

VOLUME ONE OF TWO

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of General Sessions

Robin B. Stilwell, Circuit Court Judge

Case No. 2013-002752

RECEIVED

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SC Court of Appeals

THE STATE,

Respondent,

v.

MICHAEL LEVANT MEALOR,

Appellant.

RECORD ON APPEAL

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P R O C E E D I N G S

Jury Qualifications

1 THE COURT: All right. Ladies and gentlemen, I asked
2 you a series of questions downstairs regarding and bearing
3 upon your qualifications to serve as jurors generally in the
4 State of South Carolina, County of Pickens. Now, I'm going
5 to ask you questions that bear upon your qualifications,
6 your abilities, your suitability for serving as jurors in
7 the specific case that will be called to bar today.

8 Now, before I call the case to bar or before we begin
9 the selection process, I need to tell you something. And
10 what I need to tell you is important and that is this, that
11 in the United States of America, under our system of
12 justice, each and every defendant is presumed innocent until
13 proven guilty beyond a reasonable doubt by the State. The
14 State has the burden of proving each and every element of
15 the offense charged beyond a reasonable doubt until such
16 time as a jury of 12 of the Defendant's peers find that the
17 State has met that burden, the Defendant retains the
18 presumption of innocence. And if you can imagine just
19 conceptually that the Defendant who sits in the courtroom
20 pre-trial and during the pendency of the trial, that that
21 Defendant is cloaked and wearing a cloak of innocence.
22 Again, until such time as a jury of 12 of his or her peers
23 finds that the State has met their burden of proof.
24
25

1 The reason I tell you that is not only because it's
2 very important and it's the cornerstone of our criminal
3 justice system, but also because I'm about to read to you,
4 I'm about to announce the case, and I'm going to read to you
5 the allegations that appear on the Indictments in this case.
6 It's that you know that when I read these allegations, that
7 I am not suggesting to you that these are the facts in this
8 case. I have no opinion with respect to the facts of this
9 case. And, ultimately, 12 jurors who deliberate on this
10 case will determine what the facts are. But it's necessary
11 for me to read to you just those superficial allegations,
12 the charging document that was published by the State, so
13 that you will have some idea of what this case is about. So
14 then when I begin to ask you questions, you will, at least,
15 have enough information to respond to those questions
16 intelligently. So again, when I read this to you, I don't
17 want you to take it from me that the Court is telling you
18 this is what happened. I am, indeed, am not telling you
19 what has happened. I am telling you what the allegations of
20 the State are.

21 Now, I will remind you before we begin answering
22 and responding to questions that you remain under your
23 oath that you took downstairs to tell the truth.
24 Again, if your answer to any of the questions is in the
25 affirmative, please, just stand up and state your name

1 and juror number so that the court reporter can take
2 down the responses and so that I and the attorneys can
3 hear the responses to those questions.

4 Ladies and gentlemen, today, we are proceeding on
5 three case with three separate Defendants. And those
6 are case No. 2013-GS-39-3149, The State vs. Michael
7 Lavont Mealor, an indictment for trafficking in
8 methamphetamine. Case No. 2013-GS-39-3151, The State
9 vs. Cynthia Mansel Greenfield, indictment for
10 trafficking methamphetamine. Case No. 2013-GS-39-3150,
11 The State vs. Carol Denise Hayes, indictment for
12 trafficking methamphetamine.

13 Ladies and gentlemen, the State would allege in this
14 case, that these Defendants did in Pickens County on or
15 about January 1st, 2011 and December 31st, 2011, knowingly
16 sell, manufacture, deliver or bring into the State of South
17 Carolina or did knowingly provide financial assistance or
18 otherwise aide, abet, attempt or conspire to sell,
19 manufacture, deliver or bring into the state or was actually
20 or was knowingly in actual and constructive possession of
21 more than a 100 grams of methamphetamine.

22 Now, ladies and gentlemen, again, I read that to you so
23 that you will know what the allegations are in this case.
24 So I'll ask you at inception, is there anyone among you who
25 has any prior knowledge, any prior opinion, any prior

1 disposition regarding the Defendants or the allegations in
2 this case?

3 MR. JOHNSON: Your Honor, may I approach briefly?

4 THE COURT: Yes, sir.

5 (WHEREUPON, an off-the-record bench conference was held
6 in the presence of the jury but out of the hearing of
7 the jury.)

8 THE COURT: All right.

9 Ladies and gentlemen, Mr. Johnson told me one
10 distinction with respect to the allegations in this case.
11 And with respect to Ms. Carol Denise Hayes, the State
12 would allege that the quantity of methamphetamine was a
13 lower amount, which was between 28 grams and 100 grams.
14 So with that distinction, everything else is the same.

15 So again, I pose the question to you, is there anyone
16 among you who has any prior knowledge, any prior
17 disposition or opinion regarding the allegations of the
18 Defendants in this case?

19 (There was no response).

20 THE COURT: Let the record reflect no affirmative
21 response.

22 Ladies and gentlemen, at this point in time, what I'm
23 going to do is I'm going to allow the attorneys to introduce
24 themselves and their clients to you.

25 So, let you go first, Mr. Newton.

1 MR. NEWTON: I'm Attorney Robert Newton. This is my
2 client Cynthia Greenfield.

3 MS. WIYGUL: I'm Attorney Elizabeth Wiygul. This is
4 my client, Michael Mealor.

5 MR. JOHNSON: I'm Attorney Michael Johnson. This is
6 my client, Carol Denise Hayes.

7 THE COURT: All right.

8 Ladies and gentlemen, is there anyone among you who
9 has a personal, professional or family relationship with
10 any of these attorneys or these Defendants?

11 (There was no response.)

12 THE COURT: All right. Let the record reflect no
13 affirmative response.

14 Mr. Tooker, you may introduce the attorneys
15 representing the State, sir.

16 MR. TOOKER: Thank you, Your Honor, may it please the
17 Court.

18 Hi, my name is Sam Tooker, I'm the assistant
19 solicitor here in Pickens County. Seated beside me at
20 counsel table is Walt Wilkins, who will be prosecuting
21 this case on behalf of the State.

22 THE COURT: All right.

23 Ladies and gentlemen, I'll ask you, is there anyone
24 among you who has a personal, professional or family
25 relationship with Mr. Tooker or Mr. Wilkins or anyone

1 employed by the 13th circuit solicitor's office?

2 (There was no response.)

3 THE COURT: All right. Let the record reflect no
4 affirmative response.

5 Ladies and gentleman, at this time, what I'm going to
6 do is read for you a list of potential witnesses that may
7 appear and testify in this case. This may be a
8 comprehensive list, that is it may include everyone, it
9 may not. And it may come to pass that all of the
10 witnesses that are included on this list do not,
11 ultimately, testify. However, as we sit here right now,
12 these are potential witnesses that may testify. Okay.
13 And at the end -- if you'll listen, at the end, what I'm
14 going to do after I finish reading the list, I'm going to
15 ask you if have any personal, professional or family
16 relationship with any of these individuals.

17 Those are as follows: Agent Tommy Blankenship,
18 Deputy John Ross, Agent Andy Robinson, Deputy Chad Roper,
19 Lieutenant Henry Campbell, Agent Brett Barwick, Captain
20 Chad Brooks, Tony Robinson, Elizabeth Brock, Paul Forst,
21 Tiffany Welch, Brian Tucker, Judith Hamilton, Douglas
22 Robinson, Jason Mealor, Amanda Hurley, Daniel Hurley,
23 Kitty Hurley, Melissa Wardlaw, Rebecca Crisp, Billy
24 Miller, Thomas Rooney, Lauren Summerall, Michael Hayes,
25 Steven Hurley, Louise Mealor, Brandon Hayes, Susan Reese,

1 Angela Armstrong, Kelley McCall, Curtis Summerall, Michael
2 L. Meador, Carol Denise Hayes, Cynthia Greenfield, Juanita
3 Canzanella, Jean Canzanella, Julie Williams, Kelli
4 McCormick.

5 Ladies and gentlemen, is there anyone among you who
6 has a personal, professional or family relationship with
7 any of those potential witnesses?

8 Yes, sir, name and juror number -- ma'am, I'm sorry.
9 I wear glasses and I'm not wearing them today because
10 they're back in my truck and I can't see.

11 PROSPECTIVE JUROR: Betsy Holmon, 72. Kitty Hurley,
12 I believe I worked with her at one time.

13 THE COURT: Okay. Given that you have that
14 relationship, do you think that you could still be a fair
15 and impartial juror and render a verdict in accordance
16 with the law as I give it to you today?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay. Thank you very much. I appreciate
19 you letting me know.

20 MS. WIYGUL: Judge, could you repeat that juror
21 number, please?

22 THE COURT: Yes, ma'am.

23 Your juror number again?

24 PROSPECTIVE JUROR: Seventy-two.

25 THE COURT: Seventy-two. Okay. And you've got

1 permission to -- when you see me again, to punch me in the
2 side of the head for saying to you twice, okay?

3 Anyone else?

4 (There was no response.)

5 THE COURT: All right. Is there anyone among you who
6 is a contributor to or a member of a group which advocates
7 for either victim's rights or criminal prosecution? And
8 when I mean by that is organizations like MADD, Mother's
9 Against Drunk Driving, or SADD, Students Against Drunk
10 Driving, or any like organization that, again, advocates
11 for victim assistance or criminal prosecution?

12 (There was no response.)

13 THE COURT: All right. Let the record reflect no
14 affirmative response.

15 Ladies and gentlemen, is there anyone among you has
16 an immediate family member who is employed by law
17 enforcement?

18 PROSPECTIVE JUROR: My brother is a -- I'm sorry,
19 April Cannon, 26. My brother is a police officer in
20 Pickens County and works at the detention center.

21 THE COURT: Okay. Do you think that you can still be
22 a fair and impartial juror in the trial of this case?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. Thank you for telling me, I
25 appreciate it.

1 Yes, ma'am?

2 PROSPECTIVE JUROR: Cynthia Simmons, 127. My
3 son-in-law is an Easley police officer for Easley.

4 THE COURT: Okay. Do you think you can still be fair
5 and impartial in the trial of this case?

6 MR. JOHNSON: I think so.

7 THE COURT: All right. Thank you for telling me, I
8 appreciate it.

9 Yes, sir?

10 PROSPECTIVE JUROR: George Miller, No. 97. My son is
11 a police officer in Mauldin.

12 THE COURT: Okay. And do you think you can still be
13 a fair and impartial juror in the trial of this case?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: All right. Thank you. I appreciate you
16 letting me know.

17 All right. Anyone else?

18 (There was no response).

19 THE COURT: Okay. Is there anyone among you who has
20 such a moral aversion to drugs that you could not be a fair
21 and impartial juror in the trial of this case?

22 (There was no response).

23 THE COURT: Is there anyone among you who served as a
24 juror on the grand jury on which the indictment was handed
25 down?

1 (There was no response).

2 THE COURT: All right. No affirmative response.

3 Ladies and gentlemen, is there anyone among you, who
4 for whatever reason feels that you could not be a fair and
5 impartial juror in the trial of this case?

6 (There was no response).

7 THE COURT: All right. No affirmative response.

8 Any additional questions in voir dire?

9 MR. TOOKER: Nothing from the State, sir.

10 MR. NEWTON: There is something I should bring to
11 your attention. May I approach?

12 THE COURT: Yes, sir.

13 (WHEREUPON, an off-the record bench conference was held
14 in the presence of the jury but out of the hearing of
15 the jury.)

16 THE COURT: All right. Ladies and gentlemen, the
17 attorneys have just indicated that there may be some of
18 you who may know -- they're unsure, but there may be some
19 of you who know the witnesses or parties or attorneys in
20 this case and have some type of prior relationship with
21 them. And it may be that that's true. It may be that you
22 decided that it was so tenuous that it really didn't
23 matter. And that's okay. But I'm going to pose the
24 question to you again and that is, is there anyone among
25 you who has a personal, professional or family

1 relationship with any of the attorneys, any of the
2 potential witnesses in this case or any of the Defendants
3 in this case that would cause you to question whether you
4 could be a fair and impartial juror in the trial of this
5 case?

6 (There was no response.)

7 THE COURT: Okay. No affirmative response.

8 All right. Okay. We're going to proceed, ladies and
9 gentlemen, with the selection of jurors in this case. And
10 what happens is the clerk of court has generated a random
11 listing of jurors and they're in no particular order. The
12 particular was generated at random by the clerk of court.
13 And he will call off that listing of jurors. When your
14 name is called, what I would ask you to do is stand up.
15 When you stand up, the attorneys are going to make
16 strikes, preemptory challenges. The parties to a case
17 have the opportunity to either select or excuse jurors for
18 the trial of the case. They're given very wide discretion
19 and latitude in who is selected and who is stricken from
20 the trial of the case. So I would suggest to you that if
21 you are stricken or if you are selected, don't try to
22 define any particular reason why that may have happened.
23 You probably will never know. However, just understand
24 that based on their analysis of their case, whether it's
25 the State or the defense, they decided they either wanted

1 you on the jury or they didn't.

2 When you stand up, you are going to hear one of two
3 general things from the attorneys, either please swear the
4 juror or please seat the juror. If you hear that from
5 each of the attorneys in turn, then you will be on the
6 jury. If you hear, however, even once please excuse the
7 juror from the trial of this case or please strike the
8 juror, then just please have a seat back down in your --
9 where you are. You will have been stricken from the trial
10 of this case.

11 We're going to pick 12 jurors and we're going to pick
12 two alternates. The reason we pick alternates is because
13 during the pendency of the case, while we're trying the
14 case, oftentimes, it happens that alternates have to
15 supplant and replace jurors who are sitting among the 12
16 original main jurors. Happens all the time. So it's very
17 important that we have alternates. And understand that
18 if you are an alternate, your service is just as important
19 as the main jurors because you may find yourself among the
20 main 12.

21 So, having said that, ladies and gentlemen, I'm going
22 to proceed with the call of jurors.

23 Jury Selection

24 THE CLERK: Alteno J. Oglesby.

25 (Alteno J. Oglesby, a black male, came forward.)

1 THE CLERK: What says the State?

2 MR. TOOKER: Please excuse Mr. Oglesby.

3 THE CLERK: You may have a seat, please, sir.

4 Juror No. 97, George E. Miller, Sr.

5 (George E. Miller, Sr., a white male, came forward.)

6 THE CLERK: What says the State?

7 MR. TOOKER: Please present this juror.

8 THE CLERK: And the defense?

9 MS. WIYGUL: Please excuse Mr. Miller.

10 THE COURT: I know that y'all will pool together so
11 just one of you will exercise the strikes. So we're
12 looking for a response from just one of you? That's what
13 I prefer. Thank you very much.

14 MR. NEWTON: Yes, sir. She is our spokesperson.

15 THE COURT: Good enough.

16 THE CLERK: Juror No. 84, Victor D. Leslie.

17 (Victor D. Leslie, a white male, came forward.)

18 THE CLERK: What says the State?

19 MR. TOOKER: Please excuse Mr. Leslie.

20 THE CLERK: If you would have a seat, please, sir.

21 Juror No. 112, Chandra D. Pettry.

22 (Chandra D. Pettry, a white female, came forward.)

23 THE CLERK: What says the State?

24 MR. TOOKER: Please excuse Ms. Pettry.

25 THE CLERK: Have a seat, please, ma'am.

1 Juror No. 126, Richard D. Sexton.

2 (Richard D. Sexton, a white male, came forward.)

3 THE CLERK: What says the State?

4 MR. TOOKER: Please present Mr. Sexton.

5 THE CLERK: And the defense?

6 MS. WIYGUL: Mr. Sexton please be seated.

7 THE CLERK: If you would have a seat in the jury box,
8 sir.

9 Ashleigh N. Albertson.

10 (Ashleigh N. Albertson, a white female, came
11 forward.)

12 THE CLERK: What says the State?

13 MR. TOOKER: Please present Ms. Albertson.

14 THE CLERK: And the defense?

15 MS. WIYGUL: Please be seated.

16 THE CLERK: If you would come forward and have a seat
17 in juror box, ma'am.

18 Juror No. 73, Paul E. Holstak.

19 (Paul E. Hostak, a white male, came forward.)

20 THE CLERK: What says the State?

21 MR. TOOKER: Please present Mr. Holstak.

22 THE CLERK: And the defense?

23 MS. WIYGUL: Please be seated.

24 THE CLERK: If you would -- as a juror or?

25 MS. WIYGUL: As a juror.

1 THE CLERK: If you would, please, come forward, sir.

2 Juror No. 83, Carl B. Lawrimore.

3 (Carl B. Lawrimore, a white male, came forward.)

4 THE CLERK: What says the State?

5 MR. TOOKER: Please present Mr. Lawrimore.

6 THE CLERK: And the defense?

7 MS. WIYGUL: Please excuse this juror.

8 THE CLERK: If you would return to your seat, please,
9 sir.

10 THE COURT: Sorry about that, Mr. Lawrimore. There
11 will be other juries this week, I'm hoping.

12 THE CLERK: Juror No. 160, Margaret J. Zakowiez.

13 (Margaret J. Zakowiez, a white female, came forward.)

14 THE CLERK: What says the State?

15 MR. TOOKER: Please present Ms. Zakowiez.

16 THE CLERK: And the defense?

17 MS. WIYGUL: Please excuse this jury.

18 THE CLERK: If you would have a seat, please, ma'am.

19 Juror No. 139, Calvin L. Todd.

20 (Calvin L. Todd, a white male, came forward.)

21 THE CLERK: What says the State?

22 MR. TOOKER: Please excuse Mr. Todd.

23 THE CLERK: If you would return to your seat, please,
24 sir.

25 Juror No. 33, Rhonda K. Clark.

1 (Rhonda K. Clark, a white female, came forward.)

2 THE CLERK: What says the State?

3 MR. TOOKER: Please present Ms. Clark.

4 THE CLERK: And the defense?

5 MS. WIYGUL: Please be seated on the jury.

6 THE CLERK: If you would come forward, please.

7 Juror 77, Elissa J. Johnston.

8 (Elissa J. Johnston, a white female, came forward.)

9 THE CLERK: What says the State?

10 MR. TOOKER: Please excuse Ms. Johnston.

11 THE CLERK: If you would have a seat, please, ma'am.

12 Juror No. 34, Janice B. Clarkson.

13 (Janice B. Clarkson, a white female, came forward.)

14 THE CLERK: What says the State?

15 MR. TOOKER: Please present Ms. Clarkson.

16 THE CLERK: And the defense?

17 MS. WIYGUL: Excuse Ms. Clarkson.

18 THE CLERK: If you would have a seat, please, ma'am.

19 Juror No. 60, Thomas D. Greene,

20 (Thomas D. Greene, a white male, came forward.)

21 THE CLERK: What says the State?

22 MR. TOOKER: Please present Mr. Greene.

23 THE CLERK: And the defense?

24 MS. WIYGUL: Please be seated on the jury.

25 THE CLERK: If you would come forward, please, sir,

1 have a seat in the jury box.

2 Juror No. 25, Tony J. Cagle.

3 (Tony J. Cagle, a white male, came forward.)

4 THE CLERK: What says the State?

5 MR. TOOKER: Please present Mr. Cagle.

6 THE CLERK: And the defense?

7 MS. WIYGUL: Be seated on the jury.

8 THE CLERK: If you would come forward, please, sir.

9 Juror No. 117, Carl A. Reed, Jr. <

10 (Carl A. Reed, Jr., a white male, came forward.)

11 THE CLERK: What says the State?

12 MR. TOOKER: Please excuse Mr. Reed.

13 THE CLERK: Juror No. 82, Douglas J. Lauber.

14 (Douglas J. Lauber, a white male, came forward.)

15 THE CLERK: What says the State?

16 MR. TOOKER: Please present Mr. Lauber.

17 THE CLERK: What says the defense?

18 MS. WIYGUL: We'll excuse Mr. Lauber.

19 THE CLERK: You can return to your seat, please, sir.

20 Juror 122, Timothy D. Rogers.

21 (Timothy D. Rogers, a white male, came forward.)

22 THE CLERK: What says the State?

23 MR. TOOKER: Please present Mr. Rogers.

24 THE CLERK: And the defense?

25 MS. WIYGUL: Please be seated on the juror.

1 THE CLERK: If you would come forward, please, sir.

2 Juror 49, Donald R. Fields, Jr.

3 (Donald R. Fields, Jr., a white male, came forward.)

4 THE CLERK: What says the State?

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

6 THE COURT: Sure.

7 (WHEREUPON, a bench conference was held.)

8 THE COURT: Mr. Fields, the State has exercised a
9 strike. You're excused from the trial of this case, sir.

10 THE CLERK: Just have a seat, please, sir.

11 Juror No. 154, James R. Wilson, III.

12 (James R. Wilson, III, a white male, came forward.)

13 THE CLERK: What says the State?

14 MR. TOOKER: Please present Mr. Wilson.

15 THE CLERK: And the defense?

16 MS. WIYGUL: Please excuse the juror.

17 THE CLERK: Okay. If you would have a seat, please,
18 sir.

19 Juror No. 157, Virginia E. Worrell.

20 (Virginia E. Worrell, a white female, came forward.)

21 THE CLERK: What says the State?

22 MR. TOOKER: Please present Ms. Worrell.

23 THE CLERK: And the defense?

24 MS. WIYGUL: Please be seated on the jury.

25 THE CLERK: If you would come forward, please, ma'am.

1 Juror No. 138, Casey A. Thornton.

2 (Casey A. Thornton, a white female, came forward.)

3 THE CLERK: What says the State?

4 MR. TOOKER: Please present Ms. Thornton.

5 THE CLERK: And the defense?

6 MS. WIYGUL: Please be seated on the jury.

7 THE CLERK: If you would come forward, please, ma'am.

8 Juror No. 19, Gary L. Brouette.

9 (Gary L. Brouette, a white male, came forward.)

10 THE CLERK: What says the State?

11 MR. TOOKER: Please present Mr. Brouette.

12 THE CLERK: And the defense?

13 MS. WIYGUL: Please excuse Mr. Brouette.

14 THE CLERK: If you would have a seat, please, sir.

15 Juror 129, Ronald W. Simmons.

16 (Ronald W. Simmons, a white male, came forward.)

17 THE CLERK: What says the State?

18 MR. TOOKER: Please present Mr. Simmons.

19 THE CLERK: And the defense?

20 MS. WIYGUL: Please be seated on the jury.

21 THE CLERK: If you would come forward, please, sir.

22 Juror 143, Anthony T. Tuper.

23 (Anthony T. Tuper, a white male, came forward.)

24 THE CLERK: What says the State?

25 MR. TOOKER: Please excuse Mr. Tuper.

1 THE CLERK: If you would return to your seat, please,
2 sir.

3 Juror No. 89, Debra R. Masters.

4 (Debra R. Masters, a white female, came forward.)

5 THE CLERK: What says the State?

6 MR. TOOKER: Please excuse Ms. Masters.

7 THE CLERK: If you would return to your seat, please,
8 ma'am.

9 Juror No. 26, April D. Cannon.

10 (April D. Cannon, a white female, came forward.)

11 THE CLERK: What says the State?

12 MR. TOOKER: Please present Ms. Cannon.

13 THE CLERK: And the defense?

14 MS. WIYGUL: Please excuse Ms. Cannon.

15 THE CLERK: If you would have a seat, please, ma'am.

16 Juror No. 88, Tracie A. Martin.

17 (Tracie A. Martin, a white female, came forward.)

18 THE CLERK: What says the State?

19 MR. TOOKER: Please present Ms. Martin.

20 THE CLERK: And the defense?

21 MS. WIYGUL: Please excuse Ms. Martin.

22 THE CLERK: If you would have a seat, please, ma'am.

23 Juror No. 17, James A. Bowers, III.

24 (James A. Bowers, III, a white male, came forward.)

25 THE CLERK: What says the State?

1 MR. TOOKER: Please present Mr. Bowers.

2 THE CLERK: And the defense?

3 MR. JOHNSON: Please excuse Mr. Bowers.

4 THE CLERK: If you would have a seat, please, sir.

5 Juror No. 79, Douglas L. Knight.

6 (Douglas L. Knight, a white male, came forward.)

7 THE CLERK: What says the State?

8 MR. TOOKER: Please excuse Mr. Knight.

9 THE CLERK: If you would have a seat, please, sir.

10 Juror No. 148, Spencer M. Wayne.

11 (Spencer M. Wayne, a white male, came forward.)

12 THE CLERK: What says the State?

13 MR. TOOKER: Please present Mr. Wayne.

14 THE CLERK: And the Defense?

15 MS. WIYGUL: Please excuse Mr. Wayne.

16 THE CLERK: If you would have a seat, please, sir.

17 Juror No. 141, Nicole T. Trotter.

18 (Nicole T. Trotter, a white female, came forward.)

19 THE CLERK: What says the State?

20 MR. TOOKER: Please present Ms. Trotter.

21 THE CLERK: And the defense?

22 MS. WIYGUL: Please be seated on the jury.

23 THE CLERK: If you would come forward, please, ma'am.

24 Juror No. 93, Roger D. McCall.

25 (Roger D. McCall, a white male, came forward.)

1 THE CLERK: What says the State?

2 MR. TOOKER: Please present Mr. McCall.

3 THE CLERK: And the defense?

4 MS. WIYGUL: Please excuse Mr. McCall.

5 THE CLERK: If you would have a seat, please, sir.

6 Juror No. 30, Grant M. Chappell.

7 (Grant M. Chappell, a white male, came forward.)

8 THE CLERK: What says the State?

9 MR. TOOKER: Please excuse Mr. Chappell.

10 THE CLERK: If you would return to your seat, please,
11 sir.

12 Juror 64, Terry E. Handegan.

13 (Terry E. Handegan, a white male, came forward.)

14 THE CLERK: What says the State?

15 MR. TOOKER: Please present Mr. Handegan.

16 THE CLERK: And the d?

17 MS. WIYGUL: Please excuse Mr. Handegan.

18 THE CLERK: If you would return to your seat, please,
19 sir.

20 Juror No. 54, Paige B. Franklin.

21 (Paige B. Franklin, a white female, came forward.)

22 THE CLERK: What says the State?

23 MR. TOOKER: Please present Ms. Franklin.

24 THE CLERK: And the defense?

25 MS. WIYGUL: Please be seated on the jury.

1 THE CLERK: If you would come forward, please, ma'am.

2 THE COURT: Is that 12 jurors?

3 THE CLERK: It is.

4 THE COURT: Okay, good. We'll pick two alternates.

5 Strikes will be three for the defense, two for the State.

6 THE CLERK: This will be for the first alternate.

7 Juror No. 135, Alexandra B. Suddeth.

8 (Alexandra B. Suddeth, a white female, came forward.)

9 THE CLERK: What says the State?

10 MR. TOOKER: Please present Ms. Suddeth.

11 THE CLERK: And the defense?

12 MS. WIYGUL: Excuse Ms. Suddeth at this time.

13 THE CLERK: If you would return to your seat, please,
14 ma'am.

15 Juror No. 151, Bentley L. Williams.

16 (Bentley L. Williams, a black male, came forward.)

17 THE CLERK: What says the State?

18 MR. TOOKER: Please excuse Mr. Williams.

19 THE CLERK: If you would return to your seat, please,
20 sir.

21 Juror No. 65, Kimberly B. Hannon.

22 (Kimberly B. Hannon, a white female, came forward.)

23 THE CLERK: What says the State?

24 MR. TOOKER: Please present Ms. Hannon.

25 THE CLERK: And the defense?

1 MS. WIYGUL: Please be seated on the jury.

2 THE CLERK: If you would come forward, please, ma'am.

3 Juror No. 45, Ann M. Durham.

4 (Ann M. Durham, a white female, came forward.)

5 THE CLERK: What says the State?

6 MR. TOOKER: Please present Ms. Durham.

7 THE CLERK: And the defense?

8 MS. WIYGUL: Please excuse Ms. Durham.

9 THE CLERK: If you would have a seat, please, ma'am.

10 Juror No. 136, Lendon Sutton.

11 (Lendon Sutton, a white male, came forward.)

12 THE CLERK: What says the State?

13 MR. TOOKER: Please present Ms. Sutton.

14 THE COURT: And the defense?

15 MS. WIYGUL: Please be seated on the jury.

16 THE CLERK: If you would come forward, please, sir.

17 THE COURT: All right.

18 Counsel, any issues or matters of law to take up with
19 respect to the qualification or selection of this jury?

20 MR. TOOKER: Nothing from the State, sir.

21 MS. WIYGUL: Nothing from the defense, Your Honor.

22 THE COURT: Okay.

23 All right. Ladies and gentlemen, for those of you
24 who weren't selected, my condolences. I know you were
25 looking forward to it. But again, there will be other

1 juries selected this week, so you might have another
2 chance. Again, what I told you this morning was probably
3 what will happen as when you call in this evening, after
4 six, you will told to come back after 11 and another jury
5 will be selected at that time. If I don't see you again
6 this week, thank for your service on jury duty and have a
7 merry and a blessed Christmas. So y'all can take off.

8 (WHEREUPON, the jury venire was excused at
9 approximately 12:05 p.m.)

10 THE COURT: All right. Ladies and gentlemen,
11 congratulations for having been selected on this case.
12 You've heard the witness list. And that suggest to you
13 that this probably will be a case that will take a couple
14 of days. However, we're not going to start the actual
15 introduction of evidence on this case until tomorrow
16 morning at 9:30. There are several matters of law that I
17 need to take up with these attorneys, motions which will
18 effect how this case will proceed, What evidence may be
19 present and what evidence may not be presented. And it
20 will also affect the procedure that we may follow in this
21 case as well. So we're probably going to spend the
22 balance of the day going through all of those legal
23 issues. So I'm going to dismiss y'all for the day. And
24 I'm going to ask you to be back here at 9:30 in the
25 morning.

1 Please be prompt. Not out of respect for me or the
2 attorneys or the Defendants, but out of respect for your
3 fellow jurors because we won't be able to start until all
4 14 of you get here. The bailiff will tell you where you
5 can report, how you come and the procedure for doing that
6 so that when you come in tomorrow, it should be fairly
7 seamless, I think, when you get to the courthouse door.

8 I'll also tell you, you don't know anything about
9 this case yet. You don't know anything other than the
10 allegations that I read to you on the indictment. You
11 won't know anything about this case until you begin to
12 receive the evidence, until witnesses begin to take the
13 stand and take the oath of a witness and evidence is
14 presented by and through the course of witness testimony.
15 So, please, don't discuss the case with anyone. You
16 really don't know enough to intelligently discuss the
17 case. But having said that, if you start discussing the
18 case with someone, with a friend, a significant other,
19 wife, husband, brother, sister, mom, dad, whoever, then
20 you're going to start making assumptions about what you
21 know and you're going to start making qualitative
22 determinations about what you've already heard. And in a
23 form, that's deliberating. It's not appropriate that you
24 deliberate until the very end of the case, until I tell
25 you to begin your deliberations. And that will be after

1 you've heard all of the evidence in this case and after
2 you've heard the final charge on the law that applies to
3 the evidence in this case.

