

VOLUME I of II

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO SUMTER COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

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S.C. SUPREME COURT

GREGORY WRIGHT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-000815

APPENDIX

LANCE S. BOOZER

The Boozer Law Firm, LLC
1400 Laurel Street, Suite 4A
Columbia, SC 29201
803-608-5543

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

JULIE COLEMAN
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549
803-734-3737

ATTORNEYS FOR RESPONDENT

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State of South Carolina)

County of Sumter)

The State of South Carolina,
Plaintiffs

vs.

Gregory Wright,
Defendant

Case No. 08-GS-43-927, 929,
08-GS-43-931-934

January 12th-13th 2009
Sumter, S.C.

Before The Honorable Michael G. Nettles, Judge.

APPEARANCES:

Mr. Dale Scott,
Assistant Solicitor for the State

Mr. Cameron B. Littlejohn,
Attorney for the Defendant

Margaret T. Sullivan,
Court Reporter

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3 THE COURT: I will be glad to hear from
4 the defense with regard to motions concerning this
5 matter.

6 MR. LITTLEJOHN: Thank Your Honor. Your
7 Honor, for the record, I think the Clerk's file
8 will reflect, we had previously filed a blanket
9 disclosure motion asking for everything that we
10 are entitled under the South Carolina rules and
11 pursuant to Brady vs. Maryland. Your Honor,
12 additionally, on August 4th, of last year, we
13 filed a motion to disclose of witness information.
14 If I may hand that up to the Court. Which I
15 served on the Attorney General's office.

16 Your Honor, by way of explanation, there
17 are a number of matters that I think need to be
18 taken up. In the discovery, there was given to
19 us, some information concerning unnamed informants
20 that went to 4915 Silo Road. Which the Court will
21 hear that address over and over again. These two
22 informants were designated by a number. We were
23 given a report showing them by number. And
24 apparently one informant, drug informant there.
25 And on the 11th of May 2007, They purportedly

6
1 bought a quantity of drugs from the co-defendant,
2 Frank Lee Wilson. Excuse me on 5/10/07.

3 Then on 5/11/07 they apparently did the
4 same thing. Then on 5/14/07, one of the
5 informants went to the location. At this point
6 and he says he saw Mr. Wright. And that Mr.
7 Wright refused to sell him any drugs. But he says
8 Mr. Wright was holding some things and later
9 chased him off the premises.

10 Your Honor, the reason I give those dates
11 on May 25th, is when they served the Search
12 Warrant. Which is basis of the charges we are
13 about to try. Your Honor, my point is, we were
14 not given any information concerning these two
15 informants.

16 THE COURT: were these informants used to
17 get a Search Warrant?

18 MR. LITTLEJOHN: Your Honor, apparently
19 one of them was. From the standpoint of when the
20 time period fell, from the standpoint of the
21 Affidavit of the Search Warrant. The time would
22 coincide with one of the informants with having
23 been to 4915 Silo Road. The other two would have
24 been outside of the 72 hours claimed in the
25 Affidavit for a Search Warrant.

1 THE COURT: My initial impression is that
2 they would be entitled to the identify these
3 confidential informants. I will be glad to hear
4 from the State. Mr. Scott.

5 MR. SCOTT: Your Honor, we did provide
6 redacted copies of the documents you are speaking
7 of, with the names redacted. Strictly for the
8 safety of these CI's. In fact, whenever I turned
9 it over, the defendant was able to gleam an idea
10 of who one of them was, and promptly went to this
11 person's house and threatened them. So it is
12 strictly for the safety of these witnesses. I
13 have not disclosed that evidence thus far.

14 THE COURT: Okay. Well I think it is time
15 to do that.

16 MR. SCOTT: I have.

17 THE COURT: Oh, you have?

18 MR. LITTLEJOHN: Your Honor, it was done
19 5 minutes before Jury selection. And, Your Honor,
20 if I may address a couple of things. Mr. Scott
21 had made that allegation earlier, and tried to
22 have my client's bond revoked. We had a hearing
23 as to whether he had contacted this witness or
24 not. And Judge, I believe, Cothran.

25 MR. SCOTT: No, King.

1 MR. LITTLEJOHN: Judge King, denied the
2 motion. Allowed my client to stay out on bond.
3 And apparently found there was not enough there to
4 revoke his bond.

5 Your Honor, so I don't believe that basis
6 is sufficient for denying us this information that
7 we really need; that we're entitled under Brady
8 vs. Maryland. And United States vs. Gigglio. We
9 think we're entitled to it in order to properly to
10 prepare his defense. Your Honor, we just got
11 that---

12 THE COURT: I think he has indicated he
13 has given it to you, hasn't he?

14 MR. LITTLEJOHN: He gave it to me
15 5 minutes before jury selection today.

16 THE COURT: All right. Are these
17 individuals going to be available for trial?

18 MR. SCOTT: Yes, they will, Your Honor.

19 THE COURT: How, specifically, how just
20 sort of cut to the chase, how are you going to be
21 prejudiced if you now know who they are and they
22 are going to be present and available to testify?

23 MR. LITTLEJOHN: Well first up, Your
24 Honor, I understand there are two informants. I
25 have only been given information on one of them.

1 MR. SCOTT: I have provided him with
2 criminal histories on three individuals earlier.

3 MR. LITTLEJOHN: I received Mr. Maynor's
4 and Mr. Norman's.

5 MR. SCOTT: And then there is another one,
6 Stormy Maynor. She has no criminal history.
7 There should be an NCIC. I have an extra copy if
8 you would like.

9 THE COURT: Who are the two informants?

10 MR. SCOTT: One is Len Norman, is his
11 name. He was the one, and the only one who
12 participated in the controlled buys. The others
13 are neighbors, I believe, or former neighbors of
14 Mr. Wright, who would only cooperate upon that
15 condition; that I did keep their identity from Mr.
16 Wright for the time being.

17 THE COURT: Well you don't intend on
18 calling them?

19 MR. SCOTT: I do intend on calling them.

20 THE COURT: Well you need to tell them who
21 they are.

22 MR. SCOTT: They're on the witness list.
23 I have given him that information.

24 THE COURT: Okay. Who is it? You have
25 given him the name of one. Who is the other one?

1 MR. SCOTT: It's Stormy Maynor. Bryan
2 Maynor and Stormy Maynor. And then I have given
3 him the whole CI file on Len Norman.

4 THE COURT: Okay.

5 MR. LITTLEJOHN: Your Honor, my point is
6 this. I was given it 5 minutes before jury
7 selection. I was given no information about what
8 kind of plea deals they have with these
9 individuals. What sort of financial enumeration
10 they benefited by. What kind of charges they were
11 facing at the time they did this work for
12 Sheriff's Department. I am kind of operating in
13 the blank here. And if Mr. Scott is concerned
14 with somebody approaching somebody, he certainly
15 could have come before the court and gotten some
16 sort of protective order, where I could have done
17 my job in preparing a defense for this client
18 without him knowing it.

19 But here we are, we've already drawn the
20 jury. We've already sworn the jury. And I am
21 going to be floundering around on cross
22 examination, because I don't know what kind of
23 deal the state has with these people.

24 THE COURT: We're going to find out what
25 kind of deal has been given to each one of them

1 right here.

2 MR. SCOTT: Yes, Your Honor.

3 THE COURT: What deals have been given to
4 each one of them?

5 MR. SCOTT: As far as I know, Len Norman,
6 he was paid, I think, for each buy he did. I have
7 Wayne Dubose with me who will be able to explain
8 that.

9 THE COURT: Mr. Dubose, how much money was
10 paid to this particular informant?

11 MR. DUBOSE: I don't have the exact
12 amount, but Mr. Norman was a paid informant on
13 each. It's a case by case.

14 THE COURT: So he was paid for every buy?

15 MR. DUBOSE: Yes, sir. Normally, both of
16 our CI's, we only pay them about \$60. Some of
17 them we will pay \$20. Some of them are paid \$40.
18 It's just different. I don't know the exact
19 amount Mr. Norman was paid per these buys. We
20 could find that out. We do have our money logs.

21 THE COURT: All right. I think if we do
22 have it, and we will establish who indeed paid.
23 You know, if it was somewhere between 20 and 60.
24 Before he takes the stand, we will know exactly.

25 MR. LITTLEJOHN: Your Honor, I would also

1 like to know if he had any pending charges. And
2 if the Sheriff's Department or the State helped
3 him with those pending charges. That's certainly
4 a better incentive to me than 20 or 40.

5 THE COURT: I agree.

6 MR. LITTLEJOHN: And as far as I know,
7 nothing was done with any of his charges. He was
8 not helped. He was a paid informant. He was not
9 working out charges.

10 THE COURT: How would somebody go about
11 getting in to that line of work if they didn't
12 have any contact with law enforcement?

13 MR. SCOTT: I'm sorry?

14 THE COURT: How would somebody get in that
15 line of work if they haven't had any dealings with
16 law enforcement?

17 MR. SCOTT: I think, he, Tripp, I am
18 sorry, he is collecting evidence, the lead
19 investigator is on his way here. From what I
20 understand, and, Wayne, correct me if I am wrong.
21 He's kind of well known. He does this. He called
22 him up and said, have you got anything for me to
23 do. I think that's how he made money. He would
24 make money for doing these occasionally.

25 THE COURT: Okay. Are you going to be

1 able to say as an officer of the court, he has
2 never had any criminal charge against him?

3 MR. SCOTT: Oh, he does have criminal
4 charges. And this was not conditioned upon any of
5 his criminal charges.

6 THE COURT: What we have, have we provided
7 to the defense what his criminal charges are?

8 MR. SCOTT: Yes, Your Honor.

9 THE COURT: Okay.

10 MR. SCOTT: He has got the full Rap Sheet
11 in his hand.

12 MR. LITTLEJOHN: Your Honor, I have his
13 Rap Sheet.

14 THE COURT: Are there any pending cases
15 against him?

16 MR. SCOTT: Your Honor, as we were here
17 the other day, he's currently locked up. And I
18 think there was a bond reduction from what I was
19 able to see while we were here on other business.
20 I think he is a small time, or lifetime, small
21 time crook. Forgeries, I think is what it was.
22 It looks like he was passing bad checks, or
23 something to that effect. Some sort of fraud.

24 THE COURT: All right.

25 MR. SCOTT: Your Honor, if I may,

1 Mr. Littlejohn stated earlier, I would add that at
2 a prior hearing for a continuance, they were
3 informed. I made a special request that no
4 contact be made with any potential witnesses. And
5 thereafter is when Mr. Wright appeared at Bryan
6 Maynor's door.

7 THE COURT: That's not even before us here
8 today.

9 MR. SCOTT: Well, exactly. I just want
10 you to understand the reason that these specific
11 identities weren't given Mr. Littlejohn until
12 today.

13 THE COURT: We have gotten beyond the
14 identity point. What we want to find out is what
15 kind of benefit he might or might not have
16 received from this sale, or the sale itself. And
17 his testimony here today.

18 MR. SCOTT: I think I can safely say as I
19 sit here right now without the help of Tripp, and
20 I think -- and I don't think you are quite as
21 familiar with Len Norman, are you?

22 MR. DUBOSE: I have worked with him. And
23 during these buys, during this time period, he was
24 a paid informant. To my knowledge there was no
25 charges pending against him in Sumter County. Or

1 anyone in the county I am aware of. This was all,
2 we were paying him as he did work. And we do,
3 occasionally we do have informants who do work off
4 charges. We do come across people who just,
5 "They're selling drugs in my neighborhood. I can
6 go down there and buy them." And we pay them
7 money. There is a lot of different angles people
8 use.

9 THE COURT: How do y'all, were you
10 there -- were you the one who recruited this
11 confidential informant?

12 MR. DUBOSE: Investigator Mayes was. But
13 I was present on all the buys. And I was the
14 actual agent who conducted the attempted buy on
15 the 14th with the Search Warrant.

16 THE COURT: So you weren't there -- you
17 weren't a part of this recruiting this particular
18 confidential informant.

19 MR. DUBOSE: Well actually in recruiting,
20 he actually came up and made contact with
21 Investigator Mays. I don't know what the
22 circumstances was or why he came up and made
23 contact with him.

24 THE COURT: Is Mays going to be here?

25 MR. SCOTT: Yes, Your Honor.

1 THE COURT: When is he going to be
2 available?

3 MR. SCOTT: I can make a quick phone
4 call. They were rounding up a lot of the physical
5 evidence and trying to get him here.

6 THE COURT: Let's go ahead and get him
7 here today. And we will see if we can't get
8 around this issue and at least get moving in the
9 form of introductory comments, preliminary charge,
10 opening statements, and maybe some, maybe a
11 witness or two. But I think it is necessary for
12 Mr. Littlejohn to have a good understanding of how
13 he was recruited. And what his relationship is
14 with law enforcement. And whether or not he
15 received any benefits.

16 You mentioned in passing there was a bond
17 reduction. Was there any consideration given to
18 him with regard to the bond reduction for his work
19 with this particular case?

20 MR. SCOTT: None, Your Honor. In fact, I
21 just happened to be here. I had no idea what was
22 going on. Tripp pulled me in there and said, you
23 know, Len's here about to have a bond reduction.
24 It was something he got picked up for in November.
25 Recently. Just in the recent past. Nothing to do

1 with this case. And that was not cited by his
2 attorney.

3 THE COURT: Has your office communicated
4 with the Solicitor's Office about the pending
5 charges?

6 MR. SCOTT: No, Your Honor.

7 THE COURT: Do you intend on doing so?

8 MR. SCOTT: No, Your Honor. That is not
9 our office policy. We will allow them to, I
10 would, if they would ask, I would let them know he
11 did cooperate. We can't promise him anything.
12 That's a separate case from anything our office is
13 handling.

14 MR. LITTLEJOHN: Well, Your Honor, as a
15 follow up, I would certainly like to know what
16 pending charges he has. And if the Attorney
17 General's office is going to pass on the
18 information that he cooperated, I certainly think
19 I should be entitled to ask him about his pending
20 charges.

21 THE COURT: He has given you a little bit.
22 He's given you the record that has the pending
23 charges, doesn't he?

24 MR. LITTLEJOHN: It doesn't indicate
25 pending charges. Let me look at it. But I didn't

1 see any.

2 THE COURT: Does it, Mr. Scott?

3 MR. SCOTT: That one, that Rap Sheet may
4 have been run, like I said, these last ones are
5 very recent. I can have another one run.

6 THE COURT: We need to find that out by
7 the conclusion of the day, if we could find that
8 out. We have dealt with the confidential
9 informant. How about the other, or the one who
10 actually participated in the buy? How about the
11 other confidential informant?

12 MR. SCOTT: His name is Bryan Maynor. He
13 is the one who Mr. Wright actually went to his
14 house. He is a former, I believe, neighbor. I
15 think he lived somewhere in the vicinity.

16 MR. LITTLEJOHN: I hate to interrupt. I
17 had two other things on the previous informant we
18 were talking about.

19 THE COURT: All right.

20 MR. LITTLEJOHN: If you will let me finish
21 that, and then we can get going. Your Honor, in
22 regard to the buys that supposedly happened on May
23 10th and May 11th, I understand that the State
24 intends on going on and putting that into evidence
25 that the Informant made these buys at 4915 Silo

1 Road. It is my further understanding that
2 whatever was bought was never analyzed. And if
3 that is the case, I have no lab report on it. I
4 would move to suppress that information.

5 THE COURT: What is the state's position
6 on?

7 MR. SCOTT: Your Honor, from what I
8 understand and the records indicate, Mr. Mays may
9 speak to that. It is field tested. I don't
10 believe that the drugs that were brought on May
11 10th and May 11th, were ever sent to Sled for any
12 further analysis. However they were field tested,
13 and tested positive for crack cocaine.

14 THE COURT: What is the defense's
15 position?

16 MR. LITTLEJOHN: Your Honor, my position
17 is this, if the police sent an informant to 4915
18 Silo Road, and made controlled purchases, and then
19 they never had what was purchased analyzed to
20 determine whether it was a controlled substance or
21 not, then I think that evidence ought to be
22 excluded. This is not the situation where you
23 have got historic information. And obviously
24 there is no way to analyze drugs that an Informant
25 saw at some past event, that never came to the

1 possession of law enforcement.

2 But here if they never even bothered to
3 have it analyzed, I don't think, I guess, the best
4 evidence should apply. They no longer have the
5 evidence, is my understanding. And they shouldn't
6 be able to testify to it. Or bring evidence out
7 about it.

8 THE COURT: What's the state's position in
9 that regard?

10 MR. SCOTT: Well, Your Honor, as I say, it
11 was field tested and tested positive for crack.
12 And this crack Mr. Wright is not being charged
13 with, at least, as far as weight concern, because
14 it was a trafficking charge. It was bought there,
15 and it will be introduced strictly as evidence of
16 how the PC was gained in order to obtain a Search
17 Warrant.

18 MR. LITTLEJOHN: Your Honor, I
19 respectfully have to disagree. It's my
20 understanding PC was established on an informant
21 having seen evidence of drugs there within the 72
22 hours prior to May 15th 2007.

23 MR. SCOTT: And that would be, as far as I
24 know, he is referencing if what the Affidavit
25 referenced in the describing the CI purchasing the

1 crack there. He went and bought crack. And
2 witnessed the crack in the back yard. In the
3 vicinity of 4915 Silo Road. Therein was the
4 probable cause to obtain the Search Warrant.

5 MR. LITTLEJOHN: And the Affidavit of
6 Search Warrant says: In essence "Drugs were seen
7 between May 12th and May 15th when we were
8 applying for the Search Warrant. And these events
9 happened on the 10th and the 11th.

10 THE COURT: How were the drugs that he is
11 being prosecuted for now, how were they gathered?

12 MR. SCOTT: Based on the controlled buys,
13 and based on the attempted control buy on May
14 14th, Your Honor, the narcotics unit obtained this
15 Search Warrant to search the property. And that's
16 where the bulk of the drugs were discovered.

17 THE COURT: All right.

18 MR. SCOTT: Your Honor, as far as I
19 understand, this is something that, I don't know
20 if it's a regular procedure. But this isn't
21 anything uncommon with this department as far as
22 the field testing, and not holding on to the
23 amounts that were used to gain the probable cause.

24 THE COURT: I really don't think, well, if
25 they do it a bunch makes it admissible. I think,

1 I am going to allow testimony with regard to going
2 there and the investigation. I am certainly now
3 going to allow there to be testimony that what was
4 purchased was crack cocaine---

5 MR. SCOTT: Okay.

6 THE COURT: ---or a controlled substance.
7 What is the defense's position?

8 MR. LITTLEJOHN: Well, Your Honor, we
9 think that in light of not having the drugs that
10 their testimony concerning those two events ought
11 to be excluded. But I can understand the Court's
12 ruling.

13 THE COURT: Well, I am going to
14 specifically say that you can't say what was
15 purchased was crack cocaine. I am going to
16 prohibit that.

17 MR. SCOTT: Well would I be able to say
18 what was purchased was what they believed in their
19 experience in law enforcement was crack cocaine?
20 They've seen crack cocaine. They see it on a
21 regular basis from what I understand. In their
22 experience as law enforcement agents, as law
23 enforcement agents.

24 MR. LITTLEJOHN: Your Honor, that's kind
25 of the thrust of the argument. They had -- they

1 could have analyzed it, and we would know for
2 sure.

3 MR. SCOTT: It happens all the time. That
4 a law enforcement officer will find what is
5 marijuana. Later test positive marijuana, and
6 they state that as their experience in law
7 enforcement.

8 THE COURT: Yeah, but generally it's
9 followed up by, it was indeed. That's the
10 difficulty we find ourselves in. I am inclined to
11 allow you to testify to the fact that these
12 individuals went to the house. And that based on
13 the activity that was there, they suspected
14 unlawful activity. I am not going to allow you to
15 say that we think it was crack cocaine. We think
16 it was Marijuana. We think it was powder cocaine.
17 But I think that based on their observations and
18 what they saw there, I think it very well could go
19 towards probable cause. But I am not going to
20 allow you to say that what transpired was a drug
21 transaction.

22 MR. SCOTT: Okay. Your Honor, just, I
23 guess, if anything for clarification. I don't
24 want to cross any lines. Later on in referencing
25 that, I can elicit testimony basically that says.

1 that the witnesses observed illegal activity.

2 THE COURT: Not illegal activity. They
3 went there and based on their observations they
4 suspected unlawful activity. I think is about as
5 much as you can get.

6 MR. SCOTT: Okay. That's fine.

7 THE COURT: What is the defense's position
8 in that regard?

9 MR. LITTLEJOHN: Your Honor, if they're
10 going to use that language, I have to object.
11 Because that's an assumption on their part. If
12 the informant wants to say, "I went there and I
13 bought something from Frank Lee Wilson."

14 THE COURT: I think they can say that --
15 they aren't going to say they go there and buy
16 anything. They went there and based on their
17 observation they suspected unlawful activity. And
18 the fact that they can't say what it is. They
19 can't say whether it was dope. They can't say
20 whether it was crack cocaine or cocaine. It's a
21 factual question. But I think their observations
22 can be the substance for probable cause
23 observations.

24 And I am not going to allow Him to be
25 prejudiced by the fact that they received what

1 they thought was drugs, but he did not test it.

2 I think what they did is by and large
3 acceptable for consideration with regard to
4 probable cause.

5 MR. LITTLEJOHN: I understand the Court's
6 ruling. I am just wondering how much leeway, the
7 court is going to give the State in trying to
8 accomplish probable cause to justify the Search
9 Warrant in front of the jury. I mean to me it
10 seems like it's a question, we took the
11 information we had to the Magistrate and got a
12 Search Warrant, as opposed to them elaborating
13 about or giving a synopsis about what their
14 information says.

15 THE COURT: I think we've made it pretty
16 clear that they say based on their observations
17 they have had -- it was apparent to them there was
18 unlawful activity going on. And based on the
19 information that was given they got probable
20 cause.

21 MR. LITTLEJOHN: I have no problem with
22 that, Judge.

23 MR. SCOTT: Do you understand that and do
24 your witnesses understand that, Mr. Scott?

25 MR. SCOTT: I will make them understand,

1 Your Honor. Again, I am not as concerned as far
2 as establishing probable cause with the jury
3 anyway. That would probably come out. I think
4 this next motion may be kind of relevant again.
5 But I do understand, Your Honor, as far as in
6 front of the jury.

7 MR. LITTLEJOHN: Your Honor, just to
8 finish up the situation that occurred on May 10th,
9 11th and 14th, I have been provided a copy of the
10 performance statement as to what happened on May
11 14th. But I have no other Surveillance Report,
12 Incident Report, anything of that nature, as to
13 how the police documented the May 14th situation.
14 And I just ask the State to provide that if it
15 exists.

16 THE COURT: Mr. Scott.

17 MR. LITTLEJOHN: If I may, my client needs
18 to step down the hall. He is willing for me to go
19 ahead and continue with the pretrial motions if
20 that is all right with the Court.

21 THE COURT: Is he on bond now? I assume
22 he is on bond.

23 MR. LITTLEJOHN: Yes, Your Honor. He is
24 on home detention.

25 MR. SCOTT: Your Honor, that is the sole

1 document associated with that. There was no
2 purchase made. So all they have is this CI
3 statement of what he witnessed. And I did provide
4 Mr. Littlejohn with the audio associated with that
5 encounter.

6 THE COURT: Mr. Littlejohn, anything else?

7 MR. LITTLEJOHN: Yes, Your Honor, just a
8 couple of things. Your Honor, we were given
9 information concerning an incident that occurred
10 on September 5th 2003, at my client's residence.
11 And apparently, there was a CDV call. There were
12 some drugs found. I understood the gist of the
13 information they were trying to introduce it under
14 404-b.

15 And, Your Honor, I would just like to
16 inquire if the State intends to pursue that line
17 of testimony. And if so, then I would like to go
18 ahead and ask for a ruling in limine as to
19 admissibility..

20 THE COURT: Very good. Mr. Scott.

21 MR. SCOTT: Well, Your Honor, what he is
22 speaking to is investigator Tripp Mays, who is the
23 lead investigator for this particular case. And
24 this was provided to him in discovery. And it
25 looks like September 05 of 2003, Investigator Mays

1 responded to 4915 Silo Road. He encountered Greg
2 Wright there with what appeared to be crack
3 cocaine on the ground.

4 He picked it up and ran with it. And gave
5 it to somebody else who later took the blame for
6 it, despite officer -- or Investigator Mays
7 watching him pick it up and run away with it.

8 Also, we have another report of 2005. Excuse me,
9 December 25th 2006, that is Christmas day. He was
10 picked up in Lamar. And was patted down and a
11 large quantity of marijuana was found on him.
12 Found in his pants. And another person in the van
13 that he was stopped in, took the blame for it.

14 Your Honor, it is eerily similar to what
15 we are facing here; where the bulk of these drugs
16 were found on his property. And despite all the
17 evidence someone else comes forward and takes sole
18 responsibility. I'm simply curious as to whether
19 we made reference as far as the common scheme or
20 plan.

21 THE COURT: I would be inclined, first of
22 all, it's a separate and distinct event. And I
23 think that the jury ought to convict Him on what
24 he has been charged with. And I think that to
25 introduce these would be unduly prejudicial. Not

1 to mention the factual issues. What we have to do
2 is try each one of those cases. And, you know, we
3 would have to get in to how they were disposed.
4 The fact that he was not convicted of them. I
5 just think for judicial economy and the fact that
6 it would be unduly prejudicial, I am not inclined
7 to allow it.

8 And you said they were eerily similar. I
9 think that's another reason why would unduly
10 prejudicial.

11 MR. SCOTT: Well that was the gist of it.
12 Just as I thought, it may possibly fall under a
13 common scheme.

14 THE COURT: Probably because of that, it
15 probably would be -- that would be one of the
16 reasons why it is unduly prejudicial. So I am not
17 going to allow those subsequent allegations of
18 drug offenses to come forward.

19 MR. LITTLEJOHN: The next item, we were
20 given information concerning an informant who was
21 unnamed who was apparently in the cell with Frank
22 Lee Wilson, the Co-defendant; who has already
23 pled. And, Your Honor, this CI recounted a
24 conversation he had with Frank Lee Wilson in the
25 jail cell. And if the State is not going to

1 pursue it, then that's fine. Otherwise I would
2 like to move the excluding it based on a number of
3 grounds.

4 I don't know whether he is going to try
5 and go into it or not.

6 THE COURT: Mr. Scott.

7 MR. SCOTT: I am exactly sure what he is
8 referencing.

9 THE COURT: I think he said that somebody
10 allegedly spoke with Mr. Wright. No, with the
11 co-defendant Mr. Wilson.

12 MR. SCOTT: Right. I think Mr. Wilson and
13 the, if I am thinking about what he is talking
14 about, there is another one of the guys was picked
15 up the day the Search Warrant was executed. He
16 was found in his back yard. They were put in the
17 same cell. Later one of them produced what was
18 jail mail. If that is what you are speaking of, I
19 certainly intend to introduce that. However, any
20 oral conversation, I have no intention of
21 introducing anything.

22 MR. LITTLEJOHN: I think that answers the
23 question. The statement I was given was from an
24 unnamed CI who recounted some verbal
25 conversations.

1 THE COURT: Do you know where this jail
2 mail, the author of it, and what it is about it?

3 MR. LITTLEJOHN: Yes, sir. We were about
4 to get to that too.

5 THE COURT: All right, very good. I think
6 he has made it very clear that he is not going to
7 go into that unspecified confidential informant.

8 MR. SCOTT: Your Honor, If I might
9 digress. I kind of interrupted the Court. We
10 were going to talk about the second informant who
11 was Mr. Meyer. Or Maynor. Or excuse me, Bryan
12 Maynor. I don't know if, we need to go in to his
13 record or his incentives for testifying or
14 cooperating.

15 THE COURT: Mr. Scott, how about the
16 second confidential informant, Mr. Maynor?

17 MR. SCOTT: Your Honor, I began a minute
18 ago. I believe he is a former neighbor. And
19 Investigator Dubose I believe can speak to Bryan
20 Maynor. From what I understand, I am sorry, Your
21 Honor. Would it be possible for me to speak with
22 him about some of that?

23 THE COURT: Absolutely. If you could come
24 forward and place your left hand on the bible and
25 raise your hand.

1 Investigator Wayne Dubose, after being duly
2 sworn, testified as follows:

3 THE COURT: If you could state your full name.

4 A Wayne C. Dubose.

5 THE COURT: Very good.

6 A D-U-B-O-S-E.

7 Direct Examination By Mr. Scott:

8 Q Investigator Dubose, are you familiar with
9 a Bryan Maynor?

10 A Yes, sir, I am.

11 Q And who is Mr. Maynor?

12 A Mr. Maynor is an individual. I believe he
13 has been documented as an informant. I have had
14 some prior cases with him. I believe before that
15 time Investigator Mays had actually made contact
16 with him in reference to this case; having
17 information on this case.

18 Q Okay, and when was that?

19 A This would have been in 2007.

20 Q Do you recall when?

21 A I don't recall. Investigator Mays is the
22 actual agent who had had contact with him.

23 Q Well was this before or after the execute
24 -- the Search Warrant was executed at 4915 Silo
25 Road that you met with Mr. Maynor? And I can

Investigator Wayne Dubose-direct by Scott

1 refresh your memory if you would like.

2 A I don't recall if Investigator Mays had
3 met with him before or after the Search Warrant.
4 My dealings with Mr. Maynor would have been after
5 the Search Warrant.

6 Q Okay. So you recall meeting with Him
7 after the Search Warrant in 2007. And did he have
8 any information regarding Greg Wright at that
9 time?

10 A He did have information that he was a
11 neighbor. And that he had purchased crack cocaine
12 from Mr. Wright.

13 Q Okay. At that time do you know what if
14 any pending charges that Mr. Maynor may have?

15 A No, sir.

16 Q Did you ever approach Mr. Maynor about
17 attempting a controlled buy at 4915 Silo Road?

18 A I personally, no, sir, I did not. I
19 believe Mr. -- Investigator Mays had more contact
20 with him.

21 MR. SCOTT: Your Honor, I am sorry, I
22 don't think I have prepared for this line of
23 questioning. I may need to call Investigator
24 Mays. I do have, I show you what I have here is a
25 Sumter County Sheriff's Office, drug unit

Investigator Wayne Dubose-direct by Scott

1 officer's statement. Well it does list
2 Investigator Mays. But, okay, Your Honor, that's
3 all for this witness.

4 THE COURT: Cross examination?

5 MR. LITTLEJOHN: Your Honor, I will wait
6 and talk with Investigator Mays. Thank you.

7 THE COURT: You may step down.

8 MR. SCOTT: Your Honor, the State calls
9 Investigator Tripp Mays.

10 THE COURT: Mr. Mays, if you could come
11 forward and place your left hand on the bible and
12 raise your right hand, as the clerk administers
13 the oath.

14 Investigator Tripp Mays,

15 after being duly sworn, testified as follows:

16 THE CLERK: Have a seat and state your full name,
17 please.

18 A Lohman C. Mays, III. M-A-Y-S.

19 Direct Examination by Mr. Scott:

20 Q You are Trip Mays?

21 A Yes, sir, I am.

22 Q And how are you familiar with Mr. Maynor?

23 A Well I started receiving information from
24 another officer that he may have some information
25 in reference to 4915 Silo Road. And I made

Investigator Tripp Mays-direct by Scott

1 contact with him on several different occasions.
2 And we never had a chance to meet and speak about
3 it. And we started working the case. And
4 obtaining the Search Warrant prior to even us
5 meeting.

6 Q All right, so you met after the Search
7 Warrant was obtained?

8 A That's correct. After the Search Warrant
9 was obtained.

10 Q Okay. Now who did you have information
11 about?

12 A It was information pertaining to the
13 residence at 4915 Silo Road. And the residence of
14 Mr. Gregory Wright.

15 Q And what was he looking to get out of it?
16 Why was he coming to you with this information?

17 A Well the other officer stated he may have
18 some information and may want to talk about it.
19 So I contacted him to try and set up a meeting in
20 reference to it. We never had a chance to meet
21 and discuss it until after the Search Warrant.

22 Q At that time, I believe you met November
23 5th of 2007, with Mr. Maynor. At that time did he
24 have any pending charges?

25 A I don't have his criminal history.

Investigator Tripp Mays-direct by Scott

1 Q I have got it here. I can show you.

2 A Yes. It appears that he has a charge
3 stemming from an incident on October 12th 2007.

4 Q Okay. Did you -- what became of those
5 charges? Did you know? Did you offer him
6 anything in regards to him cooperating?

7 A No, sir.

8 Q Was he made any promise or any inducements
9 given?

10 A No, sir.

11 Q And what was his cooperation conditioned
12 upon?

13 A He wanted to come forward and wanted to
14 talk about. He just said that he hoped that it
15 would help him in the long run in reference to
16 those charges. But I explained that there is
17 nothing I can do. I can't make promises because
18 this is Investigator Dubose's case. And there is
19 nothing that I can make promises on someone else's
20 case.

21 Q Okay. I think that's all, Your Honor.

22 THE COURT: Mr. Littlejohn.

23 Cross Examination by Mr. Littlejohn:

24 Q Investigator Mays, at the time he came to
25 see you in November of 2007, I believe according

Investigator Tripp Mays-direct by Scott

1 to the Rap Sheet he had a public disorderly
2 conduct, a DUS second, and a blue light?

3 A Yes, sir.

4 Q Does that appear to be?

5 A Yes.

6 Q He also had a simple assault and battery?

7 A I didn't see that one.

8 Q Let me show you that down at the bottom.

9 A Yes, sir.

10 Q And he indicated to you that he was coming
11 to you, because he thought it would help him out
12 in the long run?

13 A Yes, sir.

14 Q If he came and cooperated?

15 A Came and cooperated.

16 Q Did you all pay him for his cooperation?

17 A No, sir.

18 Q And you knew at the time he started he had
19 a long criminal record.

20 A Well he has had a criminal record, but we
21 just did the interview with him in reference to
22 the information that he had.

23 MR. LITTLEJOHN: Your Honor, I believe
24 that's all I have for the purposes of this
25 hearing.

Investigator Tripp Mays-cross by Littlejohn

1 THE COURT: You may step down. Thank you,
2 sir. Anything further, Mr. Littlejohn?

3 MR. LITTLEJOHN: No, Your Honor. But I
4 think for the record, I will have to move to
5 exclude this witness' testimony due to the
6 lateness of the 11th hour of providing this
7 information to the defense. And I would argue
8 that we have not adequate time to examine the
9 history of this witness or the circumstances under
10 which he was met with agents. His charges, what
11 happened to the charges?

12 The Attorney General's Office as I
13 indicated earlier, gave us this information
14 5 minutes before jury selection which was earlier
15 today.

16 THE COURT: Let me ask the State if I
17 could, essentially with regard to this particular
18 witness, he is going to testify that he at some
19 point and time bought the drugs from Mr. Wright?

20 MR. SCOTT: Yes, Your honor. He is going
21 to testify I guess, how things worked at 4915 Silo
22 Road. There is a partnership, Your Honor, and
23 that's my theory. Frank Lee Wilson was caught
24 with the drugs. He maintained the drugs were his.
25 But the state's theory of this case is he was

1 provided those drugs by Mr. Wright. He collected
2 money and returned it to Mr. Wright. It was a
3 partnership, drug conspiracy. He will testify to
4 what he has witnessed there.

5 THE COURT: Is he being indicted for
6 conspiracy here today?

7 MR. SCOTT: No.

8 MR. LITTLEJOHN: Mr. Wright?

9 MR. SCOTT: No, Your Honor.

10 MR. LITTLEJOHN: He is not charged with
11 conspiracy.

12 MR. SCOTT: Trafficking under the
13 conspiracy.

14 MR. LITTLEJOHN: Your Honor, if I might
15 add one thing. He was given a long statement.
16 And in here he indicates an episode where he went
17 to Bishopville where he says Mr. Wright and
18 Mr. Wilson. And he went to Mr. Wright's cousin's
19 house. And there was another individual involved.
20 Obviously we have had no opportunity to
21 investigate the veracity of what he has to say in
22 this incident. It is not even dated as to when
23 these events took place.

24 Your Honor, I think we are just getting
25 far afield of what we are concerned with. And

1 that being what happened on May 25th 2007. And I
2 think this information should be excluded under
3 403, in that it is confusing and it's prejudicial.

4 THE COURT: I'll tell you what---

5 MR. LITTLEJOHN: And we haven't had the
6 opportunity to examine it.

7 THE COURT: I will tell you what I am
8 going to do with regard to particular witness. It
9 very well could be relevant to establish this
10 particular prong.

11 MR. SCOTT: And, Your Honor,---

12 THE COURT: Just one second.

13 MR. SCOTT: Okay.

14 THE COURT: This particular prong with
15 regard to the conspiracy as it relates to the
16 trafficking offense. But what I am going to do
17 is, at the conclusion of the trial today, I am
18 going to ask that you provide this particular
19 witness and make him available to defense counsel
20 so he can ask him about those things. Is he here
21 today?

22 MR. SCOTT: No, your honor.

23 THE COURT: Let's get him here today, and
24 we will give defense counsel an adequate
25 opportunity to discuss those matters with Him.

1 MR. SCOTT: And, that's fine. Your
2 Honor, I hate to keep harping on it, but that was
3 the witness, Your Honor, that was confronted.
4 That's the only reason. And, Your Honor, there
5 are -- he actually has information regarding the
6 dog house. We get focused on the drugs, but there
7 is an aspect of the dog fighting, and he has
8 information regarding that as well.

9 THE COURT: Well we'll address that before
10 he takes the witness stand. But before we do
11 that, we are going to give Mr. Littlejohn an
12 opportunity to, in view of the fact that it has
13 not been provided to him, I am going to require
14 that he talk with Mr. Littlejohn about it. And
15 just make Him available before we leave today. I
16 want him to be available for Mr. Littlejohn to
17 talk about it... And I think that to a large extent
18 will remove any allegations of prejudice that
19 he -- I don't think there is anything more than
20 that. He can talk to the individual himself.

21 MR. SCOTT: Will this be something I can
22 sit in on?

23 THE COURT: Certainly.

24 MR. LITTLEJOHN: Your Honor, I would ask
25 the court to consider allowing me to interview the

1 witness by himself without the State having to be
2 here. I mean, they certainly interviewed him
3 without me being there.

4 MR. SCOTT: And I think he's got witnesses
5 who I have never interviewed.

6 THE COURT: Okay. I am going to allow him
7 to be there. And certainly Mr. Scott doesn't
8 appear to be too bombast or overbearing. He can
9 sit in the corner and listen to you all.

10 MR. LITTLEJOHN: You haven't seen him
11 outside of the courtroom.

12 THE COURT: I think he will do fine. But
13 I think that would be fair. You know, bending
14 over backwards and give you an opportunity to see
15 what the allegations. And I don't think it would
16 be anything wrong for the State to be present.

17 MR. LITTLEJOHN: Your Honor, the only
18 thing, I have no objection with the court
19 examining the witness' statement in camera so you
20 can see what I am talking about. My inability to
21 investigate the circumstances that he is going to
22 testify to.

23 THE COURT: Well, I kind of get -- I
24 haven't seen the report of it. And I anticipate
25 there is probably not a whole lot you can do other

1 than talk with him in that regard. What else
2 could you do? How else could you investigate it?

3 MR. LITTLEJOHN: Well, Your Honor, of
4 course, I have just -- I've only had this a couple
5 of hours. But apparently there is Mr. Wright's
6 cousin that is named in here who can corroborate
7 or not corroborate what the -- what this witness
8 has to say. There are other individuals that are
9 named in here.

10 MR. SCOTT: If I may, I don't want to
11 interrupt, but the bulk of this stuff we don't
12 intend to use. A lot of it there is names that
13 people who were uncooperative who were getting it,
14 and who have made themselves very uneasy to get in
15 touch with.

16 THE COURT: Why don't you look at that
17 report and tell me the substance of what you
18 intend to introduce.

19 MR. SCOTT: Okay.

20 THE COURT: You've kind of got an idea of
21 what you intend to introduce from that report.

22 MR. SCOTT: Well, you know, Your Honor,
23 based on this report, I met with Mr. Maynor
24 personally. And he kind of spoke at link of his
25 dealings with this residence. And Mr. Wright and

1 Mr. Wilson. It was only at the end of that
2 conversation I had him subpoenaed and it all hit.
3 And that he was going to have to testify to this.
4 He thought it was just a kind of impromptu I
5 guess, casual little informational gathering
6 conversation. He was fairly, what's the word,
7 hesitant to say the least, to show up and testify
8 to any of this. I believe that if can...

9 THE COURT: Just tell me the essence of
10 what.

11 MR. SCOTT: Well the essence is what he is
12 saying here---

13 THE COURT: He is going to say -- testify
14 as to the dealings that he knows between Mr.
15 Wright and Mr. Wilson.

16 MR. SCOTT: Right. He has bought drugs
17 there before, multiple times. He has been over
18 there. He is familiar with the property. He has
19 purchased from Frank Lee Wilson and Greg Wright.
20 He is familiar with this relationship. He will
21 testify, I guess, for lack of a better term, he
22 was the ringleader over there and how the
23 operation kind of worked. Where Frank Lee Wilson
24 lived on the property.

25 THE COURT: All right, well, that kind of

1 gives us---

2 MR. SCOTT: Your Honor, and I probably
3 will proffer some testimony from him outside the
4 presence of the jury.

5 THE COURT: We might -- it might be
6 necessary for us to do that before he takes the
7 witness stand.

8 MR. SCOTT: Okay.

9 THE COURT: But what we need to do now is
10 make him available to Mr. Littlejohn. At the
11 conclusion of this matter today.

12 MR. SCOTT: Okay.

13 THE COURT: If you can ask somebody to get
14 him here as soon as we can. Anything further,
15 Mr. Littlejohn?

16 MR. LITTLEJOHN: Yes, Your Honor. One
17 final matter. I have discussed with Mr. Scott a
18 letter which apparently was intercepted in the
19 jail that has been written by my client. And we
20 admitted it was his handwriting. And, Your Honor,
21 if I could hand up a copy of it. I think it would
22 be much easier for the court to follow if I do
23 that. It's two pages. You want me to go ahead,
24 Your Honor?

25 THE COURT: All right, sir.

1 MR. LITTLEJOHN: Your Honor, there is
2 certain language in this letter that I think was
3 put in there by my client not knowing the legal
4 system, how it works and that sort of thing.

5 And I understand the purpose that
6 Mr. Scott wishes to put it in to evidence. But
7 there are certain matters in here that I would
8 contend that should be excluded as they are kind
9 of, they could be very misleading to the jury.
10 Your Honor, one thing if the court will look on
11 the, about two thirds of the way down on the left
12 hand side, there is a phrase that says: "To talk
13 with all of us." and the sentence reads, "I got
14 a \$30,000 Lawyer out of Columbia that will be here
15 today or tomorrow to talk with all of us."

16 THE COURT: Is that true?

17 MR. LITTLEJOHN: No, Your Honor.

18 THE COURT: Okay.

19 MR. LITTLEJOHN: I am talking about the
20 last phrase. Well the first phrase isn't true
21 either. But I was not only concerned with the
22 amount in there, I think that is irrelevant, but
23 also the language, "To talk with all of us." And
24 I don't think my client understood at the time
25 that I was solely representing Him and could not

1 represent any of the other people that were
2 arrested on that day.

3 THE COURT: No, I am not going to allow
4 there to be any reference to, "I got a \$30,000
5 lawyer out of Columbia." Do you intend on---

6 MR. SCOTT: Well, Your Honor, I mean, he
7 said it.

8 THE COURT: Well just by virtue of the
9 fact that he said, doesn't make it admissible.
10 And I am not going allow that. And I am going to
11 ask that you redact that. "Talk to all of us." I
12 don't -- what is the state's position on that?

13 MR. SCOTT: Well what he was trying to do
14 was basically tell him, look everything is going
15 to be all right. I am hiring a attorney. Say
16 what I tell you to say. I am going to take care
17 of you.

18 THE COURT: That very well could be
19 misleading. But Mr. Littlejohn, I bet you are
20 going to tell them exactly what it means. And the
21 State will probably have an opportunity to do so
22 as well. He did write him, and it wasn't subject
23 to any kind of interrogation. It's a voluntary
24 statement. I am going to allow that in.

25 MR. LITTLEJOHN: Which part, Your Honor?

1 THE COURT: Well you said, "He is going to
2 come down and talk to all of us."

3 MR. SCOTT: I can redact just the \$30,000
4 part. And that sentence would make perfect sense.
5 "I have got a lawyer out of Columbia that will be
6 here today or tomorrow to talk with all of us."

7 THE COURT: Yes. I think that would be my
8 ruling.

9 MR. LITTLEJOHN: Your Honor, on the second
10 page, and I understand the court's ruling.

11 Your Honor, on the second page beginning
12 on the second line, which the sentence it says:
13 "My lawyer told me to just lay down until the
14 preliminary hearing." And then there is a phrase,
15 And all our charges will be dropped."

16 Your Honor, I don't know exactly where
17 Mr. Wright came up with that. That was not,
18 certainly not anything that I would have
19 represented or could have represented to him. As
20 I was not representing any of the other
21 defendants.

22 MR. SCOTT: And, Your Honor, I think he
23 can elicit that on direct when he calls him as a
24 witness. But otherwise, it just goes to my
25 argument before. He's telling them everything is

1 going to be okay. "Let's stick to our stories.
2 What I tell you to say is what you need to say.
3 Don't speak to investigators."

4 That's a great piece of evidence. I
5 think, you know, as I said, he said it. And
6 Mr. Littlejohn can, you know, elicit that he was
7 mistaken about what he did or did not tell Him
8 what Mr. Wright told the other Co-defendants.

9 MR. LITTLEJOHN: Your Honor, of course,
10 assuming that this defendant will take the stand,
11 which he has no obligation to do.

12 MR. SCOTT: I am not concerned with what
13 Mr. Littlejohn told Him. I am concerned with what
14 he told the other folks involved with this case.

15 MR. LITTLEJOHN: Your Honor, he is
16 attributing that representation to me. If you
17 read the entire sentence.

18 THE COURT: I am going to agree to redact,
19 "My lawyer told me just to lay down until the
20 preliminary hearing involved. All the charges
21 will be dropped." I am going to....

22 MR. SCOTT: The entire sentence?

23 THE COURT: Yes.

24 MR. LITTLEJOHN: Your Honor, and the last
25 thing, and I would point out, I think Mr. Scott

1 has plenty in here to accomplish what he is trying
2 to accomplish. But two lines down from there, it
3 says: "Tell Lee my lawyer is his lawyer." And of
4 course that's not legally correct. And it's not
5 factually correct. But It gives the -- it might
6 give the jury the impression that I was trying to
7 represent both of them. And that was certainly
8 not the case.

9 MR. SCOTT: Again, Your Honor, that is
10 going to be evisceral. The bulk of that
11 argument, and he has laid it on the line. Tell
12 Lee this. Tell Lee that. "Everything is going to
13 be okay if he takes the rap. I have got him a
14 lawyer. My lawyer is his lawyer. So just tell
15 him not to cooperate with investigators."

16 MR. LITTLEJOHN: Your Honor, I am not
17 arguing to exclude the, where he said, "Don't talk
18 with investigators." I think this is just really
19 confusing to the jury. They may get the
20 impression that I was trying to do some dual
21 representation, which certainly was not the case.

22 THE COURT: I think it is inappropriate.
23 It is true that the defendant indeed said it.

24 MR. LITTLEJOHN: Your Honor, I---

25 THE COURT: He can explain what he wants.

1 But I am going to allow that part of it. Anything
2 further?

3 MR. SCOTT: I guess, the only part I would
4 have a problem with. Let me locate it again.
5 Okay. The first page, I guess the one with the
6 frowny face on the top right hand. I think that's
7 the first page. If you go down to the bottom
8 about 5 sentences up: "The only person they want
9 is me now. These crackers are trying to give me
10 life for something I really had nothing to do
11 with." He is referencing a potential sentence
12 which is incorrect.

13 THE COURT: What is the defense's
14 position?

15 MR. LITTLEJOHN: Well, Your Honor, the
16 State has argued that certain things should be
17 left in. I think that should be left in. I mean,
18 that shows his incentive for writing this letter.

19 MR. SCOTT: He is not facing life. And
20 there is a racial implications in there as well.

21 THE COURT: I am going to allow that in.
22 Anything further?

23 MR. LITTLEJOHN: Your Honor, if you will
24 give me just a moment. I think that would be it.

25 THE COURT: You know, in further

1 reflection on that, if we allow in, "Give me
2 life," It's going to require him to say it is not
3 life. And then it's going to require me to tell
4 them what the sentence is. That's a bad
5 predicament to put ourselves in.

6 MR. SCOTT: I am fine with what was read,
7 "The only person they want is me."

8 THE COURT: And give me -- and can give me
9 time or something.

10 MR. SCOTT: "All they want is me for
11 something I really had nothing to do with."

12 THE COURT: That would be better.

13 MR. SCOTT: And that way I can redact,
14 "And these crackers are trying to give me life."
15 And the sentence, it would make the sentence to
16 start at the end.

17 THE COURT: What is the defense's position
18 in that regard?

19 MR. LITTLEJOHN: Your Honor, I would
20 suggest we just, If there is physically somewhere
21 to do a change to the word, "crackers," to the
22 police. "And they are trying to put me in jail
23 for something I had nothing to do with."

24 THE COURT: I am going to change life to
25 jail.

1 MR. SCOTT: Okay, Your Honor, how do you
2 propose we that?

3 THE COURT: I propose we white that out
4 and write jail.

5 MR. LITTLEJOHN: And then just white out
6 the rest of it that has been redacted?

7 THE COURT: Right.

8 MR. SCOTT: Okay, and I am sorry, Your
9 Honor. So I am clear, we are going to leave it
10 at, "The only person they want is me. And these
11 crackers are trying to give me jail for something
12 I didn't do."

13 THE COURT: For nothing. "I had nothing
14 do with it."

15 MR. SCOTT: For something I really had
16 nothing to do with. So I am going to just white
17 out the language, "at the jail."

18 THE COURT: Right. Anything further?

19 MR. LITTLEJOHN: I believe that is it,
20 Your Honor.

21 THE COURT: Anything else? Witnesses
22 sequestration or anything?

23 MR. LITTLEJOHN: Your Honor, I would
24 request that the Court sequester the witnesses.

25 THE COURT: What is the State's position?

1 MR. SCOTT: Your Honor, I obviously need
2 my lead investigator with me.

3 THE COURT: Who is your lead investigator?

4 MR. SCOTT: Okay.

5 THE COURT: I am going to grant the motion
6 to sequester. The lead investigator will be
7 allowed to stay in here. What we will, we're
8 running a little bit behind. We are going to take
9 about a 5 minute recess and come back and we will
10 do the preliminary charge. And we will have
11 opening statements and we will proceed forward
12 from there.

13 MR. SCOTT: Your Honor, briefly, as I
14 stated, there is three, there is an audio from
15 three buys. And I don't see any reason now that
16 there is only one Defendant to do the first two.
17 I do intend to introduce the third clip May 14th,
18 where Mr. Wright was approached by the CI. And
19 communication between them. What I have done with
20 the software is basically redacted the rest of it.
21 This is probably close to a 2-hour long CD.

22 THE COURT: After it's redacted?

23 MR. SCOTT: No, no, no. With redaction
24 it's maybe three, three and a half minutes. I
25 just wanted to make the Court aware of that.

1 THE COURT: Okay. You're in a position to
2 introduce what you want to introduce. And I'm
3 certain the defense doesn't have an objection to
4 that part.

5 MR. LITTLEJOHN: Well no, Your Honor.

6 THE COURT: And clearly, if you want to,
7 you can play with the rest of it.

8 MR. LITTLEJOHN: Very good.

9 THE COURT: We will take about a 5 minute
10 recess.

11 (Whereupon, the Court takes a short
12 recess.)

13 THE COURT: Mr. Scott, your first witness,
14 how long do you expect the first witness to be?

15 MR. SCOTT: Your Honor, our first witness
16 is going to be Investigator Mays here. He is
17 probably going to my longest witness. I have
18 got---

19 THE COURT: I will tell you what we are
20 probably going to do is, we are probably are going
21 to give a little preliminary charge and opening
22 statements. And I want you all to take an
23 opportunity to go over the exhibits and get that
24 all that straight.

25 MR. SCOTT: Okay.

1 THE COURT: And give you all an
2 opportunity -- that is all we are going to do
3 today, is we are going to do a preliminary charge
4 and opening statements. And that will give you
5 all an opportunity to get your exhibits straight.
6 And get everything lined up. And give you an
7 opportunity to talk with nefarious witnesses. You
8 may bring the jury.

9 (Whereupon, the following takes place
10 within the presence of the jury.)

11 THE COURT: Mr. Foreman, and, Ladies and
12 gentlemen of the jury, we got started a little bit
13 late. I know the wheels of justice sometimes
14 grind kind of slow. I want to let you know that
15 we have been here, and we have been tending to
16 some legal matters that hopefully will make the
17 trial go a little bit quicker.

18 I want to take just a moment or two to
19 kind of give you some preliminary remarks that
20 kind of explain what is going to transpire here
21 over the next couple of days. I want to let you
22 know that at the end of the trial, I will give
23 you a complete dissertation on the law and what
24 law applies. And what I am doing now is just sort
25 of some preliminary comments to sort of tell you

1 what is going to transpire. After we selected the
2 jury, I went over the number of charges that are
3 pending against the defendant. As I indicated to
4 you, he has been indicted, but that is not
5 evidence against him. It cannot be considered as
6 evidence. It's merely the mechanism by which
7 these charges are brought to this courtroom.

8 As a matter of fact, as this defendant is
9 seated here, Mr. Wright is seated right there in
10 that witness chair, he is presumed to be just as
11 innocent as me or you or the State for that
12 matter. We started that from frame of reference.
13 And that is a very important constitutional
14 safeguard. All of us as American Citizens, are
15 presumed to be innocent of a crime. I will charge
16 you at conclusion of the case, that not only is
17 the defendant is presumed innocent, but the State
18 has the burden of proving any guilt whatsoever.
19 And the burden is on them.

20 And there are some practical reasons for
21 that. Because they are the ones with the
22 resources and the ability to gather evidence.
23 They are the ones levying the charges. And they
24 are the ones who have to provide the proof. You
25 know, in some third world countries you can be

1 accused of a crime and hauled before the court and
2 be required to prove your innocence. That isn't
3 the way it is in the United States of America.
4 The State has to prove each charge, each and every
5 element of the charge.

6 Not only that, they have to meet the
7 highest burden of proof known by our judicial
8 system. Perhaps many of you have been involved in
9 civil trials in this very courtroom, where people,
10 individuals in Sumter are debating on civil
11 matters like a car accident, medical malpractice,
12 contract disputes. And in those cases, really the
13 only thing you are talking about is money. In
14 that case, the burden of proof is by a
15 preponderance of the evidence. And if you will
16 imagine with me, if you will, the scales of
17 justice when the trial starts, in a civil case,
18 that a lady is blindfolded from all bias and all
19 prejudice. And when the case starts in a civil
20 trial, the scales are even.

21 In a civil trial, the plaintiff tilts the
22 scales ever so slightly in their favor. And if
23 they prevail that is by the preponderance of the
24 evidence more likely than not. But that's not the
25 standard in the criminal case. The criminal case

1 is proof beyond a reasonable doubt. And I
2 envision that as locking up the scales. They have
3 a high burden of proof. The highest burden of
4 proof known by our judicial system. Ladies and
5 gentlemen of the jury, as you are seated there
6 today, you are called upon to be the sole and
7 exclusive triers of the facts.

8 I have no opinion with regard to the facts
9 in the case. You all are the sole and exclusive
10 judges in that regard. I can't say anything about
11 the facts. I can't comment on it, because the law
12 doesn't allow me to do so.

13 Ladies and gentlemen of the jury, as you
14 fulfill your role as triers of the fact, you are
15 necessarily going to be called upon to evaluate the
16 credibility of the witnesses who testify in this
17 trial. You need to ask yourself when the witness
18 takes the witness stand about what opportunity
19 they had to observe the things to which they
20 testify. Ask yourself whether or not this witness
21 has any interest or bias in their testimony. Ask
22 yourself whether or not their testimony is
23 corroborated, made stronger by other evidence.
24 Whether or not it is contradicted by other
25 evidence.

1 You can believe one witness over many or
2 many over one. You can believe a part of what one
3 witness says, all of what a witness says, or none
4 of what the witness says. That is going to be
5 your job as a juror in this case, is to evaluate
6 the credibility of the witnesses. In addition to
7 these analysis that you are going to apply with
8 your good common sense and your respective wisdom,
9 you're also allowed not only to listen to what a
10 witness says, but how they say it.

11 The law allows you to take into
12 consideration a person's demeanor as they take the
13 witness stand. Many of us who have teenage
14 children, sometimes it is not as important what
15 they say, but how they say it. And the law
16 allows you to take your life's experiences and
17 look and evaluate and determine in your own mind
18 whether an individual is telling the truth.

19 Ladies and gentlemen, this is an important
20 case. It is an important case for the State of
21 South Carolina. It's an important case for Mr.
22 Wright. And you are the sole and exclusive triers
23 of the facts. And I am going to tell you
24 something from the outset is, that errors in fact
25 quite often can't be corrected. So it is going to

1 important for you to pay very close attention.

2 My job as the trier of law is to determine
3 what evidence you hear and the charge. Preside
4 over the trial of the case, and to rule on various
5 objections. And various other legal matters. And
6 if I make an error it is easy enough to correct
7 those. But errors in the findings of fact quit
8 often can't be corrected. So it is very important
9 for you to pay very close attention. There is a
10 lot at stake in this trial. It is an important
11 case to both the State and the Defendant. And I
12 admonish you in regard we are going to begin the
13 trial of this case, Mr. Scott, who represents the
14 Attorney General's Office will have an opportunity
15 to stand up and tell you about the indictments,
16 the allegations, and what evidence he intends to
17 establish here today. And then the defendant
18 although he doesn't have to give an opening
19 statement, I anticipate he probably will, he is
20 not required to by law. But he is going to be
21 given an opportunity in that regard. Then we will
22 begin the actual trial of the case. The taking of
23 testimony. And likewise in the trial of a case
24 the State goes first. They have an Opportunity to
25 present any evidence that they have in the form of

1 oral testimony, any exhibits, plats, maps,
2 anything that they can introduce. Stipulations of
3 counsel.

4 And thereafter, the defendant is going to
5 be given an opportunity to present any evidence.
6 Once again, I will charge you at the conclusion of
7 the case, the defendant doesn't need to testify.
8 He doesn't even need to present any witnesses,
9 because he doesn't have to prove a thing. You
10 know, if you think about it quite often, people
11 are accused of things in our every day lives. And
12 quite often it is impossible to prove your
13 innocence of an allegation. In the United States
14 of America the defendant is not required to do
15 that.

16 In the conclusion of the taking of
17 testimony, there will be closing statements. I do
18 want to tell you that throughout the trial of the
19 case, you are going to hear lawyers stand up and
20 say I object, or I have a matter of law that I
21 would like to take up with the court. I want to
22 tell you about that in the very beginning so you
23 will know what is going to transpire. That's my
24 job is to determine what evidence you get to
25 hear. And it requires that I rule on those

1 objections.

