaine and marijuana. She  
6 didn't find it, and so I object.

7 THE COURT: Is your objection that she -- to  
8 what purports to be marijuana?

9 MR. RUNYON: It hadn't been tested yet at the  
10 time it gets to her.

11 THE COURT: That's true. You haven't had it  
12 analyzed. It appeared to be, is how you need to refer to  
13 it, it appeared to be marijuana, it appeared to be  
14 cocaine, et cetera.

15 BY MS. LINDER:

16 Q. At this time I show you what's been marked as  
17 State's Exhibit 22 and 23 for identification purposes.  
18 If you could look at those and just tell me if you  
19 recognize those.

20 A. Yes, ma'am.

21 Q. And how do you recognize those items?

22 A. These were the items that were handed me by  
23 various investigators in the process.

24 Q. And do those items appear in substantially the  
25 same condition as when you first collected them?

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1 A. Yes, they do.

2 Q. And what did you end up doing with those items?

3 A. I took them from the location, from 31 Woodleaf  
4 Court to the station and actually dropped them into  
5 evidence and logged them into the record management  
6 system.

7 Q. I ask you what State's Exhibit 30. Do you  
8 recognize these?

9 A. I do.

10 Q. What are these?

11 A. These are items handed to me as a recovery agent  
12 in Joseph Rowland's room.

13 Q. Do they appear in substantially the same condition  
14 as when you first saw them?

15 A. They do.

16 MS. LINDER: Your Honor, at this time I would  
17 ask that State's Exhibit 30 be entered into evidence.

18 THE COURT: What is it? What is in there?

19 MS. LINDER: These are scales.

20 THE COURT: Okay.

21 MR. RUNYON: Judge, I have a question about  
22 testimony. They haven't established the chain up to her  
23 yet. She's still at the kitchen table; last time I  
24 heard.

25 THE COURT: Come up here for a second.

1           Let me send the jury out so we can talk about  
2 this a little bit.

3           (In open court, jury not present.)

4           THE COURT: Okay. Let me -- now, for the  
5 record, what is the issue?

6           MR. RUNYON: Here's my issue: I hate to keep  
7 being an obstructionist here, but this fine officer,  
8 based upon the procedure, what she testified, is at the  
9 kitchen table, and she's receiving these items. And I  
10 have -- I know she's testifying truthfully, that she  
11 received X item and she can identify it, but --

12          THE COURT: She's not the person that was in  
13 the room and picked it up from the bedroom or brought it  
14 out of the bedroom?

15          MR. RUNYON: Or what have you, and we're  
16 talking about a little chain here, because she's the end  
17 of the chain that goes into the evidence locker.

18          MS. LINDER: And, Judge, I'll just say, to be  
19 frank with the Court, this is the first time that  
20 Detective Habbestad has ever told me about then every  
21 other case the recovery agent -- the people locate it,  
22 kind of holler out, and the recovery agent goes and  
23 collects the items where they are.

24          THE COURT: Okay.

25          MS. LINDER: So this is the first time I have

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1 been hearing this myself. I'm happy to bring in each  
2 person who located each item, and, also, Sergeant Ratliff  
3 went around the whole house, saw all the items, where  
4 they were, which is reflected in the pictures.

5 I can absolutely have everybody here. I  
6 myself was thrown for a loop because this is the first  
7 time I have heard it was done this way.

8 THE COURT: You'll need to bring in somebody  
9 who can say I picked it up in this room and brought it --  
10 and handed it to her.

11 MS. LINDER: Absolutely. And that's not a  
12 problem at all.

13 THE COURT: So these can't come into evidence  
14 right now, but it's a part of the chain, not necessarily  
15 in the order, but --

16 MS. LINDER: Absolutely.

17 THE COURT: All right.

18 MR. RUNYON: Fine, Judge.

19 THE COURT: Okay. Bring the jury back in.

20 (In open court, jury present.)

21 THE COURT: Try to lean forward and speak  
22 loudly.

23 MS. LINDER: May I approach the witness?

24 THE COURT: You may.

25 BY MS. LINDER:

1 Q. At this time I show you what's been marked State's  
2 Exhibit 29. Do you recognize this?

3 A. I do.

4 Q. How do you recognize it?

5 A. This was one of the items brought to me from  
6 bedroom number two also.

7 Q. And what, if anything, did you do with this item  
8 after you collected it?

9 A. This item was also take within me to  
10 CPD headquarters to be placed into evidence.

11 Q. And at this time I show you what's been marked as  
12 State's Exhibit 27. Do you recognize that?

13 A. I do.

14 Q. And how do you recognize it?

15 A. These are two items also brought to me as recovery  
16 agent at the location that were brought to  
17 CPD headquarters to be put into evidence.

18 Q. All right. At this time I show you what's been  
19 marked as State's Exhibit 24, and you recognize this  
20 item?

21 A. I do.

22 Q. How do you recognize it?

23 A. This was cell phone taken -- or given to me once  
24 again as recovered.

25 Q. Does it seem to be in substantially the same

1 condition as when you received it?

2 A. It does.

3 Q. What did you do with this?

4 A. I also took it from the location to our  
5 headquarters to be placed into evidence.

6 Q. State's Exhibit 25, if you could look at this. Do  
7 you recognize it?

8 A. I do.

9 Q. How do you recognize it?

10 A. It's another cell phone handed to me as recovery  
11 agent at 31 Woodleaf Court.

12 Q. And is it in substantially the same condition as  
13 when you first got it?

14 A. It is.

15 Q. And what did you do with that item?

16 A. Took it to CPD headquarters and placed it into  
17 evidence as well.

18 Q. State's Exhibit 26, if you could look at these.  
19 Do you recognize those?

20 A. I do.

21 Q. And how do you recognize them?

22 A. These are boxes of zip-lock bags that were handed  
23 to me as well from the bedroom at 31 Woodleaf Court.

24 Q. Substantially in the same condition as when you  
25 first received them?

1 A. They are.

2 Q. And what did you do with those items?

3 A. I also transported this to CPD headquarters and  
4 placed them into evidence.

5 Q. I'm going to show you Exhibits 28 and 31, if you  
6 could look at these. Do you recognize those?

7 A. I do.

8 Q. How do you recognize those?

9 A. These were items taken from the bedroom at 31  
10 Woodleaf Court.

11 Q. And what did you do with those items?

12 A. I took these also to CP headquarters and placed  
13 them into evidence.

14 Q. All the items that we have just gone through, do  
15 they all appear in substantially the same condition as  
16 when you first received them?

17 A. They do.

18 Q. And all these items, did they remain in your sole  
19 care, custody, and control until being dropped off at the  
20 city evidence?

21 A. Yes.

22 Q. And that city evidence, can you explain kind of  
23 the security of it, I guess, to the jury.

24 A. Yes, ma'am. Once I have taken the items and  
25 packaged them as needed, I, of course, put the items into

1 our records management system, which cannot be -- once  
2 they are submitted electronically cannot be modified by  
3 myself or anyone else until the evidence custodian comes  
4 in and actually reviews the material.

5 The items are all back together, separately  
6 packaged, but placed into one bag and placed into a  
7 particular locker that will fit them, and then the  
8 evidence custodian is the only one that actually has a  
9 key to get into that locker to maintain that chain of  
10 custody.

11 MS. LINDER: Beg the Court's indulgence.

12 I have no further questions for you, but  
13 please answer any questions the defense may have.

14 CROSS-EXAMINATION

15 BY MR. RUNYON:

16 Q. Still got that old mailbox down there that is used  
17 for the evidence?

18 A. We do. Smaller items.

19 Q. For smaller items.

20 You've identified these various exhibits for  
21 identification at this point as things which are given to  
22 you in the kitchen --

23 A. Correct.

24 Q. -- essentially. And then you did your inventory,  
25 the clerical work, in essence, to keep track of things,

1 and then you bagged them -- you tagged them and bagged  
2 them, so to speak, and then you physically took them to  
3 the police department yourself, no one else?

4 A. Correct.

5 Q. And you either put them in an evidence locker or  
6 you put them in the mailbox, one of the two?

7 A. That would be the standard procedure -- for this,  
8 it was a locker.

9 Q. Right.

10 A. Uh-huh.

11 Q. And once they go in there, you can't get them back  
12 out?

13 A. That's correct.

14 Q. The only person who can get them out is the actual  
15 evidence techs?

16 A. Correct.

17 Q. The keeper of the evidence, the evidence room, the  
18 evidence locker, right?

19 A. Uh-huh.

20 Q. And all you know is that these things were given  
21 to you and you made inventory of them there at the  
22 kitchen table?

23 A. That's correct.

24 MR. RUNYON: Nothing further, Your Honor.

25 THE COURT: Any redirect?

RANDELL UNTERBRINK - DIRECT BY MR. STONEY

1 MS. LINDER: No redirect, Your Honor.

2 THE COURT: You may step down. Next witness?

3 MR. STONEY: State calls Randy Unterbrink.

4 RANDALL UNTERBRINK,

5 having been first duly sworn,

6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. STONEY:

9 Q. Good afternoon. What is your occupation?

10 A. I work for the Charleston police department's  
11 crime scene currently.

12 Q. What are your duties as a crime scene technician?

13 A. We respond to a variety of different calls. It  
14 can be burglaries; it can be assaults; it can be  
15 homicides; it can be breaking and entering into an  
16 automobile; and the job is to find evidence of the scene,  
17 documentation of the scene, to photograph, to collect and  
18 to process latent fingerprints as well.

19 Q. And what type of training, education, experience  
20 do you have doing this?

21 A. Initially, we ride with another crime scene  
22 technician, just to get the understanding of the job, and  
23 then from there we are then sent to different classes,  
24 normally within the State. It could be from SLED. Also,  
25 I went to the forensic academy up in Knoxville,

1 Tennessee, which is a national program. I was up there  
2 for ten weeks.

3 Q. And did you become involved in this case, the  
4 State V. Joseph Rowland?

5 A. I did.

6 Q. And how did you become involved?

7 A. I was requested over the radio to respond to the  
8 scene and to photograph a gun, specifically a gun, that  
9 was located upstairs, and so I photographed the gun and  
10 collected that particular gun.

11 Q. And where in the residence was this firearm  
12 located?

13 A. What was the address?

14 Q. No, where --

15 A. It was upstairs. It was upstairs in a bedroom.

16 Q. And I'm going to show you what's been previously  
17 marked as State's Exhibits 11 and 12. Do you recognize  
18 these photos?

19 A. I do.

20 Q. And did you take those photos?

21 A. I took these photos.

22 Q. And what are those photos of?

23 A. This is -- in both of these photographs, it's of a  
24 cabinet next to a closet. It has different shelves on  
25 it, and of particular interest was a gun that was in the

1 top shelf.

2 Q. And are those photos a fair and accurate depiction  
3 of the scene that day?

4 A. It is.

5 MR. RUNYON: No objection, Judge.

6 MR. STONEY: At this time the State would  
7 publish Exhibits 11 and 12.

8 THE COURT: They're admitted. You can  
9 publish them.

10 (State's Exhibit Nos. 11 and 12 were marked  
11 for identification and admitted into evidence.)

12 THE WITNESS: It's upside down.

13 BY MR. STONEY:

14 Q. And you took this photo?

15 A. Yes.

16 Q. And can you describe for us where the firearm is  
17 located in that.

18 A. It's on the top shelf. You see what appears to be  
19 papers and then a box, and on top of the box is the gun.

20 Q. And State's Exhibit 12, is that a closer up  
21 picture of the gun?

22 A. That is correct.

23 Q. And you recovered this firearm?

24 A. We did.

25 Q. I'm going to show you what has previously been

1 marked as a State's Exhibit 21. Can you tell us what's  
2 in that box?

3 A. It is a firearm.

4 Q. Is that a firearm you recovered?

5 A. Yes, sir, it is.

6 Q. What type of firearm is this?

7 A. This is an HGK tactical semi-automatic 45 caliber.

8 Q. And is that firearm in substantially the same  
9 condition as the one you recovered?

10 A. Yes, sir, it is.

11 MR. STONEY: Your Honor, at this point the  
12 State would move State's Exhibit No. 21 into evidence.

13 MR. RUNYON: I haven't heard --

14 THE COURT: Did you pick it up? I mean, did  
15 you? You did?

16 THE WITNESS: I did pick it up eventually,  
17 yes, sir.

18 THE COURT: Okay. You're not the guy that  
19 found it?

20 THE WITNESS: I was not the person that found  
21 this gun, no, sir.

22 THE COURT: But it was in the room?

23 THE WITNESS: Yes, sir.

24 THE COURT: Which room?

25 THE WITNESS: It was in the upstairs bedroom.

1 It was identified specifically as bedroom number two  
2 according to the investigator.

3 THE COURT: All right. It's admitted.

4 (State's Exhibit No. 21 was marked for  
5 identification and admitted into evidence.)

6 BY MR. STONEY:

7 Q. So after you recovered this firearm, what did you  
8 do with it?

9 A. I took it to the crime scene office because what  
10 we wanted to do was process it. I first identified it,  
11 looked inside to see how many rounds were in the gun  
12 itself, and then it was turned over to our latent  
13 examiner who processed it and looked for latent  
14 fingerprints on the weapon.

15 Q. And once you turn it in to the latent recovery,  
16 can you get it back yourself?

17 A. It would be out of my hands. There would be no  
18 reason for me to do that.

19 Q. Did this firearm remain in your sole care,  
20 custody, and control from the time you recovered it until  
21 the time you turned it in to the lady?

22 A. That's correct. It was in my custody until it was  
23 retrieved by the latent examiner.

24 MR. STONEY: Thank you. Please answer any  
25 questions the defendant may have.

## 1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. Good afternoon, sir. Good to see you again.

4 A. Yes, sir.

5 Q. As a practical matter, you responded to a radio  
6 call to come photograph the cabinet, book shelves?

7 A. Yes, sir.

8 Q. And someone said there's a gun up there, and you  
9 photographed it?

10 A. Yes, sir.

11 Q. And you did process things, as you said?

12 A. Yes, sir.

13 Q. And you don't know how the gun got there?

14 A. No, sir.

15 Q. You don't know who put it there?

16 A. No, sir.

17 Q. You don't know who may have taken it down and put  
18 it back or anything like that?

19 A. No, sir.

20 Q. All you know is you photographed it, took it down  
21 and processed it and sent it over to the latent people?

22 A. Yes, sir.

23 MR. RUNYON: No further questions Your Honor.

24 THE COURT: Redirect?

25 MR. STONEY: None, Your Honor.

JENNIFER WOOLEY - DIRECT BY MR. STONEY

1 THE COURT: You can step down. Folks, just  
2 for your comfort zone, when we have weapons that come  
3 into evidence like that, you probably noticed there was a  
4 chain, or lock, that goes through there.

5 That cannot be fired. There is no ammo in  
6 them. That is for your protection. Everybody has a  
7 different comfort level with weapons, and the fact that  
8 there is one in the room really upsets some people, but  
9 it's in evidence. It's disabled. It cannot be fired.  
10 There is no ammo in it, and if, later on when you are  
11 deliberating, you want to see it, we'll take it back to  
12 you; otherwise, it will stay out here. Okay?

13 Next witness.

14 MR. STONEY: The State would call Jennifer  
15 Wooley.

16 JENNIFER WOOLEY,  
17 having been first duly sworn,  
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. STONEY:

21 Q. Good afternoon, Ms. Wooley. Who is your employer?

22 A. City of Charleston police department.

23 Q. And what are your duties with the police  
24 department?

25 A. Currently I'm a crime scene supervisor.

1 Q. And how long have you been with the city of  
2 Charleston?

3 A. November will be 12 years.

4 Q. As crime scene supervisor, what are your duties?

5 A. To supervise the crime scene units and activities  
6 and respond to major events.

7 Q. And what type of training and experience do you  
8 have in doing this?

9 A. Started off my law enforcement career and then  
10 moved into the crime scene unit in 2004 where I went  
11 through their in service crime scene training.

12 I've gone to numerous additional classes, from  
13 leadership, outside management, fingerprint training,  
14 fingerprint classes. I've also taught many of our  
15 officers how to fingerprint vehicles and things for minor  
16 crimes.

17 Q. And did you become involved in this case, State V.  
18 Joseph Rowland?

19 A. Yes.

20 Q. How did you become involved in it?

21 A. At that time, I was a latent recovery specialist  
22 for our unit, meaning that I processed items in the  
23 laboratory to recover fingerprints.

24 Q. And were you asked to try to recover fingerprints  
25 off any items in this case?

1 A. Yes.

2 Q. And what items were you asked to do that?

3 A. There was a handgun.

4 Q. And do you remember if you were able to recover  
5 any fingerprints from it?

6 A. No, I was not.

7 Q. And is this typical for there to not be any  
8 recoverable prints on the firearm?

9 A. It's not unusual. I would not be surprised.

10 Q. Could you tell us a little bit of reasoning why.

11 A. There are several different factors going into why  
12 a fingerprint is left on the surface. One of them is the  
13 surface itself, and if that is kind of receptive to the  
14 oils that are left on there. Typically, firearms,  
15 especially the outside of the firearms, are not always  
16 made to be a good surface for fingerprints, but it's also  
17 whether or not you have the oils on your hands when you  
18 touch a surface, because that's what a fingerprint is, is  
19 basically your natural oils, so if you don't have any  
20 oils or you have too much oils, you're not going to leave  
21 that impression. Contamination destruction can also  
22 affect that in how you handle.

23 MR. STONEY: Court's indulgence, Your Honor.

24 No further questions. Please answer any questions the  
25 defense may have.

1 THE COURT: Mr. Runyon?

2 CROSS-EXAMINATION

3 BY MR. RUNYON:

4 Q. You didn't recover any tips whatsoever?

5 A. No, sir. I don't remember recovering any.

6 Q. You're a very competent individual, and if you  
7 recovered anything, you would remember that, wouldn't  
8 you?

9 A. Yes, sir. Unfortunately, I'm preparing for  
10 several cases this week so it gets a little confused  
11 sometimes, but no, I don't remember recovering any from  
12 this case.

13 Q. Take my word for it. You're a very competent  
14 individual. This gun is the one that you checked. Is  
15 there anything particular about this weapon, the surfaces  
16 thereon, that would prevent someone from leaving -- I  
17 show you State's Exhibit 21 -- from leaving fingerprints  
18 on it?

19 A. Actually, the metal for this surface is a very  
20 difficult surface for fingerprint recovery. It's the  
21 finish that is placed on it. I can actually touch this  
22 gun right now and leave a print, and I do not see  
23 anything on there, so this gun is really not a great  
24 surface for fingerprints.

25 Q. And what about -- pardon me. What about the grips

1 and the --

2 A. Right. The grips are very textured. That  
3 textured surface actually prevents those prints from  
4 being left on the surface.

5 Q. All right. And you also ran a magazine, correct?

6 A. Yes.

7 Q. And the magazine should have given you some  
8 fingerprints to show you held that, or processed that,  
9 put the bullets in it, right?

10 A. Always possibilities here. The magazine is a  
11 better surface than the gun. It's not a spectacular  
12 surface, but it's certainly one that is possible.

13 Q. And so if -- well, for example, if you ran this  
14 gun now, if you took it to the police department and said  
15 check it out, even though Bill Runyon has handled this  
16 weapon, there is a possibility you couldn't get my  
17 fingerprints on that, correct?

18 A. Correct.

19 Q. But it is possible that you could get Bill  
20 Runyon's fingerprints off this magazine?

21 A. A better possibility.

22 Q. A better possibility. And, under the  
23 circumstances of this case, did you get any fingerprints  
24 of Joseph Rowland, showing that he had ever touched this  
25 weapon?

JENNIFER WOOLEY - RECROSS BY MR. RUNYON

1 A. No fingerprints were recovered.

2 MR. RUNYON: No further questions.

3 THE COURT: Redirect?

4 MR. STONEY: Just briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. STONEY:

7 Q. There were no fingerprints of the defendant,  
8 correct?

9 A. If I remember correctly, without seeing my report,  
10 I believe no fingerprints were recovered at all.

11 Q. No fingerprints at all?

12 A. Yes.

13 MR. STONEY: No further questions.

14 THE COURT: Recross, Mr. Runyon?

15 RECROSS-EXAMINATION

16 BY MR. RUNYON:

17 Q. The weapon would have been handled to get on that  
18 shelf somehow, wouldn't it?

19 A. Yes, sir.

20 Q. Someone handled it, but they didn't leave any  
21 fingerprints?

22 A. Yes.

23 Q. When you processed it, was the magazine full or  
24 empty, do you recall?

25 A. I would not be able to recall, no.

1 Q. Okay. Certainly putting shells in a magazine is a  
2 very physical process, is it not?

3 A. Yes, sir, it is.

4 Q. And if you had been given that weapon with a  
5 magazine with shells in it, you would process the shells  
6 too, wouldn't you?

7 A. Yes, sir.

8 Q. That's because you don't leave anything to chance,  
9 do you?

10 A. No, sir. I process everything that comes in the  
11 evidence room.

12 Q. If it's in the bag, you process it?

13 A. Yes, sir.

14 MR. RUNYON: No further questions, Your  
15 Honor.

16 THE COURT: You can step down. Next witness.

17 MS. LINDER: State calls Sergeant Brandon  
18 Ratliff.

19 BRANDON RATLIFF,

20 having been first duly sworn,

21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. LINDER:

24 Q. What is your occupation?

25 A. I'm a police officer with the Charleston Police

1 Department.

2 Q. What is your current position?

3 A. Current position, I'm a sergeant over a patrol  
4 division over in West Ashley.

5 Q. And what was your position back in June of 2011?

6 A. June of 2011, I was assigned to the special  
7 investigations unit covering narcotics activity  
8 investigations in West Ashley, James and Johns Island.

9 Q. How long, overall, have you been in law  
10 enforcement?

11 A. Ten years.

12 Q. Can you tell the jury a little bit about your  
13 training, education, and background?

14 A. Yes, ma'am. I graduated with a degree from the  
15 Citadel. I then went to the criminal justice academy and  
16 graduated there.

17 I've attended the DEA school narcotics  
18 investigation course, attended two courses from the  
19 Secret Service and homeland security doing active  
20 surveillance, and a course in covert surveillance from  
21 the multi-jurisdictional task force.

22 Q. Did you have the occasion to be working back on  
23 June 3, 2011?

24 A. Yes, ma'am.

25 Q. And did you have an occasion to become involved in

1 the investigation of this case, State versus Joseph  
2 Rowland back on that date?

3 A. Yes, I was.

4 Q. Could you briefly tell the jury how you were  
5 brought into this case and what happened?

6 A. I was assigned as case agent in this case. I  
7 received a number of sources that led us to do  
8 surveillance. During the surveillance, I observed a  
9 hand-to-hand transaction in which I was able to obtain a  
10 search warrant for the residence.

11 Q. And who did you observe doing what you believed to  
12 be a hand-to-hand transaction?

13 A. The defendant, Joseph Rowland.

14 Q. And where did you execute a search warrant back on  
15 June 3, 2011?

16 A. 31 Woodleaf Court.

17 Q. Is that Charleston?

18 A. Charleston city, located in West Ashley.

19 Q. I just want you to kind of tell the jury a little  
20 bit about, as lead detective in this case, what kind of  
21 decisions you have to make about the search warrant,  
22 about the entry, and things of the like.

23 A. When you're assigned -- everybody has multiple  
24 cases they're working, so, obviously everybody can't have  
25 all the intimate detail. There's not enough time in the

1 day for everybody to be briefed on that.

2 As case agent, you're basically overseeing the  
3 entirety of the operation, from gaining intelligence to  
4 surveillance to coming up with an OPS plan, briefing  
5 everybody on what that plan of attack is going to be, how  
6 we're going to approach the case, and, of course, in this  
7 case, in the search warrants overall, you know, seeing  
8 how the overall operation worked from assigning different  
9 tasks to people and just basic overview of how the  
10 completion of the case is going to go.

11 Q. At this time I show you what's been marked as  
12 State's Exhibit 1 for identification purposes. Do you  
13 recognize this?

14 A. Yes, ma'am.

15 Q. How do you recognize it?

16 A. This is the residence of 31 Woodleaf Court.

17 Q. Does that photograph fairly and accurately  
18 represent the residence?

19 A. Yes, ma'am.

20 MS. LINDER: At this time I would ask to  
21 admit State's Exhibit 1 into evidence.

22 MR. RUNYON: I have no objection to.

23 THE COURT: Admitted.

24 (State's Exhibit No. 1 marked for  
25 identification and admitted into evidence.)

1 BY MS. LINDER:

2 Q. Sergeant Ratliff, if you could, please, tell the  
3 jury what this is.

4 A. This is the photo of the front residence at 31  
5 Woodleaf Court. It's taken from the street directly in  
6 front of the residence.

7 Q. And who lived at this residence?

8 A. The defendant, Joseph Rowland, and his parents.

9 Q. In making all your decisions as the lead  
10 investigator in this case, what type of approach or entry  
11 did you decide to make at 31 Woodleaf Court?

12 A. Well, we did what we call a soft approach, and  
13 it's generally a less aggressive approach. The reason  
14 for doing this is I've worked in the area for ten years.  
15 I knew the defendant's parents. I know, to a certain  
16 degree, that both of them have some health issues.