4 So don't discuss the case yet. If someone invites
5 you to discuss the case, just say I can't discuss it with
6 you yet. I'll discuss it with you later in the week when
7 it's over or this weekend, but don't discuss it yet.
8 Also, don't seek any self help. I don't know and I
9 suspect that there's not been any media coverage of this
10 case. And I don't know whether you could find anything on
11 the Internet or find anything in the clerk or court's
12 office that relates to this case that would give you
13 information, but I'm telling you, please, don't go out and
14 do any self help. Don't do a Google search. Don't try to
15 find out anything. Don't look at the newspapers and see
16 if there's anything in here on this case. Because, again,
17 if you consider something that you learned outside of this
18 courtroom, then it will taint your deliberations. The
19 only thing that's appropriate for you to consider, again,
20 is the evidence that's presented in this courthouse in
21 accordance with the law and in accordance with the rules
22 of evidence.

23 So just forget about this case for the rest of the
24 day. Come in with a fresh perspective and we'll begin the
25 case. When you come in, I'll give you a brief opening

1 charge, just telling you the procedure that we'll follow
2 and your role in this case. And also I'll swear you in
3 and give you the oath of a juror to try this particular
4 case. So y'all have a great evening and I look forward to
5 seeing you tomorrow morning.

6 (WHEREUPON, the jury leaves the courtroom at
7 approximately 12:10 p.m.)

8 THE COURT: All right, ladies and gentlemen, we'll
9 hear motions next. I'm going to take a five-minute break
10 and then come right back in and we'll hear all the motions
11 pending before the Court, okay?

12 (WHEREUPON, a short break was taken.)

13 Motions

14 THE COURT: All right. I know that there are motions
15 pending before the Court, therefore I will defer to counsel
16 and I'll let you go in whatever order that you like. And I
17 am ready to receive.

18 MR. TOOKER: Well, I'll start. Your Honor, as we
19 informed you pre-trial, it's our intent to offer the
20 records that are created and preserved by a company called
21 Appriss through a system called NPLEX and they are records
22 of Sudafed purchases. In essence, they record every time
23 a driver's license is either swiped or keyed in when
24 somebody purchases Sudafed at a pharmacy or Wal-Mart. And
25 so we'd like to introduce those under the business records

1 exception 803(6). That our intent where we have a fella
2 coming in from Louisville tomorrow morning. He will be
3 one of our first witnesses. We just wanted to know if
4 that was something Your Honor would even be willing to
5 hear before he came in from Louisville tomorrow morning.

6 THE COURT: Okay. Good enough. All right.

7 Any argument from the State -- excuse me, from the
8 defendant?

9 MR. NEWTON: Your Honor, I don't think it's
10 appropriate to hear that motion without him being here.
11 He's necessary to lay any proper foundation that there may
12 be.

13 THE COURT: Okay. I know that we had the opportunity
14 in limine to discuss it. And I'm sorry, I didn't mean to
15 cut you off. I'll give you all the opportunity, but
16 unless y'all tell me otherwise, I assume that whoever
17 responds is responding for everyone. If that's an
18 inappropriate assumption, y'all just let me know, okay?

19 I know we discussed it before we struck the jury in
20 this case. And my general inclination is if the
21 appropriate foundation is laid, then those records would
22 appropriately come in under the business records exception
23 to the hearsay rule. I'm not telling you absolutely right
24 now that it will be admissible. Certainly, it will be
25 subject to objection at the time, but, conceptually, I

1 don't have an issue with those business records being
2 introduced as evidence in the case.

3 MR. TOOKER: Thank you, Your Honor.

4 THE COURT: Yes, sir.

5 Okay, additional motions?

6 MS. WIYGUL: Your Honor, there's a pending motion to
7 publish the penalties to the jury relative to the
8 testifying co-defendants. Specifically, each of the
9 testifying co-defendants is looking at a mandatory 25
10 years under the statute under which they've been charged
11 if the State does not reduce that charge. That takes it a
12 little bit out of the normal scenario where they're
13 looking at something and there's a range and sentencing is
14 at the discretion of the sentencing judge and nobody can
15 predict what that judge will do.

16 In this case, there's not judicial discretion. In
17 this case, if they're convicted under that statute,
18 they're getting 25 years and a \$50,000 fine. I don't
19 believe it's suspendible, so we would ask specifically for
20 the purposes of witness credibility that we be permitted
21 to let the jury know that that charge is pending and if
22 the State doesn't reduce it, these people are getting 25
23 years.

24 THE COURT: All right. Would the State like to
25 respond to that?

1 MR. TOOKER: Yes, sir, Your Honor. It's a well-known
2 rule we're not supposed to talk about potential penalties.
3 It can unduly prejudice the State's ability to have a fair
4 trial, just as the defense ability to have a fair trial.
5 I think the case is really on point for most of this stuff
6 and I think this is probably the -- it adequately sums up
7 the notion that the defense is embracing is State v.
8 Gracely. And that's Opinion No. 27165 in South Carolina
9 Supreme Court.

10 And in that case, it was a State Grand Jury
11 investigation. It was, actually, here in Pickens. In
12 that case, you had a slew of co-defendants charged. The
13 testifying co-defendants were cut deals and pled guilty to
14 lesser included offenses before trial of Mr. Gracely. The
15 defense was not allowed to bring out the fact that they
16 received lesser sentences in cross-examination. And the
17 Supreme Court said yeah, you've prejudiced their ability
18 to properly cross-examine these witnesses, you know, there
19 has to be a new trial.

20 In this case, the difference is none of our
21 co-defendants have been adjudicated. They're all still
22 pending. No one has had any deals made, no promises have
23 been made to them. We make sure when we talk to them, we
24 are not promising you anything, understand that. So
25 because no promises have been made, we think it would be

1 unduly prejudicial to the State to cross-examine them as
2 to time. You can say you're looking at some pretty stiff
3 penalties, aren't you? And you're trying to get as good a
4 deal out of this as you can for yourself? But I think
5 going to penalties, all of a sudden, the jury's got in
6 their mind, okay, all these people are looking at 25
7 years. And that's going to prejudice the State's ability
8 to effectively present its case.

9 MS. WIYGUL: Your Honor, with all due respect, I
10 think the jury has the right to know they are looking at
11 25 years. It's not misleading. It's not confusing.
12 They're getting 25 years unless the State reduces their
13 charges. I would say State v. Gracely is exactly on point
14 and the fact that the solicitor who has control over when
15 they decide to reduce charges, that's evidenced by the
16 fact they reduced one of these co-defendants charges this
17 morning, that's right on point. And they're the ones that
18 determine the timing of that. If the Court is not
19 inclined to grant the motion at this time, I would ask
20 that the Court leave the matter open. If any of the
21 witnesses testify that they anticipate any type of
22 reduction that we be able to revisit the matter.

23 THE COURT: Okay. That's exactly the position that
24 I'll take. I'll leave it open. I don't know in what
25 context you would intend to introduce that specific

1 evidence. Just strictly as an academic matter, as I sit
2 here based on what I know, I don't think that the actual
3 amount of mandatory time would be relevant. For instance,
4 if it were 20 years, would that make any distinction and
5 any difference than the 25 years? Or if it were 15 years?
6 In any instance, it's a significant penalty. And I think
7 you can ask them the question about are you looking at a
8 significant penalty. I'm not sure the actual time is
9 relevant, particularly without putting it in the context
10 of an actual reduction or deal for a reduction. Now,
11 there may be some evidence that comes into play that
12 suggest otherwise. That's why I'll leave it open. But,
13 again, as I sit here, based on what I know, I do not
14 suspect that I would let you introduce specific evidence
15 as to the 25 years. Based on right now, relevancy more
16 than prejudice. However, I do find that the general rule
17 is that the amount of time is a subject before the Court
18 and not for the jury.

19 MS. WIYGUL: And will the Court to permit the defense
20 to cross-examine these witnesses on the mandatory nature
21 of the penalty that they're looking at right now?

22 THE COURT: Yeah. You know, I'm not trying to give
23 you a script to follow, but, again, as I sit here, as an
24 academic matter, if you were to ask them on
25 cross-examination, isn't it true that you are facing a

1 mandatory minimum jail sentence if you are convicted of
2 this offense, I wouldn't have any -- I don't think, again,
3 as an academic and conceptual matter, that I would
4 disallow that question.

5 MS. WIYGUL: Thank you, Your Honor.

6 THE COURT: Yes, ma'am.

7 All right. Additional motions?

8 MS. WIYGUL: Pursuant to our preliminary conference
9 on this matter, it's my understanding that the Court would
10 like to delay hearing the motion to suppress until after
11 some testimony has been taken in the case?

12 THE COURT: What are we looking to suppress? I'm
13 sorry.

14 MS. WIYGUL: Your Honor, it's been indicated to me by
15 the State that they intend to attempt to introduce
16 evidence of a pending charge against Mr. Meador, which the
17 charge has been pending for over two years. They have had
18 the specific results, SLED results they wish to enter for
19 more than a year.

20 THE COURT: And I've read your motion with respect to
21 that. Again, the -- I know we spoke about it very, very
22 briefly. I'm not -- I don't want to rule on that yet
23 because I don't know the context in which it is being
24 offered. I presume that it's under a rule 404 analysis,
25 am I correct, to show lack of --

1 MR. TOOKER: It's, actually, more of a res gestae
2 argument, Your Honor. What we have here is we've got a
3 conspiracy that we're alleging to have occurred starting
4 January 1 going to December 31, 2011. 11/22/2011, the
5 Defendant, his significant other and two other
6 co-conspirators in this case are pulled over in a car in
7 Pickens County, South Carolina. After officers got on
8 NPLEX, saw that the Defendant and Ms. Greenfield, two
9 Defendants, were at two different pharmacies purchasing
10 Sudafed. Went to try to find them doing it, found them
11 doing it, waited until they had a reason to pulled them
12 over, pulled them, found the Sudafed then I think on
13 Mr. Meador's person, it was methamphetamine residue.

14 THE COURT: Okay.

15 MS. WIYGUL: And, Your Honor, may I respond?

16 THE COURT: Sure.

17 MS. WIYGUL: With all due respect, as I said, the
18 State's had over two years to try this case if they wanted
19 to introduce such evidence. There's two separate law
20 enforcement numbers. The officer was very aware because
21 he's the officer that signed both of the warrants. If
22 they wanted to consolidate that into one case, they could
23 have put that on the docket and they did not. That was
24 their choice. We had absolutely no control over that.

25 MR. TOOKER: Well, I think there's an easy way to

1 rectify the problem from Ms. Wiygul's perspective. If you
2 go ahead and dismiss the warrant for the possession of
3 meth, so there's no double jeopardy -- is it double
4 jeopardy you're concerned with?

5 THE COURT: I'm going to cut you off a little bit
6 because she's never going to stipulate to that. My
7 inclination is not to allow that under a 403 analysis.
8 That's my inclination. I haven't heard it in context,
9 that's just my inclination. Whether it's admissible under
10 res gestae, perhaps, perhaps, not. But the question is
11 the Defendants are on trial for this operative set of
12 circumstances. And it is the preference of the courts
13 generally to try defendants on a specific set of operative
14 circumstances as opposed to another. So under the 403
15 analysis, the question would be if, in fact, it is
16 admissible under the res gestae, then is it unduly
17 prejudicial? And if it's the very same conduct that's
18 being complained of and upon which you are trying to get a
19 guilty plea, then is it unduly prejudicial even though it
20 may have significant probative value? I'm not ruling
21 right now because I haven't heard the testimony. I'm just
22 telling you what my analysis, ultimately, will be.

23 MR. TOOKER: Just one thing for Your Honor to think
24 about once we start proffering the testimony.

25 THE COURT: Yeah.

1 MR. TOOKER: I think you can divide the evidence
2 gathered in the traffic stop into two categories. The
3 methamphetamine residue found on Mr. Mealor's person and
4 then there's also the two boxes of Sudafed that correspond
5 to Pseudoephedrine purchases that are included in the
6 documents that we intend to proffer and publish to the
7 jury.

8 So when evidence is presented, when we're at that
9 point in trial, I think it is worth noting that the
10 Pseudoephedrine purchases are part of that greater
11 conspiracy inasmuch as they're included in the same
12 weights that we're calculating in everything else. The
13 methamphetamine, wow, it would be the State's opinion that
14 it's tied to the same general conduct, you know, is not
15 part of the Pseudoephedrine purchases and I think can be
16 separated.

17 MS. WIYGUL: And, Your Honor, in that case, we would
18 be happy to stipulate that Mr. Mealor has purchased, at
19 least, two boxes of Pseudoephedrine in 2011.

20 THE COURT: Okay. And that -- what you're talking
21 about, Mr. Tooker, is something different than what I was
22 talking about. I was talking about a pending criminal
23 charge, not the fact that he had purchased
24 Pseudoephedrine. The fact that he had purchased it, I
25 don't know that I would apply the same analysis to that.

1 The fact that he had purchased --

2 And it sounds like you're stipulating to he had
3 purchased those two --

4 MS. WIYGUL: I'll stipulate that he bought, at least,
5 two boxes of Pseudoephedrine in 2011.

6 THE COURT: The only thing that I'm dealing with
7 right now is pending charges and whether there would be an
8 introduction of charges that are pending.

9 MR. TOOKER: No, we wouldn't talk about any pending
10 charge --

11 THE COURT: Okay.

12 I think that was your concern.

13 MS. WIYGUL: Your Honor, my concern is they want to
14 present to the jury as a given that Mr. Mealor was in
15 possession of methamphetamine on November 22nd of 2011.
16 That's the charge that's pending. They could have tried
17 it if they wanted to have evidence that he had been
18 convicted of such possession. They chose not to.

19 THE COURT: Okay. All right.

20 MR. TOOKER: And, again, I think I can rectify this.
21 We can dismiss the pending possession charge and,
22 arguably, include within greater conspiracy.

23 THE COURT: So what are you trying to admit? Let me
24 make sure I'm clear, okay, because I think y'all are
25 saying the same thing. You're just characterizing it

1 differently. You're saying he had two boxes of
2 Pseudoephedrine from a purchase that he had just made?

3 MR. TOOKER: That will be reflected on the records.

4 THE COURT: And that he had methamphetamine residue
5 on his hands?

6 MR. TOOKER: That he had it in a small bag on his
7 person.

8 MS. WIYGUL: And we would completely object to that,
9 Your Honor. This has been a pending charge for more than
10 two years. We've had no notice until last week that there
11 was intention to use that methamphetamine, of which there
12 was not even a detectible amount in this trial.

13 THE COURT: Okay. All right. That changes the
14 analysis to some degree. What I'm going to do is I'm
15 going to listen to the testimony. Right now as I sit
16 here, you've introduced it in a different context than
17 what I had considered previously. So I'm about 50/50 on
18 that, okay, I'm about 50/50. I'm going to determine first
19 is it admissible and then under a 403 analysis, is it
20 unduly prejudicial. I don't know. The charge itself is,
21 I know that. I feel comfortable with that. Whether just
22 the evidence that he had it is a different matter, I'm
23 going to think about it.

24 MS. WIYGUL: And, Your Honor, may we ask that the
25 Court instruct the State to not mention it until the issue

1 is ruled on and to instruct their witnesses not to mention
2 anything about anything arising from that 2011 traffic
3 stop until the Court has ruled on that?

4 THE COURT: I don't know if I'll be that broad. I'll
5 say don't mention it in your opening argument that he was
6 tooling around town with meth in his car when we caught
7 him, okay. But with respect to the witnesses, that's --
8 the way you stated it is very, very broad. I'm reluctant
9 to give that blanket admonition at this point.

10 MS. WIYGUL: Could we ask that the Court specifically
11 ask them not to mention any possession of methamphetamine?

12 THE COURT: Well, again, that's broad. I mean,
13 you're saying by whom and when --

14 MS. WIYGUL: Arising from that on November 22nd of
15 2011.

16 THE COURT: Let's take it witness by witness, okay?
17 Let's take it witness by witness because again, in limine,
18 I don't know for what purpose they might want to introduce
19 that evidence. Okay. Broadly speaking, I understand
20 where you're coming from and I think that's fair, but I
21 don't know enough about the case yet to give that just
22 broad admonition.

23 MS. WIYGUL: And all we're asking for, Your Honor, is
24 that they not put it out there in front of the jury.

25 THE COURT: I understand.

1 MS. WIYGUL: Before the Court has a chance to rule.

2 MR. TOOKER: If you decided not to admit it, it would
3 be a mistrial if we put it out there and then it don't
4 come in.

5 THE COURT: I just give you a general admonition,
6 don't do anything that's slicky boy, okay? How about
7 that?

8 MR. TOOKER: No problem, sir.

9 THE COURT: Does that sound good?

10 MR. TOOKER: Is that slicky boy?

11 THE COURT: Slicky boy. Don't be a slicky boy, Mr.
12 Tooker. Okay?

13 MR. TOOKER: I won't.

14 THE COURT: Okay. And don't let Mr. Wilkins talk you
15 into being a slicky boy, how about that?

16 All right. Anything else?

17 MS. WIYGUL: Nothing further from the defense, Your
18 Honor.

19 THE COURT: Anything from the State?

20 MR. TOOKER: Nothing from the State, sir.

21 THE COURT: Okay. Great. All right. I'll be back
22 here before nine tomorrow, so if there are any issues that
23 we need to take up before the fact, please, let me know
24 before 9:30 so that we can try to start with the jury just
25 as soon after 9:30 as possible. It's my intent to try to

1 make sure the jury doesn't have to sit and wait for us any
2 longer than they absolutely have to. So that if something
3 comes up, if we can start at 9:10 or 9:15 or 9:00 or
4 whenever so that we will be done by the time they're ready
5 to go, okay?

6 All right. Thanks. Y'all have a great afternoon.

7 (WHEREUPON, the proceedings were concluded for the day
8 to be reconvened on Tuesday, December 17, 2013.)

9 (WHEREUPON, State's Exhibit Nos. 1 through 40 were
10 marked for identification.)

11 TUESDAY, DECEMBER 17, 2013

12 MR. TOOKER: Your Honor, counsel is out with his
13 client. Apparently, a plea deal was offered to him and he
14 is discussing it with his client.

15 THE COURT: Well, do we have any idea how much time
16 he needs? And the next question is if, in fact, he comes
17 to a plea deal, is your preference for proceeding taking a
18 plea and then going forward with the jury?

19 MR. TOOKER: Yes, sir.

20 THE COURT: All right. So do you want me to wait and
21 go back into my little judge's room and wait for a little
22 bit?

23 MR. WILKINS: Would you like for me to check on him,
24 Judge?

25 THE COURT: Yeah, tell him I'm waiting.

1 THE CLERK: This is docket number 2013-GS-39-3150,
2 The State vs. Carol Denise Hayes, indictment for
3 trafficking methamphetamine.

4 Raise your right hand.

5 CAROL DENISE HAYES (IC)

6 after having been duly sworn, testified as follows:

7 THE COURT: Mr. Johnson, you've had the opportunity
8 to discuss this matter with your client, Ms. Hayes?

9 MR. JOHNSON: I have, Your Honor.

10 THE COURT: Is it your understanding that she
11 understands her Constitutional rights and the
12 ramifications of her plea?

13 MR. JOHNSON: Yes, Your Honor.

14 THE COURT: And do you agree with her decision to
15 waive her rights and enter a plea of guilty today, sir?

16 MR. JOHNSON: Absolutely, Your Honor.

17 EXAMINATION

18 BY THE COURT:

19 Q Ms. Hayes, I'm going to explain to you your
20 Constitutional rights as they relate to this matter. If
21 you'll listen to me a little bit, then I'm going to ask
22 you questions making sure that you understand your rights
23 and you're freely giving them up, okay?

24 A Okay.

25 Q You understand that you have a right to a jury trial

1 on this charge? And if you were to have a jury trial that
2 the State would have the burden of proving you guilty
3 beyond a reasonable doubt to a jury of 12 of your peers.
4 As you know, we've selected the jury and the jury is
5 waiting and you could go forward with that jury trial.
6 Understand that in that trial, you would not have the
7 burden of proving yourself innocent because under the
8 Constitution, you have the right to remain silent, the
9 right against self-incrimination, which means that you
10 wouldn't be required to do or say or prove anything. The
11 State has the burden of proving each and every element
12 beyond a reasonable doubt to that jury.

13 Now, understand that in that trial, if you wanted to,
14 you could waive that right to remain silent and you could
15 take the stand and tell the jury your side of the story.
16 You could present evidence in your defense. You could
17 present witnesses to testify on your behalf. You could
18 make motions before the Court to protect your legal rights
19 and your interest. You could cross-examine any of the
20 State's witnesses, including those persons who are
21 accusing you of this crime. You also have the right to
22 present any legal defenses that you may have to charges
23 that are before the Court.

24 Now, Ms. Hayes, do you understand all those rights,
25 ma'am?

1 A Yes.

2 Q Okay. And do you wish to waive those rights and
3 plead guilty today?

4 A Yes.

5 Q You are pleading guilty to trafficking in crack
6 cocaine -- that's not right, it's trafficking in
7 methamphetamine?

8 MR. TOOKER: Methamphetamine.

9 BY THE COURT:

10 Q All right. First offense. Do you understand that
11 you can receive between three and 10 years for that
12 offense, ma'am?

13 A Yes.

14 Q And you understand that it is classified as both
15 violent and serious?

16 A Yes.

17 Q Okay. And because it's classified as both violent
18 and -- because it's classified as violent, it could affect
19 the manner and method whereby you do your time and the
20 calculation of your max-out date, do you understand that?

21 A Yes.

22 Q Also, because it's characterized or classified as
23 serious, that under our state's two strikes, three strikes
24 law, it's a strike against you, do you understand?

25 A Yes.

1 Q And if you were to receive three strikes, that is two
2 additional strikes at a later date and time in your life,
3 then you could be subject to a potential sentence of life
4 without the possibility of parole, do you understand?

5 A Yes.

6 Q So you got -- this is one strike?

7 A Yes.

8 Q How do you wish to plead to this offense, ma'am?

9 A Guilty.

10 Q Has anyone forced or threatened or made you plea?

11 A No.

12 Q Are you pleading guilty of your own free will because
13 you are, in fact, guilty?

14 A Yes.

15 Q Are you under the influence of any drugs or alcohol
16 today, ma'am?

17 A No.

18 Q Do you suffer from any mental sickness that would
19 affect your ability to understand and appreciate what's
20 happening here today?

21 A Would you say that again?

22 Q Do you suffer from any mental sickness that would
23 affect your ability to understand what I'm asking you or
24 what we're doing here today?

25 A No.

1 Q Okay. Have you been diagnosed with some type of
2 mental sickness?

3 A Bipolar.

4 Q Are you medicated for that?

5 A Yes. I'm not taking medication at this time.

6 Q Okay. But you feel lucid and you feel like you're
7 making a reasonable decision?

8 A Yes, sir.

9 Q And you've been able to communicate with Mr. Johnson
10 as much as you needed to?

11 A Yes, sir.

12 Q Has anyone promised you anything in exchange for your
13 plea today?

14 A No, sir.

15 Q Have you had the opportunity to discuss with
16 Mr. Johnson all of your Constitutional rights and this
17 proceeding?

18 A Yes, sir.

19 Q Has he answered all your questions, done everything
20 you've asked him to do?

21 A Yes, sir.

22 Q Are you satisfied with his services?

23 A Yes, sir.

24 Q Have you understood all the questions and
25 explanations that I've given to you today?

1 A Yes, sir.

2 Q Do you have any questions at this point that you'd
3 like to ask me or Mr. Johnson regarding this proceeding or
4 your rights?

5 A No, sir.

6 Q Okay. All right. You have 10 days to appeal the
7 sentence that I hand down. It's my understanding that
8 this will be deferred until post-trial, so you'll have 10
9 days thereafter to appeal the sentence and the plea. Do
10 you understand?

11 A Yes, sir.

12 Q Okay.

13 THE COURT: I'd be happy to hear the facts.

14 MR. TOOKER: Thank you, Your Honor, may it please the
15 Court? The facts alleged in this case are that between
16 January 1st and December 31 of 2011, Ms. Hayes
17 participated in the conspiracy with 19 other
18 co-conspirators, co-defendants, including Ms. Cynthia
19 Greenfield and Mr. Michael Mealor, to manufacture
20 methamphetamine. They conspired and arranged to have
21 people go out and purchase Sudafed, that Ms. Hayes herself
22 did go out and purchase Sudafed, brought that Sudafed
23 back, provided it to Mr. Mealor and Ms. Greenfield whereby
24 they were able to manufacture methamphetamine in excess of
25 100 grams. Pursuant to this plea, we are permitting Ms.

1 Hayes to plead to 10 to 28 grams, so she's admitting her
2 culpability to 10 to 28 grams of methamphetamine. And
3 this occurred in Pickens County. Those are the facts that
4 we will present in this trial.

5 THE COURT: Okay.

6 BY THE COURT:

7 Q Ms. Hayes, you heard those allegations, ma'am. Is
8 that, in fact, what happened?

9 A I purchased Sudafed, yes.

10 Q And you purchased them to give to the gentleman who
11 was manufacturing methamphetamine?

12 A No, I did not give them to anyone.

13 Q What did you purchase them for?

14 MR. JOHNSON: Your Honor, I think what she's saying
15 is she took them to the back bedroom where Michael and
16 Cynthia were living at the time. I think she's saying she
17 did not physically hand the Sudafed to Michael, but she
18 took it to that back bedroom where they were.

19 THE WITNESS: I never intended to give them
20 Pseudoephedrine, Sudafed.

21 BY THE COURT:

22 Q Well let me ask you this -- and you can talk to your
23 attorney if you want to, but, ultimately, the question is
24 why did you buy the Sudafed?

25 A We have -- I have allergies. My family has

1 allergies, my sons.

2 MR. JOHNSON: Your Honor, I think she'd like to talk
3 for a minute if we could.

4 THE COURT: And, Ms. Hayes, I'm not looking for you
5 to say the right thing, but can't accept a guilty plea if,
6 essentially, you're telling me you're not guilty of the
7 offense. And I don't -- you talk to your attorney. And I
8 don't want him to convince you of anything. But you're in
9 a position where you can't have your cake and eat it, too.
10 That is you can't get the benefit of the plea, but say all
11 I did was buy Sudafed because I have hayfever, okay. So
12 I'll give you a few minutes, talk to your attorney, okay?

13 THE WITNESS: Okay.

14 (WHEREUPON, a short break was taken.)

15 BY THE COURT:

16 Q All right. Ms. Hayes, I know you had the opportunity
17 to discuss this matter with Mr. Johnson and you're taking
18 some exception to the fact that were cited by the case. I
19 asked you this question before and I'm going to ask you
20 this question again. Are you pleading guilty of this
21 offense because you are guilty?

22 A Yes.

23 Q Okay. Now, you heard the facts recited by the State
24 and I know you don't agree with them in every particular,
25 but the question is did you buy this Sudafed to give to

1 someone in order to manufacture methamphetamine?

2 A I bought the Sudafed to take, but they had access to
3 the Sudafed.

4 Q Did you know what they were going to do with it?

5 A No. I mean, I have smoke methamphetamine with them.

6 MR. JOHNSON: Judge, I think what she's trying to
7 say, and she can correct me if I'm wrong, I don't think
8 she ever saw them manufacture, physically use the method
9 of manufacturing, but she has admitted to me and would
10 admit on the record that she has, indeed, smoke
11 methamphetamine with these co-defendants in that house.

12 BY THE COURT:

13 Q Why did you give them the Sudafed?

14 A I did not give them Sudafed. I put it in the room
15 where they had access to it to hide it because people were
16 in and out of the house. But I did not directly give them
17 the Sudafed.

18 Q Why did you hide it?

19 A Because there was people in and out of the house that
20 would take it. It has been -- Sudafed has been taken from
21 them before.

22 Q Did you have it for the purpose of making it an
23 ingredient for methamphetamine?

24 A No, sir, I did not buy it to manufacture
25 methamphetamine, but it could have been used for that.

1 Q Well, Ms. Hayes, I know that you want to enter a plea
2 of guilty to it, but it's difficult for me based on what
3 you're telling me to accept your plea.

4 THE COURT: Now, I don't -- I don't know what the
5 State's position is or the defense position is with
6 respect to an Alford plea.

7 MR. TOOKER: The State's opposed to Alford, Your
8 Honor.

9 THE COURT: That's what I thought.

10 BY THE COURT:

11 Q But I don't want you to say the right thing. I want
12 you to get the benefit of the plea if, in fact, you're
13 facing a significant amount of time, but I don't want to
14 twist your arm and make you say the right thing, okay?

15 A Right.

16 Q And I know you're feeling pressure right now. I got
17 that. Right? And you're conflicted. So I'm going to ask
18 you this straight and you just have to tell me yes or no,
19 okay? Were you involved in a conspiracy or an operation
20 to manufacture methamphetamine?

21 A I purchased -- I purchased Sudafed, yes.

22 Q Okay. So I'm going to ask you once again because it
23 sounds like you were equivocated a little bit. I want
24 just a yes or no. Were you involved in a conspiracy in an
25 operation to manufacture methamphetamine?

1 A No.

2 THE COURT: Okay. All right.

3 Let's go ahead and bring the jury in.

4 Thank you, Ms. Hayes.

5 MR. TOOKER: Thank you, Judge.

6 MR. NEWTON: Your Honor, our clients are outside.

7 THE COURT: Okay. Bring them in, please. I'm going
8 to go ahead and give the signal to bring in the jury.

9 (WHEREUPON, the jury came into open court at
10 approximately 10:16 a.m.)

11 Introductory Remarks

12 THE COURT: All right. Good morning, ladies and
13 gentlemen of the jury. Thank you for being on time and I
14 apologize to you that we started a little bit late. We've
15 been at it since before y'all got here trying to work out
16 some legal issues and some matters that are before the
17 Court. All designed, ultimately, to help us go a little
18 bit more quickly and efficiently and keep you here a
19 little bit less time. So I told you when we did the
20 qualifications yesterday that this is an official process.
21 There's some legal matters that I have to take up, we have
22 to resolve sometimes before we start with the introduction
23 of testimony and the introduction of evidence.

24 When we left yesterday, I told you that this what
25 we'd do is come in and I'd give you just an opening

1 instruction regarding the procedure that we'll follow and
2 then also define for you what your rule is and distinguish
3 that from what my role is as the judge.

4 So let's start out by my restating something very
5 important that I told you yesterday. And that is that in
6 this trial, just like in any other trial in the United
7 States of America, the Defendants are presumed innocent
8 until proven guilty beyond a reasonable doubt by a jury of
9 12 of their peers. Now, the State has the burden of
10 proof. And the State has the burden of proving each and
11 every element beyond a reasonable doubt. Now, you as the
12 jury, ultimately, will determine whether the State has met
13 its burden of proof in this case. You, as the jury, are
14 the finders of fact. You will look at all of the evidence
15 that is presented in this case and you will determine from
16 that evidence what the facts are. You will then take the
17 law as I give it to you, and you will determine whether
18 the State has met its burden of proof by applying the
19 facts as you decide them to be applying the law to those
20 facts and deciding whether that burden has been met.