2 And this is a forum that is governed by
3 the criminal rules of civil procedure and rules of
4 evidence. And I have to make a ruling in that
5 regard. And quite often, it requires that I
6 comment on the facts that have been testified to
7 in this trial. It would be inappropriate for you
8 all to hear anything that I have to say about the
9 facts, because the law doesn't allow me to have an
10 opinion about the facts.

11 At the conclusion of the trial, I will if
12 there is a question of law that you have a
13 question about, and at the end if you want to ask
14 me about it, I'll be glad to tell you about it.
15 But until that time, it would be inappropriate for
16 us to do that. So those objections and matters of
17 law can be taking place outside of your presence
18 either at the bench up here while at -- if it is a
19 lengthy matter that requires testimony and
20 arguments, then I will ask that you retire to the
21 jury room and we will take those matters up.

22 At the conclusion of the closing arguments
23 which are very similar in form to the opening
24 statements, when they're truly argumentative in
25 nature, the lawyers will once again, will have an

1 opportunity to stand up before you, and point to
2 the evidence that supports their particular
3 position. During the trial of a case, I am going
4 to admonish you once again, there will be no
5 discussion about the case until such time as you
6 have heard all of the evidence, all of the law,
7 and I give you instructions to do so.

8 Throughout the course of this trial,
9 given the nature of this case, the nature of the
10 allegations, I am going to order and instruct that
11 you not take notes. So it's very important that
12 you pay very close attention to the evidence.
13 Mr. Scott, you are recognized. Opening
14 statements.

15 MR. SCOTT: Thank you, Your Honor. May it
16 please the court.

17 THE COURT: Yes, sir.

18 MR. SCOTT: Ladies and gentlemen of the
19 jury, thank you for your patience. Briefly I just
20 want to go over with you what this case is about.
21 And what we intend to show you. And as you may
22 have recalled in the written indictments, this
23 case is about drugs and about money. It's also
24 about dog fighting.

25 This case is about Greg Wright and a man

1 named Frank Lee Wilson. It's about a partnership
2 that existed in order to sell cocaine, crack and
3 marijuana. This was not an equal partnership
4 though. I intend to show you that Greg Wright was
5 the commercial level drug dealer. While Frank
6 Lee Wilson was an underling to him. He was the
7 point man. Ladies and Gentlemen, my name is Dale
8 Scott. I represent the State, and I work for the
9 office of Attorney General in Columbia.

10 Greg Wright has been indicted on a number
11 of charges. And in this trial today, I am going
12 to ask you to find him guilty of trafficking
13 crack, trafficking in cocaine, possession with
14 intent to distribute marijuana. Possession of a
15 dangerous weapon during a violent crime. Owning
16 animals for the purpose of fighting. Animal
17 fighting, and ill treatment of animals.

18 I intend to show you the guilt of
19 Mr. Wright, by showing you the evidence associated
20 with this case, and giving you the testimony of
21 witnesses. These will be people who know Greg
22 Wright, who have been to his house, who have dealt
23 with him. You will decide this case based on that
24 evidence and that testimony that I intend to
25 proffer from the witnesses.

1 What I say is not evidence. What
2 Mr. Littlejohn says is not evidence. The evidence
3 will come from the stand right there. And I
4 intend to show you his guilt based on that
5 evidence and that testimony. You are going to
6 hear about Sumter County Sheriff's Department.
7 And you are going to hear about the use of what is
8 called a confidential informant.

9 You are going to hear about this
10 confidential informant, what he observed in his
11 trips to 4915 Silo Road. This is the property
12 owned by Mr. Wright. Based on what this
13 confidential informant saw, the Sheriff's
14 Department on May 25th 2007, obtained a Search
15 Warrant and executed a Search Warrant at 4915 Silo
16 Road. At that time a large quantity of drugs and
17 42 pit bull dogs in the yard. Most of these
18 animals were chained down with heavy logging
19 chains. A few were confined to raised pens. As a
20 result of this Search Warrant, Greg Wright, Frank
21 Lee Wilson, and along with six other individuals
22 were arrested.

23 You are going to hear from the people in
24 law enforcement. And you will hear from the
25 people at 4915 Silo Road who have seen these

1 things. It's going to be important, because about
2 a month after these arrests, a typed Affidavit
3 shows up out of nowhere. This Affidavit is signed
4 by Frank Lee Wilson. And he claims all these
5 drugs were his; and that this man has nothing to
6 with it. Greg Wright has nothing to do with it.

7 I intend to show you this case is not as
8 simple as that.. I am going to show you that Greg
9 Wright and Frank Lee Wilson are both guilty of the
10 drugs that were found on May 25th 2007. I am
11 going to ask you to use your logic and your common
12 sense. And you examine the evidence and the
13 testimony. Your God given logic and your common
14 sense. At the end of this trial, I am going to
15 ask you to find Mr. Wright guilty of the charge he
16 has been indicted for. Thank you.

17 THE COURT: Mr. Littlejohn, you are
18 recognized.

19 MR. LITTLEJOHN: May it please the Court.

20 THE COURT: Yes.

21 MR. LITTLEJOHN: I would like to
22 reintroduce myself. I am Cam Littlejohn. I
23 practice law in Columbia, South Carolina. I have
24 been practicing for a number of years as you can
25 tell by the gray hairs on my head. I represent

1 Greg Wright in this case. And we have along with
2 the State, selected you 12 and one alternate, to
3 be the fair and impartial jurors that will decide
4 where the truth lies in this case.

5 And ultimately you will decide on a
6 verdict. And verdict comes from the Latin term,
7 veredicto, which means to speak the truth. Now I
8 want to thank you for being here today. And we
9 don't anticipate this as being a long trial. I am
10 sure all of us have heard about these trials they
11 have out in California that last for months and
12 years and that sort of thing. And this one will
13 not be anywhere close to that. Probably 2 or 3
14 days at the most. But we realize that that even
15 2 or 3 days out of your lives and away from your
16 family, and away from your jobs, and your other
17 commitments. And we thank you for your service.

18 Winston Churchill once said that in peace
19 time, the most important duty a citizen can render
20 is that of jury duty. So again, I thank you. And
21 I am sure the state thanks you and I know the
22 Court thanks you. As His Honor explained to you,
23 this is a criminal case. And Greg Wright who is
24 the defendant, has exercised his right to a trial
25 by a jury of his peers. Every one in this country

1 has a right to a jury trial when accused of a
2 criminal offense.

3 And as His Honor explained to you, the
4 defendant has no obligation to prove anything. It
5 is up to the State to prove the guilt of Mr.
6 Wright or any other Defendant. Proof beyond a
7 reasonable doubt. And His Honor explained to you
8 how that quantum of proof works. And he also
9 explained to you how Greg Wright sits there
10 presumed to be innocent of these charges. The
11 Indictments brought against Him as Judge Nettles
12 indicated, are merely pieces of paper; the
13 charging documents of how we come to be in this
14 courtroom.

15 So I ask you to keep those legal maximums,
16 those legal rules in mind as we go through the
17 trial of this case. And I know you will. Now the
18 Indictments which you have been shown, charge
19 Mr. Wright with a number of offenses. Offenses
20 involving crack cocaine, cocaine, marijuana. And
21 the Indictments charge that on or about May
22 25th 2007, that he did possess drugs and or
23 traffic drugs on that day. You are going to hear
24 testimony that the Sumter County Sheriff's
25 Department went to Mr. Wright's, 4915 Silo Road,

1 on that date, May 25th 2007.

2 And to give you a little bit of the layout
3 there, you are going to find that there was a
4 double wide house that Greg Wright lives in with
5 his wife and his three children. And there is a
6 and there is a, back yard to that double wide.
7 And behind that back yard is a very large, tall
8 privacy fence. Behind that privacy fence there is
9 another house, a much smaller house. And in that
10 house, one Frank Lee Wilson lives.

11 And you are going to hear testimony from
12 the Sheriff's Department how when they went there
13 on this May 25th 2007, they found drugs. They
14 found drugs on Frank Lee Wilson. They found drugs
15 on the ground near Frank Lee Wilson. They found
16 drugs in the house in which Frank Lee Wilson
17 lived. They didn't find any drugs in Greg
18 Wright's house.

19 And as Mr. Scott indicated to you, Frank
20 Lee Wilson gave a statement, sworn statement,
21 saying that those drugs were mine. But yet we are
22 here deciding on the guilt of Mr. Wright. Or you
23 are, as to whether he possessed those drugs on May
24 25th 2007. Now Mr. Scott also alluded to the fact
25 that there were a number of dogs that were there

1 at 4915 Silo Road.

2 And I think you will find as the evidence
3 unfolds, that there were a number of dogs there
4 behind that privacy fence. And there were 39 or
5 41 dogs. And the dogs were kept there, where
6 they, for the most part, had individual houses.
7 They had individual chains. They had individual
8 feeding and water holes. I think you will hear
9 testimony that there was medicine there for the
10 dogs. There was fed for the dogs. And generally
11 the dogs were in good shape. But yet they have
12 charged Mr. Wright with ill treating the dogs,
13 with causing fights between animals. And owning
14 animals for the purpose of fighting.

15 And I think that once you hear the
16 testimony, you will agree there was no evidence of
17 dogs fighting. Now, they are also going introduce
18 evidence that when they were in Mr. Wright and his
19 family's house, they found a pistol. A pistol in
20 a chest of drawers that was in a bedroom occupied
21 by Mr. Wright's wife. And there is going to be
22 testimony that they found some cash in there. And
23 I think later you will understand why they had
24 cash in there. The cash was in a couple of
25 bundles. There was also a bunch of cash in the

1 kid's big water jugs. Kind of like a big piggy
2 bank. That was seized also.

3 So as we go along through the presentation
4 of evidence, I ask that you pay very close
5 attention, which I know you will. And when you
6 ultimately receive this case, make a -- do a
7 verdict that speaks the truth as to whether Greg
8 Wright possessed any drugs on May 25th 2007. You
9 don't have to decide whether Frank Lee Wilson did.
10 He's also signed an affidavit to that effect.
11 But that question will be presented to you. I ask
12 you to keep an open mind. Listen to the
13 testimony. Listen to His Honor's charge on the
14 law when we conclude the case. And when you do,
15 you will retire and then render as I know you
16 will, a verdict that speaks the truth. Thank you.

17 THE COURT: Mr. Foreman, and Ladies and
18 gentlemen of the jury, we will once again have to
19 take up some legal matters outside of your
20 presence. I am going to ask that you leave the
21 courtroom and go back to the jury room and get any
22 personal belongings you have. And during the
23 period of time that you retire to your home, once
24 again, do not discuss this case with anyone.

25 When you come back in the morning, I am

1 going to ask that you display your tag. The
2 reason for that, lawyers quite often are milling
3 around the courthouse. And it's very important
4 that you not hear any conversations about this
5 case. And sometimes they are inadvertently
6 speaking with witnesses or other lawyers. And it
7 is important for you to display that so everybody
8 will know that you are a juror. And nothing like
9 that would inadvertently happen.

10 And I am going to ask that when you leave
11 your car that you come directly to the jury room
12 rather than milling around in the courtroom.
13 Certainly I don't anticipate this would ever
14 happen. But if anyone were ever to come up to
15 you and ask you about this case, or try to talk to
16 you about this case during the trial itself, your
17 job is one thing and one thing only, is to try to
18 identify them as best you can. Try to get their
19 name or description and report that to me. That's
20 completely inappropriate, and I will deal with
21 them accordingly. It's inappropriate for anyone
22 to try to talk with you about this case.

23 Do not allow that to happen. If it does,
24 I am going to order and instruct that you report
25 it directly to me. I hope that you have a good

1 evening. We will start at 9:30 sharp. 9:30
2 sharp. Thank you very much.

3 (Whereupon, at 4:35 p.m. jury is
4 dismissed.)

5 (Whereupon, the following takes place
6 outside the presence of the jury.)

7 THE COURT: We will stand at ease until
8 9:30 in the morning. Before we leave, I am going
9 to ask if we could, to make sure that we get all
10 the exhibits marked. And the ones that can be
11 agreed upon, and if we can have a list of those,
12 and we will address that first thing in the
13 morning. And then those we can't agree on, we
14 will deal with either in morning before we start,
15 or as they come up in trial. Anything from the
16 State?

17 MR. SCOTT: Your Honor, that one witness
18 is here that we had proposed to proffer any
19 testimony from.

20 THE COURT: Okay. There are a number of
21 jury rooms out here in the hallway. Could you all
22 find them a room where they can sit down and talk?

23 THE CLERK: Yes, sir. Right back here.

24 MR. SCOTT: Would you prefer me to proffer
25 some testimony from Him?

1 THE COURT: I don't think it is necessary
2 at this point. I think probably what we need to
3 do, Mr. Littlejohn, is have an opportunity to talk
4 with him. In view of the fact that you had to
5 have an opportunity to investigate the allegations
6 in that report. And once he has had an
7 opportunity to do that, if he has an objection
8 with regard to the substance of that testimony, we
9 will take that up. Probably not directly in the
10 morning, because I want to get started when they
11 come back in. But Before this witness takes the
12 witness stand we will address the issue. All
13 right.

14 MR. LITTLEJOHN: Thank you, Your Honor.

15 THE COURT: Anything further from the
16 defense?

17 MR. LITTLEJOHN: No, Your Honor.

18 THE COURT: We will stand at ease until
19 9:30 in the morning. Let's be here at 9:30. And
20 the jury had to wait a little bit today. Let's
21 start at 9:30.

22 (Whereupon, the trial commences on January
23 13, 2009 at 9:30 a.m.)

24 (State's Exhibits 1 to 46 for Id.)

25 THE COURT: Anything from the State before

1 we bring the jury out?

2 MR. SCOTT: Not from the State.

3 THE COURT: Anything from the defense?

4 MR. LITTLEJOHN: Not at this time, Your
5 Honor.

6 THE COURT: You may bring the jury out.

7 (Whereupon, the following takes place
8 within the presence.)

9 THE COURT: Mr. Foreman, and, Ladies and
10 gentlemen of the jury, good morning. I hope
11 everyone is refreshed and well rested, and ready
12 to begin taking testimony in this case. At this
13 time, I will recognize Mr. Scott. You may call
14 your first witness.

15 MR. SCOTT: Thank, Your Honor. May it
16 Please the Court, the State calls Investigator
17 Tripp Mays.

18 Lohman C. Mays, III, after being duly sworn,
19 testified as follows:

20 THE COURT: I ask that you state your full
21 name for the record.

22 A Lohman C. Mayes, III. M-A-Y-S.

23 Direct Examination by Mr. Scott:

24 Q And what is your occupation, Mr. Mays?

25 A I am an investigator with the Sumter

Investigator Tripp Mays-direct by Scott

1 County Sheriff's Office.

2 Q How long have you been employed with that
3 agency?

4 A I have been employed with the Sumter
5 County Sheriff's Office for almost seven years.

6 Q Do you have any previous law enforcement
7 experience?

8 A Yes, sir, I do. Three years with the
9 Summerton Police Department.

10 Q What are your present duties?

11 A I am an investigator with the Narcotics
12 Division.

13 Q And is one of your duties to -- how long
14 have you worked in narcotics, specifically?

15 A Next month will be 3 years with Sumter
16 Sheriff's office. And about a year with the
17 Summerton Police Department.

18 Q Were you employed in your present capacity
19 on May 25th 2007?

20 A Yes, sir, I was.

21 Q What happened on May 25th 2007?

22 A We, Sumter County Sheriff's Office,
23 executed a Search Warrant on 4915 Silo Road.

24 Q Is that Sumter County?

25 A Yes, it is.

Investigator Tripp Mays-direct by Scott

1 Q Whose residence is that?

2 A The residence is Mr. Gregory Wright and
3 Ms. Gwendolyn Burris.

4 Q Would you state the reasons that residence
5 was searched that day?

6 A I had a search warrant that was obtained
7 by Investigator Dubose for some illegal activity
8 that was going on.

9 Q Okay. Where did you get this
10 information?

11 A We had received several complaints about
12 the house.

13 MR. LITTLEJOHN: Your Honor, I am going to
14 object on the grounds of hearsay.

15 THE COURT: Objection is sustained.

16 Q Were you able to use anyone?

17 A Yes, sir.

18 Q Who witnessed the things there?

19 A Yes, sir. We used a confidential
20 informant.

21 Q Okay. In your experience as a narcotics
22 investigator, have you relied on confidential
23 informants in the past?

24 A Yes.

25 Q Would you consider the use of confidential

Investigator Tripp Mays-direct by Scott

1 informants to be a practice common in your
2 department?

3 A Yes, sir. We use them pretty much on a
4 day to day basis.

5 Q Okay. And by speaking CI, I'm talking
6 about a confidential informant. Would you explain
7 what exactly a confidential informant is?

8 A A confidential informant is when somebody
9 comes up and they have to be documented as a
10 Informant. Which is kind of like an agreement of
11 what they can and cannot do. Whenever we use
12 them, what we do is, we have to search them prior
13 to sending them anywhere. We search the vehicle.
14 We give them documented money. They go to the
15 location where they're supposed to go to. They,
16 whenever they get done at that location, they come
17 straight back to the meet location. They are
18 searched. They turn over whatever it is that they
19 went there for, whether it be information, or just
20 whatever.

21 Q Okay. You know, the CI you use on this
22 particular occasion that observed this illegal
23 activity going on at 4915 Silo Road, did you
24 approach him or did he approach you?

25 A He approached the Sheriff's Office

Investigator Tripp Mays-direct by Scott

1 Narcotics Division. He called up and---

2 MR. LITTLEJOHN: Your Honor, I am going to
3 object on the grounds of hearsay. This is getting
4 a little far afield here if he wants to testify
5 about Search Warrants.

6 THE COURT: I sustain the objection.

7 MR. SCOTT: Okay.

8 Q What was in it for him? Why did he
9 approach you to provide information?

10 MR. LITTLEJOHN: Your Honor, that's
11 basically my objection.

12 THE COURT: In addition to that, it calls
13 for speculation.

14 Q Was anything given to him in exchange for
15 his work he helped you with?

16 A Yes, sir. We actually paid this
17 informant.

18 Q Have to pay him? Why do you have to do
19 this? Why do you have to pay the informant?

20 A Well sometimes they work, do the work for
21 money. Sometimes they do it just because.
22 Sometimes they do it to try and help themselves on
23 some charges they may have.

24 Q Okay. Would you explain why is the use of
25 a confidential informant essential sometimes in

Investigator Tripp Mays-direct by Scott

1 making a case?

2 A The use of a confidential informant, like
3 I said earlier, is pretty much on a day to day
4 basis. A lot of people in the community know all
5 the officers. Most of the time we have to work
6 the streets prior to being promoted in the
7 narcotics investigation position.

8 And a lot of people actually know us, so
9 there is no way we can go in and make buys. And
10 people traveling around different places in the
11 state and meet officers and stuff. It's hard to
12 call another officer out there in the area to help
13 us whenever they have their own problems there to
14 deal with also.

15 Q So in Sumter County you have a hard time
16 going in to a residence or somewhere and observing
17 this activity.

18 A Yes, sir.

19 MR. LITTLEJOHN: Your Honor, I am going to
20 object. I don't think this is relevant to the
21 case we are trying here.

22 THE COURT: I will allow him some leeway.
23 But of course that is a leading question. Ask him
24 a direct question.

25 Q What was the payment to that confidential

Investigator Tripp Mays-direct by Scott

1 informant conditioned on?

2 A Really it was not a condition. I mean if
3 he -- the way we work, we don't pay an informant.
4 Just if they bring back something, you know,
5 information whatever. Sometimes we -- if they go
6 to attempt and our agency, you know, sometimes we
7 will pay them for that attempt also.

8 Q Okay. What would happen if he came back
9 and said he hadn't seen anything?

10 A Well sometimes they get paid. Sometimes
11 they won't. It's just a different amount.

12 Q Why wouldn't he get paid -- would there be
13 a cause for Him not to be paid?

14 A They're not normally paid all the time.
15 If they don't bring any information back.
16 Sometimes they are, and sometimes they are not.

17 Q Was his payment conditioned on him making
18 this case for you?

19 A Not -- well he is paid for helping us
20 gather information.

21 Q Okay.

22 A So...

23 Q Had this Informant been to that address
24 before?

25 A You mean prior to us sending Him?

Investigator Tripp Mays-direct by Scott

1 Q Uh-huh. (Affirmative.)

2 A I think he was. But he has been there
3 before.

4 Q What was the first occasions you used him
5 to go in 4915 Silo Road?

6 A The first occasion.

7 Q Yes.

8 A It was---

9 MR. LITTLEJOHN: Your Honor, I am going to
10 object. I think this is a matter we had
11 previously spoke about. We did have an objection
12 to this.

13 THE COURT: I think what he has asked so
14 far is not objectionable. He understands the
15 perimeters.

16 Q When was the first occasion?

17 A It was May 10th 2007.

18 Q Okay. And where did he go?

19 A Went to 4915 Silo Road.

20 Q Did he make any other trips to 4915 Silo
21 Road?

22 A Yes, sir.

23 Q And was the next time?

24 A The next time was May 11th 2007.

25 Q Okay. Was he accompanied with anyone on

Investigator Tripp Mays-direct by Scott

1 those two occasions?

2 A Yes.

3 Q Based on those two trips, were there any
4 other visits that were attempted?

5 A Yes, sir. I believe it was May 14th 2007.

6 Q And were these visits recorded in any way?

7 A Yes, sir, they were.

8 Q How?

9 A By audio recording.

10 Q How was he able to record it?

11 A It was digital recorder and transmitter.

12 Q Now was this something that he wore on
13 his body?

14 A Yes.

15 Q Have you had a chance to listen to those?

16 A Yes, I have.

17 Q Now based on those three trips, and what
18 he observed, what was done as a result?

19 A A Search Warrant was obtained.

20 Q Okay. And who took part in that search?

21 A There was several different people.

22 Sumter County Sheriff's Office. The Sumter City
23 Police Department, the South Carolina Probation,
24 Parole and Pardon Services. They were all
25 assisting us with it.

Investigator Tripp Mays-direct by Scott

1 Q I am going to ask you to sketch a rough, I
2 should have this, but I apologize. A rough sketch
3 of a diagram of the area of 4915 Silo Road.

4 A You just want the residence of that
5 property?

6 Q Well if you would sketch the road, the
7 Silo Road, the residence and any other buildings.

8 (Whereupon, the witness steps down from
9 the witness stand to draw the sketch.

10 A If you, say this is Pearson Road. And
11 this is Silo Road. Just past Corn Road. So you
12 have a double wide mobile home here. This is
13 4915 Silo Road. The driveway comes in to just the
14 left of the residence. As you pass the residence,
15 there is a wooden privacy fence. And there is a
16 gate, a driveway through the gate where it comes
17 back there. And there is a walk through gate over
18 here, and it comes around.

19 Once you go through the gate, there is a
20 like a two story building. And off to the side is
21 where I consider like a prefab shed, which you buy
22 from something like Lowes or somewhere like that.

23 Q I think Mr. Littlejohn referred to it as a
24 house and the openings. What were the approximate
25 dimensions of that what you said you called a

Investigator Tripp Mays-direct by Scott

1 prefab shed?

2 A I'd say maybe a 10 by 12.

3 Q Was there anything else out there near
4 those out buildings?

5 A Yes, sir. Back in this area here, there
6 is a wooded area. And along the left side of the
7 property as soon as you come through the gate, you
8 can see dogs here. And as we secured the scene
9 there, we found other dogs, listed all the dogs
10 throughout the back of the property right here.

11 Q Thank you. You can retake the stand.

12 (Whereupon, the witness steps down from
13 the witness stand.)

14 Q Were you able to take any pictures? What
15 was your role in the search?

16 A I was the lead investigator on the scene
17 for that Search Warrant. What I did was, I
18 photographed and took some of that stuff in to
19 evidence.

20 Q Okay. You did take the pictures?

21 A Yes, sir.

22 Q Tell me what you all you observed as you
23 entered the gate there.

24 A When we entered the gate, over by the
25 right, I'd say, the front right as you go through

Investigator Tripp Mays-direct by Scott

1 the gate, the front part of the right, the two
2 story building was a fire. Several people were
3 gathered around that. And several people, I think
4 it was two people inside the two story building
5 smoothing out concrete.

6 Q How many people in all were back there?
7 And actually if you could, if we could get you to
8 state their names.

9 A There was Ursula Andrews, Frank Lee
10 Wilson, John Rose, Larry Rose and Ervin Bracey.

11 Q And what were all those folks doing back
12 there?

13 A I was probably one of the latter ones to
14 go in the fence. And by that time, by the time I
15 got in, because I was driving a vehicle, I had to
16 secure the vehicle. By the time I got in, they
17 were -- they had already been told to lay down on
18 the ground. And that's where they were at when I
19 made it inside the fence.

20 MR. SCOTT: Your Honor, before we go any
21 further, I would like to mark this as State's
22 Exhibit No. 1.

23 THE COURT: Any objection to State's
24 Exhibit No. 1?

25 MR. LITTLEJOHN: No, Your Honor.

Investigator Tripp Mays-direct by Scott

1 THE COURT: State's Exhibit No. 1 in to
2 evidence without objection.

3 (Diagram marked State's Exhibit No. 1 into
4 evidence.)

5 Q Okay. So what was found in the vicinity
6 of where these people were standing out there?

7 A There was a small baggie of a kind of a
8 rock like substance that we believed to be crack
9 cocaine.

10 Q Anything else?

11 A There was a bag of what appeared to be
12 rock like substance believed to be crack cocaine
13 laying, it was towards the back of the two-story
14 building in between the two story building and the
15 shed.

16 Q Okay. Are you referring to this area
17 here?

18 A Yes, sir.

19 Q Were you yourself able to locate anything?

20 A Yes, sir. I located a, the baggie of the
21 rock like substance believed to be crack. It was
22 lying in between Mr. Frank Lee Wilson and Ursula
23 Andrews.

24 Q Okay. I am going to show you what has
25 been marked as State's Exhibit No. 2. Do you

Investigator Tripp Mays-direct by Scott

1 recognize that?

2 A Yes, sir.

3 Q How were you able to do so?

4 A That's the photograph I took of the baggie
5 lying between Frank Lee Wilson and Ursula Andrews.

6 Q Does this photograph accurately depict
7 that day?

8 A Yes, sir.

9 MR. SCOTT: Your Honor, the State offers
10 State's Exhibit No. 2 for admission into evidence.

11 MR. LITTLEJOHN: No objection.

12 THE COURT: State's Exhibit No. 2 in
13 evidence without objection.

14 (Baggie of powder found near Mays marked
15 State's Exhibit No. 2 in evidence.)

16 Q I show you what has been marked State's
17 Exhibit No. 31. Do you recognize that?

18 A Yes, sir.

19 Q Okay. What is that?

20 A This is the baggie -- well it's the
21 envelope that I put the little baggie in. This is
22 the baggie here. I put in here because it was
23 kind of loose around. But this is what was found
24 on the -- I think this, look at my notes to be
25 able to figure out which one that is. It looks

Investigator Tripp Mays-direct by Scott

1 like the one. This was the baggie that I found
2 lying between the Frank Lee Wilson and Ursula
3 Andrews.

4 Q Okay. Now what did you do with this after
5 you found it?

6 A Placed it in the Best Evidence Kit.

7 Q Would you explain what a Best Evidence Kit
8 is?

9 A A Best Evidence Kit is for, it's a brown
10 envelope. It has a Chain of Custody in it. There
11 is a B Form is the initial Chain of Custody
12 whoever seizes the drugs. The C Form is for any
13 subsequent Chain of Custody. If I pass it off to
14 someone else, a C Form has to be created. It also
15 has a sealed clean baggie with the print on one
16 side of it. Which is inside that sealed packet.

17 Q Why go through all that trouble?

18 A It's for drug evidence.

19 Q Why go through all of those steps?

20 A Well your Chain of Custody is very
21 important whenever you go here, because it tells
22 who all has it in their custody. The sealed
23 envelope in there because of the sealed package.
24 Once you seal it, and drop it, whenever it gets
25 analysis, they have to initial it. They receive

Investigator Tripp Mays-direct by Scott

1 it sealed and this is for evidence purposes.

2 Q Okay. So after something like that is put
3 in the drop box, what happens to it?

4 A The evidence technician picks it up and
5 delivers it to analysis. Whoever performs the
6 analysis.

7 Q Was there anything else located among
8 those people at this time?

9 A Yes, sir, there was.

10 Q I am going to show you what has marked as
11 State's Exhibit No. 3. Do you recognize that?

12 A Yes, sir.

13 Q And how are you able to do so?

14 A This is a photograph of the orange tube
15 containing the white rock like substance believed
16 to be crack cocaine that Sergeant Trevor Brown got
17 out of Mr. Wilson's pocket.

18 Q Okay. Who is Trevor Brown?

19 A He is my sergeant with the narcotics
20 division.

21 Q Okay. So he is also in the narcotic's
22 division?

23 A Yes, sir.

24 Q Does that photo accurately depict what you
25 witnessed that day?

Investigator Tripp Mays-direct by Scott

1 A Yes, sir.

2 MR. SCOTT: Your Honor, the State would
3 offer No. 3 for admission into evidence.

4 MR. LITTLEJOHN: No objection, Your Honor.

5 THE COURT: State's Exhibit No. 3 is in
6 evidence without objection.

7 (Orange tube marked State's Exhibit No. 3
8 into evidence.)

9 Q What did investigator Trevor Brown do with
10 the orange tube and its contents?

11 A He did the same thing that I did with the
12 other stuff that I found, and placed it in the
13 Best Kit to be sent for analysis also.

14 Q Besides that tube, with whatever that rock
15 like substance was it in, was anything else found
16 on Mr. Frank Lee Wilson?

17 A I think there was some money that was
18 taken from his pocket also. Yes, sir, it was \$300
19 in cash taken from Mr. Wilson's pocket.

20 Q Was anything else found in that yard area?

21 A Yes, sir. As I mentioned earlier, there
22 was a little bag of rock like substance believed
23 to be crack in back of the two-story building on
24 the right between the two-story building and the
25 shed.

Investigator Tripp Mays-direct by Scott

1 Q Okay. And who found this?

2 A Agent Tarbell with the South Carolina
3 Probation, Pardon and Parole.

4 Q I show you State's Exhibit No. 4, do work
5 you recognize that?

6 A Yes, sir.

7 Q How you are able to do so?

8 A This is the photograph that I took of
9 where the baggie was laying at whenever she showed
10 it to me.

11 Q Does that photograph actually depict what
12 you witnessed on May 25th 2007?

13 A Yes, sir.

14 MR. SCOTT: At this time, the State offers
15 No. 4 for admission in to evidence.

16 MR. LITTLEJOHN: No objection.

17 THE COURT: State's No. 4 is in evidence
18 without objection.

19 (picture of baggie of powder found by
20 Tarbell marked State's No. 4 into evidence.)

21 Q Besides the powder and rock like
22 substances, what else was found in the yard area
23 of 4915 Silo Road?

24 A The scanners.

25 Q I'll tell you what. Tell me about what

Investigator Tripp Mays-direct by Scott

1 was found back in here.

2 A The pit bull dogs.

3 Q How many were there?

4 A A total of 43.

5 Q What kind were they?

6 A Pit bulls.

7 Q Through your investigation, were you able
8 to determine who owned those dogs?

9 A Yes, sir.

10 Q And who was it?

11 A It was Mr. Greg Wright.

12 Q How were those animals restrained?

13 A They were restrained by real thick collars
14 and heavy chains. And they were like half of a
15 car axle driven in to the ground. So they would
16 run around in circles. Some of them -- a few of
17 them in like a chicken coop where the dogs were up
18 off the ground in a wooden structure.

19 Q Could these dogs reach one another?

20 A No, sir.

21 Q Any noticeable markings on the dogs?

22 A Yes, sir. There were several noticeable
23 at that time. One of them had several, was
24 missing hair, and had several scratch marks on the
25 head and front shoulder.

Investigator Tripp Mays-direct by Scott

1 Q Just one of them?

2 A One of them had that. There was one in
3 the far back right that was missing both sides of
4 his mouth. And had scaring on top of his nose
5 and stuff.

6 Q And so you're saying there was only two
7 dogs out there that had scars on them?

8 A There was a lot more that had some marks
9 and stuff on them. After they were taken in and
10 we placed some of them in the Sumter County---

11 Q Okay. We will get there. Tell me about
12 the chains, can you describe those?

13 A They are very big, thick like logging
14 chains.

15 Q Logging chains. Let me go ahead and show
16 you what has been marked as State's Exhibit No. 5.
17 Do you recognize these?

18 A Yes.

19 Q How are you able to do so?

20 A That's one of the chains that we seized
21 from the residence.

22 Q Okay. And so that was what they looked
23 like on May 25th 2007?

24 A Yes, sir. And they had the dogs that had
25 the thick collars that were hooked to those

Investigator Tripp Mays-direct by Scott

1 chains.

2 Q The chains like that that were hooked
3 around the dog's necks?

4 A Yes, sir.

5 MR. SCOTT: Your Honor, the State offers
6 Exhibit No. 5 for admission into evidence.

7 MR. LITTLEJOHN: No objection.

8 THE COURT: State's Exhibit No. 5 is in
9 evidence without objection from the defense.

10 (Logging chains marked State's No. 5 into
11 evidence.)

12 Q State's Exhibit No. 6, what is this?

13 A That is the, what I said awhile ago about
14 the half axle. It comes out of the rear end of
15 the vehicle.

16 Q What was this used for?

17 A The way you hold it in your hand, the top
18 portion is driven down in to the ground. And the
19 dogs were able to -- The chain was around the
20 shaft of it where the dogs could run around in
21 circles.

22 Q Okay. Is this what it looked like on May
23 25th 2007?

24 A Yes, sir.

25 MR. SCOTT: Your Honor, the State offers

Investigator Tripp Mays-direct by Scott

1 State's Exhibit No. 6 for admission into evidence?

2 MR. LITTLEJOHN: No objection, Your Honor.

3 THE COURT: State's Exhibit No. 6 is in
4 evidence without objection.

5 (Car axle marked State's Exhibit No. 6 for
6 evidence.)

7 Q As a result of these heavy chains and car
8 axles how would you describe the dogs range of
9 movement?

10 A The only way they were able to move was
11 in a circular motion where they could not reach
12 the other dogs.

13 Q Okay. What was -- did they have water and
14 food and shelter?

15 A There was shelter.

16 Q Okay.

17 A And they had several like buckets and
18 different things for water. Have water.

19 Q Were all the dogs restrained in this
20 fashion that you described?

21 A No, sir, not all of them. There were a
22 couple of them like in wooden structures that were
23 above the ground and had wire around them. And a
24 box in the back for them to sleep in.

25 Q Were they clean?

Investigator Tripp Mays-direct by Scott

1 A The ones that we saw were not clean. They
2 had fecal matter all throughout the wired portion
3 where they walked at.

4 Q Let me show you what has been marked as
5 State's Exhibit No. 7. What do you see in that
6 bottom picture there?

7 A The bottom picture is a photograph of the
8 dog that is attached to the chain, the heavy
9 logging chain.

10 Q Okay.

11 A And to the left of the dog is the -- one
12 of the axles, half axles with the, driven down in
13 the ground for the dog to run around in circles.

14 Q Now does this picture look like what you
15 saw on May 25th 2007?

16 A Yes, sir.

17 MR. SCOTT: Your Honor, The State would
18 offer Exhibit No. 7 for admission into evidence.

19 MR. LITTLEJOHN: No objection.

20 THE COURT: State's Exhibit 7 is into
21 evidence without objection.

22 (Display of dogs in pen and on chain
23 marked State's No. 7 into evidence.)

24 Q What was done with these dogs?

25 A The majority of them were taken to the

Investigator Tripp Mays-direct by Scott

1 Sumter County Animal Shelter. And when we had run
2 out of room, we had to take some of them to the
3 Guinyard Animal Clinic for storage.

4 Q Do you recognize this picture?

5 A Yes, sir.

6 Q How are you able to do so?

7 A Those are photographs that I took.

8 Q Is that what you observed on May 25th,
9 2007?

10 A Yes, sir, it is.

11 Q And how were these dogs restrained here?

12 A By the heavy logging chains and thick
13 collars. And the half of an axle.

14 Q Explain to me now, you said they were sent
15 off to the shelter. Was there anything else found
16 near where the dogs were kept?

17 A There was, like I said earlier, the
18 scanners.

19 Q What are scanners?

20 A Scanners are a listening device so -- we
21 always call them scanners but what they're where
22 you can listen to the Fire Department, EMS, the
23 Police Department at different frequencies. It's
24 only a receiver, you cannot transmit them.

25 Q Those are not like walkie-talkies?

Investigator Tripp Mays-direct by Scott

1 A No, sir.

2 Q In your experience as an investigator with
3 the Sumter County Narcotics Unit, have you ever
4 observed police scanners at the scene of an
5 investigation?

6 MR. LITTLEJOHN: Your Honor, I am going to
7 object to the relevancy of the scanners.

8 THE COURT: I'll overrule that objection.
9 However to the specific question, the objection is
10 sustained.

11 MR. SCOTT: I'm sorry, Your Honor. Please
12 repeat your instruction.

13 THE COURT: I am saying that in my opinion
14 that the scanners to some extent could be
15 relevant. And that what's happened with regard to
16 the scanners in the past or whatever, is
17 completely irrelevant.

18 Q Okay. Where were those found?

19 A They were found between the two story
20 building and the shed on the ground.

21 Q Tell me what were these used for again.

22 A They, you can listen to different
23 frequencies like Fire Department, EMS, Police
24 Department. Just different kind of frequency you
25 can listen to.

Investigator Tripp Mays-direct by Scott

1 Q I am going to show you what has been
2 premarked as State's Exhibit No. 8. And what are
3 these?

4 A Those are the Radio Shack police scanners.

5 Q Describe one more time where they were
6 found.

7 A Laying on the ground in between the
8 two-story in the middle of the shed.

9 MR. SCOTT: Your Honor, the State offers
10 State's Exhibit No. 8 into evidence.

11 MR. LITTLEJOHN: Subject to my objection.
12 I would also object, unless there is some
13 connection with my client.

14 MR. SCOTT: They were found in his
15 property.

16 THE COURT: Those are factual questions
17 for the jury to decide. They are admitted in to
18 evidence over the defense's Objection.

19 (Police scanners marked State's Exhibit
20 No. 8 into evidence.)

21 Q Was anything else found near where the
22 dogs were kept in that vicinity?

23 A I think there was coolers with some
24 medicines in it.

25 Q Okay. I show you what has been marked as

Investigator Tripp Mays-direct by Scott

1 State's Exhibit no. 9, do you recognize this?

2 A Yes, sir.

3 Q Okay. What types of medicines were found
4 in here?

5 A I really, when I looked over some of the
6 labels and stuff, it is hard to read.

7 Q Okay. That might be a question for
8 someone else. Where was that found?

9 A I think someone else found it inside.

10 MR. LITTLEJOHN: Your Honor, I object if
11 he is speculating.

12 THE COURT: I'll sustain the objection.

13 Q Is this what you observed on May 25th
14 2007?

15 A Yes, sir.

16 MR. SCOTT: Your Honor, the State offers
17 State's No. 9 for admission into evidence.

18 MR. LITTLEJOHN: Your Honor, I don't know
19 that the proper foundation has been laid.

20 Q Did you observe this on May 25th 2007?

21 A Yes, sir.

22 Q And was it located at 4915 Silo Road?

23 A Yes, sir, it was.

24 Q And did you confiscate this? Was it taken
25 in by the Sumter County Narcotics Office?

Investigator Tripp Mays-direct by Scott

1 A It was taken in to evidence.

2 Q And is the same thing you witnessed on May
3 25th 2007?

4 A Yes, sir, it is.

5 MR. SCOTT: Your Honor, the State would
6 offer Exhibit No. 9 for admission into evidence.

7 THE COURT: State's Exhibit No. 9 is into
8 evidence over defense's objection.

9 (Cooler and medications marked State's
10 Exhibit No. 9 into evidence.)

11 Q What else was found where the dogs were
12 located?

13 A Two wooden stands with the collars
14 attached to them. There was a---

15 Q Okay. Let me show you this. Can you see
16 this from there? State's Exhibit No. 9. I don't
17 think I can move it over there. This is what you
18 are describing?

19 A Yes, sir.

20 Q Where was that found?

21 A It was found in one of the sheds. By one
22 of the sheds out in the back yard.

23 Q Okay. is that what you observed on May
24 25th 2007?

25 A Yes, sir.

Investigator Tripp Mays-direct by Scott

1 Q Was that taken in by your department?

2 A Yes, sir It was.

3 MR. SCOTT: Your Honor, the State offers
4 Exhibit No. 10 for admission into evidence.

5 MR. LITTLEJOHN: No objection.

6 THE COURT: State's Exhibit No. 10 is in
7 to evidence without objection from the defense.

8 (rape board marked State's Exhibit No. 10
9 into evidence.)

10 Q You described some out buildings earlier.
11 And you drew them. Was anything found in those
12 buildings?

13 A Yes, sir. A shed that was, I forget
14 exactly what the weight was. I have to refer back
15 to my notes. of powdered cocaine, crack cocaine,
16 marijuana, scales.

17 Q Who found those?

18 A Agent Tarbell with the South Carolina
19 Probation Pardon and Parole Service.

20 Q And I am going to show you what has been
21 marked State's Exhibit No. 11. What is in that
22 top picture there?

23 A The top picture is the two story building
24 behind the privacy fence.

25 Q Okay. And what are you looking at in the

Investigator Tripp Mays-direct by Scott

1 bottom picture there?

2 A The bottom picture is the shed beside the
3 right of two story building.

4 Q Is that?

5 A That's it also.

6 Q And is there anything located in the shed?

7 A Like I said before, the crack cocaine,
8 cocaine and marijuana.

9 Q Okay. So who took this picture?

10 A I took both of those pictures.

11 Q And do these photographs accurately depict
12 what you observed on May 25th. 2007?

13 A Yes, it does.

14 MR. SCOTT: Your Honor, the State would
15 offer State's Exhibit No. 11 for admission into
16 evidence.

17 MR. LITTLEJOHN: No objection, Your Honor.

18 THE COURT: State's Exhibit No. 11 is in
19 evidence without objection from the defense.

20 (Display marked State's Exhibit No. 11
21 into evidence.)

22 Q I am going to show you what has been
23 marked State's Exhibit No. 12. Do you recognize
24 that?

25 A Yes, sir.

Investigator Tripp Mays-direct by Scott

1 Q How are you able to do so?

2 A This is a photograph that I took of the
3 inside of the shed on the bed, the comforter. It
4 depicts the set of scales and the crack cocaine,
5 marijuana and cocaine.

6 Q Does that picture accurately depict what
7 you observed on May 25th 2007?

8 A Yes, sir.

9 MR. SCOTT: Your Honor, the State would
10 offer State's Exhibit No. 12 for admission into
11 evidence.

12 MR. LITTLEJOHN: No objection.

13 THE COURT: State's Exhibit No. 12 is in
14 evidence without objection from the defense.

15 (picture of drugs on bed marked State's
16 Exhibit No. 12 into evidence.)

17 Q I want to show you what has been marked
18 State's Exhibit No. 13. Do you recognize that?

19 A Yes, sir.

20 Q How do you recognize that?

21 A That is the bag that contained the cookie
22 style crack cocaine.

23 Q Okay.

24 A And that bag over to the right is one of
25 bags that has the powder cocaine.

Investigator Tripp Mays-direct by Scott

1 MR. SCOTT: Your Honor, the State would
2 offer State's Exhibit No. 13 for admissions into
3 evidence.

4 Q Who found those things?

5 THE COURT: Any objection from the
6 defense?

7 MR. LITTLEJOHN: Your Honor, I would
8 request the State to clarify why those drugs are
9 where they are in that picture. Well, I'll do it
10 on cross-examination. No objection.

11 THE COURT: Any objection with regard to
12 the introduction?

13 MR. LITTLEJOHN: No, Your Honor.

14 THE COURT: State's Exhibit No. 13 is in
15 evidence without objection from the defense.

16 (Photograph of cookies marked State's
17 Exhibit No. 13 into evidence.)

18 Q Where are those pictures taken?

19 A That picture was taken inside the
20 residence.

21 Q Okay. That's not where they were found.

22 A No, sir, that is not where it was found.

23 Q Why did you take these pictures inside the
24 residence?

25 A We had already taken the substance from

Investigator Tripp Mays-direct by Scott

1 out of the shed and bought it into the house to
2 collect and make sure we had all of the evidence
3 together. And it was taken to depict how many
4 cookies was in there.

5 Q What order were those buildings searched?

6 A The -- it was several different -- we had
7 several different officers, agents there. And
8 they were searched pretty much simultaneously by
9 different agents.

10 Q Okay. Just so we are clear, would you
11 point to the building where the drugs were found?

12 A This building right here.

13 Q And if we look at your diagram, is that
14 the building?

15 A Yes, sir.

16 Q What did you do? What happened with all
17 those items that were found in the shed?

18 A They were placed in the Best Evidence Kit,
19 and dropped in the Sumter County drug drop box to
20 be sent to sled for analysis.

21 Q Let me show you what has been marked
22 State's Exhibit No. 14. What is that?

23 A This is the set of scales that we found
24 inside the shed.

25 Q Okay. Is that the same condition as it

Investigator Tripp Mays-direct by Scott

1 was on May 25th 2007?

2 A Yes, sir.

3 MR. SCOTT: Your Honor, the State would
4 offer State's Exhibit No. 14 for admissions into
5 evidence.

6 MR. LITTLEJOHN: No objection, Your Honor.

7 THE COURT: State's Exhibit No. 14 is in
8 evidence without objection.

9 (Scales marked State's Exhibit No. 14 into
10 evidence.)

11 Q And where were these found?

12 A They were found with the drugs inside the
13 shed.

14 Q Have you seen anything like that before in
15 your experience with narcotics?

16 A Yes, sir, all the time.

17 Q What are they used for?

18 MR. LITTLEJOHN: Your Honor, I am going to
19 object. If he knows what this one was used for.
20 That's one thing.

21 THE COURT: I will sustain the objection.
22 I think the evidence speaks for itself.

23 Q Okay. What other buildings besides the
24 those two-buildings in the back yard were
25 searched?

Investigator Tripp Mays-direct by Scott

1 A The residence, it was the double wide
2 mobile home at 4915 Silo Road.

3 Q Was anyone home at the residence at that
4 time?

5 A No, sir.

6 Q How did they get in?

7 A They attempted to enter through the front
8 door, and was unable to make entry from the front
9 door. So they had to go to the back door. And so
10 they gained entry there.

11 Q Why did they have difficulty getting in to
12 the front door?

13 A Once they made entry---

14 Q I'm sorry, Investigator Mays, why did they
15 have difficulty getting in the front door?

16 A Whenever they made the entry to the back
17 door, they cleared the residence. They found the
18 front door had a bar across the---

19 Q Okay.

20 A ---front.

21 Q Let me show you what has been marked
22 State's Exhibit No. 15. Do you recognize that?

23 A Yes, sir.

24 Q And how were you able to do so?

25 A That's the front door to that residence

Investigator Tripp Mays-direct by Scott

1 where that photograph was taken.

2 Q Does that accurately depict, does that
3 photo accurately depict what you witnessed on May
4 25th?

5 A Yes, sir.

6 MR. SCOTT: Your Honor, the State offers
7 State's Exhibit No. 15 for admission into
8 evidence.

9 MR. LITTLEJOHN: No objection, Your honor.

10 THE COURT: State's Exhibit No. 15 is in
11 evidence without objection from the defense.

12 (Photograph of barred front door marked
13 State's Exhibit No. 15 into evidence.)

14 Q Was anything found inside the residence?

15 A There was some currency that was found.
16 There was a weapon located, some bullets.

17 Q Talking about the currency. Let me show
18 what has been marked State's Exhibit No. 16, do
19 you recognize that?

20 A Yes, sir.

21 Q How are you able to do so?

22 A This is the front middle bedroom. The
23 photograph was taken of the bed and chest of
24 drawer, dresser.

25 Q Okay. And what are we looking at in that

Investigator Tripp Mays-direct by Scott

1 picture?

2 A That is the cash money that was found
3 inside the drawer there.

4 MR. SCOTT: Your Honor, the State offers
5 State's Exhibit No. 16 for admission in evidence.

6 THE COURT: Any objection.

7 MR. LITTLEJOHN: No objection, Your Honor.

8 THE COURT: State's 16 in evidence without
9 objection from defense.

10 (Photograph of cash in drawer marked
11 State's Exhibit No. 13 for evidence.)

12 Q I show you what has been marked State's
13 Exhibit No. 17. Do you recognize that?

14 A Yes, sir.

15 Q What is that?

16 A That whenever they pull the drawer out,
17 that was found down at the bottom as it sits
18 there.

19 Q Is this what you saw on May 25th?

20 A Yes, sir.

21 MR. SCOTT: Your Honor the State offers
22 Exhibit No. 17 for admission into evidence.

23 THE COURT: State's Exhibit no. 17 is in
24 evidence without objection from the defense.

25 (picture of cash under drawers marked

Investigator Tripp Mays-direct by Scott

1 State's Exhibit No. 17 into evidence.)

2 Q Let me show you what has been marked as
3 State's Exhibit No. 18. Do you recognize this?

4 A Yes.

5 Q How were you able to do so?

6 A That is a photograph of -- that was in the
7 bedroom. If you walk around the kitchen and
8 living room, and turn right, which would have been
9 facing the residence. It would have been the
10 bedroom on the front side, far left of the mobile
11 home. It was in a plastic container in that
12 drawer.

13 Q Okay. Were you aware of how much money
14 was confiscated?

15 A Looking back, it was like 6,600 something
16 dollars.

17 Q In cash?

18 A Yes, sir.

19 MR. SCOTT: Your Honor, excuse me if I
20 already have, but I would like to introduce
21 State's Exhibit No. 18 for admission into
22 evidence.

23 MR. LITTLEJOHN: No objection, Your Honor.

24 THE COURT: State's Exhibit No. 18 is in
25 evidence without objection.

Investigator Tripp Mays-direct by Scott

1 (Cash in Tupperware container marked
2 State's Exhibit No. 18 into evidence.)

3 Q State's Exhibit No. 19. Do you recognize
4 that picture?

5 A Yes.

6 Q And what is that?

7 A That is a photograph of the handgun, the
8 magazine, and the bag that had the bullets for
9 that weapon.

10 Q Why did you take that picture?

11 A Because we took it into, that weapon into
12 evidence.

13 Q What caliber is that?

14 A A 9 millimeter.

15 Q Was there ammo found for that gun?

16 A Yes, sir, right there in that bag sitting
17 right beside it.

18 Q Were any of the guns located?

19 A No, sir.

20 Q Was any other ammo located?

21 A Yes, sir.

22 Q And what kind of rounds were those?

23 A It's a green box. I believe it was a 38,
24 or 357 rounds.

25 Q Were any documents found in the house

Investigator Tripp Mays-direct by Scott

1 showing whose residence it was?

2 A Yes, sir.

3 Q Let me show you what has been marked
4 State's Exhibit No. 20. Do you recognize that?

5 A Yes, sir.

6 Q How were you able to do so?

7 A This is what was seized that day. It
8 shows the name of Gwendolyn Burris, Greg Wright,
9 and the address of 4915 Silo road. It was taken
10 into evidence that day.

11 MR. SCOTT: Your Honor, the State offers
12 Exhibit No. 20 for admission into evidence.

13 MR. LITTLEJOHN: No objection.

14 THE COURT: State's Exhibit No. 20 in
15 evidence without objection.

16 (Bill with Wright's name on it marked
17 State's Exhibit No. 20 into evidence.)

18 Q What names are listed on this?

19 A Gwendolyn Burris and Gregory Wright.

20 Q And who is Gwendolyn Burris?

21 A She lived there with Mr. Wright. I
22 believe it's -- they are married now.

23 Q And so whose property is 4915 Silo Road?

24 A It is Mr. Gregory Wright and Ms. Gwendolyn
25 Burris.

Investigator Tripp Mays-direct by Scott

1 Q Are these out buildings part of that
2 property?

3 A Yes, sir.

4 Q And as a result of all that evidence that
5 was collected and everything that you observed,
6 were any arrests made?

7 A Yes, sir. A total of seven. Five there.
8 Ms. Burris showed up later that afternoon. And he
9 was arrested and detained. And later on Mr.
10 Wright was found at a residence close by. He was
11 arrested also.

12 Q Now we heard about those drugs were seized
13 and documented. Were the dogs taken to the
14 shelter, documented in any way?

15 A Yes, sir, they were.

16 Q How were they documented? How were their
17 injuries documented?

18 A Each dog was photographed. And there is a
19 sheet that goes with each dog that Investigator
20 Dubose and Investigator Boland went and they took
21 the photographs and documented injuries on the --
22 that they located on the dogs.

23 Q What happened to all those animals? Are
24 they all still alive?

25 A No, sir.

Investigator Tripp Mays-direct by Scott

1 Q Where are the ones who are alive? Where
2 are they to do this day?

3 A Well some of the ones that are -- well I
4 would assume they are still alive. Some of them
5 were stolen from the animal control building due
6 to some burglaries. And the ones that remain out
7 there are still there under alarm system lock and
8 key.

9 Q Were you ever able to determine who owned
10 those animals?

11 A Yes, sir, Mr. Gregory Wright.

12 MR. SCOTT: I failed to offer this in to
13 evidence earlier. The State offers Exhibit No. 47
14 for admission into evidence.

15 MR. LITTLEJOHN: No objection.

16 THE COURT: State's Exhibit No. 47 is in
17 to evidence without objection.

18 (Display of dogs marked State's Exhibit
19 No. 47 into evidence.)

20 Q Was there ever any hearing concerning
21 where the dogs would go?

22 A Yes, sir, there was.

23 Q Now what did the magistrate decide to do
24 with the animals after hearing evidence for
25 discovery?

Investigator Tripp Mays-direct by Scott

1 MR. LITTLEJOHN: Your Honor, I am going
2 to---

3 THE COURT: I'll sustain the objection.
4 Any rules with regard to Lyle matters are
5 irrelevant.

6 Q To your knowledge, were any of the
7 individuals arrested that day jailed together?

8 A Yes, sir.

9 Q And who was jailed together?

10 A To my knowledge, it was Frank Lee Wilson
11 and---

12 MR. LITTLEJOHN: Your Honor, I am going to
13 object unless he has actual knowledge. If he is
14 just testifying about what he heard.

15 Q Do you have actual knowledge---

16 THE COURT: I'll sustain the objection and
17 ask that you rephrase the question and lay the
18 proper foundation.

19 Q Were you able to speak with any of these?

20 A Yes, sir.

21 Q Who did you speak with?

22 A Mr. Larry Rose.

23 Q Does Mr. Larry Rose go by any other name?

24 A Yes, sir. He goes by an alias of Hammer.

25 Q Without saying what Hammer -- did Hammer

Investigator Tripp Mays-direct by Scott

1 give you anything?

2 A Yes, sir. He gave me a letter that had --
3 well it was a piece of paper that had writing on
4 both sides of it.

5 Q Okay. Did you learn who sent this mail?

6 A Yes.

7 Q Who sent it?

8 MR. LITTLEJOHN: Your Honor, I am going to
9 object. He's obviously basing his answer on
10 hearsay. If he's trying to -- I don't know that
11 he has laid the proper foundation for the
12 introduction of these documents.

13 Q Did you read the document?

14 THE COURT: I will ask, Mr. Foreman, and
15 Ladies and Gentlemen of the jury, if you would go
16 to the jury room just one moment. Do not discuss
17 the case.

18 (Whereupon, the following takes place
19 outside the presence of the jury.)

20 THE COURT: I think the objection as to
21 whether or not it's admissible from this
22 individual, I think the appropriate thing to do
23 is, and I am not trying case. But it seems to me
24 that in order to get it admitted, you have to get
25 the individual who got it from the defendant.

Investigator Tripp Mays-direct by Scott

1 MR. SCOTT: That ain't going to happen.
2 He's refused to cooperate ever since.. But I think
3 Mr. Mays can testify to reading it and determine
4 who wrote it.

5 THE COURT: Only if he is familiar with
6 the handwriting.

7 MR. SCOTT: Well we asked for an example,
8 but he said he would stipulate to writing it.

9 THE COURT: Is that true?

10 MR. LITTLEJOHN: Your Honor, we did
11 stipulate to the handwriting as being that of the
12 defendant. That's all I stipulated to. I thought
13 that he was going to produce a witness who
14 intercepted this letter directly from my client.

15 THE COURT: All right.

16 MR. LITTLEJOHN: But as I understand it --
17 as I now understand it, it apparently went through
18 several hands before it came into the possession
19 of law enforcement.

20 THE COURT: Right. The Attorney General's
21 Office can subpoena people, can't they?

22 MR. SCOTT: Your Honor, this is one of the
23 individuals who was arrested. And as I
24 understand, he handed this over and was asked, you
25 know about it. He wouldn't -- that was his. He

Investigator Tripp Mays-direct by Scott

1 remained uncooperative up to this day. That was
2 it. And I believe he is on their witness list.
3 We haven't had -- he wouldn't talk to us after
4 that.

5 MR. LITTLEJOHN: Your Honor, he's not on,
6 my witness list.

7 MR. SCOTT: This is a statement by the
8 defendant that he freely admits was written by
9 him; that was given to an investigator who read
10 it. And was able to determine that it was from
11 Greg Wright. It's -- I don't know how this is
12 hearsay, a statement written by Greg Wright. He's
13 admitting he wrote it.

14 THE COURT: Anything further, Mr.
15 Littlejohn?

16 MR. LITTLEJOHN: No, Your Honor. I would
17 just -- I don't think a proper foundation has been
18 laid. I didn't realize this was the -- I don't
19 have any discovery as to what the series of events
20 were.

21 THE COURT: All right, one of things in
22 further reflection on it, this isn't like a piece
23 of fungible evidence.

24 MR. LITTLEJOHN: Right.

25 THE COURT: It's a written letter. Of

Investigator Tripp Mays-direct by Scott

1 course, they have could have done it by
2 introducing the person who received it from the
3 defendant. And of course, that would have been a
4 question of fact as to whether or not he wrote it.
5 But the other way for the State to do it would be
6 to compel a handwriting exemplar, and say that it
7 would be, it was his. And of course he, you all
8 are going to stipulate that he indeed wrote it.

9 I think in view of the fact that this
10 letter is not a fungible piece of evidence, it is
11 different than other evidence that would require a
12 proper chain of custody. I think he could do it
13 that way. I think he could introduce the person
14 who got it from the defendant. And that person
15 would say what the defendant said. And It would
16 be a question of fact from that point forward.

17 However, the State can do it by
18 handwriting exemplar and they would have been
19 afforded the opportunity to get an expert here and
20 say, I have examined this letter. And this letter
21 is indeed the defendant's handwriting. Of course,
22 by stipulating to that, I think that is sort of a
23 short cut that way of getting it into evidence..
24 So upon further reflection, I will indeed allow it
25 in to evidence over your objection.

Investigator Tripp Mays-direct by Scott

1 MR. LITTLEJOHN: Your Honor, as I
2 understand the court's ruling, the State would be
3 limited to the witness saying, I got this from
4 Mr. Rose without any explanation of where
5 Mr. Rose got it from. Because obviously that
6 would be hearsay.

7 THE COURT: I don't even think he cares
8 where he got it from. I think is he going to be
9 allowed to say that the defendant wrote it.
10 Because you stipulated to that. But anything
11 further than that, and your specific objection,
12 you don't want this witness testifying as to who
13 he received it from?