17 We also had the issue of, prior to us pulling up  
18 to actually do the search warrant, his brother and two  
19 children and their mother arrived at the residence and  
20 were standing outside. Now, their children are -- one is  
21 in the infant stage and one is only several years old.

22 Q. Is this the basic, I guess, recon that people  
23 would imagine you take as part -- being lead detective?

24 A. Yes, ma'am. It is my responsibility to find out  
25 every detail about the ongoings of that residence.

1 Q. And what exactly is a soft approach? Is that the  
2 smoke going off everywhere we see on TV?

3 A. No. There would be no flash things. It's really  
4 more of just a controlled -- controlled approach to  
5 really ensure that no one that is not involved in  
6 activity there doesn't inadvertently get hurt. Again,  
7 we're looking at charges on one individual versus  
8 children that have nothing to do with this residence  
9 besides the fact they were brought there.

10 Q. And how many bedrooms are in that house?

11 A. Three.

12 Q. Doing the soft entry, did you, as lead detective,  
13 go through the whole house?

14 A. Yes, ma'am. I would have gone through every room,  
15 around the property, including the garage in the back.

16 Q. And when you go through and see everything, have  
17 things been altered or moved or touched?

18 A. No, ma'am. The only things that would have been  
19 moved is just the security for securing the residence.  
20 In this case, all parties with the exception of the  
21 mother and father were outside, and they were on the  
22 bottom floor. They were easy to talk out and come  
23 outside while we secured the residence.

24 Q. At this time, I show you what's been marked as  
25 State's Exhibits 2 through 20, if you could just take a

BRANDON RATLIFF - DIRECT BY MS. LINDER

1 moment and look at those items.

2 Do you recognize those items?

3 A. Yes, ma'am, I do.

4 Q. And do all those items fairly and accurately  
5 represent the scene on the date and time in question?

6 A. Yes, ma'am.

7 MS. LINDER: Your Honor, I ask that State's  
8 Exhibits 2 through 20 be admitted into evidence.

9 MR. RUNYON: Judge, we've seen them. No  
10 objection.

11 THE COURT: Admitted.

12 (State's Exhibit Nos. 2 through 20 were  
13 marked for identification and admitted into evidence.)

14 BY MS. LINDER:

15 Q. When did the search warrant on 31 Woodleaf  
16 Court -- what type of items were you looking for?

17 A. We were looking for illegal narcotics and any  
18 items that would indicate the packaging, distribution, or  
19 use of illegal narcotics.

20 Q. And what are those items that would indicate that  
21 to someone with your training and experience?

22 A. You have items such as zip-lock bags, the location  
23 of where these bags are in the residence in relation to  
24 other items. Obviously, zip-lock bags right beside the  
25 refrigerator are not necessarily indicative of criminal

1 activity, but you have the other items. Ledgers, for  
2 instance, are a good sign. Ledgers comes in a couple  
3 different forms, but they have a general one role, and  
4 that is to indicate transactions, amounts owed or amounts  
5 due or what has given out in general form for narcotics.  
6 It's either amounts in money or weight of an item.

7 Q. I'm going to go through and at this time publish  
8 State's Exhibit 2 through 20 to the jury, and I'm just  
9 going to put these on. They'll show up on the screen in  
10 front of you. It is a touch screen, so if you touch it,  
11 it will put marks. Feel free to, but just let me know.

12 All right. Can you please tell the jury what  
13 this is.

14 A. This is from the bedroom of Joseph Rowland  
15 upstairs. It is a chest of drawers, and on top of that  
16 chest of drawers appears to be a scale.

17 Q. Could you circle that for the jury? Can you touch  
18 the screen ahead of you?

19 All right. At this time I show you what's  
20 been marked State's Exhibit 3. Can you please tell the  
21 jury what in this photograph.

22 A. This is the top of that dresser. This is showing  
23 a silver in color digital scale, and up in the top there  
24 will be pictures Joseph Rowland, his child, and I believe  
25 that's going to be a picture of the mother of his child.

1 Q. State's Exhibit 4, if you could tell me where this  
2 is and what it shows.

3 A. This is also in his room, the dresser in the  
4 background. You can see pictures of him with his child,  
5 and in the foreground you see a bill that is for Joseph  
6 Rowland.

7 Q. State's Exhibit 5. Please tell me what this is.

8 A. This is a Wachovia statement addressed to Joseph  
9 Rowland, which was found in the room.

10 Q. And what is the address on here?

11 A. 31 Woodleaf Court, Charleston, South Carolina.

12 Q. Is that the location where you did the search  
13 warrant?

14 A. Yes, ma'am, it is.

15 Q. State's Exhibit 6.

16 A. This is a notebook containing another bill, and it  
17 had a ledger attached to it.

18 Q. State's Exhibit 7.

19 A. This is a drawer from within the chest of drawers  
20 you previously saw. At the bottom will be a bag of white  
21 powder substance that is consistent with cocaine.

22 Q. State's Exhibit 8.

23 A. This is another drawer. Beside that in the bottom  
24 left-hand corner is a digital scale.

25 Q. State's Exhibit 9.

1 A. Another drawer. What appears to be a cell phone  
2 is actually a fake phone of the cell phone is a digital  
3 scale.

4 Q. State's Exhibit 10.

5 A. In the bottom left-hand corner, same chest of  
6 drawers is a cell phone.

7 Q. State's Exhibit 11, which has already been  
8 entered?

9 A. This, again, is another picture of the bookcase  
10 beside the bed with the gun on the top shelf on top of  
11 the magazines and other book.

12 Q. State's Exhibit 12?

13 A. Again, this is a closer up picture of the handgun  
14 that was on the top shelf.

15 Q. State's Exhibit 13?

16 A. This is a couple shelves down. This is a criminal  
17 justice academy guide to drug agents.

18 Q. State's Exhibit 14?

19 A. This is located beside that cabinet. It is a bag  
20 of sandwich bags, zip-lock bags.

21 Q. And State's Exhibit 14, this photograph is in the  
22 same bedroom?

23 A. Yes, ma'am. All these photographs are in the same  
24 bedroom.

25 Q. State's Exhibit 15?

1           A. This is a bag that was located behind the door  
2 that contained a large bag of a white powdery substance  
3 that was consistent with cocaine.

4           Q. State's Exhibit 16.

5           A. These are those bags that were within that brown  
6 bag that we located behind the door. The tall book stand  
7 where the gun was located, to the right of that was a  
8 TV with a TV stand behind it. In this picture, in the  
9 center is a Tupperware with individually packaged amounts  
10 of a green leafy substance consistent with marijuana.

11          Q. Okay. State's Exhibit 18?

12          A. This, again, is the Tupperware that was previously  
13 mentioned, opened up with the individual packages of the  
14 green leafy substance consistent with marijuana.

15          Q. State's Exhibit 19.

16          A. This is the wallet that was located on the  
17 defendant, Joseph Rowland.

18          Q. State's Exhibit 20?

19          A. This is the money that was located on his person  
20 within the wallet.

21          Q. With regard to the currency found on the  
22 defendant, are you aware of how much that was?

23          A. No. I believe it was around 1,300, I'm not  
24 exactly positive.

25          Q. Would it help refresh your recollection if you saw

1 the search warrant return that you completed?

2 A. Yes, ma'am.

3 Q. After reviewing that document, can you please  
4 indicate to me if that refreshes your recollection as to  
5 the quantity of currency found on the defendant?

6 A. Yes, ma'am. Left front pants pocket, there was  
7 \$181 found, and then also found in his right front pants  
8 pocket was \$1,403.

9 Q. And are you aware if that is broken down in any  
10 certain set of denominations?

11 A. Yes, ma'am. The first 181 was broken down in  
12 eight 20s, one 10, three 5s, and five 1s. The 1,403 was  
13 broken down by one 100 dollar bill, six \$50 bills,  
14 forty-two \$20 bills, one \$10 bill, and eighteen \$1 bills.

15 Q. In your training and experience in narcotics, do  
16 all those \$20 bills indicate anything to you?

17 A. Yes, ma'am. It's a standard amount in tens and  
18 twenties that narcotics are sold.

19 Q. And with all the pictures that we just went  
20 through, I know you had pointed out a certain number of  
21 cell phones in the photographs. With your training and  
22 experience with narcotics and with law enforcement, do  
23 multiple cell phones belonging to one individual indicate  
24 anything to you?

25 A. Yes, ma'am. It indicates that you would want to

1 hide information and not have certain numbers calling  
2 certain cell phones, and it indicates criminal activity.

3 Q. And if can you address some of the other items I  
4 believe we saw in photographs to the jury, you pointed  
5 out a bunch of different -- I believe you said they were  
6 scales, including one that kind of looked like an Iphone.  
7 Can you explain what those are?

8 A. Multiple scales, and especially scales designed to  
9 be other items, are consistent with what we find in many  
10 cases where people are distributing and handling large  
11 amounts of drugs. They'll typically -- especially when  
12 selling and buying drugs, people want to know what  
13 they're getting, and they want to see it in front of  
14 them. They want to know for my \$50 this is the exact  
15 amount I think I'm buying and this is the amount I'm  
16 getting.

17 So it's very common for when you're handling drugs  
18 to be packaged in zip-lock bags, they're easy to come by,  
19 and to weigh them right then and there.

20 Q. Talking about packaging of drugs, can you tell the  
21 jury, if anything, what your training and experience you  
22 saw at 31 Woodleaf Court, and specifically in bedroom  
23 number two, that caught your attention when it came to  
24 packaging and drug sales?

25 A. Well, typically when packaging drug sales, you

1 want to sell to multiple people, and by breaking them  
2 down, packaging them individually, it indicates that you  
3 do want to make multiple sales. This wasn't an instance  
4 where it was all located in one location, one bag that  
5 can be consistent with personal use. Packaging it in  
6 small amounts in various sizes indicates that someone  
7 will be distributing this.

8 Q. And then you mentioned also that there was a  
9 ledger that you located. Can you kind of go into some  
10 specifics with your training and experience, what do you  
11 know to be a ledger and what information does it show?

12 A. Ledgers are made in different ways, but a lot of  
13 times it will be a laundry list in customer's amounts  
14 that you're giving them and/or amounts they've paid you  
15 or owe you. You know, depending on where you are in the  
16 realm, you might be -- if you're the one selling, you  
17 have your customer base plus how much they want, and,  
18 again, sort of receiving it, you want to know how much  
19 money you're bringing in based on what your initial  
20 purchase was.

21 Most drug dealers purchase an amount of dope and  
22 then breaking off and selling it off individually,  
23 they'll get more income than what they paid.

24 Q. Upon discovery of the firearm at this location,  
25 what, if anything, did you do as lead detective?

1       A. All firearms are handled a little bit differently.  
2       Initially, they'll, of course, be made safe, but all  
3       firearms have indicators that are strictly for them, such  
4       as the serial number. Serial number in correlation with  
5       the model, make, caliber, all that information will  
6       separate that gun from any other gun made anywhere in the  
7       world.

8               We'll recover firearms. We always run them  
9       through what we call NCIC, which is a national crime  
10      database.

11              MR. RUNYON: May I approach, Your Honor? I  
12      have an objection at this point for hearsay.

13              THE COURT: Let me send y'all out so I can  
14      rule on this.

15              (In open court, jury not present.)

16              MR. RUNYON: Perhaps my objection would be  
17      best if I just cut to the chase.

18              This is State's Exhibit 33, which she wants  
19      the witness to rely upon, I'm sure, and which doesn't  
20      have any validating NCIC information thereon with no --

21              THE COURT: Well, I don't think I've even  
22      seen this before.

23              MR. RUNYON: It's a sheet with some numbers  
24      on it, and it says --

25              THE COURT: Can the witness say where he got

BRANDON RATLIFF - DIRECT BY MS. LINDER

1 it from? Where did you get this from?

2 THE WITNESS: That's a printout from our  
3 station, from our wire dispatch runs.

4 THE COURT: You didn't run it yourself?

5 THE WITNESS: No, sir.

6 THE COURT: Who ran it?

7 THE WITNESS: I could not tell you.

8 Generally, sir, there is a name on it of who took it or  
9 ran it out of NCIC.

10 THE COURT: Why are these things redacted on  
11 there?

12 THE WITNESS: I'm not sure, sir. I couldn't  
13 tell you.

14 THE COURT: You know, it's hard for me to  
15 tell what this is a printout from. Presumably, if it was  
16 on the records, it's still in the records. I don't know  
17 if it's redacted. Is it something you can print out  
18 and --

19 MS. LINDER: I have the paperwork from 2004  
20 when the gun was stolen out of Dorchester, and then these  
21 are the pieces of paper that I got -- it was called in  
22 and confirmed, and I said, well, I need paper from this,  
23 and this is the paper I was given and it was all  
24 redacted. I'm not certain why it is. I don't know if  
25 it's victim information.

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1 THE COURT: Doesn't your office have access  
2 to this?

3 MS. LINDER: To the gun?

4 THE COURT: No, to the paper, to the NCIC --

5 MS. LINDER: I'm not aware of us having  
6 access to this.

7 THE COURT: Can y'all get us a fresh copy  
8 without these redactions on there? I mean, this could  
9 be -- well, it could be anything. You got a copy of a  
10 stolen gun report?

11 MS. LINDER: Yes.

12 THE COURT: And it's got a serial number on  
13 it?

14 MS. LINDER: That's one page of the three  
15 pages of the NCIC. If I may approach, I can show you the  
16 whole thing. Here are the pages of the NCIC that have  
17 serial numbers and whatnot. Here is all the others.

18 MR. RUNYON: Judge, I don't mean to interrupt  
19 the Court's concentration. This is stolen in Dorchester  
20 County. There is a report there. You pick up the phone,  
21 call Mr. Jones, bring Mr. Jones, put him on the stand and  
22 say, Mr. Jones, was your gun stolen from that?

23 THE COURT: They don't have to go to that.  
24 This would come in as a public record exception under  
25 803(e).

1 MR. RUNYON: But that might be under that  
2 report of that, but that redaction that they want to  
3 enter is not public record.

4 THE COURT: I'm not sure that they need to  
5 put that redacted form in. It's kind of difficult to  
6 figure out what it is. Where on this -- this form has  
7 got the same serial number -- I think we can get what you  
8 want in. You got a copy of a stolen weapons report out  
9 of Dorchester County.

10 It's got on the third page on October 21,  
11 2011, Corporal Knight was notified by Dorchester County  
12 that the gun, the stolen gun, was located by Charleston  
13 police on June 3rd. The gun was taken out of NCIC as  
14 being stolen, nothing further -- all right. Here we go,  
15 on the first page.

16 So a narrative on this incident report says  
17 on the above date and times, the deputy responded to  
18 153-A Dorchester Manor Boulevard in reference to a stolen  
19 handgun. The victim advised he usually keeps the guns  
20 stored in his vehicle; however, for the past two weeks he  
21 kept it in his home.

22 The victim further advised that the handgun  
23 was sitting on the CPU with a rag over it. The victim  
24 advised no one lives there with him. His older daughter  
25 lived there; however, she has not lived there for a long

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1 time. The victim further advised there was no forced  
2 entry to the residence. The handgun is a 45 caliber  
3 black 1030 cost handgun and was entered into NCIC. I  
4 have nothing further.

5 MS. LINDER: Your Honor, I agree with what I  
6 believe you're saying, which is the serial number and all  
7 that information is there. I wasn't going to intend to  
8 get that whole report in because I'm not trying to  
9 necessarily say that Mr. Rowland stole it, and I didn't  
10 know if all the background --

11 THE COURT: I think all you have to do is  
12 show that this gun was reported to be stolen, and this  
13 incident report does that. What these other two pieces  
14 of paper for, it's unclear that they add anything.

15 This, I think, suffices -- it seems unclear  
16 to exactly what these are and why they were redacted out.  
17 I'm suggesting that this is sufficient to show that it  
18 is -- one, it's admissible, I think, under 803(a); and,  
19 two, it shows that this gun, or this serial number, was  
20 reported as being stolen prior to the date of arrest.

21 MR. RUNYON: Judge, I'm not trying to make  
22 this more complicated than it is. There is such a thing  
23 as a real NCIC report with the little official government  
24 symbol up there and with words on it that says National  
25 Crime Information Center and all that sort of stuff, and

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1 that's all they need --

2 THE COURT: Perhaps they can get that  
3 tonight, but for today's purposes, I think you can get in  
4 what you want, that is, it was a stolen gun, with this  
5 one. It's not marked, but if you mark it, it was pulled  
6 out of Dorchester County. That's the best evidence of it  
7 being stolen.

8 NCIC, I don't really know that means anything  
9 else other than to say, hey, there is a report out there  
10 that it's stolen, and there is the report right there.

11 MS. LINDER: Yes, Judge.

12 THE COURT: So let's go with that. All  
13 right? You got it marked?

14 MS. LINDER: Yes.

15 THE COURT: Bring the jury back in.

16 (In open court, jury present.)

17 THE COURT: All right. We'll resume.

18 BY MS. LINDER:

19 Q. Sergeant Ratliff, did you do any further  
20 investigation once the firearm was recovered from 31  
21 Woodleaf Court?

22 A. Yes, we did. Due to indicating markers on it, we  
23 were able to determine that the gun was stolen out of  
24 Dorchester County.

25 Q. And at this time, I show you what's been marked as

BRANDON RATLIFF - DIRECT BY MS. LINDER

1 State's Exhibit 33 for identification purposes.

2 A. Yes, ma'am.

3 Q. And what is the serial number of the firearm that  
4 was recovered from 31 Woodleaf Court?

5 A. 25069039.

6 Q. And does -- what did you learn from State's  
7 Exhibit 33 about that firearm?

8 A. That it was a matching serial number and model,  
9 indicating it was the same gun about.

10 Q. And was that gun reported stolen previously?

11 A. Yes, ma'am, it was.

12 Q. Out of what county?

13 A. Dorchester County.

14 Q. And what time frame?

15 A. On November 6th of 2004.

16 Q. With all the cell phones that were collected from  
17 the scene, did you request any further testing to be done  
18 of those cell phones?

19 A. Yes, ma'am. We had all the cell phones sent to  
20 our digital evidence lab where they would download  
21 anything from call logs to phone books within the cell  
22 phone, pictures, anything that would have been  
23 downloaded, text messages sent and received, things of  
24 that nature.

25 MS. LINDER: I don't think I have any further

BRANDON RATLIFF - CROSS BY MR. RUNYON

1 questions at this time, if you could answer anything the  
2 defense may have.

3 THE WITNESS: Yes, ma'am.

4 CROSS-EXAMINATION

5 BY MR. RUNYON:

6 Q. Mr. Ratliff, as it relates to the number of cell  
7 phones, all three of these cell phones had active  
8 accounts at the time you recovered them?

9 A. I don't know whether they were turned on or not.

10 Q. We don't know if they all were working?

11 A. They were all functioning. I don't know to the  
12 extent which you could have made an outside call with  
13 them at the time of this incident.

14 Q. Well, please bear with me because I'm an old guy  
15 and I'm not clear. What I'm trying to say is, if you go  
16 to a cell phone provider and you buy a telephone and you  
17 decide you want to go to another provider and you maybe  
18 want to get another cell phone, you don't turn it in, do  
19 you?

20 A. No. You can continue to use the same cell phone  
21 and either switch services, have the phone number  
22 reported over to another server.

23 Q. Or you can get another cell phone?

24 A. You certainly could buy a cell phone, yes, sir.

25 Q. You could have perfectly good cell phones laying

1 in a drawer?

2 A. Yes, sir.

3 Q. A number of them, like my daughter-in-law?

4 A. Yes, sir.

5 Q. Okay. Now, as a practical matter, as a result of  
6 the seizure of these cell phones, is there anything  
7 significant about them other than the fact that he had  
8 cell phones that he required over the years?

9 MS. LINDER: Objection, Your Honor. I  
10 believe that's beyond Sergeant Ratliff's personal  
11 knowledge.

12 THE COURT: Your intention, I suppose, is  
13 putting all that in just to show possession with the  
14 intent to distribute and his trying to clarify that he  
15 can have cell phones, extra ones, without the intent to  
16 distribute drugs.

17 MR. RUNYON: I didn't bring it up.

18 BY MR. RUNYON:

19 Q. So as a practical matter, let's get off the cell  
20 phone. I don't know how to use them anyway. One of my  
21 grandsons tells me how to do it. Let's talk about the  
22 fact that you took from Mr. Rowland some currency,  
23 correct?

24 A. Yes, sir.

25 Q. And that currency was in tens and twenties and

1 fives --

2 A. Yes, sir.

3 Q. It was legal stuff that you can go to the bank and  
4 get?

5 A. Yes, sir.

6 Q. And while it might be consistent for someone who  
7 sells drugs, \$1,500 is also consistent with somebody who  
8 has \$1,500, correct?

9 A. Yes, sir.

10 Q. It doesn't necessarily mean the source of \$1,500  
11 was drugs, does it?

12 A. No, sir; however, at the time I was, throughout  
13 the investigation, unable to locate a place where the  
14 defendant was employed.

15 Q. Okay. So as a practical matter, the fact somebody  
16 might have a couple hundred dollar bills, that doesn't  
17 mean anything, does it?

18 A. No, sir.

19 Q. Okay. Now, let's talk about -- these photographs  
20 that were taken, particularly in that bedroom -- and this  
21 is State's Exhibit No. 11. Could you take a look at that  
22 and kind of examine that?

23 A. Yes, sir.

24 Q. Next to that bookcase, is there a bed there?

25 A. Yes, sir.

BRANDON RATLIFF - CROSS BY MR. RUNYON

1 Q. And does that bed have any sheets on it?

2 A. No, sir, it does not.

3 Q. Does it have a cover on it?

4 A. No, sir.

5 Q. Does it have pillows on it?

6 A. I can't tell. I'm just seeing the bottom corner  
7 of the bed.

8 Q. Does it have books stacked up?

9 A. On the back corner, yes, sir.

10 Q. So nobody was sleeping on that bed, at least until  
11 they removed all the books and what have you, right?

12 A. I couldn't tell you how someone would sleep. Some  
13 of the places I've searched and been into, sleeping on  
14 top of a book would have been the least of their  
15 concerns.

16 Q. And also a framed picture of something on that  
17 bed, isn't it?

18 A. I couldn't exactly tell.

19 Q. Kind of look at the bottom.

20 A. Yeah, it looks like an eight-by-ten picture frame,  
21 a couple books. There's a clothes hanger. It looks like  
22 a article of clothing.

23 Q. And so there was some stuff in there that,  
24 obviously, were associated with Mr. Rowland, right?

25 A. Yes, sir.

1 Q. And you said that was his room, right?

2 A. Yes, sir.

3 Q. But -- and there was stuff stacked on shelves,  
4 right?

5 A. Yes, sir.

6 Q. But the serious question is to how all that stuff  
7 got there, right?

8 A. Yes, sir.

9 Q. Well, I mean --

10 A. I'm not understanding your question.

11 Q. Well, the older I get, the harder it is to  
12 understand me, and I apologize, okay? The fact of the  
13 matter is that the door was unlocked, right?

14 A. Yes, sir.

15 Q. And Mr. and Mrs. Rowland lived in the house?

16 A. Yes, sir. Their room is located on the bottom  
17 floor.

18 Q. And John had his kids over there at some point in  
19 time, right?

20 A. Yes, sir. They arrived just before we did.

21 Q. And the drugs that you said were behind the door  
22 in the bag, there was a bag, right?

23 A. Yes, sir, there was a brown --

24 Q. Behind that door?

25 A. Yes, sir.

1 Q. And that was, like, a suitcase or something?

2 A. Yeah. It was like a satchel type purse, had a  
3 shoulder strap on it.

4 Q. It was like a satchel purse. It was like a  
5 woman's bag, right?

6 A. I couldn't tell you whose bag it was.

7 Q. Well, let me ask you this: Was it a lady's  
8 handbag or was it --

9 A. It was listed as a, I believe, made by Gucci. It  
10 was a handbag. It was a brown, tan in color handbag with  
11 a strap on it.

12 Q. So it was a Gucci bag with drugs in it?

13 A. Yes, sir.

14 Q. And it speaks for itself, right?

15 A. Yes, sir. It was a bag with apparent drugs in it.

16 Q. And you are not an expert on Gucci, are you?

17 A. No, sir, not in the least.

18 Q. I got a daughter-in-law who should be up here  
19 because she's an expert in Gucci. Anyway, did you  
20 find -- when you saw him that day, was he carrying a  
21 handbag?

22 A. No, sir.

23 Q. Like a lady's purse or anything like that?

24 A. No, sir.

25 Q. Now, let's talk about -- the marijuana that you

1 saw that is shown in those pictures is in small amounts,  
2 correct?

3 A. Yes, sir.

4 Q. And the simple fact of the matter is that wasn't a  
5 whole lot of marijuana, was it?

6 A. That -- I mean, it was enough to be an elevated  
7 felony charge of marijuana. I'm not sure how you want me  
8 to define a lot of marijuana. It certainly wasn't 1,000  
9 pounds of marijuana, and it certainly wasn't simple  
10 possession of marijuana either.