21 Now, again, you are the finders of fact. That's your
22 sole and exclusive province. Nobody can tell you what the
23 facts are. You come into this courtroom with your own
24 life experiences, with your common sense. And you're
25 going to look at all the evidence that's presented in this

1 case. Evidence is going to be presented throughout the
2 case. It may come in several different forms. It may
3 come in the form of testimony from witnesses who take the
4 stand and take the oath of a witness. It can also take
5 the form of documents. It can be audiotapes, video tapes.
6 It can be actually physical objects that are entered into
7 the record. You can take any number of forms. But when
8 it comes into the record, then it's subject for you to
9 take a look at, to weigh, to analyze and look at that
10 evidence. And then when you look at all of the evidence
11 collectively, make a decision as to what the facts are.

12 I don't have any opinion and I don't have any
13 authority to tell you what the facts are. I don't have --
14 under the law, I am precluded from having an opinion about
15 the facts. So if any time during this case you hear me
16 say something that suggest to you that I have an opinion
17 about this case, that I have a preference one way or the
18 other, just disregard that. Because I can tell you right
19 now, I honestly do not have a preference one way or the
20 other. My sole and exclusive concern in this case is that
21 everybody gets a fair trial. Because whereas you are the
22 judges of the facts, I'm the judge of the law. So you can
23 pretty much characterize that as being a objective umpire.
24 Just calling balls and strikes. I don't care who wins the
25 game, that's not my concern.

1 During the course of this trial, what I'm going to do
2 is make sure we follow the law and that we follow the
3 rules of procedure as we go forward. During the course of
4 the trial, what I'll do is I'll rule on motions and
5 matters of law that come before the Court. When you hear
6 a motion that is lodged by an attorney, I'm going to rule
7 one way or the other. I'm either going to sustain an
8 objection or I'm going to overrule an objection.
9 Understand that when and if I pick a side with respect to
10 a motion or an objection that posed in this trial, that
11 doesn't mean that I'm picking a side or I have a
12 preference one way or the other to one side or the other.
13 If I have to choose, then I have to choose and I'm making
14 simply a clinical determination based on what I believe
15 the law to be with regard to the admissibility of evidence
16 or the appropriateness of the motion that's being made by
17 the party who's lodging that motion. So don't take from
18 anything that I say or do that I have a preference one way
19 or the other.

20 Also, in my role as the judge of the law what I'm
21 going to do is at the very end of the trial is give you a
22 charge on the law and tell you all of the law that applies
23 to the evidence as presented. The reason that I do that
24 at the end of the case is because I haven't seen the
25 evidence in this case just like y'all haven't seen it.

1 Everything that comes before this Court today and
2 tomorrow, I'm going to see for the first time just like
3 y'all. So as I sit here, I know about as much about the
4 case as y'all do. So I'm not in a position to charge you
5 as to all the law that applies to the evidence that will
6 be presented in this case. So once we've heard all of the
7 evidence, then I'll give you a charge on the law at the
8 end of the case.

9 Now, the procedure that we'll follow is as follows:
10 First, you will hear opening statements from the
11 attorneys. Opening statements from attorneys are not
12 evidence to be considered by you. That's simply arguments
13 from the attorneys. Opening statements, ordinarily, is
14 just an opportunity for the attorneys to introduce
15 themselves, their clients and their just general theory of
16 the case. Then after they've given you those opening
17 arguments, and each side has the opportunity to address
18 you, then the State will have the opportunity to put
19 evidence into the record. The State goes first because
20 the State has the burden of proof. Ordinarily, what
21 happens is the State will begin to call witnesses to the
22 stand. The State will put witnesses on the stand or
23 examine, as we say. Then the defense will have an
24 opportunity to cross-examine those witnesses as well.
25 After a witness has testified, then that witness is

1 ordinarily going to be excused and we'll move to the next
2 witness. And we'll follow that same procedure for each
3 and every witness. After the State has put into evidence
4 all the evidence that they intend to put into the record,
5 then the State will rest.

6 The defense then has the opportunity to put evidence
7 into the record if they choose to do so. And if they
8 choose to do so, then they will follow the same process,
9 which is examining witnesses and then the State would have
10 the opportunity to cross-examine those witnesses.

11 After the defense has put all of their witnesses on
12 the stand and put all the evidence into the record they
13 wish to put into the record, then the State would have the
14 opportunity under certain circumstances to put reply
15 witnesses in. Usually, that's very short and it's in
16 response to something specific that the defense may have
17 put into the record.

18 After that, what will happen is we'll move to closing
19 arguments. Now, closing arguments are just like opening
20 arguments in that it's not evidence. Because at that
21 time, both sides will have rested and you will have heard
22 all of the evidence that you'll receive in this case. And
23 that closing argument will, actually, be commentary on the
24 evidence that was presented. It's not evidence, it's the
25 argument. And understanding again, it's not evidence to

1 be considered by you, it's simply argument from counsel,
2 who will argue to you to try to convince you of their
3 respective sides. After you've heard arguments from
4 counsel in closing arguments, then I'll give you that
5 final charge on the law. After I give you a final charge
6 on the law, then I will instruct you to begin your
7 deliberations.

8 Now, it's very important to note that you shouldn't
9 start your deliberations until I tell you to. And that
10 will be a very clear signal. It will be very clear and
11 unmistakable when you get that. So if you have to ask
12 yourself did he tell us to deliberate, then it's not time
13 to deliberate because you wouldn't have gotten that clear
14 signal. The reason, as you know, that it's important that
15 you not deliberate until the very end is because just like
16 in your common experience with your kids, with your
17 family, with your friends, it's just not fair to make a
18 decision until you've heard everything. You've had
19 experiences in your life where you've had friends or
20 family or kids come to you and say you're not going to
21 believe what happened. And you think that it's really
22 egregious and you're taking their side and then you hear
23 the other side and you realize that wasn't the whole
24 picture. And court is the same way. It's important that
25 you wait and you hear all of the evidence that bears upon

1 the issue before you being your deliberations. So don't
2 begin your deliberations until I tell you to. And that
3 will be at the very end of the case.

4 All right. During the course of the case, we're
5 going to take breaks, pretty even breaks, between an hour
6 to hour and a half. Me, physiologically, I just need to
7 take breaks about every hour to hour and a half. And I
8 find there's, at least, one other person on the jury
9 usually who's like me, so we'll take breaks. If you find
10 that you need to take a break before then, even if we've
11 only been at it for five minutes, then, please, let the
12 bailiff or let me know and we'll take a break. Understand
13 that y'all are the 14 most important people in this
14 courtroom. And it's important that you're paying
15 attention to what's going on the stand. And if you need
16 to take a break and you're distracted for whatever reason,
17 then I would prefer that you say hey, let's take a break
18 as opposed to sitting there thinking about something else
19 and just wishing that all of us would shut up. So let us
20 know and we'll take that break.

21 We'll also break for lunch, obviously. And at the
22 close of testimony today, again, we'll break and go home
23 during the evening. Again, like I told you yesterday,
24 when you're on break, please, don't discuss the case with
25 any of your significant others or anyone and don't do any

1 self help. Just know that's it's only appropriate for you
2 to consider what's presented on the stand in this
3 courtroom.

4 So the next thing I'm going to do is ask the clerk of
5 court to administer your oath as jurors. You took an oath
6 yesterday to tell the truth. This is a different oath,
7 which swears, promises, acknowledges and affirms that you
8 will try this case in accordance with the law.

9 So, having said that, Mr. Welborn.

10 THE CLERK: If you would stand. Again, after the
11 oath is administered, answer by saying, I will. Raise
12 your right hand.

13 (WHEREUPON, the jury was sworn.)

14 Opening Statements.

15 THE COURT: Mr. Tooker.

16 MR. TOOKER: Thank you, Your Honor, may it please the
17 Court?

18 THE COURT: Yes, sir.

19 MR. TOOKER: Opposing counsel.

20 Ladies and gentlemen of the jury, I introduced myself
21 briefly the other day, but I'd like to do it again. My
22 name is Sam Tooker. I'm an assistant solicitor here in
23 Pickens County. Seated with me at counsel table is Walt
24 Wilkins and Agent Blankenship with the Pickens County
25 Sheriff's Office. And we are the State in this case. The

1 State of South Carolina represented by we three. What you
2 have before you today is a case of drug trafficking.
3 Before I get into that, I would like to thank for your
4 services. I know the judge has thanked you for service
5 and he emphasized how important it is what you doing, that
6 what you're doing here today, absent military service is
7 the most important service you can do for your country and
8 that is entirely true. So, I know that I speak for the
9 State and I'm confident that I speak for the defense as
10 well when I say thank you for your service. Without you,
11 we couldn't have this trial. We could not resolve this
12 dispute. You are -- you're the cog in that mechanism
13 without which it would not work, it would not function.
14 We could have everybody else here, the judge, the court
15 reporter, attorneys, witnesses, without the jury, we can't
16 do anything. So thank you.

17 I say this is a trafficking case. This is what we
18 call a smurfer case. A smurf as in the little blue guys
19 with the white hats that run around in the cartoon. That
20 sounds kind of silly and I don't mean to be light-hearted,
21 this is a serious case. This is serious to all the
22 parties involved. But we call it smurfing because in this
23 case what's alleged is that these people, the Defendants
24 and the people who are going to testify in this trial,
25 that these folks got together, they had a conspiracy.

1 They had a mindset to go purchase large amounts of
2 Pseudoephedrine. We all know what Pseudoephedrine is, but
3 you go into Walgreen's, you can purchase some
4 Pseudoephedrine. You've got hayfever or allergies or
5 you've got a cold. It supposed to alleviate those
6 symptoms.

7 But there's also rules and regulations and places
8 that govern how much Sudafed you can purchase. You only
9 allowed to purchase a certain amount in one day, a certain
10 amount in 30 days. So because of that, when people want
11 to manufacture methamphetamine, they need to get large
12 amounts of folks together to go buy Sudafed and bring it
13 back to cook it. So we call it a smurfer case because
14 like Papa Smurf sending out the smurfs to gather smurf
15 berries, the manufactures, the cooks, send out the
16 smurfers to different pharmacies so they can then purchase
17 Sudafed to bring back to manufacture.

18 The crux of this case is not did they purchase enough
19 Sudafed, the crux of the case is did they intend to
20 manufacture methamphetamine. And that is what you're
21 going to have to determine. And you're going to have to
22 determine that based on the facts and the evidence.

23 Now, the burden of proof, like the Judge said, is on
24 us. And that burden is beyond a reasonable doubt and we
25 accept that burden and are prepared to meet that burden.

1 But understand, too, that it is not an unsurmountable
2 burden. Every criminal case that has ever been tried in
3 this great country of ours, going back to the Constitution
4 convention 1789 in a state court, magistrate's court,
5 federal court, the burden has been beyond a reasonable
6 doubt. And every time somebody has been found guilty,
7 they've been found guilty beyond a reasonable doubt. So
8 don't think that that infers that it's insurmountable
9 because it does not.

10 Now, how are we going to prove this case? How are we
11 going to prove this case to you? Well, we're going to
12 prove it in several ways. First, we're going to call
13 several people to the stand that are going to talk about
14 pharmacies. How pharmacies work, how it is they govern
15 the sell of Pseudoephedrine to the general population.
16 Right? Then we're going to have somebody come in from a
17 company called Appriss. They're based out of Kentucky.
18 But what they do is they watch all these transactions.
19 Anytime you go into a store to purchase a product that has
20 Pseudoephedrine in it, you present your license. They
21 take that license. They either key it in or swipe it.
22 That information is then digitized, sent to this company,
23 they create records. Those records are preserved. This
24 person is going to come into court and through this person
25 we're going to introduce all the records, the Sudafed

1 records of the people that we are alleging participated in
2 this conspiracy. This conspiracy to manufacture
3 methamphetamine. And I say all these people because there
4 are 20 something people in this case that we're saying
5 participated in this scheme. Now, they might not all know
6 each other. You might have party A and party X and they
7 might not be friends. They might not go buy Sudafed
8 together, but their connections are to three people, the
9 Defendant, Michael Mealor, Cynthia Greenfield, Carol
10 Denise Hayes. Because they were buying Sudafed for these
11 three people, they have been implicated in this
12 conspiracy. So, they will testify as to what Sudafed they
13 bought, where they took that Sudafed, what they did with
14 that Sudafed. If they gave it to the parties, what they
15 got in return. Also, several of these witnesses will
16 testify as to what they saw in their house.

17 And you're going to have to listen to this stuff and
18 I know it's going to be voluminous. You're going to hear
19 a lot of people talking and a lot of it will be repetitive
20 or it may seem like maybe that doesn't tie into this case.
21 Please, try to listen hard to everything they say because
22 a lot of what they say is then going to be explained by
23 law enforcement. They'll testify to lithium batteries.
24 They'll testify to two liter bottles of Coke.

25 Law enforcement will testify as well. We're going to

1 call a fellow by the name of Detective Chad Roper with the
2 Pickens County Sheriff's Department. And he has a great
3 deal of experience. And we're going to ask him some
4 questions about how meth is manufactured and how it is
5 that you can take a product, a legal product like Sudafed
6 and go from a pill form to something that people can then
7 smoke or inject or consume and abuse. So he will explain
8 that information. There will be several law enforcement
9 officers that will testify as to how they were involved in
10 this case, how they pulled the NPLEX records initially and
11 started looking at these parties, what they did on
12 different instances when they encountered these parties
13 and interviewed this parties. So listen to what they say
14 because, ultimately, what you're going to have to
15 determine and weigh when you have to go back and
16 deliberate in the jury is credibility.

17 And the Judge will explain credibility to you in this
18 case -- and let me say this, too. If anything I say
19 differs from what the Judge says, the Judge is right. The
20 Judge is the expert on the law. I'm merely explaining to
21 you my understanding. So if anything I say is different
22 than what he says, take him at his word. Y'all are the
23 judges of the facts, he is the judge of the law and he's
24 the expert.

25 But credibility is key. These people are going to

1 testify and you're going to say, well, I don't know if
2 that person is all that credible. But you're going to see
3 all these people testify. Listen to what they tell you
4 and listen to what they say in light of what law
5 enforcement says.

6 This is a case of equation. There are a lot of
7 equations in this case. There are the equations as to how
8 you make meth, right? I mean, you take this ingredient,
9 plus this ingredient, plus this ingredient, put it in a
10 container, you do this with it, do that with it and then,
11 all of a sudden, you have a drug. There's that equation.
12 But there's also the credibility equation. How do these
13 people's credibility, how do they add up? How do they
14 appear to you in the totality of the circumstances at the
15 end of the case? Evaluate that credibility. Finally, the
16 equation you're going to have discern is how to add up the
17 facts. How do these facts all add up together and what do
18 they show you?

19 Now, when everything is said and done, when we've
20 presented all our evidence and we're back before you, at
21 that point, we will argue to you what we think the case
22 has shown. I will say what I think the case has shown and
23 the defense will say what they think. But think about
24 this as an equation when you get back there to your jury
25 room, how do these facts add up and what do they point to?

1 And it's our contention at the close of this case, what
2 these facts are going to point to is guilt. It's going to
3 be the guilt of all three Defendants on the charge of
4 trafficking methamphetamine. Thank you.

5 MR. NEWTON: I'm Robert Newton, I represent Cynthia
6 Greenfield. As you can see, there are three people on
7 trial. Each one has their own lawyer. And I represent
8 just one of those three people. Some of what I say may be
9 appropriate to the others, some of it may not. But in the
10 end, you have to decide the guilt or innocence of each of
11 those people separately. It's possible to find them all
12 guilty, all not guilty or one or more guilty plea and the
13 other is not guilty.

14 What I hold here is a perfectly legal thing you can
15 buy in any pharmacy. It contains Pseudoephedrine, which
16 is for allergies. Very common. And much of the testimony
17 in this case will be about purchasing this perfectly legal
18 product and then wild speculations and accusations about
19 what was done with this product.

20 I agree with one thing the prosecutor just told you
21 very well, and that is this case has a lot to do with the
22 credibility of the witnesses. And all during this trial,
23 I believe you will see some of these witnesses have major
24 motivations to be lying through their teeth about what
25 was, actually, going on and who was really doing it. The

1 solicitor said an interesting thing that law enforcement
2 can verify the credibility of some of what you were going
3 to hear. That that was how you make meth. Well, think
4 about that. Yes, some of these people do know how to make
5 meth because they're the ones who are really doing it.
6 Pointing the finger of blame at other people to try to
7 save their own skins.

8 As the Judge told you, it's going to be a long trial,
9 it going to be a lot of witnesses. The State gets to go
10 first. It presents its witnesses first. Not until after
11 the State is done does the defense get a chance to present
12 its witnesses. As the Judge told you, there are multiple
13 sides to a story. You should not decide until you've
14 heard all the evidence of all of the witnesses and all
15 sides of the story. Thank you.

16 MS. WIYGUL: As Mr. Newton just told you, there are
17 three Defendants in this case, there are three attorneys.
18 We're going to do the best we can not to repeat the same
19 information to y'all over and over again. There's going
20 to be some overlap and I apologize for that.

21 Briefly addressing what Mr. Tooker just told you,
22 they do call themselves the State. They're the
23 prosecutors. He told you that State's been proving people
24 guilty beyond a reasonable doubt since the Constitutional
25 convention. Well, they have. There's been witch hunts

1 even longer than that. My name is Elizabeth Wiygul, I
2 repeat Michael Mealor in this case. The Judge told you at
3 the beginning of this trial that the judicial system is a
4 bit inefficient because we are dealing with the human
5 element. I want you to keep something in mind, they chose
6 the human element that you're going to be hearing from.
7 They chose who they wanted to believe. They chose who to
8 put on trial. They do have to prove every element of this
9 charge beyond a reasonable doubt. I'm confident that at
10 the end of this trial you're going to find Mr. Mealor not
11 guilty.

12 And I want to address one more thing that the State
13 told you. They told you that they were confident that we
14 would agree with them in thanking you for being here
15 today. Well, I want to apologize for you having to be
16 here today. And I think and I'm pretty confident that at
17 the end of this trial, you will be just as upset as myself
18 and Mr. Newton and Mr. Johnson are. Our justice system
19 was set up to put guilty people in jail. It was not set
20 up to put people with allergies on trial for trafficking
21 in methamphetamine. Thank you.

22 MR. JOHNSON: May it please the Court?

23 THE COURT: Yes, sir.

24 MR. JOHNSON: Solicitor.

25 Good morning, ladies and gentlemen. Again, I'll try

1 not to be too repetitive as to what's already been
2 previously mentioned. I'm Michael Johnson, I represent
3 Carol Denise Hayes in this case.

4 Just to point out a couple of things Solicitor Tooker
5 did mention. He did mention there there will be testimony
6 and evidence as to these co-defendants and others who have
7 testified as to the amount of Sudafed or Pseudoephedrine,
8 basically, what we would all know as Sudafed, all
9 different kinds of brands and generics. They purchased
10 it, the co-defendants purchased it and they will show you
11 that. The problem is they're charged with trafficking
12 methamphetamines. They're not charged with purchasing
13 Pseudoephedrine.

14 Now, that being said, trafficking methamphetamines,
15 Solicitor Tooker also mentioned manufacture, that they
16 intended to manufacture methamphetamines using Sudafed to
17 make meth. I believe that through the testimony you will
18 hear and, as previously mentioned, there will be a number
19 of witnesses called. And I would also agree that you
20 listen to all those witnesses and let it all soak in and
21 then evaluate it as a whole in the end.

22 There's going to be a number of witnesses called that
23 will testify as to what did and not happen in 2011 at this
24 home on [REDACTED], which is a very small confined
25 living quarters. What you will not see is physical proof

1 of a meth lab, blister packs, popped out, the meth burn
2 where somebody tried to dispose of it, anything along
3 those lines, which are also very good indicators or
4 manufacturing methamphetamine.

5 I do want to thank you as well. And I guess there
6 are several different views that you can take as as far as
7 your civic duty. I often tell anybody in the military, I
8 like to shake their hand and say thank you for doing what
9 you do because if you didn't do what you do, I wouldn't be
10 able to do all the fun things I do. The bottom line is if
11 you as jurors didn't do what you do, I wouldn't have a
12 job. I wasn't be able to come to work everyday and enjoy
13 it. And this wouldn't be the best judicial system in the
14 world.

15 Now, in the end, once you have a chance to look at
16 all the evidence and hear all the testimony and consider
17 the source of all the testimony, I believe you're going to
18 come to the conclusion that my client, Carol Denise Hayes,
19 is not guilty of trafficking methamphetamine. Thank you
20 for your time.

21 THE COURT: All right. Ladies and gentlemen, you've
22 heard opening statements. I'm about to turn it over to
23 the State to begin presentation of evidence.

24 Mr. Tooker, you may call your first witness.

25 MR. TOOKER: It will be Mr. Wilkins.

(Brian Tucker - Direct by Mr. Wilkins)

1 THE COURT: Okay.

2 MR. WILKINS: Your Honor, the State calls Brian
3 Tucker.

4 THE CLERK: Place your left hand on the Bible and
5 raise your right.

6 BRIAN TUCKER,

7 after having been duly sworn, testified as follows:

8 THE CLERK: Have a seat, state your name for the
9 record, please.

10 THE WITNESS: Brian Tucker.

11 DIRECT EXAMINATION

12 BY MR. WILKINS:

13 Q Good morning, Mr. Tucker. Can you tell this jury
14 where you currently work?

15 A CVS Pharmacy in Pickens.

16 Q Who do you do for CVS Pharmacy?

17 A I'm the pharmacist in charge.

18 Q Pharmacist in charge. What does the pharmacist in
19 charge do?

20 A Regular duties of a pharmacist, plus managing and
21 training staff.

22 Q And does a pharmacist fill prescriptions?

23 A Yes, yes, sir.

24 Q Do they oversee prescription-type drugs as well?

25 A Yes, sir.

1 Q Okay. And any other duties that they may have?

2 A Maintaining compliance with the state laws and
3 regulation and customer service and staff development and
4 training.

5 Q And, Mr. Tucker, are you familiar with the policies
6 and procedures of your -- of the CVS Pharmacy regarding
7 purchase of products containing Pseudoephedrine?

8 A Yes, sir.

9 Q Can you tell this jury what your general policy is
10 regarding the purchase of Pseudoephedrine at CVS?

11 A There's state and federal guidelines as far as how
12 much Pseudoephedrine can be purchase by an individual by
13 day and also by month. Anybody that purchases
14 Pseudoephedrine can only purchase it through the pharmacy.
15 We keep it all in the back of the pharmacy. You must show
16 a valid driver's license to purchase Pseudoephedrine.
17 Whoever brings it up at the time of sale will scan the
18 driver's license, look at the driver's license and
19 validate that it is the person that's picking up the
20 Sudafed, and we also check the license for validity with a
21 black light. And then the system will tell us how much
22 Sudafed they've purchased over the last day and month and
23 make sure they're within the guidelines.

24 Q So let me back up, if I wanted to buy a box of
25 Pseudoephedrine, would I be able to grab it off the

(Brian Tucker - Direct by Mr. Wilkins)

1 counter or would I have to go the cash register and
2 request it?

3 A No, you can only request it. We're not even allowed
4 to hand it to you until you've purchased it.

5 Q So if I wanted to purchase, what would be the first
6 think I would have to present to the cashier or to you?

7 A There are cards in the aisle for different products.
8 You would bring that to the cashier or you would have a
9 consultation with the pharmacist and they recommend it if
10 it suits your symptoms.

11 Q Would I have to provide a form of ID?

12 A Yes.

13 Q Does it have to be a government-issued ID?

14 A Yes, it does.

15 Q So if I manufactured a false ID, would your system be
16 able to identify that that was not an authorized
17 identification?

18 A Yes, I believe it would.

19 Q And once they hand that ID to the cashier, what does
20 that person do?

21 A They check the picture on the ID to make sure it's
22 the person presenting, kind of inspect the ID to make sure
23 it hasn't been tampered with and then they'll scan it
24 through the system.

25 Q What information is scanned into the system?

1 A They scan the bar code and it populates into the
2 computer the person's name, date of birth, address, all
3 that. Just, basically, everything that's on the face of
4 your driver's license.

5 Q And then how do you finally effectuate the sale of
6 the Sudafed?

7 A The customer then has to agree to the terms and
8 guidelines of use, which say they're going to use it for
9 its intended purpose and they're going to abide by all
10 federal and state laws. Then they sign to agree to that.
11 Then the system will run it through a check to see if
12 they've purchased Sudafed anywhere else during the day or
13 that month.

14 Q Could there be an occasion where y'all would not be
15 permitted to, actually, effectuate the sale of the
16 Pseudoephedrine?

17 A Yes, if they've purchase more than the guideline, it
18 will print on the register receipt not to sell the product
19 and it will tell -- you know, inform the customer that
20 they're over the limit.

21 Q And are all cashiers and pharmacy techs trained in
22 this particular policy on the sale of Pseudoephedrine
23 products?

24 A Yes, they are. They're trained upon hire and then at
25 CVS, we, actually, have a bi-annual compliance that we

(Brian Tucker - Cross by Mr. Newton)

1 get, every six months we get retrained on it and have to
2 pass a test in order to continue to work in the pharmacy.

3 MR. WILKINS: Answer any questions the defense
4 counsel may have.

5 CROSS-EXAMINATION

6 BY MR. NEWTON:

7 Q Mr. Tucker, did I see you yesterday?

8 A I believe you did.

9 Q Would you identify what this is, please?

10 A This is a 12-count box of Zyrtec-D.

11 Q Is that a common medicine?

12 A Yes, sir.

13 Q What is it for?

14 A This particular product is for congestion due to
15 seasonal allergies or something of that nature.

16 Q Okay. How many grams of Pseudoephedrine are in that
17 box?

18 A In this box --

19 MR. WILKINS: Your Honor, if he could mark that as an
20 exhibit for clarification purpose, it may be helpful.

21 THE COURT: Just keep going. He's going to get
22 around to that. I'm not going to make him go in any
23 particular order.

24 THE WITNESS: There's 120 milligrams per tablet times
25 12 tablets, so.

1 BY MR. NEWTON:

2 Q So 1.44-grams?

3 A I think that's correct, yeah. Where we keep these,
4 we have tags on the shelf to tell us the total per box,
5 but I'm not sure if it's listed on the actual box.

6 Q Is that a typical type of box of Sudafed that y'all
7 sell, 1.44 gram box, is that pretty standard?

8 A Yes.

9 Q Where people buy them?

10 A Yes, sir.

11 Q And it's perfectly legal to purchase that quantity,
12 is it not?

13 A As long as you don't exceed the recommended or the
14 daily guidelines or monthly guidelines.

15 Q Do you know what the daily is?

16 A 3.6 grams per day and nine grams per month.

17 Q Okay. So a person could buy almost three of those
18 boxes in a day, correct? Well, two and a half?

19 A Correct.

20 Q Okay. And what's the recommended dosage on that?

21 A One tablet every 12 hours.

22 Q Is there a limit to the number of tablets?

23 A That would be the limit. You wouldn't to exceed 240
24 milligrams of Sudafed in a day, there's a lot of side
25 effects.

1 Q Two tablets in the 24-hour period?

2 A Exactly, on that particular product.

3 Q So 12 tablets in that box?

4 A Uh-huh.

5 Q So two a day, you would be done with that box in six
6 days, correct?

7 A That's correct.

8 MR. NEWTON: Your Honor, I'd like to have that marked
9 as Defendant's exhibit. I don't know if we should do the
10 exhibits separately by defendant or --

11 THE COURT: We'll just to it collectively.

12 MR. NEWTON: Collectively, okay. Defendant's Exhibit
13 No. 1.

14 THE COURT: Hand it down to the court reporter,
15 please, so that she can mark it.

16 THE COURT: And it's just the box?

17 MR. NEWTON: The pills are in there. It's not been
18 opened and the receipt is --

19 BY MR. NEWTON:

20 Q Did I see you yesterday at the store when I purchased
21 this?

22 A Yes, you purchased that.

23 MR. NEWTON: And the receipt that goes along with it.

24 BY MR. NEWTON:

25 Q How much did this box cost, sir?

1 A Sixteen 36 with tax.

2 THE COURT: Okay. You can mark it for identification
3 purposes as Defense No. 1 and 2, 1 being the box and 2
4 being the receipt.

5 (WHEREUPON, Defendant's Exhibit Nos. 1 and 2 were
6 marked for identification.)

7 BY MR. NEWTON:

8 Q And does not require a prescription, correct?

9 A No, it does not.

10 Q Now, you testified that the legal limit in South
11 Carolina was nine grams of Pseudoephedrine per month?

12 A Per month.

13 Q Correct?

14 A Yes.

15 Q All right. And now in a year's time, that's 12
16 months, how many grams of Pseudoephedrine can a person
17 legally purchase in South Carolina? That's 12 times nine
18 -- is that 108 --

19 A No, I'm sorry can't do the math.

20 Q Isn't that 108 grams?

21 A That's correct.

22 Q Twelve months, nine grams a month?

23 A Yes.

24 Q So a person could legally buy 108 grams of Sudafed in
25 a year in South Carolina, correct?

1 A That's correct.

2 Q All right. So would you say that a person who only
3 bought 68.54 grams in a year in South Carolina, that's
4 well under the legal limit, isn't it? A person buys 68.64
5 grams in a one-year period, the legal limit is 108.

6 A That would be under, yes, sir.

7 Q So they're well within the legal amount, correct?

8 A Correct.

9 Q Okay. This computer system that your system is tied
10 into, who runs that computer system? Is it just CVS
11 computer system or is it tied into some larger system?

12 A You know, I don't know the intricacies of the system.
13 I know that it's definitely tied within the state, then I
14 believe it is federal, but I don't know that every state
15 is, actually, tied into it.

16 Q Okay. So you just enter basic data like name, date
17 of birth, residence? Any other data go into that system
18 when a purchase is made?

19 A I believe that's it, name, date of birth, driver's
20 license number.

21 Q Okay. I assume the date and time of purchase as
22 well?

23 A Yes.

24 Q And the amount involved --

25 A Yes.

1 Q -- in the purchase?

2 A Uh-huh.

3 Q Okay. And all that's legally required to go into the
4 system, correct?

5 A Yes, sir.

6 MR. NEWTON: I have no further questions of this
7 witness.

8 THE COURT: Mr. Newton, do you intend to move those
9 exhibits into evidence?

10 MR. NEWTON: Yes, Your Honor.

11 THE COURT: You want to do that?

12 MR. NEWTON: I'd move those into evidence.

13 THE COURT: Any objections?

14 MR. TOOKER: No, Your Honor.

15 THE COURT: Without objection, they're moved into
16 evidence.

17 (WHEREUPON, Defendant's Exhibit 1 and 2 were admitted
18 into evidence.)