14 MR. LITTLEJOHN: No, Your Honor. I think
15 he can testify who he received it from.

16 THE COURT: He understands the prong. And
17 the fact that it was written by the defendant.
18 Anything other than that would be---

19 MR. LITTLEJOHN: Yes, sir.

20 MR. SCOTT: The content.

21 THE COURT: Certainly the content. You
22 can't introduce it. You can publish it in any
23 way, shape or form you feel appropriate. You can
24 get him to read it, or you can read it.

25 MR. SCOTT: Your Honor, I'd like to

Investigator Tripp Mays-direct by Scott

1 just -- do you have any opinion on when I should
2 publish these to the jury?

3 THE COURT: That's your---

4 MR. SCOTT: Okay.

5 THE COURT: ---call. You do it however
6 you want to.

7 MR. SCOTT: Okay.

8 THE COURT: Sometimes I think it is
9 probably most appropriate when you introduce it,
10 to publish it. Request permission to publish. Of
11 course, that's your presentation. You can do it
12 any way you want to.

13 MR. SCOTT: Thank you.

14 THE COURT: Let's take about a 5-minute
15 recess.

16 (Whereupon the court takes a short
17 recess.)

18 THE COURT: Anything from the State before
19 we bring the jury out?

20 MR. SCOTT: Nothing, your honor.

21 THE COURT: Anything from defense?

22 MR. LITTLEJOHN: No, Your Honor.

23 THE COURT: We are ready for the jury.

24 (Whereupon, the following takes place
25 within the presence of the jury.)

Investigator Tripp Mays-direct by Scott

1 THE COURT: Mr. Scott, you are recognized.

2 Q Investigator Mays, before we broke, we
3 were speaking about the, someone they call Hammer,
4 who you met with. Did he gave you anything?

5 A Yes, sir.

6 Q What did he give you?

7 A He gave me that piece of paper with the
8 writing on both sides.

9 Q Did you learn who sent this?

10 A Yes, sir.

11 Q Who sent it?

12 A Gregory Wright.

13 Q And where was he at the time?

14 A He was currently an inmate at the
15 Sumter/Lee Regional Detention Center.

16 Q Who sent this mail to Hammer?

17 A Yes, sir.

18 Q Let me show you what's been State's
19 Exhibit No. 21. Do you recognize those?

20 A Yes, sir.

21 Q What are those?

22 A That's the letter that I received from Mr.
23 Larry Rose.

24 Q That's the document. Is it in the same
25 condition as it was May 25th 2007, for the most,

Investigator Tripp Mays-direct by Scott

1 is that the same condition?

2 A Yes.

3 Q Would you please read that document out
4 loud?

5 A Yes, sir.

6 MR. LITTLEJOHN: Your Honor, I don't know
7 if he's technically moved it in to evidence.
8 Subject to my objection.

9 MR. SCOTT: Your Honor, the State would
10 offer Exhibit No. 21 for admission into evidence.

11 THE COURT: Mr. Littlejohn?

12 MR. LITTLEJOHN: Subject to my objection.

13 THE COURT: It's introduced into evidence,
14 as State's Exhibit.

15 MR. SCOTT: 21.

16 THE COURT: 21. Over the objection of
17 the defense. You may proceed.

18 (Jail mail from Wright to Hammer marked
19 State's Exhibit No. 21 into evidence.)

20 A Where it states: "Hammer, I am just
21 writing you all to keep you all posted to what is
22 going on. I was really upset the other day and my
23 blood pressure was really high. Someone said you
24 all have been talking to the investigator, and I
25 was confused. Because I didn't know what no one

Investigator Tripp Mays-direct by Scott

1 said. But after talking with Gwen, she said that
2 she talked with you and Lee. She said everybody
3 was still going with their story.

4 Hammer you know yourself that you all
5 don't have to answer questions for nobody. And
6 there is nothing they can do to you all because
7 that's you all's right. And you know that. I
8 don't know what was said, but please don't nobody
9 talk to these investigators, because they will put
10 shit on paper that people don't say. And then try
11 to reword everything. So I got a lawyer out of
12 Columbia that will be here today or tomorrow to
13 talk with all of us. And he is really good. Gwen
14 hired him Thursday, and he already see a lot of
15 shit that is not right already with our case.

16 Hammer, you, and Ervin and Rick and
17 everybody else ain't got shit at all. The only
18 person they want is me. And these crackers are
19 trying to give me jail for something I really had
20 nothing to do with. I told Lee, man, not to do
21 this. And I told him not to do that. But all
22 that is done now, and we just got to stick
23 together. Man, you all know there is nothing I
24 won't do for you all. And I know you all will do
25 whatever for me.

Investigator Tripp Mays-direct by Scott

1 So please tell everybody we will be out of
2 here in no more than two weeks at the most. Read
3 every letter I write to Lee so he will understand
4 what is going on. Tell Lee my lawyer is his
5 lawyer. Regardless of how things seem, we are
6 going to be all right. The only way we don't, and
7 that's if someone signed a statement on me. And I
8 know you all won't let -- you won't let me,
9 grandma, and L.G. and the family down. These
10 people really..."

11 Q There is something I will get you to look
12 at here.

13 A "These people really want my life. But
14 tell Lee I promise he won't get nothing but
15 probation and maybe a big fine. But I will pay a
16 fine. Tell Lee the same people are talking -- are
17 taking over the case -- or talking over the case
18 about the dogs. So let them know the dogs are
19 mine and his together, because that's what we told
20 them the last time they came out to the house.

21 But on the real, these people don't have shit on
22 these dogs. But tell Lee to say that the buck skin dog
23 with the leg in the pen, to say if they have, she got
24 loose on the chain and got on that new black dog in case
25 they ask what happened to her leg. Because they might ask

Investigator Tripp Mays-direct by Scott

1 what happened to that black dog. It ain't nothing but one
2 or two scars on the black dog, but that's all he got to
3 say. Just tell him it was late at night, and he tried to
4 break them up -- to break them up by himself. And the
5 brake stick was just in case something got loose.

6 I love you all, and keep it real. My mama put some
7 money on y'all's car. She put \$25 on yours -- and 25 on
8 Lee and 25 on Rick and Ervin. It looks like together.
9 But tell them to say nothing." I know -- I can't read
10 that word. "Say you all to get things together." It
11 says, I love you all. And says, "Save my life."

12 Q Thank you, Investigator Mays. We know who
13 Hammer is. Who is Lee?

14 A That's Frank Lee Wilson.

15 Q Did Hammer remain cooperative after
16 delivering that note to you?

17 A No, sir.

18 Q When did he give you that letter?

19 A I received this letter from him June 6th
20 2007.

21 Q And what is that letter about?

22 MR. LITTLEJOHN: Your Honor, I object.

23 The letter speaks for itself.

24 THE COURT: I sustain the objection.

25 MR. SCOTT: Your Honor, we would move to

Investigator Tripp Mays-direct by Scott

1 publish at least the pictures to the jury and the
2 statement.

3 THE COURT: You may proceed.

4 Q Were you ever able to obtain an admission
5 from anyone who was arrested on May 25th 2007?

6 MR. LITTLEJOHN: Your Honor, I -- I'll
7 withdraw that.

8 A Yes, sir.

9 Q And an admission by whom?

10 A It was signed by Frank Lee Wilson.

11 Q And let me show you what has been marked
12 as State's Exhibit No. 22. What is that?

13 A This is the Affidavit that was presented
14 to the Court in Lee County.

15 Q Okay. And who signed that?

16 A Frank Lee Wilson.

17 Q And how did you obtain that Affidavit?

18 A It was at the bond reduction hearing in
19 Lee County.

20 Q Who gave that to you?

21 A It was given to the Assistant Attorney
22 General, Susan Porter.

23 Q Who produced it?

24 A Mr. Littlejohn.

25 Q What is the date of that Affidavit?

Investigator Tripp Mays-direct by Scott

1 A The 20th day of June 2007.

2 Q Okay. That's June 20th. When was -- I'm
3 sorry, can we back track? When was that last
4 letter from Greg Wright sent?

5 A I received it on June 6th 2007.

6 Q Okay. So they were arrested in May. The
7 jail mail is June 6th. And then that letter is
8 dated when?

9 A The 20th of June...

10 Q Okay. Is that---

11 MR. SCOTT: Your Honor, the State would
12 offer State's Exhibit No. 22 for admission into
13 evidence.

14 MR. LITTLEJOHN: No objection, Your Honor.

15 Q Could you please read that letter?

16 THE COURT: And that's State's Exhibit
17 No.?

18 MR. SCOTT: No. 22.

19 THE COURT: 22 is into evidence without
20 objection.

21 (Affidavit marked State's Exhibit No. 22
22 into evidence.)

23 A It says: "To the presiding judge of the
24 Third Circuit, I Frank Wilson, a defendant in the
25 above captioned case, respectfully affirm and

Investigator Tripp Mays-direct by Scott

1 state the following: "I have been charged with
2 seven other co-defendants with PWID marijuana, and
3 trafficking in cocaine two counts in Sumter
4 County. I was arrested at my dwelling. And all
5 of the drugs and all of the related items were
6 found inside my shed.

7 I hereby freely and voluntarily admit and
8 claim responsibility for the drugs, and related
9 items that were found by the police on May 25th
10 2007. I gave this same information to the
11 presiding Judge of the Sumter Magistrate Court on
12 June 19th 2007, at a joint Preliminary Hearing. I
13 understand this admission may be used against me
14 at a trial or plea in the future. I further state
15 that none of the other persons charged with this
16 incident had knowledge of, or anything to do with
17 the drugs or the related items that were found."

18 Q Who wrote that?

19 A I'm not sure, it's typed.

20 Q Who signed it?

21 A Frank Lee Wilson.

22 Q One more time, would you please give the
23 dates of the arrest and then the date you got the
24 jail mail. And then the date you received that?

25 A The date of the arrest was May 25th 2007.

Investigator Tripp Mays-direct by Scott

1 The date that I got the letter from Mr. Rose was
2 June 6th 2007. And this was dated the 20th of
3 June 2007.

4 MR. SCOTT: That's all for this witness.
5 Please answer any questions Mr. Littlejohn may
6 have.

7 THE COURT: Cross Examination, Mr.
8 Littlejohn.

9 MR. LITTLEJOHN: Thank you, Your Honor.

10 CROSS EXAMINATION BY MR. LITTLEJOHN:

11 Q Investigator Mays, you described to the
12 jury briefly how y'all worked informants?

13 A Yes, sir.

14 Q And I believe you told us how you would be
15 approached. I think you said by an individual who
16 was looking to help you?

17 A That's correct.

18 Q Okay. Now a number of the individuals
19 looking to help you are trying to work off
20 charges, are they not?

21 A The majority of them, yes, sir.

22 Q The majority of them.

23 A Yes.

24 Q They have pending charges, they want to
25 help. They want to stay out of jail. That's why

Investiator Tripp Mays-cross by Littlejohn

1 they cooperate.

2 A That's correct.

3 Q Isn't that correct?

4 A That's correct.

5 Q Some of the individuals that you work as

6 Informants, I believe, you said are paid by the

7 Sheriff's Department.

8 A That's correct.

9 Q Okay. And now some of them are working

10 off charges and are paid, isn't that correct?

11 A No, sir. I, myself, I don't, I mean I

12 don't know what other agents do, but myself, I

13 don't pay anything; who would be working off

14 charges.

15 Q Okay. They are either working off charges

16 trying to get reduced sentences or they are paid.

17 A That's correct.

18 Q I believe you explained to us how

19 Informants that are paid are generally paid, if

20 they produce?

21 A Yes, sir.

22 Q And generally, they are not paid if they

23 don't produce.

24 A That would be correct.

25 Q So you would agree with me that an

Investiator Tripp Mays-cross by Littlejohn

1 informant has a great deal of incentive to go out
2 to do something.

3 A Yes, sir.

4 Q They're either trying to stay out of jail
5 or they're getting paid money?

6 A Yes, sir.

7 Q Now you testified as to how your -- you
8 had an informant. And as a result of that
9 informant, you acquired a Search Warrant, Is that
10 right?

11 A Investigator Dubose is the Affiant on that
12 Search Warrant.

13 Q And you were the lead investigator.

14 A Yes, sir.

15 Q Now you said you went to the residence at
16 4915 Silo Road on May 25th.

17 A Yes, sir.

18 Q What type of day was it?

19 A It was later in the afternoon. Let me
20 see. It was about 3:52 p.m.

21 Q And you said there were a number of agents
22 with you from the Sheriff's Department.

23 A Yes, sir.

24 Q Sled?

25 A No, sir.

Investiator Tripp Mays-cross by Littlejohn

1 Q Nobody from Sled.

2 A No, sir.

3 Q Other agencies.

4 A Yes, sir. Sumter Police Department, and
5 South Carolina Probation, Parole and Pardon
6 Services.

7 Q You didn't take Probation, Parole or
8 Pardon because of anybody that was on probation or
9 parole, did you?

10 A No, sir.

11 Q They just went to help you?

12 A Yes, sir.

13 Q Is that normally what they do?

14 A Yes, sir. Sometimes they do. They assist
15 us if we ask for assistance.

16 Q Now you described to the jury where Silo
17 Road is in relation to Pearson Road. Tell us,
18 this area is in the southern part of Sumter
19 County?

20 A Yes, sir.

21 Q This is a very rural Sumter County.

22 A Yes, sir, it is.

23 Q And Pearson Road actually you turn off, I
24 believe, it's Highway 521?

25 A Highway 15 South.

Investiator Tripp Mays-cross by Littlejohn

1 Q 15 South.

2 A Yes, sir.

3 Q And you go down Pearson Road, how far?

4 A Approximately, anywhere between three
5 quarters of a mile to a mile.

6 Q Okay. And then you turn on Silo Road.

7 A Then you take a right on Silo Road.

8 Q Silo Road is a dirt road.

9 A It's the first road, dirt road.

10 Q And there are a number of single wides and
11 double wides going down Silo Road.

12 A Yes, sir.

13 Q Okay. And You told us how 4915 sat there
14 on the left?

15 A Yes, sir.

16 Q On the left---

17 A Yes, sir.

18 Q ---of the road.

19 A Yes, sir.

20 Q Now when you and the other agents got
21 there, what was searched first? Do you remember?

22 A They were pretty much all searched
23 simultaneously.

24 Q Simultaneously. And you described how
25 there was a -- this is a double wide trailer?

Investiator Tripp Mays-cross by Littlejohn

1 We're referring to State's Exhibit No. 1.

2 A Yes,, sir.

3 Q And your investigation revealed that Greg
4 Wright and Gwen Burris lived in this double wide
5 trailer.

6 A Yes, sir.

7 Q Along with their three children.

8 A Yes, sir.

9 Q Okay. And you described for us how there
10 was a large security type fence.

11 A Privacy fence.

12 Q Yeah. Okay. Did you take any pictures of
13 the fence?

14 A I think that there was one taken prior to
15 obtaining the Search Warrant.

16 Q Okay. Prior to the Search Warrant.

17 A Yes, sir.

18 Q Okay. Did you take any pictures showing
19 the relation of the double wide to the fence or
20 the two story building?

21 A No, sir, I didn't.

22 Q Okay. All right, well let's talk about
23 what was found behind the fence first. You
24 indicated that as you and the other officers went
25 in, there were several people behind the fence.

Investiator Tripp Mays-cross by Littlejohn

1 A Yes, sir.

2 Q Okay. And I believe you named them and
3 said Frank Lee Wilson was one of them.

4 A Yes, sir.

5 Q And I believe you told us that they were
6 finishing concrete at the time?

7 A It was, I believe, two people finishing
8 concrete in the two story building.

9 Q Inside the two story building.

10 A Yes, sir. Just inside it.

11 Q And the two story building was under
12 construction.

13 A Yes, sir.

14 Q Okay. All right, and Frank Lee Wilson
15 was there.

16 A Yes, sir.

17 Q And I'm assuming you told all of these
18 people, how many were there? Five all total?

19 A I think I left one out earlier. Come to
20 think about it.

21 Q Okay.

22 A It was, I don't think I named Hercules
23 Sharper.

24 Q All right.

25 A So it would have been six.

Investiator Tripp Mays-cross by Littlejohn

1 Q Six all total.

2 A Yes, sir.

3 Q And immediately upon going to execute the
4 Search Warrant, you secured all these people, I
5 take it.

6 A That's correct.

7 Q Made them lay down on the ground.

8 A Yes.

9 Q And you said, the first drugs you
10 mentioned, you said you found close to Frank Lee
11 Wilson.

12 A That's correct.

13 Q And that was that little baggie of white
14 rock like material.

15 A Yes.

16 Q That you identified earlier. And you also
17 identified, there was a cookie that was found on
18 the ground?

19 A No, sir.

20 Q Where was the cookie found?

21 A The cookie was found inside the shed.

22 Q Inside of the shed.

23 A Yes, sir.

24 Q Well let me, let me get it right. What
25 was found on the ground?

Investiator Tripp Mays-cross by Littlejohn

1 A The two small baggies of white rock like
2 substance.

3 Q Okay. Now those were found close to Frank
4 Lee Wilson?

5 A One was found close to Frank Lee Wilson,
6 and the other one was found at the, if you were
7 facing the two story building---

8 Q Uh-huh. (Affirmative.)

9 A ---It would have been to the right. And
10 all the way to the back corner of the two story
11 building.

12 Q Other than what was found in the shed,
13 what else was found behind the privacy fence?

14 A Well the dogs.

15 Q I mean, drug wise, excuse me.

16 A The substance of all the crack cocaine,
17 cocaine, marijuana, scales and scattered stuff
18 inside the shed.

19 Q Okay. Let me restate my question. Other
20 than what was found in the shed, and we'll get to
21 that in a minute, what else was found on the
22 ground? Or outside the shed?

23 A As far as drug related?

24 Q Yes, sir.

25 A Nothing.

Investiator Tripp Mays-cross by Littlejohn

1 Q Okay. How about Frank Lee Wilson's
2 pocket?

3 A Yes, in his pocket.

4 Q Okay. That's where he had the cigar
5 case?

6 A The Orange cigar tube.

7 Q And that had crack cocaine?

8 A Yes, sir.

9 Q And I believe you said Frank Lee Wilson
10 had \$300 in his pocket in cash.

11 A That's correct.

12 Q What was found, first off, you pointed out
13 the shed to us, which is in State's Exhibit No.
14 11, I believe. And the shed is in the picture
15 that's at the bottom?

16 A Yes, sir.

17 Q And what was located in the shed furniture
18 wise?

19 A A bed.

20 Q What else? Any other appliances?
21 Anything of that nature? Was there a TV in there?

22 A I don't recall. But, yes, sir, there was
23 a TV in there.

24 Q Any microwave?

25 A Yes, sir, there was.

Investiator Tripp Mays-cross by Littlejohn

1 Q And your investigation revealed this is
2 where Frank Lee Wilson called his residence?

3 A Yes, sir. That's what he called his
4 residence.

5 Q So this small shed would be his house,
6 would it not?

7 A Yes, sir.

8 Q Now what was found in Frank Lee Wilson's
9 house, drug wise?

10 A The cookie and crack cocaine, the -- well
11 the other little baggie of cocaine, the powder
12 cocaine, the marijuana, the scales.

13 Q Okay. And between what was found on the
14 ground between the privacy fence and what was
15 found in Frank Lee Wilson's house, those are all
16 the drugs that you seized on May 25th 2007, at
17 4915 Silo Road?

18 A Yes, sir.

19 Q Is that correct?

20 A That's correct.

21 Q And this is the building where they were
22 finishing the concrete, this two---

23 A Yes.

24 Q ---story building that's depicted on the
25 top of State's Exhibit No. 11?

Investiator Tripp Mays-cross by Littlejohn

1 A Yes, sir. It was on the right. You see
2 the square window on the right upper part of the
3 building.

4 Q Yes, sir. Am I pointing to the correct
5 window?

6 A Yes, sir. That's -- they were underneath
7 that. As a matter of fact, you can kind of look
8 and see the wet concrete versus concrete out in
9 front of the building.

10 Q And were you able to ascertain who was
11 actually doing the concrete finishing?

12 A I think it was Mr. Sharper, and one of the
13 Rose's.

14 Q Okay.

15 A I think it Mr. John Rose.

16 Q And Mr. Rose and Mr. Sharper they were
17 arrested that day, were they not?

18 A Yes, sir.

19 Q Charged with possession of drugs.

20 A Yes, sir.

21 Q The items that are shown in the top photo
22 in State's Exhibit No. 11, these are chains?

23 A Chains/dog collars.

24 Q Okay. And this is the frame that we have
25 here in evidence?

Investiator Tripp Mays-cross by Littlejohn

1 A Yes, sir. That's one of them.

2 Q Depicted on this photo. Okay. And I
3 notice there is some training equipment for---

4 A Some weight lifting.

5 Q ---some people working out?

6 A Yes, sir.

7 Q Now Investigator Mays, you described how
8 the dogs were located in various locations around
9 these two buildings?

10 A Yes, sir.

11 Q In the back yard?

12 A Yes, sir.

13 Q Okay. And the dogs, you described how
14 they were restrained?

15 A Yes, sir.

16 Q Okay. And the -- I've noticed you
17 introduced one chain. Were all the chains the
18 same size?

19 A There was some a little bit smaller. And
20 a lot of them were the same size.

21 Q And that was the largest of all the
22 chains, was it not, the one you introduced?

23 A That's one of them.

24 Q Okay. And then there were smaller chains?

25 A Yes, sir. Some not much smaller than

Investiator Tripp Mays-cross by Littlejohn

1 that.

2 Q And were you able to determine that each
3 of the dogs had a house?

4 A Yes, sir.

5 Q And each of them had a bowl?

6 A Yes, sir.

7 Q You've described some kind of chicken coop
8 type areas. Do you know if there were dogs
9 located in those?

10 A Yes, sir. One of them is actually in one
11 of those pictures right there.

12 Q Okay. The one with the fence. And I
13 believe this is State's Exhibit No. 7?

14 A That's correct---

15 Q The top photograph.

16 A ---at the top.

17 Q Okay. That dog was in that area?

18 A Yes, sir.

19 Q Do you know whether that dog was in heat
20 or not?

21 A No, sir.

22 Q Now while we're talking about dogs, and I
23 am referring to State's Exhibit No. 47. The dog
24 depicted in the bottom photo.

25 A Yes, sir.

Investiator Tripp Mays-cross by Littlejohn

1 Q That -- you took this photograph?

2 A Yes, sir.

3 Q And you said something about this dog
4 having injuries to its mouth. And apparently it
5 does.

6 A That's correct.

7 Q Were you able to determine when those
8 injuries were sustained by that dog?

9 A No, sir.

10 Q Were you able to ascertain how they were
11 sustained?

12 A No, sir.

13 Q Do you know whether it was the result of
14 an accident?

15 MR. SCOTT: Objection.

16 THE COURT: I overrule the objection.

17 Q Do you know if it was a result of an
18 accident?

19 A No, sir.

20 Q Could it have been a snake bite?

21 A I'm not aware.

22 Q You don't have any idea.

23 A No, sir.

24 Q Those were not fresh wounds, were they?

25 A No, sir. They had already healed.....

Investiator Tripp Mays-cross by Littlejohn

1 (Photographs marked Defendant's Exhibit
2 Nos. 1-16 for id only.)

3 Q Agent Mays, let me show you these
4 photographs that have previously been marked
5 Defendant's Exhibits 1 through 16. And if you
6 would, just take a moment and look at those
7 photographs, please.

8 MR. LITTLEJOHN: Your Honor, while he is
9 looking may I remove this frame?

10 THE COURT: You certainly may.

11 MR. LITTLEJOHN: Before I trip on it?

12 A Okay.

13 Q Do those pictures appear to accurately
14 reflect 4915 Silo Road as it was on May 25th 2007?
15 The premises there?

16 A Yes, sir. As far as the premises, yes,
17 sir.

18 MR. LITTLEJOHN: Your Honor, at this time,
19 I would move to introduce, Defendant's Exhibit 1
20 through 16.

21 .
22 MR. SCOTT: No objection, Your Honor.

23 THE COURT: Defendant's Exhibits Nos. 1
24 through 16 are into evidence without objection
25 from the State.

Investiator Tripp Mays-cross by Littlejohn

1 Q Investigator Mays, Your Honor, may I ask
2 the witness to step down?

3 THE COURT: You may.

4 (Whereupon, the witness steps down the
5 from the witness stand.)

6 Q Investigator Mays, let's kind of do this
7 in two phases so this half of the jury can see the
8 photographs, and then that half. Exhibit No. 1,
9 what does this depict?

10 A That---

11 Q Make sure you stand back.

12 A This is the driveway leading into the
13 residence from Silo Road. This is the mobile
14 home, and this is the two story shed behind the
15 privacy fence.

16 Q And this shows the privacy fence or at
17 least a part of it?

18 A Yes, sir.

19 Q And Defendant's Exhibit No. 2.

20 A That is the gate, entry way for the drive
21 through gate. Or the entry way of the privacy
22 fence. That's a walkway.

23 Q How high is that fence? Did y'all measure
24 it?

25 A No, sir. It's probably between 5 and a

Investiator Tripp Mays-cross by Littlejohn

1 half, 6 feet.

2 Q It might be a little higher than that?

3 A No, sir. Because I had to tiptoe to look
4 over it..

5 Q Defendant's Exhibit No. 3.

6 A Yes, sir.. That is the privacy fence from
7 the drive through gate, walk through gate. That
8 appears to be the end of the road.

9 Q Defendant's Exhibit No. 4.

10 A That is the drive through gate through the
11 right behind the residence.

12 Q Defendant's Exhibit No. 5, what does this
13 photo depict?

14 A That appears to be three of the, three of
15 the dog houses. And there is a bowl right there.
16 But that's where you see also one of the half
17 axle's in the ground right there.

18 Q Defendant's Exhibit No. 6.

19 A That is two of the dog houses and a bowl
20 here.

21 Q Exhibit 7.

22 A I can see two of the dog houses. It looks
23 like more dog houses behind there. A bowl at each
24 one.

25 Q Eight and 9, do they pretty much depict

Investiator Tripp Mays-cross by Littlejohn

1 the same, just different angles of the dog houses?

2 A Yes, sir.

3 Q Now were you able to ascertain the --
4 where the dogs were chained, could they have
5 contact with each other?

6 A No, sir.

7 Q Could not.

8 A No, sir.

9 Q And that would prevent the dogs getting in
10 to it or, or dog arguments, as I call it.

11 A Yes, sir.

12 Q That would also prevent them from running
13 loose, would it not?

14 A Well they wouldn't be able to unless they
15 got off the chain or collar or whatever.

16 Q Is there a lease law in Sumter County?

17 A Yes, sir.

18 Q Defendant's Exhibit No. 10.

19 A Those are the dog houses that are up off
20 the ground, and kind of like I related to them as
21 like a chicken coop. They keep the dogs off the
22 ground.

23 Q And you said there was actually a dog in
24 there?

25 A Yes.

Investiator Tripp Mays-cross by Littlejohn

1 Q Defendant's Exhibit No. 11?

2 A It appears to be a shelf with different
3 types of, I don't know what that is. Like
4 hydrogen peroxide. Maybe some dye. I don't know
5 what the rest of that.

6 Q Does there appear to be some medications
7 for animals?

8 A Yes, sir.

9 Q Where were these located?

10 A That would be if you look to be---

11 MR. SCOTT: Objection, Your Honor.

12 Q If you know..

13 THE COURT: What is the nature of your
14 objection?

15 MR. SCOTT: Those weren't taken when
16 Investigator Mays was out there. He doesn't know
17 where -- the inside of some building.

18 THE COURT: I think you can lay the
19 appropriate foundation, Mr. Littlejohn. Well
20 attempt to lay the proper foundation.

21 Q You had previously identified all these
22 pictures, as accurately depicting the premises.
23 Do you remember which building or where those
24 pictures were taken, or where these items were
25 located?

Investiator Tripp Mays-cross by Littlejohn.

1 A No, I don't.

2 Q Defendant's Exhibit No. 12. That shows
3 the axle and the chain?

4 A The chain is over off to the right, and
5 the axle driven down into the ground.

6 Q And that way the dog could go around the
7 axle?

8 A Around in circles, that's correct.

9 Q Around in a circle without the chain
10 actually wrapping an axle, isn't that correct?

11 A It appears to have an o ring around that
12 axle.

13 Q So to your understanding, the chain would
14 actually swung around the axle, rather than
15 wrapping him up on the axle. Was that your---

16 A Yes.

17 Q Does that appear to be correct?

18 A That appears to be correct.

19 Q All right. Defendant's Exhibit No. 13, I
20 believe that is the same shot we discussed
21 earlier.

22 A Yes, sir.

23 Q Defendant's Exhibit No. 14?

24 A It looks like a weight bench out in front
25 of the two story building.

Investiator Tripp Mays-cross by Littlejohn

1 Q And Defendant's Exhibit No. 15?

2 A That's another exercise machine. It
3 appears to be in the front of the two story
4 building out in the back.

5 Q And finally Defendant's Exhibit No. 16.

6 A That's where was considered to be the
7 shed. You considered the house of Mr. Frank Lee
8 Wilson.

9 Q Okay. That's where Mr. Wilson stayed.

10 A That's where he went to bed.

11 Q Okay. And that's where the bulk of the
12 drugs were found.

13 A Yes, sir.

14 Q You can retake the stand.

15 (Whereupon, the witness resumes the
16 witness stand.)

17 Q Now Investigator Mays, you indicated that
18 the dogs that were found on the premises were
19 seized by you and Sumter County Animal Control?

20 A Yes, sir.

21 Q How many dogs were there?

22 A I think it was a total of, I think the
23 total was 43. So there is a total of 41.

24 Q 41.

25 A Yes, sir.

Investiator Tripp Mays-cross by Littlejohn

1 Q And if I understood your direct testimony
2 correctly, you said several had scratch marks?

3 A There were several marks on some them.
4 Yes, sir.

5 Q Several marks?

6 A Yes, sir..

7 Q And behind this area where the dogs were
8 kept, was that not a wooded area?

9 A Yes, sir.

10 Q And how far back did the woods go, do you
11 know?

12 A I am not quite sure, but probably in the
13 estimate of 50, 75 yards.

14 Q And you indicated one had a mouth injury,
15 and that's the dog depicted in State's Exhibit No.
16 47?

17 A Yes, sir.

18 Q Any other dogs had have mouth injuries?

19 A No, sir. I have to look back at the
20 photograph and the diagrams of what was given to
21 me.

22 Q You said some more had marks on them?

23 A Yes, sir.

24 Q When you arrived there to serve the Search
25 Warrant, were any of these dogs fighting?

Investiator Tripp Mays-cross by Littlejohn

1 A No, sir.

2 Q And Investigator Mays, insofar as these,
3 you kept saying they were thick collars and heavy
4 chains. These are strong dogs, are they not?

5 A Sir, I am not aware of these dogs. I,
6 that's the first time I have ever been around
7 these dogs.

8 Q Okay. Did they appear to be muscular to
9 you?

10 A They appeared to be -- have some muscles
11 to them. Muscle tone to them; yes, sir.

12 Q And as you indicated, there is a lease law
13 or a lease ordinance in Sumter County?

14 A Yes, sir.

15 Q And I believe Mr. Scott asked you whether
16 the premises were clean and you said there was
17 some canine fecal material?

18 A Yes, sir. Inside the coves.

19 Q Did you find that unusual?

20 A No, sir. In excess, yes, sir, I would.

21 Q And I believe you indicated that the dogs
22 were impounded. Some were taken to the Sumter
23 County impound facility. And then some were taken
24 to Guinyard Animal Hospital?

25 A Yes, sir.

Investiator Tripp Mays-cross by Littlejohn

1 Q And the dogs were examined? As far as you
2 know?

3 A Not as far as -- They were photographed at
4 the animal control and at the Guinyard Animal
5 Clinic. I don't know, I can't personally testify
6 to if the dogs were examined.

7 Q You don't know whether they were examined
8 by a veterinarian or not?

9 A No, sir.

10 Q Do you know if the dogs placed for
11 adoption?

12 A No, sir. I know they are definitely not
13 placed for adoption.

14 Q Are you sure about that?

15 A Yes, sir.

16 Q Investigator Mays, State's Exhibit No. 10,
17 were there any dogs in that? Were any dogs
18 located in or situated in that frame?

19 A No, sir, not at that time. No, sir..

20 Q Do you know if that frame can be used for
21 breeding dogs?

22 MR. SCOTT: Objection, Your Honor.

23 THE COURT: It's cross examination. He
24 can ask Him.

25 A I've never used anything like that to

Investiator Tripp Mays-cross by Littlejohn

1 breed dogs.

2 Q Well seeing how this was the first time
3 you have seen these dogs, I would imagine that is
4 a correct answer.

5 A Yes, sir.

6 Q So you don't know whether that could be
7 used for breeding or not?

8 A That would be correct.

9 Q Investigator Mays, you indicated these
10 scanners, No. 8. These were found in Frank Lee
11 Wilson's house, shed, whatever you want to call
12 it?

13 A On the ground between the two story
14 building, the shed and Frank Lee Wilson's
15 residence, whatever.

16 Q Do you know if Mr. Wilson ever used these
17 scanners?

18 A No.

19 Q Do you know if anybody ever used them?

20 A I can't recall whether they were on or not
21 at the present time.

22 Q Okay. Do you know if Greg Wright ever
23 used them?

24 A No, sir.

25 Q And the same thing with the scales that

Investiator Tripp Mays-cross by Littlejohn

1 were found in Frank Lee Wilson's residence.

2 A That's correct.

3 Q Now, investigator Mayes, the double wide
4 home that was the residence of Mr. Wright and Ms.
5 Burris, and their three children. Y'all searched
6 that.

7 A Yes.

8 Q And I believe you told us that to begin
9 with, y'all tried to effect entry in the front
10 door.

11 A That's correct.

12 Q And there was a bar across the front door.

13 A After they came in through the back door;
14 yes, sir.

15 Q And the bar was to prevent anyone from
16 kicking in the front door, was it not?

17 A Apparently that's correct.

18 Q And this is out in the country, is it not?

19 A Yes, sir.

20 Q But y'all got in?

21 A Yes, sir.

22 Q And you told us that you -- that you found
23 some money. You found a gun. And those items
24 were seized.

25 A Yes, sir.

Investiator Tripp Mays-cross by Littlejohn

1 Q We'll get to those in a minute. There
2 were no drugs found in that double wide residence,
3 were there?

4 A No, sir.

5 Q Now, insofar as the money, you indicated
6 that there was money found in the front middle
7 bedroom.

8 A Yes, sir.

9 Q Okay. And That money was -- where was
10 that money located in that room?

11 A It was in, it was in a drawer.

12 Q Uh-huh. (Affirmative.)

13 A And when we pulled the drawer out, there
14 was some laying on the carpet at the bottom, I
15 think. It was a chest of drawers.

16 Q Was it the same chest of drawers that the
17 gun was located in?

18 A No, sir.

19 Q That was a different chest of drawers?

20 A Yes, sir.

21 Q And okay, let me get it straight. There
22 was money found in a Tupperware container.

23 A It was like a little drawer that had
24 several drawers on it. And one of them had the
25 money in it. That's correct.

Investiator Tripp Mays-cross by Littlejohn

1 Q Okay.

2 A The plastic container.

3 Q Was that the same room that the gun was
4 found in?

5 A No, sir.

6 Q Okay. Get me straight now. The gun is
7 found in which room?

8 A The, if you were facing the residence, it
9 would have been the front bedroom on the far left.

10 Q Front bedroom on the far left.

11 A Yes.

12 Q And what money was found in that room?

13 A It was \$2,700.

14 Q And was that the bedroom where the gun was
15 found?

16 A Yes, sir.

17 Q Now did you actually find the gun. Did
18 you actually search the chest of drawers?

19 A No, sir.

20 Q Did you examine the chest of drawers after
21 the items had been found---

22 A Yes, sir.

23 Q ---by another agent?

24 A Yes, sir.

25 Q What kind of clothing was in the chest of

Investiator Tripp Mays-cross by Littlejohn

1 drawers?

2 A Sir, I don't recall that.

3 Q Was it lady's clothing?

4 A I, I think there was some lady's clothing.

5 Q Was there lady's clothing in the closet of
6 that bedroom?

7 A Sir, I can't remember what all was in
8 there. There was some, I believe it was some
9 lady's clothing in there.

10 Q In that bedroom. Okay, and That's the
11 bedroom in which the gun was found.

12 A Yes, sir.

13 Q Now the other money that you testified to,
14 you indicated that was found in a chest of drawers
15 in another bedroom, is that right?

16 A It was, there was a chest of drawers in
17 the front middle room that had money in it. Then
18 the plastic drawer in the other bedroom.

19 Q Uh-huh. (Affirmative.) That had money in
20 it.

21 A Yes, sir.

22 Q That bedroom didn't have any guns in it.

23 A The one found in---

24 Q Yes, sir.

25 A ---with the plastic drawer---

Investiator Tripp Mays-cross by Littlejohn

1 Q Yes, sir.

2 A That's where the gun was at.

3 Q Maybe I got it mixed up.

4 A It was, the gun was in a chest of drawers
5 in that room.

6 Q Okay.

7 A And the Money was in a plastic drawer in
8 that room.

9 Q In that room.

10 A Yes, sir.

11 Q And this is a room in which you believe
12 there were lady's clothes.

13 A Yes, sir.

14 Q That was the room where the money was in a
15 Tupperware container. And the gun was in the
16 chest of drawers?

17 A Yes, sir.

18 Q And the other bedroom is where you found
19 another quantity of cash.

20 A Yes, sir.

21 Q Is that right?

22 A Yes, sir.

23 Q Did you examine that room as to the --
24 whether there were men's or women's clothing in
25 that room?

Investiator Tripp Mays-cross by Littlejohn

1 A No, sir. I didn't examine it that far.

2 Q So there could have been men's clothing in
3 that room.

4 A Men's clothing in the photo of the -- of
5 that chest of drawers. But I can't say whether it
6 was a man or a woman.

7 Q Now May 25th 2007, y'all served a Search
8 Warrant. You searched the back part of the
9 residence there. The shed belonging -- the shed
10 where Frank Lee Wilson stays. The two story
11 house. You searched the double wide. And then at
12 the conclusion of all the searching, the dogs are
13 seized. Is that correct?

14 A Yes, sir.

15 Q The individuals that are back here behind
16 this fence are all arrested, are they not?

17 A Yes, sir.

18 Q That's Frank Lee Wilson and five others.

19 A Yes, sir.

20 Q Okay. So five others, were they charged
21 with drug offenses?

22 A Yes, sir. Everybody was.

23 Q What happened to their charges?

24 A They were, and some of them were found no
25 probable cause at the Preliminary Hearing.

Investiator Tripp Mays-cross by Littlejohn

1 Q Okay. Some of them, that would be how
2 many?

3 A There was and Ursula Andrews, John and
4 Larry Rose, Ervin Bracey.

5 Q Okay.

6 A That sounds correct.

7 Q How about the other two besides Wilson,
8 Burris and Wright?

9 A The other two?

10 Q That were arrested.

11 A Mr. Sharper.

12 Q Uh-huh. (affirmative.)

13 A And has been indicted.

14 Q Okay. What able the last individual?

15 A I think there was only six behind there.

16 MR. SCOTT: Your Honor, can we approach?

17 THE COURT: Sure.

18 (Whereupon, the attorneys approach the
19 bench and confer with judge.)

20 Q Investigator Mays, you testified as to
21 State's Exhibit No. 21, that you identified as the
22 handwritten letter?

23 A Yes.

24 Q And I believe you've indicated you
25 received this from Mr. Rose?

Investiator Tripp Mays-cross by Littlejohn

1 A Yes, sir.

2 Q And in here, it's indicated That: "Please
3 don't nobody talk to these investigators, because
4 they will put stuff on paper that people -- say,
5 people really don't say." Do you remember reading
6 that?

7 A Yes, sir.

8 Q Now you also testified about an Affidavit
9 that has been marked as State's Exhibit No. 22.

10 A Yes, sir.

11 Q Okay. And you indicated that was an
12 Affidavit that was signed by Frank Lee Wilson.

13 A Yes, sir.

14 Q And That Affidavit was notarized, was it
15 not?

16 A That's correct.

17 Q And who was it notarized by?

18 A I don't know. I don't recognize that
19 signature, sir.

20 Q Okay.

21 A I can't read it.

22 Q Does it appear to be Ernest Finney, Jr.?

23 A It could be, yes, sir.

24 Q Do you know Mr. Finney?

25 A Yes, sir.

Investiator Tripp Mays-cross by Littlejohn

1 Q And who is Mr. Finney?

2 MR. SCOTT: Objection, Your Honor.

3 THE COURT: I will allow him to ask the
4 question.

5 A He is an attorney here in Sumter.

6 Q And do you know, was he representing one
7 of co-defendant's in this case?

8 A Sir, I am not aware of that.

9 Q You don't know.

10 A No, sir.

11 Q But it appears to be his signature on that
12 notary form?

13 A Could be.

14 Q Frank Lee Wilson has disposed of his
15 charges, has he not?

16 A Yes, sir.

17 Q He pled guilty to possessing the drugs
18 that were found on May 25th 2007, has he not?

19 A Yes, sir.

20 Q And you were present yesterday when he
21 entered the plea, were you not?

22 A Yes, sir.

23 Q And he was represented by an attorney?

24 A That's correct.

25 Q And he entered the plea before Judge

Investiator Tripp Mays-cross by Littlejohn

1 Nettles, did he not?

2 A Yes, sir.

3 Q And you were present for that?

4 A Yes, sir.

5 Q And were you present when he was asked if
6 he was entering that plea, freely and voluntarily?

7 A Yes.

8 Q And he answered yes, did he not?

9 A Yes, sir.

10 Q How many of the dogs are left in the
11 custody of Sumter County?

12 A Sir, I haven't counted them. But I think
13 the last record I think there was somewhere around
14 the mid 20's.

15 Q Mid 20's?

16 A Yes, sir.

17 Q And a number of them were stolen.

18 A Yes, sir.

19 MR. LITTLEJOHN: Your Honor, those are all
20 the questions I have.

21 THE COURT: Any redirect, Mr. Scott?

22 MR. SCOTT: Briefly, Your Honor.

23 Direct Examination By Mr. Scott:

24 Q Was the confidential informant you used in
25 4915 Silo Road, working off any charges?

Investiator Tripp Mays-cross by Littlejohn

1 A No, sir.

2 Q And now you stated to Mr. Littlejohn that
3 Frank Lee Wilson had \$300 in his pocket. How much
4 was taken out of the house?

5 A It was \$1,291 in the drawer in the middle
6 bedroom. There was \$2,700 in the front as you are
7 facing the residence, the front left bedroom.
8 Then there was two jugs of just assorted currency
9 in it.

10 Q And \$300 in his pocket. And a few
11 thousand inside the residence.

12 A That's correct.

13 Q Now you were asked if you examined, about
14 your examination of the dogs. Did you examine all
15 the dogs?

16 A No, sir.

17 Q Who did?

18 A Investigator Dubose and Investigator
19 Boland.

20 Q I am sorry.

21 A They went out and photographed and
22 documented on the diagrams for each dog.

23 Q And you stated the dogs were not placed up
24 for adoption. Why was that?

25 A According to, from my understanding,

Investigator Tripp Mays-redirect by Scott

1 the---

2 MR. LITTLEJOHN: Your Honor, I am going to
3 object if he doesn't know of his own personal
4 knowledge.

5 THE COURT: I'll sustain the objection.

6 Q Let's see, there was a part of the State's
7 Exhibit No. 21 that was pointed out to you.
8 Regarding, I believe the exact quote was:
9 "something about putting something on paper."
10 Here it is. "I don't know what was said, but
11 please don't nobody talk to these investigators,
12 because they put shit on the paper that people
13 don't say. And they try to reword everything."
14 Have you ever done that?

15 A No, sir.

16 Q Did you do that in this case?

17 A No, sir.

18 MR. SCOTT: That's all.

19 THE COURT: You may step down.

20 MR. LITTLEJOHN: Just a couple of things.

21 THE COURT: The way we have been
22 proceeding, really the proper way to do it,
23 direct, cross and redirect. And anything that he
24 brings up on redirect that is new material, you
25 are obligated to object to. So that is why

Investigator Tripp Mays-redirect by Scott

1 direct, cross and redirect.

2 MR. LITTLEJOHN: Thank you. I wasn't
3 familiar with the Court's ruling.

4 THE COURT: It is about dinner time, or
5 lunch time. So we are going to take a recess
6 until 1:30. Recess until 1:30. Do not discuss
7 the case with anyone. Come back immediately after
8 lunch and come directly to the jury room.

9 Mr. Foreman, once again, I am going to ask
10 that you enforce the rules, that will be no
11 discussions about the case. You may be excused to
12 the jury room.

13 (Whereupon, the following takes place
14 outside the presence of the jury.)

15 THE COURT: Mr. Scott, how many witnesses
16 do you have? And how many -- how long do you
17 think it will -- How much more do you have to do?

18 MR. SCOTT: Your Honor, that was probably
19 the longest. I have 11. Pertaining to the dogs
20 that will be, just kind of long. The dogs, he
21 has been indicted on for purpose of fighting. I
22 want to go over those particular animals and their
23 injuries with her. That may take a little bit of
24 time. But I think that will be my longest one. A
25 lot of these are going to be, questions or so from

Investigator Tripp Mays-redirect by Scott

1 me. And probably not a whole lot of cross on. So
2 I may be get done today if we go until Five.

3 THE COURT: Did the county kill those
4 dogs?

5 MR. SCOTT: No. Your Honor, that's what I
6 was getting at earlier. There was a hearing where
7 I think they opposed them putting them down. And
8 I was not the attorney of record.

9 THE COURT: That's kind of odd. I'm
10 just....

11 MR. SCOTT: They sued the county; they put
12 them down. Just found him not guilty.

13 THE COURT: I just find it odd where they
14 have got food and water here. And they take them
15 and kill them. I didn't know whether that's what
16 happened or not.

17 MR. LITTLEJOHN: I can tell you that the
18 magistrate ordered them destroyed as being
19 dangerous dogs. We appealed that and the Circuit
20 Court Judge James reversed the Magistrate's
21 ruling. And then the sheriff seized them as
22 evidence.

23 THE COURT: We will stand at ease until
24 1:30.

25 (Whereupon, the court takes a lunch

Investigator Tripp Mays-redirect by Scott

1 recess.)

2 THE COURT: Anything from the State before we
3 proceed?

4 MR. SCOTT: No, your honor.

5 THE COURT: Anything from the defense?

6 MR. LITTLEJOHN: No, Your Honor.

7 THE COURT: We are ready for the jury.
8 Counsel, approach the bench.

9 (Whereupon, the attorneys approach the
10 bench and confer with judge.)

11 (Whereupon, the following takes place
12 within the presence of the jury.)

13 THE COURT: Good afternoon. Mr. Scott,
14 you are recognized. You may call your next
15 witness.

16 MR. SCOTT: Thank you, Your Honor. The
17 state calls Agent Courtney Tarbell.

18 Courtney Tarbell, Being first
19 duly sworn, testified as follows:

20 THE COURT: Ms. Tarbell, have a seat in
21 that witness chair. I ask that you pull up real
22 close to that microphone. And speak loudly and
23 clearly and slowly. And I ask that you state your
24 full name for the record.

25 A Courtney Tarbell.

Investigator Tripp Mays-redirect by Scott

1 THE COURT: Thank you, Ms. Tarbell. Mr.

2 Scott, you recognized.

3 MR. SCOTT: Thank Your Honor.

4 Direct Examination by Mr. Scott:

5 Q What is your occupation, Ms. Tarbell?

6 A I am a state agent, and a victim services
7 coordinator.

8 Q For what agency?

9 A Probation and Parole.

10 Q And how long have you been employed by the
11 Office of Probation, Pardon and Parole?

12 A May will be four years.

13 Q What are your present duties? You said,
14 the victim services, is that correct?

15 A I handle all the victims for Florence and
16 Marion County.

17 Q In working at the Office of Probation,
18 Pardon and Parole is one of your duties to
19 occasionally assist in executing in Search
20 Warrants?

21 A Yes, it is.

22 Q Were you employed in your present capacity
23 on May 25th 2007?

24 A Yes, I was.

25 Q And what happened that date?

Agent Tarbell-direct by Scott

1 A We executed a Search Warrant.

2 Q What was the residence? What was the
3 address and residence you searched?

4 A 4915 Silo Road in Sumter.

5 Q Tell me how you came to be involved in
6 that search.

7 A The Sumter County Narcotics unit had
8 asked; requested our assistance.

9 Q Now is that residence located in Sumter
10 County?

11 A It is.

12 Q And whose residence is that?

13 A Mr. Gregory Wright.

14 Q Would you please go through and explain
15 what you observed when you went to 4915 Silo Road?

16 A I was one of the entry teams. So we had
17 a -- we were actually headed to the back. When
18 went through the fence back there, there were pit
19 bulls everywhere. A fire going. There was a two
20 story house in progress of being built. And then
21 a shed off to the side.

22 Q You said there was a fire going. And what
23 month was this done?

24 A It was in May of 07.

25 Q While in the yard, were you able to find

Agent Tarbell-direct by Scott

1 anything?

2 A Yes, sir. I had located a baggie of what
3 appeared to be crack, rock cocaine.

4 Q I want to show you what has been marked
5 State's Exhibit No. 4.

6 A That's it.

7 Q You recognize that?

8 A Yes, sir.

9 Q That's what you found? Where was this
10 baggie of substance located?

11 A It is a two story house. It was at the
12 back of it in between the shed and the house at
13 the far back there.

14 Q What was done with that baggie?

15 A Investigator Mays collected it and took it
16 into evidence.

17 Q Tell me what else you saw in that yard
18 area?

19 A Like I said, the pit bulls were there.
20 The fire was going. There were other people. You
21 know, going in various directions, being detained.
22 I also, I did not find, but I did observe the
23 scanners that were there near the shed. And then
24 I went into the shed after everybody was detained.

25 Q Would you describe those dogs?

Agent Tarbell-direct by Scott

1 A Some of them had big chains around them.
2 There was smaller puppies up inside the kennels.
3 The one that stood out to me the most was in the
4 very back. His face was so destroyed. And
5 basically gone insides. I mean they were barking
6 just up in the air. You know, with the back hind
7 legs just....

8 Q So what else was found in the yard? You
9 mentioned scanners. Was there anything else found
10 out there that you observed?

11 A Not that I observed personally, no. I
12 don't recall, I am sorry.

13 Q Were you able to locate anything in the
14 outbuildings that you described?

15 A Yes, in the shed I located a numerous
16 amount of narcotics. Inside a black jacket there
17 was a baggie of powder cocaine.

18 Q Wait a minute. You said shed. I am going
19 to show you State's Exhibit No. 11. Is this the
20 shed you are describing in one of these pictures?

21 A It's the bottom right, right here. That's
22 the shed.

23 Q Do you see it in that top picture there.

24 A Yes. The corner up there on the top.

25 Q Would you, I am sorry, go ahead and tell

Agent Tarbell-direct by Scott

1 me what you found in there.

2 A First I located a black jacket that had a
3 baggie of powder cocaine. At that point, I
4 notified Investigator Mayes who came in there and
5 took pictures, collected it and took it into
6 evidence. And then under that, there was a canvas
7 sack. It had a white paper bag in it, which also
8 had a bag of four like cookies that appeared to be
9 crack.

10 It also had a bag of what appeared to be
11 crack rock. Another baggie of what appeared to be
12 cocaine powder. And a green leafy substance in a
13 bag with marijuana and a smaller one also. And
14 black digital scales.

15 Q I am going to show you what is marked as
16 State's Exhibit No. 12. Do you recognize all
17 that?

18 A That would be the stuff in there.

19 Q Okay. Tell me what were those, let me
20 show you those two. State's Exhibit No. 13. Do
21 you recognize those?

22 A Those are cookies of crack.

23 Q That's crack?

24 A Yes.

25 Q In cookie form, I guess?

Agent Tarbell-direct by Scott

1 A Uh-huh. (Affirmative.) I'm sorry, but my
2 son is in the hospital and that's probably them
3 right now.

4 THE COURT: Let's take just a moment.

5 A It is fine. She was just notifying me
6 that they were there.

7 THE COURT: Okay.

8 A I am sorry about that.

9 Q I am sorry, I am trying to remember where
10 my displays are. I am going to show you this
11 baggie here. Do you recognize this?

12 A Yes. That's the cookies where they are a
13 little crumbled now. And the various drugs that I
14 day find that day.

15 Q Okay.

16 A The powdered cocaine, the crack rocks.

17 Q Okay. I have not marked this yet. Let me
18 show you. Do you recognize this?

19 A That would be the marijuana.

20 Q Where was all this found?

21 A All that was found in the shed in the
22 back.

23 Q What else besides the drugs, what else was
24 observed in that shed?

25 A It was a cot. It had a dirty Micky Mouse

Agent Tarbell-direct by Scott

1 bedspread on it. Also a microwave was in the
2 shed. Just junk. There was a bunch of trash in
3 there, like chicken bones. It was very
4 unsanitary.

5 Q Was there a toilet? Was there running
6 water in there?

7 A Oh, no, no, no. I mean, this was a shed.

8 Q Okay. Besides that yard area and the
9 shed, what else did you search?

10 A I was also asked to assist in the trailer
11 that was in the front. I went over to the front
12 middle bedroom. In which I found some currency in
13 one of the dresser drawers to the left when you
14 first walk in, where he has a closet.

15 Q So you located the cash that was in there?
16 You said it was in a dresser?

17 A Yes, sir.

18 Q Describe that room.

19 A When you walked in, there was a bed.
20 Right time you walked in. A dresser drawer to
21 your left against the wall. A stereo kind of
22 system down there, and a closet. There was a
23 bunch of men's clothing and shoes in the closet.

24 Q There were men's clothing and shoes in the
25 closet where you found the cash for the---

Agent Tarbell-direct by Scott

1 A Yes, sir.

2 Q I am going to show you State's Exhibit No.
3 16 and 17. Is that what you found?

4 A Yes.

5 MR. SCOTT: Your Honor, I am sorry. I
6 just had her describe a couple of things that have
7 not been labeled yet.

8 THE COURT: Take your time. I think the
9 stickers are on the left hand corner.

10 (Drugs marked State's Exhibit Nos. 24 and
11 25 for ID.)

12 Q Now that I have them labeled, let me, I
13 show you State's Exhibit No. 24 again. And what
14 is That?

15 A That's the cookies, the crack rock and the
16 cocaine.

17 Q Where was that found?

18 A In the shed.

19 Q Okay. This is State's Exhibit No. 25.
20 What is that?

21 A Both things of marijuana that was found in
22 the shed as well.

23 MR. SCOTT: Your Honor's that's all from
24 this witness. Please answer any questions
25 Mr. Littlejohn may have for you.

Agent Tarbell-direct by Scott

1 THE COURT: Cross Examination, Mr.
2 Littlejohn?

3 MR. LITTLEJOHN: Thank you, Your Honor.

4 Cross Examination By Mr. Littlejohn:

5 Q Ms. Tarbell, you're with Probation and
6 Parole?

7 A Yes, sir.

8 Q And you didn't go there because you are a
9 probation agent. You just went there to assist
10 Sumter County. Is that right?

11 A Yes. We assisted with the Search Warrant.

12 Q And you work in which counties?

13 A Now I work in Florence/Marion. At the
14 time I was in Sumter County.

15 Q You were in Sumter County?

16 A Yes, sir.

17 Q And all the drugs you found were either
18 behind the privacy fence or in the shed, is that
19 correct?

20 A They were, yes, sir, they were in the
21 shed.

22 Q To your knowledge, no drugs were found in
23 the double wide.

24 A Not to my knowledge. I came in after the
25 main search was basically done.

Agent Tarbell-cross by Littlejohn

1 Q And you said you went in to the middle
2 bedroom on the right. Is that correct?

3 A Well I came through the back door of the
4 trailer.

5 Q Okay.

6 A And you went left and it was in the
7 middle front. I think the front right was the
8 master bedroom if I am not mistaken.

9 Q And you said you found some cash in this
10 particular dresser.

11 A Yes, sir.

12 Q That was in that bedroom.

13 A Yes, sir.

14 Q There wasn't any gun found in that
15 bedroom?

16 A I don't recall. I don't know where the
17 gun was found, I am sorry.

18 Q And you say there was men's clothing in
19 this bedroom.

20 A Yes, sir.

21 Q And Mr. Scott showed you what has been
22 marked State's Exhibit No. 16 and 17. And No. 16,
23 that's the dresser drawer that you found the cash
24 in?

25 A Yes, sir.

Agent Tarbell-cross by Littlejohn.

1 Q And was the cash in that location when you
2 found it?

3 A Yes.. It was in the drawer, yes, sir.

4 Q Did you pull the drawers out one by one to
5 search what was in it?

6 A I did.

7 Q And that appears to be, and correct me if
8 I am wrong, a, not a very expensive chest of
9 drawers.

10 A I guess, no, sir. I mean, I don't know
11 much they cost.

12 Q And it has very short drawers, does it
13 not?

14 A I mean, they are probably like this, the
15 normal size drawer.

16 Q How about the depth of this drawer? Or
17 shorter?

18 A Two feet maybe. I am not sure. I don't,
19 I am kind of confused with where you are going
20 with that.

21 Q The depth of the drawers from the front to
22 the back of the drawers.

23 A If I had to guesstimate, I would say
24 2 feet.

25 Q Two feet. Okay, and that is your

Agent Tarbell-cross by Littlejohn

1 guesstimate. Okay, and that's where you say you
2 found some cash money.

3 A Yes, sir.

4 Q Along with men's clothing.

5 A Yes, sir.

6 Q You didn't found any drugs in that room.

7 A I did not, no, sir.

8 Q You didn't find a gun in that room.

9 A I did not no, sir.

10 Q Just a couple of final things. When you
11 went behind the privacy fence, you said there were
12 a number of dogs back there.

13 A Yes, sir.

14 Q And the way you described it, you said the
15 dogs were jumping?

16 A The ones I could see kind of in my vision,
17 you know, they were not jumping on us. They were
18 chained up.

19 Q Right.

20 A But I mean they were barking, you know,
21 and kind of jumping around.

22 Q But you all were strangers there, were you
23 not?

24 A Yes, sir.

25 Q And you said you saw some puppies?

Agent Tarbell-cross by Littlejohn.

1 A They were in cages.

2 Q Puppies in cages.

3 THE COURT: Redirect, Mr. Scott?

4 MR. SCOTT: Nothing from the State, Your
5 Honor.

6 THE COURT: Very good. You may step down.
7 You are free to leave at this time. Is there any
8 objection to her being excused?

9 MR. SCOTT: No, Your Honor.

10 MR. LITTLEJOHN: No, Your Honor.

11 THE COURT: You are free to go. I hope
12 your son does better.

13 A Thank you.

14 MR. SCOTT: Your Honor, may we approach?

15 (Whereupon, the attorneys approach the
16 bench and confer with the judge.)

17 THE COURT: We are going to take up a
18 legal matter with the attorneys at this time. I
19 am going to ask that you retire to the jury room.
20 Do not discuss this case in any way, shape or
21 form. Thank you for your patience.

22 (Whereupon, the following takes place
23 outside the presence of the jury.)