11 Q. All right. Now, Mr. Ratliff, you and I have been  
12 in some big drug cases on different sides, haven't we?

13 A. Yes.

14 Q. And you and I have seen some trunk loads of  
15 marijuana and cocaine and what have you, haven't we?

16 A. Yes, sir.

17 Q. We've seen large amounts of -- kilos of cocaine?

18 A. Yes, sir.

19 Q. And all tolled, how much marijuana did you recover  
20 that day?

21 A. In that part in the plastic bag was, I believe, 12  
22 grams; yeah, 12 grams.

23 Q. Twelve grams?

24 A. Yes, sir.

25 Q. Now, everything I've learned about metrics I've

BRANDON RATLIFF - CROSS BY MR. RUNYON

1 learned from handling drug cases. Twelve grams, how many  
2 grams make an ounce?

3 A. Twenty-eight grams.

4 Q. Okay. So this was less than an ounce of marijuana  
5 total?

6 A. Yes, sir.

7 Q. Okay. Now, as it relates to the cocaine --

8 A. Yes, sir.

9 Q. -- you're talking about 28 grams of cocaine or  
10 more in trafficking?

11 A. Yes, sir. In excess of 28 grams.

12 Q. And how many grams of cocaine did we find, gross  
13 weight?

14 A. Within the Gucci handbag, 34.

15 Q. And that's based on the gross weight. That's not  
16 based on any lab weight that you know of?

17 A. That's correct. That's strictly on the return of  
18 my search warrant, which is the amount that we weighed it  
19 out to be.

20 Q. And that's the bags and everything?

21 A. Well, the plastic bag itself has what in -- yes,  
22 sir.

23 Q. Please excuse me. I wasn't inferring that you put  
24 the Gucci bag up there. So with the plastic bags, we've  
25 got 34 grams of cocaine?

1 A. Yes, sir.

2 Q. Okay. And so as it relates to the charge of  
3 trafficking because of the weight, correct?

4 A. Yes, sir.

5 Q. And it's distribution of marijuana because of the  
6 way it was packaged?

7 A. Yes, sir, because it's an under an ounce in weight  
8 of 28 grams; however, by itself, marijuana packaged in  
9 multiple bags is indicative of selling it can be charged  
10 with possession with intent to distribute, which is what  
11 we charged based on the fact it was packaged in  
12 individual packages and with the trafficking of cocaine  
13 as well.

14 Q. Now, on the date in question, when you searched  
15 the house, other than having multiple cell phones like my  
16 daughter-in-law, that's why you say he's a big-time  
17 distributor?

18 A. No, sir. That's just a small piece of why he's a  
19 distributor.

20 Q. I beg your pardon?

21 A. That was just a small piece that would indicate  
22 him being a distributor.

23 Q. But there is not a single telephone call that  
24 you've -- that ascertained in which he may distribute  
25 anything; isn't that correct?

1           A. No, sir. My search warrant was solely off the  
2 hand-to-hand transaction.

3           Q. But this happened back in June of 2011, right?

4           A. Yes, sir.

5           Q. About -- three years ago?

6           A. Yes, sir.

7           Q. You had plenty of time to find out if he was doing  
8 anything else with his cell phone, hadn't you?

9           A. Well, I, of course, downloaded the information  
10 from his cell phones. I wasn't using his cell phones to  
11 call anybody with them, I simply would take information  
12 such as that. You can see what information they're  
13 receiving in, who's calling what numbers, these numbers  
14 come back to, and it's really not so much as cases  
15 against him as it strengthens the other cases we have and  
16 how we connect him to other parties of interest that  
17 maybe currently under investigation, have been under  
18 investigation.

19           You know, his phone number may have come up as an  
20 area of interest in another investigation, and, of  
21 course, that would make the numbers linked to him also  
22 important to that investigation and lead us to multiple  
23 other persons.

24           Q. And as a practical matter, in that vein you would  
25 have a telephone from someone who you suspect of being a

BRANDON RATLIFF - REDIRECT BY MS. LINDER

1 drug dealer with the number 843-571-3515 in it, wouldn't  
2 you, probably?

3 A. If that was the number he called from.

4 Q. And if that was his lawyer, right?

5 MR. RUNYON: No further questions.

6 THE COURT: Redirect?

7 MS. LINDER: Just briefly.

8 REDIRECT EXAMINATION

9 BY MS. LINDER:

10 Q. Sergeant Ratliff, in your investigation, who lived  
11 at 31 Woodleaf Court in June of 2011?

12 A. Joseph Rowland and his mother and father.

13 Q. And where did his parents stay in the house?

14 A. They stayed -- it's a three-bedroom house. They  
15 were in the one bedroom that was on the bottom floor, the  
16 first floor.

17 Q. And where was the defendant's bedroom?

18 A. Second floor at the top of the stairs going down  
19 the hallway would have been the bedroom on the left.

20 Q. And was there a third bedroom at the house?

21 A. Yes, ma'am. There was another third locked  
22 bedroom to the right, directly across from his, down a  
23 short little hallway.

24 Q. Was there anything found in that third bedroom?

25 A. Nothing of interest, no, ma'am. It was a room

1 that had been previously used, but it was actually locked  
2 when we got there.

3 Q. Was there anything found in Mr. and Mrs. Rowland's  
4 bedroom downstairs?

5 A. No, ma'am.

6 Q. In discussing this brown satchel, or bag, what  
7 else was in that bag aside from cocaine?

8 A. Nothing else.

9 Q. Was there a driver's license?

10 A. No, ma'am.

11 Q. Were there, like -- was there, like, a stick of  
12 gum in there?

13 A. No, ma'am. The bag was completely empty except  
14 for the drugs.

15 Q. And when the search warrant was executed, as the  
16 lead detective went around and ID'd all items, and we  
17 went through some photographs, did you find cocaine  
18 anywhere else in Mr. Rowland's bedroom aside from that  
19 bag?

20 A. No, ma'am.

21 Q. I'd like to bring your attention to State's  
22 Exhibit --

23 A. Was one in the chest of drawers.

24 Q. State's Exhibit 7?

25 A. Yes, ma'am. Let me clarify. That is located in

1 the chest of drawers I showed, and that was a 10.5 gram  
2 bag, aside from the 34 gram bag that was found in the  
3 bag. This is in addition to the ten and a half grams we  
4 found on the scene in that drawer.

5 Q. All in all, the cocaine found in Mr. Rowland's  
6 bedroom, was that in one bag or multiple bags?

7 A. Multiple bags.

8 MS. LINDER: I have no further questions.

9 RE-CROSS-EXAMINATION

10 BY MR. RUNYON:

11 Q. Who slept in the locked bedroom?

12 A. Nobody.

13 Q. Nobody?

14 A. To my knowledge, nobody. When I was on scene and  
15 interviewing persons there, I spoke with his brother John  
16 who stated that that was previously his bedroom. Him,  
17 his children, and his -- the mother of his children had  
18 moved out several months previously, and he stated he  
19 locked his door.

20 The condition of the room was consistent with  
21 someone having previously lived there and no loner  
22 staying there.

23 Q. So that door was locked, and there are books and  
24 frames stuck all over the bed and no sheets on the bed,  
25 so where did Mr. Rowland stay?

1 A. I'm assuming he stayed in his room.

2 Q. You assume he stayed in his room.

3 MR. RUNYON: No further questions, Judge.

4 THE COURT: You may step down.

5 This is where we'll break for the day. Let  
6 me send you home with the instructions, just expounding  
7 on the one I gave you at lunch.

8 Don't talk to anybody about the case while  
9 you're at home tonight; spouse, boyfriend, girlfriend,  
10 bartender, next door neighbor, anyone, and the reason  
11 behind it is pretty simple: Whoever we talk to about the  
12 case is going to want to talk to you about the case, and  
13 they're going to give you thoughts about that.

14 You make your decision on this case based on  
15 what you hear in this courtroom and not what other people  
16 think about the case. It's not fair -- and that's the  
17 bottom line for the rule -- it's not fair to these  
18 parties. This is their day in court, the State and  
19 Mr. Rowland, to have people who aren't in this courtroom  
20 and aren't on this jury telling you about what they think  
21 your decision ought to be or discussing evidence that  
22 they haven't heard.

23 It's improper, prior deliberations for you to  
24 talk about it with somebody and other members of the  
25 jury, but it's mainly a matter of fairness, is the basis

1 with Mr. Runyon about this. If you have any friends or  
2 family members that you want to ask about it, get their  
3 advice you can, but, ultimately, it is your decision and  
4 your decision alone.

5 Okay? Got any questions you want to ask me  
6 about that?

7 THE DEFENDANT: No, sir.

8 THE COURT: All right. See you tomorrow.  
9 Anything from the State before we close up?

10 MS. LINDER: Nothing from the State.

11 MR. RUNYON: Nothing from the defendant.

12 (Recess taken.)

13 (May 13, 2014.)

14 THE COURT: All right.

15 Let the record reflect the defendant is in  
16 the courtroom, bringing the jury back in, the State next.

17 (In open court, jury present.)

18 THE COURT: All right, folks. Welcome back.  
19 We're going to resume now with the State calling the next  
20 witness.

21 MR. STONEY: State calls Elizabeth Mitchell.

22 ELIZABETH MITCHELL,

23 having been first duly sworn,

24 was examined and testified as follows:

25 DIRECT EXAMINATION

1 BY MR. STONEY:

2 Q. Good morning, Ms. Mitchell.

3 A. Hi. How are you?

4 Q. Thank you for coming. Back in June of 2011, were  
5 you employed by the city of Charleston police department?

6 A. I was.

7 Q. And as part of your duties, did you work at the  
8 crime lab?

9 A. Yes.

10 Q. And you, in fact, were the head of the lab for  
11 some time, weren't you?

12 A. I was, yes.

13 Q. And how long were you with the lab?

14 A. A total of 11 years, give or take.

15 Q. And back in June of 2011, did you chemically  
16 analyze substances to determine whether or not they  
17 contained cocaine or marijuana?

18 A. Yeah. That was one of my roles.

19 Q. And when you did these analyses, would you do a  
20 report --

21 A. Yes.

22 Q. -- to show your findings?

23 A. Yes.

24 Q. And would you sign these reports?

25 A. I believe in 2011 -- I'm sorry. I was just able

ELIZABETH MITCHELL - DIRECT BY MR. STONEY

1 to get my discovery packet this morning because of the  
2 late notice of my subpoena. I believe at this time we  
3 were using electronic signatures.

4 Q. I would show you what has been previously marked  
5 as State's Exhibit 32.

6 MR. RUNYON: For identification.

7 MR. STONEY: For identification.

8 BY MR. STONEY:

9 Q. Is that a lab report that you completed?

10 A. It appears to have my signature on it, yes.

11 Q. And what is the name at the top of that lab  
12 report?

13 A. Joseph Rowland.

14 MR. STONEY: At this point the State would  
15 offer State's Exhibit 32 into evidence.

16 MR. RUNYON: Respectfully object, Your Honor.  
17 No foundation.

18 THE COURT: You want to lay a foundation for  
19 her knowing what she was doing when she analyzed it?

20 BY MR. STONEY:

21 Q. Can you tell us a little about your education,  
22 training, and experience.

23 A. Yes. I would be glad to. I have a bachelor's  
24 degree in chemistry and biochemistry. I have a master's  
25 degree in forensic science. When I worked in the lab, I

1 completed a training program and proficiency tests;  
2 however, since I left the lab last September, I really  
3 haven't done much to keep up my certifications as I'm in  
4 pharmacy school now.

5 Q. But back in 2011, you had your certifications and  
6 they were all up-to-date?

7 A. I did, at the time.

8 Q. And have you ever been qualified as an expert?

9 A. Yes.

10 Q. And testified?

11 A. Yes.

12 Q. As to drug analysis and chemical analysis?

13 A. Yes.

14 MR. STONEY: Your Honor, at this point, the  
15 State would move to have Ms. Mitchell declared as an  
16 expert.

17 THE COURT: In what field?

18 MR. STONEY: In drug analysis, I'm sorry,  
19 Your Honor.

20 THE COURT: Do you wish to voir dire, or --

21 MR. RUNYON: Just on the substantive report,  
22 not necessarily the qualifications, Judge.

23 THE COURT: So you're okay with her being an  
24 expert in the field of drug analysis?

25 MR. RUNYON: I think they've laid the

ELIZABETH MITCHELL - DIRECT BY MR. STONEY

1 foundation, Judge, yes.

2 THE COURT: All right.

3 Folks, I told you at the first of the trial  
4 yesterday that people ordinarily come in and they just  
5 testify about their observations, what they hear, they  
6 saw, they touched, they felt, they smelt. They don't  
7 come in and give you their opinion about the evidence.

8 Well, the law says that when somebody,  
9 because of training or education, expertise in some field  
10 rises to the level of being an expert then they cannot  
11 only come in and be qualified as an expert, but they can  
12 then tell you what their opinion is about evidence and  
13 the basis for their opinion. This witness has now been  
14 qualified as an expert in the field of drug analysis.  
15 She will be allowed to tell you what her opinion is about  
16 what she's testifying and give you the basis for that.

17 You're not required to blindly accept any  
18 expert's testimony. You can give it as much or as little  
19 weight as you feel it depends or it deserves, depending  
20 on all of the evidence you hear throughout the trial, as  
21 well as their qualifications, et cetera. All right? You  
22 may continue.

23 BY MR. STONEY:

24 Q. Your Honor, at this point the State would offer  
25 State's Exhibit 32, admit it into evidence. It's the lab

1 report.

2 THE COURT: Do you want to see?

3 MR. RUNYON: I would like to see it. I would  
4 like to cross-examine.

5 THE COURT: All right. Go ahead.

6 CROSS-EXAMINATION

7 BY MR. RUNYON:

8 Q. Ms. Mitchell --

9 A. Yes.

10 Q. Let me ask you a few questions, all right?

11 A. Certainly.

12 Q. How did you go about getting these materials that  
13 you tested in this particular report? Do you remember?

14 A. Yeah. Let me remember back. We -- the procedure  
15 was typically either myself or we had an evidence  
16 custodian would go to the police department and sign them  
17 out and bring them over to the lab.

18 Q. Okay. Well, I understand that that was typically,  
19 but I'm talking about in this particular case. Do you  
20 have a recollection? Do you have any records about how  
21 the chain was established in this case?

22 A. Yes. Looking at my chain of custody  
23 documentation, it appears that I picked this up from the  
24 police department evidence custodian on June 6th of 2011.

25 Q. All right. And as a result of receiving the

1 materials, then you went through a protocol to test the  
2 various items you received?

3 A. Yes.

4 Q. And the results of your tests, as it relates to  
5 the green plant material, was that it was marijuana; is  
6 that correct?

7 A. Yes, on the report, if that's how it's listed.

8 Q. Okay. Now -- and that was a total of, what, 12  
9 grams or less?

10 A. I apologize. I really just got this this morning.  
11 I'm looking, just estimating, five, six, seven, eight,  
12 nine and a little bit is what I'm estimating, just  
13 adding, just sitting up here.

14 Q. All right. So it's less than ten grams? See, I'm  
15 not good at math.

16 A. I'm terrible at math in my head. I'm sorry.

17 Q. I'm not good at math, so if you say it's about  
18 nine and my question is, it's less than ten, am I  
19 counting correct in that or am I a little bit slow?

20 A. I mean, I think you're correct, but I'm just --  
21 I'm really just estimating. I need a calculator if I'm  
22 going to do this on the stand. I'm sorry.

23 Q. So it's a small amount of marijuana?

24 A. I can't give an opinion on the amount.

25 Q. Well, it's less than ten grams. Okay. Now, may I

1 ask you a question? I see you tested an item, 3.1, which  
2 is 9.48 grams on your report.

3 A. I'm sorry. Which item?

4 Q. The item 3-1, right at the bottom of your report?

5 A. Yes, I see that.

6 Q. And it says it's 9.48 grams and it says cocaine  
7 detected. What does that mean?

8 A. It meant that I saw cocaine in that particular  
9 exhibit. We don't quantitate. There was cocaine  
10 present, but I couldn't get as many chemical tests as I  
11 like to have to just report cocaine.

12 Q. All right. So item 3-1, you conducted tests, and  
13 all you could say was cocaine was detected.

14 A. Yes.

15 Q. Okay.

16 A. There is definitely cocaine present.

17 Q. And the method you used was GC/MS. What does that  
18 mean?

19 A. It's a chemical test. It's an instrumental type  
20 of analysis that gives two types of data that identify  
21 compounds.

22 Q. Okay. Well, a little over 50 years ago it took me  
23 three semesters to get through freshman biology at the  
24 College of Charleston, so please understand I'm not good  
25 at science. That's why I have to ask these questions.

1           Is this a definitive test for a substance or is it  
2 just a screening test?

3           A. In my field, or in the field I was in, it was  
4 considered definitive.

5           Q. Okay. Now, as it relates to the other two, you  
6 have the color test. What is a color test?

7           A. A color test is a nondefinitive test. You add  
8 some chemicals, and if the substance turns a certain  
9 color, it's considered what we call presumptive, or just  
10 kind of a nondefinitive test that may be present.

11          Q. Correct me if I'm wrong, because, like I said, I  
12 ain't good at science now, okay? So it's just a member  
13 of, like, the cane family, right?

14          A. Correct.

15          Q. Like lidocaine, cocaine, procaine, all those  
16 things could give you the same color, right?

17          A. Well, all of those things actually don't give the  
18 same color test. They're kind of chemically structurally  
19 similar, but other substances, such as Benadryl that you  
20 take for allergies, can give a positive cocaine color  
21 test.

22          Q. So Benadryl that you take for allergies can give  
23 you the same color test as cocaine.

24          A. Yes.

25          Q. Okay. Let me ask you this: What is FTIR?

1           A. FTIR stands for fourier transform infrared  
2 spectrometer. It's another definitive test.  
3 Essentially, it tests the substance and it gives you a  
4 picture of the molecules present. Kind of like a  
5 fingerprint for a molecule.

6           Q. Okay. Now, that FTIR is, in fact, the definitive  
7 test for a particular chemical, like cocaine, right?

8           A. Yes.

9           Q. And if you get an FTIR result that says it's  
10 cocaine, for example, it is cocaine, right?

11          A. Correct.

12          Q. It ain't Benadryl?

13          A. No.

14          Q. Okay. Now, you didn't get an FTIR result with a  
15 9.48 grams, item 3-1?

16          A. Right.

17          Q. Is there a reason you didn't do an FTIR on that?

18          A. I did use a FTIR, but I didn't use that to support  
19 my conclusion that it was inconclusive.

20          Q. So the FTIR 9.48 grams was inconclusive?

21          A. Yes.

22          Q. All right. Now, when you weight these -- do you  
23 recall actually weighing these items?

24          A. I'm going to be honest: This is in 2011. I don't  
25 have direct recall. I have my notes where I weighed

1 them.

2 Q. When you said you weighed them, did you weigh them  
3 or did you weigh them together with any kind of container  
4 they were in?

5 A. They were weighed without their packaging so just  
6 the substance.

7 Q. Are you sure about that?

8 A. Yes.

9 Q. What did you do about the package?

10 A. I'm sorry?

11 Q. What did you do with the package?

12 A. We remove it from the packaging and weigh it and  
13 take out stuff -- what we need for our testing, and then  
14 we attempt to put it back in the original packaging it  
15 was in. If we can't, we keep the original packaging but  
16 we put it in another bag.

17 Q. And you label it so the chain is --

18 A. Yes.

19 Q. Okay. And the FTIR is a definitive test for the  
20 presence of cocaine.

21 A. Yes, as long as the item being tested falls within  
22 the limitations of the FTIR's ability.

23 Q. Okay. All right. Now, once again, if I had any  
24 marketable skill I wouldn't become a lawyer, okay? You  
25 got to tell me what that means by the FTIR's limitations,

1 or whatever you said.

2 A. An FTIR is a very powerful and good instrument to  
3 use if you have a pretty pure substance. If you have a  
4 substance of powder that's a mixture of things, it's just  
5 not a good analytical technique. That's why we have  
6 GCMS. It's good for mixtures of things.

7 Q. Okay. So despite the fact that you have the  
8 results of FTIR on two of the items for cocaine, it's not  
9 a very reliable test for a mixture.

10 A. As long as the mixture is pure, has more of the,  
11 let's say, cocaine than whatever it is mixed with, it's  
12 more reliable, but if there is more of the mixture or we  
13 take a bad sample of what we have, then, yeah, it's not  
14 useful.

15 Q. Okay. So let me understand this: So if you have  
16 a -- well, let me back up a second, okay? Because I'm  
17 getting confused, and you just got to bear with me.

18 A. Certainly.

19 Q. So if you have something that is, quote, a pure  
20 substance, like, let's say, pure aspirin, okay? You can  
21 do a test on that, and the FTIR, for example, would show  
22 you that it is pure acetylsalicylic acid, but once you  
23 mix that acid with something, then the FTIR could be not  
24 necessarily that accurate, correct?

25 A. Correct.

1 Q. So in the course -- how long were you in the lab?

2 A. Eleven years, I think.

3 Q. In the course of that eleven years, have you ever  
4 tested a pure cocaine sample?

5 A. That's a tricky question. I don't know, because  
6 we don't do quantitation. I've tested things that I've  
7 gotten very good FTIRs for, but I'm not sure how pure the  
8 sample was.

9 Q. So any time -- and many times cocaine, for  
10 example, the cocaine sample that you have would be mixed  
11 with things like Inositol and other cuts; is that  
12 correct?

13 A. It can be.

14 Q. Is it usually, or is it usually pure?

15 A. Again, I don't know. We don't look for cuts. We  
16 see them, occasionally, especially when we do GCMS. If  
17 you get an impure sample, sometimes you'll see a cut in  
18 FTIR, but we never tracked that. I know from reading the  
19 literature it's common to cut cocaine.

20 Q. Okay. So the FTIR results in this are reliable,  
21 depending upon what else was there; is that your  
22 testimony?

23 A. If I reported cocaine based on an FTIR, then my  
24 FTIR spectra was definitely positive for cocaine, no  
25 matter what else was present. If I didn't use FTIR as a

1 method, it means that my FTIR was inconclusive for  
2 whatever reason.

3 Q. And FTIR is the best way to do it.

4 A. No. Lots of labs just do GCMS. It just depends.  
5 We normally do a combination.

6 Q. Well, let me ask you this: GCMS, is that a better  
7 way to do it?

8 A. It's -- you know, because the forensic laboratory  
9 gets in a lot of different kinds of street samples of  
10 different mixes and cuts, if you can only have one  
11 instrument, then the GCMS is probably the more useful  
12 because it can handle mixtures and give you good data,  
13 but certainly the Charleston Police Department is  
14 fortunate to have the money for both instrument. They're  
15 both good, useful tools, probably similar to -- you might  
16 not use one legal database every time. Just depends on  
17 the case.

18 Q. Let me go back to this question on weight again.  
19 What did you weigh it on?

20 A. We have balances in the lab.

21 Q. Beg pardon?

22 A. We have balances in the lab that were used for  
23 these purposes.

24 Q. And these balances are on a particular maintenance  
25 schedule, or they're calibrated from time to time to

ELIZABETH MITCHELL - CROSS BY MR. RUNYON

1 determine that they are weights and standards, so to  
2 speak?

3 A. Yes.

4 Q. Who does that, or who did that? I apologize.

5 A. I don't want to perjure myself. I really don't  
6 remember.

7 Q. So you didn't do it?

8 A. It was not one of my normal duties. If someone  
9 who was supposed to do it wasn't there, I may have done  
10 it. Whoever did it was always documented.

11 Q. Okay. Was it done on a regular basis or was it  
12 done every once in a while, let's check and make sure the  
13 scales are right?

14 A. Regular basis.

15 Q. How often was that regular basis?

16 A. I don't remember. I mean, there were different  
17 things that had to be done. I think there was something  
18 that was weekly, something that was monthly, something  
19 that was maybe annually.

20 Q. So when you weighed these things on the scales,  
21 you relied upon a system that probably checked to make  
22 sure that they were accurate.

23 A. Yes.

24 MR. RUNYON: No further questions.

25 REDIRECT EXAMINATION

1 BY MR. STONEY:

2 Q. This is your report, correct?

3 A. Yes.

4 Q. This is signed by you, and accurate, correct?

5 A. To the best of my knowledge.

6 MR. STONEY: At this time the State would  
7 offer State's Exhibit 32 into evidence.

8 MR. RUNYON: We have voir dired the matter,  
9 Judge. Leave it up to the Court.

10 THE COURT: It's admitted.

11 (State's Exhibit No. 32 was marked for  
12 identification and admitted into evidence.)

13 BY MR. STONEY:

14 Q. Can you see it in front of you?

15 A. Yes, I can.

16 Q. Item 1.1, you tested that and determined what it  
17 was?

18 A. Could I ask a question before we start this, just  
19 real quick? In terms of what this means for me to be an  
20 expert witness, am I giving an opinion as if this were  
21 2011 or -- and I'm just sort of reading my report, or am  
22 I giving this as if I still considered myself an expert  
23 in the subject matter today?

24 THE COURT: Do you not consider yourself an  
25 expert?

1 THE WITNESS: I don't feel like -- I mean, I  
2 don't feel like I've done what is considered what you  
3 have to do in the field of forensic science to remain an  
4 expert. I didn't take -- I haven't had a proficiency  
5 test in over a year. I haven't kept up with the reading.