19 CROSS-EXAMINATION

20 BY MS. WIYGUL:

21 Q Mr. Tucker, how long have you been a pharmacist?

22 A Three and a half years now.

23 Q And what kind of training did they require?

24 A Let's see, six years of pharmacy school total.

25 Q Is that after college?

1 A Four years of undergrad and two years of graduate.

2 Q And are you required to have any continuing training?

3 I think I heard something about that, but I didn't catch
4 it all?

5 A Yes, ma'am.

6 Q What kind of continuing training do you have to have?

7 A We need to take six continuing education hours per
8 year and some have to pertain to law and some clinical.

9 Q Okay. How important is the clinical nature of the
10 training?

11 A Very important.

12 Q All right. How long have you been with CVS?

13 A I've been a pharmacist for three and I interned for
14 four years.

15 Q So some of that training you received during that six
16 years was kind of hands-on, on-the-job training?

17 A Yes, I would agree with that.

18 Q How long are the warnings that area associated with
19 the purchase of cold medicines?

20 A I don't follow your question.

21 Q You testified earlier that before someone signs and
22 is, actually, permitted to purchase the cold medicine,
23 there is, actually, a warning that they have to read?

24 A Yeah, it's not so much a warning as an agreement that
25 the customer has to agree to. It's just for the

1 Pseudoephedrine, not for cold products.

2 Q I'm sorry, the Pseudoephedrine product. What exactly
3 is in the agreement?

4 A Well, I couldn't read it to you verbatim, but,
5 mostly, it's just they're going to agree to comply with
6 federal and state regulations as far as the use of
7 Sudafed, to use it for the intended purpose.

8 Q Okay. And in your, basically, seven years working at
9 a drugstore, have you ever known someone to just scribble
10 their name down because they're in a hurry and not read
11 whatever agreement or warnings are there?

12 A I can't testify as whether or not they read the
13 message. I assume they do. I always read things before I
14 sign, so.

15 Q Okay. But you don't know whether people can sign it
16 without reading it? There's nothing -- there's no
17 checklist by each sentence where they have to initial it?

18 A They have to check that they agree. There's a green
19 box and a red box and then they sign their name.

20 Q Okay. Now, in your seven years at a pharmacy, have
21 you ever known someone to use someone else's
22 identification in an attempt to fraudulently obtain
23 prescription drugs?

24 A I don't know that I'm specifically familiar with a
25 case of somebody using -- using another person's ID to

1 pick up the drugs?

2 Q Right. Is that part of the legal training, ongoing
3 training that you get, to watch out for people trying to
4 do that?

5 A Yeah, I don't know of a specific case where that's
6 happened. I mean, I've had other incidents, but.

7 Q What other incidents have you had?

8 A Oh, someone else picking up a prescription medicine.

9 Q Okay. And that's exactly what I'm talking about.
10 Can you tell us a little bit about how that occurs?

11 A How they pick up a -- like legally pick up a
12 prescription?

13 Q No, how they illegally pick up a prescription med for
14 someone else?

15 A I don't know that it's technically illegal. They
16 come to the pharmacy, ask for a certain person's
17 prescription. We only get the identification on
18 controlled substances for prescription, so they have to
19 present their ID.

20 Q Okay.

21 A So I've had cases where people have claimed that
22 somebody that was not supposed to pick up the medicine
23 picked it up.

24 Q Okay.

25 A But in all those instances, they presented legitimate

1 identification.

2 Q Okay. Now, you stated that part of the process to
3 ensure that people are not in violation of these NPLEX
4 regulations, you check the person's ID, correct?

5 A Correct.

6 Q And you scan it in?

7 A Correct.

8 Q Do they compare the electronic signature with the
9 signature on the driver's license?

10 A No, I don't believe they do.

11 Q Okay. Sir, when did the NPLEX regulations go into
12 effect in South Carolina?

13 A I can't -- I don't know the exact date.

14 Q Do you know approximately?

15 A I know we've had the electronic system for probably
16 three years, but the monitoring has been going on longer
17 than that.

18 Q And prior to the electronic system, what did you do
19 with the handwritten log? I remember those logs.

20 A Yeah, we would just save them.

21 Q You just kept them in storage?

22 A Kept a log and saved it, but, of course, that had
23 limitations as far as determining how much Sudafed a
24 person had bought.

25 Q Right.

1 A Which is why we now have the electronic system.

2 Q Did each individual store, CVS store hold onto those
3 records in the store or did y'all ship them off to a
4 corporate CVS office?

5 A I believe we have them in the store.

6 MS. WIYGUL: Okay. Okay. I have no further
7 questions. Thank you so much, sir.

8 CROSS-EXAMINATION

9 BY MR. JOHNSON:

10 Q Mr. Tucker, just real briefly, you've gone through
11 your training previously and forgive me if I'm wrong, but
12 you did say some of your training was in continuing
13 education, some was from a legal standpoint, I guess --

14 A Correct.

15 Q -- as far as the NPLEX system and the Sudafed and I'm
16 assuming other controlled substances, is that correct?

17 A Yeah, any areas of pharmacy law. It's fairly broad.

18 Q Now, you being a pharmacists, I'm assuming you do not
19 have the occasion to ring every customer up that comes
20 through your pharmacy, is that correct?

21 A I'm not, typically, the person ringing up the sales,
22 no.

23 Q So it would, actually, be, I guess, a pharmacy tech
24 or?

25 A That's correct.

1 Q Okay. And so those are the ones, the employees most
2 of the time, actually, performing the purchase
3 transaction?

4 A Yes, sir.

5 Q Okay. Do they receive the same amount in hours of,
6 training, a tech pharmacist would like yourself?

7 A They're also required to do the continuing education
8 credits as well.

9 Q Okay.

10 A Their number is different. I don't know it offhand.

11 Q Okay. That's why you get the big bucks. Have you
12 ever had any customers that to your knowledge, I guess in
13 -- well, yes, to your knowledge that took Zyrtec as a
14 maintenance medication, maintenance allergy medication?

15 A Yes, several. It's a very popular prescription
16 product as well as over the counter.

17 MR. JOHNSON: Thank you. No further questions.

18 THE COURT: All right. Any redirect?

19 MR. WILKINS: No, Your Honor.

20 THE COURT: All right, thank you. You may step down.

21 MR. WILKINS: Your Honor, may we have approach real
22 quick?

23 (WHEREUPON, a bench conference was held.)

24 MR. WILKINS: We call Tiffany Welch.

25 THE CLERK: Place your left hand on the Bible and

(Tiffany Welch - Direct by Mr. Wilkins)

1 raise your right hand.

2 TIFFANY WELCH,

3 after having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. WILKINS:

6 Q State your name for the record.

7 A Tiffany Welch.

8 Q And where are you employed?

9 A Walgreens in Pickens.

10 Q What do you do?

11 A Staff pharmacist.

12 Q As the staff pharmacist, what are your main job
13 duties?

14 A Just to support the pharmacy manager, check
15 prescriptions and oversee the pharmacy technicians.

16 Q Did you have to go to school to do that?

17 A Yes, sir.

18 Q How many years did you go to school?

19 A Six years.

20 Q Are you familiar with Pseudoephedrine products?

21 A I am.

22 Q And does the Walgreens have certain policies and
23 procedures in place regarding the sale of those products?

24 A They do.

25 Q Can you tell this jury how you effectuate the sale of

1 a Pseudoephedrine products?

2 A When somebody comes to the counter and they're
3 requesting a product, the first thing I have to do is get
4 their ID. They, actually, have to hand it to us. They
5 can't just show us in the wallet. And we kind of give it
6 a once over to make sure it looks like them and then we do
7 have to scan it into our system. Then the information
8 auto-populates onto the screen. I ask the person to sign
9 a statement saying they're not providing a false ID or
10 false information and that there are consequences if they
11 do. They sign and then the system checks it against their
12 registry. If the sale is approved, then we can sell it.
13 If not, we cannot sell the product.

14 Q Do you know what happens to that data once you put
15 that data and effectuate the sale?

16 A It just goes into a national database and the
17 information has to be saved for, at least, two years.

18 Q And are all individuals who do the sales of these
19 products trained under this policy?

20 A They do. They all have to be trained. We have a
21 system that every person who works in the pharmacy, even
22 if it's a front employee or store manager, they have to do
23 all the PPL and they go through the federal policy and
24 Walgreens policy and if there's any state policies as
25 well.

1 Q So are there going to be times where you're not
2 allowed to, actually, make the sale of a Sudafed product?

3 A If when the ID scans and the patient signs and it
4 says the limits are exceeded, that would be a time that we
5 wouldn't be able to sell it. Or sometimes, if the system
6 is down and it's not working, we're now allowed to sell
7 it.

8 Q Okay. So when you scan somebody, that information
9 comes back to your computer so you know whether to
10 effectuate the sale or not?

11 A Uh-huh.

12 Q What if someone had a notification that they had
13 falsely fabricated, would your system detect that?

14 A It should, yeah. We scan it and if it's not a real
15 ID, it won't scan.

16 Q What if somebody is using another person's
17 identification?

18 A That would be up to us to decide if the ID that we
19 are being provided with looks like the person that's
20 handing it to us. If it doesn't, we are allowed to deny
21 the sale.

22 Q Okay.

23 MR. WILKINS: Answer questions the defense counsel
24 would have.

25 MR. NEWTON: Very briefly.

CROSS-EXAMINATION

BY MR. NEWTON:

Q Do you know anything about this national database, do you know anything about it?

A I'm not positive, but I think the name is called NPLEX.

Q Okay. Do you know what that stands for?

A No.

Q Do you know anything about it?

A About who runs it, no.

Q Okay. Do you know what company runs it?

A No.

Q So you never interact with the people who maintain the database?

A No.

Q You said the records must be kept for two years?

A I know that federal law is it has to be kept, at least, two years.

Q Okay. Now, how long have y'all been operating under this electronic database system?

A I'm not sure. I've been working for Walgreens for, at least, five years, so I know that whole time. I'm not sure the exact dates, but since I've been working for them.

Q Was it tied up this national database the entire

1 time?

2 A That I've been working with them.

3 Q Okay. And before that time period, did y'all
4 maintain records that were not electronic?

5 A I can't speak to that. I didn't work for them.

6 MR. NEWTON: Okay. No further questions.

7 CROSS-EXAMINATION

8 BY MR. WIYGUL:

9 Q I'll be brief, Ms. Welch. When you check someone's
10 ID or whatever pharmacists is on duty checks the ID, are
11 you required to compare the electronic signature to the
12 actual signature on the driver's license?

13 A No.

14 Q Okay. And how many continuing education credits?
15 I'm not sure what pharmacists call it.

16 A They're not considered CE's, so it's just like a
17 Walgreens generated a training system that they make.

18 Q So Walgreens has its own training system?

19 A Yeah.

20 Q Okay. As a pharmacist, are you required to have any
21 continuing education?

22 A On Sudafed policy, no.

23 Q On anything?

24 A Oh, yes.

25 Q What are you required to have?

1 A I believe it 30 credits every two years..

2 Q And that's just to maintain your license as a
3 pharmacist?

4 A (Witness nods heads.)

5 MS. WIYGUL: That's all I have. Thank you, ma'am.

6 CROSS-EXAMINATION

7 BY MR. JOHNSON:

8 Q I'll try to be even more brief, Ms. Welch. You
9 previously mentioned policies that all pharmacy employees
10 have to take this, Walgreen's generated policies, I guess
11 information tutorial. Is that web based?

12 A Yeah, it's web based and like, I guess, it would be
13 called like as Walgreen's portal. So we have our own
14 internet and that's how we access the program.

15 Q So the specific employee, would they have to check
16 something at the end of that tutorial, for lack of a
17 better word, to say I've read and completed this or is
18 there a --

19 A They do.

20 Q -- test at the end?

21 A There is. There's a test. There's the tutorial,
22 then there's a test. They do have to acknowledge that
23 they completed it and the those records get saved. So any
24 kind of tutorial like that, the records have to get saved
25 that each employee did it.

1 Q And is there a limit as to how many times you can
2 take this test? In other words, if I fail the Bar exam, I
3 can take it the second time. My question would be is
4 there a limit as to how many times -- if an individual,
5 perhaps, made a few wrong answers the first time, could
6 they retake that test or are they fired?

7 A They're not fired, but they do have to --

8 Q Eventually pass?

9 A Yes.

10 Q Okay.

11 MR. JOHNSON: Thank you. No further questions.

12 THE COURT: Any redirect, sir?

13 MR. WILKINS: No, Your Honor.

14 THE COURT: Thank you, ma'am. I appreciate you being
15 here. You may step down.

16 THE WITNESS: Thank you.

17 THE COURT: You're welcome.

18 You may call your next witness.

19 MR. WILKINS: The State would call Judith Hamilton.

20 JUDITH HAMILTON,

21 after having been duly sworn, testified as follows:

22 THE CLERK: If you would have a seat and state your
23 name for the record, please.

24 THE WITNESS: Judith Hamilton.

25 DIRECT EXAMINATION

1 BY MR. WILKINS:

2 Q Ms. Hamilton, where are you employed?

3 A Wal-Mart.

4 Q What do you do for Wal-Mart?

5 A I'm a pharmacist.

6 Q Do they have a pharmacy in Wal-Mart?

7 A Yes. Pharmacy manager.

8 Q Pharmacy manager. Did you have to go to school to be
9 the pharmacy manager?

10 A Not to be the manager. I had to go to school to be a
11 pharmacist.

12 Q How do you become a manager?

13 A Just through the ranks.

14 Q All right. And how much schooling did you get?

15 A Five years.

16 Q To be the pharmacist?

17 A Yes, sir.

18 Q And as the pharmacist, what are your principle
19 duties? What do you do as a pharmacist?

20 A Take and fill prescriptions on doctors' orders.

21 Q On doctors' orders. Do you also have the occasion to
22 make the sale of products containing Ephedrine and
23 Pseudoephedrine?

24 A Yes.

25 Q Does Wal-Mart have a policy in place in which adheres

1 to about the sale of those?

2 A Yes.

3 Q Can you tell this jury what policies you have in
4 place regarding the sale of Pseudoephedrine products?

5 A Well, we follow the government laws. But Wal-Mart
6 also puts a restriction on the limit you can buy in a
7 year. The government says you can get 3.6 grams in 24
8 hours, nine grams in 30 days. Wal-Mart limits 54 grams a
9 year.

10 Q So it has an additional --

11 A So it has an additional limit.

12 Q Okay. So if somebody wanted to buy a box of
13 something, Sudafed, something that contained
14 Pseudoephedrine, how would they make that purchase at
15 Wal-Mart?

16 A It has to be bought at the pharmacy. They have to
17 present a government issued photo ID. We look at the
18 picture, look at the person, make sure it's the right ID.
19 If it looks like it's been altered at all, it's falling
20 apart, breaking, cracked, the seal's broken, we don't
21 accept it. We enter their information into our computer.
22 It goes to the government database. The government
23 database either approves or denies the sale. If it denies
24 the sale, then we tell them we're sorry, we can't sell it
25 to them. If it approves it, we then get the product, ring

1 it up in our pharmacy register. It has to be sold in the
2 pharmacy. The other registers in the store would block it
3 out. It would not allow the sale. It has to be bought
4 and paid for in the pharmacy.

5 Q And are all the individuals, pharmacy techs that can
6 do the sale trained in that same or similar policy?

7 A Yes. They have to do computer-based learning --
8 training before they're allowed to sell it.

9 Q And you mentioned that you type in the information?

10 A Yes.

11 Q Some pharmacies, I imagine, they have a swipe?

12 A Wal-Mart does not allow us to swipe the driver's
13 license for Pseudoephedrine or the sale of controlled
14 substances. We have to hand key the information in.

15 Q And if somebody brought in an ID they manufactured on
16 their own, would your system be able to detect that was
17 not a government-issued ID?

18 A If it's not a government-issued ID, then it would --
19 if the ID was not registered with the government, then it
20 would not allow it to go through.

21 Q And once you enter that information, you mentioned
22 there are occasions you could not effectuate the sale?

23 A Yes.

24 Q Would that show up on your computer screen?

25 A Yes.

1 Q Deny the sale?

2 A Yes.

3 Q And what are the reasons for the denial of a sale?

4 A It just denies the sale. It doesn't tell me the
5 quantity they've purchased or any of that information. It
6 just says sale denied.

7 MR. WILKINS: All right. Answer any questions
8 defense counsel may have, please.

9 CROSS-EXAMINATION

10 BY MR. NEWTON:

11 Q You were a little skeptical on Sunday?

12 A It's not everyday three lawyers walk up and identify
13 themselves.

14 Q How long do y'all have to maintain those records?

15 A I don't maintain the records in the store. It's done
16 on a corporate level, so I don't know.

17 Q Okay. So you don't know anything about the database,
18 who runs that database or who has control of it?

19 A No.

20 MR.. NEWTON: All right. No further questions.

21 CROSS-EXAMINATION

22 BY MS. WIYGUL:

23 Q Mr. Hamilton, the pharmacists in your store, are they
24 required to compare the signature on a driver's license to
25 the electronic signature entered?

1 A We are required to do that, but that electronic
2 signature pad is so sensitive until sometimes it's not --

3 Q It's not really comparable?

4 A No, not really.

5 Q Apples and oranges?

6 A It just depends on the individual.

7 Q So if they don't look the same, you don't stop the
8 sale for that reason?

9 A No.

10 Q Okay. You stated that any pharmacist selling or
11 anyone selling the Pseudoephedrine products is required to
12 have computer-based training each year?

13 A Yes.

14 Q Do you know how long that training takes?

15 A There's two or three, maybe four different training
16 modules that you have to do and they're 15, 20, 30 minutes
17 each.

18 Q So you have to do between two and four a year?

19 A Yeah.

20 Q And are you tested at the end of those --

21 A Yes.

22 Q -- trainings?

23 A Yes.

24 Q Okay. Now, you referenced the computer database that
25 stores all this information as a government database. Do

1 you have any knowledge whether it's, actually, a privately
2 run business or a government-owned business?

3 A It's not a -- no. Wal-Mart has a database, but it is
4 connected to the government database for the sale of
5 Pseudoephedrine.

6 Q And when you say government database, you're
7 referencing NPLEX?

8 A My computer says checking the government database.

9 Q Okay.

10 A It doesn't tell me what the database is.

11 Q Now, you stated that Wal-Mart does not swipe the
12 driver's licenses. How long have you worked at Wal-Mart?

13 A Twenty-five years.

14 Q Okay. To the best of your knowledge, did Wal-Mart
15 used to swipe the driver's licenses?

16 A Not for the sale of Pseudoephedrine or controlled
17 substances.

18 Q And why is that?

19 A I don't know.

20 Q Okay. And Wal-Mart no longer sells some of the
21 products they used to sell several years ago, is that
22 correct?

23 A That's correct.

24 Q You stated that Wal-Mart limits people to buying 54
25 grams a year of Pseudoephedrine products?

1 A Yes.

2 Q Do you know what the federal limit?

3 A I don't know that there is a federal limit.

4 Q Okay.

5 A In a calendar year.

6 MR. WIYGUL: Thank you, ma'am.

7 MR. JOHNSON: No questions, Your Honor.

8 THE COURT: Any redirect, sir?

9 MR. WILKINS: No, Your Honor.

10 THE COURT: You can step down. I appreciate it.

11 Let's take a quick break before we present the next
12 witness.

13 Ladies and gentlemen, we're going to take a 10 or
14 15-minute break. When you come back in, we'll resume
15 testimony. Please don't discuss the case.

16 (WHEREUPON, the jury leaves the courtroom at
17 approximately 11:23 a.m.)

18 THE COURT: Mr. Tooker, Mr. Wilkins, your witness.

19 MR. WILKINS: Thank you, Your Honor. The State calls
20 Mr. Paul Forst.

21 THE CLERK: Place your left hand on the Bible and
22 raise your right.

23 PAUL FORST,

24 after having been duly sworn, testified as follows:

25 THE CLERK: Sir, if you would, have a seat and state

1 your name for the record.

2 THE WITNESS: My name is Paul Forst.

3 DIRECT EXAMINATION

4 BY MR. WILKINS:

5 Q Mr. Forst, where are you employed?

6 A I work for a company out of Louisville, Kentucky
7 called Appriss.

8 Q And what kind of company is Appriss?

9 A Appriss is a software solution provider, mainly
10 focused on public safety services. Our flagship product
11 is called VINE, which is Victim Information and
12 Notification Everyday. We also do products, housing
13 booking records for law enforcement as well as NPLEX,
14 which is the national precursor log exchange.

15 Q Okay. And what is your job at Appriss?

16 A Business data analyst.

17 Q Business data analyst?

18 A Correct.

19 Q And as a business data analyst, do you have access to
20 the records that Appriss maintains and controls?

21 A Yes, I do.

22 Q Do you have management authority over all those
23 business records?

24 A I have access to them.

25 Q Are you involved in maintaining their custody and

1 control?

2 A Yes. I can as the records custodian.

3 Q Let's go back. You mentioned a database called
4 NPLEX. And that stands for what?

5 A It's the national precursor log exchange.

6 Q And what is -- tell us in layman's terms what is
7 NPLEX?

8 A NPLEX is a database housing all the Pseudoephedrine
9 purchases for -- it's law in 29 states now as well as we
10 have several of the large national pharmacy chains that
11 submit to us nationwide, regardless of whether the state
12 requires it or not.

13 Q So if a state wants to get in the business of
14 requiring the purchases to be maintained in a record, how
15 do y'all get involved?

16 A Well, if the state passes a law requiring electronic
17 tracking and they specify the NPLEX system, we would then
18 go through and implement the pharmacies within the state,
19 give them access via either a retail portal, which is a
20 web based interface where the pharmacy has access to that
21 to input information or the other option is for the larger
22 chains, they use what's called a point of sale system
23 where they, basically, integrate their cash registers into
24 the system via interface on the back.

25 Q And as a result of all that, are all South Carolina

1 pharmacies connected to the NPLEX system?

2 A Yes, all pharmacies are required to report to NPLEX
3 as of January 1st, 2011.

4 Q January 1st, 2011?

5 A Yes.

6 Q Okay. And so when these records are -- so are you
7 tied into each individual pharmacy in South Carolina?

8 A Yes, all pharmacies are required to report all their
9 sales to us.

10 Q And when a pharmacy does a transaction and sells
11 somebody this Zyrtec-D sitting right here, what happens to
12 that data?

13 A Well, first, the pharmacy will require the purchaser
14 to provide photo identification, valid form of
15 identification per the state law. They would then enter
16 that information through the retail portal or their point
17 of sale system. At that time, they would also submit the
18 product information. That would then be sent to us and
19 within a second, we would bounce it off the other
20 transactions to make sure that person has not -- would not
21 be exceeding any of their state or federal limits.

22 Q So we heard previously about individuals getting
23 blocked from the purchase of -- or buying this particular
24 product. Are y'all the entity that sends them the
25 information that says blocked?

1 A Yes, we will return a recommendation as to whether it
2 be a valid sale or the person would exceed their legal
3 limits.

4 Q How do y'all house all this information that y'all
5 are constantly receiving and communicating with the
6 pharmacies?

7 A It's stored in a secured data warehouse in a database
8 and we also have a redundant system as a backup stored in
9 another facility approximately about 15 or 20 miles from
10 our main location.

11 Q Are they secure?

12 A Yes, they are.

13 Q Can they be accessed by anybody other than somebody
14 authorized by Appriss?

15 A The only people that have access to them are
16 individuals that work with the product at Appriss and the
17 records are also available to law enforcement by law.
18 They can access them through a web portal that we provide
19 for law enforcement, that once they are vetted and receive
20 an account, then they can access and search the records.

21 Q So these records are kept in your ordinary course of
22 business?

23 A Yes, they are.

24 Q Now, you were asked to come here today, you were sent
25 a subpoena to come here?

1 A Yes, I was.

2 Q And were you asked to provide certain records from
3 Appriss as well?

4 A Correct.

5 Q All right. And did you bring those records with you
6 today?

7 A I did.

8 Q And how did you obtain the records that you requested
9 to bring today?

10 A I was provided a list of names and date of births. I
11 researched those people through the system, then pulled
12 their information, their Pseudoephedrine history that was
13 sent to us, pulled that and printed it off to bring to
14 you.

15 Q All right. At this point, I want to show you what's
16 marked as State's Exhibit 21.

17 MS. WIYGUL: Your Honor, at this point, I would ask
18 we be able to approach.

19 THE COURT: Okay.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: All right. Ladies and gentlemen, I need
22 to take up a matter of law with the attorneys outside of
23 your presence. What I'm going to do is listen to some
24 arguments regarding the admissibility of the certain
25 documents and make a decision whether they're admissible

1 or not. But there may be some parts of the arguments when
2 the attorneys talk to me that isn't admissible evidence,
3 so it's necessary that I ask you to go back to your jury
4 room for just a few minutes. I'll listen to the arguments
5 in full and then bring you back in. It shouldn't take
6 more than 10 minutes, I suspect. Please don't discuss the
7 case.

8 (WHEREUPON, the jury left the courtroom at
9 approximately 11:51 a.m.)

10 THE COURT: Ms. Wiygul.

11 MS. WIYGUL: Your Honor, first off, I believe we all
12 three have separate arguments to make. As to the
13 trustworthiness and reliability, I'm assuming that the
14 documents they're attempting to show and enter into
15 evidence are the same as defense counsel has been
16 provided. Those documents have no date range of purchase.
17 As to the request, I don't know what was requested. It's
18 not on the face of the document. So that would be my
19 argument as to trustworthiness and reliability. And then
20 I believe that Mr. Newton and Mr. Johnson has additional
21 arguments.

22 THE COURT: Okay. Let me ask a question, Mr.
23 Wilkins, with respect to that issue. Do the documents
24 that you intend to introduce specify a date range in which
25 they were purchased?

1 MR. WILKINS: It specifies an exact date and time for
2 each purchase.

3 MS. WIYGUL: It does specify dates of sale. It
4 doesn't reference what date was requested to be printed
5 out.

6 THE COURT: Okay. With respect to that issue in and
7 of itself, I'll overrule the objection.

8 MR. NEWTON: Yes, Your Honor, I just argue that a
9 proper foundation hasn't been laid. He stated the
10 information is entered into their database, but they have
11 no idea what is on the other side of it, who is receiving
12 it. The Wal-Mart pharmacist testified she thought it was
13 a government database.

14 THE COURT: Okay. Mr. Wilkins.

15 (Court Reporter note: Indiscernible portions due to
16 equipment malfunction.)

17 THE COURT: I'm going to respectfully overrule your
18 motion. I recognize exactly what you're saying. I
19 believe there was the testimony that this was entered into
20 a computer system, then this witness has come in said I am
21 that person that has access to the computer system into
22 which it has been entered. I understand the logical
23 disconnect that you argue. And you can argue that and you
24 can ask him questions related to that disconnect. But
25 again, the question, ultimately, for me is the

1 reliability. I'm satisfied that they received all of them
2 that this was entered into a larger system
3 [undiscernible]. I'll let you ask the questions on
4 cross-examine with respect to that gap. But again, I'm
5 talking about the threshold of reliability for purposes of
6 admissibility. And I'm satisfied it's sufficiently
7 reliable based on the testimony of all three of those
8 witnesses in conjunction with this gentleman's testimony
9 as well.

10 Okay. Mr. Johnson.

11 MR. JOHNSON: Your Honor, I would mainly just argue
12 the limitations of the Appriss and NPLEX system. It's
13 apparent [undiscernible] won the bid to provide these
14 services. And I guess my argument would be more from the
15 reliability point of view. [Undiscernible].

16 THE COURT: Okay. All right. Thank you, Mr.
17 Johnson.

18 Mr. Wilkins, would you like to respond?

19 MR. WILKINS: It goes to the weight of the evidence
20 not the admissibility of it.

21 THE COURT: All right.

22 Mr. Johnson, I agree that goes to credibility of the
23 evidence as opposed to the admissibility of the evidence.
24 I think, you know, under that argument, it would be a
25 slippery slope that any law enforcement officer

1 [undiscernible]. And I don't think any of us would argue
2 that -- we might argue it, but we wouldn't win it, so I
3 respectfully overrule the objection.

4 Okay. Anything else?

5 MS. WIYGUL: No, Your Honor.

6 THE COURT: Good enough. Let's bring them in.

7 (WHEREUPON, the jury entered the courtroom at
8 approximately 11:58 a.m.)

9 THE COURT: All right. You may continue, Mr. Wilkins.

10 MR. WILKINS: Thank you, Your Honor.

11 BY MR. WILKINS:

12 Q By law, are you required to share this information
13 with law enforcement?

14 A Yes.

15 Q All right. I'm going to show you State's Exhibit 21
16 and ask you to take a look at it. Can you identify that
17 for me?

18 A Yes, this is business reports of the records I pulled
19 for Michael Mealor. It's his Pseudoephedrine purchase
20 history.

21 Q Okay. Where did you obtain those records?

22 A From the NPLEX database.

23 Q Are those records that are kept in the normal course
24 of your business?

25 A Yes, they are.

1 MR. WILKINS: Your Honor, we would move State's
2 Exhibit 21 into evidence.

3 THE COURT: Okay.

4 MS. WIYGUL: Your Honor, we would object based on
5 these are not merely the records of Michael Mealor.

6 (WHEREUPON, a bench conference was held in the
7 presence of the jury, but outside the hearing of the
8 jury.)

9 THE COURT: I'm going to find that it is admissible
10 as a business record. To the extent that it's something
11 other than your client, you're perfectly welcome to point
12 that out by cross-examination, but the inclusion of the
13 same is certainly not prejudicial [Undiscernible]. I'm
14 going to note all parties objections and admit State's
15 Exhibit No. 21.

16 (WHEREUPON, State's Exhibit No. 21 was admitted into
17 evidence.)

18 You may proceed, sir.

19 BY MR. WILKINS:

20 Q I'm going to ask you to take a look at State's
21 Exhibit 21, which has already been admitted into evidence.
22 Tell the jury what that document is.

23 A At the very top of it is the person's name and date
24 of birth. Then it goes to biographical history, which is
25 any variations on the name, whether it be a misspelling or

1 typo. It also gives other names, aliases as we call them.
2 It also list their date of birth, any driver's licenses,
3 any addresses they have used.

4 Q All right. If you had two similar, how would you
5 straighten that out?

6 A The only way it would get mixed up is if you had the
7 same names with the same birth date.

8 Q Okay. I'm going to page eight or nine where there's
9 a different spelling of Michael Mealor's name, in that
10 entry there?

11 A Okay. On this entry here, it looks like they
12 transposed two letters in his first name. They also
13 spelled his last name as Mealor. However, the driver's
14 license, a South Carolina driver's license of 008652971 is
15 the same driver's license number that he's used for all
16 the transactions.

17 Q That's how you tied those two individuals together?

18 A Correct.

19 Q All right. All right. I'm going to show you what's
20 been marked as State's Exhibit 22. I'll ask you to take a
21 look at that briefly and see if you can identify it?

22 A These are the business records affidavit as well as
23 the NPLEX records for Cynthia Greenfield.

24 Q All right.

25 MR. NEWTON: Same objection as before.

1 THE COURT: All right.

2 MR. WILKINS: Your Honor, State moves Exhibit 22 into
3 evidence.

4 THE COURT: Okay. Subject to the previously posed
5 objection the same is admitted as State's Exhibit No. 22.

6 (WHEREUPON, State's Exhibit No. 22 was admitted into
7 evidence.)