24 THE COURT: We will stand at ease for
25 about five minutes. We are ready for the jury.

Agent Tarbell-cross by Littlejohn

1 (Whereupon, the following takes place
2 Within the presence of the jury.)

3 THE COURT: Mr. Foreman, and Ladies and
4 gentlemen of the jury, thank you so much for your
5 patience. Mr. Scott, you are recognized.

6 MR. SCOTT: Your Honor, the State calls
7 Cindy Pierson.

8 Cindy Pierson, being first
9 duly sworn, testifies as follows:

10 THE COURT: Ms. Pierson, please come
11 around and have a seat in the witness chair over
12 here. I am going to ask that you pull up real
13 close to that microphone. And speak loudly,
14 clearly and slowly. I ask that you state your
15 full name, please, ma'am.

16 A Cindy C. Pierson.

17 Direct Examination by Mr. Scott:

18 Q Ms. Pierson, what is your occupation?

19 A I am with the Sumter County Sheriff's
20 Office, Evidence Technician along with Crime
21 Scene.

22 Q How long have you been employed with
23 Sumter County?

24 A 10 years.

25 Q And what are your present duties?

Cindy Pierson-direct by Scott

1 A I handle the evidence and crime scene.

2 Q Okay. And is one of your duties to
3 maintain custody of evidence collected by your
4 department?

5 A Yes, sir.

6 Q were done working as the evidence
7 custodian May 25th 2007?

8 A Yes, sir, I was..

9 Q Do you recall a search of a home on 4915
10 Silo Road?

11 A I do not recall the actual search. I was
12 not at the scene.

13 Q Did you have occasion to collect evidence
14 from that search?

15 A Yes, sir. They brought the evidence in to
16 me.

17 Q You have heard the evidence, or we heard
18 testimony of the evidence collected, and placed in
19 the drop box. What are your duties after evidence
20 is collected and placed in a drop box?

21 A Once they are placed in the drop box, I go
22 back the next day. Or the same day according on
23 the hours. I check the box and I retrieve it. I
24 log it in, and then I place it into a secured
25 location, in which I hold. Where it will be

Cindy Pierson-direct by Scott

1 transported to sled, or I hold until court.

2 Q What evidence were you able to collect
3 from the search at 4915 Silo Road?

4 A There was some drugs from that residence.
5 And there was also some other items.

6 Q What did you do with the drugs you
7 received?

8 A The drugs were transported to sled.

9 Q Okay, all of them? What types of drugs
10 did you receive?

11 A There was marijuana that was received and
12 inspected. Powder substance believed to be
13 cocaine. There was a baggie containing two
14 smaller bags containing a rock like substance
15 believed to be crack cocaine. And then there was
16 a baggie containing four white cookie like
17 substance believed to be crack cocaine. A baggie
18 containing a white powder substance believed to be
19 crack cocaine. A baggie containing a white powder
20 substance believed to be crack cocaine. A baggie
21 containing a white powder substance believed to be
22 crack cocaine. And there was large cigar tube
23 containing a white rock like substance.

24 Q Okay. Where was the marijuana sent?

25 A The marijuana was found in the house. We

Cindy Pierson-direct by Scott

1 have an individual that analyzed the marijuana.

2 Q Were these drugs, when you took them in,
3 were they labeled in any way?

4 A They were placed in a Best Kit. The
5 marijuana was placed in a, I believe, it was an
6 evidence bag or a manila envelope. I am not
7 exactly -- I don't remember exactly how it was
8 packaged. But the Best Kits are placed in a
9 sealed, tamper prove evidence bag before they are
10 dropped.

11 Q Let me show you what has been marked
12 State's Exhibit No. 24 and 25. Is this what you
13 are describing?

14 A Yes, sir.

15 Q And why is it put in these Best Kit bags?

16 A They are put in those bags to show that no
17 one has tampered with the drugs.

18 Q Did you maintain control and custody of
19 the crack and the cocaine that was recovered from
20 that scene until it was sent to a chemist?

21 A Yes, sir.

22 Q Did you maintain control and custody of
23 the marijuana that was found at that scene until
24 it was sent to a chemist?

25 A Yes, sir.

Cindy Pierson-direct by Scott

1 MR. SCOTT: That's all for this witness.

2 Please answer any questions Mr. Littlejohn may
3 have.

4 THE COURT: Cross Examination, Mr.
5 Littlejohn?

6 MR. LITTLEJOHN: I have no questions, Your
7 Honor.

8 THE COURT: Very good. Might this witness
9 be excused?

10 MR. SCOTT: Yes, sir, your honor.

11 THE COURT: You are free to leave. Thank
12 you so much. Call your next witness.

13 MR. SCOTT: The State calls Mitchell
14 Hansen.

15 THE CLERK: The next witness had to go
16 back to the office to get some different file.

17 MR. SCOTT: Your Honor, the State calls
18 Angela Boland.

19 ANGELA BOLAND, after being duly sworn,
20 testified as follows:

21 THE COURT: MS. Boland, I am going to ask
22 you to come around here and have a seat in the
23 witness chair. I am going to ask you to pull up
24 real close to the microphone. And speak loudly,
25 clearly and slowly so everyone can hear what you

Cindy Pierson-direct by Scott

1 have got to say. And I ask that you state your
2 full name, please.

3 A Yes, sir. Angela K. Boland. B-O-L-A-N-D.

4 Direct Examination by Mr. Scott:

5 Q Ms. Boland, what is your occupation?

6 A I'm an investigator with the Sumter County
7 Sheriff's Office.

8 Q How long have you been employed by that
9 agency?

10 A I'm with Sumter County since March of 06.
11 I have been with law enforcement since 98.

12 Q What are your present duties?

13 A Currently I'm an investigator with
14 narcotics. And I'm also assigned to internet
15 crimes.

16 Q Have you ever been involved in a case, in
17 a case involving the seizure of animals?

18 A Yes.

19 Q Were you employed in your present capacity
20 on May 25th 2007?

21 A Yes.

22 Q Were you aware of what happened on that
23 date?

24 A You said, May 27th?

25 Q No, I am sorry. If I did, I meant May

Angela Boland-direct by Mr. Scott

1 25th 2007?

2 A That would have been the day that they
3 executed a Search Warrant at Greg Wright's house.
4 I wasn't present for the Search Warrant. I just
5 remember hearing about it.

6 Q And what was seized from the property?

7 A Among other things, there was I think
8 there was 41 or 42 pit bull dogs.

9 Q How did you become involved in the
10 investigation?

11 A When I came back, I was on vacation that
12 week. And when I came back to assist Investigator
13 Mays and went out to photograph and document each
14 of the animals seized.

15 Q And where were the dogs when you saw them
16 first?

17 A They were housed at the -- there was two
18 different places. Some of them were housed at our
19 animal shelter at our pound. And the others were
20 housed in a building by Guinyard Animal Clinic.

21 Q Do you recall the date that you examined
22 them?

23 A Not off the top of my head. I would have
24 to look at my notes.

25 Q Could you explain briefly how you

Angela Boland-direct by Mr. Scott

1 documented these animals?

2 A We had work sheets drawn up with figures
3 of dogs. And to try to do it the best we could,
4 we would put a number an SCSO, and then a number
5 on the card. If it was at the animal shelter,
6 they have a card on the cages. And we would
7 correspond that number with the sheet. And then
8 we just document -- photograph and document what
9 visible injuries there were on that form.

10 Q Okay. What was the purpose of assigning
11 numbers to the dogs?

12 A To try to distinguish between all the
13 dogs. There were so many. And we were trying to
14 go back. And we were able to tell which dog went
15 with which piece of paper. Which photographs went
16 with which paper.

17 Q Let me show you what's been premarked for
18 identification State's Exhibit No. 32. No. 32,
19 what is that?

20 A This is the one of the papers that we did
21 on this blank like this. We fill in the
22 information on each one. This would have been on
23 the dog that was marked No. 1.

24 Q That's dog No. 1?

25 A Correct.

Angela Boland-direct by Mr. Scott

1 Q And I see some marks on some of these. On
2 the diagram portion. What is that about?

3 A The marks that we put like I put here and
4 here and on the arms and nose, those would have
5 been the areas that I could see visible injuries
6 at the time we were looking at them. And then if
7 there was anything extra about it, I would make a
8 note down here. Here I indicated there were scars
9 on the chest and shoulder. And on the front legs.

10 Q And which dog was that?

11 A I believe it says No. 1.

12 Q What is this next page in that exhibit?

13 A Right here this is a picture. This dog
14 would have been at the animal shelter. And this
15 card is what is held at each cage to identify for
16 our animal control people. This SCSO-1 that was
17 the number we wrote. Myself and investigator
18 Dubose when we were documenting the animal that
19 corresponded with the dog 1 on the sheet. And
20 that's how we separated them.

21 Q Is there another attachment to that
22 exhibit?

23 A There is a picture of the dog here.

24 Q Who took those pictures?

25 A Investigator Dubose was taking those

Angela Boland-direct by Mr. Scott

1 photographs while we documented.

2 Q Okay, does that picture depict what you
3 saw when you examined the dogs on that day?

4 A Yes.

5 MR. SCOTT: Your Honor, the State would
6 offer Exhibit No.---

7 A 32.

8 MR. SCOTT: ---for admission in to
9 evidence.

10 THE COURT: Any objection from the
11 defense?

12 MR. LITTLEJOHN: Your Honor, may we
13 approach the side bar?

14 THE COURT: Certainly.

15 (Whereupon, the attorneys approach the
16 bench and confer with attorneys.)

17 THE COURT: Any objection from the
18 defense?

19 MR. LITTLEJOHN: For the record, I would
20 object on the basis that there has been no --
21 there has not been a proper foundation to show
22 that the scars were injuries that this lady
23 observed that occurred on or about that May 25th
24 2007.

25 THE COURT: I am going to admit this in to

Angela Boland-direct by Mr. Scott

1 evidence over the defense's objection. Your
2 objection is noted.

3 MR. SCOTT: Your Honor, also as I enter
4 these, I would ask to publish them to the jury.

5 THE COURT: Very good. 32.

6 MR. LITTLEJOHN: Your Honor, just for the
7 record, excuse me. There are a number of these.
8 May my objection continue as to all these
9 exhibits?

10 THE COURT: Yes.

11 (Diagram photos of dogs marked State's
12 Exhibit No. 32 into evidence.)

13 Q And I am going to show you what is
14 premarked State's Exhibit No. 33, and I ask you to
15 take a look at this.

16 A Yes, sir.

17 Q Same thing, would you please identify
18 that?

19 A This would have been the same paperwork
20 that y'all see. That is uniform throughout. This
21 was marked dog No. 3. And this particular dog, I
22 did indicate was aggressive towards people. And I
23 showed the scars and the marks that he had on his
24 front, left front leg. And on his muzzle area.
25 He had extensive muzzle damage, is what I

Angela Boland-direct by Mr. Scott

1 indicated. Then I looked, there again, you will
2 see SCSO-3, which is our mark for it. And this
3 is the dog. A picture of the dog, which the
4 majority of his muzzle was gone. And that's what
5 each of these pictures.

6 Q Thank you.

7 MR. SCOTT: Your Honor, the State would
8 offer Exhibit No. 33 for admission into evidence.

9 THE COURT: Same objection from the
10 defense?

11 MR. LITTLEJOHN: Yes, Your Honor.

12 THE COURT: Your objection is noted. And
13 it is introduced into evidence over defense's
14 objection.

15 (Diagram of dogs marked State's Exhibit
16 No. 33 into evidence.)

17 Q I show you State's Exhibit No. 34. Do you
18 recognize that?

19 A Yes. It's the same paperwork we marked
20 No. 6. It shows some marks on his back. Again,
21 SCSO-6 and the injuries that we are discussing
22 right here on his back in this photograph.

23 Q Thank you. State would offer Exhibit No.
24 34 for admission in to evidence.

25 THE COURT: Same objection?

Angela Boland-direct by Mr. Scott

1 MR. LITTLEJOHN: Yes, Your Honor.

2 THE COURT: Well I understand your
3 objection is going to run throughout these
4 exhibits. And I am going to protect you on the
5 record in that regard. Your objection is noted on
6 each of these.

7 (Diagram of dogs marked State's Exhibit
8 No. 34 into evidence.)

9 Q I show you what has been marked State's
10 Exhibit No. 35.

11 A This is marked dog 10. This one had a
12 large collar and old scars on his left ear, front
13 paw. SCSO-10. Several pictures of the dog with
14 scarring on his ear. And again on his ear. We're
15 trying to get the paws there on his head and his
16 ear. Some of it again was difficult, because we
17 did not get into the cages with the animals. We
18 were trying to take from over and through the
19 fencing.

20 MR. SCOTT: The State would offer 35 for
21 admission in to evidence.

22 THE COURT: For the record, how many of
23 these reports do you have?

24 MR. SCOTT: These will be the dogs listed
25 in the indictment. 32-46.

Angela Boland-direct by Mr. Scott.

1 THE COURT: 32-46 they are in to evidence
2 subject to the defense's objection. You are
3 protected in that regard. And they are in to
4 evidence.

5 (Diagrams of dogs marked State's Exhibit
6 Nos. 32-46 into evidence.)

7 MR. SCOTT: I would like Detective Boland
8 to go through those.

9 THE COURT: You may elicit whatever
10 testimony you would like.

11 Q I show you what is State's Exhibit No. 37
12 moved into evidence.

13 A This is indicated dog No. 13. I show a
14 lot of head and muzzle and neck injuries on this
15 particular one. And SCSO-13. In the pictures you
16 can see some of the facial scarring here a little
17 bit on his head. A little bit closer you can see
18 some of the scarring through his head and ears.

19 Q Thank you. I skipped one. Let me show
20 you State's Exhibit No. 36. It's moved into
21 evidence.

22 A Okay, this is dog No. 12. There is a
23 large growth on the right rear hind quarter. Or
24 deformed left front leg and extensive scarring on
25 his face and muzzle. That's SCSO-12. This one

Angela Boland-direct by Mr. Scott.

1 you can see the face or darker spots here are all
2 going to be the scarring. You can the deformed
3 paw or scarring throughout his muzzle, throughout
4 his facial area. And again, we were not able to
5 get the growth. You see the bite in that picture
6 there. But we were unable to get him to
7 cooperate, to turn around so we could get the
8 picture of this.

9 Q Thank you. State's Exhibit No. 38.

10 A This is a marked dog 15. I show like his
11 neck area here, there is a lot of scarring. Both
12 of his ears. The top of his muzzle. And It looks
13 like his right front paw. SCSO-15 you can see the
14 marks here on his ears. The camera is hard to
15 show through here, but this is where the scarring
16 is done on his neck under here. And through here
17 you can see where it extends out where some of the
18 scars are at.

19 Q State's exhibit No. 39.

20 A This one indicated the orange collar. It
21 looks like the majority of the scarring is on his
22 back and muzzle area. I'm sorry, marked dog
23 No. 21. SCSO-21. And this one you can see some
24 of it on his muzzle on his face. And there is
25 some of the scarring across his back where he is

Angela Boland-direct by Mr. Scott

1 missing perhaps hair or perhaps. And All the way
2 down through his back area. I apologize. I keep
3 smacking the mic with the papers.

4 Q State's Exhibit No. 40.

5 A This one is mark No. 23. This is a very
6 small dog. I indicated had scarring again under
7 his neck area. And on his left ear and
8 face marked 23 on here. You can see the scars
9 through there. And on his face, I couldn't get a
10 good shot of his neck area in that one.

11 Q Thank you. State's Exhibit No. 41.

12 A This is a dog No. 24. It looks like under
13 his leg on this one, 24. And you can see the
14 open. He had more of a fresh wound or she. Male.
15 He has more of a fresh wound if you look on the
16 inner part of his leg. And it's kind of up in
17 here.

18 Q Thank you. State's Exhibit No. 42.

19 A Third is marked dog No. 26. The scars
20 covered this particular, it's a female. Covered
21 her back and rear. So I marked across the back of
22 the dog. No. 26, you can see down through her
23 patches of hair are missing all throughout her
24 back area. A little bit closer shot with some of
25 the larger scars on the other side back by her

Angela Boland-direct by Mr. Scott

1 hind quarters across her back there. That's
2 another overall view where you can see some of the
3 scarring there.

4 Q State's Exhibit no. 43.

5 A This one is dog No. 29. I am showing
6 scarring on his neck. Now this one is going to be
7 marked a little bit different. These are some of
8 the dogs that were housed at the Animal -- the
9 Guinyard Animal Clinic; of her back. Because they
10 don't have the same cards like our animal control.
11 We held the sheet up, a separate sheet where we
12 had marked the name and folded up. And that's
13 what we put their number on there when we took the
14 picture to kind of identify it rather than the
15 same little card. And here is the scarring of
16 this underneath his neck.

17 The ones that are there that were a little
18 more friendly, this one that's how we were able to
19 get in and get a closer shot, because of the
20 caging systems were a little different and we were
21 able to do that.

22 Q State's Exhibit No. 44?

23 A This is marked dog No. 33. Scarring that
24 shows on the underside the neck and the shoulder
25 area. And on his right outer leg. This is going

Angela Boland-direct by Mr. Scott

1 to be faint. This is another one at the Guinyard
2 Animal Clinic where we held the card up with a
3 number on it. This is the dog here. You can see
4 here some of the pinkish red. This one must have
5 had some of the fresher scars on him. Or I am
6 sorry, maybe this was the female. You can see the
7 scarring in the pictures here. And through here.
8 All of this is discoloration where her hair is
9 missing.

10 That's where it had been wounded back
11 here. You can see it along the shoulder. All of
12 these deep lines here. And again, over the ears.
13 Some were spots here.

14 Q State's Exhibit No. 45.

15 A This one I marked dog No. 36, right
16 collar. I had indicated there was extensive
17 scarring. This showed mostly around the neck, the
18 shoulders, ears, and muzzle area. There is a
19 card. Again it's a little more difficult on these
20 copies to see. Here is a red collar. You can see
21 some of the deep older scars around the muzzle
22 here. On the facial areas here, you can see down
23 there on his front leg. Across around his eyes.
24 Across the top of his muzzle. And you can --
25 there is a better shot of the leg down here. And

Angela Boland-direct by Mr. Scott

1 this you can see the this portion of the muzzle
2 here where the scarring. And then an overall shot
3 of the leg down there.

4 Q Thank you. And finally State's Exhibit
5 No. 46.

6 A Okay. This dog was marked No. 37. I
7 indicated the dog was thin. Apparently it was
8 very thin. Had scarring under the neck, ears and
9 muzzle area. Again, this one would have been at
10 the Guinyard Animal Clinic, which this is the
11 card. You can see the hip bones, the back
12 bones, the ribs where the dog is so thin. The
13 facial, you can extensive scarring. Not even a
14 close up shot. Some old injuries to his front
15 legs here. And that's a little closer where you
16 can see his degree of scarring on his face and his
17 ears. He is missing pieces of his ear.

18 Q Thank you. How did these dogs interact
19 with one another?

20 A They were very aggressive with one
21 another. The majority of them were fine with
22 humans. And we were able to get close to them.
23 But especially in pounds, because they were so in
24 cages next to each other. That's the reason why
25 we couldn't open up and go in, Is they would be

Angela Boland-direct by Mr. Scott

1 extremely aggressive towards one another. They
2 would be fighting at the cages trying to get to
3 the dog across. If they heard the dog next to
4 them, they would be trying to go after them.

5 MR. SCOTT: Thank you, Ms. Boland. Would
6 please answer any questions Mr. Littlejohn may
7 have?

8 THE COURT: Mr. Littlejohn.

9 MR. LITTLEJOHN: Thank you, Your Honor.

10 Cross Examination by Mr. Littlejohn:

11 Q Ms. Boland, you were not there on May 25th
12 when the dogs were seized.

13 A Correct.

14 Q How many dogs were seized?

15 A I would have look back at my notes. I
16 believe it was 41, 42. Without the notes in front
17 of me, I couldn't tell you.

18 Q You think it was 41 or 42?

19 A Roughly in that area, yes.

20 Q Were you involved in transporting the dogs
21 from Silo Road to the animal control facility of
22 Guinyard?

23 A No, Sir, I was not.

24 Q Do you know how they were transported?

25 A No, sir.

Angela Boland-cross by Littlejohn

1 Q You don't know whether they were
2 transported together or not.

3 A I have no idea how that occurred.

4 Q Now you presented diagrams of 15 of these
5 dogs.

6 A There was 14 that were presented. How
7 many of them, yes, sir.

8 Q I believe my count was 15, if I am wrong,
9 I stand to be corrected. But that leaves 27 dogs.

10 A Correct.

11 Q That were not presented to the jury, is
12 that right?

13 A Correct.

14 Q And the scars that you indicate you saw,
15 you don't know how those scars came to be on those
16 dogs.

17 A No.

18 Q You don't know how those dogs acquired
19 those scars before they were in the possession of
20 the defendant?

21 A No, I can't speak how they were. Some
22 were fresh, but some were old.

23 Q But the scars were visible scars. They
24 could have been there for some time period.

25 A It's possible.

Angela Boland-cross by Littlejohn

1 Q Okay. The two that you said had visible
2 injuries, you don't know how they came to those
3 visible injuries, do you.

4 A No, I don't.

5 Q And, Ms. Boland, you really don't have any
6 kind of time frame to tell us when those injuries
7 might have been sustained by any of these dogs.
8 Is that a safe statement?

9 A Yes.

10 Q And, Ms. Boland, when did you examine
11 these dogs?

12 A I would have to look at my -- look at the
13 sheet again to get the dates. The date should be
14 on the sheets as to when. I believe it was the
15 following week. It may have been a few days.

16 Q The information I have says, 5/29/07, does
17 that sound correct?

18 A Yes, sir. That would have been the
19 following week.

20 THE COURT: Any redirect?

21 MR. SCOTT: None, Your Honor. That's all
22 for this witness.

23 THE COURT: Any objection to this witness
24 being excused?

25 MR. SCOTT: None from the State, Your

Angela Boland-cross by Littlejohn

1 Honor.

2 THE COURT: You are free to leave. Thank
3 you, ma'am.

4 A Thank you.

5 THE COURT: You may call your next
6 witness.

7 MR. SCOTT: The State is going to call
8 Mitchell Hansen again.

9 Mitchell Hansen, after
10 being first duly sworn, testified as follows:

11 THE COURT: Mr. Hansen, please come around and have a
12 seat in the witness chair located right over here. I ask
13 you to speak loudly and clearly into that microphone.
14 State your full name for the record.

15 A Mitchell Hansen.

16 THE COURT: Thank you, sir.

17 Direct Examination by Mr. Scott:

18 Q Mr. Hansen, what is your occupation?

19 A I am chemist for a Sumter County Sheriff's
20 Department.

21 Q How long have you been employed by the
22 Sheriff's Department here?

23 A Two years and two months.

24 Q And what is your position, a Chemist?

25 A A Drug Chemist, Drug Analyst.

Mitchell Hansen-direct by Scott

1 Q What are your duties as a Drug Chemist?

2 A I test suspected drugs for controlled
3 substances.

4 Q And what type of training must you have to
5 qualify for your position at the Sheriff's Office?

6 A I have an Associate's of Science, and an
7 Associates's in Arts. I have a bachelor in
8 Chemistry from Francis Marion University. I
9 received training from sled for about 6 or 7
10 months with the drug analysis training. From
11 there we trained and also and we tested drugs
12 under supervision and also had training in basic
13 law enforcement from the Department of South
14 Carolina Criminal Justice Academy.

15 Q Have you had occasion to chemically
16 analyze substances to determine whether the
17 substance is or contains a narcotic?

18 A Yes.

19 Q How many times?

20 A Over the past year, or the whole,
21 everything?

22 Q As long as you have been doing what you
23 do?

24 A I probably have tested probably 15-1600
25 cases.

Mitchell Hansen-direct by Scott .:

1 Q Have you had any occasion to chemically
2 analyze substances and determine whether the
3 substance contains marijuana?

4 A Yes.

5 Q How many times?

6 A Probably about 800.

7 Q Okay. Do you make analyzes as a regular
8 part of your duties?

9 A Yes.

10 Q Have you had an occasion to qualify as an
11 expert in this area in any Court in General
12 Sessions?

13 A I have in Federal Court.

14 Q Okay. How many times?

15 A Once.

16 Q Did you actually testify?

17 A Yes.

18 MR. SCOTT: Your Honor, the State moves
19 that Mr. Hansen be declared as an expert in the
20 field of Chemistry and analysis of narcotics.

21 THE COURT: Any query with regard to his
22 qualifications?

23 MR. LITTLEJOHN: No, Your Honor.

24 THE COURT: Mr. Foreman, and Ladies and
25 gentlemen of the jury, normally when a witness

Mitchell Hansen-direct by Scott

1 takes the witness stand, they can testify as to
2 things they see, hear and feel. Things they
3 observe with their own senses. An expert witness
4 is different from that in that they have some
5 special training or knowledge in a certain area.
6 And when they are qualified as an expert, they are
7 able to render their opinion within that field of
8 expertise. Just by virtue of the fact that an
9 individual is qualified as an expert doesn't mean
10 that you have to believe what they testify to, or
11 believe their opinions.

12 They like everyone else, are subject to
13 your scrutinies, the believability. And I will
14 charge you in greater detail with regard to how
15 you are to consider expert witnesses at the
16 conclusion of the trial. Mr. Scott, you are
17 recognized.

18 Q Mr. Hansen, I show you what has been
19 marked for purposes of ID as State's Exhibit No.
20 25. Would you please examine that? Based upon
21 your experience and training, do you have an
22 expert opinion as to what that is?

23 A That is the drugs that I have tested for
24 controlled substances.

25 Q How can you identify that?

Mitchell Hansen-direct by Scott

1 A By my initials. I initialed every piece
2 of evidence I touched.

3 Q Okay.

4 A And also I sealed the bag and dated it on
5 the inside, and I sealed it.

6 Q How did that exhibit come in to your
7 possession?

8 A I believe I received that from Cindy
9 Pierson.

10 Q And Cindy Pierson is who?

11 A The evidence custodian.

12 Q Has that exhibit been continuously under
13 your care, custody and control?

14 A I am sorry?

15 Q Is that continuously under your care?
16 What happens after you test it? I am sorry.

17 A Once I am done testing it, I return it
18 back over to evidence.

19 Q Okay. Is that exhibit in the same
20 condition now as when it was when first received
21 by you?

22 A Yes.

23 Q For what purpose did Cindy Pierson give
24 you that exhibit?

25 A For testing controlled substances.

Mitchell Hansen-direct by Scott

1 Q And what was the overall weight of that?

2 A Overall weight is 26.6 grams.

3 Q On what occasion did you make your
4 analysis?

5 A I did a chemical test and a microscopic
6 test.

7 Q And when was that?

8 A May 30th 2007.

9 Q In those tests were you able to perform an
10 expert opinion as to what that exhibit is or
11 contains?

12 A Yes.

13 Q Please state your opinion.

14 A It is marijuana.

15 Q What is the basis of your opinion?

16 A I did the chemical test and a microscopic
17 test on all the items.

18 MR. SCOTT: Your Honor, the State offers
19 Exhibit No. 25 for admission into evidence.

20 THE COURT: Any objection from the
21 defense?

22 MR. LITTLEJOHN: Your Honor, just for
23 clarification, I thought Exhibit No. 25 is another
24 exhibit.

25 MR. SCOTT: I think Mr. Littlejohn is

Mitchell Hansen-direct by Scott

1 referencing my initial previously.

2 THE COURT: Is there an Exhibit No. 25
3 that has already been introduced?

4 MR. SCOTT: No, Your Honor.

5 THE COURT: In view of that, is there any
6 objection other than the fact that it might not be
7 numbered properly?

8 MR. LITTLEJOHN: No, Your Honor. I have
9 no objection. I was just trying to clarify for my
10 records which numbers coincided with which
11 exhibits.

12 THE COURT: Exhibit No. 25 is in to
13 evidence without objection from the defense. We
14 will specify for the record that Exhibit No. 25 is
15 the purported marijuana.

16 (Marijuana marked States's Exhibit No. 25
17 into evidence.)

18 MR. SCOTT: That's all for this witness,
19 Your Honor. Please answer any questions
20 Mr. Littlejohn might have.

21 THE COURT: Any cross examination,
22 Mr. Littlejohn?

23 MR. LITTLEJOHN: No, Your Honor. Thank
24 you.

25 THE COURT: Any objection to this witness

Mitchell Hansen-direct by Scott

1 being excused?

2 MR. SCOTT: None from the State, Your
3 Honor.

4 MR. LITTLEJOHN: None from the defense.

5 THE COURT: Thank you, sir. Now,
6 Mr. Foreman and Members of the jury, now once
7 again I am going to ask that you retire to the
8 jury room for just one moment. And if you need
9 another coke, I am sure the clerk will provide
10 that for you. And do we have any smokers on the
11 jury? We have got one. The bailiff is going to
12 allow you to go out and smoke a cigarette. And
13 those of you that might want a breath of fresh
14 air, and so you won't be cooped up in the jury
15 room, feel free to go out and take a fresh air
16 break as well. But do not discuss the case with
17 anyone. Thank you for your patience. We will
18 stand at ease for 5 minutes.

19 (Whereupon, the court takes a short
20 recess.)

21 THE COURT: You may bring the jury.

22 (Whereupon, the following takes place
23 within the presence of the jury.)

24 THE COURT: We are ready to proceed, Mr.
25 Scott.

Mitchell Hansen-direct by Scott

1 MR. SCOTT: The State calls Dr. Lynn
2 Hawkins.

3 Dr. Lynn Hawkins, being first
4 duly sworn testified as follows:

5 THE COURT: Dr. Hawkins, please come
6 around. I ask you to have a seat in that witness
7 chair. I am going to ask you to pull up to
8 microphone and speak loudly and clearly and
9 slowly. Once again, I am going to ask you to
10 state your full name.

11 A Dr. Lynn Hawkins.

12 THE COURT: Very good. Thank you.

13 Direct Examination by Mr. Scott:

14 Q Thank you, Dr. Hawkins. What is your
15 occupation?

16 A A Veterinarian in Sumter. And I have been
17 in practice here since 1983.

18 Q Okay. Roughly 25 years?

19 A Yes. And I have a mixed animal practice.
20 I have been treating dogs, cats, and horses. I
21 also do work for the SPCA in Sumter.

22 Q Okay. And you said you are licensed in
23 this state.

24 A Yes.

25 Q You have practiced here in this state---

Dr. Lynn Hawkins-direct by Scott

1 A Yes.

2 Q ---25 years?

3 A That's correct.

4 Q Okay. And where did you get your
5 undergraduate education?

6 A University of Georgia.

7 Q And what was your degree in?

8 A Doctor of Veterinary Medicine. And I went
9 to Clemson University before that. And I have a
10 Bachelor of Science in Animal Industries.

11 Q How many years did it take to complete the
12 veterinary school?

13 A 8 years.

14 Q 8 years. Since that time, where have you
15 practiced? Since graduating Vet. School?

16 A Here. I opened Guinyard Animal Clinic
17 when I graduated.

18 Q Okay. Is the nature of your practice, I
19 think you got in to that a minute ago. Is it
20 specialized in any way or is it a more of a
21 general practice?

22 A General practice. And we see primarily
23 dogs and cats.

24 Q Okay. Have you had the opportunity to
25 work in animal cruelty investigations?

Dr. Lynn Hawkins-direct by Scott

1 A Yes. I have helped with the animal board
2 and helped with the Sumter SPCA. And I have
3 helped some with Clarendon County SPCA. And I
4 have worked with the Sumter County animal control.

5 Q What is SPCA?

6 A That's a Society for the Prevention of
7 Cruelty to Animals.

8 MR. SCOTT: Your Honor, the State would
9 move that Dr. Lynn Hawkins be declared an expert
10 in the practice of Veterinary Medicine and Animal
11 Cruelty.

12 THE COURT: Mr. Littlejohn.

13 MR. LITTLEJOHN: Your Honor, I am not
14 familiar with the field of animal cruelty. I will
15 certainly agree she is qualified as a
16 Veterinarian.

17 THE COURT: I would agree. And I am
18 willing to qualify her in the area of Veterinary
19 Medicine. Ladies and Gentlemen of the Jury, once
20 again, normally a person cannot give opinion
21 testimony. Normally when a person testifies they
22 must testify as to what they saw, heard or sensed
23 by smell. However, there is an exception when
24 someone is qualified because of education or
25 experience. They are permitted to give their

Dr. Lynn Hawkins-direct by Scott

1 opinions to certain areas if the court qualifies
2 them that way.

3 This witness will be qualified in the area
4 of Veterinarian Medicine to give opinion testimony
5 in that area. That does not mean that you must
6 accept that opinion but is evidence for you to use
7 in any way you see fit in trial. Mr. Scott.

8 Q During your 25 years in practice, have you
9 had occasion to treat many pit bull dogs?

10 A We have over 2,000 pit bulls in our client
11 base as a practice. Quite a few in Sumter County.

12 Q Are you familiar with the search at 4915
13 Silo Road here in Sumter County,---

14 A Yes.

15 Q ---where 41 dogs were seized?

16 A Yes.

17 Q Okay. Were any of these dogs taken to
18 your office?

19 A Yes. When they picked the dogs up, they
20 brought them to, we have a, I call it the old
21 clinic, where I opened the practice and still had
22 those kennels for overflow. And that building is
23 next door. They picked those dogs up and brought
24 them to our overflow clinic that is next door
25 until they could arrange for a place to keep them.

Dr. Lynn Hawkins-direct by Scott

1 But they wanted to pick them up right away. And
2 where we saw them immediately after they were
3 picked up.

4 Q Did you come to learn who owned the dogs?

5 A Yes.

6 Q Who was that?

7 A Mr. Greg Wright.

8 Q I am going to show you what is marked in
9 to evidence as State's Exhibit No. 32. If you
10 would look at the picture, Dr. Hawkins, what are
11 you observing in those pictures?

12 A On this dog, it has bite marks, scratches,
13 and a big puncture wound on his face, muzzle,
14 around the neck and on the upper parts of his
15 legs.

16 Q Are the location of those injuries
17 significant to you as a Veterinarian in any way?

18 A Those are where---

19 MR. LITTLEJOHN: Your Honor, I hate to
20 interrupt the doctor, but I don't know whether her
21 opinion is based on the photographs or her
22 examination of that particular dog.

23 A This right now is on this photograph.

24 THE COURT: Once again, he's actually
25 making an objection. I need to rule on that.

Dr. Lynn Hawkins-direct by Scott

1 And then we will allow you to answer the proper
2 query. Your objection is lack of foundation, I
3 assume.

4 MR. LITTLEJOHN: Yes, Your Honor, if she
5 examined the dogs, that is one thing. But if she
6 is just going by a picture, you know, where she
7 never examined the dog, then I would have a
8 problem where the proper foundation has been laid
9 for her rendering an opinion.

10 THE COURT: I will ask Mr. Scott if he
11 could, to ask what her knowledge with regard to
12 these dogs are.

13 Q What is your knowledge of the 41 pit bulls
14 that were seized?

15 A I saw them as soon as they were picked up.
16 And also I went to -- with the animal investigator
17 officer from the Sheriff's Department. And we
18 went from dog to dog. And numbered each dog, and
19 made these papers. Marked these papers at that
20 time. So these papers are numbered to match the
21 picture, and we actually did these markings in
22 front of the live dog.

23 Q Okay. Thank you. Are the location of
24 those injuries significant to you in any way?

25 A Yes. When the dogs fight, especially,

Dr. Lynn Hawkins-direct by Scott

1 well most breed of dogs when they fight, they will
2 have bite marks. One will submit, and they have
3 bite marks on their belly. Or they will have bite
4 marks on their rear end.

5 MR. LITTLEJOHN: Your Honor, I hate to
6 keep objecting. She has been qualified as a
7 Veterinarian. I don't know that she can qualify
8 to render an opinion in this area.

9 THE COURT: I think it's actually within
10 her field of expertise to diagnose injuries to
11 dogs. If there is such a thing as an injury which
12 is particular to a fight; I am going to allow her
13 to testify to that regard. You will have ample
14 opportunity to cross examine her in that regard.

15 A Also, I don't know if this may help some
16 of his questions. I also took the Veterinary
17 Forensics Program in North Carolina for
18 certification for---

19 Q And what did that course consist of?

20 A They went over identifying marks. The
21 signs of cruelty and what the different marks
22 mean. Different equipment things and things like
23 that. And taking records and everything.

24 Q And who was that taught by?

25 A It was taught by the professor, I don't.

Dr. Lynn Hawkins-direct by Scott

1 remember her name; that teaches that at the
2 University of North Carolina.

3 Q Are the location of those injuries
4 significant to you in any way?

5 A Yes. This -- they are typical of a
6 fight -- dogs that fight that have an instinct and
7 breeding to fight. Because they will fight face
8 to face. And they will try to push each other
9 off, because they get to mark, bite on the legs.

10 Q Do you have an opinion as what caused that
11 injury?

12 A. The dog fighting. The big marks you can
13 recognize as fang teeth punctures and scars. And
14 you can -- well from seeing a lot of them that I
15 have seen over the years, you just recognize the
16 shape of them, but you can also tell because they
17 are, almost all of them are in pairs.

18 Q Thank you. I am going to show you what
19 has been entered into evidence as State's Exhibit
20 No. 33. Again, would you please state what you
21 observed in those pictures? As far as what you
22 observed when you examined the dogs.

23 A This dog has a big scar all the way across
24 the nose. And has a wide scarring and hair loss
25 around the neck where the dogs had a wide collar

Dr. Lynn Hawkins-direct by Scott

1 on. And it caused injury to the next there. And
2 his right front leg, the foot is infected. And
3 there is bite marks all the way down the leg.

4 Q May I see that picture, please? Have you
5 had occasion to treat a dog for a snake bite?

6 A Yes. A snake bite wouldn't be in a
7 straight line. The snake venom causes the tissue
8 to necrose or rot away. So it would rot away in a
9 more rounder or diffuse sort of like it bites it,
10 and then it just oozes out. Whereas this is, you
11 can see a straight mark across here. It would
12 diffuse in a straight line.

13 Q Again, is the location of that particular
14 animal's injuries significant to you?

15 A Yes, it's part of his lip has been torn
16 off.

17 Q Okay. Do you have an expert opinion as to
18 what caused that injury?

19 A They look like dog fights. I have seen 3
20 or 4 dogs that looked like this where they fought
21 through the fence. And also, but not with the leg
22 injury, you know, where they have torn the lip
23 off. But the neck is caused by a wide collar, and
24 pushing against it, or pulling weights. Because
25 they have to have a lot of pressure on that wide

Dr. Lynn Hawkins-direct by Scott

1 collar to cause that neck injury. And then the
2 bite marks and the wounds on the legs have gotten
3 infected.

4 Q In your expert opinion, does that appear
5 to be a snake bite?

6 A Not at all.

7 Q Thank you. I am going to show you what
8 has been premarked and entered into evidence as
9 State's Exhibit No. 34. And what do you observe
10 in that picture, and does it coincide with what
11 you observed when you examined that dog?

12 A Yes, this dog has bite wound injuries on
13 its back and on its left side.

14 Q Okay. The same question, are those
15 locations, are those injuries significant to you,
16 and do you have an expert opinion as to what
17 caused those injuries?

18 A By the shape of them, they are also some
19 dog bite wounds.

20 Q Let me show you State's Exhibit No. 35.

21 THE COURT: Counsel, approach the bench
22 just one minute.

23 (Whereupon, attorneys approach and confer
24 with judge.)

25 Q Dr. Hawkins, see if I can move this a

Dr. Lynn Hawkins-direct by Scott

1 little more expeditiously. So---

2 A Okay.

3 Q ---what I will do is, I am going to hand
4 you this State's Exhibit this is 35, 36, 37, 38,
5 39, 40, 41, 42, 43, 44, and 45, 46. Could you
6 please just review the pictures, and if you would,
7 state your expert opinion whether the injuries you
8 observed are significant and what in your expert
9 opinion has caused those injuries.

10 A Okay. This one has a tear on its ear
11 consistent with a dog bite. And its feet are
12 infected. And the feet infection comes from
13 standing in mud or in a dirty kennel. And then
14 this one has multiple dog bite marks, scars, and
15 his face is torn up. And it also has a growth or
16 mass, abscess or something; it's abnormal, on its
17 rear leg. This one has the, the feet are
18 infected. Pieces of ear are torn off. Scars on
19 the nose. Some wounds are healed. And some are
20 still healing, which indicates multiple times,
21 multiple fights not at the same time.

22 This one has the bite marks on the ears.
23 Pieces of the ears torn off. And the legs have
24 scars. And the neck also has the injury where the
25 skin is infected and scared from the thick collar

Dr. Lynn Hawkins-direct by Scott

1 and heavy weight. This one has the feet
2 infection and the bite marks on the face. Bite
3 marks on the back. And this one has bite marks on
4 the face that are draining. This one has bite
5 marks on his back, face and legs.

6 This one has the infected feet, and bite
7 marks and scaring on the face and legs. This one
8 has the ear that is torn and the bite marks. It
9 has a scaring on the neck from the thick collar
10 and the wound on its neck is where the collar
11 rubbed a sore. This one has scars, bite marks on
12 this face, legs, chest and feet. One foot is
13 infected. And it has an old scar on its belly.
14 And this one has pieces of ear that are missing.
15 Some tear marks, bite marks on the face. He is
16 wearing one of the thick collars. He has an old
17 injury on his carpus, which is like his wrist
18 that's infected. It has a hole in it. And an
19 infected foot and infected marks on the face, his
20 eyes draining.

21 And this one has a sore about the size of
22 a quarter about a half inch deep on its wrist,
23 which is carpus. Bite marks on the face. Pieces
24 of the ear missing. Bite marks on the chest and
25 legs. And some of them are scars. And some of

Dr. Lynn Hawkins-direct by Scott

1 these are fresh wounds. There again, different
2 times.

3 Q Thank you. I am going to show you now
4 what has been marked and moved into evidence as
5 State's Exhibits Nos. 11 and 13. Do you recognize
6 any of those medications? Are they significant to
7 you?

8 A They have some topical medications for
9 possible injuries for wounds and sores. Betadine
10 for treating the sores. Washing the injuries.
11 Peroxide for cleaning the wounds. And then the
12 liniment for treating sore muscles. And there is
13 a whole lot of them.

14 I mean it's like an individual with a pet,
15 wouldn't have, I am not going to count them, but
16 there are at least a dozen of bottles of stuff to
17 treat the pets.

18 Q Okay. Is that amount significant to you?
19 The amount of those meds and the types?

20 A Yes, because somebody that had, there are
21 people that have lots of dogs, but they don't --
22 if you have lots of dogs, you don't have to treat
23 them with antibiotics and medicated shampoos and
24 wound ointments that much.

25 Q Okay. Thank you. I want to show you

Dr. Lynn Hawkins-direct by Scott

1 what has been marked as State's Exhibit No. 9. I
2 am going to -- some of these things you may
3 recognize some of the labels have been corroded.
4 Are you able to recognize these?

5 A Yes.

6 Q Okay. What do you see there, starting
7 from that?

8 A This is used for supplementing puppies.

9 Q Okay.

10 A So, you know, like if you have puppies
11 that aren't nursing well. These are antibiotics
12 treating there again. You have four bottles of
13 antibiotics. And these are actually large animal
14 antibiotics, but some people that have dogs do use
15 them on their dogs. But this is actually used for
16 cows and pigs. And this has livestock. It even
17 has livestock pictures on it. But usually these
18 antibiotics would be used in a large volume. But
19 a typical person would---

20 MR. LITTLEJOHN: Your Honor, I am going to
21 have to object. I think this is speculation on
22 her part.

23 A No, it is labeled that way.

24 MR. LITTLEJOHN: Excuse me.

25 THE COURT: Once again, when me makes an

Dr. Lynn Hawkins-direct by Scott

1 objection, he is addressing that to me and not to
2 you. And I am going to ask that you pay attention
3 to Mr. Scott's questions and answer them
4 accordingly. And your objection is overruled. I
5 think it is within her field of expertise.
6 Mr. Scott.

7 Q Thank you, Dr. Hawkins. Would you
8 continue?

9 A So this would be a very large volume of
10 antibiotics for somebody that just had dogs or
11 pets in their yard. They wouldn't need this much
12 in a year for 30 dogs. I mean, that's a lot of
13 injuries, a lot of infections being treated with
14 that volume.

15 Q How were those administered?

16 A These are injected or given with a
17 syringe, a needle.

18 Q Would you recommend that for your clients,
19 to self treat their animals?

20 A We do have some of the people that have
21 like hound dogs and things like that. And
22 sometimes they use for penicillin.

23 Q Okay.

24 A But not the others.

25 Q Thank you, because I don't know if some of

Dr. Lynn Hawkins-direct by Scott

1 these may be relevant. What is the next thing?

2 A This one is a dewormer. And, you know,
3 there again, it is a livestock dewormer. But it
4 can be used in dogs.

5 Q Okay.

6 A There is not an actual problem with that
7 particular thing. This one, muscle up, is used
8 for building muscles. And they use that, like
9 there again, your pet people or even show dog
10 people don't use that type of product. And the
11 Dexamethasone is an anti-inflammatory. And it is
12 used for getting swelling out, stiffness and
13 things like. And that is something that typically
14 could be used. And in the veterinary course that
15 I took at North Carolina, these three items, are
16 three items that they said you would find at dog
17 fights, or people that fought dogs. Those three
18 items are typical textbook as they said.

19 Q I think you answered my question. But if
20 you look at those, and you look at what you saw
21 here, how are all these meds and their quantities
22 significant to you?

23 A They are such a large volume that they
24 were having a lot of injuries and treating a lot
25 of wounds.

Dr. Lynn Hawkins-direct by Scott

1 Q Based on your expert opinion, and what you
2 have seen here and what you observed when you
3 examined the dogs, do these animals look like
4 pets?

5 A No.

6 Q In your expert opinion, were these dogs
7 taken care of properly?

8 A No.

9 Q I am going to show you what is marked
10 State's Exhibit No. 10. Have you seen that
11 before?

12 A Yes. They use that for breeding.
13 Especially the pit bulls that have a huge fighting
14 instinct breed into them. And another name for it
15 is a rape board. What they do is put the female
16 in. They put the female's head in the shorter
17 end. And then put that around her neck. And they
18 fasten the other part around her hips so she can't
19 fight or get away from the male when the male dog
20 breeds her. And they use them for two things.
21 One, sometimes to breed the females when they
22 aren't time to be breed. And also to keep the
23 female from turning around and fighting the male.
24 Because they have that instinct. The fighting
25 instinct is breed into them.

Dr. Lynn Hawkins-direct by Scott

1 Q Okay. There is testimony earlier that
2 these chains were found around the dogs that were
3 attached to car axles with these chains. What is
4 your opinion on That method of restraining an
5 animal?

6 A That chain is too heavy for a dog to
7 carry. And that's why on the bottom of those
8 pictures you can see where they had the pressure
9 from that heavy collar.

10 Q And in your expert opinion, were these
11 dogs in any discomfort from carrying such a heavy
12 burdens around their necks at all times?

13 A Yes. It caused sores under the collars,
14 but also just from the weight of holding up that
15 heavy chain would be uncomfortable.

16 Q Let me show you what has been marked as
17 State's Exhibit No. 7. What are we looking at in
18 the bottom picture?

19 A That heavy chain. The dog -- this is the
20 tire axle into the ground to hold the heavy chain.
21 And that chain is too heavy for the size of the
22 dog. The chain is bigger than the dog's leg. And
23 you can see all the sores on the left of the dog
24 there from that heavy collar rubbing on the skin,
25 and then moisture gets trapped under there.

Dr. Lynn Hawkins-direct by Scott

1 Q This dog appears to be in a raised pen.
2 What are your observations regarding that pen?

3 A What they do was, a lot of times when the
4 dog, they keep them on the chains. When it gets
5 closer time to have the puppies, they will take
6 them and put them in the pen, a whelping pen, so
7 that the chains don't come across and kill the
8 puppies. And also the pen, you can see the manure
9 in the pen; which is clean. And the dog doesn't
10 go to the bathroom that many times per day. So
11 that is more than one day's worth of manure.

12 Q Is that significant to you? Is that
13 healthy for an animal?

14 A No. Because it causes the sores on the
15 feet. And also it can get the bacteria and can
16 also get the diarrhea that way also.

17 Q I wanted to ask, as far as State's Exhibit
18 No. 10, would you need something like this for
19 typical breeding activities for breeds of dogs?

20 A No.

21 MR. SCOTT: Okay. I think that's all for
22 this witness. Please answer any questions
23 Mr. Littlejohn may have.

24 THE COURT: Cross Examination, Mr.
25 Littlejohn.

Dr. Lynn Hawkins-direct. by Scott

1 MR. LITTLEJOHN: Thank you, Your Honor.

2 Cross Examination by Mr. Littlejohn:

3 Q Dr. Hawkins, you own Guinyard Animal
4 Clinic.

5 A Yes.

6 Q And in fact your clinic treated some of
7 these dogs before, had they not?

8 A I actually haven't practiced there for
9 awhile. Because I still own the clinic, and I
10 help to do some things. But I have had five back
11 surgeries, so I don't work at the clinic now.

12 Q Okay.

13 A But I do know that Dr. Cook did go out and
14 give rabies shots.

15 Q Okay. And that was back in 2006, wasn't
16 it?

17 A Yes, uh-huh. (affirmative.)

18 Q Or was it the year before?

19 A Uh-huh. (Affirmative.)

20 Q And Mr. Wright had you all come out there
21 and give rabies shots to all his dogs, isn't that
22 right?

23 A That was my understanding. But they did
24 go to his house and give rabies shots to the
25 dogs. But what was there and what they saw, I

Dr. Lynn Hawkins-cross by Littlejohn

1 have no idea. You know, because sometimes people
2 bring the dogs to us, you stay in the truck, and
3 they'll bring them to us. I don't know. I wasn't
4 there. Sometimes they'll go to other dogs. I
5 don't know, I wasn't there.

6 Q But you know your clinic gave rabies
7 shots?

8 A Yes.

9 Q You were not there.

10 A Right.

11 Q Do you all have a pet store, or pet supply
12 place in relation to Guinyard Animal Clinic?

13 A There is one next door, but it's two
14 separate entities.

15 Q Two separate entities?

16 A Uh-huh. (affirmative.)

17 Q Okay. Are you familiar with that? What
18 is the name of that store?

19 A Guinyard Feed.

20 Q Guinyard Feed. Okay. And the products,
21 some of the products we have in front of you are
22 sold there, are they not?

23 A That's correct.

24 Q All of them are sold there, are they not?

25 A I have no idea.

Dr. Lynn Hawkins-cross by Littlejohn

1 Q But doesn't the Guinyard Animal supply,
2 doesn't it also sell the large collars that we've
3 seen in these photographs?

4 A Yes. Because some people, as a matter of
5 fact, my daughter has one not like that, but she
6 has one that is leather that she uses on her
7 German Shepherd when she is taking him for a walk.

8 Q Uh-huh. (affirmative.)

9 A And then she takes the collar back off.
10 She uses it so he doesn't turn his neck. Then she
11 takes the collar off. There are good uses and
12 bad uses. And there again, the feed store sells
13 to cows, pigs and stuff like that. So we have
14 antibiotics for that type of thing. They do sell
15 those things there.

16 Q Okay.

17 A And there is a right and a wrong way to
18 use them.

19 Q To answer my question, the animal supply
20 place sells the type of medicine we have on the
21 rail in front of you.

22 A I don't know.

23 Q You don't know. They sell collars. Wide
24 collars.

25 A They sell wide collars, yes.

Dr. Lynn Hawkins-cross by Littlejohn

1 Q Your daughter has one.

2 A She has a leather wide collar, but she
3 doesn't leave it on the dog. She walks the dog.
4 Uses the lease, and takes it off.

5 Q Thank you, Dr. Hawkins. Now you examined
6 these 41 pit bulls, what day?

7 A I don't know off the top of my head what
8 day it was. But one of the officers stopped by
9 and said they were on the way to pick up some
10 dogs. He didn't tell me who they were at the
11 time. And wanted to know if we had facilities to
12 keep them until they could make arrangements to
13 keep them.

14 Q Okay.

15 A And I said, yes. They went and picked
16 them up. And when they brought them and wanted us
17 to keep them that same day, we saw them.

18 Q You saw them the same day they were
19 seized?

20 A Yes.

21 Q Okay. If I told you that was May 25th
22 2007, would you argue with that?

23 A I have no idea.

24 Q But you remember it as being the same day
25 that the dogs were seized.

Dr. Lynn Hawkins-cross by Littlejohn

1 A Right, because I didn't leave. Because
2 like I said, I don't normally work there. And I
3 was there when the guy came by. So I stayed at
4 the clinic until they came back with the dogs.

5 Q Okay. It was not May 29th 2007?

6 A I don't know the dates sitting right here.

7 Q All right.

8 A They documented and wrote everything down.

9 But I don't have any of that in front of me.

10 Q Now, Dr. Hawkins, you told us that in the
11 data bank for veterinarian practice,---

12 A Uh-huh. (Affirmative.)

13 Q ---Guinyard, you all have 2,000 pit bulls?

14 A Yes.

15 Q And those are 2,000 pit bulls are in
16 Sumter County?

17 A Yes.

18 Q Okay. And---

19 A Well not Sumter, we see Clarendon
20 County---

21 Q Okay. In the Sumter County area. And so
22 you treat over 2,000 of these types of dogs?

23 A Yes.

24 Q Many people have these dogs obviously.

25 A Right.

Dr. Lynn Hawkins-cross by Littlejohn

1 Q Many people have numerous pit bulls, do
2 they not?

3 A Right.

4 Q Nothing illegal about that, is there?

5 A No, I don't see people with numerous dogs
6 that come in with that many bite wounds.

7 Q Okay.

8 A That's what is unusual about this.

9 Q To answer my question, it is not illegal
10 to have---

11 A No, it's not illegal---

12 Q ---numerous pit bulls.

13 A ---to have numerous pit bulls, no.

14 Q Now, you treat dogs that have scratches,
15 don't you?

16 A Yes.

17 Q Do you treat dogs that have dry skin?

18 A Yes.

19 Q And dogs get fleas and ticks, do they not?

20 A Yes, sir.

21 Q They bite those injuries caused by fleas
22 and ticks, do they not?

23 A They don't penetrate the skin full
24 thickness in the pieces of ear off, biting fleas.

25 Q They do scratching and bite themselves,

Dr. Lynn Hawkins-cross by Littlejohn

1 though. Dogs do that, don't they?

2 A Yes.

3 Q You indicated that you examined, the day
4 of the seizure, you examined these dogs, and saw a
5 number of scars.

6 A Yes.

7 Q And you don't know those dogs specifically
8 got those scars, do you?

9 A Yes, I do.

10 Q Did you know when those dogs got those
11 scars specifically?

12 A I don't know specifically, but some of
13 them were heal wounds. And some of them were
14 fresh enough that were less than 7 days old.
15 Because it was 7 days for a wound some of size,
16 Some of them were fresh wounds and some were old
17 scars.

18 Q And you identified, I believe, 15 out of
19 the 42 dogs as having these injuries?

20 A Oh, however many.

21 Q You examined the State's Exhibits.

22 A Yes.

23 Q You wouldn't argue with me if I said it
24 was 15, would you?

25 A I wouldn't argue, but I don't know if

Dr. Lynn Hawkins-cross by Littlejohn

1 that is right or not. Every dog has its own
2 issue. I remembered that. But what the issues
3 were, I don't know.

4 MR. LITTLEJOHN: Your Honor, could I ask,
5 would you instruct the witness to answer the
6 questions. I know she has a right to explain.

7 THE COURT: He is engaging in cross
8 examination. They are generally directed in an
9 eliciting a yes or no answer. You need to answer
10 accordingly, and then you can explain. We can try
11 that again, Mr. Littlejohn.

12 MR. LITTLEJOHN:

13 Q Dr. Hawkins, you said you have assisted
14 the Sheriff's Department before in these kind of
15 investigations.

16 A Yes.

17 Q And you're a member of the SPCA?

18 A Yes.

19 Q And you had explained to Mr. Scott about
20 your understanding of this breeding frame, is that
21 right?

22 A Yes.

23 Q And you said the breeding -- this is a
24 frame that is used for breeding pit bulls
25 primarily, is that right?

Dr. Lynn Hawkins-cross by Littlejohn

1 A Yes.

2 Q And you said in response to his question
3 about one of the pens that was found there, you
4 described it as a whelping pen.

5 A Yes.

6 Q And that's where a breeder would take a
7 female and put the female after it had puppies or
8 before it had puppies.

9 A Before.

10 Q Before it had puppies. Okay. And the
11 dogs that were seized, the 41 dogs, were there
12 some puppies in there? Younger dogs?

13 A There were some younger dogs, yes.

14 Q Okay. Of the dogs you examined, how many
15 were pregnant?

16 A I don't know remember now. Not very many.

17 Q Could it have been 2, 3, or 5? You don't
18 recall?

19 A I don't recall.

20 Q But there were some that were pregnant.

21 A Yes.

22 MR. LIITTLEJOHN: If you would indulge me
23 just a moment, Judge.

24 Q Dr. Hawkins, just a couple of final
25 things. Did you actually work in the feed store

Dr. Lynn Hawkins-cross by Littlejohn

1 that is an adjunct to the veterinarian practice?

2 A No.

3 Q You've never worked there?

4 A No.

5 Q You never sold Greg Wright any of the
6 things that were in there?

7 A No, I stopped by just to put 2 or 3 chairs
8 there. And sometimes like I said, I would stop by
9 and sit there for a few minutes not very long.

10 Q Uh-huh. (Affirmative.)

11 A 15, 20, 30 minutes. And then I will pass
12 on through. But I don't, I can't lift anything.
13 And I don't even know how to work the cash
14 register.

15 MR. LITTLEJOHN: That's all I have, Your
16 Honor.

17 THE COURT: Any redirect?

18 MR. SCOTT: None from the State, Your
19 Honor.

20 THE COURT: Any objection to this witness
21 being excused?

22 MR. LITTLEJOHN: No, Your Honor.

23 THE COURT: You are free to leave. Thank
24 you, doctor. You may call your next witness.

25 MR. SCOTT: The State calls Sergeant

Dr. Lynn Hawkins-cross by Littlejohn

1 Trevor Brown.

2 Sergeant Trevor Brown, being first
3 duly sworn, testifies as follows:

4 THE COURT: Mr. Brown, please come around
5 if you would. I am going to ask you to have a
6 seat in this witness chair right here. And pull
7 up real close to that microphone. Speak loud and
8 clearly and slowly in order for me to hear
9 everything that you have got to say. Sergeant
10 Brown, please state your full name once again.

11 A Trevor Brown.

12 THE COURT: Very good.

13 Direct Examination By Mr. Scott:

14 Q Sergeant Brown, what is your occupation?

15 A I am a sergeant with the narcotics
16 division here with the Sheriff's Office in Sumter
17 County.

18 Q Do you have any previous law enforcement
19 experience?

20 A No, all of it is in Sumter, 10 years.

21 Q Ten years. And what are your present
22 duties with the narcotics unit?

23 A I am in charge of what is called
24 interdiction team.

25 Q All right.

Trevor Brown-direct by Scott.

1 A Which is the Narcotics Division. .

2 Q Okay. Is one of your duties I guess to
3 assist in the narcotic's investigations as part of
4 the interdiction? What does the interdiction unit
5 do?