6 I mean, I know the science behind this  
7 because I was trained in science, but I just -- I want to  
8 make sure I'm doing right by the Court.

9 THE COURT: Were you an expert at the time  
10 you wrote the report?

11 THE WITNESS: At the time I did the report, I  
12 was up-to-date and everything was great.

13 THE COURT: Do you feel like you can testify  
14 about this as an expert, based on what you were doing at  
15 that time?

16 THE WITNESS: I can testify as to what's on  
17 the report, yes.

18 THE COURT: All right. Go ahead.

19 BY MR. STONEY:

20 Q. According to the report, item 1-1 was what?

21 A. Marijuana.

22 Q. With a weight of what?

23 A. 5.19 grams.

24 Q. Item 1-702 was what?

25 A. Again, marijuana, with a weight of .96 grams.

1 Q. 1-703?

2 A. Marijuana again, with a weight of .97 grams.

3 Q. 1-704?

4 A. Marijuana, again, a weight .99 grams.

5 Q. 1-075?

6 A. Marijuana, 1.08 grams.

7 Q. And I know you don't have a calculator, but that  
8 is roughly --

9 A. Is it 10.19? Did I add it wrong earlier when I  
10 was estimating? I mean, it's something in that, 10, a  
11 little bit more, a little bit less range.

12 Q. And then item 2-1, what is that?

13 A. Cocaine, a weight of 32.59 grams.

14 Q. And item 2-702?

15 A. Also cocaine with a weight of 15.38 grams.

16 Q. And item 3-1?

17 A. Cocaine detected with a weight of 9.48 grams.

18 Q. And did you -- I believe you testified earlier  
19 that you did -- these findings were the result of  
20 definitive testing?

21 A. Were a result of what?

22 Q. Definitive testing?

23 A. Yeah. Nothing goes on the report that is not  
24 definitive.

25 Q. At this point I'm going to show you what's been

1 previously marked as State's Exhibits 23 -- or 22 and 23  
2 for identification purposes only.

3 A. Okay.

4 Q. Ask you to open them and look at them.

5 A. Okay.

6 Q. Are those the substances that you tested?

7 A. They are labelled as the substances I tested, yes.  
8 I can recognize them by the labels.

9 MR. STONEY: Court's indulgence, Your Honor.

10 No further questions please answer any other  
11 questions the defense may have.

12 THE WITNESS: Okay. Thank you.

13 RECROSS-EXAMINATION

14 BY MR. RUNYON:

15 Q. And that report my friend showed you is  
16 definitive, as long as those county jail scales were  
17 maintained by somebody, right?

18 A. Correct.

19 Q. And we don't know who that is?

20 A. I don't know sitting right here. It's documented  
21 in the lab. Believe me, I'm well documented.

22 Q. Well, we don't have that documentation, do we?

23 A. We don't. I'm sure with a phone call it could be  
24 run right over here.

25 Q. And the definitive results are subject to your

WILLIAM OLSON - DIRECT BY MS. LINDER

1 testimony about GCMS and FTIR testing procedures and what  
2 is best and what is not and what FTIR shows, et cetera,  
3 et cetera, what you've testified before?

4 A. Correct.

5 Q. And at the time you did this, you were an expert  
6 but you don't consider yourself an expert now?

7 A. I consider it comparable to if you are a medical  
8 doctor and don't do what you have to every year to remain  
9 a Board certified medical doctor, it's the same thing.  
10 You have the knowledge, but you don't have that  
11 documentation.

12 Q. You still got an MD, but you shouldn't be cutting.  
13 No further questions.

14 THE COURT: You can step down. Next witness.

15 MS. LINDER: State calls Bill Olson.

16 WILLIAM OLSON,

17 having been first duly sworn,

18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. LINDER:

21 Q. Where do you currently work?

22 A. I currently am assigned to CPD special  
23 investigations unit.

24 Q. Does that include what most people would think of  
25 as the narcotics unit?

WILLIAM OLSON - DIRECT BY MS. LINDER

1 A. Yes, ma'am.

2 Q. Were you working back with them in June of 2011?

3 A. Yes, ma'am.

4 Q. And did you assist in executing a search warrant  
5 on June 3rd of 2011?

6 A. Yes, ma'am.

7 Q. And was that search warrant at 31 Woodleaf Court  
8 in West Ashley?

9 A. Yes, ma'am.

10 Q. And as part of your executing the search warrant,  
11 did you search bedroom number two?

12 A. Yes, I did.

13 Q. And what items did you locate and collect from  
14 bedroom number two?

15 A. May I look at my notes?

16 Q. If it would refresh your recollection to look at  
17 the search warrant return, yes.

18 A. I located an open box of Poly-steel sandwich bags  
19 found on the right side of the dresser in bedroom two. I  
20 located a Wachovia letter addressed to Joseph Todd  
21 Rowland and a blue notebook with a ledger and  
22 miscellaneous papers inside found on the dresser inside  
23 bedroom two.

24 I located a silver AWS digital scale found on the  
25 dresser inside bedroom number two. I located a Best Buy

WILLIAM OLSON - DIRECT BY MS. LINDER

1 receipt for a 50 inch television that was paid in cash  
2 found inside the top left dresser drawer. I located a  
3 clear plastic bag containing approximately 10.5 grams of  
4 a white powdery substance which I located on the top left  
5 dresser drawer.

6 I located a green AWS digital scale in the middle  
7 dresser drawer and a cell phone digital scale in the  
8 bottom left dresser drawer, all in bedroom two. I also  
9 located a black in color T-Mobile cell phone found inside  
10 the top dresser drawer in bedroom number two.

11 Q. At this time I show you what's been marked as  
12 State's Exhibit 30. Will you just look at that, please.  
13 Do those appear to be items that you collected from the  
14 search warrant at 31 Woodleaf Court?

15 A. Yes, ma'am.

16 Q. Do they appear to be in substantially the same  
17 condition as they were when you first located them?

18 A. Yes, ma'am.

19 Q. And what did you do after you located those?

20 A. I turned them over to Detective Cobb.

21 Q. And is Detective Cobb also Jennifer Habbestad?

22 A. Habbestad.

23 Q. I show you what's been marked as State's Exhibit  
24 28, if you could look at this. Are those items items  
25 that you checked from bedroom number two during the

1 search warrant?

2 A. Yes, ma'am.

3 Q. And do they appear in substantially the same  
4 condition as they did when you first collected them?

5 A. Yes, ma'am.

6 Q. And what did you do after collecting them?

7 A. Turned them over to Detective Cobb.

8 Q. At this time I show you what's marked as State's  
9 Exhibit 26 and 31, if you could look at those. Are those  
10 items that you located and collected during the search  
11 warrant execution at 31 Woodleaf Court?

12 A. Yes, ma'am.

13 Q. Do they appear in substantially the same condition  
14 as when you collected them?

15 A. Yes, ma'am.

16 Q. What did you do with those items?

17 A. Gave them to Detective Cobb.

18 Q. With regard to what you described as 10.5,  
19 approximately 10.5 grams of a white powder substance,  
20 what did you do with that item?

21 A. I turned it over to Detective Cobb.

22 Q. Is that the practice, everybody kind of funnels it  
23 to one person to turn everything in?

24 A. Yes, ma'am.

25 MS. LINDER: Your Honor, at this time I would

WILLIAM OLSON - CROSS BY MR. RUNYON

1 ask State's Exhibit 31, 26, 28 and 30 all be admitted  
2 into evidence.

3 MR. RUNYON: No objection.

4 THE COURT: Admitted.

5 (State's Exhibit Nos. 31, 26, 28, and 30 were  
6 marked for identification and admitted.)

7 MS. LINDER: I have no further questions for  
8 you, if you will answer any questions the defense may  
9 have.

10 THE COURT: Any questions?

11 MR. RUNYON: Briefly, Judge.

12 CROSS-EXAMINATION

13 BY MR. RUNYON:

14 Q. Detective Olson, good morning. How are you doing?

15 A. Good.

16 Q. Good to see you again. When you went into bedroom  
17 two -- strike that.

18 Did you see this television or was that  
19 downstairs?

20 A. I don't recall.

21 Q. Okay. Did you see a computer or anything else in  
22 bedroom two?

23 A. I don't really remember.

24 Q. Okay. Now, I show you -- and I apologize as I  
25 leaf through these. You spent your time in bedroom two,

1 didn't you?

2 A. That's correct.

3 Q. And you, of course, didn't move things around.  
4 You didn't move furniture; you didn't do any of that  
5 stuff?

6 A. That's not what we do. We're looking for items.

7 Q. That's right, 'cause that's not what you do.  
8 You're looking for items, and it's not up to you to  
9 change things around or alter the landscape, correct?

10 A. That's correct.

11 Q. And so -- I'm looking for State's Exhibit No. 11.  
12 Did you take the pictures, or did someone else come in  
13 and take the pictures before you moved things?

14 A. I don't remember at the time. I could have taken  
15 the photo. Someone else could have taken a photo.

16 Q. Someone else could photo as well as you could, so  
17 the room was essentially in the same condition as when  
18 you found it, correct?

19 A. Well, after the search, things were moved around  
20 in there.

21 Q. After the search things were moved, but before the  
22 search, they were sitting on the dresser, they were  
23 sitting on the dresser, if they're sitting on the bed,  
24 they were sitting on the bed?

25 A. Correct.

WILLIAM OLSON - CROSS BY MR. RUNYON

1 Q. Things of that sort. I draw your attention to  
2 State's Exhibit No. 11. Is that a picture of a bookcase  
3 and a partial picture of the bed, or a bed?

4 A. Yes.

5 Q. Are there any other beds in that room, by the way,  
6 other than that one?

7 A. I don't believe so.

8 Q. Okay. And all that stuff that was on the bed was  
9 stacked on the bed when you came into the room, right?

10 A. Well, at that point in time I don't know because I  
11 don't know what period this picture was taken, if it was  
12 during the middle of the search, we oftentimes search the  
13 bed first because it's the largest area where we could go  
14 put items that we have already looked at.

15 Q. Do you remove sheets from the bed?

16 A. I don't recall.

17 Q. Did you remove sheets from that bed?

18 A. I don't know.

19 Q. Did you stack those things on that bed that are  
20 pictured in that picture 11?

21 A. I don't know.

22 Q. That wouldn't have been your job, would it?

23 A. Well, in the process of moving and searching  
24 things, we do move items so that we know systematically  
25 where we started searching and what we haven't searched.

1 Q. Okay. Bear with me because I'm old, okay? Did  
2 you put those items that are pictured on the bed?

3 A. I don't know.

4 MS. LINDER: Objection, Your Honor. Asked  
5 and answered.

6 THE COURT: Well, I don't think he answered  
7 it clearly, but go ahead. You can answer the question.

8 THE WITNESS: I don't know if I put them on  
9 the bed or not.

10 BY MR. RUNYON:

11 Q. Let me ask you this, then: When are pictures of  
12 the area to be searched usually taken?

13 A. When we locate an item.

14 Q. Okay. So you locate an item, and someone comes  
15 with a camera and takes pictures?

16 A. Yes, sir.

17 Q. And is this -- you find one thing and you go get a  
18 camera and someone takes pictures, or you find everything  
19 and you go get your camera and take pictures?

20 A. We would normally call the detective with the  
21 camera so everything is covered. We just literally yell  
22 "camera", and that person would come into the room and  
23 photograph what we located and then we continue  
24 searching.

25 Q. Okay.

1           A. Because there is only one person doing photos in  
2 the entire house, so they may be jumping around, going  
3 everywhere.

4           Q. Okay. Other than what is shown in the photos, did  
5 you see anything else in the bedroom to your recollection  
6 that indicated the bedroom was inhabited, i.e., lived in?

7           A. I don't remember. I would assume somebody was  
8 sleeping in the bed. There were clothes in there,  
9 personal effects.

10          Q. You assumed someone was sleeping in the bed with  
11 all that stuff sitting on it?

12          A. Well, I don't know at what point in time that  
13 stuff was put on the bed.

14          Q. And you don't know whether it was there when you  
15 came into the room or when you left?

16          A. I don't know.

17          Q. You simply don't know?

18          A. I don't know.

19          Q. Who searched bedroom number two other than you?

20          A. Myself and Detective Sumner.

21          Q. So there was at least one other detective that  
22 might have put the stuff on the bed?

23          A. Could have.

24          Q. Could have. Or it could have been there all  
25 along?

WILLIAM OLSON - REDIRECT BY MS. LINDER

1       A. Yeah. I don't know at what state the evidence was  
2 sitting on the bed.

3               MR. RUNYON: No further questions, judge.

4               THE COURT: Redirect?

5               MS. LINDER: Just briefly.

6               REDIRECT EXAMINATION

7 BY MS. LINDER:

8       Q. Was this search warrant done a long time ago.

9       A. Yes.

10      Q. Approximately how many search warrants have you  
11 been involved with since June of 2011?

12      A. Normally do 150 to 200 search warrants a year.  
13 This was three years ago; 400, 500 search warrants in the  
14 last three years.

15      Q. Were you the lead detective in this case?

16      A. I was not.

17      Q. Can you explain to the jury what your limited role  
18 was in this case.

19      A. My role is just to assist in the search.

20      Q. I believe you already testified this is State's  
21 Exhibit 7. If you could just look in front of you. I  
22 believe you already testified that you located the  
23 approximately 10.5 grams of white powder substance. What  
24 other items are in this drawer with that? Did you -- you  
25 searched this drawer, correct?

KEITH SUMNER - DIRECT BY MS. LINDER

1 A. I did.

2 Q. What is this or this or this?

3 A. That looks like male clothing to me.

4 MS. LINDER: I have nothing further. Thank  
5 you.

6 THE COURT: Recross?

7 RECROSS-EXAMINATION

8 BY MR. RUNYON:

9 Q. What male wore those clothes?

10 A. I don't know.

11 Q. What size were those clothes?

12 A. I don't know.

13 MR. RUNYON: No further questions.

14 THE COURT: All right. You can step down.

15 Next witness.

16 MS. LINDER: State calls Keith Sumner.

17 KEITH SUMNER,

18 having been first duly sworn,

19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. LINDER:

22 Q. Were you in the special investigations unit, also  
23 known as narcotics unit, for the City of Charleston  
24 Police Department back in June of 2011?

25 A. Yes, I was.

1 Q. And did you assist with the execution of a search  
2 warrant back on June 3rd of 2011?

3 A. Yes, I was.

4 Q. And was that search warrant done at 31 Woodleaf  
5 Court in West Ashley?

6 A. Yes, it was.

7 Q. And as part of your duties, were you one of the  
8 people who searched what is known as bedroom number two?

9 A. Yes, I was.

10 Q. And did you locate or collect any items of  
11 interest in bedroom number two?

12 A. Yes, I did.

13 Q. And could you please tell the jury what you  
14 collected.

15 A. Your Honor, may I look at the return?

16 Q. If it would help refresh your recollection, then  
17 you may look at the return.

18 A. There were several items. One of the items was a  
19 total of \$30 in U.S. currency. That was 15 \$2 bills  
20 rolled up in a rubber band inside a black box found on  
21 the second shelf of a bookcase in bedroom two; also, a  
22 book titled Criminal Procedures Guide for Drug Agents  
23 found on the third shelf of the bookcase inside bedroom  
24 two.

25 The other item was a brown Gucci handbag with

1 green and red stripe accents found hanging outside the  
2 closet containing two clear plastic baggies, one plastic  
3 bagging containing approximately 34 grams of a white  
4 powdery substance; second baggy contained total of 21  
5 individual packaged baggies.

6 Also, in bedroom two I found a black and silver  
7 Nokio cell phone, found in a box on the top of the  
8 television in bedroom two; also, a Gladware container  
9 containing four small plastic baggies, one larger plastic  
10 baggy, each containing a green leafy substance totalling  
11 approximately 12 grams was found on top of the television  
12 in bedroom two.

13 The other item I found on the shelf, on the book  
14 shelf, was a black in color HGK US 2 tactical  
15 semi-automatic pistol containing one live round in the  
16 chamber, and a magazine containing nine live rounds, 45  
17 rounds, and that was found on the shelf, the top shelf of  
18 the book shelf -- I mean, top shelf of the bookcase in  
19 bedroom two.

20 Q. The gun that you just talked about, you located  
21 that, do you know who ended up collecting it?

22 A. The crime scene Unterbrink.

23 Q. And then you talked about -- I guess I'm going to  
24 talk about two sets of drugs. You talked about marijuana  
25 that you found, and you talked about cocaine that you

1 located. Can you tell the jury how those items were  
2 packaged?

3 A. The cocaine --

4 Q. How many packages were the cocaine? I don't  
5 recall if you testified to that or not.

6 A. It was 21 individual packages which contained --  
7 it was a total of 21 grams. Each baggy had one gram in  
8 it.

9 Q. Then the marijuana, was that in one package or  
10 multiple packages?

11 A. It was multiple packages. We had four smaller  
12 bags and then we had one large bag and a total of 12  
13 grams, but also in reference to the cocaine, it was with  
14 the 21 individual packages. There was two bags that had  
15 34 grams, a total of -- a total of 23 bags of cocaine  
16 that was in that handbag.

17 Q. And with the cell phone -- with the cell phone,  
18 the drug book, the money, the white powder substance, the  
19 green plant like substance, what did you do with all of  
20 those items?

21 A. Well what we normally do is we take a picture of  
22 it. That's what we do in that procedure. When we  
23 locate, something we take a picture of it where it was  
24 at, and then we collect it and give it to the recovery  
25 agent, who types it all in, and all the items that they

KEITH SUMNER - DIRECT BY MS. LINDER

1 collect is sitting right beside them so nobody touches  
2 them. They have control of it.

3 Q. And who is the recovery agent in this case?

4 A. It was Officer Jen Habbestad.

5 Q. And you gave all those items to her?

6 A. Yes, I did.

7 Q. At this time I show you what's been marked as  
8 State's Exhibit 29. Is that the drug book that you  
9 collected from bedroom number two back on June the 3rd of  
10 2011?

11 A. Yes, it is.

12 Q. And does it appear in substantially the same  
13 condition as when you first collected it?

14 A. Yes.

15 Q. And with that, did you end up giving that book to  
16 Jen Habbestad?

17 A. After I took a picture of it, yes.

18 MS. LINDER: Your Honor, at this time I ask  
19 State's Exhibit 29 be entered into evidence.

20 MR. RUNYON: No objection.

21 THE COURT: Admitted.

22 (State's Exhibit No. 29 was marked for  
23 identification and admitted into evidence.)

24 MS. LINDER: I have no further questions, if  
25 you will answer any questions defense may have.

## 1 CROSS-EXAMINATION

2 BY MR. RUNYON:

3 Q. Good morning, Mr. Sumner. Good to see you again.

4 Let's talk about the drug book, State's Exhibit

5 No. 29.

6 A. Uh-huh.

7 Q. Is this some secret book?

8 A. It's not a secret book, but it's a hard book to  
9 get it. This is a book that we got -- that I've seen  
10 before with drug classes I've taken.11 Q. Okay. So it's a textbook that's disseminated to  
12 police officers and anyone else who takes a particular  
13 courses? Where did you take this course?14 A. That one there I think was at the criminal justice  
15 academy.16 Q. Okay. And I bet if you opened this front cover,  
17 there's a copyright in there, isn't there?

18 A. I'm sure.

19 Q. So it's even in the Library of Congress, isn't it?

20 A. I guess, yes.

21 Q. So it's a publication that anybody who was  
22 interested in, law enforcement, can, in fact, obtain?

23 A. Or learn how to get around law enforcement, yes.

24 Q. Well, isn't that what they teach me in law school?

25 A. Yes.

KEITH SUMNER - DIRECT BY MR. RUNYON

1 Q. All right. Now, as a practical matter, do you  
2 move things around in a room when you are looking or do  
3 you recall in this particular search?

4 A. Normally what we do when we go into a room, we'll  
5 start in one area, and we'll search that area, and,  
6 actually, first of all, we go in there, clear the bed  
7 out, make sure there is nothing under the bed, mattress  
8 or anything, and that way then when we start in one  
9 corner we just throw everything on the mattress.

10 Q. Okay. Did you clear the bed out?

11 A. Yes.

12 Q. And what was on the bed when you went in there?

13 A. I can't remember what was on the bed.

14 Q. I know you do a lot of these, and it's been three  
15 years, but this is an important case for the State,  
16 right?

17 A. Yeah.

18 Q. And it's an important case for the defendant,  
19 right?

20 A. Yeah.

21 Q. When you went into the room, were there sheets on  
22 that bed, to your recollection?

23 A. Yeah.

24 Q. There were?

25 A. Because every time -- I've never been in a room --

1 I've done, like, 200 search warrants. I've never been in  
2 a room that didn't have sheets on it. So I would have to  
3 say yes, it would have to have sheets on it, or a  
4 blanket.

5 Q. Okay.

6 A. But we also do take the sheets off when we do  
7 search the room.

8 Q. Did you take the sheets off the bed in this  
9 particular search?

10 A. Like I said, when we search a room, we take  
11 everything. We take the pillows out and take the sheets  
12 off.

13 Q. Okay. Let me ask you this: I asked you to  
14 take -- to peruse State's Exhibit No. 11.

15 A. Uh-huh.

16 Q. Refresh your recollection.

17 A. Yeah, no sheets on there. We already searched  
18 that bed.

19 Q. So you took the sheets off it?

20 A. That's what we always do, yeah. That's why you  
21 see all that clutter on there. We clear that off,  
22 cleared that, and then we start gathering stuff about put  
23 it on there because we know that's been searched.

24 Q. And you took those sheets off and put them in  
25 evidence?

1 A. The sheets aren't in evidence.

2 Q. Okay.

3 A. There was nothing found on the sheets.

4 Q. And so you stacked all that stuff on there?

5 A. Yes, sir.

6 Q. And what did you do with the sheets and pillow?

7 A. Probably under all that clutter.

8 Q. It's probably under all this clutter?

9 A. Or on the ground.

10 Q. Or on the ground. You just threw it on the floor?

11 A. Uh-huh.

12 Q. And that's your specific recollection of this  
13 search?

14 A. That's what we do on all searches.

15 Q. Please bear with me, okay? Like I said, I'm  
16 getting old, and I may not be totally clear.

17 That's you what recall doing in this  
18 particular case.

19 A. I can't recall that.

20 Q. Okay. Thank you.

21 MR. RUNYON: No further questions.

22 THE COURT: Do you have redirect?

23 MS. LINDER: None, Your Honor.

24 THE COURT: You may step down. Next witness?

25 MS. LINDER: State calls Linda Wilson.

1 LINDA WILSON,  
2 having been first duly sworn,  
3 was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. STONEY:

6 Q. Good morning, Ms. Wilson. Where are you presently  
7 employed?

8 A. City of Charleston Police Department evidence  
9 division.

10 Q. How long have you been with the evidence division?

11 A. A little over five years.

12 Q. And what are your duties with CPD evidence?

13 A. I basically take in evidence that officers submit,  
14 the evidence, just store it in our evidence locker in our  
15 evidence control room.

16 Q. And how do you log it in?

17 A. I take it and compare it to what the officer  
18 vouches in on the computer, and then I accept it in  
19 through our computer system, and then from there it goes  
20 into our evidence control room.

21 Q. And so all the evidence, does it all go to the  
22 same place?

23 A. It goes to the same place in a locked, secured  
24 area.

25 Q. And that's where it is stored?

1 A. Yes, sir.

2 Q. And on June 3rd, 2011, did you receive any  
3 evidence from Officer Jen Habbestad regarding this case?

4 A. That's when she dropped it off in the locker, and  
5 on June the 6th, 2011, that's when I got it out of the  
6 locker.

7 Q. When officers bring evidence in, can they retrieve  
8 it back?

9 A. No, sir.

10 Q. How do they drop it off?

11 A. They put it in a locker, they lock it, and they  
12 cannot get back in there. Only I, my supervisor, and  
13 co-worker has a key to retrieve it.

14 Q. I'm going to show you what's been previously  
15 marked as State's Exhibits 22 and 23 for identification  
16 purposes only. Can you look at those for me, please.  
17 When did you first see these items?

18 A. June the 6th, 2011 at 5:41 in the morning, a.m.

19 Q. Are these the two items that Officer Habbestad  
20 submitted into evidence?

21 A. Yes, sir.

22 Q. And are they in substantially the same condition  
23 as when you first saw them?

24 A. Yes, sir.

25 Q. Can you tell who retrieved these items from

1 evidence?

2 A. Who retrieved them? Yes, sir. Our chain of  
3 custody, I submitted it in, accepted it in, and Elizabeth  
4 Mitchell, she signed it out to take it to the lab.

5 MR. STONEY: All right, Your Honor. At this  
6 point the State would move to admit items 22 and 23 into  
7 evidence.

8 MR. RUNYON: Your Honor, they've linked the  
9 chain.

10 THE COURT: Admitted.

11 (State's Exhibit Nos. 22 and 23 were marked  
12 for identification and admitted into evidence.)