8 BY MR. WILKINS:

9 Q I'm going to show you State's Exhibit 23 and ask you
10 to briefly identify that as well.

11 A This is the business records affidavit for -- records
12 pertaining to a Jason Mealor.

13 Q Okay.

14 MR. WILKINS: Your Honor, the State moves Exhibit 23
15 into evidence.

16 THE COURT: Same objections?

17 MR. JOHNSON: Yes, Your Honor.

18 MS. WIYGUL: Yes, sir.

19 THE COURT: All right. Subject to those objections,
20 the same is admitted into evidence.

21 (WHEREUPON, State's Exhibit No. 23 was admitted into
22 evidence.)

23 BY MR. WILKINS:

24 Q I have a stack of some documents, State's 24, 25 and
25 26. Can you tell me what State's 24 is?

1 A Twenty-four, once again is a business records
2 affidavit as well as the records for Amanda Hayes.

3 Q And Exhibit 25?

4 A Twenty-five are the records for a Daniel Hurley.

5 Q And 26?

6 A Twenty-six would be the records for Carol Hayes.

7 MR. WILKINS: Your Honor, the State moves 24, 25 and 26
8 into evidence.

9 MS. WIYGUL: Same objection.

10 MS. WIYGUL: Okay. All right. Subject to the same
11 objection State's 24 through 26 are admitted.)

12 (WHEREUPON, State's Exhibit Nos. 24 through 26 were
13 admitted into evidence.)

14 BY MR. WILKINS:

15 Q Let's show you State's Exhibits 27, 28 and 29 and see
16 if you can briefly identify those? I give you 27.

17 A Twenty-seven are the records for Michael Hayes.

18 Q And Exhibit 28.

19 A Twenty-eight are the records pertaining to Steven
20 Hurley.

21 Q And State's Exhibit 29?

22 A Twenty-nine are the records for a Kitty Christine
23 Hurley.

24 Q And I'm going to show you State Exhibits 30, 31 and
25 32?

1 A Exhibit 30 is the records for a Louise Pruitt Mealor.

2 Q Exhibit 31?

3 A Thirty-one are for Brandon Hayes.

4 Q And 32?

5 A And 32 are the records for Melissa Wardlaw.

6 MR. WILKINS: Your Honor, we would move State's
7 Exhibit Nos. 30 through 32 into evidence.

8 THE COURT: Subject to the same objection, State's
9 30, 31 and 32 are admitted into evidence.

10 MR. WILKINS: I'm also move to admit State's 27, 28
11 and 29, I lost my count.

12 MS. WIYGUL: Your Honor, so I have clarification,
13 what are State's 28, 30 and 32?

14 MR. WILKINS: Twenty-eight is Steven Hurley, 30 is
15 Louis Mealor and 32 is Melissa Wardlaw.

16 THE COURT: All right. Subject to the standing
17 objection the same is admitted into evidence.

18 (WHEREUPON, State's Exhibit Nos. 27 through 32 were
19 admitted into evidence.)

20 THE COURT: And what you need to do before you rest
21 your case is sit down with the court reporter and make
22 sure you've gotten in what you need to get in.

23 MR. WILKINS: Thank you, Your Honor.

24 BY MR. WILKINS:

25 Q I'm going to give you State's Exhibits 33, 34 and 35

1 and if you could briefly identify those.

2 A Exhibit 33 are the records for Susan Reese. Exhibit
3 34 are the records for Rebecca Crisp and 35 are the
4 records for Angela Armstrong.

5 MR. WILKINS: Your Honor, the State moves 33, 34 and
6 35 into evidence.

7 THE COURT: Same objections?

8 MS. WIYGUL: Yes, sir.

9 THE COURT: All right. Subject to the same
10 objections, 33, 34 and 35 are admitted into evidence.

11 (WHEREUPON, State's Exhibit Nos. 33, 34 and 35 were
12 admitted into evidence.)

13 BY MR. WILKINS:

14 Q State's Exhibits 36, 37 and 38 I'm going to ask you
15 to briefly identify.

16 A Exhibit 36 are the records for Kelley McCall. 37 are
17 the records for a Billy Miller and 38 are the records for
18 Thomas Rooney.

19 MR. WILKINS: The State moves 36, 37 and 38 into
20 evidence.

21 THE COURT: Same objection?

22 MS. WIYGUL: Yes, Your Honor.

23 THE COURT: All right. Subject to the same
24 objection, 36, 37 and 38 are admitted.

25 (WHEREUPON, State's Exhibit Nos. 36, 37 and 38 were

1 admitted into evidence.)

2 BY MR. WILKINS:

3 Q And, finally, State's 39 and 40, if you could
4 identify those, please.

5 A Exhibit 39 are the records for a Curtiss Summerall
6 and Exhibit 40 are the records for a Lauren Summerall.

7 MR. WILKINS: The State would move Exhibits 39 and 40
8 into evidence.

9 THE COURT: Subject to the same objections, 39 and 40
10 are admitted.

11 (WHEREUPON, State's Exhibit Nos. 39 and 40 were
12 admitted into evidence.)

13 MR. WILKINS: That's all the questions I have, Your
14 Honor.

15 THE COURT: Cross-examination, Ms. Wiygul?

16 CROSS-EXAMINATION

17 BY MR. WIYGUL:

18 Q Have you heard the phrase [Undiscernible]?

19 A Yes.

20 Q Does that phrase apply in this case, are you limited
21 by whatever information is entered into the system?

22 A Yes, we rely on the pharmacies to enter the
23 information into our system.

24 Q Is there any kind of check and balance balances
25 within your system where if a pharmacists does not put in

1 the number of pills, just puts in the brand name?

2 A Well, the pill numbers aren't required by law. You
3 have the product information as well as the gram amount.

4 Q If they put the information in wrong, you have on
5 knowledge of that?

6 (Court Reporter note: Undiscernible portions of
7 cross-examination due to equipment malfunction.)

8 Q If Mr. Johnson had bought Pseudoephedrine using Mr.
9 Newton's ID, it would have gone into the system as Robert
10 Newton, is that correct?

11 A It would be presented to us as whatever information
12 was on the ID that the pharmacy submitted to us.

13 Q All right. Does your system require electronic
14 signatures?

15 A It does not, they are not required by law, but
16 several chains do [undiscernible].

17 Q Do you have additional requirements?

18 A We only require information is required by law.

19 Q And you don't have any personal knowledge of that
20 information, correct?

21 A I do not have any information as far as the person
22 who [undiscernible], the actual person. I have knowledge
23 as to what was submitted to us.

24 Q Was there any additional steps that you took other
25 than entering what that you're provide by the prosecution

1 and running the reports?

2 A No. The information I ran was based on the
3 information they gave me.

4 Q Did they provide you with all the list of names?

5 A They provided me a list of names, dates of birth and
6 I believe driver's licenses.

7 Q Were you provided the name Amanda Hurley?

8 A I believe so.

9 Q As well as Amanda Hayes?

10 A If they are the same person, that would be one
11 record.

12 Q So if a maiden name was used and the married name was
13 not provided to you, it would still pull up both?

14 A Yes, our system has a consolidation feature where if
15 somebody changed their maiden name, but still have the
16 same driver's license number, they would be grouped
17 together.

18 Q Okay. Does your system look at anything other than
19 Pseudoephedrine purchases?

20 A No, it does not.

21 Q Does it check for things like bottles or
22 [undiscernible]?

23 A No, strictly Pseudoephedrine and Ephedrine purchases.

24 Q Your system is not used in Michigan, is it?

25 A It is in Oklahoma.

1 Q But it is not used in Michigan, is it?

2 A No, it not.

3 (Court Reporter note: Undiscernible portions due to
4 equipment malfunction.)

5 Q Your company is private, is that correct?

6 A Yes, it is.

7 Q Who pays you for maintaining the database?

8 A [Undiscernible].

9 Q And where do they get their money?

10 A They are representative of consumer products
11 [undiscernible].

12 Q From the Pfizer, for example?

13 A Correct.

14 Q Does your company every pay law enforcement anything
15 for speaking well about your product?

16 A The only time we have reimbursed them is speaking for
17 training purposes.

18 Q So your company does issue checks to law enforcement?

19 A Yes, for training other law enforcement officials.

20 Q Do you have any record of how much your company has
21 provide to Pickens County Sheriff's Office for training?

22 A I have no knowledge of that.

23 Q How much were your paid to be here today, sir?

24 A Nothing.

25 Q It's part of your duties within the company as the

1 records custodian?

2 A Yes, it is.

3 Q And you traveled from Kentucky?

4 A That's correct.

5 Q Is that where the database is maintained?

6 A Yes.

7 Q Is that the only database that maintains these
8 records?

9 A Well, we do have a secured system as well.

10 Q Where is that located?

11 A It's also in Louisville, about 20 miles from the
12 primary location.

13 Q Now, you stated earlier that at the point of sale,
14 the pharmacies are also required to maintain records
15 within their store, correct?

16 A I did not state that.

17 Q I must have misunderstood. So are the pharmacies
18 required to maintain any of their own records?

19 A That I don't know. They are required to submit to us
20 as being the national database.

21 Q Okay. So there's no hard copies of these documents,
22 everything is stored away?

23 A On our end, yes, it is.

24 Q And so you keep these records for two years, is that
25 correct?

1 A We keep them for a minimum of two years, that's what
2 is required by law. Most states say there's a requirement
3 of two years, but we will keep them indefinitely unless
4 the law requires us to destroy them after a specific
5 period.

6 Q But South Carolina, you keep them indefinitely, but
7 only since January 1st of 2011?

8 A Well, we may have records prior to that. Basically,
9 the law became effective I believe on July 1st of 2010.
10 From that July date through January would be
11 implementation, which would be getting pharmacies up to
12 speed, getting them online. And then by January 1st of
13 2011, all pharmacies that sold Pseudoephedrine products
14 were required to report.

15 Q So prior to January 1st of 2011, you have no way of
16 knowing if people purchased Pseudoephedrine, which was not
17 recorded in your system?

18 A Prior to that time, if it was purchased at a pharmacy
19 that was not reporting to us, then we would have no
20 knowledge.

21 Q Okay.

22 MS. WIYGUL: I have no further questions. Thank you.

23 CROSS-EXAMINATION

24 BY MR. NEWTON:

25 Q Sir, I believe you just testified the electronic

1 signatures are not required to be transmitted?

2 A No, they're not required by the state law.

3 Q Are you sure about that?

4 A Yes.

5 Q They're not required by state law to take an
6 electronic signature when purchasing any Pseudoephedrine
7 or Ephedrine product?

8 A They're required to capture a signature. It doesn't
9 have to be electronic. Most pharmacies, I believe, would
10 probably keep a manual log of signatures.

11 Q Okay. So to be clear, it is your testimony that the
12 pharmacies are not required to transmit electronic
13 signatures?

14 A Correct.

15 Q On these printouts you have, for example, State's
16 Exhibit 40 here, there are blanks for electronic
17 signatures, are there not? Spaces on that printout for
18 electronic signatures?

19 A Yes, there's a blank there that no electronic image
20 was submitted to us for the transaction.

21 Q Right. But on that very page, there are places where
22 it was transmitted, right?

23 A Yes. There is a transaction here where the CVS
24 Pharmacy did submit electronic signature.

25 Q So it was just submitted on the whim of their

1 employee that day?

2 A Well, it's, typically, set up by their system, so
3 most of the larger chains do submit electronic signatures
4 to us, but they're not required to.

5 Q Are you a law officer, sir?

6 A No, I'm not.

7 Q Have you been involved in law enforcement?

8 A No, I'm not.

9 Q All right. So could you be wrong on the law on that
10 point?

11 A I could, but I'm positive that they're not required
12 to have an electronic signature.

13 MR. NEWTON: One moment, Judge, I'm sorry.

14 Your Honor, I would like the Court to take judicial
15 notice on the actual law on that matter.

16 THE COURT: All right. Show me what it is you want
17 me to take judicial notice of.

18 (WHEREUPON, a bench conference was held.)

19 BY MR. NEWTON:

20 Q Are we talking about federal or state law?

21 A Well as far as the federal CMEA law is concerned, I
22 know we're not required to have that set up. The State of
23 South Carolina, we do not have evidence that they're
24 required to submit electronic signatures.

25 Q My understanding is they have to give an electronic

1 signature before they are given the drugs, correct?

2 A They're required during the purchase to provide a
3 signature.

4 Q If they refuse to sign, they cannot purchase,
5 correct?

6 A Correct.

7 Q But isn't that signature supposed to be transmitted
8 along with the other requirements?

9 A An electronic signature is not require to my
10 knowledge.

11 Q You said a law was passed in South Carolina
12 January 1st 2011. So before January 1st, 2011, there
13 around no electronic records out there?

14 A That's correct.

15 Q So it would be hard to tell who was buying before
16 January 1st, 2011, correct?

17 A Correct. Law enforcement could go look.

18 Q All right. Now, are you familiar with an association
19 called the [undiscernible].

20 A Yes.

21 Q What is that?

22 A There are [undiscernible] who with in conjunction
23 with us to implement the system.

24 (Court Reporter note: Undiscernible portions due to
25 equipment malfunction.)

1 Q I want to draw your attention to the one of these
2 exhibits, Exhibit No. 24. Could you take a look at that
3 record, please. I'd like to draw your attention to the
4 date of November 22nd, 2011. First of all, whose printout
5 is that, which person are we talking about?

6 A This is for Amanda Hayes.

7 Q All right. Do you see an entry on there for Amanda
8 Hayes for November 22nd, 2011?

9 A You were asking for November 22nd of 2011?

10 Q Yes, sir.

11 A No, there's not.

12 Q Thank you for that information.

13 MR. NEWTON: No further questions at this time for
14 me.

15 THE COURT: Okay.

16 CROSS-EXAMINATION

17 BY MR. JOHNSON:

18 (Court Reporter note: Undiscernible portions due to
19 equipment malfunction.)

20 A It's all stored on a server, database server.

21 Q So on the server, okay. When you were asked for
22 specific names to bring with you today as mentioned
23 previously, were you given a date range or a limitation
24 on dates?

25 A I was just asked for the records based on the

1 person's name, date of birth. They also put the driver's
2 license on there.

3 Q Okay. So it wasn't necessarily the same for everyone
4 involved. If [undiscernible] purchased Pseudoephedrine
5 for her allergies in 2010 and I start in 2011, then the
6 date range would be different, is that correct?

7 A Correct.

8 Q And when you, I guess, input these names to retrieve
9 the information that you brought with you, specifically,
10 referring back to State's Exhibit 24, can you read for me
11 again, please who that information belongs to?

12 A This is for Amanda Hayes.

13 Q And were you given the name at any time of Amanda
14 Hurley?

15 A I may have been, but I was given Amanda Hayes for
16 these records.

17 Q But just to clarify, Amanda Hurley is not on that?

18 A Amanda Hurley is not. These are only Amanda Hayes
19 and Amanda G. Hayes.

20 Q Thank you very much. One final question, prior to
21 2011, I believe you said in July of 2011 is when the bill
22 passed?

23 A The bill passed, I believe the effective date was
24 July 1st of 2011.

25 Q So prior to 2011, if a person would go in a purchase

1 a box of Zyrtec D, the information at that time they had
2 to provide, would it also notify them that their
3 information was being sent to a database, just as now when
4 you provide your electronic signature that has the
5 information that tells you that your information is being
6 sent to an electronic database and asking for your
7 signature? Was that required prior to that time?

8 A Prior to that time, the only required was to keep a
9 manual log, however, we had several chains that were
10 submitting to us voluntarily per their own decision.

11 MR. JOHNSON: Okay. All right. Thank you, Mr.
12 Forst. No further questions.

13 THE COURT: Any redirect?

14 MR. WILKINS: No, Your Honor.

15 THE COURT: All right. Thank you, sir. You may step
16 down.

17 Mr. Tooker, do you think we can get the next witness
18 done within the next 15 minutes?

19 MR. TOOKER: I think direct will take less than 15
20 minutes.

21 THE COURT: So we're looking at anywhere from half an
22 hour to an hour?

23 MR. TOOKER: Yes, sir.

24 THE COURT: I'm just going to excuse y'all now rather
25 than wait. We'll come back at 2:00. Please don't discuss

1 the case during your lunch break.

2 (WHEREUPON, the jury leaves the courtroom at
3 approximately 12:59 p.m.)

4 THE COURT: All right. Anything before we break for
5 lunch?

6 MR. TOOKER: Nothing from the State.

7 MS. WIYGUL: Nothing from the defense.

8 THE COURT: Okay. We'll break for lunch.

9 (WHEREUPON, a short break was taken.)

10 MR. TOOKER: Your Honor, I think our position is not
11 that it should be read to the jury, I think they can
12 impeach that witness effectively by just asking law
13 enforcement about that code section.

14 THE COURT: I could, and I'm reluctant to do this,
15 but I could make it a part of the charge, I'm reluctant to
16 do that, but we'll discuss all of that. Okay.

17 (WHEREUPON, the jury entered the courtroom at
18 approximately 1:59 p.m.)

19 THE COURT: Okay. Mr. Tooker, Mr. Wilkins, I believe
20 it's your case.

21 MR. TOOKER: Yes, sir, the State calls Rebecca Crisp.

22 THE CLERK: Place your left hand on the Bible and
23 raise your right.

24 REBECCA CRISP,

25 after having been duly sworn, testified as follows:

1 THE CLERK: If you would, have a seat and state your
2 name for the record, please.

3 THE WITNESS: Rebecca Crisp.

4 DIRECT EXAMINATION

5 BY MR. TOOKER:

6 Q Now, Ms. Crisp, you're going to have to make sure you
7 speak into this microphone so the jury can hear you loud
8 and clear. Why don't you say your name one more time for
9 us?

10 A Rebecca Crisp.

11 Q Ms. Crisp, do you know why you've been called to
12 testify here today?

13 A Yes, sir.

14 Q Is that a yes?

15 A Yes, sir.

16 Q Are you familiar with the Defendants who are
17 currently on trial?

18 A Yes, sir.

19 Q Okay. Are you charged as well in this case?

20 A Yes, sir.

21 Q Okay. Have you been offered anything or promised
22 anything in exchange for your testimony today?

23 A No, sir.

24 Q So you haven't been promised anything by law
25 enforcement?

1 A No.

2 Q Or from anyone in our office?

3 A No.

4 Q Okay. Well, let's get down to it. Do you know the
5 Defendant, Ms. Greenfield?

6 A Yes, sir.

7 Q How do you know her?

8 A I know her through Denise Hayes.

9 Q Okay. And that's Carol Denise Hayes, the Defendant?

10 A Yes.

11 Q And how do you know Carol Denise Hayes?

12 A We worked together when I first moved down here.

13 Q Y'all were friends?

14 A Yeah.

15 Q How long have you known her?

16 A I've known her since I moved here seven years ago.

17 Q What about the Defendant, Mr. Michael Mealor?

18 A I got in contact with him, you know, knowing him
19 through her about two, three years ago.

20 Q Two or three years ago?

21 A Yeah.

22 Q I'm going to show you State's 34. Now, do you
23 recognize these records?

24 A Yes, sir.

25 Q Okay. And you've looked at these records with me or

1 have you not done that?

2 A No, sir. You went over these.

3 Q Okay. And would you say those records are an
4 accurate reflection of how much Pseudoephedrine you
5 purchased in 2001?

6 A Yes, sir.

7 Q Okay. Now of that amount of Pseudoephedrine you
8 purchased in 2011, how much of it did you keep?

9 A None of it.

10 Q None of it. Where did it go?

11 A I didn't get the Sudafed to get methamphetamines out
12 of it.

13 Q I'm asking you --

14 A I mean, like for myself.

15 Q What did you do with the Sudafed once you purchased
16 it?

17 A Oh, once I purchased it, I give it to Denise.

18 Q Denise. And that's Carol Denise Hayes?

19 A Yes.

20 Q What did you give it to her for?

21 A Mostly Xanax.

22 Q Xanax?

23 A Yes, sir.

24 Q Now, are you supposed to be taking Xanax?

25 A No, sir, I'm not.

1 Q You were not?

2 A No.

3 Q Why were you getting Xanax from Ms. Hayes in
4 exchange for Pseudoephedrine?

5 A So that I didn't purchase the Xanax myself. You
6 know, I got -- I took more Xanax -- I got more Xanax for a
7 smaller amount of money that I purchased.

8 Q Ms. Crisp, I guess what I'm asking you is do you have
9 a drug problem or did you have a drug problem?

10 A I don't care to admit that I did at one time, yes,
11 sir.

12 Q You did have a drug problem?

13 A Yes.

14 Q Did you have a criminal conviction for having drugs?

15 A Back 10 years ago, I did.

16 Q Okay. Are you clean now?

17 A Yes, sir, I am. I've been clean for three years.

18 Q You've been clean for three years?

19 A Yes, sir.

20 Q Well, you weren't clean in 2011, correct?

21 A When I moved to North Carolina, which was shortly
22 after one of my last purchases of the Sudafed, I moved in
23 with my current husband. At the time, we were boyfriend
24 and girlfriend. And when I moved to North Carolina, I got
25 clean.

1 Q When this transpired and you were getting Xanax from
2 Ms. Hayes, were you clean?

3 A No, I smoked pot and I took Xanax and stuff.

4 Q Now, have you been to the residence that Ms. Hayes
5 lives at?

6 A Yes, sir, I have. I've been there quite a few times.

7 Q Okay. Is that the same residence that Mr. Meador and
8 Ms. Greenfield live at?

9 A Yes, sir, it is.

10 Q How many times would you say you've been to that
11 residence?

12 A Over the past seven years or just during this time?

13 Q Let's say just during this time?

14 A I do not know.

15 Q Is it several times?

16 A Yes, sir.

17 Q Did you ever notice anything in particular about the
18 residence?

19 A Well, yeah and no. I mean, I never seen them
20 personally make any methamphetamines. I never sat and
21 watched them make any methamphetamines at all.

22 Q Having never seen them make methamphetamine, what
23 have you noticed at the residence?

24 A Well, there was a lot of methamphetamines being used,
25 but I never seen them personally make any meth.

1 Q Did you ever notice anything about the odor at the
2 residence?

3 A Yeah, a few times it has smelled, a toxic smell, but
4 I never made methamphetamine so I didn't know what the
5 smell is that I was smelling.

6 Q Did you ever notice if there were or were not bottles
7 of any kind?

8 MR. JOHNSON: I'm going to object to the leading
9 questions.

10 THE COURT: Okay. I'm going to respectfully
11 overrule.

12 You may continue.

13 BY MR. TOOKER:

14 Q So did you never notice whether there were or were
15 not bottles of any kind at the residence?

16 A Well, there was lots of bottles, but I'm not saying
17 anything personally against Denise, but the house was a
18 little messy at times that I was there, so I don't know --
19 I mean, it could just be trash or anything else. I mean,
20 it was --

21 Q Are we talking about soda bottles or glass bottles?

22 A Plastic bottles.

23 Q Plastic bottles. What about batteries? Did you ever
24 notice batteries?

25 A Yes, sir.

1 Q What about batteries did you notice at that
2 residence?

3 A Well, I just thought it was a tweaker thing, them
4 playing with the batteries. A lot of people have tweaker
5 habits.

6 Q I'm going to ask you to stop real quick. What is a
7 tweaker thing or a tweaker habit?

8 A A tweaker habit is somebody that is really high and
9 they've just got to fiddle. When I did meth, I colored a
10 lot. So, I mean, a lot of people had different habits
11 that they do and I just thought it was a habit.

12 Q What is a tweaker?

13 A A tweaker is somebody that's high on meth. It's a
14 sling for meth use, you know, tweaking.

15 Q And what is it you noticed about batteries again?

16 A That they peeled the labels off of it.

17 Q And we're talking about the kind of batteries that go
18 into your remote control?

19 A Yeah, batteries that you use in appliances, yeah.

20 Q And who was doing this?

21 A I've seen Melissa do it and I've seen --

22 Q By Melissa, you mean Melissa Wardlaw?

23 A I don't know her last name. It was Jason's
24 girlfriend.

25 Q By Jason, do you mean Jason Mealar?

1 A Yeah.

2 Q You saw Melissa do it. Who else did you see do it?

3 A I seen Ms. Cindy do it.

4 Q By Cindy, you mean Cynthia Greenfield?

5 A Yeah.

6 Q What about Michael Mealor?

7 A I didn't see him do it.

8 Q What about Denise Hayes?

9 A Huh-uh.

10 Q Okay. Anybody else you see fiddling with the
11 batteries?

12 A No, I only seen it like one time, so -- once or
13 twice, you know.

14 Q And of the five purchases of Sudafed that you made in
15 2011, how many went to Ms. Hayes?

16 A Well, actually, I never give them to anybody but her.

17 Q Did you ever see what she did with them after you
18 gave it to her?

19 A She took them to the back bedroom, to the very back
20 bedroom in the house.

21 Q The very back bedroom. Whose bedroom was that?

22 A I believe it was Michael and Cindy's.

23 Q Michael Mealor and Cynthia Greenfield?

24 A Yes.

25 Q And how did the exchange work when you provided Ms.

1 Hayes with the Pseudoephedrine and she gave you Xanax?

2 A The only person that I talked to in the house or did
3 any kind of back and forth exchange was to Denise, so
4 whoever it went to then, I do not know. I cannot say
5 personally from my experience I seen her hand them to
6 anybody.

7 Q Yes, ma'am.

8 A I never seen her hand them to nobody, you know, as
9 far as I never seen transactions.

10 Q What I'm asking you specifically is when you gave her
11 the Sudafed, would she immediately give you the Xanax in
12 exchange?

13 A You know, yeah, or when she got her prescription in.

14 Q She was getting Xanax from her prescription and
15 giving it to you?

16 A Yeah.

17 Q And you said each time that you gave it to her, she
18 would go to the back bedroom?

19 A Yes, sir.

20 Q Immediately?

21 A Not immediately, you know, like as soon as we walk in
22 the door or whatever, you know, go straight back there,
23 but -- because I would hang out at her house a little
24 while, you know.

25 Q Okay. And did you ever purchase Sudafed with anybody

1 else involved in this case?

2 A Yes, I went to the store and Jason Mealor and his
3 girlfriend, Melissa, at the time, yes, they purchased
4 Sudafed at the same time I had.

5 Q Anybody else?

6 A No, sir.

7 Q Nobody else?

8 THE COURT: No further questions at this time, Your
9 Honor.

10 CROSS-EXAMINATION

11 BY MR. NEWTON:

12 Q Ms. Crisp, how are you doing today?

13 A I've seen better days.

14 Q Okay. You just mentioned you were charged in this
15 very case. What exactly are you charged with currently?

16 A Right now, purchasing Sudafed. In this case?

17 Q Uh-huh.

18 A That's the only thing I have pending.

19 Q The criminal charge, do you know what the criminal
20 charge is you're charged with? That you're at risk for?

21 A Helping manufacture methamphetamine.

22 Q All right. In what amount?

23 A That, I really do not know.

24 Q Do you have a lawyer representing you?

25 A Yes, I do, Steven Alexander. He's not here today.

1 Q Does he know you're here testifying today?

2 A Yes, sir, he does.

3 Q Have you ever talked with him about the potential
4 time period you're facing for your charge?

5 A I know it's a couple of years, a few years, quite a
6 few years.

7 Q Couple of years?

8 A Yes..

9 MR. TOOKER: Your Honor, I'm going to go ahead and
10 object. It seems to me Mr. Newton is going into something
11 you ruled on prior.

12 MS. WIYGUL: Your Honor, I believe this goes directly
13 to what -- perhaps, we should take this up outside the
14 presence of the jury.

15 THE COURT: Y'all come on up.

16 (WHEREUPON, a bench conference was held in the
17 presence of the jury, but outside the hearing of the
18 jury.)

19 BY MR. NEWTON:

20 Q Ms. Crisp, isn't it true that you're charged with
21 conspiracy or manufacturing methamphetamine in the amount
22 of 100 grams?

23 A Yes, sir.

24 Q And doesn't that carry substantially more time than
25 two years in prison?

1 A Yes, sir, it does. But let me clarify something on
2 myself. My -- a couple -- okay, from where I'm from, my
3 language is a little bit different than South Carolina.
4 I've had to deal with that a lot over the seven years, my
5 language difference. A couple is two years to you, okay.
6 Where I'm from, you can say a couple and a couple means
7 more than two years. So I'm sorry, for that, for your
8 misunderstanding of my language. But I am charged with
9 this charge. It's 15 or more years. I don't know
10 exactly.. It could be 15, a less amount or --

11 MR. TOOKER: Judge, I'm going to object to her
12 response.

13 THE COURT: Okay.

14 At this point, I'm going to overrule your objection.
15 It may be something we need to clarify at some time, but
16 at this point, I'm going to overrule the objection.

17 MR. TOOKER: Thank you, Judge.

18 BY MR. NEWTON:

19 Q You said you think it's 15 years?

20 A Fifteen is the lesser amount of it. It's greater
21 than that. I think it's like 20, 25. I'm not sure. It's
22 on my paper where I was bonded out, all of the
23 information. I haven't really looked over it too well to
24 really read it. I read it with my lawyer and I haven't
25 picked it up since.

1 Q Without getting to an exact real amount of time, do
2 you agree that it's a substantial scary amount of prison
3 time that you're facing?

4 A Yes, sir, it is.

5 Q And how do you feel about that?

6 A Well, being that -- if you want my honest true
7 feelings, being at the time that when I was doing this, I
8 knew it was wrong. I will admit to that. And the fact
9 that other than this, I am a great mother to my kids.
10 Other than doing this, my kids have always come first.
11 And being the fact that my parents will be raising my
12 children, yes, it is. And my husband -- the lifestyle
13 that I have changed my life, too, yes. I should have done
14 it a long time ago and I wouldn't be facing this time.

15 Q How many kids do you have?

16 A Two.

17 Q How old are they?

18 A Ten and nine.

19 Q Who would your kids be with when you went over to
20 visit Denise Hayes?

21 A With my parents.

22 Q And were your kids with you when you were doing Xanax
23 and marijuana?

24 A No, they was not with me. I've never done that
25 around my children.

1 Q But you had custody of them at the time?

2 A Yes, sir.

3 Q This drug addiction you refer to, that was in North
4 Carolina, you said?

5 A Yes, sir.

6 Q When did you move down to South Carolina, do you
7 remember the year?

8 A 2006.

9 Q 2006. How quickly did you get to know Denise Hayes?

10 A She was working at the store that I worked at prior
11 to me getting a job.

12 Q What store was that?

13 A Six Mile Store in Moore.

14 Q Now, it is your testimony that you never bought
15 Pseudoephedrine or Sudafed before the year 2011 in your
16 whole life?

17 A No, I haven't.

18 Q Never?

19 A Never.

20 Q You ever had a cold, sinus problems, allergies?

21 A Yes, but my daddy is very old, so I did a lot of home
22 remedies. I never bought Sudafed before this, no, I
23 haven't.