6 A Basically you try to catch drug dealers
7 going from point A to point B.

8 Q Were you employed in your present capacity
9 on May 25th 2007?

10 A Yes.

11 Q And what happened on that date?

12 A We executed a Search Warrant on I think it
13 was, Silo Road, Silo Road in Sumter.

14 Q Okay. Who residence is that?

15 A Gregory Wright. I am not sure of his
16 girlfriend or wife's last name. I think it was
17 Herman.

18 Q What did you observe when you arrived at
19 4915 Silo Road?

20 A Several people, men and women there. And
21 some of them running. Also, a large amount of pit
22 bulls.

23 Q Did you locate any evidence in the yard
24 area?

25 A Yes. I got some drugs off a suspect named

Trevor Brown-direct by Scott

1 Frank Wilson.

2 Q Where were they on him?

3 A They were in his pocket.

4 Q And I show you what has been labeled as
5 State's Exhibit No. 29. Do you recognize that?

6 A Yes.

7 Q What is that?

8 A This is an orange cigar tube. And it has
9 got another envelope of crack cocaine.

10 Q Okay. Is that what you located in the
11 back yard on Mr. Wilson?

12 A Yes.

13 Q And did you find anything else on him?

14 A I think he had some money, I think, I am
15 not sure.

16 MR. SCOTT: The State would offer State's
17 Exhibit No. 29 for admission into evidence. I'm
18 sorry, Your Honor, I was one step ahead.

19 Q And where -- do you remember where the
20 money was?

21 A I believe it was in his pocket.

22 Q I guess without making a conclusion, what
23 was in the orange tube?

24 A Crack cocaine.

25 Q And what else did you observe at the site?

Trevor Brown-direct by Scott

1 A Dog site or the -- like dog fighting?

2 Instruments used in dog fighting. The dogs---

3 MR. LITTLEJOHN: Your Honor, I am going to
4 object to this. He has not been qualified in this
5 field---

6 THE COURT: I'll sustain---

7 MR. LITTLEJOHN: ---then that's
8 speculation.

9 THE COURT: I'll sustain the objection.

10 Q What did you observe in regards to the
11 actual dogs?

12 A Like chains. Like heavy metal chains.
13 And the pit bulls in the little houses.

14 Q Okay.

15 A Dog houses.

16 Q Okay. Did you observe anything regarding
17 the dogs themselves?

18 A They were chained around the necks.

19 MR. Scott: That's all for this witness.
20 Please answer any questions Mr. Littlejohn may
21 have.

22 THE COURT: Cross Examination.

23 MR. LITTLEJOHN: Your Honor, I have no
24 questions.

25 THE COURT: Any objection to Sergeant

Trevor Brown-direct by Scott

1 Brown being excused?

2 MR. SCOTT: No, Your Honor.

3 THE COURT: You are free to leave. Thank
4 you, Sergeant Brown.

5 MR. SCOTT: Your Honor, the State calls
6 Angil Landrum.

7 Angil Landrum, being first duly sworn,
8 testified as follows:

9 THE COURT: Ms. Landrum, please have a
10 seat over here in the witness chair. I am going
11 to ask you to pull up a little close to that
12 microphone. Speak loud and clearly and slowly. I
13 am going to ask you to state your name once again
14 for the record.

15 A Angil Landrum.

16 THE COURT: Thank you, Ms. Landrum.

17 MR. SCOTT: May we approach very briefly?

18 THE COURT: Certainly.

19 (Whereupon, the attorneys approach the
20 bench and confer with judge.)

21 Direct Examination by Mr. Scott:

22 Q Ms. Landrum, can you state your
23 occupation?

24 A I am a Forensic Chemist.

25 Q And what agency are you employed with?

Angil Landrum-direct by Scott

1 A South Carolina Law Enforcement Division
2 also known as sled.

3 Q How long have you been employed with sled?

4 A A little over six years.

5 Q Tell me what your position is one more
6 time. What your title is?

7 A Forensic Chemist.

8 Q And how long have you worked in that
9 specific position?

10 A A little over 6 years.

11 Q Okay. The whole time you have been there,
12 you have worked in that capacity?

13 A That's correct.

14 Q And what are you duties?

15 A My duties are to conduct scientific
16 examinations on drug related evidence, maintain
17 chain of custody, and to provide expert testimony
18 in the court of law.

19 Q What type of training must you have to
20 qualify for your position at sled?

21 A You have to at least have your Bachelor's
22 Degree, a Bachelor's Degree in Science.

23 Q Have you had an occasion to chemically
24 analyze substances to determine whether the
25 substance is or contains a narcotic?

Angil Landrum-direct by Scott

1 A Yes, sir, I have.

2 Q Approximately how many times?

3 A Thousands.

4 Q Have you had an occasion to chemically
5 analyze substances to determine whether the
6 substance contains cocaine?

7 A Yes, sir.

8 Q And what about crack?

9 A Yes, sir.

10 Q Do you make these analyses as a part of
11 your regular -- a regular part of your duties?

12 A Yes, sir, I do.

13 Q Have you had occasion to qualify as an
14 expert in this area in the Courts of General
15 Sessions in this State?

16 A Yes, sir, I have.

17 Q Do you know how many times?

18 A 55.

19 MR. SCOTT: Your Honor, the State moves
20 that Angil Landrum be declared as an expert in the
21 field of Chemistry and Narcotics.

22 THE COURT: Any questions with regard to
23 her qualifications?

24 MR. LITTLEJOHN: Your Honor, I don't think
25 he has qualified her insofar as, her training is

Angil Landrum-direct by Scott

1 concerned.

2 THE COURT: I'll ask and direct that you
3 ask her the necessary questions to establish her
4 qualifications as an expert, as a Forensic
5 Chemist.

6 Q Okay. What sort of training have you
7 undergone to qualify for your position?

8 A I have my Bachelor Degree in Chemistry, as
9 well as my Master's Degree in Chemistry. I am a
10 graduate of the Drug Chemistry Academy at the
11 National Forensic Science Technology Center. I am
12 also a graduate of South Carolina Criminal Justice
13 Academy. And I have also received on the job
14 training as well.

15 Q You did state that you tested thousands of
16 narcotics?

17 A Yes, sir.

18 MR. SCOTT: Your Honor, the State moves
19 Angil Landrum to be declared as an expert in the
20 Field of Chemistry analyses and narcotics.

21 THE COURT: Any objection?

22 MR. LITTLEJOHN: No, your honor.

23 THE COURT: This witness is indeed
24 qualified as an expert in Forensic Chemistry and
25 Drug Analysis. And I would explain to you once

Angil Landrum-direct by Scott

1 again that experts are allowed to give their
2 opinion in their field of expertise. I will
3 charge you in greater detail at the conclusion of
4 the case. Mr. Scott.

5 Q Ms. Landrum, I am going to hand you your
6 records from this particular case. Okay. I am
7 going to show you State's Exhibit No. 24. I am
8 sorry. How can you identify that exhibit?

9 A This is the case that I analyzed on July
10 31st 07, because it has my date as well as my
11 initials.

12 Q How did that exhibit come in to your
13 possession?

14 A I received this evidence from the sled
15 log-in where we actually have all of our evidence.

16 Q Okay. And do you know, for what purpose
17 did it come in to your possession?

18 A To analyze the unknown substance that was
19 in this case.

20 Q Okay. After you tested it, what do you do
21 with the drug after you chemically analyze them?

22 A Normally when I receive the evidence that
23 is inside this inner packaging with a green seal.
24 It's what we call a Best Evidence Sample Testing
25 Kit. And the green seal was a tamper evidence

Angil Landrum-direct by Scott

1 seal. And the items of evidence that is normally
2 placed into this, everything we pack up here. And
3 I indicated on it that the seal was in tact, the
4 date as well as my initials.

5 Q Would you explain according to your
6 records, what the contents of that package are,
7 and what their weights were and what you
8 determined them to be?

9 A Sure, let me find the report that matches
10 that. Item 1.1 cocaine base crack found. 40.95
11 grams. 631.94 grains. C-2. Item 1.2 cocaine
12 found. 11.19 grams. 172.68 grains. C-2. Item
13 1.3 cocaine base crack found. 5.08 grams. 78.39
14 grains C-2. And item 1.4 no controlled substance
15 detected.

16 Q Okay. What tests were made by you in
17 coming to that determination?

18 A What tests were done?

19 Q Yes, ma'am.

20 A I did a preliminary test as well as a
21 confirmatory test. And a preliminary test uses
22 just a screening test that we use to give us an
23 occasion as to what the unknown substance may be.
24 And the confirmatory test identifies the substance
25 to the exclusion of all others.

Angil Landrum-direct by Scott

1 Q Based upon your past experience and
2 training and your analyses performed on those
3 substances, what is your expert opinion as to what
4 those substances are?

5 A Item 1.1 cocaine base crack. Item 1.2
6 cocaine. Item 1.3 cocaine base crack. And Item
7 1.4 no controlled substance.

8 MR. SCOTT: Thank you. Your Honor, the
9 State offers State's Exhibit No. 24 for admission
10 into evidence.

11 MR. LITTLEJOHN: No objection, Your Honor.

12 THE COURT: State's Exhibit No. 24 is in
13 to evidence without objection from the defense.

14 (cocaine marked State's Exhibit No. 24
15 into evidence.)

16 Q This is State's Exhibit No. 31. How can
17 you identify that exhibit?

18 A This exhibit I can identify also, because
19 It has the lab number that matches the report, and
20 the date and my initials.

21 Q Okay. And for what purpose did that
22 exhibit come in to your possession?

23 A To analyze the unknown substance that's---

24 Q Okay.

25 A ---seen here.

Angil Landrum-direct by Scott

1 Q And what is the overall weight, and what
2 did your analysis determine, and what analysis was
3 performed?

4 A The substance was found to be cocaine
5 found 0.20 grams. 3.08 grains. C-2. And once
6 again, I did a preliminary test as well as a
7 confirmatory test to identify the substance.

8 MR. SCOTT: Thank you. Your Honor, the
9 State would offer State's Exhibit No. 31 for
10 admission into evidence.

11 THE COURT: Any objection from defense?

12 MR. LITTLEJOHN: No, Your Honor.

13 THE COURT: State's Exhibit No. 31 is in
14 to evidence without objection from the defense.

15 (baggie of powder marked State's Exhibit
16 No. 31 into evidence.)

17 Q State's Exhibit No. 29. Can you identify
18 that?

19 A Yes, sir. It has the date and my
20 initials.

21 Q Were you able to perform an analysis on
22 that?

23 A Yes, sir, I did.

24 Q Okay. And what was the result?

25 A The result was cocaine base crack found,

Angil Landrum-direct by Scott

1 4.11 grams, 63.42 grains, C-2.

2 MR. SCOTT: Your Honor, the State offers
3 exhibit No. 29 for admission into evidence.

4 MR. LITTLEJOHN: No objection, Your Honor.

5 THE COURT: State's Exhibit No. 29 is into
6 evidence without objection from the defense.

7 (Cocaine base marked State's Exhibit No.
8 29 into evidence.)

9 MR. SCOTT: That's all from this witness.
10 Please answer any questions Mr. Littlejohn may
11 have.

12 THE COURT: Cross examination, Mr.
13 Littlejohn.

14 Cross Examination by Mr. Littlejohn:

15 Q Ms. Landrum, those were all the exhibits
16 that were submitted to you for analysis in this
17 case?

18 A That I am aware of, yes, sir.

19 Q And I believe you indicated there were
20 three different, three different items in which
21 you found cocaine, powder cocaine?

22 A On which report?

23 Q On---

24 A Lab number LO708320?

25 Q I don't have your lab numbers right in

Angil Landrum-direct by Scott,

1 front of me.

2 A Okay. The one that had three different?

3 Q Let me simplify my question. Of the items
4 you testified to as you having analyzed, what is
5 the total amount of powder cocaine?

6 A I don't know without a calculation as far
7 as totaling up everything I have in front of me.

8 Q Okay. Could you, if I gave you a piece of
9 paper, could you write it down and add it up
10 without a calculator?

11 A Yes, sir, but it may take awhile.

12 Q Okay. I am only asking you for three
13 different amounts.

14 A That's fine, as long as I know which three
15 you are talking about.

16 Q Okay. I am talking strictly about
17 cocaine. Not crack cocaine, not marijuana, just
18 cocaine.

19 A Yes, sir.

20 Q Do you need a pen and a piece of paper? I
21 will be happy to provide it.

22 A Thank you.

23 Q Okay. What is the total please?

24 A 13 grams.

25 MR. LITTLEJOHN: That's all the questions

Angil Landrum-direct by Scott

1 I have.

2 THE COURT: Redirect?

3 MR. SCOTT: Your Honor, I beg your
4 indulgence. Nothing from the State, Your Honor.

5 THE COURT: Any objection to this witness
6 being excused? From the State?

7 MR. SCOTT: None, Your Honor, I'm sorry.

8 MR. LITTLEJOHN: No, Your Honor.

9 THE COURT: You are free to leave. Thank
10 you, ma'am. You may call your next witness.

11 MR. SCOTT: Your Honor, may I approach
12 once more briefly?

13 THE COURT: Certainly.

14 (Whereupon, the attorneys approach the
15 bench and confer with judge.)

16 THE COURT: Mr. Foreman and Ladies and
17 gentlemen of the jury, you all have put in a long
18 day. And I thank you for your patience. I
19 anticipate we are getting into the short rows of
20 this case. Getting towards the end. But this is
21 an important case. And I am going to once again
22 admonish you not to discuss the case with anyone.

23 You are not to discuss the case among yourselves.

24 Once again, when you come back in the
25 morning, come directly to the jury room. If

Angil Landrum-direct by Scott.

1 anyone was to try to discuss this case with you,
2 please identify them and communicate that to me,
3 and I will deal with it accordingly.

4 Thank you so much. We will see you at
5 9:30 sharp in the morning. 9:30 sharp. Everyone
6 remain seated as the jury exits the courtroom.

7 (Whereupon, the jury is dismissed.)

8 A THE COURT: Anything from the State?

9 MR. SCOTT: Nothing for the record, Your
10 Honor.

11 THE COURT: Anything from the defense?

12 MR. LITTLEJOHN: Not at this time, Your
13 Honor.

14 THE COURT: we will meet in chambers for
15 just one minute.

16 (Whereupon, the trial commences on
17 Wednesday January 14, 2008 at 10:00 a.m.)

18 THE COURT: If you would bring the Foreman
19 out.

20 (Whereupon, the Foreman comes into the
21 courtroom.)

22 THE COURT: Mr. Foreman, I just want to
23 inform that you we have had some difficulty with a
24 witness. They have located this witness, and he
25 will be here shortly. But I want to thank you for

Angil Landrum-direct by Scott

1 being here and being here on time. I want to let
2 you know we are here, and we have got
3 circumstances beyond our control. And I
4 anticipate us beginning shortly. Thank you for
5 your patience.

6 (Whereupon, the Court takes a short
7 break.)

8 THE COURT: We are ready for the jury.

9 (Whereupon, the following takes place
10 within the presence of the jury.)

11 THE COURT: Mr. Foreman and Ladies and
12 gentlemen of the jury, once again, I want to
13 apologize. You all were here and here on time.
14 There were some circumstances beyond our control.
15 But thank you so much for your patience. And, Mr.
16 Scott, you are recognized.

17 MR. SCOTT: The State calls Frank Lee
18 Wilson.

19 Frank Wilson, being first duly
20 sworn, testified as follows:

21 THE COURT: Mr. Wilson, I am going to ask
22 you to come forward. I am going to ask you to
23 watch your step. Watch your step here. I am
24 going to ask you to speak loud and clearly and
25 slowly so that everybody can hear you. State your

Angil Landrum-direct by Scott

1 full name once again. What is your full name
2 again?

3 A Frank Lee Wilson.

4 THE COURT: Very good. Mr. Scott, you are
5 recognized.

6 Direct Examination by Mr. Scott:

7 Q Mr. Wilson, what do you do for a living?

8 A Well I do a little work, yard work, and
9 construction work.

10 Q Okay. And where are you from?

11 A I am from Sumter.

12 Q How old are you?

13 A Who me?

14 Q How old you?

15 A 50.

16 Q How far did you get in school?

17 A 11th grade.

18 Q 11th grade. That's not what you said.

19 You got through the 11th grade?

20 A To the 11th.

21 Q You are incarcerated, correct?

22 A (Witness Nods in the affirmative.)

23 THE COURT: You need to answer.

24 A Yes, sir.

25 Q What have you been sent to jail for?

Frank Lee Wilson-direct by Scott

1 A For drugs.

2 Q What were you doing with the drugs?

3 A Been smoking.

4 Q You were selling them too, correct?

5 A Smoking.

6 Q And selling them, correct? You pled
7 guilty to trafficking in crack cocaine and
8 trafficking in cocaine, correct?

9 A Yes, sir.

10 Q What were you doing when you were
11 arrested?

12 A What was I doing when I was arrested?

13 Q What were you doing when you were
14 arrested?

15 A I been working, sir.

16 Q You were working when you were arrested?

17 A Yes.

18 Q Where were you working?

19 A I was working around in the yard.

20 Q What yard?

21 A My yard out there in the country.

22 Q Where is that?

23 A Right over on Silo Road.

24 Q Do you own that property?

25 A I used to work.

Frank Lee Wilson-direct by Scott

1 Q What were you doing there? You were
2 working there?

3 A Yes.

4 Q Whose property is that?

5 A It is mine.

6 Q You own that property?

7 A Yes.

8 Q You own the property at 4915 Silo Road?
9 Why are you telling this court right now that you
10 own the property at 4915 Silo Road?

11 A Oh, I say I own the property back there.

12 Q You own that property.

13 A Back there.

14 Q Okay. There has been testimony that
15 Mr. Greg Wright owns that property, is that
16 correct?

17 A I don't own it, but I live there. I don't
18 own it.

19 Q You live in it and own it.

20 A I live there.

21 Q Now who owned the property? Do you know
22 who owns the property?

23 A Well he owned it.

24 Q Okay. And what is that address? What was
25 your address when you lived there?

Frank Lee Wilson-direct by Scott

1 A 15 Silo Road.

2 Q 15 Silo Road? Because it's actually 4915

3 Silo Road.

4 A 4915.

5 Q Did you pay rent there?

6 A Well I paid \$75.

7 Q Do you have a lease agreement? Do you

8 have a lease agreement there?

9 A Who?

10 Q You.

11 A Yes, sir.

12 Q Okay. Describe where you live. Describe

13 your house there.

14 A Well it's a little white---

15 Q Just look at me.

16 A It's the little white house.

17 Q How big was it?

18 A It was a good room.

19 Q And where did you take your showers and

20 where did you go to the restroom?

21 A Where did I take my shower?

22 Q There was a shower in the house?

23 A No, I take a shower. I take a shower In a

24 pail.

25 Q Where in a pail?

Frank Lee Wilson-direct by Scott

1 A (Witness Nods in the affirmative.)

2 Q Did you get mail at that address?

3 A Yes, sir.

4 Q You received mail there?

5 A Yes.

6 Q You had a mailbox there?

7 A No, sir.

8 Q How did you get mail?

9 A Well I had the mail, they come and bring
10 it up.

11 Q Who brings it? The postman brings it?

12 What is this a picture of?

13 A That's my house.

14 Q That's your house. And you got mail
15 there?

16 A No, sir, I didn't get no mail there.

17 Q So you didn't have an address and you
18 didn't get mail there. What you are calling a
19 house, it looks like a shed. How big was it?
20 What were the dimensions of it approximately?

21 A Well, sir, I couldn't tell you.

22 Q How did you get your money?

23 A As far as, through odd little work.

24 Q You sold dope too, right?

25 A Yes, sir.

Frank Lee Wilson-direct by Scott

1 Q So you sold drugs and you lived in someone
2 else's shed?

3 A Yes, sir.

4 Q But you made money selling drugs, correct?

5 A Yes, sir.

6 Q And you lived in a shed. Why did you live
7 in a shed if you were selling dope?

8 A To stay warm.

9 Q How did you stay warm out there?

10 A Well I stay warm.

11 Q How did you stay warm in that shed?

12 A A heater.

13 Q There was a heater in there?

14 A (Witness nods in the affirmative.)

15 Q Now we already know that Greg Wright owned
16 that shed and owned that entire property. Did he
17 know you were living out there?

18 A Yes, sir.

19 Q How did you know Greg Wright?

20 A Well I know him because he is related to
21 my family.

22 Q He is related to you.

23 A He is kin.

24 Q Okay. And he is your friend.

25 A Yes, sir.

Frank Lee Wilson-direct by Scott

1 Q And a relative too?

2 A Yes, sir.

3 Q You don't want to see him get in trouble,
4 do you?

5 A No, sir.

6 Q Were you scared of him, ever?

7 A No, sir.

8 Q You would help Him out in any way you
9 could, wouldn't you? Did you help Him out a lot?

10 A Who?

11 Q Greg Wright.

12 A Yes, sir.

13 Q Now you all worked together and you sold
14 drugs, correct?

15 MR. LITTLEJOHN: Your Honor, I am going
16 to -- I object to the form of the question. If he
17 wants to rephrase it. I don't think he can put
18 two things together.

19 THE COURT: Rephrase the question.

20 Q Did you all work together?

21 A No, sir.

22 Q You sold drugs, correct?

23 A Yes, sir.

24 Q You kept drugs on you correct?

25 A Yes, sir.

Frank Lee Wilson-direct by Scott

- 1 Q Where did you get those drugs?
- 2 A Well I get it from a dude across town.
- 3 Q What is his name?
- 4 A Gold.
- 5 Q Goldman?
- 6 A Golden.
- 7 Q Say that again?
- 8 A Golden.
- 9 Q Did you tell law enforcement about Golden?
- 10 A Yes, sir.
- 11 Q You told them about that. Okay. You got
- 12 drugs from Greg Wright too though, didn't you?
- 13 A No, sir.
- 14 Q Who is Hammer?
- 15 A Well I don't know.
- 16 Q You don't know who Hammer is?. Do you know
- 17 who Mr. Rose is?
- 18 A Mr. Rose? Uh-huh. (Affirmative.)
- 19 Q Have you ever heard of anybody called
- 20 Hammer?
- 21 A No, sir.
- 22 Q You were arrested at or near this shed,
- 23 correct?
- 24 A (Witness nods in the affirmative.)
- 25 Q What happened after you were arrested?

Frank Lee Wilson-direct by Scott

1 Where did you go after you got arrested?

2 A In jail.

3 Q Okay. Who were you locked up with?

4 A I been locked up with quite a few of them,
5 sir.

6 Q Did you share a cell with somebody named
7 Hammer?

8 A No, sir.

9 Q Okay. Have you ever seen this letter
10 before? It has got your name in it. This has
11 been entered as a piece of evidence. It is
12 addressed to you and somebody named Hammer. I am
13 just trying to keep you all posted on what's going
14 on, he says. And I've talked to Gwen---

15 MR. LITTLEJOHN: Your Honor, excuse me, I
16 hate to interrupt. But I don't know that the
17 witness stated whether he is familiar with the
18 letter or not.

19 THE COURT: He has not. And I will ask
20 that you rephrase the question.

21 Q Well it's been entered in to evidence. I
22 might ask him, you are not familiar with this
23 letter?

24 A No, sir.

25 Q Now after you were locked up, you had a

Frank Lee Wilson-direct by Scott

1 bond hearing, correct? And at that point you
2 decided that you were going to admit that all
3 those drugs were yours, right?

4 A Yes, sir.

5 Q What did you - what was your change of
6 heart? Why did you decide to do that? You
7 were locked up on May 25th and on---

8 MR. LITTLEJOHN: Your Honor, I am going to
9 object to the form of the question as to a change
10 of heart. There is no evidence that there was any
11 change of heart.

12 THE COURT: I will ask that you lay the
13 proper foundation and rephrase the question.

14 Q Did you admit to the drugs being yours
15 when you were arrested?

16 A Yes, sir.

17 Q You told officers they were yours right
18 then.

19 A Yes, sir.

20 Q Okay. Why did you feel the need to write
21 this on June 20th?

22 A Well I say the drugs was mine.

23 Q Okay. You wanted to help your friends
24 out, didn't you?

25 A No, sir.

Frank Lee Wilson-direct by Scott

1 Q Why did you say they were all yours?

2 A Well all, It was all mine.

3 Q I am going to show you State's Exhibit No.
4 22. Can you read this out loud?

5 A "I have been charged with several others
6 with PWID marijuana and trafficking in cocaine,
7 two counts in Sumter County. Was arrested at my
8 dwelling. And all of the drugs and related items
9 were found inside my shed. I heard the guy."

10 Q Can you speak up, Mr. Wilson, please?

11 A Those words.

12 Q Well you wrote that, didn't you?

13 A I made a claim of responsibility for the
14 drugs and related items that were found by the
15 police on May 25th 2007. I gave this same thing
16 to the present judge at Sumter Magistrate Court on
17 this June 19th 2007. At the June preliminary. I
18 understand this may be used against me at a trial
19 or a plea in the future. I will further state
20 that none of the other persons charged with this
21 had knowledge of, or anything to do with drugs or
22 related items that were found."

23 Q Who wrote that?

24 A I wrote it.

25 Q You wrote that? You typed that out.

Frank Lee Wilson-direct by Scott

- 1 A Uh-huh. (Affirmative.)
- 2 Q Who wrote it?
- 3 A That's my signing.
- 4 Q You don't know who wrote this?
- 5 A No.
- 6 Q It was handed to you and you signed it?
- 7 A (Witness nods in the affirmative.)
- 8 Q Okay. That is your signature. Would you
- 9 read aloud what you wrote for your address?
- 10 A I signed the address 71 Johnston Road.
- 11 Q And where is 71 Johnston Road? Where is
- 12 that?
- 13 A My father.
- 14 Q The projects?
- 15 A My father.
- 16 Q Your father?
- 17 A (witness nods in the affirmative.)
- 18 Q And why did you put that as your address?
- 19 A I put that because I didn't know the
- 20 address.
- 21 Q I am sorry?
- 22 A I put that because I didn't know the
- 23 address.
- 24 Q You didn't know the address where you
- 25 lived?

Frank Lee Wilson-direct by Scott

1 A No, so I put my father's address.

2 Q And where did you sell drugs? You were
3 arrested for selling drugs. Where did you sell
4 them?

5 A I went around selling them.

6 Q Where?

7 A I went around selling them. I went around
8 selling it.

9 Q You went around selling it?

10 A Yeah.

11 Q When you were arrested where were you?

12 A I was still at the house.

13 Q You're actually a drug user as well,
14 correct?

15 A Yes, sir.

16 Q Where would a drug addict get those
17 amounts of drugs that you had when you were
18 arrested?

19 A Well, sir, just come up with it.

20 Q You just come up with it? Okay. Greg
21 Wright gave them to you, didn't he?

22 A No, sir.

23 Q Okay. You give him money in return,
24 correct?

25 A No, sir.

Frank Lee Wilson-direct by Scott

1 Q He would give you the drugs. You would
2 sell them, and you would give him back his cut
3 correct?

4 A No, sir.

5 Q He didn't keep any in his house, right?
6 But you kept them in the shed for Him, right?

7 A Well I keep mine, sir.

8 Q He didn't keep them in his house. He kept
9 the money there, right?

10 A No, sir.

11 Q He didn't keep money there? You can --
12 look at me. Okay, you were arrested on May 25th,
13 okay. Then this letter was sent. Then you signed
14 this on June 20th. What happened in the mean
15 time? What happened between those times? What
16 made you want to sign this?

17 A Well I didn't sign that anyway, Mr. Scott,
18 sir.

19 MR. SCOTT: That's all for this witness.

20 Cross Examination by Mr. Littlejohn:

21 Q Mr. Wilson, I just have a few questions
22 for you. The drugs you were arrested with on May
23 25th 2007, were those your drugs?

24 A Yes, sir.

25 Q Were they Greg Wright's drugs?

Frank Lee Wilson-cross by Littlejohn

1 A No, sir.

2 Q Okay. You testified that you told the
3 police that those were your drugs when you were
4 arrested?

5 A Yes, sir.

6 Q Okay. Any question about that?

7 A No, sir.

8 Q And you not only got arrested, but
9 everybody else got arrested.

10 A Yes, sir.

11 Q Okay. To your knowledge, Greg got
12 arrested?

13 A No, sir.

14 Q Well, okay. Do you know he got arrested
15 later?

16 A Yes, sir.

17 Q And his wife got arrested?

18 A Yes, sir.

19 Q And, Mr. Wilson, you didn't want anybody
20 to get in trouble for your drugs, did you?

21 A No, sir.

22 Q That wouldn't be right.

23 A No.

24 Q Okay. Mr. Scott asked you about State's
25 Exhibit No. 22. This Affidavit. And I believe he

Frank Lee Wilson-cross by Littlejohn

1 got you to read it.

2 A Yes, sir.

3 Q And do you remember, was that Mr. Ernest
4 Finney, Jr., that presented that to you?

5 A Yes, sir.

6 Q Okay. Do you remember Mr. Finney?

7 A Yes, sir.

8 Q Tall, nice looking guy?

9 A Yes, sir.

10 Q Got a little gray hair.

11 A Yes, sir.

12 Q A lot less than me.

13 A Yes, sir.

14 Q Did he make you sign that Affidavit?

15 A No, sir.

16 Q Is that what you wanted to do?

17 A Yes, sir.

18 Q You didn't want anybody to get in trouble
19 whether it was Greg Wright or any of the other
20 guys---

21 A No.

22 Q ---for your drugs?

23 A Right.

24 Q And, Mr. Wilson, since then, you have an
25 attorney Mr. Hastie, do you not?

Frank Lee Wilson-cross by Littlejohn

1 A Yes, sir.

2 Q And I believe this is Mr. Hastie sitting
3 right back there raising his hand?

4 A Yes.

5 Q He has been representing you for a number
6 of months on your charges?

7 A Yes, sir.

8 Q And based on his advice and what you
9 wanted to do, you entered a guilty plea to these
10 charges, did you not?

11 A Yes, sir.

12 Q And I believe just for the record, you
13 came in here on Monday and entered a guilty plea
14 before Judge Nettles, did you not?

15 A Yes, sir.

16 Q Did you have time to talk to Mr. Hastie
17 about these charges?

18 A Yes, sir.

19 Q Did you decide entering a guilty plea was
20 the right thing for you to do?

21 A Yes, sir.

22 Q When you entered a guilty plea did you
23 tell -- in response to Judge Nettles question, did
24 you tell him you were pleading freely and
25 voluntarily?

Frank Lee Wilson-cross by Littlejohn

1 A Yes, sir.

2 Q Because you were guilty.

3 A Yes, sir.

4 Q And one final thing, Mr. Wilson, I notice
5 in the Affidavit State's Exhibit NO. 22, and it
6 says the same information in this Affidavit you
7 give to the magistrate on June 19th, did you not?

8 A Yes, sir.

9 Q At a preliminary hearing.

10 A Yes, sir.

11 Q And do you recall several charges were
12 dropped against some of the people that you were
13 arrested with at that time, isn't that right?

14 A Yes, sir.

15 Q Just a couple of final things. Mr.
16 Wilson, did you ever see Greg Wright fighting any
17 dogs?

18 A No, sir.

19 Q Were there any dog fights out there on
20 Silo Road?

21 A No, sir.

22 Q How long did you live there?

23 A I lived there a pretty good while.

24 Q About 6 years?

25 A Or longer.

Frank Lee Wilson-cross by Littlejohn

1 Q Or longer. Okay. Did you help take care
2 of the dogs?

3 A Yes, sir.

4 Q Did y'all try and do everything for the
5 dogs that you could, given the resources you had?

6 A Yes, sir.

7 Q Okay. Did you try and take care of them?

8 A Yes, sir.

9 Q Did you feed them and provide them water?

10 A Yes, sir.

11 Q And I believe from the pictures they had
12 little houses?

13 A Yes, sir.

14 Q And there wasn't any dog fighting out
15 there, was there?

16 A No, sir.

17 MR. LITTLEJOHN: Those are all the
18 questions I have, Your Honor.

19 THE COURT: Is there any redirect?

20 Redirect Examination By Mr. Scott:

21 Q Just so I am clear, briefly. Very
22 briefly. That's where you live, right? And that
23 was behind the fence, right? And Greg Wright's
24 home was on the other side of the fence, right?
25 Did you ever see him in the back yard?

Frank Lee Wilson-redirect by Scott

1 A No, sir.

2 Q You never saw Greg Wright in his own back
3 yard?

4 A Quite a few times.

5 Q Okay. And he didn't know you were doing
6 drugs and selling drugs and had trafficking
7 amounts of cocaine?

8 A No, sir.

9 Q And large amounts of marijuana back there?

10 A No, sir.

11 Q He had no idea?

12 A No, sir.

13 Q Okay. And You didn't want to see him get
14 in trouble?

15 A No, sir. I don't want to see anybody get
16 in trouble.

17 THE COURT: You may step down. You may
18 call your next witness, Mr. Scott.

19 MR. SCOTT: Your Honor, just briefly can
20 we approach?

21 (Whereupon, the attorneys approach the
22 bench and confer with judge.)

23 THE COURT: Mr. Foreman and Ladies and
24 gentlemen, we have a matter of law that we need to
25 take up outside of your presence. Do not discuss

Frank Lee Wilson-redirect by Scott

1 the case. Thank you very much.

2 (Whereupon, the following takes place
3 within the presence of the jury.)

4 THE COURT: Mr. Scott, you are recognized.

5 MR. SCOTT: Your Honor, just for the
6 purposes of having this on the record, we would
7 state that the State does object to not being able
8 to call Len Norman, Bryan Maynor and Stormy
9 Maynor. We do feel that under the theory of res
10 gestae, that those witnesses would provide the
11 jury with a clear understanding in the context in
12 which this crime occurred. We feel like they
13 would produce evidence which furnishes part of the
14 context of the crime and would be necessary in
15 establishing the overall environment of this
16 particular crime. Therefore, I would just like to
17 put my objection on the record regarding being
18 unable to call those particular witnesses.

19 THE COURT: Be glad to hear from you,
20 Mr. Littlejohn.

21 MR. LITTLEJOHN: Your Honor, of course, we
22 agree with the court's ruling; in that, the
23 defendant is charged in events that occurred on
24 May 25th 2007. These other statements that the
25 State wants to go in to, and we feel it is not

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1 pertinent to what Mr. Wright is charged with..
2 They certainly don't fall under the res gestae
3 concept of evidence. And we agree with the
4 court's ruling.

5 THE COURT: You're protected on the
6 record, Mr. Scott.

7 MR. SCOTT: Thank you, Your Honor.

8 THE COURT: I understand the State has
9 rested, is that correct? We will bring the jury
10 out and let you rest in their presence. But I
11 will be glad to hear any motions at this time.

12 MR. LITTLEJOHN: Thank you, Your Honor.
13 Your Honor, the defendant would move for a
14 directed verdict of not guilty as to all the
15 indictments. And, Your Honor, if I may for
16 purposes of my argument, divide the argument in to
17 two parts. First, and insofar as the drugs are
18 concerned, my client is charged with trafficking
19 in crack cocaine. Trafficking in cocaine,
20 28 grams but less than 100 grams, and possession
21 with intent to distribute marijuana.

22 Your Honor, as to all three of those
23 indictments, we would move for a directed verdict.
24 The State of record as it exists right now, the
25 State having rested, even taking that evidence in

Frank Lee Wilson-redirect by Scott

1 the light most favorable to the State does not
2 show that Greg Wright ever had any actual
3 possession of the drugs that were seized on May
4 25th 2007. The drugs were solely in the
5 possession of Mr. Wilson.

6 Mr. Wilson has signed an Affidavit that is
7 in evidence. He has testified that it is in
8 evidence. He has entered a guilty plea to those
9 drugs. And the record shows that Mr. Wilson
10 possessed all of these drugs. And the area in
11 close proximity or if not in his residence. There
12 is no evidence that Mr. Wright ever had any
13 dominion and control of the drugs that were seized
14 on May 25th 2007. And therefore cannot be guilty
15 of constructive possession of these drugs.

16 Your Honor, I understand that the State
17 had charged him with trafficking. But we would
18 submit that the other elements, manufacturing,
19 delivering, purchasing, bringing in to this state,
20 none of those elements have even been met. Your
21 Honor, insofar as the three charges, we would move
22 for a directed verdict. There is no evidence upon
23 which the jury can decide he is guilty.

24 THE COURT: Well the trafficking provides
25 all those elements that you have mentioned. And

Frank Lee Wilson-redirect by Scott

1 one of which is mere possession of that amount of
2 that controlled substance. And of course the
3 State of law is that and you're right, the
4 evidence is that there was no actual possession.
5 But the evidence as I understand it is, that your
6 client owned the land. And although I understand
7 what you are saying and it is a very good argument
8 to the jury, I do believe it is a question of
9 fact. Because the law says that constructive
10 possession can be having dominion or control or
11 the controlled substance or the land which it is
12 situated on. And I think that clearly gets the
13 State around the directed verdict.

14 Although the evidence is what we would
15 call the paucity of evidence. I believe that it
16 does allow for, the law specifically says if an
17 individual owns the land on which the controlled
18 substance was found, then it is a question of
19 fact as to whether or not there is dominion and
20 control. I understand your argument in that
21 regard. But I---

22 MR. LITTLEJOHN: Your Honor, might I---

23 THE COURT: ---think that, and in addition
24 to that of course, the law says that more than one
25 person can possess a controlled substance.

Frank Lee Wilson-redirect by Scott

1 MR. LITTLEJOHN: Your Honor, may I point
2 out one other thing that was substantiated with
3 the last witness' testimony? The vast majority of
4 these drugs were found in the admitted residence
5 of Frank Wilson. He testified that he rented that
6 building as his residence from Greg Wright. We
7 would submit to the court, that even given
8 constructive possession principles, that a
9 landlord cannot be responsible for items that are
10 possessed by a tenant. Especially within the
11 confines of the tenant's residence, which he
12 rents and which the landlord has really no control
13 over. As long as the tenant is legally in the
14 residence.

15 THE COURT: Mr. Scott, I will be glad to
16 hear from you with regard to that.

17 MR. SCOTT: Your Honor, that was not of
18 the shed; that he herded himself up there today, I
19 would argue. There has never been any evidence of
20 any sort of lease agreement.

21 THE COURT: Well he did say that he rented
22 from and paid \$75 a month, didn't he?

23 MR. SCOTT: There is no running water.
24 There was no evidence of heat or anything. There
25 was no electricity. There was a cord that ran

Frank Lee Wilson-redirect by Scott.

1 from outside. I think there was a cot that was
2 testified to being in there. Furthermore, he
3 stated his address as being something different.
4 He couldn't state the address of the property.
5 He, I couldn't quite understand where he said his
6 mail was or where it came from. But that, I don't
7 believe that was -- I don't think he proved that
8 that was any -- that he had control or dominion
9 over that particular piece of property. That was
10 Greg Wright's property, and all those drugs were
11 found on it. And around that area.

12 MR. LITTLEJOHN: Well, Your Honor, of
13 course that would counter that. The quality of
14 the abode certainly does not change the legal
15 principle; that if he rented that as his
16 residence, that was considered his residence. The
17 State of the record is, that's where he stayed.
18 He had a bed in there. He had a microwave. I
19 believe there was a TV in there. That was his
20 residence as shabby as it may be. He was still
21 renting it. He was the tenant and was in control
22 of anything in that particular abode.

23 THE COURT: I understand what you are
24 saying. And I agree from a logical standpoint.
25 But, however, I do find that it presents a

Frank Lee Wilson-redirect by Scott

1 question of fact for a jury. I think it makes a
2 wonderful argument. And I believe it is indeed
3 that, a question of fact.

4 MR. LITTLEJOHN: Your Honor, before I move
5 on to the other charges, insofar as, the
6 trafficking in cocaine, which is the Indictment
7 08-932, we would move for a directed verdict as
8 to the charge of trafficking in 38 grams but less
9 than 100 grams of cocaine. The record clearly
10 indicates there was not 28 grams that were seized
11 on May 25th, it was only 13 grams.

12 THE COURT: I will indeed grant the
13 directed verdict with regard to that specific
14 section. And I am---

15 MR. SCOTT: Your Honor, If I may.

16 THE COURT: Yes.

17 MR. SCOTT: I think we discussed earlier I
18 had moved to amend that, to the lesser, 10,
19 between 10 and 28. Which is found in 44-53-370
20 Subsection E-2-A-3 with the CDR Code of 147. I
21 asked to amend that at the beginning of this
22 trial.

23 THE COURT: I will allow you to amend it
24 accordingly. With regard to what has been
25 indicted, I do indeed direct a verdict with regard

Frank Lee Wilson-redirect by Scott

1 to that, and allow an amendment. And I will
2 charge the section that allows for trafficking in
3 the amount of 10 grams to 28 grams. I think, all
4 right.

5 MR. LITTLEJOHN: Your Honor, insofar, is
6 the court ready for me to proceed?

7 THE COURT: Yes. While we are on the
8 amount of drugs, I think there is, how about the
9 marijuana? Is there any motion with the regard to
10 the marijuana?

11 MR. LITTLEJOHN: Yes, Your Honor. That
12 is what I was going to address next. That's
13 Indictment No. 08-933. Your Honor, the record
14 indicates that the marijuana that was seized on
15 May 25th was 26.26 grams. Which is below the
16 presumption. We would move for a directed verdict
17 as to possession with intent to distribute
18 marijuana. And submit that the court could charge
19 it as to simple possession of marijuana. But that
20 would be the highest charge we would submit.

21 THE COURT: Mr. Scott.

22 MR. SCOTT: I would think they could
23 probably make an inference that he intended to
24 distribute those to simple possession as a lesser
25 included.

Frank Lee Wilson-redirect by Scott

1 THE COURT: I will grant a motion for a
2 directed verdict with regard to possession with
3 intent to distribute marijuana. I will indeed
4 charge the lesser included offense of marijuana.
5 Simple possession of marijuana.

6 MR. LITTLEJOHN: Your Honor, insofar as
7 the, I guess, I should address 08-927. The
8 possession of a firearm during the commission of a
9 violent crime. Your Honor, just so the record is
10 complete. I would move for a directed verdict as
11 to that charge. Under the theory that the violent
12 crime has not been proven as to the, I'm assuming
13 the State is relying on the drug offenses as being
14 a violent crime. And we would submit those drug
15 charges have not been proved.

16 THE COURT: Very good. And you are
17 protected on the record in that regard.

18 MR. LITTLEJOHN: In regard to the dog,
19 what I call the dog charges, Indictment No.
20 08-930, which charges animal fighting. Your
21 Honor, this Indictment reads that on at least one
22 occasion, the defendant was a party to and or
23 caused the fighting or baiting of animals. To
24 wit: Gregory Wright, was party to or caused
25 fights between pit bull dogs against one another.

Frank Lee Wilson-redirect by Scott

1 Your Honor, we would submit that there is
2 just absolutely no evidence in the record to
3 substantiate that charge. There is no indication
4 that he ever fought dogs in the time period named.
5 There is just no evidence that he fought or baited
6 any animals.

7 THE COURT: Mr. Scott, what do you have to
8 say in that regard?

9 MR. SCOTT: Your Honor, we did hear
10 extensive testimony yesterday. At times we sort
11 of got bogged down in it. But from Dr. Lynn
12 Hawkins, she referred to the various injuries of,
13 I think, 15 animals, that she said were in her
14 expert opinion caused by animal fighting. There
15 were wounds. Some recent, some old. And in
16 various stages of healing. But she did testify
17 that those were animal fighting wounds.

18 And these animals were owned by Greg
19 Wright. The testimony has related that, as well
20 as a letter that he admittedly wrote where he
21 claims the animals.

22 MR. LITTLEJOHN: Your Honor, of course, I
23 would submit to the court that possessing or
24 owning injured animals is not sufficient to get
25 the State to pass a directed verdict on that

Frank Lee Wilson-redirect by Scott

1 charge. Because they have specifically charged
2 Him with causing the fighting or baiting of
3 animals. And there is no evidence.

4 THE COURT: I think there is no direct
5 evidence. But there is indeed circumstantial
6 evidence. And in view of the fact that the
7 testimony primarily, but whether the admission of
8 the defendant in this written statement that he
9 owned the dogs, and the circumstantial evidence as
10 provided through the Veterinarian, I think that
11 would get them by the directed verdict stage. And
12 I so rule that you are protected on the record in
13 that regard.

14 MR. LITTLEJOHN: Your Honor, insofar as,
15 08-929, in which he is charged with owning animals
16 for the purpose of fighting. I would just
17 incorporate my last argument as to 08-930.

18 THE COURT: All right.

19 MR. LITTLEJOHN: And ask the court to
20 direct a verdict as to that Indictment.

21 THE COURT: Okay, very good. And your
22 motion is denied.

23 MR. LITTLEJOHN: Lastly 09-931 which
24 charged ill treatment of animals. We would submit
25 that there is not sufficient evidence to send that

Frank Lee Wilson-redirect by Scott

1 Indictment to the jury either.

2 THE COURT: I will be glad to hear from
3 you, Mr. Scott.

4 MR. SCOTT: Again, Your Honor, the statute
5 reads that Greg Wright did in Sumter County,
6 torture, torment, needlessly mutilate, cruelly or
7 kill or inflict excessive or repeated unnecessary
8 pain or suffering upon an animal.

9 We talked about at great length about
10 these chains that I had trouble lifting around
11 these dog's necks. The chains probably weighed
12 twice as much as they did. We talked about the
13 rape board and we talked about the various
14 medications. And we showed one picture of a pen
15 with the animals standing in the same feces and
16 how that was not healthy. And that was indeed
17 cruel to the animal. I think Dr. Hawkins'
18 testimony fully covered the ill treatment
19 Indictment.

20 MR. LITTLEJOHN: Your Honor, I would
21 counter that by saying that the problem is the
22 Indictment which the Attorney General brought
23 against my client says he did; to wit: And this
24 is the means by which they allege he ill treated
25 animals; that he did own a number of pit bull dogs

Frank Lee Wilson-redirect by Scott

1 which he fought against other animals including
2 other dogs. And we submit that the evidence; that
3 they specifically charge that as being the means
4 by which he ill treated animals. And that has not
5 been proved.

6 Your Honor, I think that would be akin to
7 charging in a murder Indictment that the victim
8 was shot with a gun. And then later coming back
9 and saying, well we want to now say he was stabbed
10 with a knife. I think they have alleged that's
11 how the dogs were ill treated. And they haven't
12 proven it.

13 THE COURT: I think they have by
14 circumstantial evidence and you are protected on
15 the record in that regard.

16 MR. LITTLEJOHN: Thank you.

17 THE COURT: We are ready for the jury.

18 MR. LITTLEJOHN: Your Honor, could I make
19 sure. I think my witness is right outside the
20 door.

21 (Whereupon, the following takes place
22 within the presence of the jury.)

23 THE COURT: Mr. Scott, you are recognized.

24 MR. SCOTT: Your Honor, the State rests.

25 THE COURT: Very good. Mr. Foreman, and

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1 Ladies and gentlemen of the jury, the State has
2 completed the presentation of evidence. At this
3 time, I will recognizes the defendant. It is not
4 necessary that they produce any witnesses
5 whatsoever. But at this time, they get an
6 opportunity to if they choose to do so.
7 Mr. Littlejohn, you are recognized.

8 MR. LITTLEJOHN: Thank you, Your Honor.
9 We would call Gwendolyn Burris.

10 Gwendolyn Burris, being
11 first duly sworn, testified as follows

12 THE COURT: I am going to ask you to come
13 forward, please, ma'am. And have a seat in this
14 witness chair. I am going to ask you to speak
15 loudly and clearly and slowly so that we can hear
16 everything that you have got to say. And state
17 your full name.

18 A Gwenloyn Yvonne McNeal Burris.

19 Direct Examination by Mr. Littlejohn:

20 Q Ms. Burris, where do you live please,
21 ma'am?

22 A 4915 Silo Road.

23 Q Who do you live with?

24 A My husband Gregory Wright, and my three
25 kids.

Gwendolyn Burris-direct by Littlejohn

1 Q And how long have you been with Greg?

2 A Almost 10 years.

3 Q And you have three children.

4 A Yes, sir.

5 Q What are their ages?

6 A 14, 14, 3 and 19.

7 Q And, Ms. Burris, have you known Greg for
8 10 years?

9 A Yes.

10 Q Did you know him earlier than that or?

11 A No.

12 Q Just 10 years. Now let me ask you, during
13 the 10 years that you have known him, has Greg
14 been involved in raising dogs?

15 A Yes, I mean ever since I have known him,
16 he has been raising dogs. And before he was
17 raising dogs all his life.

18 Q And explain to the jury what you mean by
19 raising dogs.

20 A Well, you know, he breeds the dogs. I
21 mean, they're just pets to him. I mean it's
22 really hard for me to explain, because I don't
23 really know a whole lot about dogs myself, you
24 know. But, you know, he raised them. They play
25 with them. I mean they feed them. I mean just

Gwendolyn Burris-direct by Littlejohn

1 pets to him.

2 Q What does he do with the puppies?

3 A Sometimes he sells them, but most of the
4 time he just raises them and keeps them.

5 Q Okay. And where are the dogs kept in
6 relation to your house?

7 A I have a double wide trailer. And behind
8 my house maybe 100 feet or more, I have a privacy
9 fence. And the dogs are kept in the back in a big
10 privacy fence on our land.

11 Q Do you help maintain the dogs or take care
12 of the dogs?

13 A No.

14 Q You don't. Okay.

15 A I don't deal -- not because I don't care
16 for them or anything. It's just I don't deal with
17 pets, period. I have allergies and everything. I
18 just don't deal with animals, period.

19 Q Okay. Is there somebody that helps take
20 care of the dogs?

21 A Yes. For one, my kids do.

22 Q Uh-huh. (Affirmative.) What do your kids
23 do?

24 A They will go with their dad and feed them
25 and stuff, and play with them and stuff. The big

Gwendolyn Burris-direct by Littlejohn

1 ones and the small ones.

2 Q Now is there an individual named Frank Lee
3 Wilson that helps with the dogs?

4 A Yes, sir.

5 Q And how do you know Frank Lee Wilson?

6 A He is, well he is basically family to my
7 husband.

8 Q And does he stay there at your property?

9 A Yes, sir. He stay in the house in the
10 back of my property.

11 Q Does he rent that from you?

12 A Yes, sir.

13 Q And how long has he been doing that?

14 A Right at about 6 years.

15 Q Now, Ms. Burris, have you ever seen any
16 dog fights at your place?

17 A No, sir.

18 Q Have you ever seen people come back in and
19 congregate like there was a dog fight?

20 A No, never congregate or anything
21 pertaining to dog fighting or none of that. But
22 people come by all the time, because we have a
23 business. There are people always at my house.

24 Q These are people that work for you?

25 A Yes, sir, our employees.

Gwendolyn Burris-direct by Littlejohn

1 Q Explain to us what kind of business Greg
2 is in.

3 A Well now we have a construction business.
4 We do demolition work.

5 Q Do you actually construct or do you
6 destruct?

7 A We destruct.

8 Q How long have you all been doing that?

9 A Almost 4 years now.

10 Q What part do you play in that business?

11 A I run the business as far as the jobs or
12 whatever. And I do all the paperwork and
13 everything.

14 Q How many people do you all employ?

15 A Well, Mr. Littlejohn, it is hard to say
16 that because that varies. Sometimes we go to the
17 employment office and different places like that
18 and get different people. Because it just depends
19 on how big the job is.

20 Q Uh-huh. (Affirmative.)

21 A Because most of the jobs are in the City.
22 So it just depends on, you know, how many people
23 that we are going to need. It just depends on how
24 big the job is. It's really hard to say.

25 Q Give me a rough idea of how many, maybe

Gwendolyn Burris-direct by Littlejohn

1 the high and the low?

2 A Between 5 and 10, maybe at the most at the
3 time I am aware of.

4 Q Okay. Now do you all ever deal in cash
5 money?

6 A Yeah, we always deal with cash.

7 Q Why?

8 A Because we get paid. Like I said, most of
9 the jobs are through the city. And we pay our
10 employees cash, because it is like on sometimes a
11 day to day basis, with everybody who works for us.

12 Q Okay.

13 A Because we never know when we are going to
14 need them to start the regular payroll.

15 Q And the name of the business is G unit.

16 A G unit construction.

17 Q Do y'all have a separate office other than
18 your house?

19 A No, sir.

20 Q Everything is done at the house?

21 A Uh-huh. (Affirmative.)

22 Q Tell me, how long have you all lived in
23 that house.

24 A Nine and a half years.

25 Q There was some testimony that there was a

Gwendolyn Burris-direct by Littlejohn

1 bar across the front door of that house.

2 A Uh-huh. (affirmative.)

3 Q Why did you have a bar?

4 A I just had a bar, because I have got bars
5 all over my house on the windows and everything.
6 At one point in 03, Greg was away for a little
7 while, and it was just me and the kids. And I am
8 not from here.

9 Q Uh-huh. (affirmative.)

10 A So I have been here a little over 9 years
11 almost 10 years.

12 Q Uh-huh. (affirmative.)

13 A And ever since I have been here, I am just
14 not used to this, you know, the environment
15 period. And it's in the country, and I have never
16 lived in the country. So when he was away, I got
17 the bars put on the house in 03.

18 Q And that's for security of you---

19 A Yeah, because my---

20 Q ---and your family.

21 A ---father was ill, for one. And I don't
22 have no family here. So I was always gone.

23 Q Uh-huh. (affirmative.)

24 A So I kept it. I had a security system and
25 bars put on my house.

Gwendolyn Burris-direct by Littlejohn

1 Q Okay.

2 A Because I was never here.

3 Q Now in fact did you purchase a gun at some
4 point?

5 A Yes, sir.

6 Q What kind of gun?

7 A A 9 millimeter.

8 Q And where did you keep that gun?

9 A In my room in a drawer.

10 Q Did you purchase that gun from a gun
11 dealer?

12 A Yes, sir, I did.

13 Q Did you have the paperwork?

14 A Yes, sir, I did.

15 Q Ms. Burris, let me show you what has been
16 marked State's Exhibit No. 19.

17 A Okay.

18 Q And do you recognize what is shown in that
19 photograph?

20 A Yes, sir.

21 Q Is that the gun we have been talking
22 about?

23 A Yes, sir, this is the gun. But I am not
24 really for sure what all this is in the back of
25 what they have.

Gwendolyn Burris-direct by Littlejohn

1 Q Uh-huh. (affirmative.)

2 A And this is my bullets.

3 Q Uh-huh. (affirmative.)

4 A And that is the chamber. But this drawer,
5 I am not really familiar.

6 Q Where did you keep the gun?

7 A In my room, in my drawer. In the green
8 dresser drawer.

9 Q What else was in the drawer?

10 A My personal items.

11 Q Okay. And the personal items are not in
12 the drawer anymore.

13 A No, uh-uh. (negative.)

14 Q I understand. Ms. Burris, did you ever
15 see any drugs in your house?

16 A No, sir, uh-uh. (negative.) I don't
17 allow it. No, sir.

18 Q Ms. Burris, let me refer you to May 25th
19 2007. Do you remember that day?

20 A Yes, sir.

21 Q Did you have some plans on that particular
22 day?

23 A Yes, sir.

24 Q What were your plans?

25 A Actually we were minutes away of preparing

Gwendolyn Burris-direct by Littlejohn

1 to go to Myrtle Beach.

2 Q Okay.

3 A We have a family resort at the beach. And
4 our family was about to leave. Preparing to
5 leave.

6 Q By family you mean who?

7 A Me, Greg, a lot of our employees. I mean
8 this was just Memorial weekend and this is the
9 type of stuff we do.

10 Q Okay.

11 A And we had two resorts reserved to go to
12 the beach.

13 Q Did you have some other family members
14 that were going?

15 A My sisters, their husband, everybody.

16 Q And, insofar as, how many places did you
17 all have reserved?

18 A We had two resorts reserved. Two
19 three-bedroom resorts.

20 Q And how were you going to pay for those
21 resorts or condos or whatever they were?

22 A Well I reserved it on my credit card. But
23 I was paying for it with cash. You know, they
24 will hold it and you can have the choice to pay
25 it up front or, you know, reserve it on your card.

Gwendolyn Burris-direct by Littlejohn

1 And I was going to pay for it once we got there.

2 But held it on my card.

3 Q And did you have some cash for that
4 purpose?

5 A Yes, sir.

6 Q And where was that cash?

7 A In my room in the dresser. I have like a
8 small area where I keep like my baby's extra stuff
9 in it, in the above drawer. I keep the -- I had
10 the money there. I have a sleeve in the drawer.
11 It wasn't put away or anything, because we were
12 preparing to leave. So it was in the top drawer,
13 the very top drawer in the corner.

14 Q Okay. Do you also have some money on your
15 person?

16 A Uh-huh. (affirmative.) Yes, sir.

17 Q For the same purpose?

18 A For the same purpose. On top of that, I
19 was still shopping. I was on the highway. As a
20 matter of fact, whenever all this happened, I was
21 on the highway coming back from North Carolina
22 picking my mother up to house sit for me. And I
23 had cash on me, because I was shopping as we was
24 going. You know, we run a business all week. And
25 trying to do everything. We hadn't paid the

Gwendolyn Burris-direct by Littlejohn ..

1 employees yet. We hadn't gotten anything. We was
2 trying to get prepared to go.

3 Q Did you learn your house was being
4 searched?

5 A Yes, sir. I got several calls that my
6 house was being searched.

7 Q What did you do?

8 A Of course, I got through the traffic as
9 best as I could. And when I got in town, I called
10 Greg's mother. Because they told me our house was
11 being raided. The police was everywhere. So once
12 I called my mom, of course, I was afraid. I
13 didn't know what was going on. But because the
14 police was there, I didn't want to bring my kids.
15 So I took them to my mother-in-law's house. And
16 got -- had her to meet me. And got in the car.
17 And my mother and my kids stayed at her house
18 while we went to see what was going on.

19 Q So you went to your house.

20 A Yes, sir. I went straight to my house
21 once we got the kids situated.

22 Q And what happened when you got to your
23 house?

24 A Well when I pulled up, of course, the
25 police was everywhere. I was getting out of the

Gwendolyn Burris-direct by Littlejohn

1 car with my mother-in-law and the officer
2 approached me asking who I was and I told her.
3 And then she asked for identification. As I was
4 getting out of the car, she asked me did I have
5 identification. And I told her, yes, ma'am. So I
6 reached in to get my purse, to get my ID out. And
7 she told me no, let's just bring this with you.
8 And took me in to the House.

9 Q Did you, were you arrested?

10 A Yes, sir.

11 Q Okay. Charged with drugs?

12 A Yes, sir.

13 Q And did you have any money in your purse?

14 A Yes, sir.

15 Q What happened to that money?

16 A They took it.

17 Q And then they -- I assume they took you to
18 jail.

19 A Yes, sir.

20 Q Now talking about money and before I go
21 on, were there some large jugs in your house?

22 A Yes, sir.

23 Q Tell the jury what those jugs were.

24 A Actually it was two jugs. All of us
25 collect change. And the banks was on the end of

Gwendolyn Burris-direct by Littlejohn

1 the house. And it was right there beside the
2 fireplace. And that's where the kids put their
3 money in. We collect it. My kids have their own
4 account, bank account. And we collect the, you
5 know, they collect their change. Whoever gets it,
6 and everybody throws their change in, including
7 my baby. All of us, you know, we just, whatever
8 they put their change in. That's where they keep
9 their change. And then like I said, they was
10 offering to take the change to the bank. And, you
11 know, getting used to saving money and knowing how
12 to do stuff. And along with the change that they
13 found, they, you know, my son had toys, pictures.
14 All kinds of stuff of his also. But it was my
15 kid's bank.