13 MR. STONEY: Court's indulgence.

14 Nothing further. Please answer any questions  
15 the defense may have.

16 THE COURT: Anything you want to ask this  
17 witness?

18 MR. RUNYON: Just very briefly.

19 CROSS-EXAMINATION

20 BY MR. RUNYON:

21 Q. And you actually have -- for smaller items, for  
22 officers, you even have what used to be a mailbox?

23 A. Yes, sir.

24 Q. And it's locked? Y'all have a key for it?

25 A. Yes, sir.

1 Q. And they drop it in the slot?

2 A. Yes, sir.

3 Q. And they painted it once they got it years ago,  
4 but it's still the mailbox, right?

5 A. Yes, sir.

6 Q. And y'all maintain the security of that?

7 A. Yes, sir.

8 Q. As a matter of fact, it can't be moved, can it?

9 A. No, sir.

10 Q. That's right. And then there are lockers that  
11 they put things in, and what goes in can't come out  
12 without your key?

13 A. Yes, sir. Correct.

14 MR. RUNYON: No further questions.

15 THE COURT: Redirect?

16 MR. STONEY: None, Your Honor.

17 THE COURT: You may step down. Next witness?

18 MS. LINDER: State calls Rodney Van Horn.

19 RODNEY VAN HORN,

20 having been first duly sworn,

21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. LINDER:

24 Q. Where are you presently employed?

25 A. City of Charleston, police department.

1 Q. And how long have you been with the city of  
2 Charleston?

3 A. For about 18 years.

4 Q. What is your position there?

5 A. Currently I'm assigned to the digital evidence  
6 unit within the forensic division.

7 Q. Could you tell the jury a little bit about the  
8 training and education you have.

9 A. Yes, ma'am. I'm been with the digital evidence  
10 unit, the DEU, since 2006. Upon being assigned to that  
11 unit, I started doing in-house training for approximately  
12 a year at that time doing data recovery acquisition. I  
13 did that with the National White Collar Crime Institute.  
14 Also did windows NT operating systems, NT file systems  
15 again, with the National White Collar Crime Center.

16 I've had various training since then through  
17 intermediate data recovery, cyber security seminars,  
18 cyber wars, cyber crimes, digital forensics. I've had  
19 FBI training in acquisition. I've done UFED training  
20 with the Cellebrite for cell phones, Bluetooth hacking,  
21 file investigations, network hacking, basically just a  
22 gamut of different things. It's not one particular  
23 thing.

24 Q. And being with digital evidence unit, with DEU,  
25 what do some of your duties include?

1 authorization to perform the work is also sent to us, and  
2 it basically lets us know that the officer, detective,  
3 has some kind of legal authority, whether it be a search  
4 warrant or consent for us to do the work.

5           Once that is received, our evidence custodian in  
6 the forensic division will go down and retrieve that,  
7 bring it back to our office, log it in, do a brief  
8 inspection of it, make sure and note any kind of damage,  
9 maybe a battery is missing, make a screen is broken. She  
10 will note that, and then it's packaged, put into our  
11 evidence room, and it's assigned by the director to an  
12 analyst, which in this case is me. I go in. I retrieve  
13 that, sign for it, and then I work it according to the  
14 specifications on the request sheet.

15       Q. And in this case did you receive some phones to  
16 analyze?

17       A. I did.

18               MR. RUNYON: Judge, we have no objection to  
19 this.

20 BY MS. LINDER:

21       Q. At this time I show you what's been marked as  
22 State's Exhibit 24 and 25. You can look at those items.  
23 Do you recognize those?

24       A. Yes, I do.

25       Q. How do you recognize them?

1           A. They're given bag numbers, item numbers, and I  
2 also have them on my worksheets, the same items that were  
3 mentioned at the time they're resealed and initialed, and  
4 those are my initials.

5           MS. LINDER: Your Honor, at this time I would  
6 ask that State's Exhibit 24 and 25 be admitted into  
7 evidence.

8           MR. RUNYON: We have no objection.

9           THE COURT: They're admitted.

10           (State's Exhibit Nos. 24 and 25 were marked  
11 for identification and admitted into evidence.)

12 BY MS. LINDER:

13           Q. In this case, what services were requested of you  
14 and DEU?

15           A. On the request sheet, the investigator was sent  
16 over by Investigator Ratliff. He requested image files,  
17 video/movie files, any homicide, suicide evidence,  
18 narcotics transactions, the typical e-mail files entered  
19 in history, call logs, tech messages, contact lists,  
20 financial information, typed basically off -- kind of  
21 resembles what a narcotics request would look like.

22           Q. With the phones in this case, was an exam  
23 requested of you?

24           A. No. We don't do exams on cell phones. We just do  
25 extractions.

1 Q. And can you explain the difference of that to the  
2 jury.

3 A. Yes. An exam is going to be where we would go in,  
4 and that typically would happen on a laptop, and we'll  
5 examine the items or content of the computer or the hard  
6 drive. With a cell phone, we just simply do an  
7 extraction. We set up what is called a UFED. It's a  
8 universal forensic extraction device, and it's connected  
9 to the phone, and a dump, per is se, is taken from the  
10 phone. And we don't -- unless it specifically requested  
11 that we only get, say, text messages or we only get  
12 images, we take everything from the phone. It's put into  
13 a report. It's given back to the investigator, and they  
14 determine the relevance, and therefore we don't  
15 examine -- we don't do examination, we just do the  
16 extraction.

17 Q. Do you alter any information that you pull off of  
18 the phones?

19 A. No. It's a forensic machine, which means there's  
20 no rights to the device, so no changes are made.

21 Q. And you just mentioned, I believe, that you do a  
22 report. Did you do a report for this case?

23 A. I did. There were two reports in this case.

24 Q. And are these reports done and kept in the  
25 ordinary course of business?

1 A. Yes.

2 Q. And does the report contain certain information  
3 that was requested by the officer, for example a contact  
4 list?

5 A. Yes.

6 Q. Is all of this done in the normal and ordinary  
7 course of business?

8 A. Yes.

9 Q. Were you able to get all items requested by  
10 Sergeant Ratliff?

11 A. No.

12 Q. And can you kind of explain why or why not.

13 A. Yes. Each phone is, you know, obviously from a  
14 different maker. There are different models, and each  
15 phone is coded differently. The firmware could be  
16 different. What we rely on, again, it's -- the company  
17 is Cellebrite, and it's called a UFED, and what it does  
18 is they contract with these different phone companies and  
19 acquire the rights to the code that is put into these  
20 phones.

21 And so certain phones, you may only be able to get  
22 a contact list. Certain phones you may only be able to  
23 get images off of that phone. Some phones can you get  
24 everything, so it just depends on the make and model of  
25 the phone, how it's coded as to what you can actually

1 extract off of it. That's another reason we only do the  
2 extraction. We just go in and get whatever we can, bring  
3 it out, and put it on to our report.

4 Q. All right. At this time I show you what's been  
5 marked as State's Exhibit 34 and 35, if you could look at  
6 those items, and if you could let me know if you  
7 recognize them.

8 A. I do.

9 Q. And how do you recognize them?

10 A. They are two phone reports that we put out that  
11 the Cellebrite UFED device puts out, and they are two  
12 reports for a Motorola IBM model I296 and a Nokia model  
13 number 6125/6126.

14 Q. And the items I hand you, are those fair and  
15 accurate depictions or extraction of what you did when  
16 you went through the phones?

17 A. Yes.

18 MS. LINDER: Your Honor, at this time I would  
19 ask State's Exhibit 34 and 35 be admitted into evidence.

20 MR. RUNYON: No objection, Your Honor.

21 THE COURT: Admitted.

22 (State's Exhibit No. 34 and 35 were marked  
23 for identification and admitted into evidence.)

24 BY MS. LINDER:

25 Q. As part of this, do you also create an internal

1 forensic services report, aside from the items that were  
2 just admitted into evidence?

3 A. We create a digital report. It could be --  
4 depending on the size of the report, it's going to be  
5 either a CD, a DVD, or it's going to go on some kind of  
6 external media, like a thumb drive or external USB drive.  
7 These reports contain these paper reports. These are  
8 just printed out from that digital report.

9 Q. I would kind of like to go through with the jury  
10 what type of extraction or what general type of  
11 information you were or were not able to get off of each  
12 of the items in this case, if you could explain that to  
13 them, please.

14 A. Okay. Typically, what we do, what we try to do,  
15 are three types of extractions: One is a physical  
16 extraction, one is termed logical extraction, one is file  
17 extraction where -- again, we're not always able to get  
18 all three types, but to explain what they are, a physical  
19 extraction is basically acquiring the phone at a lower  
20 level with just, like, binary data, and what you're doing  
21 is creating an image of -- you're getting everything off  
22 of the phone, including the existing data, which is the  
23 not deleted -- or the undeleted data. You're getting the  
24 previously existing data, which would be deleted, and  
25 you're getting all system files, everything off the

1 phone.

2           The logical extraction is simply the stuff that's  
3 exists on the phone. In other words, it won't get  
4 anything that's deleted, and then file system extraction  
5 just gets your actual files, kind of like your pictures,  
6 your music, your ring tones, that kind of stuff. A lot  
7 of times they cross over into each other when you get  
8 them out into the report, but they're just kind of  
9 sectioned off and labelled a little differently.

10           Would you like me to go over what we got from each  
11 phone?

12           Q. Yes, please.

13           A. Okay. And you're only concerned about the  
14 Motorola and Nokia?

15           Q. You can tell them generally what you were and were  
16 not to --

17           MR. RUNYON: Objection. I hate to interrupt  
18 this colloquy, but if she's got some specific questions  
19 of him, versus letting the witness kind of --

20           MS. LINDER: I'm happy to ask specific  
21 questions, Judge.

22           THE COURT: Please do.

23 BY MS. LINDER:

24           Q. Were you able to pull contact lists off of any of  
25 those three phones that were seized in this case?

1 A. I was.

2 Q. In going through the contacts list, did you see  
3 someone by the name of Devin, D-e-v-i-n?

4 A. I did.

5 Q. And what phone was that on?

6 A. That was on the Motorola and on the Nokia. The  
7 Motorola was in slot number 67 and Nokia, it was in space  
8 number 23.

9 Q. So this name was in two contact lists?

10 A. Right.

11 Q. Did you find the name KQWAN? It looks like  
12 K-Q-W-A-N?

13 A. Yes. That was in the Motorola space 43.

14 Q. Did you find the name L-a-u-r-a-n?

15 A. Yes. That was also in the Motorola, number 79.

16 Q. What about the name Dan, D-a-n?

17 A. In the Motorola, number 65.

18 Q. What about the name -- it looks like -- it's hard  
19 to tell, TT, or TI, perhaps?

20 A. The only one was a capital T capital I.

21 Q. Yes.

22 A. And that was in the Motorola slot 239.

23 Q. And what about Playboy, P-l-a-y-b-o-y.

24 A. Playboy was in both the Motorola and the Nokia,  
25 and in the Nokia it was in lot 40 and in the Motorola it

1 was in 116.

2 Q. What about the name David?

3 A. David was in the Motorola at number 66.

4 Q. What about the name Burto, B-u-r-t-o?

5 A. Yes. That was in Motorola also, spot 39.

6 Q. What about Rock, R-o-c-k?

7 A. That's in the Motorola, at 97.

8 Q. What about the name Cowboy?

9 A. Cowboy was in the Motorola, 161.

10 Q. How about the name Bob?

11 A. There is a Bobby and a Bob, but Bob was at 178 in  
12 the Motorola.

13 Q. What about Willis?

14 A. Willis is in the Motorola, 128.

15 Q. Chic, C-h-i-c?

16 A. That's in the Motorola, at 186.

17 Q. What about the name Cris, C-r-i-s?

18 A. Yeah. That's in the Motorola, at 179.

19 Q. How about the name Ryan, R-y-a-n?

20 A. Motorola at number 25.

21 Q. How about the name Punk, P-u-n-k?

22 A. That's in the Motorola at 23.

23 Q. How about the name Mello, M-e-l-l-o?

24 A. That's in Motorola at 11.

25 Q. What about the name Josh?

1 A. Josh is in the Motorola at 58.

2 Q. How about the name Bonnie?

3 A. Also in the Motorola at number 87.

4 Q. How about the name Bobby? I know earlier I asked  
5 you about Bob, but how about Bobby?

6 A. Bob is in both. In the Motorola, it's the third  
7 entry, number 3, and then the Nokia, it was at number 52.

8 Q. How about the name Leroy?

9 A. That's in the Motorola at 157.

10 Q. How about the name Dill?

11 A. Say again the name?

12 Q. It looks like a D to me, Dill?

13 A. D-i-l-l?

14 Q. Yes.

15 A. That's in the Motorola at 153.

16 Q. What about the name -- it appears to be Hudson?

17 A. That's in the Motorola at 267.

18 Q. How about the name Doug?

19 A. Doug is at -- in the Motorola at 209.

20 Q. And the name Jason?

21 A. And Jason is in the Motorola at 202, 203.

22 MS. LINDER: I have no further questions for  
23 you, if you would answer anything the defense may have.

24 CROSS-EXAMINATION

25 BY MR. RUNYON:

1 Q. How about the name Savage?

2 A. Savage?

3 Q. Yes, sir.

4 A. I'll have to check both lists. There are 300  
5 entries on one. On the Motorola, Savage is at 146. I'll  
6 check the Nokia. I'm not seeing it in the Nokia.

7 Q. Okay. Now, as practical matter, you're not  
8 testifying to anything about the substance of these  
9 calls, you're just testifying that he called Savage, he  
10 called Bill, or Dill, or whoever it was?

11 A. What I'm looking at is just a phone bill.

12 Q. Right. June 3rd, this is a search warrant served.  
13 Do your records reflect when the last call was made to  
14 either of those telephones?

15 A. The incoming log? Yes, sir.

16 Q. Or outgoing.

17 A. On the Motorola, the call logs are not supported,  
18 and on the Nokia, they were not supported, so no.

19 Q. So what does that mean?

20 A. What does that mean? It just means for these two  
21 particular phones we could not extract the call logs to  
22 determine any ingoing or outgoing calls.

23 Q. Does that mean that they were in use in June or  
24 not in use?

25 A. It just means that we were not able to extract the

1 data because it's not supported by -- with our device.

2 Q. Did the call log that you've got, is that the  
3 dated call log?

4 A. I don't have a call log. I just have an address  
5 book extracted from the phone.

6 Q. Okay. So you have --

7 A. Just a list of names and numbers.

8 Q. You have a list of names and numbers?

9 A. Right.

10 Q. You don't know when those calls were made?

11 A. I don't, no.

12 Q. You have no concept -- it could have been six  
13 months before the June 3rd date?

14 A. It could have been. I have no record of call logs  
15 because none of it was extracted.

16 Q. Okay. And that's fair enough. And there's no --  
17 and while the request kind of sounds ominous about  
18 information about homicides and suicides and all that  
19 sort of stuff, you didn't get any of that stuff, it's  
20 just a phone book, so to speak?

21 A. Right, just what was supported for these two model  
22 phones was the contact list.

23 Q. So these phones were used at some time in the  
24 distant past to communicate with these people and other  
25 people.

1 A. I don't know if there was communication or not. I  
2 don't have any call logs.

3 Q. What I'm saying is --

4 A. I know at some point these names were entered into  
5 the phone.

6 Q. These names were entered into the phone, and at  
7 some point in time -- how long is this data good?

8 A. In the phone?

9 Q. Yeah.

10 A. Until either the memory capacity is over full and  
11 it will let you know and you have to delete something out  
12 of it, but as far as this data here, the contact list,  
13 it's in there until it's either deleted or the phone is  
14 corrupted or damaged.

15 Q. Okay. I depend on my seven-year-old grandson for  
16 my technical advice, okay?

17 A. Yes, sir.

18 Q. As it relates to these telephones, you're not here  
19 testifying that they were ever utilized within a  
20 particular period of time up to or just prior to June  
21 3rd, 2011?

22 A. I have no knowledge of phones being used at the  
23 time. All I have knowledge of is the names that are in  
24 the file.

25 Q. And they could have been utilized a year before?

1 A. Yes, sir.

2 Q. Now, were these phones operational when you took  
3 them to do the extractions?

4 A. Yes. They have to be or we can't do the  
5 extraction.

6 Q. Now, when I say operational, what does that mean  
7 to you as a person who knows what that means?

8 A. Just basically that the phone will boot up, like a  
9 computer. It's able to boot up. The UFED requires  
10 certain settings to be, you know, changed or certain  
11 settings to be put a certain way so that the UFED can  
12 communicate with the phone and extract the information  
13 out.

14 Q. Okay. So it means the phone would come off.

15 A. Yes, sir.

16 Q. You got to bear with me because I don't know any  
17 of this stuff, okay? You got to help me out. What  
18 you're saying is the phone could come on.

19 A. Right.

20 Q. Now, could the phones call anybody?

21 A. If they still had service.

22 Q. Okay. Is there any way to determine when these  
23 phones had service?

24 A. Not through these records. That would have to be  
25 through the carrier information.

1 Q. All right. Did you have any carrier information  
2 on these phones?

3 A. I do not.

4 Q. And was there any way to determine the carrier  
5 information?

6 A. Typically, the phones will have either a SIM card  
7 or, you know, the carrier will be on the case of the  
8 phone.

9 Q. Okay. In this case was it -- could you tell who  
10 the carrier was?

11 A. I don't have the phones in front of me. Let me  
12 see what we have, but I note it here. It appears the  
13 Nokia -- I noted that the service provider was Suncom.  
14 For the Motorola, the service provider was Boost, Boost  
15 mobile.

16 Q. Were those accounts active in June of 2011?

17 A. I don't have that information. That would be --  
18 you would have to get that from Boost mobile and from  
19 Suncom.

20 Q. All right. Now, is it unusual for you to receive  
21 multiple phones from a single user?

22 A. Oh, yes, sir, yes.

23 Q. Beg your pardon?

24 A. Yes, sir.

25 Q. It is usual?

1 A. It happens often.

2 Q. It happens all the time.

3 A. Yes, sir.

4 Q. Plumbers, drug dealers, lawyers; lots of people  
5 have two or three phones?

6 A. I don't know their occupation, but yes, we have  
7 multiple phones from single cases.

8 Q. Lots of people.

9 A. Yes, sir.

10 Q. And you're familiar with the mobile phone industry  
11 as a result of your expertise, are you not?

12 A. Yes, sir.

13 Q. And what occurs is that people will have a phone  
14 with self-service and maybe a new model comes out so  
15 maybe they go get another service, right?

16 A. That happens, yes, sir.

17 Q. And, as a matter of fact, so you just throw your  
18 phone in the draw and you use the new one, right, or  
19 whatever?

20 A. It's possible, yes.

21 Q. It's possible. So multiple phones is not an  
22 indicator of anything in and of itself.

23 A. No, sir.

24 MR. RUNYON: No further questions, Your  
25 Honor.

1 THE COURT: Redirect?

2 MS. LINDER: No redirect, Your Honor.

3 THE COURT: You may step down.

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: Do you have any other witnesses  
6 you're calling?

7 MS. LINDER: No, Your Honor. The State  
8 rests.

9 THE COURT: All right. Well, folks, you have  
10 heard half of the case. It's time for your mid-morning  
11 break, so you can go to the rest room while we get ready  
12 for the next phase of the trial.

13 Don't begin deliberations about the case,  
14 talk about witness demeanor or anything. We'll have you  
15 back in about 15 minutes.

16 Thank you.

17 (In open court, jury not present.)

18 THE COURT: Let's do this: I'm going to give  
19 y'all the jury charges. You can make your motions, let  
20 me know if you're going to testify and all that when we  
21 take a rest room break, and we'll come back and take up  
22 the motions, whether or not you're going to put up a  
23 case, and then we'll look at the charges.

24 See you back in about 15 minutes.

25 (Recess taken.)

1 (In open court, jury not present.)

2 THE COURT: State rested. You got any  
3 motions, Mr. Runyon?

4 MR. RUNYON: Your Honor, we would at this  
5 time -- at this time, Your Honor, we would move to  
6 dismiss the two drug indictments on the grounds that they  
7 have failed to make out a prima facie case as it relates  
8 to -- and I move on to the possession of a weapon. We  
9 would do the same, Judge, because they didn't show actual  
10 possession and at the best may be constructive  
11 possession.

12 The third motion, Judge, I have, they show  
13 that the weapon -- they had a report that the weapon was  
14 stolen in 2004. I don't think that carries today when it  
15 comes to possession of a stolen weapon because there's no  
16 evidence that anybody in that house had knowledge that  
17 the weapon was acquired under circumstances which was to  
18 convey that it was stolen.

19 THE COURT: Unless you were the person that  
20 stole it, how would you know?

21 MR. RUNYON: Well, let's back up a second.

22 2008, forward to seven years later, a person  
23 purchases a weapon on the street, let's say. All sorts  
24 of ways to come into possession of that weapon, Judge --

25 THE COURT: Right.

1 MR. RUNYON: -- without being the person that  
2 stole it, and there may be another violation for being in  
3 possession of a weapon acquiring in a particular way, the  
4 simple fact is there is no evidence they conveyed to  
5 anybody in that household -- they've already had the  
6 proof of who lived there, that they had any knowledge of  
7 any circumstances when the gun was acquired that we  
8 didn't indicate that somebody came in and sold it to him  
9 for \$10.

10 There is just none of that, Judge, so we  
11 would realistically move for a directed verdict as to  
12 that one specific indictment for sure.

13 THE COURT: Madame Solicitor?

14 MS. LINDER: Your Honor, with respect to  
15 Mr. Runyon's points, including the overall DV motion, we  
16 would submit in the light most favorable to the State  
17 that we have presented enough evidence through exhibits  
18 and testimony that would be enough to send to the jury as  
19 far as the -- there's been testimony about the weight of  
20 the cocaine, about the drug analysis of the cocaine and  
21 the marijuana, the packaging, cash, and other indicia  
22 that that would indicate -- and ledgers that would  
23 indicate the intent to distribute those items.

24 As far as the weapon is concerned, we believe  
25 that constructive possession applies. We believe that

1 with him possessing the pistol, it's in the room with  
2 everything else, and our intention and our knowledge is  
3 he was trafficking, which is a violent crime, which we  
4 get over that hurdle.

5 As far as the stolen pistol there is also  
6 testimony that the gun, serial numbers matched that same  
7 gun was the one that was reported stolen. We would ask  
8 that you deny the defense motion for directed verdict,  
9 and you allow all charges to go on to the jury.

10 THE COURT: What about the requirement for  
11 the stolen pistol charge? That a person shall not  
12 knowingly buy, sell, transfer, transport, pawn, retrieve  
13 or possess a stolen gun or one from which the original  
14 serial number has been removed or obliterated? It's not  
15 just possession, but you have an element of knowingly.

16 MS. LINDER: And, Your Honor, with that,  
17 albeit that is, I admit, one of the weaker points of our  
18 case; however, it's impossible to, you know, cut open the  
19 defendant's mind. He does not have to be forced to  
20 testify. It's impossible for --

21 THE COURT: What evidence is there that would  
22 allow a jury to infer knowledge that it was stolen?

23 MS. LINDER: I believe if you look at the  
24 overall picture of everything in the room, of all the  
25 criminal activity in the room, of the other things that

1 were going on, I believe there is enough for the jury to  
2 infer that he knew that the gun was stolen.

3 THE COURT: What? I mean, there is a lot of  
4 knowledge. There is a lot from which he could infer;  
5 constructive knowledge of drugs and of the weapon which  
6 would support the other handgun charge, possession of a  
7 weapon during the commission of a violent crime,  
8 trafficking being a violent crime, but I don't know that  
9 there is anything else that a jury could infer knowledge  
10 that this gun was stolen.

11 So I'll have to grant your directed verdict  
12 on the stolen pistol charge only. The rest of them,  
13 there is sufficient circumstances which would support a  
14 conviction based on constructive possession of the drugs  
15 and a gun during the commission of a violent crime.

16 MR. RUNYON: Thank you, Your Honor.

17 THE COURT: But they would have to convict on  
18 the trafficking charge in order to be able to convict on  
19 the possession of a firearm during the commission of a  
20 violent crime. I don't think you would be able to get a  
21 conviction of the lesser included of PWID or possession  
22 with intent to distribute. That is not by definition a  
23 violent crime, trafficking is.

24 All right. Let's go on to your decision as  
25 to whether you want to call any witnesses or testify.

1           MR. RUNYON: First of all, Your Honor -- and  
2 if I could ask the Court to inquire of Mr. Rowland about  
3 his wishes, about his constitutional rights to testify or  
4 not testify.

5           THE COURT: All right. Mr. Rowland, would  
6 you stand.

7           Yesterday we talked at the end of the day  
8 about your constitutional right to testify or not  
9 testify. I told you that you have a constitutional right  
10 to do either. No one can make that decision except you,  
11 although I told you to talk to Mr. Runyon or anybody else  
12 you felt confident in talking to and giving advice;  
13 however, it's ultimately your decision and your decision  
14 alone.

15           If you decide you want to testify, you have  
16 to answer questions that Mr. Runyon asks you as well as  
17 questions the prosecutor wants to ask you. If you do not  
18 want to testify, I will instruct the jury not to hold  
19 that against you while they are deliberating.

20           Do you understand what I told you?

21           THE DEFENDANT: Yes, sir.

22           THE COURT: Have you made a decision as to  
23 whether or not you want to testify?

24           THE DEFENDANT: Yes, sir.

25           THE COURT: What is your decision?

1 (In open court, jury present.)