24 Q Well, do you know what I'm talking about --

25 A Yes, sir, I do know --

1 Q -- like something you buy over the counter?

2 A Yes. I usually take Tylenol Sinus medicine or my
3 daddy will fix me up some kind of remedy at home.

4 Q All right. How about your kids or anybody else, you
5 ever buy them products like Pseudoephedrine or Ephedrine?

6 A No, I don't have to, no.

7 Q Now, when was the first time that will you went to
8 [REDACTED] ?

9 A I took her home one day after work, one night after
10 work.

11 Q Do you remember when?

12 A Well, seven years is a lot of time to forget stuff.
13 I took her home right after work one time.

14 Q And you said that all that time since 2006, you've
15 been over to that house just a few times to that house?

16 A I could go over there today and not ever go back over
17 there again for three to six months span or longer.

18 Q Well, in 2011, who do you think was living in that
19 house?

20 A Brandon, Michael, Cindy, Jason and Melissa, Denise,
21 her husband, Michael, and I think that's it.

22 Q Well, at different times during the year 2011, wasn't
23 it true that plenty of people live there and people were
24 coming and going all the time?

25 A Yes, sir.

1 Q All right. Lots of people used it as a place to
2 stay, correct?

3 A Uh-huh.

4 Q All right. Do you know a Steven McCrary?

5 A No, sir.

6 Q Okay. You don't know -- he was living there. How a
7 Melissa Wardlaw, do you know if she was living there at
8 any time?

9 A Yes, that's Jason's girlfriend.

10 Q Jason Mealor?

11 A Uh-huh.

12 Q Do you know somebody named Charlie Reddiss?

13 A No, sir.

14 Q Never met him?

15 A Huh-uh.

16 Q How about Larry Pendergraff?

17 A No.

18 Q Brandon Hayes? I believe you mentioned him. You
19 know he was living there?

20 A Yeah.

21 Q Amanda Hayes?

22 A I know her, but I didn't know she was living there.
23 She was with Danny at the time.

24 Q Danny Hurley?

25 A Yeah, I know him.

1 Q Do you know he was living there at this residence
2 during this time in 2011?

3 A No, sir.

4 Q Mike Hayes?

5 A Yes.

6 Q He was living there at the time?

7 A Yes, he was living there whenever I was going there.

8 Q Billy Miller?

9 A No, sir.

10 Q You don't know Mr. Miller?

11 A No, sir.

12 Q How many times in 2011 do you think you, actually,
13 went to the house?

14 A Off and on. Like I said, I could go today and three
15 months down the road, I would show back up. I mean,
16 there's months at a time that I would come and go. There
17 was, actually, during the seven years that I've lived here
18 that I didn't even show up over at her house.

19 Q Well, do you one time, two times, three times?

20 A I would say, if you're wanting a figure, 10 times, 10
21 or 11 times.

22 Q In 2011?

23 A In 2011, yes, sir. Or during this time period, maybe
24 10 or 11 times. From June to August, I was there
25 frequently.

1 Q June to August of 2011 --

2 A Yes, sir.

3 Q -- it's your testimony you were there about 10 times?

4 A I was there frequently. From June to August, I was
5 there frequently, a lot. But before June, I was hardly
6 there at all.

7 Q So what were you doing between June and August to
8 make you hang out there so much. What were you doing
9 there?

10 A I was just hanging out. Just going by saying hey. I
11 did this during that time period.

12 Q Would you go to see anyone in particular?

13 A Denise.

14 Q Denise.

15 A Denise is my friend. She was my friend.

16 Q All right. Did you do much interaction at all with
17 the other people at that house?

18 A Yeah, I've talked to them. I hung out, you know. I
19 would go see -- they've all been -- all of her children
20 have been my friends. During the seven years, I've got to
21 know them. You can't just go to one house and not say hey
22 to everybody, you know. They was in the living room or
23 walking around. I'm a very friendly person.

24 Q Okay. Few more names. Robert Howard, do you know
25 him?

1 A I do not know him.

2 Q And were there any kids there?

3 A Lastat and Eric.

4 Q How old were they?

5 A Eric, I'd say at the time might have been 10, 11, 12
6 maybe. Lastat is the same age as my youngest son.

7 Q All right. Whose kids were they?

8 A They were Jason's, but Denise was raising them.

9 Q Right. Now, you told this jury that you have not
10 been offered or promised anything by the State in exchange
11 for your testimony today?

12 A No, sir, I have not been offered nothing.

13 Q Did you not meet with the prosecutor at the
14 solicitor's office here in this courthouse on
15 November 27th of this year?

16 A Yes, but they have not offered me nothing. They said
17 they could not offer me no plea bargains, no nothing.

18 Q Did they offer you an explanation as to why they
19 could not make that offer?

20 A Because they couldn't.

21 MR. TOOKER: Objection, this is hearsay.

22 THE COURT: Okay. I'll allow him to ask the
23 question.

24 BY MR. NEWTON:

25 Q It's your testimony that they told you they could not

1 make you any offer or promise. Did they say why? Did
2 they explain why that's true?

3 A Well, I asked. I did ask what I could get and they
4 said they could not offer me nothing.

5 Q Did they give an explanation why?

6 A Yes.

7 Q Why was the explanation?

8 A The explanation was that if they offered me
9 something, it might not be what I would get as far as the
10 jury or the trial or all that. Like they couldn't offer
11 me something and not be able to uphold, I guess, is what
12 you were looking for.

13 Q I'm not sure I understand your answer.

14 A Okay. It's a jury trial. It's a state trial. It's
15 not up to them to offer me anything. They cannot offer me
16 nothing. I will get charged with whatever I'm charged.

17 Q Well, you know, these are the people who decide what
18 you get charged with?

19 A Yes, but they will not offer me nothing. I've asked
20 for a plea bargain or offer and they will not offer me
21 nothing.

22 Q What do you expect to happen with your case?

23 A Well, I probably will go to jail.

24 Q For how long?

25 A I do not know. I know what I'm charged with. I know

1 what the charges are. I know what I will be going to jail
2 for, how long the time. But I'm leaving it to the Lord to
3 decide my fate..

4 Q Are you going to have a trial? Are you going to
5 plead guilty?

6 A I don't know.

7 Q When is this decision going to happen?

8 A Whenever me and my lawyer sit down to finalize
9 everything. He said to wait and see what happens.

10 Q He said to wait until after this trial, did he not?
11 Isn't that what everybody is waiting on, to see how you do
12 in your testimony today?

13 A I don't know.

14 Q Isn't it true that you went to the solicitor hoping
15 that your testimony you get a better deal, don't you hope
16 that?

17 A I'm hoping on a lot of things to come out of this.

18 Q Do you what to go to prison for a long time?

19 A No, sir, I don't.

20 Q Do you want to stay out of prison?

21 A Yes, sir, I do.

22 Q And you're hoping by your testimony and corporation
23 with the prosecution they will be more lenient on you,
24 aren't you hoping that, isn't that the truth?

25 A Well, yeah.

1 Q Thank you for your honesty in that regard. Now,
2 where Denise Hayes getting the Xanax that you say --

3 A She has a prescription for them.

4 Q Did she at the time?

5 A At the time, yes.

6 Q Okay. Have you ever had a prescription for Xanax?

7 A No, sir, I haven't.

8 Q Ever tried to get one?

9 A No.

10 Q When did you acquire this Xanax habit of yours?

11 A I guess when I was 26.

12 Q How old are you now?

13 A Thirty-two.

14 Q How did you first acquire your first Xanax?

15 A A husband -- well, not a husband, a boyfriend, should
16 have been my husband.

17 Q How many Xanax were you taking a day during 2011?

18 A Not very many because I could make them last for a
19 very long time.

20 Q Let's talk about this odor you said you smelled. I
21 believe you said you had no idea what it was?

22 A No, sir, I don't.

23 Q No idea?

24 A No. It was a strong odor.

25 Q And that was at [REDACTED]?

1 A Uh-huh.

2 Q In 2011, were there lots of cats and dogs in that
3 house?

4 A There was a few cats, but cats make it smell as stout
5 as it was. I mean, I know a cat odor. I've been around
6 animals.

7 Q Were there lots of cats in the house?

8 A Yes, sir.

9 Q All right. And do cats sometimes do things in the
10 house you'd rather they do in the yard?

11 A Yes, sir, but there's -- excuse my language, but
12 there's one smell of shit and there's a smell of something
13 else. I know what shit smells like. I have a farm.

14 Q Let me ask you this, could it have been the smell of
15 cleaning agents, chemicals thrown on the floor to clean up
16 cat crap?

17 A Well, if the house was cleaner than what it was, I
18 would assume that. I'm not being mean, but, I mean, I
19 know the smell of an animal versus something else.

20 Q All right. But it's your testimony this was a very
21 messy household?

22 A It was a little messy at times, yes, sir, it is.

23 Q Did you ever offer to help clan up?

24 A I have cleaned up her house before.

25 Q What would you do? What would you clean up?

1 A I would clean up her living room.

2 Q Whose?

3 A Denise's. I would sweep sometimes. I've washed her
4 dishes.

5 Q Okay. Now, is your testimony that Cynthia and
6 Michael were living there all during 2011?

7 A I don't know. During the time that I was there, they
8 lived there, yes, sir. During June and August, I know
9 they lived there full time during that time.

10 Q Did you ever ask them do you live here?

11 A Well, whenever they -- you know, all their clothes is
12 in the back bedroom, you know, they've got a living area,
13 yeah, you can assume that they're living there.

14 Q Aren't you aware that, actually, Cynthia was living
15 at Newton Road a few miles away.

16 MR. TOOKER: Objection, that's assuming facts not in
17 evidence.

18 THE COURT: I'll overrule. I'll give him some
19 latitude on cross-examination.

20 BY MR. NEWTON:

21 Q Were you aware of that?

22 A Well, I'm not very personal friends with her, so I
23 don't know how many houses that they live in.

24 Q Thank you for that. So you really don't know them
25 that well at all, do you?

1 A Not Michael and Cindy, no.

2 Q Right.

3 A I know Denise very well.

4 Q Now, you said you never saw anybody making meth
5 there?

6 A No.

7 Q Have you ever seen anybody make meth?

8 A No, I haven't.

9 Q At any time in your life?

10 A No, sir, I haven't.

11 Q At this time or in North Carolina?

12 A No.

13 Q Did you every sit down with any of the people
14 involved in this case, the many people involved in this
15 case, and come up with some agreement? Did y'all ever
16 have any conspiracy to manufacture a certain amount of
17 meth?

18 A No, sir.

19 Q With anybody?

20 A No, sir.

21 Q You never had any such conversation?

22 A No.

23 Q Or understanding?

24 A No.

25 Q With anybody?

1 A No.

2 MR. NEWTON: No further questions from me.

3 CROSS-EXAMINATION

4 BY MS. WIYGUL:

5 Q Ms. Crisp, I sympathize with you. I'm from the
6 mountains in North Carolina myself. You told Mr. Newton
7 that in 2011, you went to [REDACTED] frequently?

8 A During June and August.

9 Q During June and August. How do you recall that it
10 was June and August?

11 A Because it was the summertime.

12 Q Okay. And why were you going over there more
13 frequently during that time?

14 A Because I was hanging out with Denise. Like I said,
15 there could be a great amount of months or a few weeks
16 that I would come by and just hang out with Denise. And
17 then there would be a long, long period of time that I
18 would never -- you know, it would be a long time before I
19 went back.

20 Q Okay. Now, when you hung over there with Denise,
21 what did you do?

22 A Me and her would just hang out. We would sit outside
23 and enjoy the outside.

24 Q So you didn't spend much time inside the house?

25 A Not a lot.

1 Q Okay.

2 A I mean, it's summertime. I'm an outdoorsy person.

3 Q Were you getting Xanax from my other sources during
4 this time when your habit was bad?

5 A No.

6 Q Only from Denise?

7 A Yes, ma'am.

8 Q Okay.

9 A I never acquire a lot of people to, you know, get
10 anything from.

11 Q Who was supplying you with marijuana during this
12 time?

13 A That name I wouldn't like to say, but it's nobody in
14 this trial or at that household.

15 Q But you don't want to say who gave it to you?

16 A No, ma'am, I don't.

17 Q Okay. What plans have you made -- you told us that
18 you anticipate going to prison for many years, what plans
19 have you made for the care of your children?

20 A Me and my lawyer has already talked about that and my
21 parents will get custody of my kids. Because before I got
22 married, I lived with my parents the whole time I have
23 raised my children.

24 Q So who's raising your children now, you or your
25 parents?

1 A I do. I do. I still have custody of my children.

2 Q Were the children living with you in 2011?

3 A Yes, ma'am, they was.

4 Q Where were they when you were over at Ms. Hayes'
5 house?

6 A My parents and a lot of times, I would stop by there
7 before I went home from work.

8 Q Maybe I'm confused. Do your parents live in South
9 Carolina or North Carolina?

10 A My parents -- as of right now, we are all living in
11 South Carolina.

12 Q I'm sorry, ma'am. Everything I ask you if I don't
13 specify a date, I'm talking about 2011?

14 A As of right now, we all live in South Carolina.

15 Q I understand that. In 2011, where did your parents
16 live?

17 A In South Carolina. We all as of right now, live in
18 South Carolina. We have for seven years.

19 Q Okay. So were you living with your parents in 2011?

20 A Yes, ma'am, I was.

21 Q Okay. So have you ever had the full time care of
22 your children without your parents taking care of them?

23 A Yes, ma'am. When me and my husband moved to North
24 Carolina, my children went with me.

25 Q Okay. That's where I was getting confused. But you

1 don't plan to leave your children in the care of your
2 husband?

3 A No, ma'am. Because they're not -- he is not their
4 legal father.

5 Q Okay.

6 A He is the stepdad. My kids will stay where they have
7 been comfortable their whole life, with my parents.

8 Q Okay. Now, you said that the State told you they
9 couldn't make you any promises, correct?

10 A That's right. I asked. I asked whenever I went to
11 his office and when I went to the hearing when we were
12 over in Central or Clemson to that hearing. I have asked
13 many a time since I'm working, you know. I have agreed to
14 all the meetings and everything. What -- you know, what
15 -- can a deal be made? If I plead guilty, what kind of
16 deal can I -- you know, is it going to be reduced,
17 anything like that and nobody has offered me anything.

18 Q Now, we know you met with them on November 27th of
19 this year?

20 A Uh-huh.

21 Q You just referenced meetings, when else did you meet
22 with them?

23 A I've had two hearing or whatever over there in
24 Central. This one, he was on the stand, that man right
25 there, the officer.

1 Q Did the officer tell you what you could expect?

2 A No, ma'am, he would not.

3 Q Has your attorney told you anything to plan on?

4 A No.

5 Q Your attorney has not told you anything to plan on?

6 A No, ma'am, he's not. All he said was to have --
7 well, he didn't. I told him I wanted to -- before any of
8 this to have my kids took care of first and that's at my
9 first meeting before I even turned myself into the law.

10 Q Your kids are your first priority?

11 A My kids are my first priority.

12 MR. WIYGUL: I don't have any further questions.

13 Thank you.

14 CROSS-EXAMINATION

15 BY MR. JOHNSON:

16 Q Ms. Crisp, just a few questions. I'll be very brief.
17 You previously mentioned you were getting Xanax from
18 Denise Hayes, Carol Denise Hayes?

19 A Uh-huh.

20 Q And this started as early as what time frame?

21 A When I first moved down here in 2006.

22 Q So, initially, you were getting Xanax from Denise
23 without exchanging it for anything else, is that correct?

24 A That's correct.

25 Q Did you ever give her cash money for those Xanax?

1 A Yes, sir, I did.

2 Q Were the Xanax recreational or did you need them for
3 any other type of disorder?

4 A A lot of times I have a hard time sleeping and
5 that's, basically, what started me on Xanax. She got
6 stick Xanax or what you would call a pole, stick,
7 whatever, and I could quarter them and sleep very good at
8 night.

9 Q Quarter them meaning you would cut them down in
10 fourths?

11 A Yes. And I never bought more than two or three at a
12 time from her.

13 Q Okay.

14 A And I could make them last me, because I would
15 quarter them down, for weeks.

16 Q Which is, like you said, how you could make them last
17 for a while?

18 A Uh-huh.

19 Q And you had mentioned previously that you did witness
20 some of these people that were staying at this house use
21 meth at some point?

22 A Yes, sir.

23 Q Obviously, you were there when you witnessed it if
24 you saw them doing it in the house or at the location?

25 A Yes, sir.

1 Q Were you using methamphetamine?

2 A I have.

3 Q Okay. And around about what time was that?

4 A I really cannot say because I've been clean from that
5 for a while. I never dated the fact of when I stopped
6 that because that never really was a habit habit as far as
7 smoking was a big habit of mine. I got that date set down
8 in my mind, so I really don't know.

9 Q So it was prior to stopping the marijuana and the
10 Xanax, is that fair to say?

11 A Yeah.

12 Q Did you ever see Carol Denise Hayes manufacturing
13 methamphetamine?

14 A No, sir, I have not.

15 Q Okay. Did you ever see her give any Sudafed directly
16 to anybody?

17 A I never seen no handoff, that's what I was just
18 saying. I never seen no handoff as to anything.

19 Q Okay.

20 A The only handoff that I witnessed was me handing her
21 the Sudafed after I purchased it. As far as what hands it
22 went to after that point, I do not know.

23 Q Okay.

24 A I never seen nobody do anything.

25 Q Okay. Fair enough. Did you ever purchase

1 methamphetamine from anybody at that house or who was
2 staying at that house?

3 A No, sir, I have not.

4 MR. JOHNSON: No further questions. Thank you,
5 ma'am.

6 THE COURT: Redirect, sir?

7 MR. TOOKER: Just one clarification.

8 REDIRECT EXAMINATION

9 BY MR. TOOKER:

10 Q You bought a total of six times in June and August in
11 2011, does that sound right?

12 A Yes, sir.

13 Q Did you give all six boxes to her at once or was this
14 buy a box and go over there and give it to her and get
15 some pills, buy a box, go over there and give it to her
16 and get some pills?

17 A The amount that I purchased at each purchase that I
18 have purchased Sudafed, at that purchase, I would hand
19 those box -- or that amount to Denise.

20 Q Okay. So on six separate occasions, you gave Denise
21 Sudafed --

22 A Yes, sir.

23 Q -- and she gave you pills?

24 A Yes, sir.

25 Q Meth at the house, was that common?

1 A There was only a couple of times during this period
2 or any period during the seven years that I've known her
3 that I've seen meth. I mean, it's not like every time I
4 was there it was there. That's not how it was.

5 Q But you've been there and people have been smoking
6 out in the open?

7 A Yeah. Not a lot. I didn't see it a lot.

8 Q Was it always smoking or was it injecting?

9 A No, just smoke.

10 MR. TOOKER: No further questions.

11 THE COURT: Any recross?

12 MR. NEWTON: No.

13 MS. WIYGUL: No, sir.

14 THE COURT: Mr. Johnson?

15 MR. JOHNSON: No, sir.

16 MR. TOOKER: Permission for this witness to be
17 excused.

18 THE COURT: Without objection?

19 MR. JOHNSON: No objection.

20 MS. WIYGUL: No objection.

21 MR. NEWTON: No objection.

22 THE COURT: Thank you for being here. You can step
23 down.

24 You may call your next witness.

25 MR. TOOKER: The State calls John Ross.

1 THE CLERK: Place your left hand on the Bible and
2 raise your right.

3 JOHN ROSS,

4 after having been duly sworn, testified as follows:

5 THE CLERK: If you would have a seat and state your
6 name for the record, please.

7 THE WITNESS: John Richard Ross.

8 DIRECT EXAMINATION

9 BY MR. TOOKER:

10 Q All right. Mr. Ross, what do you do for the
11 sheriff's office?

12 A I'm a reserve deputy for the Pickens County Sheriff's
13 Office.

14 Q What does that mean, sir?

15 A I'm a volunteer.

16 Q You volunteer?

17 A Yes, sir.

18 Q Are you qualified the same way a normal deputy is?

19 A Yes, sir, I am.

20 Q So you have the same kind of credentials?

21 A Yes, sir, the same credentials, ability to make
22 arrest.

23 Q How long have you been doing that?

24 A Since September 28th, 2001.

25 Q Okay. What did you start off doing?

1 A I worked with the uniform patrol division.

2 Q What do you do now?

3 A In 2005, I was assigned to the special operations
4 division. I assist with the local state and federal
5 investigations.

6 Q What is special operations?

7 A We investigate things that uniform patrol doesn't do,
8 vice crimes, drugs, narcotics, guns.

9 Q Is it mostly narcotics or guns or gangs?

10 A The majority of it is narcotics, yes, sir.

11 Q And what narcotic do you most often deal with in
12 Pickens County?

13 A Methamphetamine.

14 Q Okay. And what is NPLEX?

15 A NPLEX is the National Precursor Log Exchange program.

16 If you buy Sudafed at a store, the retailer will request
17 identification, such as your driver's license. They will
18 scan that information into the computer using their

19 National Precursor Log Exchange portal. If that

20 transaction that you're trying to make exceeds the legal

21 limit, they'll get an instant message back to deny the

22 sale. And that information, the date, time and location,

23 the amount that you tried to buy, whether or not you,

24 actually, made a purchase, your name, your date of birth,

25 all that goes into a database and it can be searched by

1 law enforcement.

2 Q Okay. How do you know all that?

3 A I'm the NPLEX user for Pickens County Sheriff's
4 Office.

5 Q So you're the person who has access to those files?

6 A Yes, sir.

7 Q Okay. And you're familiar with its uses in South
8 Carolina?

9 A Yes, sir, I am.

10 Q Okay. How did y'all first become aware of the people
11 involved in this case?

12 A In this case, the first clue that we got were the
13 number of people that were using [REDACTED] in Six
14 Mile from the same address purchasing on the same day or
15 within a couple of days. And with that, we developed a
16 group.

17 Q [REDACTED] in Six Mile, is that in Pickens
18 County, South Carolina?

19 A Yes, sir.

20 Q You say you noticed people with that address doing
21 what exactly or why is it you zeroed in on that address?

22 A There were five people that were using [REDACTED]
23 [REDACTED] as their physical address. And slowly, through
24 looking at the store records, I noticed a pattern of
25 seeing [REDACTED]. So I began to watch that a

1 little more closely.

2 Q What did y'all do in your investigation as a result
3 of noticing these people popping up again and again?

4 A As I would see [REDACTED] pop up, I would put
5 the person on a watch in the NPLEX system.

6 Q A person on watch?

7 A To watch out. If add myself to a watch, I would --
8 if I attempted to make a purchase, it would send law
9 enforcement an almost instant e-mail telling me the
10 location, the date, the time, the amount that you
11 purchased, the amount that you attempted to purchase, come
12 to you in an instant e-mail.

13 Q And did you do that with the parties in this case?

14 A Yes, sir, that's correct.

15 Q So who did you start off with initially in this group
16 of people?

17 A At the very beginning, it was Michael Mealor. I
18 first noticed him as being associated with [REDACTED]

19 [REDACTED]

20 Q And who was next?

21 A Carol Hayes was the next person.

22 Q Who was next after that?

23 A Melissa Wardlaw.

24 Q And after that?

25 A Brandon Hayes.

1 Q And after that?

2 A Susan Reese.

3 Q After that?

4 A Steven Hurley.

5 Q And is this how the case continued to expand?

6 A Yes, sir.

7 Q Now, you looked at the NPLEX records in preparation
8 of this case, is that correct?

9 A That's correct.

10 Q Did you also look at the NPLEX records that were
11 presented by Dr. Forst?

12 A Yes, sir.

13 Q Did you examine to see if they were consistent?

14 A They are consistent, yes, sir.

15 Q Okay. Now, the records you examined from the NPLEX
16 website versus the records you examined from Mr. Forst
17 from 2011, did they match?

18 A Yes, sir.

19 Q Now, in anticipation of this trial, did you prepare
20 any summaries?

21 A Yes, sir, we did.

22 Q What do those summaries consist of?

23 A They consist of the date, time, location and amount
24 that they purchased and whether they had a purchase or a
25 block.

1 Q Now, did you prepare these summaries on every party
2 involved in this case?

3 A Yes, sir.

4 Q Based on the NPLEX records?

5 A Yes, sir.

6 Q Did you go back and check to make sure that those
7 summaries accurately matched the NPLEX records?

8 A Yes, sir.

9 Q What other information is included on those
10 summaries?

11 A The date, the time, the location, the amount that was
12 purchased and whether or not it was a purchase or a block,
13 the person's name, of course.

14 MR. WIYGUL: Your Honor, we're going to object to
15 this. The NPLEX records have already been entered into
16 evidence and I believe this would be a direct violation of
17 the best evidence rule. In addition, these summaries
18 contain information that is not contained on the NPLEX
19 records..

20 THE COURT: Okay. Do the summaries contain
21 information that's not in the NPLEX records?

22 MR. TOOKER: Everything on the summary is in the
23 NPLEX records minus -- at the bottom of each record, there
24 is a total, total number of purchases, total number --
25 now, the State's understanding of rule 1006, if you've got

1 voluminous records, which we, certainly, have here, the
2 best aid to the jury in appreciating that
3 information states entitled to introduce summaries.

4 THE COURT: I'll respectfully overrule the objection.

5 MS. WIYGUL: Your Honor, may I respond briefly,
6 please?

7 THE COURT: Yes.

8 MS. WIYGUL: This summary does not contain the
9 electronic records, which are required by statute. They
10 contain pictures, which I don't know where the pictures
11 came from, but they've got pictures of people on it. And
12 this is just -- the summaries don't even contain what's
13 required by the statute. The NPLEX records don't,
14 actually, contain what's required by the statute. The
15 summary just draws attention away from that fact.

16 THE COURT: All right. Let me see the summary.

17 MR. TOOKER: Yes, sir. And with regards to he
18 comments as to pictures, it's just SCDMV driver's license
19 photograph.

20 THE COURT: I'll respectfully overrule the objection
21 on the summarization. It's also a work product that he
22 has testified that he personally prepared in anticipation
23 of the suit, therefore -- and I find that the picture is a
24 DMV driver's license picture. I presume that they all are
25 just driver's license pictures?

1 MR. TOOKER: Yes, sir. And we'll establish that.

2 THE COURT: All right. I overrule the objection and
3 allow the same in.

4 MS. WIYGUL: Your Honor, it's my understanding that,
5 at least, one of the exhibits have been amended from what
6 we were provided. I would simply ask that the State ask
7 us copies of their amended versions.

8 THE COURT: Y'all take a look at it and see what the
9 distinction is. But I'll, certainly, give you time to
10 look at the amendment and see what was changed.

11 MS. WIYGUL: And, Your Honor, these are, also, in
12 color, which I'd object to them being in color, also.

13 THE COURT: Okay. I respectfully overrule the
14 objection.

15 I don't know which one has been amended, but.

16 MR. TOOKER: I just showed it to them.

17 THE COURT: All right. Good enough.

18 BY MR. TOOKER:

19 Q Mr. Ross, let me show you what's been marked as
20 State's 1, 2 and 3. Would you identify these documents
21 for the record, please?

22 A It would be Michael Mealor's --

23 Q Make sure you talk into that microphone real loud.

24 A Yes, sir. Michael Lavont Mealor is State's Exhibit
25 1.

1 Q And with regards to that exhibit, what exactly is
2 contained in that summary?

3 A Yes, sir. It has the date, the exact time and
4 location of the pharmacy that he purchased, the amount
5 that he purchased, the number of pills that was purchased
6 and total number of grams of Pseudoephedrine that was
7 purchased.

8 Q And these summaries, do they also include a
9 photograph?

10 A Yes, sir.

11 Q Where did you get the photographs?

12 A We used a South Carolina DMV online to pull up his
13 driver's license photograph.

14 Q Okay. Now, State's 1 describes Michael Mealor?

15 A Yes, sir.

16 Q Is that a fair and accurate copy of what you prepared
17 for court?

18 A Yes, sir.

19 MR. TOOKER: At this time, the State would move
20 State's 1 into evidence.

21 THE COURT: I know you have a continuing objection,
22 is that correct?

23 MS. WIYGUL: Your Honor, in an effort to just save
24 time, I'd just ask that, perhaps, Mr. Tooker could go
25 through what the exhibit is, who it's for and then move

1 them all in at once.

2 MR. TOOKER: The State is fine with that.

3 THE COURT: Okay. I'm not going to tell y'all how to
4 try the case. If that's what y'all want to do, I'm
5 perfectly comfortable with it.

6 BY MR. TOOKER:

7 Q I'm going to give you a big stack of files then.

8 A Yes, sir.

9 Q State's 1, what is that?

10 A State's 1 is Michael Lavont Mealor.

11 Q Okay. State's 2, who is that?

12 A Cynthia Greenfield.

13 Q State's 3, who is that?

14 A Jason Eric Mealor.

15 Q State's 4, who is that?

16 A Amanda Jean Hayes Hurley.

17 Q State's 5, who is that?

18 A Daniel Ray Hurley.

19 Q State's 6 --

20 MS. WIYGUL: Your Honor, I'm going to renew my
21 objection as the NPLEX records, which were entered into
22 evidence, did not in any way shape or form reference Ms.
23 Hurley. We, specifically, asked that witness about that.
24 It doesn't have Ms. Hurley in there.

25 THE COURT: I understand. There was a distinction

1 between Hurley and Hayes, am I correct?

2 MR. TOOKER: That's her married name, sir.

3 MS. WIYGUL: Correct, Your Honor, it is her married
4 name, however, the other State's witness with a married
5 name, the married name is included in the report. Hurley
6 is not mentioned anywhere in the NPLEX records.

7 THE COURT: Is the driver's license number the same?

8 MR. TOOKER: Yes.

9 THE COURT: I'll respectfully overrule the objection.

10 BY MR. TOOKER:

11 Q What number were we on, Mr. Ross?

12 A We're up to No. 6.

13 Q Who's No. 6?

14 A Carol Denise Hayes.

15 Q Who's No. 7?

16 A Michael Gene Hayes.

17 Q Who's No. 8?

18 A Steven Earl Hurley.

19 Q Who's No. 9?

20 A Kitty Hurley.

21 Q Who's No. 10?

22 A Louise Pruitt Mealor.

23 Q Who's No. 11?

24 A Brandon Michael Hayes.

25 Q Who's No. 12?

1 A Melissa Paige Wardlaw.

2 Q Who is lucky No. 13?

3 A Susan Margaret Reese.

4 Q Who is No. 14?

5 A Rebecca Ann Crisp.

6 Q Who is No. 15?

7 A Angela Mae Armstrong.

8 Q Who is No. 16?

9 A Kelly Earline McCall.

10 Q Who is No. 17?

11 A Billy Earl Ray Miller.

12 Q Who is No. 18?

13 A Thomas Joseph Rooney.

14 Q Who is No. 19?

15 A Curtiss Charles Summerall.

16 Q And who is No. 20?

17 A Lauren Nicole Summerall.

18 Q Are these all summaries that you prepared for court
19 based on the NPLEX records?

20 A Yes, sir.

21 Q Are these summaries fair and accurate to your
22 knowledge?

23 A Yes, sir.

24 MR. TOOKER: At this point, Your Honor, the State
25 moves State's 1 through 20 into evidence.

1 THE COURT: Any additional objections?

2 MS. WIYGUL: Your Honor, I just ask for him to repeat
3 who No. 5 is.

4 THE WITNESS: State's Exhibit 5 is Daniel Ray Hurley.

5 MS. WIYGUL: Then I'm sorry, who was No. 6?

6 THE WITNESS: Carol Denise Hayes.

7 MS. WIYGUL: Okay.

8 THE COURT: Subject to the objections previously
9 lodged, the same are admitted into evidence.

10 (WHEREUPON, State's Exhibit Nos. 1 through 20 were
11 admitted into evidence.)