16 Q What happened to those jugs on May 25th?

17 A They took them.

18 Q Did you explain to the police what they
19 were?

20 A Yes, sir. They even gave me stuff back
21 out of it. I even went to the Police Department.
22 They gave me some of my kid's belongings out of
23 the bank.

24 Q Insofar as, the pistol which you have
25 identified, did you have some paperwork related to

Gwendolyn Burris-direct by Littlejohn

1 that pistol?

2 A Yes, sir. And they took that.

3 Q What kind of paperwork?

4 A The registration.

5 Q Where you purchased it?

6 A Yes, sir.

7 Q Did you explain to the police what the
8 circumstances were with the gun?

9 A Yes, sir. They -- I mean they was like
10 coming at me with all kinds of stuff that I wasn't
11 really for sure what was going or whatever. But
12 basically, I told them I had the gun. And that it
13 was my gun. It was like they were asking me why
14 did I have the gun. And I told them that. And
15 they was asking me why was the bars all over the
16 house, and the gun. And I told them when Greg was
17 away, I got all this stuff for protection. And I
18 still to this day, did tell them that Greg didn't
19 know I had the gun. You know, I know of heard of
20 prior things pertaining to the lifestyle and
21 different things like that as far as the people
22 and the area he used to live in you know what I am
23 saying? I just had been afraid, so I had weapon.

24 Q Okay.

25 A But Greg didn't know I had the gun. I

Gwendolyn Burris-direct by Littlejohn

1 wouldn't tell him. Because I knew that he wasn't
2 allowed to have weapons. So I would never tell
3 him. When he got back home, I didn't tell him. I
4 just kept it in my room.

5 Q Did you have anything to do with the
6 drugs that Frank Lee Wilson had?

7 A No, I have never been in trouble. I don't
8 know anything about the drugs. There was no drugs
9 found in my house. There was nothing illegal
10 found in my house. All the stuff was found behind
11 the privacy fence where the guy lives at. Nothing
12 was found in the house that was illegal. The only
13 extra thing that was found in my house pertaining
14 to weapon was some bullets that belonged to my
15 father. And that was not even another weapon.
16 And I had them over the top of the counter in the
17 kitchen. And that was just in memory of him. My
18 father had just passed in November.

19 MR. LITTLEJOHN: That's all the questions
20 I have.

21 THE COURT: Cross examination, Mr. Scott.
22 Cross Examination by Mr. Scott.

23 Q Ms. Burris, you say you and your husband
24 run a company called G unit Construction.

25 A Yes, sir.

Gwendolyn Burris-cross by Scott

1 Q And are you licensed?

2 A Yes, sir.

3 Q So if I pulled your records from the
4 Office of Department of Labor, License and
5 Regulation, I would find your name on there?

6 A Well, myself, I am licensed. My husband
7 is. He runs the business; owns the business. I
8 just do paperwork.

9 Q If I ran your husband's name, would I find
10 his name as a licensed contractor and builder?

11 MR. LITTLEJOHN: Your Honor, I am going to
12 object. This is a collateral matter.

13 THE COURT: I am going to sustain the
14 objection.. It is really not relevant to what we
15 are here about.

16 Q Now you stated you had dogs. And they
17 were pets. They were like pets.

18 A Uh-huh. (Affirmative.)

19 Q We had extensive testimony yesterday. And
20 we went through a great deal of pictures of dogs
21 with extensive injuries.

22 A Uh-huh. (affirmative.)

23 Q Why would these pets have such injuries?

24 A Well like I said, I really can't explain
25 anything at all to you in reference to the dogs,

Gwendolyn Burris-cross by Scott

1 as far as having injuries. The only thing I know
2 and that I was made aware to me of anything
3 pertaining to our dogs, was the fact that they
4 were told that we had a lot of animals. On one
5 occasion, the people came out. They said the
6 dogs was fine. The dogs was in good health. They
7 told us we needed to get the dogs vaccinated.
8 They came out, we paid the bill for them to get it
9 done like, it was like a couple of days later.
10 Maybe a week at the most, later. They came out
11 and checked the dogs.

12 Other than that, I am aware that Greg had
13 got medicine like several times for the dogs.
14 Like for the flies and bugs and stuff like that.
15 And like the collars. Because there were so many
16 dogs and they will be barking or whatever. And,
17 you know, they will have rawness like under the
18 neck or whatever.

19 Q Okay.

20 A But other than that, I don't know of
21 any -- you know, other than that, I don't know of
22 anything.

23 Q So you can't really -- you didn't -- you
24 said, you're not really an active person. Your
25 allergies kind of prevent you from hanging out.

Gwendolyn Burris-cross by Scott

1 A Right, I don't deal with the dogs at all.
2 I couldn't tell you nothing about the dogs.

3 Q Okay.

4 A I told them the same thing, I don't know
5 nothing about the dogs.

6 Q Okay. That's fine. You said G Unit
7 Construction. You do everything at the house.
8 That's pretty much your office.

9 A Right.

10 Q That's your home office.

11 A Uh-huh. (affirmative.)

12 Q Why was there cash found in all of these
13 different places? Why didn't you have a safe or
14 some kind of -- there was cash found, the
15 testimony was saying in the different drawers and
16 Tupperware and all over the place. Why was that?

17 A Okay. When you say all over the place and
18 different places, there is no way possible that
19 nobody could have said all over the place. They
20 could have told you two places.

21 Q Two different rooms at least---

22 MR. LITTLEJOHN: Your Honor, I would ask
23 that he let the witness finish her answer.

24 THE COURT: Mr. Scott, ask the question
25 and give her an opportunity to answer.

Gwendolyn Burris-cross by Scott

1 MR. SCOTT: I'm sorry, Ms. Burris, please
2 continue.

3 A Okay. Again, to narrow it down to why we
4 had all the cash, like I explained earlier, we
5 were minutes away of trying to get to leave for
6 the beach. I had all the Myrtle Beach
7 confirmation. Whatever you may need to prove out
8 of that, that we are preparing to leave. I had
9 cash on me, and it showed my withdrawal slip in my
10 purse that the cash lady took from me.

11 That cash in my purse was for the
12 traveling and to buy the rest of the stuff that I
13 needed for the trip. The money in the drawer was
14 for the hotel that we were staying in, in the
15 resorts. Which is almost \$2,000 for the fee, for
16 the two resources. And Greg's cash that was in
17 the other room was for the employees. Because we
18 paid the employees cash.

19 Q Okay. So you didn't---

20 A Because we hadn't paid anybody anything.
21 We was rushing to get everything done.

22 Q I got you. You don't even have a safe for
23 anything like that?

24 A No, we don't have a safe. Most of the
25 cash, sir, is held in the bank.

Gwendolyn Burris-cross by Scott.

1 Q That's fine.

2 A Can I explain what I was trying to say?

3 Q Just yes or no. Yes or no, please.

4 MR. LITTLEJOHN: Your Honor, I don't --

5 she certainly has a right to explain her answer.

6 She's not limited to a yes or no as Mr. Scott.

7 THE COURT: If you will ask the question
8 once again. And if you need to answer it yes or
9 no. And then you will be given the opportunity to
10 explain your answer. Is that fair enough?

11 A Yes, sir.

12 THE COURT: Mr. Scott, you may rephrase
13 your question, or reask the question.

14 Q Mr. Littlejohn asked about these drawers
15 earlier. State's Exhibit 17 and 16. And you
16 didn't recognize those.

17 A Okay. Now that's the extra room. That's
18 the room that Greg sleeps in. And that's where
19 the -- this drawer here actually is the drawer
20 where -- this drawer here is like an extra drawer
21 and it's a torn drawer. And the money was in this
22 drawer here. This is the drawer that the money
23 was in. And this here, when you see here, when
24 you see fell down, it should have been two stacks.
25 Because it should equal to the amount of the

Gwendolyn Burris-cross by Scott

1 money for the employees. But you see the drawer
2 is torn. And the money had fell down in the
3 drawer. I mean, down to the floor of it.

4 Q Thank you.

5 A Yes, sir.

6 Q Okay. Why would your house have been
7 raided on May 25th? You stated it was raided.

8 A I have no idea. All I know is that when
9 they came in, and basically the lady escorted me
10 into my own house. And everybody was all over the
11 place in my house. And told me that my house was
12 being raided in reference to drugs and dogs. And
13 I told Him everything I could tell him, which was
14 nothing because I don't know anything about it. I
15 wasn't even there. I was out of town. I was in
16 North Carolina.

17 Q Do you know what they found?

18 A They say they found drugs, money and a
19 gun. And I explained to them everything as far as
20 I know. But the drugs were found. The money and
21 the drugs -- I mean the money and the gun, of
22 course, I explained to them where that came from.
23 But the drugs which they told me they found in the
24 back in the privacy, behind the privacy fence in
25 the house Frank lives in.

Gwendolyn Burris-cross by Scott

1 Q The drugs were found on the property,
2 correct?

3 A It was found in the back behind the
4 privacy fence. Yes, sir.

5 Q On the property, correct? Yes or no?

6 A Yes, uh-huh. (Affirmative.) Yes.

7 Q And how would they have known about that,
8 but you didn't?

9 MR. LITTLEJOHN: Your Honor, I am going to
10 object. That's an improper question.

11 THE COURT: I'll sustain the objection.
12 How would she -- that would certainly call for
13 speculation. I'LL sustain the objection.

14 Q They mentioned the bar on your front door
15 earlier. And you said you had that because there
16 was a time in 2003, Mr. Wright was gone?

17 A Right.

18 Q Where was he?

19 MR. LITTLEJOHN: Your Honor, can we have a
20 side bar?

21 THE COURT: Yes.

22 (Whereupon, the attorneys confer with the
23 judge at the bench.)

24 MR. SCOTT: That's all for this witness.

25 THE COURT: Redirect?

Gwendolyn Burris-cross by Scott

1 MR. LITTLEJOHN: Just one thing, Your
2 Honor.

3 Redirect Examination by Mr. Littlejohn:

4 Q Ms. Burris, you indicated some time before
5 May 25th 2007, some people had come out and
6 examined the dogs.

7 A Yes, sir.

8 Q Do you remember when that was?

9 A Mr. Littlejohn, actually I don't remember
10 when that was. But it was -- it wasn't much
11 longer before then. I honestly don't know. I
12 just know that they came out. Maybe like a month
13 or two. I mean, I really can't remember exactly
14 how long it was.

15 Q Okay.

16 A I don't remember.

17 Q And who came out there, do you remember?

18 A They was in police stuff. They told me
19 they was from animal control. But it was people
20 all in the woods and everything. So I really
21 don't know what happened with it. But from that
22 result, it was nothing. They was out there. They
23 was calling about the dogs. All they did was
24 check the dogs and say they dogs are fine; that
25 the dogs will need to be vaccinated.

Gwendolyn Burris-redirect by Littlejohn

1 Q Vaccinated.

2 A But they gave us two weeks. But within a
3 week they came out. And my husband went and paid
4 the money. And then they came. And they did all
5 the dogs there.

6 Q When the authorities came out the previous
7 time, did they seize any of the dogs?

8 A No, they -- I mean even the ones that was
9 in camouflage. Whatever the cause, or whatever
10 the reason, I don't know. But they just said they
11 got a call there was a bunch of dogs, and they
12 came out from the woodwork. I mean they was all,
13 had me and my kids scared because it was early in
14 the morning waiting for a school bus.

15 Q But none of the dogs were seized.

16 A Nope. Nothing was seized. Nothing
17 happened. Nothing went on. They just was like,
18 they came out this way because they was told about
19 the dogs. And we still didn't understand why they
20 was dressed like that. Why they was all
21 camouflaged down like they was a tree. The whole
22 time. And they didn't do anything. They was -- I
23 mean everybody. There was even the officers
24 whatever they were, I couldn't even tell you their
25 positions. They had their badges on. They said

Gwendolyn Burris-redirect by Littlejohn

1 they was officers, and the animal people. Because
2 they came, and then we had to wait on animal
3 control. It wasn't even animal control at first.
4 They was there first.

5 Q Okay.

6 A No drugs. No, none of this kind of stuff.

7 Q Was anybody charged with anything?

8 A No, sir. No.

9 MR. LITTLEJOHN: Thank you, ma'am. Your
10 Honor, excuse me. I am sorry. That's all I
11 have. Thank you.

12 THE COURT: You may step down.

13 MR. LITTLEJOHN: Your Honor, at this time,
14 the defense rests.

15 THE COURT: Mr. Foreman and Ladies and
16 gentlemen of the jury, once again we need to take
17 up legal matters with the lawyers. Thank you for
18 your patience. And then once again, I am going to
19 ask you not to discuss the case. We have
20 concluded the taking of all the evidence. And as
21 I mentioned in my opening comments, the
22 progression of the trial is opening statements.
23 We take testimony. We take all of the evidence.
24 And then we have closing arguments.

25 After we conclude the legal matters with

Gwendolyn Burris-redirect by Littlejohn

1 the lawyers, then you will have an opportunity to
2 hear closing arguments from counsel. And they are
3 very similar in form to the opening statements.
4 But they are truly argumentative in nature. This
5 is going to be an opportunity for them to point to
6 the evidence that supports to their relative
7 positions. And that's how we are going to
8 progress when you come back out.

9 Once again, we aren't in the position
10 where we can begin discussing the case. Do not
11 discuss the case. Thank you very much.

12 (Whereupon, the following takes place
13 outside the presence of the jury.)

14 THE COURT: Any motions at this time?

15 MR. LITTLEJOHN: I would renew my motion
16 for a directed verdict on the same grounds as
17 previously stated.

18 THE COURT: You are protected on the
19 record in that regard. Anything further from the
20 State?

21 MR. SCOTT: No, your honor.

22 THE COURT: All right. I want to go over
23 briefly the charge. I am going to charge the
24 basic law with regard to the Indictment not being
25 evidence. I am going to charge the general law

1 with regard to multiple charges and the fact that
2 each of the separate and distinct elements have to
3 be proven beyond a reasonable doubt. The fact
4 that they can find him guilty or not guilty on
5 any, any combination of the offenses.

6 I am going to charge presumption of
7 innocence, reasonable doubt. And I explained that
8 I am going to charge a reasonable doubt is the
9 kind of doubt that would cause a reasonable person
10 to hesitate to act. I am also going to give a
11 little bit more in depth definition of reasonable
12 doubt as compared with the preponderance of the
13 evidence in a civil standard. I am going to
14 charge the differing duty of a jury and a trial
15 judge. Direct and Circumstantial evidence.
16 Credibility of the witnesses. Expert witnesses.
17 Failure of the defendant to testify. Intent, mere
18 presence, prior record of a witness, simple
19 possession of marijuana. Trafficking, on the
20 trafficking, of course, trafficking contemplates
21 manufacture, cultivate and deliver, purchase.
22 Really the only relevant portion deals in the
23 operative language in the statute deals with
24 possession.

25 Is there any objection from the State or

1 the defendant that I just charge the relevant
2 provisions of the statute?

3 MR. SCOTT: I would request the conspire,
4 aid and abet portion.

5 THE COURT: I will be glad to hear from
6 you.

7 MR. LITTLEJOHN: Your Honor, I would
8 object to the State's request to charge. There is
9 absolutely no evidence in the record that
10 indicates that Mr. Wright was acting in concert
11 with Mr. Wilson in regard to these drugs.

12 THE COURT: I will concur in that regard.
13 With regard to all, the statute specifically says
14 that the defendant cannot knowingly -- that the
15 State must prove beyond a reasonable doubt that
16 the defendant knowingly sold, manufactured,
17 delivered, purchased, brought into the State,
18 provided financial assistance or otherwise aided,
19 abetted, or attempted to conspire to sell,
20 manufacture, cultivate, deliver, purchase or
21 bring into this State knowingly.

22 And the operative language was that the
23 State must proof beyond a reasonable doubt that
24 the defendant knowingly was in the actual or
25 constructive possession. Or knowingly attempted

1 to become in actual or constructive possession of
2 crack cocaine or powder cocaine. I think that's
3 the operative language in the statute. And that's
4 what I am going to do. I am going to charge the
5 relevant amounts for trafficking of cocaine and
6 crack cocaine. And I am going to charge
7 possession, the elements of possession, actual
8 and constructive as it relates to the marijuana
9 and as it relates to the crack cocaine, the powder
10 cocaine. Because the relevant portion of the
11 statute deals with possession. So I am going to
12 charge possession in great detail as it applies to
13 each of the three drug offenses.

14 I am going to charge possession of a
15 weapon during the commission of a violent crime.
16 I am going to charge that trafficking in cocaine
17 and trafficking in crack cocaine are indeed
18 violent crimes. I am going to charge the statute
19 with regard to the animal fighting. And it
20 defines animals fighting, baiting. I will be
21 happy, I think all of you all have seen that
22 particular charge. You are welcome to look at it
23 again.

24 I am going go charge owning animals for
25 the purpose of fighting. It simply says it is

1 against the law for any person to own an animal
2 for the purpose of fighting or baiting. Very
3 simple and straightforward. I am going to charge
4 ill treatment of animals generally. And I am
5 going to charge section A and B. And On the
6 verdict form, I am going to allow you all the
7 opportunity to look at the verdict form. I have
8 done something a little different with regard to
9 the ill treatment of animals. Because it involves
10 sort of an ambiguous definition of it.

11 So what I have done is I have put the
12 language 47(1)40(B) in the verdict form. It says
13 are they, has the State proven beyond a reasonable
14 doubt that they are guilty or not guilty of it.
15 And I am describing in the verdict form what the
16 elements of Section B is. And then I am asking
17 them if they find him not guilty of that, to
18 consider the lesser included offense of 47
19 (1)40(A). And I have defined the elements of
20 40(A).

21 I am going to give you all an opportunity
22 to come forward and look at this verdict form and
23 see if it meets with your approval. Or more
24 specifically if you have an objection to it.
25 Okay. Any objection from the State after having

1 reviewed the verdict form?

2 MR. SCOTT: I don't think so. I wonder
3 too if the whole, I think, no, not from the State
4 Your Honor.

5 THE COURT: All right. Any from the
6 defense?

7 MR. LITTLEJOHN: No, Your Honor. Other
8 than not to be nitpicking, I think all the numbers
9 would need to be on the caption.

10 THE COURT: Oh, okay. That's not
11 nitpicking. We'll do that. And the appropriate
12 numbers are 2008-GS-43-927, 929, 30, 31, 32, 33
13 and 34. Is that right? I don't actually have
14 the Indictments before me. Is that right,
15 Mr. Scott?

16 MR. SCOTT: I don't have the possession.
17 But everything except 33, I think that is correct.

18 THE COURT: 927, 929, 30, 31, 32, 33 and
19 34.

20 MR. SCOTT: Well, let's see, the PWID is
21 No. 936. Did you say that?

22 THE COURT: No, I didn't say that. I was
23 looking at this caption on this Motion to Depose
24 witness information.

25 MR. SCOTT: Oh, I'm sorry. Your Honor,

1 I'm sorry. Disregard that.

2 MR. LITTLEJOHN: Judge, I don't see 928.

3 THE COURT: I don't see 928 either. This
4 is your caption, actually.

5 MR. LITTLEJOHN: Judge, 928 is the
6 conspiracy count against Frank Lee Wilson only.
7 So apparently 928 it wouldn't be included.

8 MR. SCOTT: I've got the possession of the
9 firearm is 927.

10 THE COURT: Right.

11 MR. SCOTT: Owning animals for purpose of
12 fighting 929.

13 THE COURT: Right.

14 MR. SCOTT: Animal fighting 930.

15 THE COURT: Right.

16 MR. SCOTT: Ill treatment 931.

17 THE COURT: Right.

18 MR. SCOTT: Cocaine trafficking 932.

19 THE COURT: Right.

20 MR. SCOTT: PWID 933.

21 MR. LITTLEJOHN: That's marijuana?

22 MR. SCOTT: Yes. And then the trafficking
23 in crack 934.

24 THE COURT: That's all of them. We'll
25 just put that caption on there. Anything further

1 from the State? Any additional request to charge?

2 MR. SCOTT: I guess the hand of one
3 wouldn't be appropriate if we didn't conspire to
4 have---

5 THE COURT: We only have one hand.

6 MR. SCOTT: I don't think we have any
7 prior convictions. So I don't believe we need
8 that charge.

9 THE COURT: I don't believe I have said
10 that, did it?

11 MR. SCOTT: Not to take into---

12 THE COURT: Did I say I was going to say
13 anything about prior convictions?

14 MR. LITTLEJOHN: Your Honor, I don't think
15 we had any witnesses that---

16 THE COURT: I don't,---

17 MR. LITTLEJOHN: ---had any prior
18 convictions.

19 THE COURT: ---but I don't think that I
20 had mentioned I was going to charge prior.

21 MR. SCOTT: I thought I heard that, I am
22 sorry.

23 THE COURT: Well actually I did say it
24 was. A good point. Anything else?

25 MR. SCOTT: Nothing from the State, Your

1 Honor.

2 MR. LITTLEJOHN: Nothing from the defense,
3 Judge.

4 THE COURT: Are y'all ready to proceed
5 forward with arguments?

6 MR. SCOTT: Well I had had sort of a
7 presentation I may need to alter a little bit. I
8 don't know if we can take an early lunch. There
9 is some stuff in there that would no longer be
10 appropriate for closing.

11 THE COURT: I think you are a skilled
12 advocate, and I believe you will be good on your
13 feet.

14 MR. SCOTT: It is going to real bang up,
15 but I think it would be impressive.

16 THE COURT: Very good. I am sure I would
17 have been overwhelmed. I am ready for the jury.
18 I was picking at you a little bit. And the
19 defendant goes first obviously.

20 (Whereupon, the following takes place
21 within the presence of the jury.)

22 THE COURT: Mr. Foreman, and Ladies and
23 gentlemen of the jury, we are about to begin with
24 closing arguments. And the closing arguments are
25 not evidence. You have heard all of the evidence

1 in this case. What these lawyers are about to
2 engage in is very important. They are going to
3 point out the evidence that supports their
4 relative positions. It will aid you tremendously
5 in your deliberation process.

6 This is an important case to the
7 defendant. It is an important case to the State
8 of South Carolina. I would ask that you pay very
9 close attention. Mr. Littlejohn, you are
10 recognized.

11 MR. LITTLEJOHN: Thank you. May it please
12 the court. Ladies and gentlemen, once again, I
13 want to thank you for your attention during the
14 course of this trial. As his honor indicated to
15 you, this is an important trial. This is a very
16 important trial for Greg Wright who stands accused
17 of some very serious crimes.

18 I noticed during the representation that
19 each and every one of you paid very close
20 attention to the evidence. And for that, we do
21 thank you. His honor, well let me explain a
22 little bit about the order of things here. As
23 obvious, the State went forward with their proof,
24 because they have the burden of proof. And the
25 Judge is going to explain to you exactly what that

1 burden of proof is after we finish our arguments
2 and he gives his legal instructions to you.

3 They went first with their burden of
4 proof. His Honor is going to tell you that the
5 defendant doesn't have to prove anything. As I
6 indicated, he is presumed not guilty as he sits
7 there. There is no burden on him to put up any
8 evidence. In this case obviously we did put up
9 some evidence. But due to that burden, they go
10 first with their proof. We go second with ours.
11 We go first with the closing argument. The State
12 gets the last argument.

13 And I am going to try and sum up all the
14 things that I think transpired during this trial,
15 and things that you are to consider in arriving at
16 your verdict. And understand, this will be my
17 last time to talk to you. I won't have that
18 opportunity to stand up in reply. And I may get a
19 little fidgety over there, because I know I can't
20 get back up and reply. But I am going to try and
21 cover everything I can during this presentation.

22 Now Greg Wright is charged with, actually
23 three different kinds of charges. There are the
24 drug charges. There are charges involving the
25 dogs, and there is the gun charge. I'd like to

1 talk to you first about the drug charges.

2 He's charged with offenses related to
3 crack cocaine, powder cocaine and marijuana. And
4 this case is a little bit different. No, it's a
5 lot different actually. Because there are a whole
6 lot of facts that are not in dispute. Normally
7 when we try a case, there are facts, all sorts of
8 facts in dispute. But in this case there are more
9 facts not in dispute than there are in facts in
10 dispute. And what are some of these things that
11 are not in dispute?

12 First, Frank Lee Wilson had all these
13 drugs that are charged against Greg Wright, near
14 him, on him, or in his residence. All of them.
15 And No. 2, in Greg's House and Gwen's house, there
16 were no drugs. And No. 3, there is no evidence
17 that Greg Wright ever bought, sold these drugs.
18 There is no evidence he ever handled these drugs.
19 There is no evidence that he ever possessed these
20 drugs. There is no evidence that he ever had the
21 right to control or direct their disposition. And
22 that is an important concept. Because Judge
23 Nettles is going to charge you there are two kinds
24 of possession. There is actual possession, which
25 are those things that you might say you actually

1 have on your person; that are directly with you.
2 I will give you an example. This pen, I have
3 direct possession of this pen because it's in my
4 pocket. And it's nobody else's. I have the pen
5 right here. That's actual possession.

6 Now I have another pen. It's out in the
7 car. And because it is in my car, I have
8 constructive possession of it because I can direct
9 or control the disposition of that particular pen.
10 So you are going to hear Mr. Scott, I am sure,
11 argue about constructive possession. But I would
12 submit to you, there's not proof of constructive
13 possession in this case. All the drugs were
14 found on Frank Lee Wilson or in his control. He
15 admitted to that. He testified to that. He pled
16 guilty to that. He signed an Affidavit. He told
17 the magistrate that. He told the police officers
18 that when he was arrested.

19 You know, Mr. Scott, I am sure is going to
20 say well, these drugs were on Greg's Wright
21 property. Now the problem I have with that, and I
22 would submit you should have with that, here
23 you've got a situation where a man, Greg Wright,
24 rents a residence to another man, Frank Lee
25 Wilson. And Frank Lee Wilson has those things in

1 his residence. Now if you use that theory, you
2 know, couldn't the police go out and arrest any
3 landlord whose tenant had drugs in the rented
4 apartment or the rented house?

5 I submit to you that doesn't make
6 constructive possession. Just because it is
7 technically on the property of the person who
8 rents the residence. No. 4, I mentioned this
9 earlier, and I won't dwell on it. Frank Lee
10 Wilson pled guilty, signed an Affidavit, and
11 admitted on this stand under oath that all these
12 drugs were his and were not Greg Wright's. No. 5,
13 he pled guilty to those drugs. Came in front of
14 this court in front of Judge Nettles. Had his
15 attorney who was here who has been advising him
16 for months. Came in to court and said, yes, I am
17 guilty of possessing these drugs. I am freely and
18 voluntarily doing that with the assistance of
19 counsel. And I am doing so because I am guilty.
20 Why did Frank Lee Wilson do that? Because he
21 didn't want anybody to get in trouble for his
22 drugs. That's what he told you. Isn't that the
23 right thing to do?

24 Do you want somebody else to get in
25 trouble, to be convicted for very serious

1 felonies for something you did? I submit to you
2 he did the right thing. So I ask you, these
3 things are disputed. Where is the evidence that
4 is in dispute? Where is the evidence that Greg
5 Wright was involved in this? I submit to you,
6 Ladies and gentlemen, that before you make a most
7 important decision that is ever going to be made
8 about Greg Wright or his life, that you require
9 strong evidence. Not conjecture. Not assumption.
10 Not speculation. Not could be, but you require
11 strong evidence before you tip those scales and
12 find that the proof is beyond a reasonable doubt.

13 Now, ladies and gentlemen, let me talk
14 about the letter, because I know Mr. Scott is
15 going to talk about the letter. And I am
16 referring to State's Exhibit No. 21.

17 In the letter I would submit to you, it's
18 not very artful, and it wasn't very thought out.
19 But here, Greg Wright, has been thrown in to jail
20 for Frank Lee Wilson's drugs. He didn't know what
21 was going on out there. And I am sure Mr. Scott
22 is going to say well there are damning statements
23 in here. They are incriminating statements. But
24 no where in here does he say "These were my
25 drugs." Protect me from my drugs. He says in

1 here, "They are trying to give me time for
2 something I really had nothing to do with." And
3 then I ask you to look at the next sentence after
4 that. I told Lee, Frank Lee Wilson, "Man, not to
5 do this. And I told him not to do that. But all
6 that's done now." It's obvious from the letter
7 that Greg was very concerned because he had been
8 thrown in jail for Frank Lee Wilson's drugs. And
9 it's pretty obvious after hearing the testimony in
10 this case, especially Investigator Mays, that
11 when people get charged with things they start
12 doing some pretty radical stuff like becoming
13 informants. And obviously Greg Wright was
14 concerned for somebody making a statement on him
15 that wasn't true. Whether that happens or not,
16 but obviously he was concerned with that. But he
17 doesn't admit the dog fighting. He doesn't admit
18 the possession of drugs. But he does say, I told
19 Lee not to do that. That's up to you to decide.
20 But I submit to you still even with the letter,
21 there is no evidence that Greg Wright possessed
22 these drugs.

23 Now next I would like to talk about the
24 charges involving the 41 or 42 dogs. And there
25 are uncontested facts there too, Ladies and

1 gentlemen. No. 1, apparently there were 27 dogs
2 that were apparently not ill treated or the State
3 doesn't contend were involved in fighting or what
4 have you. The vast majority of these dogs. No.
5 2, if you examine the evidence, which I know you
6 will, and you will analyze it and comprehend it
7 and take it for what it actually is, there is no
8 evidence that any of these dogs were ever fought
9 by Greg Wright.

10 There is no evidence of any fight at his
11 house. There is no evidence he took the dogs
12 anywhere. There is no evidence that the dogs were
13 ever fought. No. 3, there is no evidence that any
14 of the dogs were owned or possessed by Greg Wright
15 for purposes of fighting either on May 25th 2007,
16 or any other day either in the past or the future.
17 There is just no evidence. And I submit that is
18 undisputed.

19 No. 4, the 15 dogs that they pointed out
20 to you out of the 41 or 42, there is no evidence
21 that those dogs were scratched, injured, bitten or
22 scarred while Greg Wright owned them. Again, I
23 submit to you that your verdict shouldn't be based
24 on speculation or conjecture. It has to be based
25 on strong evidence presented by the State beyond a

1 reasonable doubt. There is no evidence that those
2 dogs were injured while they were in the charge of
3 Greg Wright.

4 Possession of injured dogs is not proof,
5 Ladies and gentlemen. Now apparently, 15 of these
6 dogs had some injuries. Where those injuries
7 occurred, we don't know. When those injuries
8 occurred, we don't know. We don't know whether it
9 happened in the woods. We don't know whether it
10 happened between the dogs. We don't know if it
11 happened in the transportation on May 25th. We
12 don't know if those dogs were injured before they
13 came to be on Greg Wright's property.

14 And I submit to you the scars are no
15 proof, because we don't know how the scars were
16 made. Now I know Mr. Scott is going to get up
17 here and harp on Dr. Hawkins' testimony. And
18 Dr. Hawkins, if you remember, was the lady who
19 testified, one of lay witnesses for the State.
20 And I have thought it really interesting that she
21 in her practice had more than 2,000 pit bulls that
22 they took care of.

23 Yet she would like you to think that pit
24 bulls are for nothing but fighting. But when I
25 asked her she said, "Yes, they are pets." People

1 have pets. There is nothing wrong with having
2 them as pets. Having numerous pit bulls, there is
3 nothing wrong with that. So I don't want you to
4 assume that just because Greg Wright had pit bulls
5 that they were for some reason for fighting.
6 2,000 pit bulls. A popular breed. Another
7 assumption I don't think we can make.

8 And Dr. Hawkins, I think you can take her
9 testimony for what it is worth. She wanted to
10 volunteer a whole lot of information first off.
11 And she wanted to assume a lot of times that I
12 don't know that there was a basis for. But I got
13 a little amused. She said well Greg Wright had
14 too much medicine for his dogs; therefore, he must
15 be doing something wrong. Ladies and Gentlemen,
16 isn't that kind of like having too many baby
17 aspirin for your kids. Does that mean you are
18 going to beat your kids? Or you're going to make
19 something happen to your kids because you have got
20 a lot of medicine for them or a lot of aspirin?
21 It doesn't follow.

22 Ladies and gentlemen, I submit to you,
23 that there just is no evidence to support those
24 three charges in the Indictment. As to the ill
25 treatment, you heard testimony. You will see

1 pictures, pictures that we had to put in evidence
2 showing these dogs had houses. They had feed.
3 They had water. They were kept, as I submit to,
4 as best as Greg Wright could do given his property
5 and his circumstances. But it is funny, you know,
6 his wife told you about an incident where they
7 came out and looked at the dogs a few months
8 before this arrest, Animal Control, and said
9 everything is fine now. What made it different?
10 What made it different on May 25th 2007?

11 Lastly Ladies and gentlemen, there is a
12 gun charge. And you heard Ms. Burris tell you how
13 she had come to buy that gun. How She came to
14 possess that gun. How she didn't let Greg know
15 she had that gun. But the crime charged is
16 possession of a firearm. And I would submit to
17 you that there is no evidence that Greg Wright
18 ever possessed that firearm during the commission
19 of a violent crime. The violent crime being the
20 drug offenses.

21 I would also submit to you that there is
22 no proof that the drug offenses were committed,
23 and therefore, you should find Greg Wright not
24 guilty of that charge among others. Ladies and
25 gentlemen, I am about to sit down.. And as I

1 indicated to you after I sit down, Mr. Scott, will
2 have the opportunity to address you. And then at
3 the conclusion of his remarks His Honor will
4 instruct you as to the law that you are apply to
5 the facts as you find them.

6 And of course I ask you to listen very
7 carefully to His Honor's charge. And take the law
8 and apply it to the facts as you find them. And
9 again, I would submit to you that your verdict
10 should be based on strong, good evidence before
11 you can find a man guilty of these very serious
12 charges. And I would submit to you that further
13 that the burden of proof has not been met in this
14 case. There are more facts here are undisputed
15 that tip the scales against reasonable doubt than
16 there are facts that tip it in favor of reasonable
17 doubt. And if you don't find that the State has
18 met their burden of proof, then it your duty as
19 jurors when you took that oath, it would be your
20 duty to find Greg Wright not guilty. Once again,
21 I thank you for your attention. And I will sit
22 down now. And I ask you that you ponder the
23 evidence and the law and return a verdict of not
24 guilty as to every count. Thank you.

25 THE COURT: Thank you, Mr. Littlejohn.

1 Mr. Scott, you are recognized.

2 MR. SCOTT: Thank you, Your Honor. If it
3 Please the Court.

4 THE COURT: Yes, sir.

5 MR. SCOTT: Ladies and gentlemen, thank
6 you for your patience. I know at times, at least
7 I can speak for myself. A test of the time, and
8 it's been a long couple of days. But we've come
9 to the conclusion. At the beginning of this
10 trial, I asked you, I told you, at the end of this
11 trial, I was going to ask you to find Mr. Wright
12 guilty of the charges he has been indicted for.
13 And I am doing that right now.

14 And I told you at the beginning that all
15 the evidence was going to come from up here. And
16 I think all that evidence from the witnesses and
17 all this evidence came and kind of speaks for
18 itself. And I am not going to do a lot of
19 talking, because I think most of you probably have
20 already made up your mind.

21 And I think that a lot of this evidence
22 speaks for itself, as I said. But I want to start
23 with the drug charges. All these drugs were
24 found, and I am going to refuse to call this a
25 house, by the way. There has been some, I guess,

1 semantics. But if you want to consider that a
2 house do so. That is a shed to me. Probably 10
3 by 10 shed. And there has been some question as
4 to whether Frank Lee Wilson lived in it, or he was
5 a day laborer who was hanging out in it during the
6 day. Who knows? The point is that the whole
7 piece of property belonged to Greg Wright.

8 And in State's Exhibit No. 1, we know that
9 this is Greg Wright's trailer. And this is the
10 shed with a privacy fence in between. Have you
11 ever seen a piece of property set up like that or
12 divided in such a way? I submit to you there was
13 a purpose for that. It was to keep his home
14 separate in case of what happened on May 25th, so
15 he could basically say nothing was in my house.
16 It's all out there. Which he did.

17 Who did we hear from? We heard from
18 Investigator Tripp Mays. He was the first up.
19 Tripp Mays talked about the CI. The Confidential
20 Informant who was able to go to 4915 Silo Road and
21 sort of witness some illegal activity that raised
22 the suspicion of the Police Department, which
23 resulted in May 25th, him showing up and finding
24 all these things on Mr. Wright's property. I just
25 want to ask you, and we went over the drugs. You

1 know, and you will have all of the evidence back
2 in the jury room. But there was a great quantity
3 of drugs. And there was drugs on the ground
4 outside. There was drugs in this shed. There was
5 police scanners. We had digital scales. All this
6 stuff in the back yard.

7 I submit to you that if this type of thing
8 was going on in your back yard, you had an idea it
9 was going on back there. So take that for what
10 it's worth. We talked about these dogs that were
11 back there. What other evidence did we find? We
12 talked about the inside of the house, and all of
13 cash money, the guns and everything. Again, I
14 submit to you if your spouse had a gun you
15 probably would know about it. I don't think the
16 question that the property belonged to Mr. Wright
17 was an issue. That was admitted. And I think we
18 kind of moved beyond that. What can I say about
19 the drugs? I mean to me, the evidence, I don't
20 want to keep harping on it. It speaks for itself.

21 And we have May 25th. We have all these
22 people arrested. A couple of them are locked up
23 together. And you're going to have this in
24 evidence. And, you know, Mr. Littlejohn is right,
25 I am going to harp on this. This is a great piece

1 of evidence. I want you to read it, and ask
2 yourself what he is talking about. Let's stick to
3 our stories. We're talking about this, I want
4 everybody to stick to your stories. What story is
5 that? You know, the story should be, if the
6 story is true, I didn't do it. Frank Lee Wilson
7 did it. No, we've got to have a story.

8 Then he talks about the dogs at the end.
9 But as I said, I am not going to worry about it.
10 We read it earlier. And you all will be able to
11 read it again. Well that shows up. And then some
12 time later, June 20th, this Affidavit showed up.
13 And it's typed fairly eloquently. And then we
14 heard Frank Lee Wilson read it. And by the way,
15 Frank Lee Wilson, we heard him. And, you know,
16 say what you will about him, he's in prison now.
17 And he didn't seem to me, or I submit to you at
18 least, he was not a very sophisticated person.

19 I want to know where is he getting all
20 these drugs from. He's a drug addict as well.
21 Where is he getting these from. That doesn't
22 appear to be a sophisticated enough man to sell
23 those amounts of crack in somebody else's back
24 yard without that person knowing about. But then
25 again, that's a question you all will be able to

1 analyze.

2 We went, of course, through just a line of
3 officers, law enforcement people who went in.
4 They talked about the search. They talked about
5 everything that was found. They talked about the
6 layout of the property. And how you kind of have
7 to go down this driveway right beside the -- I'm
8 sorry, driveway right beside the trailer. And
9 enter in this little fence back here. And that's
10 pretty much where everything went down inside the
11 house. We discussed the gun. But all that cash
12 money. I think \$6,600 in all was seized.

13 There wasn't any money in the back yard.
14 I think there was \$300 on Frank Lee Wilson. But,
15 you know, there was 6600 inside. And I think
16 Ms. Burris said that that was work money. And
17 that was payroll money, or money for the beach.
18 But I submit to you if I had that amount of money
19 in my house, or the average person would have it
20 more secured than in a couple of drawers. This
21 was found under a dresser.

22 Then there was some in the Tupperware in
23 another room. I submit to you it would be more
24 secure than that. The dogs: These pictures
25 again, you can look at all the pictures we went

1 over. And I know that was sort of tedious
2 yesterday, but it is important. Because and I
3 will also harp on Dr. Hawkins' testimony. She
4 talked about these medicines. And we went over a
5 great deal of them. They are a lot of penicillin
6 type things, anti-inflammatory, analgesics, or
7 rather sorry, antiseptics. A number of things for
8 somebody as she testified, who was anticipating a
9 large number of injuries.

10 So she testified as well that the majority
11 of those injuries -- or at least the dogs we went
12 over, the 15 out of the 41 dogs, those were
13 consistent with dog fighting. They were
14 consistent with puncture wounds caused by teeth in
15 the face and the forearms. This dog has half of
16 his mouth chewed off. And, you know, she
17 testified in her expert opinion, 25 years being a
18 Veterinarian that was caused by dog fighting. And
19 you know, you can't have it both ways. These dogs
20 were on chains where they can't touch each other.
21 So somebody is letting them off the chains, and
22 allowing them to fight. Those are chains.

23 You saw me struggle with them, picking
24 them up. These are heavy chains on I'd say a dog
25 that was approximately 40 pounds. That's around

1 their neck all day long. If that is not ill
2 treatment in and of itself, I don't know what is.
3 And she testified to that. We talked about the
4 burden of carrying that around all day long, and
5 what it does to the dog's neck and everything.

6 We talked about various living conditions.
7 Here you see this animal right here in this raised
8 pen. I think it was called a whelping pen. Well
9 if that animal is about to have puppies, where are
10 the puppies going to lie in that pen. That hadn't
11 been cleaned out in days. She testified to that.
12 So all in all, we had all these animals in various
13 stages of healing, old scars, new scars, again you
14 will have the pictures. Mr. Littlejohn stated
15 that, you know, Mr. Wright he did the best he
16 could with what he had. Well why have 41 or 42
17 dogs if you can't take care of them? I mean, you
18 know, and again, how many pit bulls, nothing wrong
19 with pit bulls. I believe they could probably be
20 some of the greatest pets there are. But not when
21 you train them to be aggressive. We heard how
22 whenever they went in there and they confiscated
23 them, these dogs were trying to get to each other.
24 They had been trained and bred and used for
25 fighting. And that was why they experienced that.

1 MR. LITTLEJOHN: Your Honor, I am going to
2 object to that. I don't think there is anything
3 in the record like that.

4 THE COURT: Of course the jury heard the
5 evidence and this is closing arguments. I am
6 going to allow him to make his argument.

7 MR. SCOTT: I would submit to you that
8 there is no reasonable doubt that Mr. Greg Wright
9 had a part to do with all this in his back yard.
10 The property owned by him. And I want you to look
11 at that. I want you to look at where it was found
12 in the back yard in the shed. I want you to look
13 at this. I want you to consider this, the
14 Affidavit along with Mr. Wilson's testimony. And
15 ask yourself was he doing this alone. If you
16 believe that, that's fine. I want you to also in
17 conjunction with that, think about the large sums
18 of cash found inside. The gun. I want you to
19 think about the scanners, digital scales, all this
20 stuff that was found there. Where is the money
21 at? The money isn't in the shed. That guy is
22 supposed to be dealing dope by himself. If it is
23 all him, why is he living in a shed in the back
24 yard? That ain't no house.

25 Finally as I said, consider Dr. Hawkins'

1 testimony regarding the dogs. Look at the
2 pictures. Ask yourself why those dogs had those
3 chains around their necks like that. Why these
4 animals had old scars, new scars. I mean we went
5 over 15 out of 41. Those were the ones with the
6 most extensive injuries. Ask yourself, you know,
7 what is the purpose for that much medicine. And
8 that's fine. I mean, you know, if you have a
9 bunch of baby aspirin. But when you have large
10 amounts of anti-inflammatory, penicillin type
11 things where we are anticipating injuries, and
12 anticipating having to get animals these medicines
13 to make these injuries heal. I think that kind of
14 draws a conclusion there.

15 And as I said, I have gone longer than I
16 wanted to. But I am handing this over to you all
17 now. And I am going to ask you to find him guilty
18 of the charge that he has been charged with. I
19 want you to think about the testimony and the
20 evidence. And I believe you will find beyond a
21 reasonable doubt that Mr. Wright is guilty of the
22 crimes he has been charged with. Thank you.

23 THE COURT: Mr. Foreman, and Ladies and
24 Gentlemen of the jury, it is 12 o'clock. We are
25 going to take a recess for lunch. I am going to

1 ask you to reconvene at 1:45. 1:45 I will
2 instruct you as to the law. And at that point and
3 time, give you instructions to begin
4 deliberations. Once again, it is not time for
5 you. Although you have heard all the evidence.
6 You've heard all the closing arguments. It's
7 inappropriate to begin discussion of this case
8 until such time as you have heard the law, and I
9 give you the instructions to do so. Once again,
10 do not discuss the case with anyone else. We will
11 see you back at 1:45 sharp. There is nothing that
12 is going to hold us up. We'll be ready to go at
13 1:45.

14 (Whereupon, at 11:57 a.m. jury goes to
15 lunch.)

16 THE COURT: You may bring the jury.

17 (Whereupon, at 1:50 a.m. the charge is given to
18 the jury.)

19 (Whereupon, the following takes place within the
20 presence of the jury.)

21 THE COURT: Mr. Foreman and ladies and
22 gentlemen of the jury, as I had indicated you have
23 heard all the evidence. You have heard the
24 closing arguments. And now it is time for me to
25 explain the law to you. You have taken a very

1 solemn oath that you would listen to the facts.

2 You are the ultimate triers of the facts. You are
3 going to find out what the truth is, and you are
4 going to apply it to the law.

5 In order for you to do that, you've got to
6 listen and pay attention to what the law is. And
7 the charge on the law is somewhat difficult. I
8 kind of equate it to taking medicine. There ain't
9 no easy way to do it. I am going to explain the
10 law as best I can. I want you to pay very close
11 attention to the law.

12 And once again, I am going to reiterate,
13 that this is a very important case. It involves
14 very important issues. And matters of liberty, so
15 pay very close attention to it as I charge you the
16 law.

17 Mr. Foreman, and Ladies and gentlemen of
18 the jury, the Indictment charges the defendant
19 with numerous criminal offenses. I remind you
20 that the fact that the defendant was arrested and
21 charged and indicted in this case, is not evidence
22 in this case, and cannot be considered by you as
23 evidence of guilt. Nor does it create any
24 presumption or inference of guilt. This document
25 is simply the formal written instrument which

1 contains the charges made against the defendant.
2 It is the formal document in which this case is
3 brought into this court.

4 And Ladies and gentlemen of the jury, the
5 Indictments in this case allege several different
6 offenses against the defendant. The charges are
7 simple possession of marijuana, trafficking in
8 powder cocaine. Trafficking in crack cocaine.
9 Possession of a weapon while in the commission of
10 a violent crime. Animal fighting, ill treatment
11 of animals. Owning animals for the purpose of
12 fighting. Each Indictment charges a separate and
13 distinct offense, and you must decide each
14 Indictment separately on the evidence and the law
15 applicable to, uninfluenced by your decision as to
16 any other Indictment. The defendant may be
17 convicted or acquitted on any or all of the
18 offenses charged. You will be asked to write a
19 separate verdict of guilty or not guilty for each
20 Indictment.

21 Ladies and gentlemen of the jury, the
22 defendant had pled not guilty to this Indictment.
23 That plea puts the burden on the State to prove
24 the defendant guilty. A person charged with
25 committing a criminal offense in South Carolina is

1 never required to prove himself innocent. I
2 charge you that it is an important rule of law
3 that the defendant in a criminal trial no matter
4 what the seriousness of the charge may be, will
5 always be presumed to be innocent of the charges
6 for which the Indictment was issued unless guilt
7 has been proven by evidence satisfying you of that
8 guilt beyond a reasonable doubt.

9 This presumption of innocence does not end
10 when you begin your deliberations. But it
11 accompanies the defendant throughout the trial
12 until you reach a verdict of guilt based on
13 evidence satisfying you of that guilt beyond a
14 reasonable doubt. The presumption of innocence is
15 like a robe of righteousness placed about the
16 shoulders of the defendant which remains with the
17 defendant until it has been stripped from the
18 defendant by evidence satisfying you of the
19 defendant's guilt beyond a reasonable doubt.
20 Presumption of innocence is not a mere legal
21 theory. It's not just a legal phrase. It is a
22 substantial right to which every defendant is
23 entitled unless you the jury are satisfied from
24 the evidence of the defendant's guilt beyond a
25 reasonable doubt.

1 Ladies and gentlemen of the jury, what is
2 a reasonable doubt in the law? A reasonable doubt
3 is kind of doubt That would cause a reasonable
4 person to hesitant to act. The State has the
5 burden of proving the defendant guilty beyond a
6 reasonable doubt. Some of you may have served as
7 jurors in a civil case where you were told it is
8 only necessary to prove that a fact is more likely
9 true than not true; such as, by the greater weight
10 or preponderance of the evidence.

11 In criminal cases the State's proof must
12 be more powerful than that. It must be beyond a
13 reasonable doubt. Proof beyond a reasonable doubt
14 is proof that leaves you firmly convinced the
15 defendant's guilt. There are very few things in
16 this world that we know with absolute certainty.
17 And in criminal cases the law does not require
18 proof that overcomes every possible doubt. If
19 based on your consideration of the evidence you
20 are firmly convinced the defendant is guilty of
21 the crime charged, you must find the defendant
22 guilty. If on the other hand, you think there is
23 a real possibility the defendant is not guilty,
24 you must give the defendant the benefit of doubt
25 and find him not guilty.

1 Ladies and gentlemen of jury, i remind you
2 that during this trial, you and I have certain
3 duties to perform. As the trial judge, it is my
4 responsibility to preside over the trial of this
5 case. And I also have the duty to rule on the
6 admissibility of the evidence offered during this
7 trial. You are to consider only the competent
8 evidence before you. You are to consider only the
9 testimony which has been presented from this
10 witness stand, any exhibits which have been made a
11 part of the record in this case, and any
12 stipulations of counsel.

13 I have the additional duty to charge you
14 the law applicable to this case. As the presiding
15 judge, I am sole judge of the law of this case.
16 And it is your duty as jurors to accept and apply
17 the law as I now state it to you. If you already
18 have any idea as to what the law is or what the
19 law ought to be, and it does not agree with what I
20 now tell you the law is, you must abandon this
21 idea, because you are sworn to accept and apply
22 the law exactly as I state it to you. In every
23 case tried in this court before the jury, the jury
24 becomes the sole and exclusive judge of the facts
25 in a case. The trial judge cannot intimate,

1 state, or comment or make any statement to a trial
2 jury about the facts in the case. Since you the
3 jury are the sole judge of the facts in this case,
4 you are not infer from what I have said during the
5 progress of this trial in ruling upon
6 admissibility of the evidence or otherwise, or
7 anything that I say now during the course of this
8 instruction to you, that I have any opinion about
9 the facts in this case. The law does not allow me
10 to have an opinion about the facts of this case.
11 This is a matter solely for you the jury to
12 determine. As jurors, it is your duty to
13 determine the effect, value, weight, truth of the
14 evidence presented during this trial. Ladies and
15 gentlemen of the jury, there are two types of
16 evidence which are generally presented during a
17 trial. Direct evidence and Circumstantial
18 evidence. Direct evidence is the testimony of a
19 person who claims to have actual knowledge of a
20 fact; such as, an eye witness. It is evidence
21 which immediately establishes the main fact to be
22 proved. Circumstantial evidence is proof of a
23 chain of facts and circumstances indicating the
24 existence of a fact. It is evidence which
25 immediately establishes collateral facts from

1 which the main fact may be inferred.

2 Circumstantial evidence is based on inference and

3 not on personal knowledge or observation. The law

4 makes absolutely no distinction of the weight or

5 value to be given to either direct or

6 circumstantial evidence. Nor is a greater degree

7 of certainty required of Circumstantial evidence

8 than of direct evidence. If after weighing all of

9 the evidence if you are not convinced of the guilt

10 of the defendant beyond a reasonable doubt, you

11 must find the defendant not guilty. Ladies and

12 gentlemen of the jury, necessarily, you must

13 determine the credibility of witnesses who have

14 testified in this case. Credibility simply means

15 believability. It becomes your duty as jurors to

16 analyze and evaluate the evidence and determine

17 which evidence convinces you of its truth. In

18 determining the believability of the witnesses who

19 have testified in this case, you may believe one

20 witness over several witnesses, or several

21 witnesses over one witness. You may believe a

22 part of the testimony of a witness and reject the

23 remaining part of the testimony of that same

24 witness. You may believe the testimony of a

25 witness in its entirety or reject the testimony of

1 a witness in its entirety. You may consider
2 whether any witness has exhibited to you any
3 interest, bias, prejudice of other motive in this
4 case. You may also consider the appearance and
5 the manner of the witness while on the witness
6 stand. Their demeanor. Ladies and gentlemen of
7 the jury; rules of evidence ordinarily do not
8 permit witnesses to testify to opinions or
9 conclusions. An exception to this rule exists for
10 witnesses we call expert witnesses. A witness who
11 by education and experience has become an expert
12 in some Art, Science, Profession, or calling, may
13 state an opinion as to the relevant material
14 matter to which the witness claims to be an
15 expert. You may also state the reasons for the
16 opinion. You should consider any expert opinion
17 received in evidence in this case like any other
18 evidence, and give it the weight you think it
19 deserves. If you decide that an opinion of an
20 expert is not based on sufficient education or
21 experience, or if you conclude the reasons given
22 in the support of the opinion are not sound, the
23 opinion is outweighed by other evidence, you may
24 disregard the opinion entirely. An expert
25 witness' testimony is to be given no greater

1 weight than that of other witnesses simply because
2 the witness is an expert. Further, you are not
3 required to accept an expert's opinion even though
4 it is not contradicted.

5 Ladies and gentlemen of the jury, I
6 instruct you and emphasize that the fact that the
7 defendant did not testify is not a factor to be
8 considered by you in any way in your deliberations
9 and in your consideration on the question of guilt
10 or the innocence of the defendant. It must be
11 considered by you -- it must not be considered by
12 you in any manner whatsoever. A defendant has the
13 constitutional right to remain silent. An
14 assertion of this right must not be considered by
15 you in your deliberations. I repeat, under your
16 oath, you are to draw no conclusion whatsoever
17 from the fact that the defendant in this case did
18 not testify. The fact that this defendant did not
19 testify should not even be discussed in the jury
20 room. Mr. Foreman, I am going ask that you
21 enforce that rule. And the rule says, you can't
22 even discuss the fact that the defendant did not
23 testify in this case. It is not for your
24 consideration. I am going to ask that you enforce
25 that rule.

1 The burden of proof as I have stated to
2 you, is on the State. The defendant is not
3 required to prove his innocence. The burden
4 remains on the State to prove guilt beyond a
5 reasonable doubt. In order to establish criminal
6 liability, criminal intent is required. For
7 example, the mental state required to be proven by
8 the State for a particular crime might be purpose,
9 intent, and knowledge. Recklessness or criminal
10 negligence. Criminal intent must be proven by the
11 State beyond a reasonable doubt. Criminal intent
12 is always a matter that must be determined by the
13 jury from the circumstances surrounding the
14 situation.

15 There is no way to prove intent by a
16 mathematical certainty. There is no way medical
17 science can dissect a person's brain and determine
18 what the person had in mind. So the law says that
19 criminal intent may be inferred from the
20 circumstances shown to have existed. This is how
21 you make a determination of whether or not the
22 element requiring intent was present. It is not
23 necessary to establish intent by direct or
24 positive evidence. But intent may be established
25 by inference in the same way as any other fact by

1 taking into consideration the acts of the parties
2 and all the facts and circumstances of the case.

3 Criminal intent is a mental state. A
4 conscious wrongdoing. It is up to you determine
5 what the defendant intended to do on the
6 circumstances shown to have existed. Criminal
7 intent can arise from the actions or the failure
8 to act. It may arise from negligence,
9 recklessness or indifference to duty or to
10 consequences. Those considered by the law to be
11 the equivalent of criminal intent.

12 Ladies and gentlemen of the jury, mere
13 presence at the scene is not sufficient to prove
14 someone guilty of a crime. The defendant's
15 presence where a crime is being committed or mere
16 association with a person who commits a crime,
17 does not make a defendant an accomplice or aider
18 or abettor of the person committing the crime.
19 The burden is on the State to prove every element
20 of the crime charged.

21 If you after reviewing all of the
22 evidence -- if you find after reviewing all of the
23 evidence that the State has proved that the
24 defendant was only present at the scene of the
25 crime. And they have not proved beyond a

1 reasonable doubt any other participation in the
2 crime, then you must find the defendant not
3 guilty. The law is that proof that an individual
4 was at the scene of the crime is not sufficient to
5 find someone guilty.

6 Ladies and gentlemen, I am going to talk
7 about the substantive crimes that this individual
8 is charged with. As I have charged, as I gave my
9 introductory comments, I read from the
10 Indictments. The defendant was charged with
11 possession with intent to distribute marijuana.
12 And based on the evidence that's been presented
13 here today, I have directed a verdict in favor of
14 the defendant in that regard. The allegations and
15 the proof don't meet the elements with regard to
16 weight. You are going to be called upon to
17 evaluate whether or not the defendant is guilty of
18 simple possession of marijuana. I want to tell
19 you what the law is in that regard.

20 The defendant is charged with simple
21 possession of marijuana. The State must prove
22 beyond a reasonable doubt that the defendant
23 knowingly possessed 28 grams of marijuana or less.
24 The State must prove that the defendant was in
25 actual or constructive possession of the alleged

1 quantity of marijuana. I will discuss in great
2 detail what the term possession means.

3 Ladies and gentlemen of the jury, the
4 defendant is charged with trafficking in crack
5 cocaine. And a separate and distinct offense in
6 trafficking in powder cocaine. The State must
7 prove beyond a reasonable doubt that the defendant
8 was knowingly in the actual or constructive
9 possession, or that he knowingly attempted to
10 become in actual or constructive possession of
11 crack cocaine or with regard to the separate
12 Indictment of powder cocaine.

13 With regard to the offense of trafficking
14 in cocaine, I am going to charge you the law that
15 applies to that. With regard to trafficking in
16 cocaine, the State must also prove not only
17 possession, but they must prove beyond a
18 reasonable doubt that the amount of cocaine or any
19 mixture containing cocaine was 10 grams or more
20 but less than 28 grams.

21 With regard to the Indictment of
22 trafficking in crack cocaine, I charge you the
23 State must prove possession. And they must
24 prove -- also prove beyond a reasonable doubt that
25 the amount of crack cocaine was 28 grams or more

1 but less than 100 grams. I am going to talk with
2 you about the concept of possession. And I want
3 you to pay very close attention to this.
4 Possession obviously deals with the drug offenses.
5 Possession of marijuana. And of course the
6 operative element of trafficking is possession.
7 And so pay very close attention as I define for
8 you what possession is.

9 Ladies and gentlemen of the jury, to prove
10 possession, the State must prove beyond a
11 reasonable doubt that the defendant had both power
12 and the intent to control the disposition or use
13 of the marijuana, the crack cocaine and the powder
14 cocaine. These are separate and distinct offenses
15 which you need to evaluate each one of them
16 separately and distinctly. Possession may either
17 be actual or constructive. Actual possession
18 means that the drugs were in the physical custody
19 of the defendant. Constructive possession means
20 that the defendant had dominion and control or the
21 right to exercise dominion or control over either
22 the marijuana, the powder cocaine or the crack
23 cocaine. And the law allows dominion and control
24 over the drugs themselves, or the property on
25 which the drugs were found. Mere presence at the

1 scene where the drugs were found is not enough to
2 prove possession. Actual knowledge of the
3 presence of the drugs is strong evidence of the
4 defendant's intent to control its disposition or
5 use. The defendant's knowledge and possession may
6 be inferred when a substance is found on the
7 property under defendant's control. However this
8 rebuttal inference is simply an evidentiary fact
9 to be taken into consideration by you along with
10 other evidence in this case, and to be given the
11 weight you think it should have. Two or more
12 persons may have joint possession of a drug.