2 THE COURT: All right, Folks. Does the  
3 defendant intend to call any witnesses?

4 MR. RUNYON: Defendant rests, Your Honor.

5 THE COURT: We will now move to the final  
6 phase of the trial in which the lawyers will get up, make  
7 their closing arguments, and then I will charge you on  
8 the law, and then you will retire to consider what your  
9 verdict will be.

10 I'll remind you that the lawyers are now  
11 reviewing the evidence that you've heard and giving you  
12 basically a little preview, or trying to persuade you to  
13 render a verdict on their client's behalf.

14 Our rules provide that since the defendant  
15 did not put up any testimony that the State will open in  
16 full, and then the defense will have the final closing  
17 argument. So, Madame Solicitor, if you're ready, you may  
18 begin.

19 MS. LINDER: Thank you, Your Honor. May it  
20 please the Court: I'm going to talk to you for a moment  
21 about the law.

22 The judge will instruct you on the law, and I  
23 ask that you absolutely listen to every word that the  
24 judge says about the law. I just want to give you a  
25 little bit of background information before going into

1 it.

2 In this case the defendant is charged with  
3 trafficking in cocaine in excess of 28 grams.

4 Trafficking cocaine means that the defendant can do one  
5 of many things: He could sell, he could distribute, he  
6 could conspire, he could aid or abet, or he could merely  
7 possess, and I have to show you that any one of those  
8 things took place and that the weight was 28 grams or  
9 more.

10 Along with that, the judge is going to talk  
11 to you a little bit about what is possession.

12 Possession, there is two different types. There is  
13 actual and constructive possession. Actual possession  
14 means that you actually are possessing it, that you are  
15 physically holding it. Constructive possession means  
16 that you have the dominion and control, is the term that  
17 we use, over an area or an object.

18 For example, I do not -- I'm not holding the  
19 cup of water that's over there, so I don't have actual  
20 possession of it, but this area, if you've seen me  
21 sitting here for the past day and a half, this is my  
22 area. This is my dominion. I have control over this  
23 area. I can pick up and do what I wish with this cup.  
24 That's considered constructive possession.

25 And you can constructively possess not just a

1 cup of water, but you can constructively possess any  
2 item. The defendant's also charged with possession with  
3 intent to distribute marijuana, and in that case, the  
4 State has to show you that he possessed, actual or  
5 constructive, and intended to distribute the drugs. That  
6 can be done through many different ways. It can be done  
7 through different indicators, as I would call them, to  
8 you that shows his distribution of the drugs or his  
9 intent to distribution at some future time.

10 He's also charged with possession of a weapon  
11 during the commission of a violent crime, and what that  
12 is, is it means that he possessed, again, actual or  
13 constructive, a weapon, in this case a 45 caliber  
14 handgun, during the commission of a violent crime.

15 The judge will instruct you that all of our  
16 laws in this state are classified different ways, and  
17 trafficking is a violent crime.

18 I would like to talk to you and just go  
19 through briefly what you've heard over the past day and a  
20 half. You've heard that City of Charleston Police  
21 Department set up surveillance on a house at 31 Woodleaf  
22 Court. It's over in West Ashley in Charleston, and you  
23 heard Sergeant Ratliff was the lead detective in that  
24 case.

25 They set up surveillance, and they saw this

1 defendant, Joseph Rowland, exit 31 Woodleaf Court and do  
2 a hand-to-hand transaction with an individual. Then he  
3 turned around and went back in. After that, they got a  
4 search warrant, and they executed a lawful search  
5 warrant. You heard from some of the people who are  
6 involved with the search warrant execution that day.

7           When they go in to do a search warrant, they  
8 think of a bunch of different things, an operational  
9 plan, an ops plan. Sometimes if there's children, in  
10 this case, that were on the property, even though they  
11 were outside, you don't want to go in there, you know,  
12 with a flash bang of ice and all the real fun stuff that  
13 you see on TV.

14           In this case, they chose to do what they deem  
15 as a soft approach, and they did that soft approach and  
16 they searched the house, and, most importantly, they  
17 searched bedroom number two. That was where all of the  
18 stuff before you was found.

19           They found baggies, not in the kitchen, not  
20 by the Glad wrap, not by the aluminum foil, they found  
21 different paperwork -- and you can move all these things.  
22 All this will be back in evidence with you. You can move  
23 it all around.

24           They saw a Wachovia bill with this  
25 defendant's name and address. They saw all orders of

1 paperwork in this, receipt from Best Buy; they saw  
2 ledgers, which you heard testimony, names and numbers;  
3 they found scales; they found the firearm; they found  
4 phones; they found all sorts of items in that room, and  
5 being led by Sergeant Ratliff, those items were  
6 collected, probably a little boring, but you heard from  
7 Olson and Sumner and Jennifer Habbestad.

8           And certain people search different rooms.  
9 They see it. Photographs are taken of it. You'll have  
10 all those photographs back there, but the photograph is  
11 taken, and then per their procedure the item is collected  
12 and then it's ultimately turned in to the recovery agent,  
13 who is Jennifer Habbestad, or she was before she was  
14 Cobb, and then she ended up taking all those items to  
15 evidence.

16           And then you also heard from Linda Wilson.  
17 She said that she received these items into evidence.  
18 And let's talk about the items that were received and  
19 conversations about them.

20           Keith Sumner talked to you about the  
21 packaging of drugs, and you heard that the packaging has  
22 been taken out to test, and then it was tested and  
23 repackaged, and you see all these handwritings and  
24 initials and whatnot all over these items, the drugs.  
25 And the cocaine was in the dresser and the cocaine was in

1 the satchel, and 21, I believe, Sumner testified to, 21  
2 different baggies packaged up for sale, and then four  
3 baggies of the marijuana, also packaged up for sale.

4           You heard and you'll have back there with you  
5 all the different scales that were collected. I thought  
6 it was interesting. There is one that looks kind of like  
7 an Iphone that is actually a scale, so these were some  
8 scales that were found in the defendant's bedroom. The  
9 defendant was stopped and ultimately arrested in the  
10 driveway of this residence, and he had, as you'll see in  
11 the pictures, a bunch of cash on him. I believe it was  
12 maybe \$1,400, about that amount, and you heard testimony  
13 that there were a lot of \$20 bills and what these  
14 narcotics officers, in their years of training and  
15 experience, what all those \$20 mean.

16           All those \$20 bills, coupled with all these  
17 baggies, coupled with the drugs that are already  
18 separately packaged, coupled with the ledger being  
19 coupled with the scales, coupled with everything led them  
20 to believe in their years of training and experience,  
21 along with seeing the hand-to-hand earlier, that this  
22 defendant was in the business of dealing drugs, that he  
23 intended to distribute and, in fact, did distribute  
24 drugs.

25           Sergeant Ratliff talked to you about all this

1 and also spoke with you about the defendant, that he did  
2 not have a job. So I submit to you, that is a lot of  
3 cash, and he had no job. You heard from Nicky Mitchell,  
4 who you heard from earlier today, you know. She's now in  
5 school, pharmacy. She's been doing that for over a year  
6 now, but back in 2011 when this happened and when she was  
7 in charge of the city lab -- she was in charge of the  
8 city lab.

9 She testified as an expert countless times,  
10 and she said that in this case, basically, same procedure  
11 that is always followed, were done, and in this case, as  
12 in every case a drug analysis report is done, and you'll  
13 have this back there with you. It talks about marijuana,  
14 cocaine, cocaine detected, and the judge will instruct  
15 you when it comes to time and the law that cocaine is  
16 considered cocaine or any mixture that contains cocaine.

17 A lot of questions were brought up about the  
18 purity, and purity is not something that the certified  
19 city lab tests for. They get weight and they find out if  
20 the substance is in it. Our state laws do not require  
21 purity. Our state laws merely require the mixture of the  
22 substance contains that substance.

23 She told that you it was all definitive  
24 testing, that there -- the city lab, I believe she said,  
25 was lucky enough to have multiple ways to test items, and

1 in this case those items were tested and came back  
2 cocaine in the dresser, cocaine in the satchel, and  
3 marijuana in the Gladware.

4 After they went through the house, the search  
5 wasn't over. Sergeant Ratliff did more. Crime scene was  
6 called. They came and got the gun. They said, Let's see  
7 if we can get some prints, and you heard Jennifer Wooley  
8 come in here and talk about prints. She's the supervisor  
9 of the crime scene, and she explained to you the  
10 difficulties in getting prints.

11 She explained to you with the texture of the  
12 handle that no prints were able to be lifted. She  
13 explained that not just with the texture, but an  
14 individual, based on the oils that they themselves  
15 produce, can be a determining factor if prints are even  
16 left anywhere.

17 She did not find the defendant's prints, but  
18 she found no prints, no one's prints. Sergeant Ratliff  
19 then tried to keep working on this case. It wasn't over  
20 after they kick in the door. They decide to keep  
21 working, so he submitted those three phones and requested  
22 that additional -- the testing was done, the DEU, digital  
23 evidence unit was brought in.

24 You heard lastly from the State. Rodney Van  
25 Horn testified. He's been a sworn law enforcement for, I

1 think he said, 17 or 18 years, and he sat there and  
2 talked to you about it. I'm not a computer person, but  
3 he explained that he does an extraction, not an exam, he  
4 merely pulls the information off, and then he also  
5 discussed with you how Cellebrite, or Cell Lite, the  
6 program that they use in their area, doesn't have the  
7 ability to do every single phone. It depends on the  
8 make, it depends on the model, so he pulled all the  
9 information off that he could pull off.

10 And I went through with him, and you'll have  
11 these back there with you, I went through with him what  
12 he pulled off, and what he pulled off were contact lists.  
13 These contact lists show you the phone number that it was  
14 and then, literally, it has names and numbers and names  
15 and numbers and names and numbers.

16 This is all the contact lists that were in  
17 the phones, and then I went through and talked to you --  
18 I didn't talk to you, I was asking him, he wonders where  
19 all these names were coming from. This is it. This is  
20 it. These are where the names were coming from that I  
21 was asking. I asked about Devin, I didn't say Devin 50,  
22 I said Devin. I asked about Lauren; I asked about  
23 Cowboy; I asked about Burto.

24 All of these names on these two ledgers --  
25 Sergeant Ratliff testified to you what a ledger is, names

1 and numbers. Numbers could be quantities; numbers could  
2 be dollar amounts. That's what all these are. If you  
3 have any questions, I urge you to go back through that  
4 and look at the contact list.

5 One of the phones was found on his person.  
6 The other phones were found in his room. This defendant  
7 also had all that cash on his person. There were a lot  
8 of things that you've heard over the past day and a half,  
9 and I am certain that you paid close attention to  
10 everything, and ultimately, at the end of the day, I  
11 would submit to you that this defendant, Joseph Rowland,  
12 had dominion and control over his bedroom.

13 It's his bedroom with the photographs of him  
14 and his child on the dresser. It's his bedroom with the  
15 mail to him and his address in that bedroom. That is his  
16 bedroom in that house. He was found with a phone and a  
17 bunch of cash. All of this other stuff was found in that  
18 bedroom. He was seen earlier in the day doing a  
19 hand-to-hand transaction.

20 You know, drugs are illegal in this state.  
21 Cocaine and marijuana, it's illegal to possess them.  
22 It's illegal to possess with intent to distribute them,  
23 and it's illegal to traffic them. It's also illegal to  
24 possess a firearm when you are committing a violent crime  
25 such as trafficking.

1 I would ask that you go back and deliberate,  
2 and I would ask at the end you come back with all guilty  
3 verdicts that the defendant, Joseph Rowland, is guilty of  
4 trafficking cocaine, he is guilty of possession with  
5 intent to distribute marijuana, and he is guilty of  
6 possessing a firearm during the commission of a violent  
7 crime.

8 Thank you.

9 MR. RUNYON: Well, you can leave that there,  
10 Madame Solicitor. There is not much for me to say, is  
11 there? It's all open and shut. Also open and shut, I  
12 guess I'm in trouble because I got \$20 bills in my  
13 pocket. Look, let's go back, and this has been a very  
14 short case.

15 You heard testimony about a hand-to-hand  
16 transaction that day. Where is the proof of that  
17 hand-to-hand transaction? There is no proof of that.  
18 They conduct an investigation, they ran down. Where is  
19 that person? There is absolutely no proof.

20 They have these cell phones; they have these  
21 numbers and all that sort of stuff. By the way, there is  
22 in the cell phone list of those names, Savage. Why don't  
23 you call that? You'll see who that is. But you can't do  
24 that. I'm sorry. I can't tell you to do that, but the  
25 simple fact of the matter is that they say this is Joseph

1 Rowland.

2                   Joseph Rowland, I'm sure the evidence  
3 convinced you beyond a reasonable doubt, that he was the  
4 sole person in charge of that house. He was the only  
5 person who lived there except for his mother and father  
6 and his brother John. Remember his brother John?  
7 Brother John who locked his bedroom, John's bedroom, the  
8 one they had to open the locked door to search?

9                   And, by the way, you have all of these  
10 laboratory reports, and you had three years, and whose  
11 handwriting is this on these ledgers? I'm looking for a  
12 handwriting analysis report, but we don't have one.  
13 Whose handwriting is that? Is that Joseph Rowland's  
14 handwriting?

15                   By the way, he drove up when the police came,  
16 and I'm not suggesting the police did something bad or  
17 evil by searching the house and doing it in a humane way  
18 or nice way. Sergeant Ratliff is not a bad man. He's  
19 not going in to hurt people, but the simple fact of the  
20 matter is Joseph Rowland drives up, and he has \$1,400 on  
21 his person. He said, I don't think he was working  
22 anywhere.

23                   That doesn't mean that he acquired that money  
24 through drug dealing, you know? Mama and daddy live  
25 there; his brother lives there. He may have had savings.

1 He never said he didn't work anywhere at any time.

2           What they're saying is is that this must be  
3 Joseph Rowland because this is his bedroom. The open  
4 door -- and, by the way, this gun that's leaning up on  
5 the shelf, and you see these pictures, leaning up on the  
6 shelf that anybody could have gotten to, and is there any  
7 testimony that this weapon here was stuck in Joseph  
8 Rowland's belt when he came out there to do that  
9 hand-to-hand transaction which we have no proof of? No.  
10 It was in the house.

11           Remember what Ms. Wooley said? She said I  
12 did the gun and I did the bullets, and the bullets are a  
13 physical process whereby you have to put it in the  
14 magazine, and I didn't get any fingerprints from Joseph  
15 Rowland. I don't have any Joseph Rowland fingerprints at  
16 all. Could Joseph Rowland be in constructive possession  
17 of that weapon? Sure. Anybody that lived in that house  
18 could be in constructive possession of that weapon, but  
19 the weapon only becomes essential to your deliberations  
20 if you conclude that there was trafficking. Let's talk  
21 about that.

22           There -- at least the one-time expert,  
23 although she didn't consider herself an expert today --  
24 came in and ran the lab and said, I did all these tests,  
25 and you have the results, and what started out as 12

1 grams of cocaine winds up about 10 grams of cocaine, and  
2 down here, you have cocaine detected, and the solicitor  
3 is correct: It's not a question of whether or not you  
4 have pure cocaine or a mix or what have you.

5           If it's a mixture of that, then it can be  
6 illegal, but the simple fact is, is that she didn't  
7 testify that these were absolute weights. She testified  
8 that somebody was supposed to calibrate the scales. She  
9 thought they were calibrated, but she didn't tell me they  
10 were calibrated at the time she did it because that was  
11 her routine.

12           So do we have this weight of cocaine? Do we  
13 have this weight of .8 grams or more? I would  
14 respectfully suggest to you that if you conclude that  
15 Joseph Rowland -- and the Court is going to tell you  
16 about mere presence. Mere presence, that means if you're  
17 there at the house, that doesn't make you automatically  
18 guilty. They got to prove these other things, but the  
19 simple fact is, is that if you conclude that maybe this  
20 proof is not quite good enough for the 28 grams, there is  
21 a real serious question there because the lab director  
22 says, I can't verify those scales were right. Probably  
23 right. It's probably good enough beyond a reasonable  
24 doubt.

25           If you conclude that that's a question, you

1 still have the real issue of possession for distribution.  
2 Now, if you conclude that is this possession for  
3 distribution in this case, then this weapon doesn't  
4 count, even if you have possession, because possession  
5 for distribution is not a violent crime. It's not  
6 defined as a violent crime.

7 Now, what did Joseph Rowland, peering through  
8 the binoculars on that day that gave the basis for this  
9 trip to the magistrate to get the search warrant, what  
10 did they say? They saw him come out of the house, they  
11 said, and I'm sure that they're telling you the truth.  
12 They saw Joseph Rowland going out, talking to somebody in  
13 a car, and the contact seemed to be, what they perceived  
14 to be, a hand-to-hand transaction. They didn't say they  
15 saw anything, and certainly that person didn't come in  
16 here and testify, Oh, yeah, I dealt with this man, or,  
17 Here is what I have.

18 There's no laboratory report that he got  
19 anything from this man. I don't know where it is and why  
20 that's not here. It there ain't. I know that's not good  
21 English, and I apologize for that.

22 What I'm going to ask you to do is look at  
23 this very realistically from the viewpoint of what was  
24 found. Joseph Rowland is a man. There were drugs found  
25 in a Gucci bag, and I made some maybe catty remarks. I'm

1 sure the ladies don't appreciate when I talk about one of  
2 my daughter-in-laws, but she takes the ribbing well when  
3 she's around, but the simple fact is, it's in a Gucci  
4 bag. It was hanging on a hook in bedroom number two.

5           Could they connect that bag in any way to  
6 Joseph Rowland, fingerprints, his girlfriend, mother of  
7 his child, purchased in any store? No.

8           Now, if you want to say, well, there's too  
9 much smoke here for me. I understand what you're saying,  
10 but something was going on, and that's exactly what  
11 they're doing, is saying something is going on, so we  
12 want you to convict him of the more serious thing.  
13 Possession, the distribution of cocaine is a logical  
14 verdict for you.

15           Possession and distribution of marijuana, is  
16 it ten grams of marijuana? And let me say this now:  
17 Possession or distribution, you don't have to be making  
18 any money. You don't have to make a penny out of it.

19           If you have marijuana, cocaine, or what have  
20 you, and you're in concert with one of your friends or  
21 somebody said, you know, I need some grass and you hand  
22 it to them, you're in possession with intent to  
23 distribute, and that's violation of the law, and I'm  
24 suggesting that's fine. Mere presence, as the Court is  
25 going to tell you, is not sufficient to convict somebody,

1 mere presence at the scene.

2 Now, let's take about whose bedroom it is.  
3 They found the stuff in here, and when we through this  
4 whole thing about State's Exhibit No. 11, about the stuff  
5 stacked on the bed -- and you can see it in there. Oh,  
6 yeah. That's the way it was. Yeah, that's the way it  
7 was. Then today they brought in a police officer: Well,  
8 I think we stacked them on the bed, I think we took the  
9 sheets off. That's what we usually do.

10 For the first time we heard somebody stripped  
11 the bed and stacked the stuff on there. If you go into  
12 your homes today and you have adult children, you're  
13 going to find some mail in your home, maybe addressed to  
14 your children for some reason? Sure you are. Yes, his  
15 mail is there. Is that his handwriting on those ledgers?  
16 They could have tested it. It's been three years.

17 I'm going to ask you, and this may not be  
18 what you expect, but I'm going to ask you to seriously  
19 consider the facts of this case, and I am going to tell  
20 you, I don't think that they prove, other than the fact  
21 that he was in his parents' driveway and had \$1,400 in  
22 his pocket that this stuff was his, but the simple fact  
23 is, if you're really concerned about it, possession with  
24 intent to distribute is what you need to think about  
25 seriously in this case versus an outright acquittal.

1 Sometimes that's -- that just grates on a jury.

2 I'm going to ask you to find him not guilty,  
3 but the simple fact is to find somebody guilty of a very,  
4 very serious crime of trafficking, when their own expert  
5 comes in here and can't tell you that she can verify  
6 weights and she says, Oh, yeah, they can prove those  
7 scales were in proper order that time, all they have to  
8 do is bring the proper person in here.

9 They didn't bring the proper person in here,  
10 did they, so I'm going to ask you, consider all the  
11 evidence. I'm going to ask you to find and consider they  
12 haven't proven their case beyond a reasonable doubt. I  
13 am going to ask you, if you can't reach that, if you  
14 really can't reach that, that you consider this for what  
15 it might appear to be, which is possession with  
16 distribution and return that verdict if not guilty is  
17 beyond your comprehension at this point in time.

18 I've been practicing law now for 46 years. I  
19 keep practicing and see if I can get it right, and I've  
20 never had a jury or a juror hold against a litigant  
21 anything I've said or done in the trial. If I've said or  
22 done anything in this trial that has offended you, I  
23 apologize. If it really offended you, call me up at the  
24 office somewhere down the road, but I do apologize if  
25 I've done or said anything that's offended you.

1 I appreciate your attention. I appreciate  
2 your letting us take your time to argue about what these  
3 facts mean, or the lack of facts. In the three years,  
4 they can't tell you who wrote those words. It's been  
5 three years and they can't bring to you the hand-to-hand  
6 transaction they said they observed that and that they  
7 control; therefore, I would ask you to find beyond a  
8 reasonable doubt not guilty.

9 You only have these charges. You started out  
10 with four. We only have three now. You only have two if  
11 you find that it's possession with intent to distribute  
12 on the cocaine, not with a gun involved.

13 I want you to consider all those facts and  
14 consider a verdict which you're comfortable with. I'm  
15 asking you to find my client not guilty and listen to  
16 what His Honor tells you what the law is, the mere  
17 presence and about the burden of proof.

18 I thank you for your patience, and I'm going  
19 to sit down.

20 THE COURT: All right. Folks, remember  
21 yesterday when we talked at the beginning of the trial  
22 that you and I have different duties to perform, and as  
23 the trial judge, it's my duty to preside over the trial,  
24 make sure that our rules of procedure and evidence were  
25 followed, make sure both sides get a fair trial.

1           Your job, as the jury, was to consider just  
2 the evidence that you hear in this courtroom, which was  
3 testimony and exhibits and things like that that came  
4 into evidence. I also now have the duty to charge you on  
5 the law that applies to the facts as you find them.

6           Your job, under the oath that you took as a  
7 juror at the beginning of the trial, is to accept the law  
8 and apply the law as I now charge you what the law is,  
9 and if you have any idea as to what you think the law is  
10 or what you think the law ought to be and it does not  
11 agree with what I now tell you the law is, you must  
12 forget that idea because you are sworn to accept the law  
13 and apply the law exactly as I state it to you.

14           You, again, are the judges of the facts. You  
15 are the sole judges of the facts. You determine how much  
16 weight and credibility to give testimony of witnesses.  
17 You decide whether or not a witness has a bias, a  
18 prejudice or an interest in the outcome of the case. You  
19 judge things like appearance and demeanor of a witness on  
20 the witness stand and reasonableness of their statements.  
21 You're not bound to decide this case based on the number  
22 of witnesses a side produces.

23           You can believe one witness over many or many  
24 over one. You can accept all of a witness's statement or  
25 you can reject it entirely, and if you accept part of it,

1 you can still reject part of it, and if you reject part  
2 of it, you can step the remainder of a witness's  
3 testimony.

4 I also told you that during the trial we  
5 don't ordinarily allow people to come up and testify  
6 about their opinion testimony -- or about opinion --  
7 about evidence, but we do make an exception for expert  
8 witnesses, and these are folks who are experts because of  
9 experience, education, or specialized training in an  
10 area. They can give you their opinion, and they can  
11 state the reasons for their opinion. You can give an  
12 expert's testimony as much or as little weight as you  
13 think it deserves. If you don't think it's based on  
14 sufficient education or experience or you conclude that  
15 the expert's opinion is not sound or that it is  
16 outweighed by other evidence, you may disregard the  
17 opinion entirely. You are not compelled to blindly  
18 accept an expert's opinion. You have the right to  
19 consider testimony in light of all the circumstances and  
20 give it such weight as you think it is entitled to.

21 Now, I want to remind you that the fact that  
22 the defendant was arrested, charged, and indicted in this  
23 case is not evidence in this case and cannot be  
24 considered by you as evidence of guilt in this case, nor  
25 does it create any presumption or inferences of guilt.

1 This document, the indictments are certainly the formal  
2 written notices that contain the charges made against the  
3 defendants. It's the formal documents by which this case  
4 is brought into this court.

5 Now, the defendant pled not guilty to each of  
6 the charges in the indictment, and that plea therefore  
7 casts a burden on the State to prove the defendant guilty  
8 beyond a reasonable doubt. A person charged with a crime  
9 in South Carolina is never required to prove himself  
10 innocent. This is an important rule of law in this  
11 country, that a defendant in a criminal trial will always  
12 be presumed to be innocent of the crime for which he is  
13 indicted unless and until his guilt has been proven by  
14 evidence satisfying you of that guilt beyond a reasonable  
15 doubt.