12 MR. TOOKER: And permission to publish to the jury,
13 Your Honor.

14 THE COURT: Yes, sir.

15 BY MR. TOOKER:

16 Q Mr. Ross, I'm going to put up State's 1, the one with
17 Mr. Mealor's information on there. So this shows six
18 purchases between 01/04 and 01/27 in 2011. What
19 information is contained in the right column?

20 A The amount purchased.

21 Q By amount, what do you mean?

22 A The amount of Pseudoephedrine.

23 Q So there's a certain amount of Pseudoephedrine in
24 each box?

25 A Yes, sir, that's correct.

1 Q On the third and sixth purchase, it says blocked in
2 red letters. Why is that?

3 A That means that he exceeded the legal limit.

4 Q So he didn't, actually, purchase any that day?

5 A No, sir.

6 Q And he was blocked by the system?

7 A Yes, sir, that's correct.

8 Q On the second page, how many times was Mr. Mealor
9 blocked?

10 A Two times.

11 Q Only the third page, how many times was Mr. Mealor
12 blocked?

13 A Two times.

14 Q On the fourth page, how many times was Mr. Mealor
15 blocked?

16 A Two times.

17 Q And, finally, on the fifth page, what information did
18 you include at the bottom?

19 A The total number of purchases and the total weight.

20 Q And by total number of purchases, is that both
21 blocked and actual purchases?

22 A That's correct.

23 Q So in this case, how many times did he attempt to
24 purchase?

25 A Thirty-seven.

1 Q And what was the total weight purchase by Mr. Mealar?

2 A 69.36 grams.

3 Q I'm going to show you what's been admitted as State's

4 No. 2. Who is this?

5 A Cynthia Greenfield.

6 Q Okay. And on the first page, how many times was Ms.

7 Greenfield blocks?

8 A One time.

9 Q On the second page, how many times was Ms. Greenfield
10 blocks?

11 A On 04/25, I believe she was blocked twice.

12 Q Okay. So she was blocked two times?

13 A Yes.

14 Q On the third page, how many times was she blocked?

15 A One block.

16 Q On the fourth page, how many times was she blocked?

17 A Two blocks.

18 Q On the fifth page, how many total attempts did she
19 make?

20 A Thirty-four.

21 Q And what was her total weight?

22 A 68.64 grams.

23 Q Okay. I'm going to show you what has been marked as
24 State's 6. Who is in this record?

25 A Carol Denise Hayes.

1 Q Now, Carol Denise Hayes, between 05/13 and 07/25 of
2 2011, how many times was she blocked?

3 A Twice.

4 Q And between 07/28 and 10/21 of 2011, how many times
5 was she blocked?

6 A Three blocks.

7 Q And between 10/27 and 12/21, how many times was she
8 blocked?

9 A Two blocks.

10 Q And how much total weight did she purchase?

11 A 70.08 grams.

12 Q And you did this for each and every person involved
13 in this case?

14 A Yes, sir.

15 Q Now, did you participate in a traffic stop related to
16 this case on November 22nd of 2011?

17 A I did, yes, sir.

18 Q Describe the circumstances that led up to that
19 traffic stop?

20 A We had received an e-mail alert that Michael Mealor
21 had made a purchase of Sudafed here in Pickens at the CVS
22 Pharmacy.

23 Q Now, an e-mail alert, what does that mean?

24 A Since he was included on our watch list, I received
25 an almost instant e-mail that he had made a purchase.

- 1 Q So what did y'all elect to do?
- 2 A We drove to the area to see if we could locate him.
- 3 Q And what area was that?
- 4 A Here in Pickens.
- 5 Q And that's in Pickens County, South Carolina?
- 6 A Yes, sir.
- 7 Q What did you find once you got to the area?
- 8 A We located a Mazda van that they were driving.
- 9 Q And by they, who do you mean?
- 10 A It was Michael Mealor and Cynthia Greenfield, Amanda
- 11 Hurley, Daniel Hurley and two small infant twin children.
- 12 Q Okay. So Michael Mealor?
- 13 A Yes, sir.
- 14 Q Cynthia Greenfield, Amanda Hurley and Daniel Hurley?
- 15 A That's correct.
- 16 Q Those four in the van?
- 17 A Yes, sir, and two infants.
- 18 Q Were there any other Sudafed purchases made by
- 19 anybody in that van?
- 20 A Not that day, besides Cynthia Greenfield.
- 21 Q When were you alerted that Cynthia Greenfield had
- 22 purchased?
- 23 A After we sat and watched them for just -- it was
- 24 11:46 that day I received the e-mails 21 minutes apart.
- 25 Q Twenty-one minutes apart?

1 A Yes, sir.

2 Q Between when Mr. Mealor purchased Sudafed and when
3 Ms. Greenfield purchased Sudafed?

4 A That's correct, yes, sir.

5 Q Were you guys already on scene sitting up on them
6 when you got the second alert?

7 A Yes, sir.

8 Q You got that alert. What did y'all do?

9 A We located their vehicle and proceeded to follow them
10 down Highway 8 here, Main Street in Pickens and we
11 observed them going over the speed limit in excess of 40
12 miles an hour, so I initiated a traffic stop on them.

13 Q So you stopped them for what?

14 A For speeding.

15 Q Who was driving the vehicle?

16 A The suspect vehicle?

17 Q Yes, sir.

18 A That would be Amanda Hurley.

19 Q Amanda Hurley?

20 A Yes, sir.

21 Q What was her status to drive at that time?

22 A Her driver's license was suspended.

23 Q So what happened to her?

24 A She went to jail that day for driving under
25 suspension.

1 Q Did y'all -- before she was -- well, before you
2 arrested her for driving under suspension, did you get to
3 talk to her?

4 A Yes, sir, each occupant of the vehicle was Mirandized
5 and talked to about the investigation.

6 Q Okay. And did you ask for consent to search the
7 vehicle?

8 A Yes, sir.

9 Q Who did you ask for consent to search the vehicle?

10 A Amanda Hurley.

11 Q Because she was the driver?

12 A She was the driver.

13 Q Did she consent?

14 A Yes, sir, she did.

15 Q When you searched the vehicle, did you find the
16 Sudafed that was purchased?

17 A Both boxes, yes, sir.

18 Q Found both boxes?

19 A Yes, sir.

20 Q And did they match what you had on your log?

21 A Yes, sir.

22 Q Okay.

23 MR. TOOKER: No further questions, Judge.

24 CROSS-EXAMINATION

25 BY MR. NEWTON:

1 Q Did you do this from that you found there in the
2 vehicle search?

3 A Yes, sir, we documented it as their property and made
4 them sign a property advent sheet and we took possession
5 of it.

6 Q You took possession of -- I'm sorry, you said you
7 found what?

8 A Two boxes.

9 Q Two boxes of what?

10 A Of Sudafed.

11 Q You seized the Sudafed?

12 A Yes, sir.

13 Q On what basis?

14 A Ongoing investigation.

15 Q Were they charged with a crime at the time?

16 A No, sir.

17 Q Any of these people?

18 A No, sir.

19 Q By what legal authority did you take their legal
20 property from them?

21 A The ongoing investigation.

22 Q Ongoing investigation. When you received this --
23 what is this e-mail? You told the pharmacy to send you an
24 e-mail whenever they bought Sudafed?

25 A No, sir, it's the NPLEX system. I can -- if I see a

1 person I want to place a watch on, I can have an almost
2 instant e-mail sent to an e-mail address to alert me of
3 their activity.

4 Q And you're the only person who accesses this NPLEX
5 system for all of Pickens County?

6 A Yes, sir.

7 Q Anybody else ever access it?

8 A No, sir.

9 Q How long has this been going on?

10 A Been going on a while, December 2010.

11 Q December 2010?

12 A Yes, sir.

13 Q Was there some predecessor who did your job before
14 you?

15 A No, sir.

16 Q So Pickens County really just started investigating
17 this sort of thing in December of 2010?

18 A Just a little bit before that, we were, actually,
19 getting paper logs from the stores. We were driving
20 around to each pharmacy and grabbing a paper log for the
21 prior 30 days, put that information into a spreadsheet.
22 It was rather time consuming.

23 Q I believe you said you're a reserve deputy, a
24 volunteer?

25 A Yes, sir.

1 Q Do you get paid?

2 A No, sir.

3 Q How many hours a week do you work for the Pickens
4 County Sheriff's Office?

5 A It varies. If they need manpower, I'll show up. I
6 would average 10, 15, 20 hours a week.

7 Q What do you do to earn a living? What's your real
8 job?

9 A I'm employed with the City of Greenville.

10 Q Doing what?

11 A At the water treatment facility.

12 Q Full time job?

13 A Yes, sir.

14 Q So when do you do this activity for the Pickens
15 County Sheriff's Office?

16 A We work 12-hour shift. I have a lot of off time. I
17 work seven out of 14 days.

18 Q Where is the computer terminal located that you use
19 to do these searches on?

20 A I can access it from any computer.

21 Q From any computer?

22 A Yes, sir.

23 Q How do you register with NPLEX to be able to get
24 information from them?

25 A I register to the NPLEX system. My contact person is

1 Christine McCormick through the NPLEX system. She is the
2 one that set an account up for us.

3 Q Is it true that all you have to do is go to their web
4 page and say you're a law enforcement officer and you have
5 access to it?

6 A No, sir. They verified my employment with the
7 sheriff's office.

8 Q But you're not, actually, employed with the sheriff's
9 office, are you?

10 A I have the authority to make an arrest in the State
11 of South Carolina.

12 Q Do you get a paycheck from the Pickens County
13 Sheriff's Office?

14 A No, sir.

15 Q How many people in Pickens County right now at this
16 moment in time are you set up to get alerts for, any idea?

17 A 280.

18 Q 280?

19 A Yes, sir. That would include people that travel to
20 Pickens County to purchase Pseudoephedrine.

21 Q Does that number fluctuate month to month?

22 A Yes, sir.

23 Q All right. How many people have you -- in the time
24 you've being doing this since December of 2010 have you
25 had under e-mail alert?

1 A Could you repeat the question, please?

2 Q December of 2010, approximately how many people, do
3 you have any idea how many people in Pickens County have
4 you requested this e-mail alert procedure?

5 A From Pickens County alone, I would guesstimate 175,
6 180.

7 Q Since December of 2010?

8 A Yes, sir.

9 Q I thought you just said it was more than that today?

10 A There's people from outside Pickens County that I
11 have on a watch list, people that frequent Pickens County
12 and purchase Sudafed.

13 Q What county-wide area do you operate in?

14 A I search for people that purchase inside Pickens
15 County, that routinely come to Pickens County.

16 Q Now, you said that what got your attention initially
17 regarding some of these Defendants here was five people
18 were using [REDACTED] as an address?

19 A Yes, sir, that's correct.

20 Q And buying Sudafed?

21 A Yes, sir.

22 Q Does it take a particular amount for you to notice
23 that or is it any amount at all?

24 A No, sir, I began to see the address [REDACTED]
25 on the store's daily log.

1 Q Yes, sir.

2 A And I started noticing that trend of [REDACTED]

3 [REDACTED]

4 Q So, I guess, you just sit around and look through
5 people's records on your whim?

6 A Yes, sir.

7 Q Just to check up on whomever you want?

8 A Yes, sir.

9 Q Do you need a search warrant?

10 A No, sir.

11 Q Do you need any authority to do that at all?

12 A No, sir.

13 Q Just you who works for the Greenville water system
14 doing that on your own?

15 A I work for the City of Greenville, yes, sir.

16 Q Now, I notice you said there was five people using
17 that as the address. Correct me if I'm wrong, you said
18 there was Michael Mealor, Carol Denise Hayes, Melissa
19 Wardlaw, Brandon Hayes and Steven Hurley, correct?

20 A Michael Mealor, Jason Mealor, Amanda Hayes Hurley,
21 Carol Hayes and Brandon Hayes.

22 Q I'm sorry, I must have wrote it down wrong. Could
23 you say that again?

24 A Yes, sir. Michael Mealor, Jason Mealor, Amanda Hayes
25 Hurley, Carol Hayes and Brandon Hayes.

1 Q You didn't say Melissa Wardlaw?

2 A No, sir.

3 Q Or Steven Hurley?

4 A No, sir.

5 Q What about Cynthia Greenfield, my client here?

6 A She does not use [REDACTED], no, sir.

7 Q Now, how early in the year 2011 did you notice all
8 these people using that same address?

9 A About the whole year that I got everybody -- let's
10 see, by June, I had pretty much figured out who was using

11 [REDACTED].

12 Q By June?

13 A Yes, sir.

14 Q 2011?

15 A Yes, sir.

16 Q So when the police investigation incident report says
17 that an investigation was started on these people on
18 January 1st, that's not true, is it?

19 A Yes, sir, I received my first watch hit on Michael
20 Mealor December 22nd, 2010.

21 Q First watch hit?

22 A Yes, sir.

23 Q And that's just a hit saying he's buying a certain
24 amount of Sudafed?

25 A That's correct.

1 Q So you get a hit on everybody in Pickens County who
2 buys Sudafed?

3 A I don't get a hit on them, no, sir. His name was on
4 a store log where he had purchased Sudafed.

5 Q Is it unusual for people to purchase Pseudoephedrine?

6 A No, sir, it's not unusual.

7 Q Have you purchased it yourself?

8 A I have, yes, sir.

9 Q You got kids?

10 A Yes, sir.

11 Q You ever bought it for them, they get sick?

12 A I have, yes, sir.

13 Q All right. Now, the solicitor -- these summary
14 totals you mentioned, Michael Mealor, 69.36 grams, are you
15 the one who added up those totals?

16 A Agent Blankenship worked on it.

17 Q Are you sure this is correct, double checked it?

18 A Yes, sir.

19 Q Yeah. There was some mention of one being amended?

20 A Yes, sir.

21 Q Did you write this summary yourself?

22 A Agent Blankenship and I did.

23 Q All right. Wasn't one amended this morning after I
24 pointed out asking the witness from NPLEX about an
25 incident that happened on November 22nd, 2011, with Amanda

1 Hurley?

2 A That's correct, there was.

3 Q Which was a discrepancy with a summary you wrote?

4 A Yes, sir.

5 Q And once I pointed that out, y'all went back and
6 changed it?

7 A Made an amendment, yes, sir.

8 Q Could there be other discrepancies in your summaries
9 with the actual reference?

10 A No, sir, we've checked behind them.

11 Q Are you sure?

12 A Yes, sir.

13 Q Did you think it was fine this morning before you
14 walked in this courtroom?

15 A I did, yes, sir.

16 Q All right. So you're aware a person in South
17 Carolina can legally buy 3.8 grams a day --

18 A Three point six grams.

19 Q Three point six. And nine in a month?

20 A Nine grams in 30 days.

21 Q Nine grams in 30 days. So in a year's time, a month
22 is approximately 30 days, some a little bit longer, 31,
23 we're talking about 108 grams a year a person can legally
24 purchase, correct?

25 A Yes, sir.

1 Q So when we talk about these numbers, it sound like a
2 lot?

3 A Yes, sir.

4 Q But, actually, 69.36 is substantially less than 108?

5 A Yes, sir, you're looking at them individually here,
6 correct?

7 Q Correct. 68.64 is substantially less than 108?

8 A Yes, sir.

9 Q 108 is what a person -- the government has decreed is
10 a reasonable amount that a person can use for personal use
11 or for sinuses or allergies? These are numbers are well
12 below that amount?

13 A Yes, sir.

14 Q I notice the solicitor didn't ask you about some of
15 the other purchases, which are even far less amounts?

16 A Yes, sir.

17 Q Some as few as 7.2 grams in the whole year. That's
18 way low.

19 A Yes, sir.

20 Q And when you added up the weight, you came up with a
21 total weight. Is that your math as well?

22 A I'm not familiar with this document.

23 Q You didn't make this?

24 A I didn't make that document, no, sir.

25 Q Okay. So is correct to say that 20 people are

1 Defendants in this case or started out as Defendants in
2 this case?

3 A Yes, sir.

4 Q All right. So among 20 people, the government in its
5 infinite wisdom, has decreed that each of them, up to 108
6 grams per year is a reasonable amount for personal use?

7 A Correct.

8 Q What is 20 times 108? Isn't it 2160?

9 A I believe so, yes, sir.

10 Q All right. So 20 people among themselves for
11 perfectly legitimate purposes, sinus, allergies, could
12 buy 2160 grams a year?

13 A Yes, sir.

14 Q And yet, all of these people in this supposed
15 criminal conspiracy bought a total of 730?

16 A Yes, sir.

17 Q Is 720 substantially totally less than 2160?

18 A Substantially.

19 Q It's not even a half?

20 A Yes, sir.

21 Q It's a third?

22 A Yes, sir.

23 Q I lost my train of thought for a second. All right.
24 November 22nd, you have an alert on Michael Mealor, he's
25 purchased some Pseudoephedrine?

1 A Yes, sir.

2 Q You say you go to confront him. What were you going
3 to do? What was your intention? Why did you go to the
4 store?

5 A Why did I go to the store?

6 Q Yes, sir.

7 A To verify that he was there. Simply to find other
8 people with him, co-conspirators.

9 Q Well, wouldn't the store have alerted you to those
10 other people at the same time?

11 A No, sir, I have to find those people myself.

12 Q There's no database you can look at to see if they
13 just purchased something at the same time and location?

14 A Yes, sir, I search the database to see who purchases
15 it before or after a person that I have on the watch list
16 to together a group.

17 Q Did you do that?

18 A Yes, sir.

19 Q So you should have seen that nobody except Cynthia
20 purchased any, right?

21 A That's correct.

22 Q So what was the purpose of going to the store?

23 A To go up to interview them, to talk to them.

24 Q About what?

25 A Ongoing investigation.

1 Q Okay. Sir, don't you have the power to walk up to
2 any citizen and say I'm sorry, do you have a moment, may I
3 ask you a few questions?

4 A Yes, sir.

5 Q Any police officer can do that?

6 A That's correct.

7 Q Did y'all approach it that way? Who was with you in
8 that car? Who did you go with?

9 A Agent Blankenship and Agent Robinson.

10 Q Okay. Y'all didn't do it that way, did you? You
11 didn't walk up to them and say we've got an investigation,
12 do you mind if we ask you a few questions?

13 A No, sir, we did a traffic stop on them.

14 Q You followed their car waiting for -- what were you
15 doing? You were looking for an opportunity to pull their
16 car over, weren't you?

17 A We followed behind them as they were speeding, yes,
18 sir.

19 Q Why didn't you talk to them in the parking lot before
20 they got in their car and drove off? I thought you went
21 there to talk to them?

22 A We just didn't.

23 Q You were hoping to have an excuse to search their car
24 and find drugs in that car?

25 A No.

1 Q You followed them along hoping they would commit some
2 minor traffic infraction so you'd have an excuse to pull
3 them over and search their car?

4 A No, sir.

5 Q Why didn't you talk to them in the parking lot then?

6 A We just didn't.

7 MR. NEWTON: No further questions.

8 CROSS-EXAMINATION

9 BY MS. WIYGUL:

10 Q Sir, I'm not quite sure what to call you. What's
11 your title?

12 A I'm a reserve deputy for the sheriff's office.

13 Q So I call you Reserve Deputy Ross?

14 A You can call me Deputy Ross if you want.

15 Q Deputy Ross, is this the property report from that
16 traffic stop?

17 A I do believe it is.

18 MS. WIYGUL: At this time, we'd move to enter this
19 property report?

20 MR. TOOKER: I'd like to see it first.

21 MS. WIYGUL: I apologize.

22 Your Honor, I believe the State has some objection
23 because Deputy Ross didn't sign the property report. But
24 as he was present and witnessed the property report given
25 to Mr. Mealor, I would ask that this be entered into

1 evidence.

2 THE COURT: Is there an objection?

3 MR. TOOKER: Yes, sir Your Honor. I just think we'll
4 be calling Agent Blankenship later today and Blankenship
5 is the appropriate party through whom she can enter this
6 evidence if she so chooses.

7 THE COURT: I'll allow it in. I believe Deputy Ross
8 testified that that was the property report, therefore,
9 I'll allow it into evidence. If there's some supplemental
10 report that clarifies it, then, certainly, you can
11 introduce that as well given the appropriate foundation.

12 MS. WIYGUL: I believe that would be Defendant's
13 Exhibit 3, Your Honor.

14 THE COURT: Okay. Defendant's Exhibit 3.

15 (WHEREUPON, Defendant's Exhibit No. 3 was admitted
16 into evidence.)

17 BY MS. WIYGUL:

18 Q Deputy Ross, did you attend the Criminal Justice
19 Academy?

20 A No, ma'am.

21 Q What county do you live in?

22 A In Pickens County.

23 Q Have you ever applied to any law enforcement agency
24 to obtain actual employment with them?

25 MR. TOOKER: Objection, Your Honor, I'm not sure this

1 is relevant.

2 THE COURT: What's the relevance?

3 MS. WIYGUL: Your Honor, he's testified that for some
4 reason a city sewer worker has access to private records
5 only available to law enforcement and I think we're
6 entitled to know what gives him that right.

7 MR. TOOKER: We object to the characterization of Mr.
8 Ross. This is a man who volunteers his time for the
9 county.

10 THE COURT: Come on up. Come on up.

11 (WHEREUPON, a bench conference was held.)

12 BY MS. WIYGUL:

13 Q Deputy, do you have to get any type of authorization
14 from a doctor or pharmacy to get access to these records?

15 A No, ma'am.

16 Q So there's no violation of the HIPPA laws?

17 A No, ma'am.

18 Q And you have full access to the NPLEX' records?

19 A Full access, yes, ma'am.

20 Q And you have full access to anyone's Department of
21 Motor Vehicle records?

22 A Yes, ma'am.

23 MS. WIYGUL: I have no further questions. Thank you.

24 CROSS-EXAMINATION

25 BY MR. JOHNSON:

1 Q Deputy Ross?

2 A Yes, sir.

3 Q Thank you for being here today helping us try to sort
4 through all this. I believe you mentioned that -- well,
5 let me back up a little bit. To refresh my memory, when
6 did you start as a reserve officer?

7 A September 28th, 2001 was my first day.

8 Q And I think you mentioned you started pulling paper
9 records in December of 2010, is that right?

10 A Prior to that, yes, sir.

11 Q Prior to that?

12 A Yes, sir.

13 Q How much further prior to that?

14 A April or May of 2010.

15 Q Okay. What about 2009?

16 A I didn't pull any paperwork back then, no, sir.

17 Q Okay. 2008?

18 A No, sir.

19 Q Okay.

20 MR. JOHNSON: I believe that's all the questions I
21 have.

22 THE COURT: Any redirect?

23 MR. TOOKER: Briefly, Judge.

24 REDIRECT EXAMINATION

25 BY MR. TOOKER:

1 Q They were talking about how you first noticed [REDACTED]
2 [REDACTED]?

3 A Yes, sir.

4 Q Was that because people were making purchases or
5 because people were making purchases at the same time?

6 A Because people were making purchases at the same
7 time.

8 Q And Mr. Newton asked you, you know, about how it's
9 not illegal to purchase Pseudoephedrine, correct?

10 A No, sir, it's not illegal.

11 Q Is making methamphetamine out of Pseudoephedrine
12 illegal?

13 A Yes, sir, it is.

14 Q Okay.

15 MR. TOOKER: No further questions.

16 THE COURT: Any recross?

17 MS. WIYGUL: No, Your Honor.

18 MR. NEWTON: No, Your Honor.

19 MR. JOHNSON: No, Your Honor.

20 THE COURT: Thank you, sir, appreciate it. You may
21 step down.

22 You may call your next witness.

23 MR. TOOKER: The State calls Steven Hurley.

24 THE CLERK: Place your left hand on the Bible and
25 raise your right.

1 STEVEN HURLEY,

2 after having been duly sworn, testified as follows:

3 THE CLERK: If you would, have a seat and state your
4 name for the record, please.

5 THE WITNESS: Steven Earl Hurley.

6 DIRECT EXAMINATION

7 BY MR. TOOKER:

8 Q Mr. Hurley, how you doing today?

9 A Pretty good.

10 Q You recognize me, sir?

11 A Yes, sir.

12 Q And you and I have talked before?

13 A (Witness nods head.)

14 Q And you know I'm the prosecutor prosecuting this case
15 and your case?

16 A Yeah.

17 Q Okay. That having been said, are you charged in this
18 mater? Do you have a criminal charge pending?

19 A Yeah.

20 Q A meth charge?

21 A No, for Sudafed.

22 Q Yeah, a trafficking methamphetamine charge related to
23 the Sudafed purchases, is that correct?

24 A I guess.

25 Q Same charge all these folks have, is that right?

1 A I'm not up for manufacturing.

2 Q Okay. Trafficking methamphetamine over 100 grams, is
3 that you're charged with?

4 A That's what I'm charged with, but I didn't have over
5 100 grams.

6 Q Yes, sir. I'm just asking you what you're charged
7 with.

8 A Okay.

9 Q Now, I'm the prosecutor on the case. Have I promised
10 you anything in exchange for your testimony today?

11 A No.

12 Q Has Mr. Blankenship promised you anything?

13 A No.

14 Q Have any cops or anybody promised you anything?

15 A No.

16 Q So you are testifying without promise?

17 A No, sir.

18 Q Are you being forced at all?

19 A No, sir.

20 Q Nobody's is coercing you into testifying?

21 A No.

22 Q Now, Mr. Hurley, do you know why you've been called
23 to testify?

24 A Yeah.

25 Q Okay. First things first, do you know the Defendant,

- 1 Carol Denise Hayes?
- 2 A Yes.
- 3 Q How do you know her?
- 4 A She's a friend of my girlfriend.
- 5 Q Friend of your girlfriend?
- 6 A Yeah.
- 7 Q What's your girlfriend's name?
- 8 A Susan Reese.
- 9 Q And how long have you known Ms. Hayes?
- 10 A About nine years.
- 11 Q About nine years. Okay. What about Defendant Mealor
- 12 and Defendant Greenfield, do you know them?
- 13 A Yes.
- 14 Q How do you know them?
- 15 A I met them through Jason Mealor.
- 16 Q Jason Mealor?
- 17 A Yeah.
- 18 Q How do you know Jason?
- 19 A He's my son's age.
- 20 Q He's your son's age?
- 21 A Yeah, they were friends.
- 22 Q What is your relationship to Amanda Hurley?
- 23 A She's my daughter-in-law.
- 24 Q Who's your son?
- 25 A Daniel Hurley.

1 Q And they're married?

2 A Yes, sir.

3 Q Who's Kitty Hurley?

4 A That's my ex-wife.

5 Q That's your ex-wife. What is Amanda Hurley's
6 relationship to Carol Denise Hayes?

7 A That her momma.

8 Q That's her momma? So not only is Ms. Hayes your
9 girlfriend's friend, but also the mother of your
10 daughter-in-law?

11 A Yeah.

12 Q Okay. Have you been to [REDACTED] in Six
13 Miles?

14 A Yes.

15 Q Okay. And what have you seen when you've gone out to
16 that residences?

17 A Cockroaches.

18 Q Okay. Mr. Hurley, I'm going to show you what's been
19 admitted as State's 8. It's a summary of your
20 Pseudoephedrine purchases. Could you look through that
21 document real quick. Let me help you.

22 A (Witness complies.)

23 Q All right. You and I have looked at this before
24 together?

25 A Yes, sir.

1 Q Okay. Would you say this is a fair and accurate
2 representation of how much Sudafed you bought in 2011?

3 A Yes, sir.

4 Q Okay. I'm going to pop this up on the screen right
5 here. Okay. So you've been blocked purchasing Sudafed
6 before?

7 A Yeah, but I was eligible to buy it, but I got
8 blocked. I hadn't bought the legal amount for that month,
9 but I got blocked.

10 Q Sure enough. And you've been blocked several times
11 before. And in total in 2011, you bought some 30 grams of
12 Sudafed, does that sound right?

13 A Yes, sir.

14 Q Okay. Mr. Hurley, you mentioned the legal limit.
15 How do you know how much Sudafed you're allowed to
16 purchase within a 30-day period?

17 A I was told by Cindy Greenfield.

18 Q Cynthia Greenfield told you how much you could
19 purchase within 30 days?

20 A Yes.

21 Q Why would she tell you that?

22 A I have no idea.

23 Q You don't know?

24 A I guess she wanted me to buy it.

25 Q Have you purchased Sudafed for anyone in this case?

1 A Yes.

2 Q Who did you purchase Sudafed for?

3 A Cindy Greenfield.

4 Q That's Ms. Greenfield sitting over there at the
5 defense table?

6 A Yes.

7 Q When did you purchase Sudafed for her?

8 A I don't know.

9 Q You don't know. In 2011, of those 30 grams we talked
10 about, about how much of that went to Cindy Greenfield?

11 A About half of it because I kept about half for my
12 sinuses.

13 Q So about half of what you purchased went to her?

14 A Yes.

15 Q Okay. And she was the one that told you there was a
16 limit. What is the limit exactly on how much you can
17 purchase?

18 A Three 96's.

19 Q Three 96's. By 96, do you mean the 96-count box?

20 A Yes.

21 Q It has 2.88 grams of Sudafed in it?

22 A Yes.

23 Q And that's what she told you?

24 A Yes.

25 Q What else did she tell you about purchasing Sudafed?

1 A That you couldn't go to jail for buying Sudafed if it
2 was the legal amount.

3 Q Okay. She said you wouldn't go to jail for
4 purchasing Sudafed if it was the legal amount. Did she
5 tell you anything about a driver's license or an
6 identification?

7 A Well, they told me when I tried to buy it. She
8 didn't tell me, but when I went to buy it, they told me.

9 Q So you're saying that Cynthia did not tell you that
10 you'd have to bring an ID with you to purchase
11 Pseudoephedrine?

12 A No, she didn't tell me that.

13 Q Okay. Do you remember meeting with me on November
14 27th of 2013?

15 A I remember one time I talked to you, the other one I
16 didn't.

17 Q The other time you don't remember talking to me.
18 Okay. On that date, do you remember telling me that she
19 told you you had to bring in an ID to purchase Sudafed?

20 A No.

21 Q You don't remember saying that?

22 A No.

23 Q Okay. What is it that you gave them the Sudafed for?
24 What did you get?

25 A A little bag of dope.

1 Q What is dope?

2 A Methamphetamine.

3 Q What kind of methamphetamine are we talking about?

4 A Crank.

5 Q What is the difference between crank and ice?

6 A I don't know, it's something in the way it's
7 processed.

8 Q Okay. Are they both methamphetamine?

9 A Yeah.

10 Q Okay. Does crank look different than ice?

11 A Sometimes.

12 Q Okay. So how did you know what you were getting from
13 them was crank? Or describe the crank for us, how about
14 that?