13 Ladies and gentlemen of the jury, I am
14 going to charge you the law with regards to
15 possession of a weapon during the commission or
16 the attempt to commit a violent crime. The
17 defendant is charged with possession of a weapon
18 during the commission of or attempt to commit a
19 violent crime. The State must prove beyond a
20 reasonable doubt that the defendant was in
21 possession of a firearm or visibly displayed what
22 appeared to be a firearm during the commission of
23 a violent crime.

24 A firearm means any machine gun, automatic
25 rifle, revolver, pistol or any weapon which

1 will -- which is designed to and may be readily
2 converted to expel a projectile. In order to find
3 the defendant guilty of possession of a weapon
4 during the commission of a violent crime, you must
5 find that the defendant was guilty of either
6 committing a violent crime or attempting to commit
7 a violent crime. For purposes of this particular
8 offense, trafficking in cocaine and trafficking in
9 crack cocaine are violent crimes.

10 And obviously in order to find the
11 defendant guilty of this particular weapon's
12 offense, you have to find that they're guilty --
13 you have to find that he is guilty of these two
14 predicate offenses. And to say that in a
15 different way, obviously if you find him not
16 guilty of trafficking in cocaine or trafficking in
17 crack cocaine, he obviously cannot be found guilty
18 of being in possession of a weapon during a
19 violent crime.

20 Ladies and gentlemen, I am going to charge
21 you the law with regard to animal fighting. The
22 defendant in this case is charged with animal
23 fighting. It is unlawful to own an animal for the
24 purposes of fighting or baiting. Further, it is
25 also unlawful to be a party to or cause any

1 fighting or baiting of any animal. Additionally,
2 it is unlawful to purchase, rent, lease or
3 otherwise require or the obtain the use of any
4 structure, facility or location, for the purpose
5 of fighting or baiting any animal. Or knowingly
6 allow or permit or make available any structure,
7 facility or location to be used for the purpose of
8 fighting or baiting any animal.

9 The definition of animal includes any
10 live, vertebrate creature, domestic or wild.
11 Under the law, fighting is any attack with
12 violence by any animal against another animal or
13 human. Baiting is the act provoking or harassing
14 an animal with one or more animals with the
15 purpose of training an animal for fighting or to
16 cause an animal to engage in fights with among
17 other animals or fights between animals and
18 humans.

19 The defendant has been accused and
20 indicted of owning animals for the purpose of
21 fighting. Ladies and gentlemen of the jury, South
22 Carolina Code Section 16-27-30 section A in
23 relevant part makes it unlawful for any person to
24 own any animal for the purpose of fighting or
25 baiting. Ladies and gentlemen of the jury, I am

1 going to charge you the law with regard to ill
2 treatment of animals. And I am going to talk to
3 you a little bit about this particular offense
4 when I go over the verdict form with you. There
5 are two different sections that apply, and you are
6 to evaluate the evidence that has been presented
7 in the trial and make a determination as to
8 whether or not the State has proven him guilty
9 beyond a reasonable doubt with regard to this
10 particular statute.

11 There is a more serious Section, Section
12 B, which provides in relevant part; it is illegal
13 for anyone to torture, torment needlessly
14 mutilate, cruelly kill or inflict excessive or
15 repeated unnecessary pain or suffering upon an
16 animal or by omission or commission cause the acts
17 to be done for any of the offenses is guilty.

18 So the prohibited acts are torture,
19 torment, needless mutilation, cruelly killing or
20 inflicting excessive or repeated unnecessary pain
21 and suffering. All right that is the more serious
22 offense. And there is a lesser included offense,
23 and I am going to read you the relevant portions
24 of that. On the verdict form you will be called
25 upon to determine whether or not the State has

1 proven beyond a reasonable doubt they are guilty
2 of Section B. And if you find they are not guilty
3 of the more serious offense, then you are going to
4 be called upon to determine whether or not they
5 have proved their case with regard to the lesser
6 included offense which I am going to explain to
7 you right now.

8 It is unlawful for any person to knowingly
9 or intentionally overload or overdrive, overwork,
10 ill treat any animal, deprive any animal of
11 necessary sustenance or shelter or inflicts
12 unnecessary pain or suffering upon any animal or
13 by omission or commission knowingly or
14 intentionally cause these things to be done. And
15 once again, I will go over that with you as I go
16 over the verdict form. But clearly, you can't be
17 found guilty of both of these. You can be found
18 guilty of Section A or B. Or not guilty on both.
19 And I will go over that with you here momentarily.
20 Bear with us just one moment.

21 I have prepared the verdict form, and
22 since I have been on the bench, I have never
23 misplaced a verdict form. But when you have got
24 a law clerk, you can blame it on them.

25 Mr. Foreman, I am going to ask you to

1 stand up, if you would, and go over this verdict
2 form. And Mr. Foreman, you are going to be
3 responsible for presiding over the deliberations
4 process. And essentially that means that you are
5 to make sure that everybody's voice is heard. And
6 this is the verdict form that you are going to
7 work off of. And it has the caption here. And it
8 has got the various indictments that are set forth
9 here.

10 And I am going to actually this is one
11 that I need to -- this is actually not the one we
12 had prepared. Mr. Foreman and Ladies and
13 gentlemen of the jury, I am going to ask you to
14 retire to the jury room and let me locate the
15 perfect verdict form. Do not begin discussing the
16 case.

17 (Whereupon, the following takes place
18 outside of the presence of the jury.)

19 THE COURT: Ready for the jury?

20 (Whereupon, the following takes within the
21 presence of the jury.)

22 THE COURT: Mr. Foreman and Ladies and
23 gentlemen of the jury, thank you for indulging me.
24 Mr. Foreman, if you will stand while I give you
25 the verdict form. It is the State of South

1 Carolina versus Greg Wright. And it has got the
2 various Indictment numbers here. And it takes
3 each offense like we would explain in a jury
4 charge and, of course, you are going to have to
5 apply the facts as you find them to each separate
6 offense.

7 And I charged you the substance of each of
8 these charges. And you are going to have to
9 render a verdict. And the first offense is simple
10 possession of marijuana. And it has got, we the
11 jury find the defendant not guilty of simple
12 possession of marijuana. Or we the jury
13 unanimously find the defendant guilty of simple
14 possession of marijuana. And you will be required
15 to check each of these. And you will see as you
16 go through that, and without reading each, each
17 one of the offenses are set out in Roman Numerals.
18 Roman Numeral 2, trafficking in cocaine, 3
19 trafficking in crack cocaine. No. 4, possession
20 of a firearm during the commission of a violent
21 crime. And then the three various dog offenses.

22 And you are going to be required to render
23 a verdict on each of these. And once again, I am
24 going to emphasize that your verdict has to be
25 unanimous with regard to each separate offense.

1 It can't be 11 to 1. It can't be 6 to 6, 8 to 4,
2 it has to be unanimous. And I do want to spend a
3 little bit of time going over with you, this ill
4 treatment of animals. You will see that ill
5 treatment of animals, I have actually set forth,
6 under Section B, the more serious of the
7 offenses. What the elements are, is set out on
8 there.

9 And it says, we the jury unanimously find
10 the defendant is not guilty of ill treatment of
11 animals. And I set forth what this code section
12 says. If you find Him guilty of that, then you
13 have concluded your deliberations, because that's
14 the last offense. However, if you find him not
15 guilty of that, then you will be called upon to
16 determine whether or not he is guilty of the
17 lesser included offense and the elements are set
18 forth in there. You will see that this is a more
19 serious offense. This is lesser included offense.

20 Obviously, they can't be guilty of both.
21 It has to be one or the other. And it can be
22 guilty on one of them or not guilty on both.
23 That's completely within your province as a juror
24 to make those decisions. I am going to leave this
25 with you. Mr. Foreman, one thing, I am going to

1 emphasize is, that it's important for you all
2 during the deliberation process, if anybody gets
3 up to use the rest room or whatever, it is
4 important for everyone to hear all of the
5 deliberations. Everyone needs to take part in
6 that. So if someone gets up to use the rest
7 room, I am going to ask that you discontinue your
8 deliberations until they return. There might be
9 an occasion where you have a question. And I
10 explained the law to you, it's clear that you all
11 are the triers of the facts. And it might be that
12 y'all have a question. And if you do, I am going
13 to ask that you communicate those concerns to the
14 Foreman. He can write the question down and date
15 it. And if I can answer it, I will. I am going
16 to tell you from the very outset, I don't believe
17 there are going to be any questions. Because you
18 have heard the evidence that has come from the
19 witness stand. I have charged you the law. You
20 are going to have the documentary evidence to
21 evaluate in there. And usually the questions that
22 can be asked are factual questions. Those are the
23 hard questions that you all are going to have to
24 answer. I can't answer for you.

25 However, if there is a question with

1 regard to law, I can answer those types of
2 questions. If you have a question whatsoever, If
3 I can answer them, I will. I do want to tell you
4 and I want the alternate to remain with me. And I
5 have sent you back into the jury room each time.
6 And I gave you an instruction each time to what?

7 THE FOREMAN: Not talk about the case.

8 THE COURT: I am going to send you back
9 right now, and guess what we want to do?

10 THE FOREMAN: Talk about the case.

11 THE COURT: No, we are not done. That was
12 a trick question. I am going to ask the lawyers
13 if they have any objection with regard to my jury
14 charge. And I want to make sure that all of the
15 exhibits are in order, and that you have all of
16 the evidence that has been admitted into evidence.

17 I am going to ask you to retire to the
18 jury room, but do not begin deliberations. I will
19 ask the bailiff to present the documentary
20 evidence to you. If there are no further charges
21 that need to be made, he will give you
22 instructions as to when to begin deliberations. I
23 will ask that you take the jury to the jury room.
24 At this time, I would ask the alternate to remain
25 with us.

1 (Whereupon, the following takes place
2 outside the presence of the jury.)

3 (Whereupon, the alternate is excused.)

4 THE COURT: Are there any objections or
5 additions? Additional requests of charge from the
6 State, Mr. Scott?

7 MR. SCOTT: None from the State, Your
8 Honor.

9 THE COURT: Any from the defense?

10 MR. LITTLEJOHN: Yes, Your Honor. One
11 thing, the two Indictments we have for animal
12 fighting and for owning animals for the purpose of
13 fighting, the court instructed the jury as to
14 16-27-30. And I think the Court went on to
15 instruct as to Subparagraph C, which deals with
16 anyone who purchases, rents, leases or otherwise
17 acquires or uses a structure for. And it was my
18 understanding that due to the nature -- due to the
19 way those two Indictments were worded, that we
20 weren't going to instruct the jury as to C or D of
21 that section. If you recall.

22 THE COURT: What is your position,
23 Mr. Scott?

24 MR. SCOTT: He hasn't been indicted for
25 any structure.

1 THE COURT: Okay. Very good.

2 MR. LITTLEJOHN: Your Honor, please, one
3 of the indictments was for 30(a) and then one was
4 for 30(b).

5 THE COURT: All right. And what I will do
6 is I will call them back and indicate that with
7 regard to the charge concerning animal fighting,
8 that I will -- you want me to recharge it again to
9 say that the defendant in this case is charged
10 with animal fighting. It is unlawful to own an
11 animal for the purposes of fighting or baiting.
12 Further, it is unlawful, to be a party to or cause
13 any fighting or baiting of any animals. And leave
14 it at that.

15 MR. SCOTT: Would you read the, I guess,
16 would you again read the definition of the animal?
17 Part of just the animal?

18 THE COURT: What is the defense's
19 position?

20 MR. SCOTT: Your Honor, my problem is, I
21 think the jury was instructed that if they found
22 that Mr. Wright purchased, rented, leased or
23 otherwise acquired or obtained the use of any
24 structure facility or location for the purpose of
25 fighting or baiting animals, he could be found

1 guilty of that section.

2 THE COURT: Right. My question to you is,
3 do you want me to charge, recharge that the
4 defendant in this case was charged with animal
5 fighting? It was unlawful to own an animal for
6 the purpose of fighting or baiting. Further, it
7 is unlawful to be a party to or cause any fighting
8 or baiting of any animal. And specifically say
9 that I inadvertently read the provisions that deal
10 with owning or renting or leasing a facility. And
11 he has not been indicted for that, and that is not
12 for their consideration.

13 MR. LITTLEJOHN: That would be fine, Your
14 Honor. Very good.

15 THE COURT: We can have the jury back.

16 (Whereupon, the following takes place
17 within the presence of the jury.)

18 THE COURT: Mr. Foreman, and Ladies and
19 gentlemen of the jury, I have made an error with
20 regard to the charge of law. The defendant has
21 been charged with animal fighting. Pay very close
22 attention to this. The defendant in this case is
23 charged with animal fighting. It is an unlawful
24 to own an animal for the purposes of fighting and
25 baiting.

1 Further, it is also unlawful to be a party
2 to or cause any fighting or baiting of any animal.
3 That is the law that deals with animal fighting.
4 I inadvertently gleamed from the statute, a
5 separate and distinct offense, which deals with
6 purchase, rent, lease, or acquiring of a
7 structure, facility, or location for the purpose
8 of fighting. This defendant has not been indicted
9 for that offense. That cannot be considered by
10 you in any way, shape, or form. Disregard that.
11 He has not been indicted for that. And you are
12 not to give that any consideration. Once again, I
13 am going to reiterate the substantive law with
14 regard to animal fighting. The defendant in this
15 case is charged with animal fighting. It is
16 unlawful to own an animal for the purpose of
17 fighting or baiting.

18 Further, it is unlawful to be a party to
19 or cause any fighting or baiting of any animal.
20 There should be no consideration with regard to
21 facility, structures or anything such as that.
22 The purchase, rent or leasing of the property or
23 owning the property. That's essentially what I
24 charged you the law was. And I will ask that you
25 return to the jury room. Thank you. Do not begin

1 discussing the case.

2 (Whereupon, the following takes place
3 outside the presence of the jury.)

4 THE COURT: Any further objections or
5 additions or deletions?

6 MR. LITTLEJOHN: No, Your Honor. Thank
7 you for making that correction.

8 THE COURT: Very good. I am going to ask
9 that y'all come forward and once again review the
10 exhibits. And I understand that they are in one
11 pile in a box. All those that are on the Court
12 Reporter's table. Mr. Scott, do you agree that
13 this is all the evidence that has been introduced
14 in this trial?

15 MR. SCOTT: Yes, Your Honor.. This is all
16 the stuff we went through before lunch. And Mr.
17 Littlejohn and I went through and agreed this was
18 everything that was entered today.

19 THE COURT: Is there anything in that
20 collection of documents that is not in evidence?

21 MR. SCOTT: If this is the same thing we
22 went through before lunch, no, there is not.

23 THE COURT: Okay. If you need to look at
24 it again, I ask you to do so.

25 MR. SCOTT: Just a quick check..

1 MR. SCOTT: All the stuff I know isn't
2 supposed to be in there, is over here. I think we
3 are good to go.

4 THE COURT: Do you agree that that's all
5 of the evidence that is in evidence. These are
6 all the documents that are in evidence?

7 MR. SCOTT: This, these displays, this
8 cooler and this chart is everything that is in
9 evidence.

10 THE COURT: And you agree that there is
11 not anything that's in this pile that is not in
12 evidence.

13 MR. SCOTT: Let me go through one more
14 time.

15 THE COURT: It is not a trick question.

16 MR. SCOTT: If this is exactly everything
17 we went over -- it is. Okay. That is everything
18 that was entered into evidence.

19 THE COURT: Mr. Littlejohn?

20 MR. LITTLEJOHN: Yes, Your Honor.

21 THE COURT: Do you agree that this
22 collection of documents is in to evidence? All of
23 these items are in to evidence?

24 MR. LITTLEJOHN: Everything except the
25 box, Your Honor.

1 THE COURT: Okay. Very good. And is
2 there anything in the pile that is not in
3 evidence?

4 MR. LITTLEJOHN: No, sir.

5 THE COURT: In the box?

6 MR. LITTLEJOHN: No, sir.. We went through
7 them before lunch. And I am satisfied we have got
8 them.

9 THE COURT: I am going to ask that the
10 bailiff take these documentary evidence in to the
11 jury room to give them instructions to begin
12 deliberations. I also would like for them to have
13 a piece or pad of paper with some pencils. You
14 will do that?

15 THE BAILIFF: Yes, Your Honor. I will do
16 that.

17 (Whereupon, At 2:39 p.m. jury commences
18 deliberates.)

19 THE COURT: Anything further of the State?

20 MR. SCOTT: Nothing from the State.

21 THE COURT: Anything from the defense?

22 MR. LITTLEJOHN: No, Your Honor.

23 THE COURT: We will stand at ease until
24 the jury has a question or reaches a verdict.

25 MR. LITTLEJOHN: Your Honor, will the jury

1 get the Indictments?

2 THE COURT: No.

3 (Whereupon, at 3:48 p.m. jury has a
4 question.)

5 THE COURT: The jury has question. Do we
6 have a Court Reporter? Yes, we have a Court
7 Reporter. "What is the legal definition of
8 possession of a firearm during the commission of a
9 violent crime." And It is signed by the Foreman
10 and dated. I am just going to recharge the
11 substantive offense. Any objection?

12 MR. SCOTT: None from the State, Your
13 Honor.

14 MR. LITTLEJOHN: No, Your Honor.

15 THE COURT: Very good. We are ready for
16 the jury.

17 (Whereupon, the following takes place
18 within the presence of the jury.)

19 THE COURT: Mr. Foreman and Ladies and
20 gentlemen of the jury, I am going to charge you
21 the substantive law with regards to the offense of
22 possession of a weapon during the commission of,
23 or attempt to commit a violent crime. The
24 defendant is charged with possession of a weapon
25 during the commission of or attempt to commit a

1 violent crime. The State must proof beyond a
2 reasonable doubt that the defendant was in
3 possession of a firearm and visibly displayed what
4 appeared to be a firearm during the commission of
5 a violent crime. A firearm means any machine gun,
6 automatic rifle, revolver, pistol or any weapon
7 which will and is designed to convert or expel a
8 projectile. In order to find the defendant guilty
9 of possession of a weapon during the commission of
10 a violent crime, you must first find the defendant
11 guilty of either committing a violent crime, or
12 attempting to commit a violent crime. The two
13 operative offenses of a violent crime with regard
14 to this particular defendant are trafficking in
15 cocaine, and trafficking in crack cocaine.

16 In order to find him guilty of possession
17 of a weapon during the commission of a violent
18 crime, there would have to be a predicate violent
19 crime conviction of trafficking in cocaine, or
20 trafficking in crack cocaine. The decision with
21 regard to whether or not the State has met their
22 burden of proof with regard to the underlying
23 predicate offenses and this substantive offense is
24 completely within your authority and your
25 collective wisdom as a juror. And I will ask that

1 you retire to the jury room. Resume
2 deliberations.

3 (Whereupon, at 3:55 p.m. jury commences
4 deliberations.)

5 THE COURT: Any objections with regard to
6 the jury charge from the State?

7 MR. SCOTT: None, Your Honor.

8 THE COURT: Any from the defense?

9 MR. LITTLEJOHN: No, your honor.

10 THE COURT: Very good. We will stand at
11 ease until we learn further.

12 (Whereupon, At 4:08 p.m the jury has a
13 verdict.)

14 THE COURT: I understand the jury has
15 reached a verdict. You may bring the jury.

16 (Whereupon, the following takes place
17 within the presence of the jury.)

18 THE COURT: Mr. Foreman, have you reached
19 a verdict?

20 THE FOREMAN: Yes, we have, Your Honor.

21 THE COURT: Is it indeed unanimous?

22 THE FOREMAN: Yes, it is, Your Honor.

23 THE COURT: I ask that you give the
24 verdict form to the bailiff. It appears to be in
25 order. You may publish the verdict.

1 THE CLERK: The State of South Carolina,
2 County of Sumter, State of South Carolina versus
3 Greg Wright. As to Count 1, simple possession of
4 marijuana. We the jury unanimously find the
5 defendant not guilty. Oh, I am sorry, we the jury
6 unanimously find the defendant guilty of simple
7 possession of marijuana. As to Count 2,
8 trafficking in cocaine. We the jury unanimously
9 find the defendant guilty of trafficking in
10 cocaine. As to the Count 3, trafficking in crack
11 cocaine. We the jury unanimously find the
12 defendant guilty of trafficking in crack cocaine.
13 As to Count 4, possession of a firearm during the
14 commission of a violent crime. We the jury
15 unanimously find the defendant guilty of
16 possession of a firearm during the commission of a
17 violent crime.

18 As to Count 5, owning animals for the
19 purpose of fighting. We the jury find the
20 defendant guilty of owning animals for the purpose
21 of fighting. As to count 6, animal fighting, we
22 the jury unanimously find the defendant guilty of
23 animal fighting.. As to Count 7, ill treatment of
24 animals. We the jury unanimously find the
25 defendant guilty of ill treatment of animals

1 pursuant to Section 47(1)40(B).

2 THE COURT: Any additional questions with
3 regard to polling of the jury, Mr. Littlejohn?

4 MR. LITTLEJOHN: We would ask that the
5 jury be polled, Your Honor.

6 THE COURT: Very good.

7 THE CLERK: Ladies and gentlemen, as I
8 call your number and name, please stand and raise
9 your right hand.

10 No. 129, Karen Schmalhorst, is this your
11 verdict and still your verdict?

12 MS. SCHMALHORST: Yes.

13 THE CLERK: No. 57, Nikki Howell, is this
14 your verdict and still your verdict?

15 MS. HOWELL: Yes, sir.

16 THE CLERK: No. 64, Gloria James, is this
17 your verdict and still your verdict?

18 MS. JAMES: Yes, sir.

19 THE CLERK: No. 105, Deborah Pack, is this
20 your verdict and still your verdict?

21 MS. PACK: Yes, sir.

22 THE COURT: No. 52, Shay Harvin, is this
23 your verdict and still your verdict?

24 MS. HARVIN: Yes.

25 THE CLERK: No. 63, Sally Isaac, is this

1 your verdict, and still your verdict?

2 MS. ISAAC: Yes.

3 THE CLERK: No. 125, Angelo Sagona, is
4 this your verdict, and still your verdict?

5 MR. SAGONA: Yes, sir.

6 THE CLERK: No. 113, Joseph Ramirez, is
7 this your verdict and still your verdict?

8 MR. RAMIREZ: Yes, sir.

9 THE CLERK: No. 144, Brenda Whaley, is
10 this your verdict and still your verdict?

11 MS. WHALEY: Yes, sir.

12 THE CLERK: No. 5, Wanda Atkins, is this
13 your verdict and still your verdict?

14 MS. ATKINS: Yes, sir.

15 THE CLERK: No. 139, Dianna Taylor, is
16 this your verdict and still your verdict?

17 MS. TAYLOR: Yes.

18 THE WITNESS: No. 101, Rosa Myers, is this
19 your verdict and still your verdict?

20 MS. MYERS: Yes.

21 THE CLERK: All the jurors have been
22 polled, Your Honor.

23 THE COURT: Mr. Foreman, and ladies and
24 gentlemen of the jury, I want to thank you for
25 your service. You all paid very close attention

1 to the evidence and the law. And I want to thank
2 you for your participation.

3 I understand the solicitor has 9:30 in the
4 morning. I know you all have worked awfully hard
5 this week. And we are going to ask that you come
6 back at 9:30 in the morning. And if you keep your
7 fingers crossed, you won't get selected on another
8 one. It won't be as long. I know these are
9 difficult times and a very difficult situation.
10 And it is clear that you all paid very close
11 attention to everything. Did what you thought was
12 right. For that I appreciate what you have done.

13 I have asked you and directed that you not
14 discuss the case. And in view of that, you are
15 going to be coming back in the morning and perhaps
16 participate in another trial, I am going to ask
17 while at least within the walls of the courthouse,
18 that you are not to discuss the case or the
19 verdict or anything such as that; however, you are
20 free to talk with your spouse, coworkers or
21 anybody you would like talk with about it. At the
22 conclusion of your service certainly you can talk
23 to anybody about this case that you want to talk
24 to. If you want to talk to them.

25 However, if you don't want to talk about

1 it and someone insists on speaking with you about
2 it, I am going to ask you to notify me and I will
3 deal with them accordingly. Thank you so much for
4 your service. I will see you in the morning at
5 9:30. And after your service, you will earn a
6 three-year exemption. And you all have definitely
7 earned a three-year exemption. You all have
8 worked very hard. Thank you for your time and
9 consideration here. And you are free to leave at
10 this time.

11 I will mention that I am going to be
12 entertaining some motions from the lawyers about
13 this case here in a moment. And shortly
14 thereafter, I will be sentencing Mr. Wright. It
15 is not necessary that you participate in that.
16 You're free to leave at this time. This is a
17 public hearing. And if you would like to witness
18 the sentencing you feel free to do so. You are
19 free to leave at this time. Everyone remain
20 seated as the jury exits the courtroom.

21 (Whereupon, the jury is dismissed.)

22 THE COURT: I will be glad to entertain
23 any motions at this time.

24 MR. LITTLEJOHN: Your Honor, on behalf of
25 the defendant, we would move for a judgment of

1 acquittal notwithstanding the verdict based on the
2 grounds previously stated in the record for our
3 motion for a directed verdict at the conclusion
4 of the State's case. We just feel there is --
5 there was inadequate evidence upon which the jury
6 could have found Mr. Wright guilty on the seven
7 charges, and especially on the drug charges, Your
8 Honor.

9 I think that the law is clear that they
10 can convict someone of drug charges -- possession
11 of the drug charges based on the concept of
12 constructive possession. And the law says that
13 clearly more than one person can have possession
14 of drugs. And that an individual who owned, if
15 property is found -- if drugs are found on an
16 individual's property, the jury can infer that he
17 had dominion and control over the drugs.

18 THE COURT: I understand your position,
19 and I understand there is not overwhelming
20 evidence to establish those things; however, I
21 think a reasonable juror could make a finding that
22 the State has proven their case beyond a
23 reasonable doubt. I understand your position, but
24 your motions are denied.

25 I am going to ask the State if they could

1 prepare -- do you have some sentencing sheets
2 prepared already?

3 MR. SCOTT: Your Honor, I have asked the
4 Assistant Solicitor. I don't think he can give
5 them to me yet. I haven't prepared any. I can
6 start work on that.

7 THE COURT: If you could prepare those.
8 Prepare those and I would like to meet with you
9 and Mr. Littlejohn in my chambers when they are
10 completed. Very good. And I would ask that
11 Mr. Wright be taken into custody at this time.

12 THE DEFENDANT: Your Honor, can I talk
13 with my family about two seconds?

14 THE COURT: No, not at this time. You
15 will have plenty of time here shortly, but we need
16 to take care of business here right now.

17 (Whereupon, the attorneys and the Judge
18 meet in chambers.)

19 THE COURT: Mr. Littlejohn, bring your
20 client forward.

21 MR. LITTLEJOHN: Would you like Him to
22 sign these sheets first?

23 THE COURT: Yes, sir. While we're getting
24 prepared here, I want to mention to those who are
25 here, I know this is a difficult thing and a very

1 emotional time for everyone involved in it;
2 particularly, the Wright family. And my job is to
3 obviously to ensure that Mr. Wright gets a fair
4 trial. And it is also to maintain order in the
5 courtroom. And I know that it's difficult. If
6 anybody feels though like they can't maintain the
7 order, if they feel like there is going to be an
8 outburst in any way, shape or form, I am going to
9 order that you do not do that. That is my job to
10 maintain the order in the court. In the event
11 there is an outburst, I am going to instruct and
12 order that the deputies take you in to custody.

13 I don't anticipate that would happen. But
14 if you feel as though you can't maintain your
15 emotions, I am going to ask that you leave at this
16 point. Mr. Littlejohn, you can make bring Mr.
17 Wright around.

18 Does the State have anything to offer with
19 regard to sentencing?

20 MR. SCOTT: Briefly, Your Honor. Only for
21 the record we request that restitution be made, as
22 far as the animals, and the cost associated with
23 care and custody during this time. And that they
24 be ordered to be euthanized.

25 THE COURT: Does the statute allow me to

1 order that the dogs be euthanized?

2 MR. SCOTT: Your Honor, I don't have it in
3 front of me, but the ill treatment statute, I
4 believe that somewhere in that section it does
5 allow for that.

6 THE COURT: How are we -- we are going to
7 need -- I am going to be here tomorrow and Friday.
8 And I will ask you to brief that issue, and bring
9 that before the court before the conclusion of the
10 trial. I will address the euthanization of the
11 dogs before I leave. I will address the issue of
12 restitution. Given the nature of the minimum
13 mandatory nature of the offense, It wouldn't be
14 practical to order restitution. And therefore, I
15 am not going to do that. Anything further?

16 MR. SCOTT: Nothing, Your Honor.

17 THE COURT: I clearly in order for us to
18 sentence pursuant to these convictions, I think it
19 is going to be necessary that you put on the
20 record the prior drug offenses.

21 MR. SCOTT: The first one, May 26th of 89.
22 The court charged distribution of cocaine. Was
23 convicted 5 years. May 12, 1995, distribution of
24 crack cocaine, two counts. Let's see. May 14th
25 2001, convicted of possession of less than one

1 gram of ice crack cocaine. Then there is, I am
2 sorry Your Honor.

3 The court charged manufacturing,
4 distribution, ice, crack cocaine. Got four years
5 for that. I believe that does cover it, Your
6 Honor.

7 THE COURT: Mr. Littlejohn, do you agree
8 with regard to the trafficking offenses, that
9 there is a predicate offense that brings it to the
10 minimum mandatory 25 years, maximum 30?

11 MR. LITTLEJOHN: Yes, Your Honor. That's
12 my understanding.

13 THE COURT: Be glad to hear from you now
14 with regard to mitigation, Mr. Littlejohn.

15 MR. LITTLEJOHN: Thank you, Your Honor.
16 Your Honor, in regard to the euthanization issue,
17 I understand the Court's request to the Attorney
18 General to brief that. We would certainly like
19 the opportunity to respond. And we are willing to
20 waive any jurisdictional question if that should
21 take over the term of court this week. If it is
22 something that goes in to next week so we can
23 respond.

24 THE COURT: Very good.

25 MR. LITTLEJOHN: Your Honor, you obviously

1 heard some of the testimony and some of the
2 background of Mr. Wright here. He is
3 39-years-old. You met his wife through her
4 testimony. And they have been together 10 years.
5 They have three children that they are raising.
6 Mr. Wright has been gainfully employed and he has
7 his own business.

8 Your Honor, you've heard the circumstances
9 and the involvement of Mr. Wright, vis-a-vis, the
10 involvement of Mr. Wilson. And, Your Honor, based
11 on the circumstances and this man's age and the
12 length of the mandatory sentence that is going to
13 have to be imposed, we would ask the Court to give
14 him a minimum sentence.

15 THE COURT: Mr. Wright, you understand
16 that with regard to the trafficking in powder
17 cocaine and trafficking in crack cocaine, there is
18 a minimum mandatory sentence. You are very well
19 aware of that, aren't you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And you realize that I cannot
22 give you less than 25 years, minimum mandatory
23 even if I wanted to. You understand that, don't
24 you?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And do you understand that
2 trafficking in cocaine are both violent offenses,
3 and adversely affect your custody status? You
4 understand that, don't you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And you also understand that
7 there are serious offenses subject to the three
8 strike rule. You understand that as well, don't
9 you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And these trafficking offenses
12 are subject to the 85 percent rule, which means
13 that you will serve these sentences day for day.
14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Mr. Wright, on Indictment
17 2008-GS-43-932 the trafficking in cocaine, the
18 sentence of the court, is that be committed to the
19 State Department of Corrections for a period of
20 25 years. The sentences are to run concurrent in
21 respect to the other sentences rendered here
22 today. With regard to indictment 2008-GS-43-934
23 trafficking in crack cocaine, the sentence of the
24 court is that you be committed to the State
25 Department of Corrections for a period of 25

1 years. The sentence is to run concurrent in all
2 respects with other sentences rendered here today.

3 With regard to Indictment 2008-GS-43-933
4 possession of marijuana, the sentence of the court
5 is that you be committed to the County detention
6 center for a period of 30 days. The sentence is
7 to run concurrent. With regard to Indictment
8 2008-43-929 owning an animal for the purposes of
9 fighting. The sentence of the court is that you
10 be committed to the State Department of
11 Corrections for a period of 5 years. Sentence is
12 to run concurrent.

13 With regard to 2008-GS-43-930 animal
14 fighting, the sentence of the court is you be
15 committed to the State Department of Corrections
16 for a period of 5 years. Sentence is to run
17 concurrent. With regard to Indictment
18 2008-GS-43-931 ill treatment of animals, the
19 sentence of the court is you be committed to the
20 State Department of Corrections for a period of
21 5 years, the sentences are to run concurrent. With
22 regard to 2008-GS-43-927, possession of a firearm
23 during the commission of a violent crime, the
24 sentence of the court is you be committed to the
25 State Department of Corrections for a period of

1 5 years. Sentences are to run concurrent. Good
2 luck to you.

3 MR. LITTLEJOHN: Your Honor, might I ask
4 if possible if he could have two or three minutes
5 to converse with his family?

6 THE COURT: There is going to be plenty of
7 time before he is transported to Columbia for him
8 to confer with his family. I know it is a
9 difficult time, but given the security that we
10 have here today, I am going to ask that they take
11 him in to custody at this time.

12 MR. LITTLEJOHN: Thank you.

13 -- End of Requested Transcript of Record--

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CERTIFICATE OF REPORTER.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER..

I, Margaret T. Sullivan, Official Court Reporter for the Third Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions, on January 12th-14th 2009, for Sumter, South Carolina.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

May 25, 2009
date

Margaret T. Sullivan

Margaret T. Sullivan, Court Reporter
My commission expires October 3, 2011

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GREGORY WRIGHT,

APPELLANT

BRIEF OF APPELLANT

ROBERT M. PACHAK
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial court err in finding there was sufficient evidence or substantial circumstantial evidence that Appellant constructively possessed the drugs to support the trial court's denial of Appellant's motion for a directed verdict on the drug charges?

STATEMENT OF THE CASE

Appellant was convicted of the following charges and sentenced respectively after a jury trial held before the Honorable Michael G. Nettles on January 12-13, 2009, in Sumter County.

Trafficking in crack cocaine	25 years
Trafficking in cocaine	25 years
Possession of marijuana	30 days
Ill treatment of animals	5 years
Animal fighting	5 years
Owning animals for fighting	5 years
Possession of a firearm	5 years

Cameron B. Littlejohn was trial counsel.

On July 21, 2010, an Anders brief was submitted raising the following issue:

Whether the trial court erred in refusing to grant a directed verdict to the drug charges when the State failed to prove that appellant was in constructive possession of the drugs?

On November 4, 2011, this Court issued an order denying appellant counsel's petition to be relieved as counsel and directing the parties to brief the issue now presented.

This brief of appellant follows.

ARGUMENT

The trial court erred in finding there was sufficient evidence or substantial circumstantial evidence that Appellant constructively possessed the drugs to support the trial court's denial of Appellant's motion for a directed verdict on the drug charges.

Appellant was charged with having crack cocaine, cocaine, and marijuana on his property at 4915 Silo Road in Sumter County. The problem with the State's case was that the drugs were found on Frank Wilson's person, nearby his person, and in a shed he lived in on the property. Wilson rented this shed from appellant. Appellant lived in a double wide home on the property with Gwen Burris.¹ (Tr. p. 67, line 24 – p. 68, line 6; tr. p. 77, line 9 – p. 79, line 1; tr. p. 81, lines 13-20; tr. p. 94, lines 13-19). Frank Wilson gave an affidavit after being arrested and admitted the drugs were his and none of the other persons charged with the incident had knowledge or anything to do with the drugs that were found. (Tr. p. 120, line 7 – p. 122, line 24). No drugs were found in the home appellant and Gwen Burris lived in. (Tr. p. 150, lines 5-8).

The State even introduced a letter written by appellant while in jail to Larry Rose, AKA Hammer, where appellant said they were trying to give him jail for something he really had nothing to do with. (Tr. p. 117, lines 21-23).

Frank Wilson testified as a State's witness and again admitted that the drugs were his. (Tr. p. 262, line 18 – p. 264, line 3). He said he did not want anybody to get in trouble for the drugs. (Tr. p. 267, lines 23-25). He had already pled guilty to the charges. (Tr. p.

¹ All of this testimony was confirmed on cross-examination. (Tr. p. 128, lines 6-9; tr. p. 130, line 12 – p. 133, line 21).

269, lines 12-19). Appellant had no knowledge that he was doing drugs and selling drugs. (Tr. p. 272, lines 9-16).

At the conclusion of the State's case, defense counsel moved for a directed verdict to the drug charges because the State failed to prove that appellant was in constructive possession of the drugs especially in light of the fact that Frank Wilson admitted the drugs were his. The trial court denied the directed verdict motion. (ROA p. 274, line 16 – p. 279, line 7) That ruling was in error.

Due process as guaranteed by the Fourteenth Amendment requires "that no person shall be made to suffer the onus of a criminal conviction except upon sufficient proof—defined as evidence necessary to convince a trier of fact beyond a reasonable doubt of the existence of every element of the offense." Jackson v. Virginia, 443 U.S. 307, 316, 99 S.Ct. 2781, 2787 (1979).

Our Court has held:

[T]he trial judge is concerned with the existence or non-existence of evidence, not with its weight; and, although he should not refuse to grant the motion where the evidence merely raises a suspicion that the accused is guilty, it is his duty to submit the case to the jury if there be any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced. [Emphasis added].

State v. Littlejohn, 228 S.C. 324, 89 S.E.2d 924, 926 (1955); State v. Edwards, 298 S.C. 272, 379 S.E.2d 888 (1989), cert. denied, 493 U.S. 895, 110 S.Ct. 246 (1989).

In applying this standard, our Court has held that evidence which is "sufficient to raise a strong suspicion of the guilt of the accused" is not sufficient to constitute "any evidence from which the guilt of the accused may be fairly and logically deduced." State

v. Totherow, 263 S.C. 275, 210 S.E.2d 228, 230 (1974). See, also, State v. Turner, 117 S.C. 470, 109 S.E. 119, 120 (1921). The motion for a directed verdict should be granted, therefore, "where evidence merely raises a suspicion of guilt, or is such to permit the jury to merely conjecture or to speculate as to the accused's guilt." State v. Brown, 267 S.C. 311, 227 S.E.2d 674, 677 (1976), citing State v. Matarazzo, 262 S.C. 662, 207 S.E.2d 93, cert. denied, 420 U.S. 945 (1974). "If the evidence is consistent with both innocence and guilt it cannot support a conviction." United States v. Varoz, 740 F.2d 772, 775 (10th Cir. 1984); United States v. Ortiz, 445 F.2d 1100, 1103 (10th Cir. 1971). Guilt is only to be found when there is a "rationally supportable state of near certitude." Evans-Smith v. Taylor, 19 F.3d 899, 906 (4th Cir. 1994).

In this case the State was required to prove constructive possession which requires a showing that appellant had dominion and control over the drugs or the premises where they were found as well as knowledge of the drugs being present. State v. Hudson, 277 S.C. 200, 284 S.E.2d 773 (1981). The State did not prove knowledge of the drugs and dominion and control over the premises where the drugs were found. Instead, their own witness, Frank Wilson, proved that he had dominion and control over the drugs as well as knowledge of the drugs. "Mere presence is insufficient to prove constructive possession." State v. Heath, 370 S.C. 326, 635 S.E.2d 18 (2006), citing State v. Tabor, 260 S.C. 355, 196 S.E.2d 111 (1973).

CONCLUSION

A directed verdict to the drug charges should be granted in appellant's favor.

Respectfully submitted,

Robert M. Pachak
Robert M. Pachak
Appellate Defender

ATTORNEY FOR APPELLANT

This 2nd day of December, 2011.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GREGORY WRIGHT,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Brief of Appellant in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 2nd day of December, 2011.

Robert M. Pachak
Robert M. Pachak
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 2nd day of December, 2011.

Juliana K. Bemy (L.S.)
Notary Public for South Carolina

My Commission Expires: June 21, 2020

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Sumter County
Michael G. Nettles, Circuit Court Judge
Appellate Court No. 2009-113766

The State,

Respondent,

v.

Gregory Wright,

Appellant.

BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General
Bar # 15608

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

- I. The trial court did not err in finding there was sufficient evidence or substantial circumstantial evidence that Appellant constructively possessed the drugs found on his property to deny Appellant's motion for a directed verdict as to the drug charges.

STATEMENT OF THE CASE

The State agrees with Appellant's procedural Statement of the Case.

ARGUMENT

- I. The trial court did not err in finding there was sufficient evidence or substantial circumstantial evidence that Appellant constructively possessed the drugs found on his property to deny Appellant's motion for a directed verdict as to the drug charges.

Appellant contends the trial court erred failing to grant his motion for a directed verdict because the State failed to prove he constructively possessed the drugs. The State provided substantial circumstantial evidence indicating Appellant constructively possessed the drugs found on his property and within his dominion and control.

"When ruling on a motion for a directed verdict, the trial court is concerned with the existence or nonexistence of evidence, not its weight." State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006). "When reviewing a denial of a directed verdict, this Court views the evidence and all reasonable inferences in the light most favorable to the state." Id. A directed verdict motion should be denied if there is any direct or substantial circumstantial evidence reasonably tending to prove the guilt of the accused. State v. Latimore, 397 S.C. 9, 12, 723 S.E.2d 589, 591 (2012).

As it relates to Appellant's powder cocaine charge:

Any person who knowingly sells, manufactures, cultivates, delivers, purchases, or brings into this State, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, cultivate, deliver, purchase, or bring into this State, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of:

ten grams or more of cocaine or any mixtures containing cocaine, as provided in Section 44-53-210(b)(4), is guilty of a felony which is known as "trafficking in cocaine...."

S.C. Code Ann. § 44-53-370(c)(2) (Supp. 2010). Further, section 44-53-375 of the South Carolina Code provides:

A person who knowingly sells, manufactures, delivers, purchases, or brings into this State, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, deliver, purchase, or bring into this State, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of ten grams or more of . . . cocaine base, as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), is guilty of a felony which is known as "trafficking in . . . cocaine base."

S.C. Code Ann. § 44-53-375(C) (Supp. 2010). Finally, in regards to the possession of marijuana:

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article.

S.C. Code Ann. § 44-53-370(c) (Supp. 2010).

In the instant case, in order to support the conviction for all three drug offenses, the State had to prove Appellant possessed the drugs and intended or knew he had possession of the drugs. See State v. Mollison, 319 S.C. 41, 45, 459 S.E.2d 88, 91 (Ct. App. 1995). As the South Carolina Supreme Court explained:

Conviction of possession of [illegal drugs] requires proof of possession-either actual or constructive, coupled with knowledge of its presence. Actual possession occurs when the drugs are found to be in the actual physical custody of the person charged with possession. To prove constructive possession, the State must show a defendant had dominion and control, or the right to exercise dominion and control, over the [drugs]. Constructive possession can be

established by circumstantial as well as direct evidence,
and possession may be shared.

State v. Hudson, 277 S.C. 200, 202, 284 S.E.2d 773, 774-75 (1981). "Where contraband materials are found on premises under the control of the accused, this fact in and of itself gives rise to an inference of knowledge and possession which may be sufficient to carry the case to the jury." Hudson, 277 S.C. at 203, 284 S.E.2d at 775. "Possession requires more than mere presence." State v. Jackson, 395 S.C. 250, 717 S.E.2d 609 (Ct. App. 2011) (quoting State v. Stanley, 365 S.C. 24, 43, 615 S.E.2d 455, 465 (Ct. App. 2005)). Possession, however, can be shared among two or more people. See Hudson, 277 S.C. at 202, 284 S.E.2d at 774-75; State v. Muhammed, 338 S.C. 22, 27, 524 S.E.2d 637, 639 (Ct. App. 1999).

In the instant case, the evidence, when viewed in the light most favorable to the State, presents substantial circumstantial evidence Appellant constructively possessed the marijuana, cocaine, and cocaine base found on his property. According to the officers conducting the search warrant, several individuals were on the property located at 4915 Silo Road. A bag of crack cocaine, or cocaine base, was found on the ground between two of the individuals, Frank Lee Wilson and Ursula Andrews. (R.78-79). Further, a bag containing crack cocaine was found at the back of the two story concrete building between it and the shed. (R.78; 82-83; 131; 166). Additionally, in the same vicinity as the bag of crack cocaine on ground in the yard, officers found scanners used to listen to police or other emergency services. (R.89-91). In a shed on the property, officers found marijuana, cocaine, and crack cocaine. (R.94-95). Additionally, the officers found a set of scales in the shed. (R.99).

In conducting the search of the primary residence on the property, the officers located substantial cash as well as a firearm and ammunition. No drugs were found within the residence. (R.101-105). No cash was found in the shed, though a minimal amount was found on Wilson's person.

The only testimony in the record indicates Appellant owns the property located at 4915 Silo Road. The testimony indicated the property consisted of a double wide trailer, as well as a shed and two story concrete building under construction. (R.105-106; 255-256). The evidence established Appellant owned the property where the shed and concrete building were located and owned both buildings.

Appellant sent a letter to Wilson's cell mate. In the letter, he indicates he was very upset because he thought co-defendants had talked with officers and given a statement implicating him. He asked that they stick to the story, and indicated the only way things don't end ok is if "someone signed a statement on me." (R.117-118; State's Exhibit 21). Appellant wrote:

Man, you all know there is nothing I won't do for you all.
And I know you all will do whatever for me.

....

And I know you all won't let - - you won't let me,
grandma, and L.G. and the family down. These people
really want my life. But tell Lee [Wilson] I promise he
won't get nothing but probation and maybe a big fine. But
I will pay a fine.

....

I love you all, and keep it real. . . . But tell them to say
nothing. I love you all and save my life.

(R.118-119; State's Exhibit 21). Wilson subsequently signed an affidavit indicating the drugs were his, and no one else had anything to do with the drugs. (R.263-264; State's Exhibit 22). This affidavit was sent after Appellant's letter to Wilson's cellmate. (R.123;

State's Exhibit 21; State's Exhibit 22). At trial, however, Wilson first tried to say he wrote and typed the affidavit. After questioning, he admitted he did not know who wrote the affidavit, he just signed it. (R.264).

Wilson also maintained at trial he lived in the shed. (R.255). At trial, however, Wilson admitted Appellant owned the property, and while he initially indicated he received his mail there, he subsequently admitted he received no mail at the shed. (R.257). Further, in the affidavit, Wilson listed an address other than 4915 Silo Road as his address. He listed the other address, because he claimed he did not know the address of the shed even though he was supposedly living there and renting the shed. (R.264-265).

The jury in this case was properly charged regarding the law on constructive possession. Further, the jury was instructed that mere presence is not sufficient, but that the law allows possession to be found when the person has dominion and control over the drugs, or the property where the drugs were found. Finally the jury was properly charged that two or more persons may have joint possession of the drugs. (R.336-337).

In this case, the drugs were found on property clearly owned by Appellant. Further, some of the drugs and other items were clearly found on part of the property in which there is no question Appellant had dominion and control, including State's Exhibit 4 a bag of crack cocaine found by the concrete building and the scanners found near the dogs. Additionally, significant cash and a weapon, two items typically associated with drugs and drug dealing, were found in the double wide residence and none was found in the shed, making it more likely the shed was used solely to store the drugs being sold by Appellant and Wilson.

There is conflicting testimony regarding the possession interest in the shed. Wilson indicated he lived there, but acknowledged he got no mail there, did not know the address, and used a different address as his address when he wrote the affidavit for the court. As a result, the evidence in the light most favorable to the State indicated Wilson did not live at the shed, and instead, he and Appellant were using it to store drugs away from the main residence. The affidavit is not determinative either because Wilson admitted it was prepared for him by someone, and he did not know whom, and he just signed it. Both Wilson's testimony and his affidavit, when viewed in the light most favorable to the State, and in light of the fact both occurred after Appellant's letter to Wilson's cell mate, do not foreclose the possibility both Appellant and Wilson had constructive possession of the drugs seized on Appellant's property.

As a result, the evidence, in the light most favorable to the State indicates the drugs were on Appellant's property. As the owner of the property, he clearly had dominion and control over the property where the drugs were located. Additionally, at a minimum the evidence indicated both he and Wilson had constructive possession of the drugs, and because they could both possess the drugs, the trial court properly found the case should be submitted to the jury.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General

BY: 

William M. Blich, Jr.

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

July 2, 2012

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Sumter County
Michael G. Nettles, Circuit Court Judge

The State,

Respondent,

v.

Gregory Wright,

Appellant.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Brief of Respondent on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Pachak, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 2nd day of July, 2012.

Ellen R. DuBois
ELLEN R. DuBOIS
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Gregory Wright, Appellant.

Appellate Case No. 2009-113766

Appeal From Sumter County
Michael G. Nettles, Circuit Court Judge

Unpublished Opinion No. 2013-UP-326
Submitted April 1, 2013 – Filed July 17, 2013

AFFIRMED

Appellate Defender Robert M. Pachak, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior Assistant
Deputy Attorney General Salley W. Elliott, Assistant
Attorney General William M. Blicht, Jr., all of Columbia,
for Respondent, and Solicitor Ernest A. Finney, III, of
Sumter, for Respondent.

PER CURIAM: Gregory Wright appeals his convictions on charges of possession of marijuana, trafficking in cocaine, and trafficking in crack cocaine, arguing the trial court erred in finding there was sufficient direct evidence or substantial circumstantial evidence that he constructively possessed the drugs.¹ We affirm pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Brown*, 402 S.C. 119, 124, 740 S.E.2d 493, 495 (2013) (stating that on appeal from the denial of a directed verdict in a criminal case, the appellate court "must view the evidence in the light most favorable to the State"); *id.* ("[I]f there is any direct or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury."); *State v. Cherry*, 361 S.C. 588, 594, 606 S.E.2d 475, 478 (2004) (stating a directed verdict motion should be granted "when the evidence merely raises a suspicion that the accused is guilty," but also emphasizing that the trial court "is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis"); *State v. Ballenger*, 322 S.C. 196, 199, 470 S.E.2d 851, 854 (1996) (stating constructive possession of drugs occurs when the person charged with possession has dominion and control over either drugs or the premises upon which the drugs are found); *State v. Hudson*, 277 S.C. 200, 203, 284 S.E.2d 773, 775 (1981) ("Where contraband materials are found on premises under the control of the accused, this fact in and of itself gives rise to an inference of knowledge and possession which may be sufficient to carry the case to the jury."); *id.* at 202, 284 S.E.2d at 775 ("Constructive possession can be established by circumstantial evidence as well as direct evidence, and possession may be shared."); *id.* (noting that both defendants "shared control of the premises" and holding there was "sufficient evidence from which a reasonable trier of fact could conclude beyond a reasonable doubt" that one of the defendants, though he was away from the premises when the drugs were found and was arrested three hours later while driving on the interstate, "constructively possessed heroin with intent to distribute").

AFFIRMED.

SHORT, THOMAS, and PIEPER, JJ., concur.

¹ Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Wright's appellate counsel filed a brief asserting there were no meritorious grounds for appeal and requested permission to withdraw from further representation. This court denied the request and instructed the parties to file additional briefs.

FORM 5

RECORDED

STATE OF SOUTH CAROLINA

2015 JUN -8 AM 9:14 IN THE COURT OF COMMON PLEAS

COUNTY OF LeeJAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA
OR ORIGINAL FILEGordy Wright #166553

Full name and prison number (if any) of Applicant

2015-CP-43-13W

v.

B. D. Dyer
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay fees and costs of the proceedings. When the application is completed the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee Correction Institution
2. Name and location of Court which imposed sentence Sumter County General Sessions
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 08-65-43-927, 929, 931-934
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) January 14th 2009
 - (b) _____

Revised 3/2003

RECEIVED

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court Of Appeals
- ii. South Carolina State Supreme Court
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Denied
- ii. Dismissed As Improvidently Granted
- iii. _____
- (c) the date of each such result:
- i. July 17th, 2013
- ii. March 18th, 2015
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Counsel Failed To Make Timely Objections
 (b) Counsel Failed To Sever Charges
 (c) Conviction Obtained In Violation Of Constitutional Rights

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Counsel did not make objections to the evidence at trial
 (b) Counsel failed to object to the charges being tried together
 (c) Conviction Obtained In Violation Of Confrontation Rights

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? No
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
 (d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. _____
 ii. _____
 iii. N/A _____
 iv. _____

(b) the name and location of the Court in which each was filed:

- i. _____
 ii. _____
 iii. Not Applicable _____
 iv. _____

(c) the disposition thereof:

- i. _____
 ii. Not Applicable _____
 iii. _____

iv. _____
 (d) the date of each such disposition:

i. _____
 ii. _____
 iii. _____
 iv. _____

Not Applicable

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____
 ii. _____
 iii. _____
 iv. _____

Not Applicable

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____
 ii. _____
 iii. _____

Not Applicable

(b) the proceedings in which each ground was raised:

i. _____
 ii. _____
 iii. _____

Not Applicable

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____
 (b) _____
 (c) _____

Not Applicable

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? No
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. Cameron B. Littlejohn
- ii. Robert M. Pachak
- iii. _____

(b) the proceedings at which each such attorney represented you:

- i. Trial / Sentencing
- ii. Appeal
- iii. _____

19. State clearly the relief you seek in filing this application:

Vacate Conviction

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Lize)GREGORY WRIGHT)

I, , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Gregory Wright

SWORN to and subscribed before me this 7th
day of may, 2015.

David J. Diggers (L.S.)
Notary Public

My Commission Expires: 11-05-2019

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

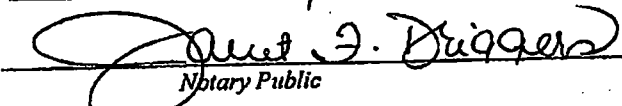
I, Gregory Wright, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.



Applicant

SWORN or affirmed to and subscribed before me this
7th day of May, 2015.



Notary Public

My Commission Expires: 11-05-2019

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	FOR THE THIRD JUDICIAL CIRCUIT
	)	
Gregory Wright, #166553,	)	Case No. 2015-CP-43-1370
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, making its Return to the Application for Post-Conviction Relief filed June 8, 2015, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. In July 2008, the Sumter County Grand Jury indicted Applicant for Possession of Firearm During Commission of a Violent Crime (2008-GS-43-927), Applicant for Owning Animals for the Purpose of Fighting (2008-GS-43-929), Animal Fighting (2008-GS-43-930), Ill treatment of Animals (2008-GS-43-931), Trafficking in Cocaine (2008-GS-43-932), Possession with Intent to Distribute Marijuana (2008-GS-43-933), Trafficking in Crack Cocaine (2008-GS-43-934). Cameron B. Littlejohn, Jr., Esquire, represented Applicant. On January 12-14, 2009, Applicant proceeded to a jury trial before the Honorable Michael G. Nettles and. The jury found Applicant guilty as indicted for Possession of Firearm during Commission of a Violent Crime (2008-GS-43-927), Applicant for Owning Animals for the Purpose of Fighting (2008-GS-43-929), Animal Fighting (2008-GS-43-930), Ill treatment of Animals (2008-GS-43-931) and Trafficking in Crack Cocaine (2008-GS-43-934). The jury found Applicant guilty of the lesser

included offenses of Trafficking in Cocaine (2008-GS-43-932), Possession with Intent to Distribute Marijuana (2008-GS-43-933). Judge Nettles sentenced Applicant for each charge as follows:

- Possession of Firearm During Commission of a Violent Crime – 5 year term of imprisonment
- Applicant for Owning Animals for the Purpose of Fighting – 5 year term of imprisonment
- Animal Fighting – 5 year term of imprisonment
- Ill treatment of Animals – 5 year term of imprisonment
- Trafficking in Cocaine – 25 year term of imprisonment
- Possession of Marijuana – 30 day imprisonment
- Trafficking in Crack Cocaine – 25 year term of imprisonment

All sentences were to run concurrently.

Applicant filed a timely notice of appeal. Robert M. Pachak, Esquire, of the Office of Appellate Defense. The South Carolina Court of Appeals affirmed all convictions in an unpublished opinion filed July 17, 2013. *State v. Wright*, Op. No. 2013-UP-326. In an Order dated August 22, 2013, the South Carolina Court of Appeals denied the Petition for Rehearing. Appellate Counsel then submitted a Petition for Writ of Certiorari to the South Carolina Supreme Court. The South Carolina Supreme Court dismissed the appeal as improvidently granted in a memorandum opinion filed March 18, 2015. *State v. Wright*, Op. No. 2015-MO-011 (S.C. Ct. App. filed March 18, 2015). The remittitur was returned to the circuit court on March 19, 2015.

II.

In his Application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. "Counsel Failed To Make Timely Objections...Counsel did not make objections to the evidence at trial"
 - b. "Counsel Failed to Sever Charges...Counsel failed to object to the charges being tried together"
 - c. "Conviction Obtained in Violation of Constitutional Rights"

Respondent denies Applicant is entitled to relief on any of these claims, and demands strict proof thereof. Any claims not specifically enumerated in the Application or amendments thereto will be opposed by Respondent at the evidentiary hearing. All amendments should be made well in advance of hearing and should be filed in compliance with Rule 11, SCRCP.

Attached to this Return and incorporated herein are the records of the Sumter County Clerk of Court regarding the subject conviction(s), Applicant's records from the South Carolina Department of Corrections, the trial transcript, and Applicant's appellate records. Any records not attached will be forwarded upon receipt. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

Respondent submits Applicant's allegation of ineffective assistance of counsel is without merit. In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance

of counsel as a ground for relief, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The court strongly presumes that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove trial counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, trial counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

Respondent submits Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Respondent denies each and every allegation not hereinbefore expressly admitted, qualified, or explained.

V.

WHEREFORE, having made its return, Respondent requests an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General
S.C. Bar No. 100934

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

July 9, 2015

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

GREGORY WRIGHT, #166553,

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

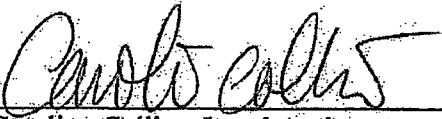
2015-CP-43-1370

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Lance S. Boozer, Esquire
 The Boozer Law Firm, LLC
 807 Gervais Street, Suite 203
 Columbia, SC 29201

DATED this 9th day of July, 2015.


 Caroline Collins, Legal Assistant
 For Respondent

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(i) Ineffective assistance of counsel for stipulating to letter at trial. (Tr. pg. 118).

Lance S. Boozer
Attorney for Applicant
807 Gervais Street, Suite 203
Columbia, SC 29201
Phone: (803) 608-5543

Page 1 of 2

STATE OF SOUTH CAROLINA

RECORDED

2016 FEB -2 AM 9:38

COUNTY OF SUMTER

JAMES C. CAMPBELL
CLERK OF COURT

IN THE COURT OF COMMON PLEAS

THIRD JUDICIAL CIRCUIT

C/A NO: 2015-CP-43-1370

Gregory Wright, #166553, SUMTER COUNTY, S.C.