16 A presumption of innocence is not a mere  
17 legal theory. This is not just some legal phrase. This  
18 is a constitutional right which every defendant is  
19 entitled. This presumption of innocence accompanies the  
20 defendant from the time he is charged throughout the  
21 trial and unless and until you reach a verdict, based  
22 upon evidence satisfying you of that guilt beyond a  
23 reasonable doubt.

24 I also instruct and emphasize the fact that  
25 the defendant did not testify is not a factor to be

1 considered by you in any way in your deliberations or  
2 your consideration on the question of guilt or innocence  
3 of the defendant. It must not be considered by you in  
4 any manner whatsoever. A defendant has a constitutional  
5 right to remain silent, and the assertion of this right  
6 must not be considered in your deliberations. I repeat  
7 that under your oath, you are to draw no conclusion  
8 whatsoever from the fact that the defendant in this case  
9 did not testify.

10           The fact that the defendant did not testify  
11 should not even be discussed in the jury room. The  
12 burden of proof, as I have stated to you, is on the  
13 State. The defendant is not required to prove his  
14 innocence, the burden of proof remains on the State to  
15 prove guilt beyond a reasonable doubt.

16           Now, again, what is this reasonable doubt  
17 we've been talking about? Again, the State has the  
18 burden of proving the defendant guilty beyond a  
19 reasonable doubt, and I told you that some of you may  
20 have served in a civil case as a juror where you were  
21 told it was only necessary to prove that a fact is more  
22 likely true than not true, such as by the greater weight  
23 or preponderance of the evidence.

24           In criminal cases, the State's proof must be  
25 more powerful than that. It must be beyond a reasonable

1 doubt. Proof beyond a reasonable doubt is proof that  
2 leaves you firmly convinced of the defendant's guilt.  
3 There very few things in this world that we know with  
4 absolute certainty. In criminal law, the case -- the law  
5 does not require proof that overcomes every possible  
6 doubt.

7           If, based on your consideration of the  
8 evidence you, are firmly convinced that the defendant is  
9 guilty of the crime charged, then you must find the  
10 defendant guilty. On the other hand, if you think there  
11 is a real possibility that the defendant is not guilty,  
12 then you must give the defendant the benefit of the doubt  
13 and find him not guilty. The two types of evidence that  
14 we generally have presented in a trial, there is direct  
15 evidence and circumstantial evidence. Direct evidence  
16 directly proves the existence of a fact and does not  
17 require deduction. Circumstantial evidence is proof of a  
18 chain of facts and circumstances that indicate the  
19 existence of a fact.

20           Crimes may be proven by circumstantial  
21 evidence, and the law makes no distinction between the  
22 weight or value to be given by either direct or  
23 circumstantial evidence; however, to the extent the State  
24 relies on circumstantial evidence, all of the  
25 circumstances must be consistent with each other, and,

1 when taken together, point conclusively to the guilt of  
2 the accused beyond a reasonable doubt. If these  
3 circumstances merely portray the defendant's behavior as  
4 suspicious, then the proof has failed.

5 The State has the burden of proving the  
6 defendant guilty beyond a reasonable doubt, and this  
7 burden rests with the State regardless of whether the  
8 defendant relies on direct evidence, circumstantial  
9 evidence, or some combination of the two.

10 Again, you must determine the credibility of  
11 witnesses who testified in this case, and credibility  
12 simply means believability. It's your duty as jurors to  
13 analyze and evaluate evidence and determine what evidence  
14 convinces you of its truth.

15 In determining the believability of witnesses  
16 who testified, you, again, can believe one witness over  
17 several or several over one. You can believe part of a  
18 witness's testimony and reject part of the testimony of  
19 that same witness. You may believe the testimony of a  
20 witness in its entirety or you can reject it entirely,  
21 and you must consider -- or you may consider whether a  
22 witness has exhibited to you any interest, bias,  
23 prejudice, or other motive in this case and you may also  
24 consider appearance, demeanor, and manner of a witness on  
25 the stand.

1 I charge you that mere presence at a scene is  
2 not sufficient to prove someone guilty of a crime. A  
3 defendant's presence where a crime is being committed or  
4 mere association with a person who commits a crime does  
5 not make a defendant an accomplice or an aider or  
6 abettor -- or aider and abettor of a person committing a  
7 crime. The burden is on the State to prove every element  
8 of a crime charged. If you find, after reviewing all of  
9 the evidence, that the State has proved the defendant was  
10 only present at the scene of a crime, then they have not  
11 proved beyond a reasonable doubt any other participation  
12 in the crime, then you must find the defendant not  
13 guilty. The law is that proof of -- proof of being at  
14 the scene of a crime only is not sufficient to find  
15 someone guilty.

16 Now, the first charge that I'm going to go  
17 over with you is possession with intent to distribute  
18 marijuana in violation of South Carolina code section  
19 44-53-370.

20 In order to prove possession of marijuana  
21 with intent to distribute, the State must prove beyond a  
22 reasonable doubt that the defendant possessed marijuana  
23 with the intent to distribute it. To prove possession,  
24 the State must prove beyond a reasonable doubt that the  
25 defendant had both the power and intent to control the

1 disposition or use of the marijuana. Possession may be  
2 either actual or constructive. Actual possession means  
3 that the marijuana was in the actual, physical custody of  
4 the defendant. Constructive possession means that the  
5 defendant had dominion and control, or the right to  
6 exercise dominion and control, over either the marijuana  
7 itself or the property on which the marijuana was found.

8           Mere presence at the scene or where the drugs  
9 were found is not enough to prove possession. Actual  
10 knowledge of the presence of the marijuana is strong  
11 evidence of the defendant's intent to control its  
12 disposition or use. The defendant's knowledge and  
13 possession may be inferred when a substance is found on  
14 the property under the defendant's control; however, this  
15 inference is simply an evidentiary fact to be taken into  
16 consideration by you along with the other evidence in the  
17 case and to be given the weight you decide it should  
18 have.

19           Two or more persons may have joint possession  
20 of a drug. The State may also prove beyond a reasonable  
21 doubt or must also prove beyond a reasonable doubt the  
22 defendant intended to distribute the marijuana.  
23 Distribute means to deliver, other than by administering  
24 or dispensing, a drug. Intent may be shown by acts and  
25 conduct of the defendant and other circumstances from

1 which you may naturally and reasonably infer intent.

2 In determining whether the defendant had the  
3 intent to distribute the marijuana, you may consider the  
4 circumstances surrounding the defendant's alleged  
5 possession. You may consider the amount of the substance  
6 alleged to have been possessed, the manner in which it  
7 was allegedly possessed, the place where it was allegedly  
8 possessed, and other circumstances which you consider to  
9 be important.

10 You must find the defendant did not intend --  
11 or did not have the intent to have the marijuana solely  
12 for his own use. Now, possession of more than 28 grams  
13 or one ounce of marijuana creates an inference that the  
14 defendant possessed the marijuana with intent to  
15 distribute. This inference does not relieve the State  
16 from proving beyond a reasonable doubt that the defendant  
17 had the intent to distribute. It is certainly an  
18 evidentiary fact to be taken into consideration by you  
19 along with the other evidence in the case and to be given  
20 the weight you decide it should have.

21 Furthermore, 28 grams is not a requirement in  
22 order to prove possession with intent to distribute. 28  
23 grams simply creates an inference that the defendant  
24 possess the marijuana with the intention to distribute  
25 it. A person can be convicted of possession with intent

1 to distribute if the amount is less than 28 grams if you  
2 find the State's evidence proves possession with intent  
3 to distribute beyond a reasonable doubt.

4 Now, if you find that the State has failed to  
5 prove beyond a reasonable doubt that the defendant is  
6 guilty of possession with the intent to distribute  
7 marijuana, you may consider whether the State has proved  
8 beyond a reasonable doubt that the defendant is guilty of  
9 simple possession of marijuana. Simple possession does  
10 not require an intent to distribute the marijuana.

11 The State must prove beyond a reasonable  
12 doubt that the defendant knowingly and intentionally  
13 possessed marijuana. Knowingly means with knowledge;  
14 consciously, not accidentally; intentionally means  
15 willfully intending the result which actually occurs, not  
16 accidentally or involuntarily, and intent may be shown by  
17 acts and conduct of the defendant and other circumstances  
18 from which you may naturally and reasonably infer intent.

19 Possession of marijuana is a crime unless the  
20 marijuana was obtained directly from or through a valid  
21 prescription or order of a practitioner acting during the  
22 course of professional practice. A practitioner is a  
23 physician, dentist, veterinarian, podiatrist, scientific  
24 investigator, pharmacy, hospital, or other person or  
25 institutions licensed, registered, otherwise permitted to

1 distribute, dispense, conduct research with respect to or  
2 administer a controlled substance in the course of  
3 professional practice, research in this state.

4           Now, the second charge that you are to  
5 consider is trafficking cocaine. The defendant is  
6 charged with trafficking in cocaine. In order to prove  
7 that charge, the State must prove beyond a reasonable  
8 doubt the defendant knowingly sold, manufactured,  
9 cultivated, delivered, purchased, brought into the state,  
10 provided financial assistance or otherwise aided  
11 attempted, or conspired to sell, manufacture, cultivate,  
12 deliver, purchase, or bring into this state, was  
13 knowingly in actual or constructive possession knowingly  
14 attempted to become in actual or constructive possession  
15 of cocaine. The State must also prove beyond a  
16 reasonable doubt that the amount of the cocaine or any  
17 mixtures containing cocaine was 28 grams or more but less  
18 than 100 grams.

19           Now, if you determine the State has not  
20 proved trafficking in cocaine beyond a reasonable doubt,  
21 you should then consider whether the State has proved  
22 beyond a reasonable doubt that the defendant is guilty of  
23 possession with intent to distribute cocaine. Possession  
24 with intent to distribute cocaine contains all of the  
25 elements of trafficking except the amount of cocaine. In

1 addition, the State must prove beyond a reasonable doubt  
2 that the defendant had the intent to distribute the  
3 cocaine.

4           Distribute means to deliver other than by  
5 administering or dispensing of drug. Intent may be shown  
6 by acts or conduct of the defendant and/or circumstances  
7 from which you may naturally and reasonably infer intent.  
8 In determining whether the defendant had the intent to  
9 distribute cocaine, you may consider the circumstances  
10 surrounding the defendant's alleged possession. You may  
11 consider the amount of the substance alleged to have been  
12 possessed, the manner in which it was allegedly  
13 possessed, the place where it was allegedly possessed,  
14 and other factors which you consider to be important.  
15 You must find the defendant did not have the cocaine.

16           Possession of more than one gram of cocaine  
17 creates an inference that the defendant possessed cocaine  
18 with the intent to distribute it. This inference does  
19 not relieve the State from proving beyond a reasonable  
20 doubt that the defendant had the intent to distribute.  
21 It is simply an evidentiary fact to be considered by you  
22 along with other evidence in the case and to be given the  
23 weight you should decide it may have.

24           Furthermore, one gram is not a requirement to  
25 prove possession with the intent to distribute. One gram

1 simply creates an inference that the defendant possessed  
2 cocaine with the intent to distribute it. A person  
3 convicted of -- a person can be convicted of possession  
4 with the intent to distribute if the amount is less than  
5 one gram if you find the State's evidence proves  
6 possession with the intent to distribute beyond a  
7 reasonable doubt.

8 Finally, the third charge is possession of a  
9 weapon during the commission of a violent crime. The  
10 defendant is charged with possession of a weapon during  
11 the commission of or attempt to commit a violent crime.  
12 The State must proof beyond a reasonable doubt that the  
13 defendant was in possession of a firearm or visibly  
14 displayed what appeared to be a firearm or visibly  
15 displayed a knife during the commission of a violent  
16 crime.

17 Firearm means any machine gun, automatic  
18 rifle, revolver, pistol or any weapon which will, is  
19 designed to, or may be readily converted to expel a  
20 projectile. In order to find the defendant guilty of  
21 possession of a weapon during the commission of a violent  
22 crime, you must first find the defendant guilty of  
23 committing a violent crime or attempting to commit a  
24 violent crime, and I charge you that trafficking of  
25 cocaine is considered a violent crime.

1           The State must prove beyond a reasonable  
2 doubt that the defendant further advanced or helped in  
3 the commission of a violent crime, and, finally, your  
4 verdict -- in determining your verdict of guilty or not  
5 guilty, you cannot consider any possible penalty for any  
6 particular crime. The punishment for a crime is a matter  
7 for me to determine and should never be considered by you  
8 in any way whatsoever in arriving at a verdict of guilty  
9 or not guilty, and your verdict must be unanimous.

10           Now, Mr. Foreman, I'm going to send these  
11 back with you, the indictments. There are three  
12 indictments trafficking, cocaine, possession with intent  
13 to distribute marijuana, and possession of a firearm  
14 during the commission of a violent crime.

15           As to the trafficking cocaine charge, I would  
16 normally have you just write guilty or not guilty on the  
17 back; however, because there is a lesser included charge  
18 you could find him of, that is, possession with intent to  
19 distribute cocaine, I have attached the verdict form, and  
20 on the second page of this verdict form, as to the  
21 trafficking cocaine, you'll see it says as to indictment  
22 2011-GS-10-5527, trafficking cocaine, we, the jury,  
23 unanimously find the defendant, Joseph Todd Rowland, and  
24 then there are two choices, guilty or not guilty, of  
25 trafficking cocaine.

1           If the jury finds him guilty of trafficking  
2 cocaine, you sign it. Stop. You don't have to  
3 deliberate the lesser included charge. If, however, you  
4 find him not guilty of trafficking cocaine, you mark the  
5 block where it says not guilty and then go to the next  
6 one, where it says if you, the jury, find the defendant,  
7 Joseph Todd Rowland, is not guilty of trafficking  
8 cocaine, you must then decide whether the defendant,  
9 Joseph Todd Rowland, is guilty or not guilty of  
10 possession with intent to distribute cocaine, and then  
11 you have two choices: Guilty or not guilty. If you find  
12 he's guilty, you mark guilty of possession with intent to  
13 distribute cocaine. If you find he's not guilty, you  
14 mark that one and sign it and date it.

15           As to the verdict for possession, the  
16 indictment for possession with intent to distribute  
17 marijuana, same thing. There are two possible verdicts,  
18 so I'll send a special form back to that one as well.  
19 The first choice is for the indicted charge of possession  
20 with intent to distribute marijuana; again, two choices:  
21 Guilty or not guilty. If you find him guilty of  
22 possession with intent to distribute marijuana, you stop  
23 deliberations on that charge, sign it, and date it.

24           On the other hand, if you find that he is not  
25 guilty, you go to the lesser included in the next

1 paragraph, and it says, we, the jury, find he's not  
2 guilty of possession with intent to distribute marijuana.  
3 You must consider whether or not he's guilty or not  
4 guilty of simple possession of marijuana. Again, there's  
5 two choices: Guilty or not guilty. Mark the appropriate  
6 verdict, sign it, date it.

7 Now, as to the possession of a firearm during  
8 the commission of a violent crime, I'm sending back a  
9 special verdict from so you'll know what's included on  
10 that. It's either guilty or not guilty. I'll remind you  
11 that on this charge, you have to find him guilty of  
12 trafficking in cocaine in order to find him guilty of  
13 this charge.

14 If you find him either not guilty of  
15 trafficking or guilty of possession with intent to  
16 distribute, you have to find him not guilty on this  
17 charge. So whatever your verdict is on that, sign it,  
18 date it, let the bailiffs know when you have reached a  
19 verdict.

20 I'm going to send you back to the jury room  
21 for just a minute. The bailiffs -- I have to give the  
22 lawyers the opportunity to say if I misspoke something,  
23 which happens from time to time, and then if they say  
24 everything is okay, we get the evidence back and send the  
25 indictments with the verdict forms back, and the bailiffs

1 will tell you it's okay to begin your deliberations.

2 All right? It will just take a couple  
3 minutes. You can go ahead if your lunch is there. I'm  
4 not sure if is, and you can eat during your deliberations  
5 if the food gets there.

6 Now, again, don't begin deliberations until I  
7 send word back with the bailiffs. Okay? Thank you for  
8 your patience.

9 (In open court, jury not present.)

10 THE COURT: Anything from the State?

11 MS. LINDER: Nothing from the State.

12 MR. RUNYON: No additions or exceptions, Your  
13 Honor.

14 THE COURT: Does anybody have a problem with  
15 me sending the jury forms or the jury charges back?

16 MS. LINDER: Nothing from the State.

17 THE COURT: Are you okay with that?

18 MR. RUNYON: No objection.

19 THE COURT: On page number two, under charge,  
20 arrest, indictment, the very last sentence of the first  
21 bullet point says nor does it create any presumption, and  
22 it says interference. It should be inference, so I just  
23 scratched through that, hand wrote in inference and  
24 initialed it, okay? That shows up every week, and we  
25 just got to change it. All right. Let's make sure we

1 have the evidence together.

2 (At 1:10 p.m., the jury retires to deliberate  
3 the verdict.)

4 Let the record reflect I discharged the  
5 alternate.

6 (2:54 p.m., in open court, jury present.)

7 (Whereupon, the Honorable Thomas L. Hughston  
8 appeared in court to receive the verdict.)

9 THE COURT: All right. I'm Judge Hughston.  
10 Judge Young had to go do something else, and her asked me  
11 to receive your verdict. Give it to the bailiff there,  
12 and he'll bring it over to me.

13 Judge Young, as I said, had another  
14 obligation, and he asked that I fill in for him and  
15 receive the verdict, and we do have the jury with us and  
16 the defendant is present, along with his attorney.

17 All right. We have three indictments I  
18 believe, three charges, and I'm looking here at  
19 indictment 2011, et cetera, 5531 which charges possession  
20 of firearms during the commission of a violent crime, and  
21 the verdict in regard to that is guilty, signed by the  
22 forman of the jury.

23 Then we have one, this is number 5527,  
24 trafficking cocaine. The verdict in regard to that is  
25 guilty of trafficking cocaine, signed by the foreman, and

1 then the other one, possession with intent to distribute  
2 marijuana, the verdict there is guilty of possession with  
3 intent to distribute marijuana, signed by the foreman.

4 So, anything prior to discharge of the jury,  
5 nothing from the State? Anything from the defendant?

6 MR. RUNYON: Request polling, Judge.

7 THE COURT: All right. Members of the jury:  
8 We do have a procedure whereby once a verdict is  
9 returned, the jury can be polled.

10 Do you have the list of the jurors you want  
11 to poll?

12 THE CLERK: Yes, sir, I will.

13 THE COURT: The question, really, that the  
14 clerk is going to be asking you, he's going to call your  
15 name, each of your names. When he calls your name, if  
16 you would raise your hand so he and I can see who is  
17 answering to the name, and the question that he's asking  
18 you is this: Were the verdicts as I have reported them  
19 here in the courtroom, that is, guilty of these three  
20 charges, were those your verdicts when you last voted in  
21 the jury room and are they still your verdicts here in  
22 open court?

23 If either it was not your verdict when you  
24 last voted in the jury room, or it is not your verdict  
25 here now in open court, say no. If it was your verdict

1 from here on. He'll remain in custody. Judge Young will  
2 be back as soon as he can.

3 (Jury dismissed.)

4 (Recess taken.)

5 (In open court, the Honorable Roger Young  
6 resumes the bench.)

7 THE COURT: The jury came back with a verdict  
8 of guilty on trafficking cocaine, guilty of possession  
9 with intent to distribute marijuana, and guilty on the  
10 possession of a firearm during the commission of a  
11 violent crime.

12 Madame Solicitor, what would you like to tell  
13 me prior to sentencing?

14 MS. LINDER: Your Honor, I would like to  
15 briefly allow Sergeant Ratliff to address you.

16 THE COURT: Do you have any sentencing  
17 sheets?

18 MS. LINDER: Yes, if I may approach?

19 THE COURT: You may.

20 MS. LINDER: Your Honor is very aware of the  
21 facts of this case since you've sat through the trial the  
22 past day, or day and a half. I just would like to state  
23 for the record that this defendant has 2003 assault with  
24 intent to kill conviction, 2003 unlawful carrying of a  
25 pistol, 2003, unlawful possession of a pistol, and 2007

1 possession with intent to distribute cocaine within  
2 proximity.

3           Your Honor, the sentence, again, as you're  
4 well aware for the trafficking, is seven to thirty; for  
5 the marijuana is zero to five; and for the gun is five  
6 years. This defendant also has pending, stemming from a  
7 different address, a distribution of cocaine, which would  
8 be a third offense; proximity of cocaine, and three  
9 unlawful conducts toward a child.

10           Initially, Your Honor the State was offering  
11 ten years before we got into the posture of a trial. The  
12 State offered ten years to plead to most of the charges  
13 that would end up not being allowed, not enhancing for  
14 further, after this conviction -- after this trial, he's  
15 already got two strikes, so he is technically eligible  
16 with the other one.

17           The State would ask for significantly higher  
18 than the originally considered offer of ten, and,  
19 depending on the sentence, we could just potentially wrap  
20 up all of the other charges with relation to this  
21 defendant.

22           Sergeant Ratliff could briefly address you  
23 about this defendant.

24           THE COURT: Sure.

25           THE WITNESS: Yes, sir, I'll be brief.

1           Upward, I've been with this department for  
2 ten years, and in that ten years, I've been in West  
3 Ashley where this defendant resides. He is a danger to  
4 the community. Prior to my becoming a cop, he engaged in  
5 this activity. He's done it since then, and, probably  
6 more importantly, he's a danger to his parents when he  
7 openly does this at the residence which they live.

8           Every time I've encountered him he's had a  
9 disregard for the safety of others, and what happens as a  
10 result of his actions he has completely disregarded. He  
11 has had multiple opportunities to make changes in his  
12 life, which he has not.

13           Thank you, sir.

14           THE COURT: Anything further from the State?

15           MS. LINDER: Nothing further, Your Honor.

16           THE COURT: Mr. Runyon?

17           MR. RUNYON: Your Honor, before I make my  
18 statement, Mr. Rowland wants to put some things on the  
19 record, and I would assume this would comport with his  
20 right of allocution.

21           THE DEFENDANT: There were a lot of things  
22 that weren't brought up today in trial, all down to the  
23 chain of custody Rule 6(b), physical proof of chain of  
24 custody for the drugs they indicted me on, which they  
25 don't have no physical proof of chain of custody.

1           They had witnesses come in here, but they  
2 never had no physical proof of chain of custody, written  
3 affidavits, sworn affidavits, and the time drugs were  
4 seized of every occupant until the time it got into the  
5 evidence.

6           Under South Carolina laws of criminal  
7 procedure which is required, they don't even have that.  
8 I asked Mr. Runyon to bring that up, asserted prejudice  
9 on it, but he never brought it up, and I don't even know  
10 how those drugs got admitted into evidence without the  
11 physical proof of chain of custody, which is required by  
12 the South Carolina rules of criminal procedure. I got  
13 some more stuff I want to read to you.

14           You already know Mr. Ratliff was looking for  
15 narcotics. You know that. I don't know why he didn't  
16 impeach him today as the government witness. I had told  
17 him to do that. I told him to bring up the preliminary  
18 hearing transcript, which my mother had with me today,  
19 which Andy Savage went to the prelim, and I'm about to  
20 read you some stuff. All right?

21           At the preliminary hearing, Andy Savage got  
22 the arresting officer, Detective Ratliff, to admit there  
23 was no affidavit present incorporated into the warrant,  
24 which makes it valid on its face in violation of  
25 17-13-140 of the Fourth Amendment in South Carolina

1 constitution 110.

2           There was no indication of reliability of the  
3 informant in the search warrant, making it invalid on its  
4 face. There was no code number in the search warrant  
5 that is required by all SOIs and CIs to be incorporated  
6 in the warrant affidavit which puts the affiant,  
7 Detective Ratliff, in violation of City of Charleston  
8 Police Department policy and procedure manual which I  
9 showed Mr. Runyon. I alleged the magistrate is merely a  
10 rubber stamp for the Charleston Police Department.

11           Your Honor, I was not present at the house  
12 during the time the search warrant was being conducted,  
13 which Andy Savage got Detective Ratliff to admit to at  
14 the preliminary hearing. I had no mere presence nor  
15 dominion or control over these drugs and contraband  
16 found. There were other occupants that were present at  
17 the house as stated in the preliminary hearing who  
18 weren't even interviewed or detained, which puts them in  
19 violation of their procedure when they conduct search  
20 warrants.

21           But the most important thing to a drug case  
22 is the chain of custody which you know is correct, which  
23 they don't have. There was no proof of chain of custody,  
24 and I assert prejudice on all those things I mentioned  
25 because they brought witnesses up here today. Detective

1 Sumner, he said he found -- he's the one who confiscated  
2 these drugs, all right?

3           Where is this physical proof of chain of  
4 custody? Where is this written affidavit, the time of  
5 the seizure, to allow everything from the time they got  
6 given to Investigator Cobb all down to the evidence  
7 locker? There was no chain of custody, and I feel like  
8 that was -- I'm prejudiced by that because he didn't  
9 mention that.

10           I've been studying this case two years. All  
11 I've been doing is studying the law while I'm in jail.  
12 I'm not ignorant of the law. I feel like I wasn't given  
13 a fair trial, and that's all I really got to say, and  
14 there were other people who were present at the house --

15           THE COURT: Okay.

16           THE DEFENDANT: -- who weren't even detained,  
17 which is a violation of procedure for narcotic agents.

18           That's all I got to say, Your Honor. I just  
19 hope you hear where I'm coming from.

20           THE COURT: I do. You have the right to  
21 appeal. I'm not sure it sounds like you want Mr. Runyon  
22 to handle that for you, but you have the right to appeal.