Applicant,

v.

State of South Carolina,

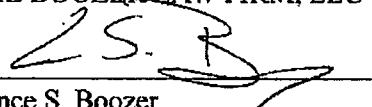
Respondent.

AFFIDAVIT OF SERVICE

I, the undersigned of the Boozer Law Firm, LLC, Attorney for Applicant, do hereby certify that I served the foregoing First Amendment to Prior Application for PCR upon the persons below-listed by placing a copy, postage prepaid, in the United States Mail, addressed as follows:

Daniel Gourley
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211

THE BOOZER LAW FIRM, LLC


Lance S. Boozer
Attorney for Applicant
807 Gervais Street, Suite 203
Columbia, SC 29201
Phone: (803) 608-5543
Fax: (803) 926-3463

Columbia, South Carolina
January 28, 2016

State of South Carolina)	In the Court of Common Pleas
)	Third Judicial Circuit
County of Sumter)	2015-CP-43-1370

Gregory Wright,	)	
	)	
Applicant,	)	
	)	
vs.	)	Transcript of Record
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	
	)	

March 17, 2016
Sumter, South Carolina

B E F O R E:

The Honorable Brooks P. Goldsmith, Judge

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

Lance S. Boozer, Esquire
Attorney for Applicant

Daniel F. Gourley, II, Esquire
Attorney for Respondent

Maryann S. Nevers, CVR-M-CM
Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>

No exhibits marked during proceeding.

TRANSCRIPT OF RECORD

(Whereupon, the proceeding was commenced at 2:37 p.m.)

MR. GOURLEY: Ready, Your Honor?

THE COURT: Certainly.

MR. GOURLEY: This is *Gregory Wright v. State of South Carolina*, Docket No. 2015-CP-43-1370. He's presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court.

In July 2008 the Sumter County Grand Jury indicted him for possession of a firearm during the commission of a violent crime, for owning animals for the purpose of fighting, animal fighting, ill treatment of animals, trafficking in cocaine, possession with intent to distribute marijuana, trafficking in crack cocaine. Mr. Littlejohn represented him.

On January 12th through the 14th, 2009, he proceeded to a jury trial before the Honorable Michael G. Nettles. And the jury found the applicant guilty as indicted for possession of a firearm during the commission of a violent crime, for owning animals for the purpose of fighting, animal fighting, ill treatment of animals, and trafficking in crack cocaine. The jury also found applicant guilty of the lesser-included offense of trafficking in cocaine for Indictment No. 2008-GS-43-932 and possession with intent to

1 distribute marijuana. Judge Nettles sentenced the
2 applicant for each of the following: 5 years for the
3 possession of a weapon crime; 5 years for applicant owning
4 the animals for the purposes of fighting; 5 years for
5 animal fighting; 5 years for ill treatment of animals; 25
6 years for trafficking in cocaine; 30 days for the marijuana
7 possession; 25 years for, again, trafficking in cocaine.
8 Those sentences will all run concurrently.

9 A timely notice of appeal was filed, and the South
10 Carolina Court of Appeals affirmed all convictions on July
11 17th, 2013. In an order dated August 22nd, 2013, the South
12 Carolina Court of Appeals denied the petition for
13 rehearing.

14 Appellate counsel submitted a petition for writ of
15 certiorari to the South Carolina Supreme Court. And the
16 South Carolina Supreme Court dismissed the appeal as
17 improvidently granted in a memorandum opinion filed March
18 18th, 2015. And the remittitur was issued on March 19th,
19 2015.

20 He subsequently filed a timely application for
21 postconviction relief on July 8th, 2015, alleging
22 ineffective assistance of counsel for failing to make
23 timely objections, failing to sever the charges, and a
24 conviction obtained in violation of constitutional rights.
25 Your Honor, he further filed a -- Mr. Boozer filed an

1 amended application on January 28th, 2016, alleging
2 ineffective assistance of counsel for stipulating to a
3 letter at trial. Your Honor, I do not believe that's in
4 your packet. And I ---

5 THE COURT: It's not.

6 MR. GOURLEY: --- printed out a copy this morning and
7 forgot to stick it in there.

8 THE COURT: Great.

9 MR. GOURLEY: But I do have a copy for Your Honor.

10 THE COURT: Thank you.

11 MR. BOOZER: What was that?

12 MR. GOURLEY: The amendment. I just ---

13 MR. BOOZER: Oh. Got you.

14 MR. GOURLEY: --- forgot to put it in there this
15 morning. And, Your Honor, the state filed its return on
16 July 9th, 2015. And he's represented in this matter by Mr.
17 Boozer.

18 THE COURT: Mr. Boozer?

19 MR. BOOZER: Thank you, Your Honor. If it pleases the
20 Court: Judge, Mr. Wright has -- has just asked me to
21 request a continuance in this case. He's indicated to me,
22 if -- if there was any possibility of, I guess, adding
23 another lawyer and him seeking out a -- another attorney to
24 assist in the case or just hiring a lawyer to handle the
25 case in -- entirely, I guess.

1 He certainly is -- is concerned about his case, as he
2 was at trial. He has a -- he received a significant amount
3 of time in -- in what was a very sort of unique trial, as -
4 - as Your Honor sees in the transcript. And he doesn't
5 feel like he's -- he's fully prepared to -- to take his one
6 bite at the apple today, as -- as he's indicated to me. He
7 feels like he needs some more time in order to prepare for
8 a -- for his hearing, as well as possibly seek additional
9 counsel or -- or other counsel.

10 And I would -- that would be the basis for his -- for
11 his continuance, Your Honor.

12 THE COURT: So it's -- it -- it -- it's kind of a --
13 as -- as to the issue about attorneys, it -- it's either he
14 would like another one appointed to be cocounsel or -- or
15 have the right to hire one ---

16 MR. BOOZER: Judge, he ---

17 THE COURT: --- or something like that?

18 MR. BOOZER: He's actually asking basically to hire
19 another private lawyer. And potentially, he's asked to
20 retain me privately, which, of course, I'm appointed in the
21 case but my work is the same whether I'm appointed or -- or
22 retained. He -- he has asked that either he be allowed to
23 hire another private lawyer to act as cocounsel with me or
24 to hire me privately with another lawyer to have two
25 lawyers, is what he is seeking.

1 THE COURT: Before I hear from the state, let me ask
2 you a couple of questions. Do you have any reason to think
3 that your client has funds with which to hire an attorney,
4 which is often a real big issue.

5 MR. BOOZER: Court's indulgence, Your Honor?

6 THE COURT: Sure.

7 (Whereupon, Mr. Boozer and the applicant conferred.)

8 MR. BOOZER: Your Honor, he has indicated to me that
9 he does have funding, I believe, either through himself or
10 his wife, to hire private counsel. I have been in contact
11 with his wife. I don't believe she is in the courtroom.
12 She was coming today. And he's indicated to me that his
13 wife is a nurse and would be able to secure funding for
14 private counsel.

15 THE COURT: All right. All right. Thank you, Mr.
16 Boozer.

17 MR. BOOZER: And -- and, Your Honor, just for -- for
18 the record and to answer Your Honor's question further, he
19 did have private counsel representing him at -- at ---

20 THE COURT: In ---

21 MR. BOOZER: --- trial.

22 THE COURT: --- trial. Okay. Mr. Gourley?

23 MR. GOURLEY: Your Honor, the state would object to
24 the continuance motion. SCDC has brought Mr. Wright here
25 today, expounded their resources to get him here today.

1 Furthermore, Mr. Littlejohn, I believe, came up from
2 Columbia to be here today. We're certainly prepared to go
3 forward. The state's read through the transcript; again,
4 gone through the resources.

5 Obviously, Mr. Boozer is more than capable of handling
6 this case. He's one of our PCR contract attorneys who have
7 done many, many, many PCRs in the past and I think would be
8 more than capable of handling Mr. Wright's PCR today.

9 THE COURT: Well, I -- I will add to what Mr. Gourley
10 just said: that in -- in the past three days or prior
11 three days this week, Mr. Boozer has handled a number of
12 postconviction application. It's clear to the Court that
13 he is very capable of handling these matters.

14 I -- I can't see a compelling reason to continue the
15 case. As -- as Mr. Boozer stated, whether he's paid or not
16 paid, his work would be the same; his effort would be the
17 same. I have no doubt about that.

18 I -- I can't see -- I can find no good reason to
19 continue the case, which means we will proceed. Mr.
20 Boozer?

21 MR. BOOZER: All right.

22 (Whereupon, Mr. Boozer and the applicant conferred.)

23 THE COURT: You ready to proceed?

24 MR. BOOZER: Yes, sir, Your Honor. We'll call Mr.
25 Wright to the stand.

DIRECT EXAMINATION BY MR. BOOZER - GREGORY WRIGHT 10

1 THE COURT: All right.

2 (Whereupon, the witness came forward.)

3 GREGORY WRIGHT, having been first duly sworn,
4 testified as follows:

5 (Off the record briefly.)

6 DIRECT EXAMINATION

7 BY MR. BOOZER:

8 Q Mr. Wright, how you doing today?

9 A Fine, sir.

10 Q Good. Do you know why you're here today, what action
11 you filed to get into court today?

12 A Yes, sir.

13 Q And -- and what is it -- what is it that you filed?

14 A PCR.

15 Q All right. And what is it that you're trying to do
16 with your PCR? What are you trying -- what are you asking
17 this Court for?

18 A To overturn my case of insufficient evidence,
19 ineffective assistance of counsel.

20 Q And -- and are you asking this Court to give you a new
21 trial?

22 A No, sir.

23 Q Okay. Well -- well, the only thing -- you understand,
24 the only thing that this Court can do, as we've discussed,
25 is -- the only thing that this Court can do is basically

1 send you back to Day 1 and give you a -- a new trial; that
2 they can't reduce your sentence or anything like that. It
3 can certainly vacate the sentence and send it back to the
4 solicitor's office. But you would -- the relief would be
5 you'd get a new trial. You understand that?

6 A Yes, sir.

7 Q Okay. And is that what you want?

8 A Yes, sir. If that's the far as it can go.

9 Q Okay. What are you currently incarcerated for?

10 A Drug possession -- marijuana, cocaine, and crack
11 cocaine; dog-animal fighting.

12 Q All right. And -- and what sentence did you receive?

13 A A 25-year sentence for the drug charges; 5-year
14 sentence for the animal-fighting charges.

15 Q All right. And you -- you filed an application for
16 postconviction relief, and let's just briefly go through
17 your allegations and then we'll talk about them
18 individually, okay?

19 A (Nodded head up and down.)

20 Q You filed on the grounds of ineffective assistance of
21 counsel for failing to make timely objections and that you
22 feel like counsel didn't make the proper objections to
23 certain evidence and testimony at trial; is that right?

24 A Yes, sir.

25 Q All right. You've also alleged that counsel failed to

DIRECT EXAMINATION BY MR. BOOZER - GREGORY WRIGHT 12

1 sever the charges and also failed to object to the charges
2 being brought together; is that one of your allegations?

3 A Yes, sir.

4 Q All right. Now, you've also alleged that you feel
5 that your conviction was obtained -- obtained in violation
6 of your constitutional rights?

7 A Yes, sir.

8 Q All right. We've also made -- or there's been an
9 amendment that was added to your claims that your lawyer
10 was -- or your trial lawyer was ineffective for stipulating
11 to a -- a letter that came in at trial; is that correct?

12 A Yes, sir.

13 Q All right. Now, before we talk about each of those
14 allegations, who represented you at your trial?

15 A Mr. Cam Littlejohn.

16 Q All right. And how did you come about having Mr.
17 Littlejohn as your lawyer?

18 A When I got arrested on the charges, through this bails
19 bondman out of Florence. He recommend Mr. Littlejohn to my
20 wife. And my wife called Mr. Littlejohn and hired Mr.
21 Littlejohn to represent me.

22 Q And do you know about how many times you may have met
23 with Mr. Littlejohn?

24 A I'll say anywhere from about seven or eight times.

25 Q What would you two talk about during your meetings and

1 in preparing for your trial?

2 A We went over basically the -- the pictures about the
3 dogs, basically, and, you know, we went over the letter one
4 time. That's about it.

5 Q Do this for me: Just -- just for His Honor's
6 information, tell -- tell the Court what your case was
7 about and what the allegations were.

8 A Well, I'm being charged with drug charges. I'm a
9 landlord. And a tenant possess a resident on the same
10 property as mine. I was no way present at the scene of the
11 crime. I was no way party to their investigation. A
12 resident got caught with the drugs in his possession, in
13 his pocket, on his bed. I'm nowhere around. And they
14 charged me for the drugs, said, because I was the landlord.

15 Q And -- and who -- who was this individual?

16 A Mr. Frank Wilson.

17 Q All right. Now, Mr. Wilson, he lived in a -- in a
18 house or a dwelling behind your house?

19 A Yes, sir. On the -- on -- on the -- on the property.
20 Yes, sir.

21 Q And he was -- what was he a -- a tenant that paid rent
22 or what did he do?

23 A Yes, sir. He was a tenant.

24 Q Okay. And what you indicated is the drugs and whatnot
25 were found on Mr. Wilson?

DIRECT EXAMINATION BY MR. BOOZER - GREGORY WRIGHT

14

1 A Yes, sir.

2 Q All right. And did Mr. Wilson -- did he actually
3 admit to all these charges?

4 A Mr. -- Mr. Wilson was caught with the drugs. He
5 admitted to the drugs when he was caught with them. He
6 signed an affidavit at the preliminary hearing to Mr.
7 Ernest Finney, claiming ownership of the drugs that he got
8 caught with; plead guilty to them at trial; testified at
9 trial that the drugs belonged to him; I had no knowledge of
10 what he possessed.

11 Q And -- and he admitted that they were his and they
12 weren't -- they weren't yours?

13 A Yes, sir.

14 Q All right. Had you discussed this with -- with your
15 lawyer, Mr. Littlejohn?

16 A Yes, sir.

17 Q What -- what was his response to all of this?

18 A From -- at one standpoint, I had the understanding
19 that I -- I probably wouldn't even have to even go to trial
20 for the drugs, you know what I'm saying, once Frank Wilson
21 had claimed ownership of what he got -- what he had in his
22 -- in his possession.

23 Q And -- and tell me a little bit more about that. You
24 say you didn't -- is that because your lawyer was telling
25 you he didn't think you'd have to go to trial because Frank

1 was admitting to all this?

2 A No. He didn't -- he didn't -- he didn't tell -- he
3 didn't tell me that. But that's what the A.G. office was
4 saying at one -- at -- at one time to Mr. Wilson. Because
5 they was trying to get Mr. Wilson not to plead guilty to
6 the charges because they wanted to prosecute me for the
7 charges, and they stipulate to him that you know what you
8 doing; if we -- if you plead guilty to these charges, we
9 won't be able to charge Mr. Wright.

10 Q Did he plead guilty to those charges prior to your
11 trial?

12 A Yes, sir. What actually happened, they took him up
13 before me and he pled guilty to the charges. They refused
14 to sentence him until after I went to trial, I guess to see
15 whether I got found guilty or not so they'll determine what
16 to sentence they was going give him.

17 Q What -- when did you find out -- your trial was
18 January 12th through the 13th of 2009, right?

19 A Yes, sir.

20 Q Okay. When did you learn that you would be going to
21 trial?

22 A I -- I knew up to a month prior, like, that I was
23 going to end up having to go to trial.

24 Q Was there ever a plea offer?

25 A No, sir.

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1 Q Would -- would you have taken a plea offer?

2 A No, sir.

3 Q And -- and why was that?

4 A Because I'm not guilty of what he possessed.

5 Q Okay. When you learned that you were going to trial,
6 do you know what the trial strategy was, how -- how y'all
7 were going to defend your case at trial?

8 A No, sir. Not -- no, sir, not really.

9 Q With regard to your allegation that your lawyer failed
10 to sever the charges, tell -- tell the Court what you mean
11 by that.

12 A Sever the charges -- I mean, they took me to trial for
13 seven different indictments at one time, which didn't
14 really relate to each other. They took me to trial for
15 possession of a weapon during the commission of a violent
16 crime. They took me to trial for dogfighting. And I think
17 I was prejudiced by all those charges being presented at
18 the same time.

19 Q Do you recall there being any sort of motion to have
20 separate trials on certain charges?

21 A No, sir. There was never a motion to have the charges
22 severance [sic]. It was a motion Mr. Cam Littlejohn put in
23 to sever it -- me and Frank Wilson -- if he was to go to
24 trial, he put in a motion for us to have a separate trial.

25 Q Do you have any discussion with Mr. Littlejohn about

1 severing the charges and having separate trials on -- on
2 the charges?

3 A No, sir. I can't remember whether I -- whether --
4 whether I asked him about it.

5 Q When -- do -- do you feel like, going to trial with
6 the drug charges as well as the dog charges, that that
7 prejudiced your case?

8 A Yes, sir.

9 Q What were the allegations with regard to the -- to the
10 dogs?

11 A The reason why I felt like it was prejudice to my
12 case, because during this time it was a month after the
13 incident with Mike Vick. And we always had to mention that
14 during trial that our case had nothing to do with Mike Vick
15 case. And our case had caught a whole lot of publicity
16 about animal charges, you know.

17 Q Well, what was it alleged that was being done with --
18 with animals?

19 A They say the animals was being fought, but nobody
20 never witnessed a dogfight.

21 Q Okay. And were there a number of dogs there?

22 A Yes, sir.

23 Q Okay. Do you know how many it was alleged to have
24 been?

25 A Fifty.

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1 Q Okay. Do you think that -- that the fact that there
2 were 50 dogs and that you were being charged with
3 dogfighting, that that prejudiced you with regard to the
4 drug charges?

5 A Yes, sir.

6 Q Okay.

7 A Because you know they got that stereotype and drugs
8 and dogs and all that stuff go together. So that basically
9 kind of close up the theory that they got.

10 Q And did -- and did you indicate that you'd never had
11 any discussion with Mr. Littlejohn about attempting to
12 sever those charges?

13 A No, sir.

14 Q Is that something you wished he would've brought to
15 your attention?

16 A Yes, sir.

17 Q You've also got the allegation that your lawyer failed
18 to make timely objections in your -- in your trial.

19 A Yes, sir.

20 Q Tell the Court what it is you think your lawyer
21 should've done and things he should've objected to during
22 the course of your trial.

23 A Well, one thing in my case that happened, they found
24 the drugs in Frank Wilson house. They did not take
25 pictures of where they found the drugs at. They took the

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1 drugs and brought them to my house, took pictures of the
2 drugs in my house, and introduced that into evidence. Mr.
3 Littlejohn had proceeded to object. But when he started to
4 object, he backed out of it and said that he would deal
5 with that on cross-examination, which he never did.

6 MR. BOOZER: Court's indulgence, Your Honor?

7 THE COURT: Yes, sir.

8 Q And is -- are you referring -- are you fairly familiar
9 with the transcript -- your trial transcript?

10 A Yes, sir.

11 Q Okay. Are ---

12 A Pretty much.

13 Q Are you referring -- when -- when you're talking about
14 him failing to object to these photographs, is that during
15 the testimony of Investigator Tripp Mays?

16 A Yes, sir.

17 Q All right.

18 MR. BOOZER: And -- and, Your Honor, just for the
19 Court's information, I believe that he's referring to pages
20 102 through 105 or 10 -- excuse me -- 107.

21 Q What else do you believe he -- he failed to do with
22 regard to objections?

23 A He failed to object to the chemistry analysis of --
24 amount of -- far as the amount of drugs that were supposed
25 to be found. They said it was trafficking, more than 28

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1 but less than 100 grams. That's what I was indicted for.

2 And during the course of the trial, it came out that
3 it wasn't more than 28 or it wasn't 100 or whatever the
4 amount was supposed to be. It was -- it was only 13 grams.

5 Q Okay. What else do you feel like he should've
6 objected to as well?

7 A He should've objected to that -- that letter being
8 introduced into evidence.

9 Q Before we get to that, let's continue on with some --
10 if you have any other issues with his failure to object.
11 And we'll talk about the letter separately.

12 A Uh-huh.

13 Q But are there any other -- any other pieces of
14 evidence or any other testimony that you feel like Mr.
15 Littlejohn should've objected to?

16 A Yes, sir. When Mr. Tripp Mays, the investigator, was
17 basically before -- prior to the objection of the letter,
18 he failed to object to hearsay, because Mr. Mays was going
19 into a -- who say he got the letter from this person and
20 different-type stuff like that. I think that's on page 109
21 or -- between 109 and 110, I think it is.

22 MR. BOOZER: Court's indulgence, Your Honor.

23 Q Okay. If I could direct you maybe to another portion
24 of the transcript, are -- are you maybe referring to
25 investigator -- and it is Investigator Mays -- but on page

1 123, where -- where there's testimony about Investigator
2 Mays receiving a letter and who allegedly sent it. Is that
3 what you're referring to?

4 A Yes, sir.

5 Q And where -- and how he came about -- and how the
6 investigator himself came about possessing this letter?

7 A Yes, sir.

8 Q Okay. That's on page 123?

9 A (No audible response.)

10 Q Well, let's talk about that. There's a -- a -- a
11 letter came up at trial; is that right?

12 A Yes, sir.

13 Q All right. Tell me about what it was alleged this
14 letter was and who it was alleged this letter was sent to.
15 Tell the Court about that.

16 A Could you -- could you say that one more time? I want
17 to make sure I'm -- I'm about to explain the -- the right
18 thing.

19 Q Yes, sir, I sure can.

20 MR. BOOZER: And -- and just for Your Honor's
21 information, we're looking at page 119 of -- of the
22 transcript -- 118 to 119.

23 Q Was there a letter that was introduced at trial?

24 A Yes, sir.

25 Q All right. And what was it -- who testified to the --

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1 to the contents of the letter?

2 A Investigator Mays.

3 Q Okay. And what was it alleged that this letter --
4 where did they allege this letter came from?

5 A In the transcript they -- they basically identify two
6 different individuals. Mr. Mays say Larry Rose, but Larry
7 Rose is not Hammer. John Rose is Hammer.

8 Q Okay. So Investigator Mays is saying that he got this
9 letter from somebody?

10 A Yes, sir.

11 Q All right. And he's -- and your testimony today is --
12 and the record would certainly reflect from your trial --
13 that the letter was allegedly received from Investigator
14 Mays from -- or by -- strike that -- that allegedly, Ms. --
15 this fella, Hammer, gave this letter to Investigator Mays?

16 A Yes, sir.

17 Q And who was it alleged at trial that the letter -- how
18 did the letter get to Hammer? Who wrote the -- who'd they
19 say wrote the letter?

20 A They saying that I wrote the letter.

21 Q Okay. And how did the letter end up coming in at
22 trial?

23 A Mr. Cam Littlejohn stipulated to it and didn't realize
24 he was stipulating to admitting the letter into evidence.
25 But what he thought he was doing was stipulating to the

1 handwriting. But he actually stipulated to the letter.
2 And that allowed the letter into evidence because they
3 wasn't allowed to introduce it into evidence because the
4 guy that supposedly gave them this letter refused to
5 testify, refused to cooperate with them, and they wasn't
6 able to get the letter in no kind of other way but through
7 Mr. Littlejohn's stipulation or through a handwriting
8 expert, which none was on hand.

9 Q And we're -- we're going to ask a -- I'm going to ask
10 your lawyer a lot more questions about this than I'm going
11 to ask you with -- specifically about the letter, okay?

12 A Yes, sir.

13 Q But as far as the letter, do you think that letter
14 coming in prejudiced your case?

15 A Yes, sir.

16 Q What was the state's -- do you know what the state's,
17 I guess, theory of the case was with regard to you and why
18 this fella would come forward and admit to having these
19 drugs and whatnot? What was the state's theory of the
20 case?

21 A I think the -- the -- the state theory -- the picture
22 they wanted to paint it, they wanted to look like I was in
23 control of the situation. I was concerned about my life.
24 I wasn't involved in no drug activity. I was less than 30
25 minutes away from going on vacation. All this stuff,

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1 verifiable records -- me and my wife in a timeshare club;
2 we were 30 minutes away from going on vacation. I went
3 from 30 minutes away from going on vacation to being in
4 jail for drug trafficking.

5 I was concerned about my freedom. Hammer had wrote me
6 a -- a -- a kite when we was in the county jail, stating
7 that they was pulling these individuals out all different
8 times of night, trying to get them to say that these drugs
9 belonged to me and they would release everybody else. The
10 kite that was sent was in response to that kite. And what
11 I -- proceed or stop?

12 Q Was there alleged to have been some amount of money
13 that was found in your house?

14 A Yes, sir.

15 Q Okay. And who testified in our defense at your trial?

16 A My wife.

17 Q All right. What -- was she able to provide a reason
18 why there was money there at the house?

19 A Yes, sir.

20 Q And what was that reason?

21 A At the time me and my wife owned three businesses. We
22 had a detail shop. I had a construction company. I had a
23 contract with the City of Sumter doing demolition work.
24 And also, my wife is just a -- had got a -- insurance money
25 back from her father, K-1, where he had just passed, and

1 she was a power attorney over all the money. She had all
2 the verification of all the documents where this money was
3 deposit in the bank. She had the -- the documents and the
4 receipts where she just had withdraw this money out the
5 bank.

6 And on top of that, we pay in cash. You know, we hire
7 people from the unemployment office as -- as we need them:
8 daily, weekly, monthly, or whatever the situation might be.

9 Q Why were you hiring people to do things? What -- what
10 was your job?

11 A I -- I owned a construction company.

12 Q All right. And where would -- who'd you have
13 contracts with?

14 A The City of Sumter.

15 Q And how would they -- how would y'all pay folks who
16 worked for you?

17 A In cash.

18 Q So was it strange that there was cash at the house?

19 A No, sir. And -- and on top of that, it was a Friday.
20 Everybody was waiting to be paid. And like I say, I have a
21 detail shop also. We pay in cash.

22 MR. BOOZER: And if I may, Judge, I -- I would like to
23 question this witness on the contents of the letter that
24 was introduced at trial. And if I may, it's a little bit
25 of a lengthy letter. But may I read this?

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1 THE COURT: Is that on page 124?

2 MR. BOOZER: Yes, sir, Your Honor.

3 THE COURT: Okay.

4 MR. BOOZER: Thank you.

5 Q Mr. Wright, now, eventually, this letter did come in,
6 correct?

7 A Yes, sir.

8 Q And your lawyer actually objected to it coming in?

9 A Yes, sir.

10 Q But because he had stipulated to it being in your
11 handwriting, it was coming in, even though the fella who
12 received it, he wasn't testifying, was he?

13 A No, sir.

14 Q All right. And was -- was -- this fella named Hammer,
15 was he refusing to cooperate with -- with the state?

16 A Yes, sir.

17 Q Okay. So they couldn't get him there to testify,
18 could they?

19 A No, sir.

20 Q All right. So this letter -- and I'm just going to
21 read this into the record. And this is beginning on page
22 124. (As read): "Hammer, I'm just writing you all to keep
23 you all posted to what is going on. I was really upset the
24 other day and my blood pressure was really high. Someone
25 said you all have been talking to the investigator. And I

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1 was confused, because I didn't know what no one had said.

2 But after talking with Gwen, it" -- and is Gwen your wife?

3 A Yes, sir.

4 Q Okay. --- "with Gwen, she said that she talked with

5 you and Lee. She said everybody was still going with their

6 story.

7 "Hammer, you know yourself that you all don't have to

8 answer questions for nobody and there is nothing they can

9 do to you all because that -- that's you all's right and

10 you know that. I don't know what was said, but please

11 don't nobody talk with these investigators, because they

12 will put -- excuse me -- this is what's in -- in the

13 transcript -- "will put shit on paper that people don't say

14 and then try to reword everything. So I got a lawyer out

15 of Columbia that will be here today or tomorrow to talk

16 with all of us. And he is really good. Gwen hired him

17 Thursday, and he already see a lot of shit that is not

18 already -- that is not right already with your case.

19 "Hammer, you and Irvin and Rick and everybody else

20 ain't got shit on -- at all. The only person they want is

21 me, and these crackers are to the give me jail for

22 something I really had nothing to do with. I told Lee man

23 not to do this, and I told him not to do that. But all

24 that is done now. And we just got to stick together.

25 "Man, you all know there's nothing I won't do for you

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1 all. And I know you all will do whatever for me. So
2 please tell everybody we will be out of here in no more
3 than two weeks at the most. Read every letter I write to
4 Lee so he will understand what is going on."

5 And -- and the letter continues on through page 127
6 along the same lines, correct?

7 A Yes, sir.

8 Q All right. And -- and earlier, you testified that, in
9 your opinion from what you saw, the state's theory of the
10 case was that you were sort of the leader -- the -- the
11 mastermind that -- that -- the person who directs
12 everything in regard to whoever may be out there around
13 you, right?

14 A Yes, sir.

15 Q And would it be fair to say that this letter assists
16 the state in that theory?

17 A Yeah. But that -- the way they wanted to paint it
18 out, yeah. That's the way they made it out to be. Yeah.

19 Q All right. Other than this letter, what evidence was
20 there presented at trial that you had any possession of
21 drugs on you in your house or that you were in -- in any --
22 in any way involved in this?

23 A They had no evidence. They got -- they -- they had no
24 evidence or have no evidence on me whatsoever. They didn't
25 found anything in my house had to do with any drugs. I

1 didn't possess any drugs. I mean, it -- it was no case.
2 As you can see the transcript, the judge -- the trial judge
3 even stated hisself that this is what you call a basicity
4 of evidence, which mean very little, very small, and which
5 it was none.

6 Q With regard to your allegations, is -- is there
7 anything else you want to bring the Court's attention about
8 what you feel like your lawyer did not properly do for you
9 or things that you feel like your lawyer failed to do?

10 A For starters I felt like he should've put in a motion
11 to dismiss charges for insufficient evidence/lack of
12 evidence before trial even started.

13 Q Did -- did you ever have a preliminary hearing?

14 A Yes, sir.

15 Q Okay. And did Mr. Littlejohn represent you at that
16 hearing?

17 A Mr. Littlejohn didn't actually show up to the hearing
18 that day. Mr. Ernest Finney actually stepped in for Mr.
19 Littlejohn on that preliminary-hearing day when they
20 actually had the affidavit and all that stuff signed.

21 Q Okay. Was -- Mr. Finney was not in the solicitor's
22 office, apparently, at this time?

23 A No, sir.

24 Q Okay. Who was -- who was he with?

25 A He was a -- a -- a state-appointed attorney at the

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1 time.

2 Q All right. And he -- did he represent you at the
3 preliminary hearing or who?

4 A No, sir. He represented Mr. Irvin Bracey and Mr.
5 Larry Rose, I believe it was. I think that was both of
6 those individuals.

7 Q And it's your testimony that Mr. Littlejohn was not at
8 your preliminary hearing?

9 A No, sir.

10 Q And this was for your case, though, right?

11 A Yes, sir.

12 Q All right. Along those same lines, though, is there
13 anything else that you feel like your lawyer should've done
14 for you?

15 A Aside of the objections and -- I mean, he failed to
16 prepare it. If he was going to stipulate to that letter or
17 -- or introduce it, he should've had a defense for that
18 letter and he shouldn't allowed the -- the state to, you
19 know what I'm saying, paint a pictures of something that,
20 you know what I'm saying, he didn't have -- actually have a
21 defense for. Because we never prepared a defense about no
22 letter or -- or really went in no details, breaking them
23 down about the letter or whatever. Because that's the
24 case, he could've introduced the letter hisself because I
25 had nothing to hide in the letter, as the letter indicate.

1 I stipulate and he trying to give me life for something I
2 really had nothing to do with.

3 Q Okay.

4 A That letter only -- it showing concerns about these
5 people trying to give me life for something I ain't got
6 nothing to do with. I was -- I was concerned about myself.
7 And see, that's what -- I felt like he should've made it
8 known that this was a response to a letter. These people
9 telling me these people coming down there, talking to them
10 every night, trying to get them just to say that this stuff
11 is mine.

12 Q Well, let me ask you about that. After the letter
13 comes in, do you testify at trial?

14 A No, sir.

15 Q All right. Who -- who testified in your defense? Was
16 there -- how many witnesses?

17 A My wife testified.

18 Q All right. So even when the letter come in, was there
19 any -- your version -- what you're telling me is let's say
20 the letter comes in; there should've been an explanation as
21 to why that letter was written?

22 A Yes, sir.

23 Q All right.

24 A I felt ---

25 Q And to ---

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1 A --- like ---

2 Q --- give your version of events?

3 A Yes, sir.

4 Q And was anyone called to give your version of the
5 events?

6 A No, sir. Not pertaining to that letter.

7 Q All right. And did you discuss with Mr. Littlejohn
8 testifying at trial?

9 A Excuse me.

10 Q Yes, sir. Did you discuss with Mr. Littlejohn
11 testifying at trial?

12 A Did I discuss with him?

13 Q (Nodded head up and down.)

14 A Yeah. He said that I should -- I -- it'd be better
15 for me not to take the stand because of my prior record.

16 Q All right. So without your testimony and without
17 anyone else's testimony, there's no way to sort of paint
18 the other picture of that letter, is there?

19 A No, sir.

20 Q Okay. Now, notwithstanding the letter, are there any
21 other issues that we've not covered?

22 A Yes, sir. And also, Mr. Littlejohn failed -- I mean,
23 I had my briefcase and everything right in trial with me at
24 the table. Like I say, I own three businesses. I got
25 three business license. I got all the invoices where I got

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1 paid from the city with the jobs I done, 10-to-20 thousand
2 dollar jobs.

3 And I mentioned to Mr. Littlejohn when we was going to
4 trial about introducing my employment to trial. Because
5 we're talking about these people finding four/five thousand
6 dollars in my house.

7 That leave the jury room to speculate, Okay. There's
8 drugs found. Okay. Mr. Wright got four or five thousand
9 dollars in his house. He ain't got no job. But that's not
10 the case.

11 Q Anything else?

12 A No, sir. Not that I can think of.

13 Q Okay.

14 MR. BOOZER: Your Honor, that's all the questions I
15 have at the moment.

16 THE COURT: All right. Mr. Gourley?

17 CROSS-EXAMINATION

18 BY MR. GOURLEY:

19 Q Mr. Wright, how are you doing this morning?

20 A How you doing, sir?

21 Q Doing well. Thank you. All right, Mr. Wright. I --
22 I'm going to follow up on a couple things that Mr. Boozer
23 went over in your -- your direct examination.

24 A Yes, sir.

25 Q First, I want to ask you about -- you said that you

1 didn't have anything to hide in the letter; is ---

2 A No, sir.

3 Q --- that correct?

4 A No, sir.

5 Q So you are admitting that it was your letter that you
6 wrote?

7 A Yes, sir. I wrote the letter.

8 Q Okay. All right. And then, you also just very
9 briefly hit on the fact that you brought a briefcase full
10 of business documents?

11 A Yes, sir.

12 Q And that you wanted your defense counsel to introduce
13 those documents to show that you did, in fact, own a couple
14 businesses?

15 A Yes, sir.

16 Q Okay. And do you recall your wife's testimony during
17 trial?

18 A Excuse me?

19 Q Do you recall your wife's testimony during trial?

20 A Yes, sir. Pretty ---

21 Q Okay.

22 A --- much.

23 Q And she did testify that y'all owned a bunch of
24 deconstruction businesses and employed anyone from five to
25 ten people, right?

1 A Yeah. More than -- more than -- the different jobs, I
2 had more than that. That just at one job site.

3 Q Okay. So -- so that testimony was before the jury,
4 correct?

5 A Yes, sir.

6 Q Okay. And then, also, your counsel was able to
7 elicit, through various witnesses, the fact -- can you hear
8 me? I need ---

9 A No. You ---

10 Q --- to speak up?

11 A --- you kind of talk kind of fast. It's not -- I want
12 to make ---

13 Q I'll ---

14 A --- sure I understand ---

15 Q --- I'll slow down.

16 A --- what -- yeah.

17 Q Tell me to slow down if I need to, okay?

18 A Yeah.

19 THE COURT: He -- he does talk a little fast
20 sometimes.

21 THE WITNESS: Yeah.

22 MR. GOURLEY: I get rolling.

23 Q Also, your counsel was able to elicit during the
24 cross-examination of some witnesses that y'all were
25 actually, like, building a two-story shed behind your yard

1 ---

2 A A two ---

3 Q --- right?

4 A --- two-story house.

5 Q Two-story house?

6 A (Nodded head up and down.)

7 Q And that kind of parlayed into the fact that you were
8 in the construction business, right?

9 A Yeah. It -- yes. My own construction company was
10 doing it. Yeah.

11 Q Okay. And then, also, Mr. Littlejohn was able to
12 elicit the fact that these construction businesses were the
13 reason why you had all this cash going around in your
14 house, right?

15 A He didn't -- he didn't -- I -- he didn't make that
16 clear.

17 Q He didn't make that clear?

18 A No, sir.

19 Q Do you have a copy of the transcript?

20 A Yes, sir.

21 Q Let's turn to page 299 ---

22 A I'm ---

23 Q --- for me.

24 A It's -- it's like -- it's actually on the table.

25 Q Oh, okay. I'll grab it for you. Hold on.

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1 (Whereupon, Mr. Gourley and Mr. Boozer conferred.)

2 MR. GOURLEY: Your Honor, may I approach?

3 THE COURT: Yes, sir.

4 Q I left it for you. We're going to start on 299. You
5 ready, Mr. Wright?

6 A Yes, sir.

7 Q All right. We're going to start on line 4. And just
8 for the Court's -- this is your wife's direct testimony by
9 Mr. Littlejohn, correct?

10 A Uh-huh.

11 Q Okay. And I believe Mr. Littlejohn asked on line 4

12 (As read): "Now, do y'all ever deal in cash money?"

13 And she said: "Yes. We always deal in cash money."

14 "Why?"

15 A Uh-huh.

16 Q "Because we get paid -- like I said, most of the jobs
17 are through the city. And we pay our employees cash
18 because it's like sometimes a day-to-day basis with
19 everybody who works for us."

20 So the fact that y'all dealt in cash and had what most
21 would consider a pretty significant sum of money in your
22 house, that was before the jury, correct?

23 A Yes, sir.

24 Q Okay. Now, we're going to backtrack just a little bit
25 here. One of your allegations were that you wanted some

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1 kind of testimony or something to show that you weren't --
2 you didn't have these 50 dogs there for dogfighting, right?

3 A Say -- say it again?

4 Q You didn't want -- you wanted your counsel to present
5 some kind of testimony or something along those lines to
6 show that you were not -- you didn't possess 50 of these
7 dogs for dogfighting, correct?

8 A I mean, that's -- that's -- that's -- that's what he
9 was supposed to do.

10 Q Okay. Well, let's turn to page 143 and 144 of the
11 record, please, sir. All right. I'm sorry, Mr. Wright.
12 Let's just go to -- go ahead and go to 144 for me, line --
13 starting on line 2.

14 A Uh-huh.

15 MR. GOURLEY: And for the Court, this is Investigator
16 Tripps Mays' cross-examination by Mr. Littlejohn.

17 Q And, Mr. Wright, correct me if I'm wrong, but is -- is
18 Mr. Littlejohn able to elicit the fact that each one of
19 your dogs had a house?

20 A Yes, sir.

21 Q Okay. And they also had a bowl for water; is that
22 correct?

23 A Yes, sir.

24 Q Okay. And then, let's flip to page 204 through 207
25 very briefly, sir.

1 A (Complied.)

2 Q And this is the cross-examination of Angela Boland,
3 who, I believe, testified to her examination of the dogs
4 once they were seized. Is that ---

5 A Uh-huh.

6 Q --- your recollection?

7 A Yes, sir.

8 Q Okay. And I -- I'm just going to kind of briefly
9 summarize it, because it kind of spans over three pages.
10 But it -- is it your recollection that Mr. Littlejohn was
11 able to elicit testimony from Ms. Boland that -- that the
12 scratches on the -- she did not seize the dogs at your home
13 but, in fact, actually examined the dogs once they were
14 seized at the pound and she could not specifically say that
15 the scratches found on the dogs were a result of any kind
16 of dogfighting, right?

17 A Correct.

18 Q Okay. And then, one last time for me, let's -- let's
19 turn to page 233 -- or 234. I apologize.

20 A (Complied.)

21 Q And do you recall a Dr. Lynn Hawkins testifying in
22 your case?

23 A Yes, sir.

24 Q And she was a veterinarian, correct?

25 A Yes, sir.

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1 Q Okay. And during her cross-examination -- and correct
2 me if I'm wrong -- wrong -- but wasn't your counsel able to
3 elicit the fact that Ms. Hawkins actually came out to your
4 home and gave rabies shots to all your dogs about a year
5 prior, correct?

6 A Six months prior.

7 Q Actually, her own veterinarian practice came out and
8 did that, correct?

9 A Six months prior.

10 Q Yes, sir. And she also -- or your counsel was also
11 able to elicit that the store next door to -- door to her
12 practice actually sold the collars that your dogs had on,
13 correct?

14 A Yes, sir.

15 Q And actually sold the medicine that you had for the
16 dogs, correct?

17 A Yes, sir.

18 Q Okay. And -- and now, on direct with the state, Ms.
19 Hawkins made a big deal out of the fact that these -- these
20 collars were pretty large and were uncomfortable for the
21 dogs, right?

22 A Yes, sir.

23 Q And that you had a unusual amount of medicine for all
24 these dogs, something that a normal person, even with 50
25 dogs, wouldn't typically have, right?

1 A That's what she said.

2 Q Okay. But your counsel was able to elicit the fact
3 that, hey, this collars and the medicine is all stoled --
4 all sold by her own store, right?

5 A Yes, sir.

6 Q So would you agree with me that, for the most part,
7 there was plenty of testimony presented to the jury that
8 these dogs weren't used for fighting; they were well taken
9 care of; they had a house; they had bowls; they had
10 medicine sold by the veterinarian; they had collars sold by
11 the veterinarian; and, in fact, six months prior to this
12 incident, you had actually had all 50 dogs with rabies
13 shots, right?

14 A Yes, sir.

15 Q Okay. Regarding -- you also allege that counsel was
16 ineffective for failing to object -- I believe one of your
17 allegations was that he did not object to the fact that the
18 solicitor -- or -- or not the solicitor -- but the
19 investigators actually took the drugs that were found in
20 Mr. Wilson's house into your trailer?

21 A Yes, sir.

22 Q Okay. Let's turn to page 158 very briefly.

23 A (Complied.)

24 Q And top of line -- 158, line 1 ---

25 MR. GOURLEY: And, Your Honor, just for Your Honor's

CROSS-EXAMINATION BY MR. GOURLEY - GREGORY WRIGHT

42

1 recollection, this is Investigator Tripp Mays' cross-
2 examination by Mr. Littlejohn.

3 Q And let's look at lines 1 through 4. Now, is this not
4 Mr. Littlejohn cross-examining Investigator Mays, asking
5 him whether there were any drugs found in your house,
6 correct?

7 A Yes, sir.

8 Q And he says there was not, right?

9 A Yes, sir.

10 Q Okay. And let's turn to page 166 very briefly.

11 A (Complied.)

12 MR. GOURLEY: I'm sorry, Your Honor. I think I have
13 the page citation wrong. Beg the Court's indulgence, Your
14 Honor.

15 THE COURT: All right, sir.

16 Q I'm sorry, Mr. Wright. Let's turn to page 180 for me.
17 And we're going to start on line 17. All right.

18 MR. GOURLEY: And, Your Honor, this is cross-
19 examination by Mr. Littlejohn by Agent Tarbell, who was
20 accompanying the investigators on this case.

21 Q And -- and, Mr. Wright, correct me if I'm wrong, but
22 on line 17 did not Mr. Littlejohn ask Agent Tarbell whether
23 or not all the drugs were either found in the shed or
24 around the privacy fence, right?

25 A Yes, sir.

1 Q And that he goes on to say: "To your knowledge, no
2 drugs were found in the double-wide," right?

3 A Yes, sir.

4 Q So it's a fair characterization to say that regardless
5 if the police brought the drugs into your house and took
6 photos, there was ample evidence to show that there were
7 absolutely no drugs found in your trailer, right?

8 A Still, the fact that -- I mean, that picture shouldn't
9 have allowed into evidence if they wasn't found there. It
10 shouldn't have been presented like it was found there.

11 Q I understand. All right. One of your other
12 allegations is the amount of drugs that were found; the
13 state actually indicted you for 28 to 100 grams; is that
14 correct?

15 A Yes, sir.

16 Q Okay. And let's turn to page 288 for me.

17 A More than 28 but less than 100.

18 Q Yes, sir.

19 A What page, sir?

20 Q 288. And we're going to start on line 11.

21 MR. GOURLEY: And, Your Honor, this is directed -- Mr.
22 Littlejohn's directed-verdict motion.

23 Q And -- and, Mr. Wright, correct me if I'm wrong, but
24 do you recall Mr. Littlejohn making a -- a motion after the
25 state rested to dismiss the drug counts against you because

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1 the weight of the drugs did not fall within that 28-to-100-
2 gram range?

3 A Yes, sir. He asked the judge for a direct verdict,
4 which he granted -- granted the direct verdict, then
5 amended after trial.

6 Q Yes, sir.

7 A Uh-huh.

8 Q They amended it to the lesser-included offense, right?

9 A Yeah.

10 Q Which you were ultimately convicted of?

11 A Yeah.

12 Q Okay.

13 A But from my understanding, if they fail to prove what
14 you was indicted for and you got granted direct verdict, it
15 shouldn't have went no farther than -- I can't defend
16 something after -- after the fact. I mean ---

17 Q Okay.

18 A --- if -- if they -- they -- if I was indicted for one
19 thing and they fail to prove it and then after trial,
20 you're going change the charges to what you think you can
21 prove and I -- I have no defense to that, because that
22 could've been part of my defense if they fail to prove the
23 amount of drugs they claim they seized.

24 Q Okay. And -- and do you recall your counsel cross-
25 examining the expert who testified to the drugs about the

1 fact that there was only, I think, 13 grams of cocaine
2 found or something like that? Do you recall that?

3 A Yes, sir.

4 Q Okay.

5 MR. GOURLEY: And, Your Honor, give me one second
6 here. That was on -- beg the Court's indulgence. Your
7 Honor, that was on page 256 and 258, for the Court's
8 record.

9 Q And I believe another one of your allegations, Mr.
10 Wright -- and correct me if I'm wrong -- is that your
11 defense counsel didn't argue enough that Mr. Wilson owned
12 the shed? Is that what you were saying?

13 A No, sir.

14 Q What -- what was your allegation with that?

15 A That -- that wasn't -- that wasn't my allegation.

16 Q Okay. Fair enough. I must've misheard you, then. I
17 apologize.

18 MR. GOURLEY: Beg the Court's indulgence, Your Honor.

19 THE COURT: Yes, sir.

20 Q And it was my understanding that you said you did not
21 want to testify or that Mr. Littlejohn advised you not to
22 testify based on your prior record?

23 A Yes, sir.

24 Q Okay. Did you all ever discuss any kind of witnesses
25 or anybody that -- to prepare for your defense?

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1 A Yes, sir. He -- he went -- he went over a couple of
2 people.

3 Q Okay.

4 A He had talked with my wife.

5 Q Talked to your wife? Did he talk to anybody else?

6 A He talked to Mr. Wilson, I think he did.

7 Q Okay. And anybody else?

8 A No, sir. Not that I can recall.

9 Q Okay. Was there anybody else that you wanted him to
10 talk to on your behalf?

11 A No, sir. Not -- I mean, no, sir, not really.

12 Q I mean, this was a pretty weak case, right?

13 A Yes, sir.

14 Q Okay. Everything was pretty straightforward? Drugs
15 were Mr. Wilson; Mr. Wilson was claiming the drugs? You
16 know, the dog -- the dog situation, I think, was ---

17 A Yeah.

18 Q --- adequately covered, correct?

19 A Yeah. That's -- that's -- that's where Mr. -- that's
20 where Mr. Littlejohn failed at. That's what he thought; it
21 was a open-and-shut case.

22 Q I got you. All right. Thank you, Mr. Wright. That's
23 all I got for you.

24 MR. GOURLEY: Thank you, Judge.

25 THE COURT: Redirect?

1 REDIRECT EXAMINATION

2 BY MR. BOOZER:

3 Q Mr. Wright, you just mentioned that Mr. Littlejohn
4 indicated this was an open-and-shut case. Is that what he
5 told you?6 A No, sir. He didn't actually tell me that. But that's
7 -- that's the way he prepared for it.

8 Q Okay.

9 MR. BOOZER: No further questions. Thank you, Your
10 Honor.11 THE COURT: All right. Thank you, sir. You may step
12 down.

13 (Whereupon, the witness exited the witness stand.)

14 MR. BOOZER: Does he have my transcript?

15 MR. GOURLEY: He does.

16 MR. BOOZER: Okay.

17 MR. GOURLEY: He already has it.

18 THE COURT: You may call your next witness.

19 MR. GOURLEY: Thanks.

20 MR. BOOZER: Thank you, Your Honor. We call Mr.
21 Littlejohn to the stand.

22 THE COURT: All right, sir.

23 (Whereupon, the witness came forward.)

24 (Off the record briefly.)

25 CAMERON LITTLEJOHN, having been first duly sworn,

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1 testified as follows:

2 DIRECT EXAMINATION

3 BY MR. BOOZER:

4 Q Good morning, Mr. Littlejohn. How are you?

5 A Good morning, Mr. Boozer.

6 Q Let me ask you a few questions about this case. Were
7 you retained to represent Mr. Wright in this ---

8 A I was.

9 Q All right. Do you recall when you were retained?

10 A It was not long after the search warrant was served at
11 his house and he was charged. I can't -- I can't remember
12 exactly how long.

13 Q All right.

14 A I'd say within weeks.

15 Q Okay. Do you recall there being a preliminary
16 hearing?

17 A I was trying to rack my brain back there when Mr.
18 Wright mentioned that. It seems like I had a conflict or
19 something when the prelim came up. I know we had several
20 hearings in front of the magistrate here about the
21 confiscation of the -- of the dogs. But I don't recall
22 exactly whether we had a prelim or not. If he says we
23 didn't have one/I wasn't here, then I -- I couldn't -- I
24 can't argue with that.

25 Q Do you know if you requested one or ---

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1 A I'm sure I did.

2 Q Okay. How would you characterize, I guess, the
3 evidence in this case?

4 A How would I characterize it?

5 Q Yes, sir. What -- was it -- was it overwhelmingly --
6 overwhelming evidence of -- of Mr. Wright's guilt?

7 A It wasn't overwhelming. There were certainly a lot of
8 things that were not in his favor. When it boiled down to
9 it, it was actually a question of whether the jury wanted
10 to believe if Mr. Wright had constructive possession of the
11 drugs under the -- the judge's charges; and then, whether
12 the dogs were actually pets versus dogs that had been used
13 for fighting.

14 Q Do you think a preliminary hearing was important in
15 this type of case?

16 A Not necessarily. I mean, I got all the discovery from
17 -- from the attorney general's office. I felt like what
18 they provided, the incident reports and everything -- lab
19 reports, everything -- that was adequate to -- to prepare
20 the defense. I also met with Mr. Wright on a number of
21 occasions and his wife. I went to his residence; spent the
22 afternoon; took pictures of everything. And so I -- I felt
23 like I had a very good grasp on the -- on the facts.

24 Q Do you know approximately how many times you may have
25 met with Mr. Wright prior ---

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1 A He ---

2 Q --- to trial?

3 A He said seven or eight. I wouldn't quibble with that.
4 I thought it might've been a couple more. But we -- we
5 certainly had plenty of time to -- to prepare his defense
6 and go over all the state's evidence.

7 Q Moving on from the preliminary hearing, did you ever
8 consider or discuss with Mr. Wright trying to have, I
9 guess, the charges tried separately with the dogfighting
10 and the -- versus the drugs?

11 A That would've been a legal issue. I don't know that I
12 specifically talked to Mr. Wright about that. In my
13 experience doing this, where you have one search warrant
14 that begat several charges, even though they might be
15 different charges, that the courts are -- are not any --
16 not inclined to sever those charges and have separate
17 trials, when one trial would do, especially where you've
18 just got one defendant.

19 Q You obviously were here for Mr. Wright's testimony.
20 Do you recall this being around the same sort of time that
21 the Michael Vick dogfighting issue was -- was sort of hot
22 news, I guess?

23 A He -- he refreshed my memory. It seems like it was.
24 Yes.

25 Q Okay. Do you think it maybe would've been important

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1 to maybe at least attempt to separate these charges or have
2 separate trials on the dogfighting so as not to -- because
3 it was a hot-button issue at the time, to kind of prejudice
4 his case with regard to the drugs?

5 A I'd -- well, given -- quite frankly, no. I don't
6 think it would've done any good. And, I mean, the judge
7 gave the jury adequate instructions about separating the
8 charges and considering each. So I don't -- I -- I really
9 didn't feel that would've gotten me anywhere.

10 Q What -- was there ever a plea offer prior to trial in
11 this case?

12 A I don't recall the attorney general really offering us
13 a plea. Mr. Wright maintained his innocence throughout.
14 So there was nothing -- nothing to plea-bargain.

15 Q What was your trial strategy going forward at trial?

16 A Well, the trial strategy as to the drugs were that
17 those were all Frank Wilson's drugs; that he had a separate
18 residence; that didn't involve Mr. Wright; he was only the
19 landlord; and that Mr. Wright didn't have dominion and
20 control over the drugs that Mr. Wilson had. As to the
21 dogs, the basic defense was that -- as presented by his
22 wife, was that Mr. Wright loved keeping dogs; he kept them
23 as pets; and he just kept them there in his backyard; there
24 was no evidence that the dogs had ever been fought and
25 there was no good evidence that they had -- you know, that

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1 he had had -- that he maintained them for that purpose.

2 Q Okay. Now, do you recall that there was a -- a letter
3 that was, I guess, discussed at trial?

4 A I -- unfortunately, there was a letter.

5 Q Okay. And when you say "unfortunately," why? Was
6 that a pretty damaging piece of evidence ---

7 A It was ---

8 Q --- to you?

9 A --- a very damaging piece of evidence.

10 Q Well, tell me -- tell -- tell me and tell the Court,
11 just to characterize, the nature of that letter and what it
12 was alleged to have -- who it was from and to and -- and
13 sort of what the letter was all about.

14 A Well, when they produced the letter to me, I -- I went
15 to Greg and said, "What -- you know, tell me about this
16 letter."

17 And he admitted that it was his writing; that he had
18 -- was the author of it. What he put it in there was, you
19 know -- it -- the state's theory was -- and I'm assuming
20 this is how the jury took it -- was that that was his
21 attempt to circle the wagons and close quarters and keep
22 his codefendants from testifying against him or giving
23 information against him. And that was kind of the gist of
24 -- of what was in there. And that was awfully hard to
25 refute.

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1 Q And was that sort of the -- the theory that the state
2 was putting forth at trial, was that Mr. Wright was sort of
3 the leader, the puppet master, of this group; that he could
4 make anyone do what they wanted -- what he wanted them to?

5 A Definitely. That was their ---

6 Q And -- and -- and actually, the fella who admitted to
7 having all these drugs and signed the affidavit and pled
8 guilty to them, he actually testified and -- and basically
9 admitted all that again at -- at trial, right?

10 A He did. I -- I had contemplated calling him as a
11 witness, but the state decided to call him. And so it was
12 better for me, because I could cross-examine him.

13 Q Without that letter what evidence would there be that
14 either Mr. Wright was sort of the -- the ringleader of this
15 group or could make these folks do what he wanted them to
16 do -- wanted them to do or that he was in possession of --
17 of the drugs or whatnot? Was there any evidence to that
18 point?

19 A Well, there wasn't any evidence that he had actual
20 possession of the drugs. There was evidence that he had
21 constructive possession by being the owner of the premises
22 and inferentially having dominion and control. So I -- I'm
23 sorry. What was your question ---

24 Q Yes, sir.

25 A --- now?

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1 Q That was probably a two-part question that needs to be

2 ---

3 A Okay.

4 Q --- two separate questions. What -- with regard to
5 the letter, without that letter, what evidence was there to
6 support sort of the state's theory that he was sort of the
7 ringleader, the puppet master, and could get people to do
8 what it was that he wanted them to do or orchestrate this
9 whole thing? Was there anything to -- to support their
10 theory?

11 A That he was directing the other codefendants?

12 Q Exactly.

13 A Really, nothing in -- not that I recall in the record.

14 Q And -- and do you recall the -- the state attempting
15 through Mr. Wilson to -- to basically say that, "Well, he's
16 making you do this, isn't he," or "You're trying to protect
17 Mr. Wright"? Was that what they were trying to do with Mr.
18 Wilson?

19 A That was basically their theory. Yes.

20 Q Now, the letter, I guess -- they couldn't get the
21 fella who supposedly received the letter to testify at
22 trial; is that fair to say?

23 A I don't agree with that. They could've subpoenaed him
24 and made him testify.

25 Q Well, I'm looking back at the transcript at page 118.

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1 And I'm happy to show it to you, and I'll -- I'll certainly
2 read it, where the attorney general -- I guess the
3 objection -- let -- let me back up a little bit. On page
4 117 of the transcript, you object to the letter and -- and
5 you're saying: "He's basing his answer on hearsay; I don't
6 know that he's laid the proper foundation for the
7 introduction of these documents."

8 And then, further down, starting at line 20 on page
9 117, the Court says: "I think the objection is to whether
10 or not it's admissible from this individual. I think the
11 appropriate thing to do is -- and I'm not trying the case,
12 but it seems that in order to get it admitted, you have to
13 get the individual who got it from the defendant."

14 And then, flipping over to 118, the attorney general
15 says: "That ain't going to happen. He's refused to
16 cooperate ever since. But I think Mr. Mays can testify to
17 reading it and determining -- and determine who wrote it."

18 I mean, looking at that, do you -- does -- does that
19 give you some indication that the individual known as
20 Hammer was unwilling to do anything for the state?

21 A Mr. Boozer, he might've been unwilling, but, I mean,
22 there's no reason the state couldn't have subpoenaed him
23 and brought him in and made him testify. I was a
24 prosecutor for 12 years. I -- I'd done that on a number of
25 occasions.

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1 Q Let me ask you this: Why was it that the letter was
2 -- I guess, did you stipulate to the letter being Mr.
3 Wright's?

4 A I stipulated that it was his handwriting.

5 Q Okay. And -- and then, once the trial came around and
6 -- and Investigator Mays attempted to read this letter in,
7 why was it then that you raised the objection?

8 A Well, I had -- okay. You got to back up. Mr. Wright
9 admitted it was his handwriting. I discussed with him the
10 process that could happen, where the state could require
11 him to come in and give handwriting exemplars. They could
12 put up an expert to testify that that was his handwriting.
13 And to me, to fight that fight wasn't worth it, given the
14 -- the posture of our defense, which was we're the innocent
15 landlord. Okay?

16 So I don't think I had any choice but to stipulate
17 that that was his handwriting. Now, once you put the
18 handwriting to Mr. Wright, you put the content of the
19 letter together, and I think it would've come in that way.

20 Q Did you believe the letter was coming in regardless of
21 ---

22 A Yes.

23 Q Okay. And -- and to that point, was there any way to
24 put a spin of the letter in -- in Mr. Wright's favor?

25 A There -- there wasn't a good way of doing it. No.