23           MR. RUNYON: That's going to be handled by  
24 the public defender.

25           THE DEFENDANT: I don't know why he brought

1 all this up before the drugs got into evidence.

2 THE COURT: You can deal with that on appeal  
3 and post-conviction relief.

4 Mr. Runyon, is there anything you would like  
5 to say?

6 MR. RUNYON: Yes, Your Honor.

7 You've got to decide what you're going to do  
8 in these cases, and we'll let higher Courts and we'll let  
9 the PCR judge decide whether or not my strategy was an  
10 attempt to help this man since he rejected the deal.

11 But be that as it may, Your Honor, by my  
12 calculations, since June 3rd until he was released in  
13 March of this year on bond, my calculations are that he's  
14 got 1,021 days' service time on this arrest, Judge.

15 You know, Judge, Judge Block, before  
16 sentencing guideline, used to say there are very few  
17 people that can't be straightened out, ten years in any  
18 penitentiary, and I reminded him of that in a sentencing  
19 guidelines case, and he finally -- I remember what he  
20 said and brought the guidelines down to ten years for me.

21 And, you know, Judge, this is a young man  
22 who's a lifelong resident of this county. He's got a  
23 child who his parents all but raised for him, and if he's  
24 given significant time -- when I say significant, I mean  
25 15 or 20 years -- he won't see that child grow up. He

1 won't have an opportunity to, and his parents are in the  
2 courtroom today.

3           They've been very supportive of him through  
4 all of his trials and tribulations. He's got a twin  
5 brother who couldn't be here today, Judge, because he's  
6 undergoing, I believe, radiation today for cancer. And  
7 he's in a serious, serious health crisis, and this couple  
8 back here, who I've known his daddy since high school, we  
9 were in high school together, and, you know, they may  
10 have to grow older together, take care of their  
11 grandchild without the assistance of either of their  
12 children, one in prison and one who may have a more  
13 serious fate awaiting.

14           I would ask you for the least amount of time  
15 as possible. I'm not going to tell you this arrest and  
16 these proceedings have had a salutary effect on my  
17 client, but I think at some point in time he's going to  
18 come to grips with the realities of life, and I don't  
19 think it will take that much time to make him come to  
20 grips with the realities of life, Judge.

21           But I ask the Court to give him credit for  
22 1,021 days, and I would ask the Court to run that  
23 concurrent, since everything was, in fact, concurrent.  
24 And I would also point out, Judge, the weapon was on the  
25 shelf. Wasn't like he was brandishing it or using it to

1 secure drug money or supply drugs or anything like that.

2 THE DEFENDANT: And another thing about that,  
3 Your Honor, the occupant of the house made a written  
4 statement of the house saying it was his, which never  
5 even got into evidence. I wasn't there at the house.  
6 Detective Ratliff lied, which I can show you the  
7 preliminary hearing transcript right now. I could show  
8 you how he lied.

9 THE COURT: Mr. Rowland, I think you're your  
10 own worst enemy, to be honest with you. You got --

11 THE DEFENDANT: This is my life you're  
12 talking about. You should have got this case dismissed  
13 with all these technicalities.

14 THE COURT: How much time did he get on this  
15 prior arrest? You gave me a bunch of drug charges and  
16 you said the time. I don't remember it..

17 MS. LINDER: He received a YOA, and then he  
18 received one year after that.

19 THE COURT: All right.

20 MS. LINDER: And, Your Honor, just to make  
21 the record clear, as far as the amount of credit he  
22 should deserve, it was not straight time since June 3rd,  
23 because he was in June 3rd, was released August 2nd of  
24 2011, and then he got rearrested on new charges October  
25 23rd of '11, was released November 21st of '11 on that

1 second set of charges, and then I did a motion to revoke,  
2 and his bond was revoked March 2, 2012.

3 THE COURT: I'll just allow the Department of  
4 Corrections to calculate it.

5 MS. LINDER: Thank you, Judge.

6 MR. RUNYON: I went to the clerk's office  
7 during lunch break, and I went by the first records as to  
8 when they have releases on the record for him because I  
9 wasn't his counsel, and that's where I came up with the  
10 1,021 days.

11 THE COURT: Well, SCDC has the same records.  
12 They can calculate the correct amount.

13 All right. Is there anything else?

14 THE DEFENDANT: That's already correct.

15 THE COURT: Yes, sir. Who is this?

16 MR. RUNYON: This is his father, Joe.

17 THE COURT: All right. What is your name?

18 THE WITNESS: Leroy Rowland.

19 THE COURT: What you would like to say?

20 THE WITNESS: I just want to let you know  
21 that he's really not a harmful person. He got mixed in  
22 with the wrong crowd, but him going away -- and his twin  
23 brother is dying of cancer. It's just too much on us. I  
24 would like you to be lenient, if you could.

25 THE DEFENDANT: I'll be home on appeal. I'm

1 not going to cry because Runyon didn't do his job today.

2 THE WITNESS: Joseph, be quiet and listen.

3 I just want you to understand that, sir,  
4 okay? I'm 73 and she's 70.

5 THE COURT: Did you want to say something,  
6 ma'am?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: What is your name for the record?

9 THE WITNESS: Janice Rowland.

10 THE COURT: What you would like to tell me?

11 THE WITNESS: We need Joseph home with us.

12 The time he was home, the past six weeks, you wouldn't  
13 believe how different our lives were because we are  
14 elderly, and with his daughter there around us, she'll be  
15 nine in June, and I just ask you for leniency and some  
16 help for Joseph, some support, some help for him.

17 That's what I'm asking for. All these bad  
18 things we've heard over here, they should be more  
19 professional and want some help for him. We want some  
20 help for him and some leniency. We need him at home. We  
21 desperately need him because he helps all of us, and so  
22 does the one with cancer. He helps us too, both of them  
23 help us. They take care of us and help us and my little  
24 granddaughter, who is like my daughter, and thank you for  
25 listening to me. We just need him with us.

1 THE COURT: All right.

2 THE WITNESS: Thank you.

3 THE COURT: Well, you had a prior conviction.  
4 You got a very fair sentence, it sounds like, probation,  
5 YOA, earlier offenses, you got arrested on these charges  
6 and then re-arrested while you were out on bond.

7 THE DEFENDANT: And she stated May 24th she  
8 didn't want to take that charge to trial.

9 THE COURT: You truly are your own worst  
10 enemy.

11 THE DEFENDANT: I am not trying to get you  
12 mad, I'm just saying --

13 THE COURT: You need to just be quiet. I've  
14 given you all the time you wanted to say anything. I'm  
15 imposing the sentence now.

16 Sounds like you've got some other serious  
17 charges, and since they were later and if they're the  
18 strike offense type, they may be coming back at you with  
19 life without parole, I don't know, but if you got a prior  
20 proximity and you got a trafficking today, you got two  
21 strikes against you now. A third strike offense means  
22 you'll go to jail for the rest of your life.

23 On this trafficking charge, I'm giving you 20  
24 years; on the weapons charge, it's five; on the PWID,  
25 possession with intent to distribute marijuana, it's

1 five. They'll all run concurrent. You'll get credit for  
2 whatever time you serves.

3 MR. RUNYON: Judge, prior to taking the  
4 defendant out, might we enter our motions for new trial?  
5 I would like to enter on the record the motion for a new  
6 trial and motion to -- we renew our motions for directed  
7 verdict on the same grounds we laid out previously.

8 THE COURT: All right. For the same reasons,  
9 the motions are denied.

10 MR. RUNYON: Thank you very much, Your Honor.

11 THE COURT: Good luck.

12 - - -

13 (Whereupon, the proceedings were concluded.)

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SLB20110603488

DOCKET NO. 2011GS1005527

WITNESSES

Officer Ratliffe  
Charleston City Police Department

The State of South Carolina  
County of Charleston

AGENCY CASE NUMBER

1109136

COURT OF GENERAL SESSIONS

September Term 2011

ARREST WARRANT NUMBER

M611692

DATE OF ARREST

June 4, 2011

THE STATE

vs.

ACTION OF GRAND JURY

JOSEPH TODD ROWLAND  
DOB: [REDACTED]  
W/M

**TRUE BILL**

*J. O.*

Foreperson of Grand Jury

SEP 12 2011

Date:

Indictment for

Trafficking Cocaine

VERDICT

Foreperson of Petit Jury

Date:

INDICT

**FILED**

9/28/2011 9:29:39 AM  
JULIE J. ARMSTRONG  
CLERK OF COURT.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

INDICTMENT

At a Court of General Sessions, convened on September 12, 2011 the Grand Jurors of Charleston County present upon their oath:

**Trafficking Cocaine**

That in Charleston County, South Carolina, on or about June 3, 2011, the Defendant, JOSEPH TODD ROWLAND, unlawfully and knowingly did sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did possess or attempt to possess a controlled substance or a controlled substance analogue, to wit: Cocaine, in excess of 28 grams; in violation of 44-53-370 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
STEPHANIE B. LINDER  
ASSISTANT SOLICITOR

SLB20110603488

WITNESSES

Officer Ratliffe  
Charleston City Police Department

AGENCY CASE NUMBER

1109136

ARREST WARRANT NUMBER

M611693

DATE OF ARREST

June 4, 2011

ACTION OF GRAND JURY

**TRUE BILL**

*J. O.*  
Foreperson of Grand Jury

SEP 12 2011

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2011GS1005528

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

September Term 2011

THE STATE

vs.

JOSEPH TODD ROWLAND

DOB: [REDACTED]

W/M

Indictment for

Possession with Intent to Distribute  
Marijuana

FILED

9/29/2011 9:29:39 AM  
JULIE J ARMSTRONG  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

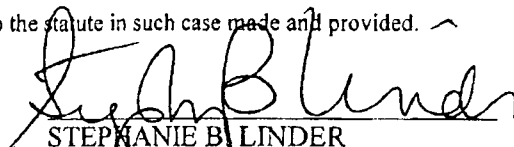
INDICTMENT

At a Court of General Sessions, convened on September 12, 2011 the Grand Jurors of Charleston County present upon their oath:

**Possession with Intent to Distribute Marijuana**

That in Charleston County, South Carolina, on or about June 3, 2011, the Defendant, JOSEPH TODD ROWLAND, did manufacture, distribute, dispense, deliver, purchase; or did aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase; or did possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue, to wit: Marijuana; in violation of 44-53-370 of the South Carolina Code of Laws (1976) as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
STEPHANIE B. LINDER  
ASSISTANT SOLICITOR

SLB20110603488

WITNESSES

Officer Ratliffe

Charleston City Police Department

AGENCY CASE NUMBER

1109136

ARREST WARRANT NUMBER

M611694

DATE OF ARREST

June 4, 2011

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date:

SEP 12 2011

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2011GS1005529

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

September Term 2011

THE STATE

vs.

JOSEPH TODD ROWLAND

DOB: [REDACTED]

W/M

Indictment for

Unlawful Possession of a Stolen Pistol

**FILED**

9/29/2011 9:29:39 AM  
JULIE J. ARMSTRONG  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

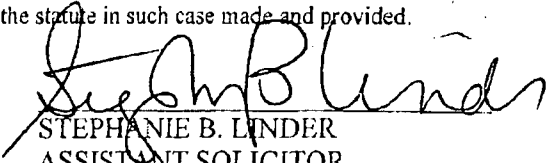
INDICTMENT

At a Court of General Sessions, convened on September 12, 2011 the Grand Jurors of Charleston County present upon their oath:

**Unlawful Possession of a Stolen Pistol**

That in Charleston County, South Carolina, on or about June 3, 2011, the Defendant, JOSEPH TODD ROWLAND, did unlawfully have in his possession, a firearm with an obliterated serial number, or a stolen firearm to wit: .45 caliber handgun, all in violation of Section 16-23-30 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
STEPHANIE B. LINDER  
ASSISTANT SOLICITOR

SLB20110603488

WITNESSES

Officer Ratliffe  
Charleston City Police Department

AGENCY CASE NUMBER

1109136

ARREST WARRANT NUMBER

M611696

DATE OF ARREST

June 4, 2011

ACTION OF GRAND JURY

**TRUE BILL**

*J. O.*  
Foreperson of Grand Jury  
Date:

SEP 12 2011

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2011GS1005531

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

September Term 2011

THE STATE

vs.

JOSEPH TODD ROWLAND

DOB: [REDACTED]

W/M

Indictment for

Possession of a Firearm During Commission  
of a Violent Crime

**FILED**

9/28/2011 9:29 39 AM  
JULIE J. ARMSTRONG  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

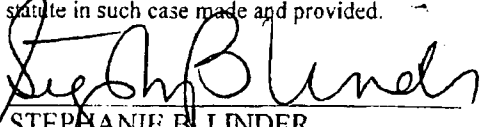
INDICTMENT

At a Court of General Sessions, convened on September 12, 2011 the Grand Jurors of Charleston County present upon their oath:

**Possession of a Firearm During Commission of a Violent Crime**

That in Charleston County, South Carolina, on or about June 3, 2011, the Defendant, JOSEPH TODD ROWLAND, did possess a .45 caliber handgun or visibly display what appeared to be a knife during the commission, or attempted commission, of Trafficking, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
STEPHANIE B. LINDER  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA ]  
COUNTY OF CHARLESTON ]

**SEARCH WARRANT**

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF CHARLESTON:

It appears from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, Code of Laws of South Carolina, as amended, is located on the following premises:

**DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)  
TO BE SEARCHED**

**31 Woodleaf Ct. ., Charleston, South Carolina, 29407**

The above residence is a two-story residence. The building is white in color with blue trim. The front door is a glass multi pane door on the left front side of the residence facing Woodleaf Ct roadway. Right and left of the door is a small covered porch with rails and wooden spindle along with columns. There the address numbers 31 is located on the column left of the door. Under the covered porch is two separate windows with white trim facing the street. On the left side of the residence there is a small single window. There is a matching color shed in the rear of the residence and chain link fence. Further a green in color Ford Crown Victoria (SC GTE-503) is the vehicle utilized at this address.

Now, therefore, you are hereby authorized to search the subject premises for the property described below and to seize such property if found:

**DESCRIPTION OF PROPERTY**

**See Exhibit A**

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to the Issuing Magistrate within ten days of this warrant, such inventory to be signed by the officer executing the warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Charleston, South Carolina

3 June, 2011

\_\_\_\_\_  
Signature of Judge (LS)

STATE OF SOUTH CAROLINA ]  
COUNTY OF CHARLESTON ]

**AFFIDAVIT**

Personally appeared before me, one C. Ratliffe, who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located in the following premises in this County:

**DESCRIPTION OF PROPERTY SOUGHT**

**SEE EXHIBIT A**

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)  
TO BE SEARCHED**

**31 Woodleaf Ct., Charleston, South Carolina, 29407**

The above residence is a two-story residence. The building is white in color with blue trim. The front door is a glass multi pane door on the left front side of the residence facing Woodleaf Ct roadway. Right and left of the door is a small covered porch with rails and wooden spindle along with columns. There the address numbers 31 is located on the column left of the door. Under the covered porch is two separate windows with white trim facing the street. On the left side of the residence there is a small single window. There is a matching color shed in the rear of the residence and chain link fence. Further a green in color Ford Crown Victoria (SC GTE-503) is the vehicle utilized at this address.

**REASON FOR AFFIANT'S BELIEF THAT THE  
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

Over the past 6 months, the Charleston Police Department Special Investigations Unit has received numerous complaints of narcotic activity from citizens, in reference to illegal narcotics being sold from 31 Woodleaf Ct. SIU has been conducting a investigation on this residence and Joseph Rowland for more then a year for narcotic activity.

In response, within the past 72 hours, the CPD Special Investigations Unit utilized established a fixed surveillance location in which Inv. Ratliffe and Inv. Sumner observed Joseph Todd Rowland, a registered resident at this location, conduct a hand to hand narcotics transaction. At approx 1440hrs. Joseph Rowland was observed exiting the residence via the front door and walk up to a vehicle which parked in front of the residence. Joseph Rowland approached the door of the vehicle and conducted a hand to hand transaction with a person inside the vehicle (SC CWM-343). Within 1 minute of making contact with the driver of the vehicle Joseph Rowland then walked back into the above residence. The vehicle (SC CWM-343) then immediately left the area. Inv.

Ratliffe and Inv. Sumner then corroborate this by having a CPD patrol unit conduct a traffic stop on the above vehicle (SC CWM-343) and locate an amount of illegal narcotics. The driver of the vehicle then wrote a statement confirming the above mentioned transaction of illegal narcotics.

Your affiant, Investigator C. Ratliffe, is a sworn police officer with the Charleston Police Department and has been for over 7 years with 1 year experience conducting narcotics investigations with the CPD Narcotics Unit. He has attended several narcotics investigation schools and seminars over the course of her career taught by the Drug Enforcement Administration, the South Carolina Criminal Justice Academy, and the Multi-jurisdictional Counterdrug Task Force Training. He has executed countless search warrants and has been involved in the arrest of over approximately 500 subjects for illegal drug offenses. Furthermore, he has conducted surveillance on suspected drug dealers, testified in court, managed informants, and interviewed numerous suspects and witnesses for drug related crimes.

Based on Inv. Ratliffe's experience and the current investigation, there is probable cause to believe that illegal narcotics, and/or the proceeds of, are being stored at 101 A Pamlico Terrace., Charleston, SC 29455.

Sworn to and Subscribed before me

this 23 day of Jan, 2011

Signature of Judge

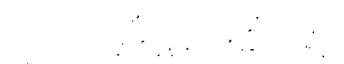
Affiant


180 Lockwood Boulevard  
Charleston, SC 29403  
(843) 577-7434

EXHIBIT A

PROPERTY TO BE SEIZED

1. Books, records, receipts, notes, ledgers (both electronic and paper) relating to the transportation, ordering, purchase and distribution of controlled substances, in particular, cocaine, marijuana and ecstasy, a controlled dangerous substance.
2. Papers, tickets, notes, schedules, receipts, and other items relating to domestic and international travel.
3. Books, records, receipts, bank statements and records, money drafts, letters of credit, money orders and cashier's check, receipts, passbooks, bank checks, safe deposit box keys, and other items evidencing the obtaining, secreting, transfer, and/or concealment of assets and the obtaining, secreting, transfer, concealment and/or expenditure of money.
4. United States Currency, precious metals, jewelry, and financial instruments, including stocks and bonds in amounts indicative of the proceeds of illegal narcotics trafficking.
5. Photographs, in particular, photographs of co-conspirators, of assets and/or controlled substances, in particular, cocaine, marijuana and ecstasy.
6. Indicia of occupancy, residency, and/or ownership of the premises described above, including, but not limited to, utility and telephone bills, canceled envelopes, and keys.
7. Weapons.
8. Controlled Dangerous Substances namely cocaine, marijuana, and ecstasy and related paraphernalia.
9. Receipt for items evidencing the expenditure of the proceeds of drug distribution, including, but not limited to, clothing furniture and electronic equipment including computers.

  
Signature of Judge

  
Signature of Affiant

## RETURN

I received the attached Search Warrant June 3, 2011

and have executed it as follows:

On June 3, 2011, at 17:30 hours I searched:

(the person) described in the warrant and (the premises)

I left a copy of the warrant with:

"At the Place of Search"

The following is an inventory of property taken pursuant to the warrant:

1. Total of (27) live .45 rounds of ammunition found inside left armrest of green chair in the living room by Inv Sumner-Recovered by Inv Cobb
2. Total of \$30 in U.S. Currency (15-\$2 bills), rolled up in a rubber band inside a black box, found on second shelf of bookcase in Bedroom #2 by Inv Sumner-Recovered by Inv Cobb
3. Blue in color ski mask found inside a laundry basket inside outdoor shed by Inv Burke-Recovered by Inv Cobb
4. Black in color GLOCK magazine containing (13) live .40 rounds of ammunition found in laundry basket inside outdoor shed by Inv Burke-Recovered by Inv Cobb
5. Black AWS digital scale found on right-side shelf inside outdoor shed by Inv Burke-Recovered by Inv Cobb
6. Silver in color digital scale, along with opened box of 'Poly Steel' sandwich bags, found inside propane grill inside outdoor shed by Inv Burke-Recovered by Inv Cobb
7. A book titled Criminal Procedure Guide for Drug Agents found on third shelf of bookcase inside Bedroom #2 by Inv Sumner-Recovered by Inv Cobb
8. One opened box of 'Poly Steel' sandwich bags found on right side of dresser in Bedroom #2 by Inv Olson-Recovered by Inv Cobb
9. Wachovia letter addressed to Joseph Todd Rowland and a blue notebook with ledger and miscellaneous papers inside, found on dresser inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
10. Red in color Polaroid digital camera found in a basket on the right side of dresser inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
11. Brown 'Gucci' handbag with green and red striped accents found hanging on outside of closet, containing (2) clear baggies: One baggie contained approximately 34 grams of white powdery substance. The second baggie contained a total of (21) individually packaged baggies of white powdery

- substance, totaling approximately 21 grams; This handbag was located inside Bedroom #2 by Inv Sumner-Recovered by Inv Cobb
12. Black and silver Nokia cell phone (IC#561U-RM126) found in a box on top of television inside Bedroom #2 by Inv Sumner-Recovered by Inv Cobb
  13. Glad ware container containing (4) small plastic baggies and (1) larger plastic baggie, each containing a green leafy substance, totaling approximately 12 grams; Found on top of television inside Bedroom #2 by Inv Sumner-Recovered by Inv Cobb
  14. Silver AWS digital scale found on dresser inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
  15. Best Buy receipt for a 50" television paid in cash found inside top left dresser drawer by Inv Olson-Recovered by Inv Cobb
  16. Clear plastic baggie containing approximately 10.5 grams of a white powdery substance found inside top left dresser drawer inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
  17. One green AWS digital scale (middle left dresser drawer) and one cell phone digital scale (bottom left dresser drawer), found inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
  18. Black in color T-Mobile cell phone (s#OG7NAC1031904631) found inside top right dresser drawer inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
  19. One opened box of Independence ammunition containing a total of (31) live .38 special rounds of ammunition found inside of file cabinet inside crawl space on second floor of the residence by Inv Olson-Recovered by Inv Cobb
  20. One opened box of Remington ammunition containing a total of (28) live .38 special rounds of ammunition found inside of file cabinet inside the crawl space on second floor of the residence by Inv Olson-Recovered by Inv Cobb
  21. Miscellaneous papers found underneath computer monitor on top of computer desk inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
  22. Black in color Motorola cell phone (s#364VLSV271) found on Joseph Todd Rowland by Lt Dutton-Recovered by Inv Cobb
  23. (1) identification card belonging to Shaquita Walker and a Georgia EBT card belonging to Wesley Ladson, both found on Joseph Todd Rowland by Lt Dutton-Recovered by Inv Cobb
  24. Total of \$181 in U.S. Currency (8-\$20, 1-\$10, 3-\$5, 5-\$1) found inside front left pants pocket of Joseph Todd Rowland by Lt Dutton-Recovered by Inv Cobb
  25. Total of \$1403 in U.S. Currency (1-\$100, 6-\$50, 42-\$20, 1-\$10, 18-\$1) found inside front right pants pocket of Joseph Todd Rowland by Lt Dutton-Recovered by Inv Cobb
  26. Black in color H&K USP Tactical semi-automatic pistol (s#25069039), containing (1) live .45 round in the chamber and a magazine containing (9) live .45 rounds; Found on top shelf of bookcase inside Bedroom #2 by Inv Sumner-Recovered by Crime Scene Officer Unterbrink.

27. Gateway computer (s#CCA6250001311), along with monitor, keyboard, mouse, and miscellaneous cords and cables, found inside Bedroom #2 by Inv Tugya-Recovered by Inv Cobb

This inventory was made in the presence of LT Dutton, Investigators Ratliffe, Sumner, Cobb, Olson, Forrest, Burke, Tugya, as well as patrol officers Scurry, Koegler, and Havers, and Crime Scene Officer Unterbrink of the Charleston Police Department.

I swear that this inventory is a true and detailed account of all the property taken by me

on the warrant.

\_\_\_\_\_  
Signature of Judge

\_\_\_\_\_  
Signature of Officer

Signature of Judge

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Roger M. Young, Sr. Circuit Court Judge

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Case No. 2011-GS-10-5527, 5528, 5531  
Appellate Case No. 2014-001051

**RECEIVED**  
DEC 29 2015  
**SC Court of Appeals**

THE STATE, .....Respondent,

v.

JOSEPH TODD ROWLAND, .....Appellant.

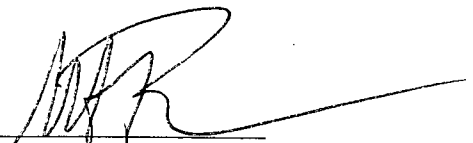
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**CERTIFICATE OF COUNSEL**

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The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 19, 2015.

  
Mark A. Peper, Esquire  
1637 Savannah Highway  
Suite 202  
Charleston, SC 29407  
(843) 225-2520  
Attorney for Appellant