15 A It's a lower grade of methamphetamine.

16 Q Lower grade of methamphetamine?

17 A Yeah.

18 Q Kind of methamphetamine people make at home?

19 A Yeah.

20 Q Okay. What, if anything, did you and Michael Mealor
21 talk about when you would provide the Sudafed to
22 Ms. Greenfield?

23 A Not much.

24 Q Not much. Would you talk about the crank they were
25 giving you?

1 A No, not really.

2 Q You would not talk about?

3 A There wasn't a lot said.

4 Q Okay. Again, on 11/27/2013, remember coming up here
5 to the courthouse and talking with me?

6 A Yes, sir.

7 Q And we met in an office. And on that date, do you
8 remember telling me that Michael Mealor would often vouch
9 for the work --

10 MR. NEWTON: Object to the leading question. The
11 prosecutor is practically making himself a witness in this
12 case.

13 THE COURT: Okay. I'll sustain on the grounds of
14 leading.

15 MR. TOOKER: Your Honor --

16 MS. WIYGUL: Move to strike, Your Honor.

17 MS. TOOKER: -- it's necessary to elicit the
18 testimony from Mr. Hurley. If we want to impeach him with
19 extrinsic evidence, he has to either affirm or deny making
20 the statement.

21 MR. NEWTON: Does the prosecutor intend to impeach
22 him?

23 THE COURT: What you can do is show him the document.
24 He either recognizes it or he doesn't and you live with
25 the answer that you get.

1 MR. TOOKER: Sure enough.

2 THE COURT: I'm not going to strike the question.
3 I'm going to sustain the objection.

4 MS. WIYGUL: Your Honor, I would object to the
5 impeachment in this manner because I don't believe this is
6 a document that Mr. Hurley is alleged to have signed.

7 MR. TOOKER: It's not, Your Honor. What we have here
8 is we have summarizations prepared by our paralegal.

9 THE COURT: Okay. You can -- again, you can ask him
10 questions related to the document.

11 MR. TOOKER: Okay.

12 BY MR. TOOKER:

13 Q Mr. Hurley, the Sudafed you purchased, would you
14 please point to the people that it went to or the person
15 that it went to.

16 A Cynthia Greenfield.

17 Q Cynthia Greenfield. Okay. And you said about half?

18 A Yeah, because the other half, I kept for my own
19 sinuses.

20 Q The other half you kept?

21 A Yeah, because I have bad sinuses.

22 Q The half that you kept, was that enough for your
23 sinuses?

24 A Yeah.

25 MR. TOOKER: No further questions.

1 THE COURT: Cross-examination?

2 CROSS-EXAMINATION

3 BY MR. NEWTON:

4 Q How long have you had bad sinuses?

5 A Sir?

6 Q How long have you had bad sinuses?

7 A Ever since I was in the Navy.

8 Q When were you in the Navy, sir?

9 A Up until 1986, '75 to '86.

10 Q Okay. So quite a long time. So you have had bad
11 sinuses since 1986?

12 A Before then.

13 Q All right. What have you used over those years to
14 treat your sinuses with?

15 A The Navy gives out Sudafed, that's the only thing
16 they prescribe. So when I got out, I bought Sudafed.

17 Q So the United States Navy, government of the United
18 States was supplying you with Sudafed?

19 A Yes.

20 Q While you were in the Navy for your sinuses?

21 A Yes, sir.

22 Q And I guess you're saying you got used to using
23 Sudafed, so when you got out of the Navy, you continued to
24 buy Sudafed?

25 A Yes, sir.

1 Q For your sinuses?

2 A Yes, sir.

3 Q Did you buy some every year?

4 A I bought some about every other month.

5 Q About every other month?

6 A Or every month.

7 Q Or every month. How much would you buy each time?

8 A A box of 96 because you get it cheaper than buying
9 smaller boxes.

10 Q All right, sir. So you did not need anybody to tell
11 you the procedure of buying Sudafed, did you, since you
12 knew all about it, right?

13 A No, I didn't know all about it.

14 Q Who used to buy it for you before over all those
15 years?

16 A I bought it, but I didn't have to start showing ID
17 until couple years ago.

18 Q What year is it now?

19 A 2013.

20 Q A couple years ago would be when?

21 A I'd say like 2010, 2009.

22 Q So when you mean couple, you don't mean two?

23 A No, I don't. I mean prior to that.

24 Q All right. So your testimony is you were showing ID
25 back in 2009 to buy Pseudoephedrine?

1 A Yes, sir.

2 Q All right. Do you have any idea how many purchases
3 you would make in any given year? 2009, how many
4 purchases of Sudafed?

5 A I have no idea.

6 Q Last year, 2012, how many purchases did you make?

7 A I don't know the exact amount.

8 Q Oh, but you somehow expect this jury to believe you
9 remember how many you made in the one year 2011 and where
10 it went?

11 A No, I don't expect it because I've have bad memory
12 problems. I'm on disability.

13 Q Yes, sir.

14 A It's because I don't have the mental capacity to
15 figure things out.

16 Q I'm sorry. What are you on disability for, sir?

17 A I'm bipolar.

18 Q And you say you have memory problems?

19 A Yes.

20 Q Do you remember who was living at [REDACTED] in
21 2011?

22 A Yes.

23 Q Can you name them?

24 A Mike Mealor, Cynthia Greenfield, Jason Mealor,
25 Melissa Wardlaw and Denise Hayes.

1 Q Anybody else living there?

2 A Not that I know of.

3 Q Are you talking about a specific month in 2011 or the
4 whole year?

5 A Most of the whole year.

6 Q Did you ever notice any kids living there?

7 A Yeah.

8 Q Young boys?

9 A Yeah.

10 Q Whose boys were those?

11 A Hers.

12 Q Whose?

13 A Denise Hayes.

14 THE COURT: Use that tissue. Wipe your mouth off.

15 BY MR. NEWTON:

16 Q You've got chewing gum dripping from your mouth.

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: Yes, sir.

19 BY MR. NEWTON:

20 Q You're thinking the kids were Denise's kids?

21 A Yes, she adopted them. They were, actually, her
22 grandchildren and she adopted them.

23 Q How often would you go over to [REDACTED]?

24 A Not very much.

25 Q When was the last time you went over there?

- 1 A Two months ago.
- 2 Q Two months ago?
- 3 A Yeah. Because Cynthia got her motion of discovery
- 4 and I went over to read it.
- 5 Q Who got the motion of discovery?
- 6 A Cynthia.
- 7 Q You mean Cynthia Greenfield?
- 8 A Yeah.
- 9 Q My client? This lady right here?
- 10 A Yes, sir.
- 11 Q She had evidence on this case, so you went over there
- 12 to read it?
- 13 A Yes.
- 14 Q She offered that to you?
- 15 A Yes.
- 16 Q Okay. Did you call her up and ask if you could come
- 17 over there?
- 18 A No.
- 19 Q You just showed up?
- 20 A No, somebody told me that she had it and then I went
- 21 over there.
- 22 Q Did she let you read it?
- 23 A Yes.
- 24 Q All right. And you said that was about two months?
- 25 A I think so, I'm not sure.

1 Q Before then, have you been over there again this
2 year, in 2013, [REDACTED]?

3 A Yes, sir.

4 Q How many times this year?

5 A I do not know. My grandchildren by Amanda would stay
6 with Denise and I went over there to visit with them.

7 Q How long would you stay when you were over there?

8 A Thirty minutes.

9 Q Okay. Who all would you talk to when you were over
10 there?

11 A Anybody that came in the living room.

12 Q Now, you said that -- I believe the prosecutor asked
13 you what the house was like and you said cockroaches.
14 Messy house?

15 A (Witness nods head.)

16 Q Was it messy this year, those two months ago when you
17 went over there?

18 A No.

19 Q Did you see any cockroaches in there?

20 A Yeah, I saw cockroaches, but it was cleaned up quite
21 a bit.

22 Q You saw cockroaches two months ago?

23 A Yeah.

24 Q How many?

25 A I don't know. I don't count cockroaches.

1 Q But you say is more cleaned up this year than it was
2 before?

3 A Yes.

4 Q Now that just them are living there?

5 A Yeah.

6 Q Now that the other people are out of there?

7 A Yeah.

8 Q It's cleaner without the other people there, isn't
9 it?

10 A Yes.

11 Q It's cleaner with just them there, isn't it?

12 A Yes.

13 Q 2011, any idea of how many times you went over to the
14 house?

15 A No.

16 Q No idea?

17 A No idea at all.

18 Q Well, how do you remember how many boxes you bought?

19 A I don't remember how many boxes I bought. I seen
20 that sheet just now and that's -- I don't remember how
21 many I bought.

22 Q That's right. That's what happened in this
23 interview, isn't it? The prosecutor hands you a sheet,
24 says we've got this on you, and you said I guess it must
25 be true. Something that like, right?

1 A Yes, sir.

2 Q So you don't have any independent memory of this
3 whatsoever, do you?

4 A No.

5 MR. NEWTON: No further questions.

6 MS. WIYGUL: Your Honor, pursuant to Mr. Hurley's
7 very honest testimony just now where he admitted he does
8 not remember anything about 2011, I'd ask that his entire
9 testimony be stricken from the record.

10 MR. TOOKER: Your Honor, I think that through the
11 course of his testimony, he described events that
12 transpired in 2011. Mr. Newton, certainly, did a good job
13 cross-examining him, led him down the primrose path, but I
14 think the jury can determine whether or not --

15 THE COURT: I will respectfully overrule the motion.
16 I think it goes to his credibility and the jury can
17 determine whether he's a credible witness or not based on
18 his testimony.

19 CROSS-EXAMINATION

20 BY MS. WIYGUL:

21 Q Mr. Hurley, do you live with anyone?

22 A Yes.

23 Q Who do you live with?

24 A Susan Reese.

25 Q You tell me, have you ever heard of something called

1 Hurley Hole?

2 A Yeah.

3 Q Tell me about it.

4 A That's where I live. I live in a big valley and we
5 all just call it the Hurley Hole.

6 Q And how long has it been called that?

7 A I don't know. It's a nickname other people put on
8 it.

9 Q Okay. And you, actually -- you stated you knew
10 Denise, Ms. Hayes, because she was friends with your
11 ex- wife, is that correct?

12 A No. No, she was friends with the woman I live with,
13 Susan Reese.

14 Q And she, actually, used to date your son, Daniel,
15 didn't she?

16 A Yes.

17 Q Before he married her daughter?

18 A Yes.

19 MS. WIYGUL: I don't have any further questions.

20 Thank you, sir.

21 CROSS-EXAMINATION

22 BY MR. JOHNSON:

23 Q Mr. Hurley, did you ever -- out of the people you
24 mentioned you've associated with around about the time of
25 2011 or the people even in this courtroom that you have

1 talked with or associated with, have you ever gotten
2 together with them to conspire and come up with this grand
3 scheme to manufacture and traffic methamphetamine?

4 A No, sir.

5 Q Denise Hayes ever say hey, let's go out back and cook
6 up some methamphetamine?

7 A No, sir.

8 Q The solicitor asked you previously about your sinuses
9 and the Sudafed that you were using for your sinuses. I
10 believe you said, you testified that you had given
11 approximately half to Ms. Greenfield and the other half
12 you kept for your sinuses, is that correct?

13 A Yes, sir.

14 Q And I believe you also testified that that was enough
15 for your sinuses, is that correct?

16 A Yes.

17 Q Is it fair to say that somebody can need more or less
18 for their sinuses?

19 A I don't know. Could be.

20 Q Are there certain times where you have to take more
21 Sudafed than others because your sinuses were acting up?

22 A Yes.

23 MR. JOHNSON: No further questions.

24 THE COURT: Redirect?

25 MR. TOOKER: No.

1 THE COURT: Okay.

2 All right. Mr. Hurley, thank for being here, sir.

3 You may step down.

4 Okay. All right. I think we've been at it now
5 getting on two hours. Let's take a 10-minute break.
6 We'll come back in and resume testimony.

7 Just so you know, I don't intend to go much past
8 5:00. If we're in the middle of a witness and it goes a
9 little bit beyond that, then we'll go beyond 5:00, but in
10 no event do I intend to go beyond 5:30. If we start our
11 trial tomorrow and it looks like we're not getting along
12 at as rapid a clip as I'd like, then I'll tell you early
13 on whether we're going to stay later or not. But,
14 ordinarily, I'm not going to ask you to stay late unless
15 there's some compelling reason why we should. So we're
16 going to try to generally keep regular business hours,
17 9:00 to 5:00.

18 So let's take a break and be back in either 10 to 15
19 minutes, depending on when y'all are ready to come back.

20 (WHEREUPON, the jury left the courtroom at
21 approximately 3:47 p.m.)

22 THE COURT: We'll be back on the record in 10
23 minutes.

24 MR. TOOKER: Judge, one point?

25 THE COURT: Sure.

1 MR. TOOKER: It's my understanding if the State wants
2 to produce extrinsic hearsay evidence to impeach a
3 witness, to properly do that, the State's got to ask the
4 witness about the statement, where it was made, when it
5 was made and then they can either affirm or deny making
6 the statement. If they deny or equivocate, the State's
7 entitled to extrinsic evidence as to that statement.

8 In this case, none of these witnesses prepared
9 written statements. We prepared -- or law enforcement
10 prepared summaries of their interviews during the course
11 of their interviews. And so in our case, an investigator
12 with the solicitor's office verified they were true and
13 accurate. Tommy Blankenship with the sheriff's office did
14 the same for law enforcement.

15 To properly impeach some of these people may deviate
16 from what they've told us before, the State would request
17 that we be able to lead it as much as we ask did you say
18 on this date at this time blah, blah, blah, blah. And
19 they can yes or no. If they say no, then we'll use
20 extrinsic evidence to impeach them.

21 THE COURT: Well, yes and no. I don't want to tell
22 you exactly how to do it. The problem you can't just all
23 of a sudden convert to cross-examination when you are
24 conducting direct examination of your very own witness.

25 MR. TOOKER: Yes, sir.

1 THE COURT: Now, I'm not coaching, but I will tell
2 you what I think would be acceptable from the Court's
3 perspective, and that is did you meet with law enforcement
4 on this particular date and time. And that's not a
5 leading question because you're not presupposing the
6 answer. They have the autonomy and the discretion and the
7 ability to say either yes or no. If they say yes, well
8 then, you can hand it to them. If they say no, well then,
9 you can ask the Court whether you can have him declared a
10 hostile witness because he is not answering truthfully the
11 questions that are being posed to him. Or, preferably,
12 what you would do is you'd say Your Honor, may I show him
13 this document to refresh his memory. Whereupon I would
14 probably say yes. And you can ask him do you remember
15 this summarization of your encounter with my office and/or
16 law enforcement? Yes. And can you read that to refresh
17 your memory? That way, you're not leading him, you're
18 just refreshing them with that document.

19 The problem that you had before, it looked like you
20 just jumped immediately to cross-examination. And you
21 were then trying to impeach his testimony based on his
22 being -- I don't even know if you would characterize it as
23 being obtuse, that was something different.

24 MR. TOOKER: That was something different.

25 THE COURT: So that's what would be acceptable to the

1 Court.

2 MR. TOOKER: I just didn't know if Your Honor would
3 be okay with me showing him the summarization.

4 THE COURT: No, I, certainly, don't have a problem
5 with that at all. And that's what I was suggesting to you
6 before is that you could do that.

7 MS. WIYGUL: I just want to clarify with the State
8 because it was my understanding that the witnesses have
9 never seen these summaries that the State has prepared.

10 MR. NEWTON: That is my understanding as well. These
11 are not their statements. This is a summary prepared by
12 Elizabeth Brock in the solicitor's office.

13 THE COURT: If I heard Mr. Tooker correctly, if I
14 heard him correctly, he said that they summarized it and
15 then gave it to them to look at --

16 MR. TOOKER: No, that's not true.

17 THE COURT: No, that's not right?

18 MR. TOOKER: These people did not have occasion to
19 look at these documents, the summaries we have. We
20 summarized our interviews with law enforcement and they
21 were witnessed by Elizabeth Brock in our office. We then
22 provided them to defense counsel so they've have a copy of
23 what we thought these people were going to say.

24 State's personal opinion, I'm not sure the summary
25 can refresh their recollection inasmuch as they haven't

1 had a chance to review the summary prior. Now, it may be
2 the kind of thing, did you meet with us? Yes. Was I
3 present? Who else was present? The problem is, I think,
4 Your Honor, if they say something that deviates from what
5 they said, at that point time, it's the State intent to
6 impeach that person with the prior statement? If they
7 then deny making the prior statement, then we would
8 impeach them with extrinsic evidence of that statement,
9 i.e. testimony from either Elizabeth Brock and Tommy
10 Blankenship as to what was said.

11 MS. WIYGUL: And, Your Honor, with all due respect,
12 it sounds like the State is trying to hand them a script.

13 MR. JOHNSON: Your Honor, in order to impeach a prior
14 statement, you have to have a prior statement. And I
15 would argue this is not a prior statement.

16 MR. TOOKER: No, it's a statement. It's not a
17 written statement, it's an oral statement.

18 MR. JOHNSON: It may be a written document in which,
19 you know, they say that this is what they said, but there
20 is no verification, there is no authentication by the
21 Defendant or the witness at this point.

22 THE COURT: Here's what we're doing to do, okay, is
23 forward. If you encounter that problem again, then we're
24 going to take a look at it. But right now, it's not
25 before the Court.

1 MR. WILKINS: We're going to encounter this.

2 THE COURT: You may very well encounter that problem
3 and we're going to see at that point, okay, we're going to
4 see. I'm going to look at it. Now, under what rule are
5 you looking to impeach your own witness's testimony?

6 MR. TOOKER: Well, with regards to we may impeach,
7 Your Honor mentioned hostility -- I think pursuant to 607.
8 Hostility is not necessary. No one needs to be declared
9 hostile. If the testimony can be better elicited through
10 leading questions, pursuant to 607, a calling party may
11 lead their own witness.

12 And then with regards to prior statements, that's
13 613(a), in examining a witness concerning a prior
14 statement made by the witness, whether written or not, the
15 statement need not be shown or its contents disclosed to
16 the witness at the time upon the request of extrinsic
17 evidence. So it would be extrinsic evidence of a prior
18 inconsistent statement by a witness is not admissible
19 unless the witness is advised of the substance of the
20 statement, time and place it was allegedly made and the
21 person to whom it was made and is given the opportunity to
22 explain or deny the statement. If a witness does not
23 admit that he has made the prior inconsistent statement,
24 extrinsic evidence of such statement is admissible.
25 However, if the witness admits to making the prior

1 statement, extrinsic evidence that the prior statement was
2 made is inadmissible.

3 THE COURT: To whom were the statements made?

4 MR. TOOKER: Well, they were made to myself, Mr.
5 Wilkins for some of them and Elizabeth Brock.

6 THE COURT: Do you run the risk of making yourself a
7 witness in this case?

8 MR. TOOKER: That's why we made sure to include
9 Elizabeth Brock in the interviews so that she could be the
10 party testifying as to the statements that were made.

11 THE COURT: The initial rule that you suggested you
12 were proceeding under was 608?

13 MR. TOOKER: 607.

14 THE COURT: 607. I got you, the general credibility
15 rule.

16 MR. TOOKER: No, I'm sorry, 611 is what I was talking
17 about, leading questions, 611(c).

18 THE COURT: I got you.

19 MR. TOOKER: Leading questions should not be used on
20 direct examination of a witness except as may be necessary
21 to develop a witnesses testimony where normally they're
22 only permitted on cross.

23 So I think under the rule, hostility as a
24 qualification is not necessary. It can be. A hostile
25 witness is, certainly, one that could be lead if called by

1 that party. But I think the important term is help
2 properly elicit that witness's testimony.

3 THE COURT: And I'm with you on that. And I and
4 every judge in the world permits that all the time,
5 particularly with witnesses who don't have the capacity to
6 really communicate. I think that's a little lesser than
7 what we're talking about right.

8 MS. WIYGUL: And, Your Honor, just to preserve the
9 record, the defense would object to any writing being used
10 to refresh the witness's memory or to impeach the witness
11 that was not written by the witness, or, at least, not
12 seen by the witness, or previously seen by the witness.

13 THE COURT: So y'all position is, essentially, unless
14 it was signed by the witness and in writing that it
15 doesn't really constitute a statement as contemplated
16 under rule 613?

17 MR. NEWTON: Correct.

18 MR. JOHNSON: These witnesses have never adopted
19 these statements as their own statements, that's the
20 point. This is just a summary made by Elizabeth Brock in
21 the solicitor's office.

22 MR. TOOKER: Again, a primary example, I think,
23 Judge, would be law enforcement responds to the scene of a
24 domestic. The victim runs outside and says he beat me, he
25 beat me. Let's say it's not an excited utterance and

1 admissible as such. The witness is called to testify.
2 She's on the stand. The prosecution asked what happened?
3 Oh, he didn't do anything to me.

4 THE COURT: I'm going to stop you. And I don't mean
5 to stop you. I think I've hit upon what I was looking
6 for. My chief concern was whether under rule 613, it had
7 to be a statement that was in writing and signed by the
8 party. But if you look at 613(a), it specifically says
9 whether written or not. Then it goes on to say in
10 subparagraph b that the extrinsic of a prior inconsistent
11 statement by a witness is not admissible unless the
12 witness is advised the substance of the statement, time
13 and place which was allegedly made and the person to whom
14 it was made and given the opportunity to explain or deny
15 the statement. So it sounds to me like the objection with
16 respect to whether it was written or not is, essentially,
17 obviated by and through the language of the rule.

18 MS. WIYGUL: And, Your Honor, that's why I added to
19 my objection it's not even been seen by this witness.
20 It's a script written by the State.

21 THE COURT: Well, I'll ask you, if it weren't a
22 written statement -- and the rule doesn't contemplate a
23 written statement, then in that instance, there's no way
24 that it could have ever been seen because it wouldn't have
25 been in writing and it contemplates that an oral statement

1 wouldn't be seen.

2 MS. WIYGUL: And my objection does go more to the
3 handing the statement to the witness than asking them
4 about it, Your Honor.

5 THE COURT: I don't know how else that you show them
6 and advise them of the time and place it was allegedly
7 made, person to whom it was made and given the opportunity
8 to explain or deny unless you show it to them.

9 MR. TOOKER: Your Honor, this is my intent from the
10 outset to ask them do you recall coming in and meeting
11 with me on such and such occasion at the courthouse and
12 when you came in and met with me, did you say blah, blah,
13 blah? And then they can either affirm or deny making that
14 statement. And if at that point, they go ahead and deny
15 the statement, we would seek to introduce extrinsic
16 testimony. If they affirm, yeah, I made it, but I was
17 lying, well, then that's it.

18 MS. WIYGUL: And I would ask that the State clarify,
19 is he wanting to say this before he even ask them?

20 MR. TOOKER: No.

21 THE COURT: That's if he deviates from what you
22 expect him to say and it becomes a prior inconsistent
23 statement?

24 MR. TOOKER: Yes, sir.

25 THE COURT: I would admonish you not to say did you

1 meet with me because if you do, then you are a witness.

2 And if you do say that, then you've got a problem.

3 MR. TOOKER: Yes, sir.

4 THE COURT: You have a witness who you say took down
5 the statement and summarized it. It may be that you need
6 to reference her as opposed to yourself.

7 MR. TOOKER: Okay. Would it work if I have said
8 solicitor's office staff because I'm sure they don't know
9 her by name?

10 THE COURT: I don't want to put too fine a point on
11 it, but it seems to me that you could say investigator
12 such and such of the solicitor's office at the solicitor's
13 office on this day. And that way, you make it general and
14 specific.

15 MR. TOOKER: Okay.

16 THE COURT: Okay.

17 Bring the jury in.

18 (WHEREUPON, the jury entered the courtroom at
19 approximately 4:20 p.m.)

20 THE COURT: Mr. Tooker, it's your case.

21 MR. TOOKER: The State calls Kelley McCall.

22 THE CLERK: Place your left hand on the Bible and raise
23 your right.

24 KELLEY MCCALL,

25 after having been duly sworn, testified as follows:

1 THE CLERK: Have a seat and state your name for the
2 record, please.

3 THE WITNESS: Kelley McCall.

4 DIRECT EXAMINATION

5 BY MR. TOOKER:

6 Q Ms. McCall, how are you doing today?

7 A I'm all right, how you?

8 Q I'm doing well, ma'am. Do you know why you were
9 called to testify today?

10 A Yes, sir, for the trafficking charges I got locked up
11 for.

12 Q Okay. And you were locked up on the same charges as
13 these folks?

14 A Well, yeah, yes, sir, yeah. As far as -- yeah, yeah,
15 as far as I know, that's what we was all charged with,
16 yes, sir.

17 Q Okay. And have you been promised anything or
18 threatened with anything to testify here today?

19 A No, sir.

20 Q Has our office promised you anything in exchange for
21 your testimony?

22 A No, sir. It's my understanding I don't even know
23 what I'm going to get out of it yet, so no.

24 Q Do you want to get something out of this?

25 A I've already got a big lesson out of it, yes, sir.

1 Q No, you're hoping that we're going to cut you a deal,
2 right?

3 A Well, I mean, yeah. But you don't have to, I mean.

4 Q So you're testifying with the understanding we're not
5 making you any promise?

6 A Yes, sir.

7 Q Now, do you know the Defendants, Ms. Greenfield, Mr.
8 Mealor and Ms. Hayes?

9 A Yes, sir.

10 Q How do you know them?

11 A I've knowed Michael and Denise for about 20 years,
12 maybe a little bit longer. My first cousin, Julie, is
13 married to their brother, Jimmy Mealor. And I used to go
14 with Mark Mealor, their other brother when I was in high
15 school. And I met Ms. Cindy through a mutual friend and
16 I've known Cindy about five years maybe, something like
17 that.

18 Q And what's the relationship between Mr. Mealor and
19 Ms. Greenfield?

20 A They're boyfriend and girlfriend, I believe.

21 Q And I'm going to show you what's been marked as
22 State's 16. Have you seen a copy of that document?

23 A Yes, sir, I got my motion to discovery, yes, sir.

24 Q Okay. And is that about a fair representation of how
25 much Sudafed you bought in 2011?

- 1 A Yes, sir.
- 2 Q What were you doing with that Sudafed?
- 3 A I gave the Sudafed to Michael and Cindy.
- 4 Q You gave it to Michael and Cindy?
- 5 A Yes, I did.
- 6 Q Did you give it all to Michael and Cindy?
- 7 A Yes, sir, I did.
- 8 Q Why did you give it to Michael and Cindy?
- 9 A For me to get a free high.
- 10 Q Free high of what?
- 11 A Methamphetamine.
- 12 Q Methamphetamine?
- 13 A Yes, sir. Crank, whatever you call it.
- 14 Q Okay. How would that exchange work?
- 15 A I'd buy the pills and give it to them and later on,
- 16 I'd get a bag of dope for it.
- 17 Q A bag of dope?
- 18 A Yes, sir.
- 19 Q About how much worth?
- 20 A Maybe 20, maybe 40, something like that. I don't
- 21 know exact amount.
- 22 Q Twenty or 40 dollars or?
- 23 A No, a bag of dope would be that much in amount, yes,
- 24 sir.
- 25 Q An amount?

1 A Twenty to 40 dollars worth of amount.

2 Q Twenty to 40 dollars worth of methamphetamine?

3 A Yes, sir.

4 Q I'm just making sure we're not talking about 20
5 ounces or something?

6 A No, no, no, no, sir. No, sir.

7 Q Okay. All right. Who else were you doing this with?

8 A Who was I doing it with?

9 Q Yes, ma'am.

10 A I done this by myself, but my sister, Angela
11 Armstrong, and my cousin, Billy Mealor, had brought
12 Sudafed, too. That's all I know that they bought the
13 Sudafed.

14 Q Would you go with other people when you buy or would
15 you go by yourself?

16 A I went with my sister before and maybe with Billy,
17 yeah.

18 Q All right. And if you went with anybody else, was it
19 to buy Sudafed for these folks?

20 A The only Sudafed I bought was this Sudafed right
21 here.

22 Q Yes, ma'am.

23 A And no, sir, I wouldn't go with anybody else.

24 Q Okay. And when you went with your sister or Billy,
25 y'all were all buying Sudafed for them?

1 A Yes, sir.

2 Q Okay.

3 A Except when my sister purchased it for my niece,
4 which was liquid Sudafed because she has nose bleeds.

5 Q Okay.

6 A But I don't have any of that on my record.

7 Q Did you ever have occasion to talk to any of the
8 Defendants about what was going on?

9 A What do you mean, like after this happened or during?

10 Q No, before when you were buying the Sudafed?

11 A Yes, sir, we spoke about it then, yeah.

12 Q With which ones?

13 A Well, I spoke with the Defendants and my sister and
14 my cousin, you know, the people that was involved that was
15 close to me.

16 Q Okay. What did you and the Defendants talk about?

17 A Well, it was my understanding it could be made
18 cheaper and it would be cleaner because we knowed what was
19 going in it than what we were going out on the street
20 buying.

21 Q And who told you that?

22 A Cindy, I guess.

23 Q You guess?

24 A I believe it was Cindy, yes, sir.

25 Q I mean, you --

1 A Yes, sir, I'm not sure, but I believe it might have
2 been Cindy that said it. Because we were talking about
3 how -- the dope whenever you buy it, nowadays you cannot
4 tell what's in it. And she said that we can make it and
5 it would be cleaner and we'd know what was going in our
6 body because we wouldn't be putting unknown chemicals in
7 our body and we didn't know what was going into us.

8 Q Okay. You got a meth problem?

9 A No, sir, not anymore, I do not, sir.

10 Q Not anymore?

11 A No, sir, I do not. I've been clean, yes, sir.

12 Q How long have you been clean?

13 A I've been clean -- I was clean over a year, then I
14 relapsed after my cousin died and I've been clean about
15 six months now, yes, sir.

16 Q And you've got some criminal convictions from this
17 kind of stuff, don't you?

18 A Yes, sir, I do.

19 Q For meth?

20 A I have a simple possession of meth. This was 2008, I
21 believe it was I the locked up. And yes, it was June of
22 2008. My conviction happened August the 26th of 2009. I
23 was locked up by state trooper for first offense simple
24 possession of meth, first offense simple possession of a
25 controlled substance, which was the Xanax, and first

1 offense simple --

2 Q Meth?

3 A Yes, meth, uh-huh. And for two little bitty roach
4 joints and simple possession of marijuana, too, but they
5 dropped that.

6 Q Drugs is what we're talking about?

7 A Yes, sir.

8 Q You've been locked up for drugs.

9 A Very first time. That was the only time I ever been
10 locked up.

11 Q But you got locked up for accessory after the fact,
12 didn't you?

13 A Yes, sir, I did, in 2006, the first time I was ever
14 locked up.

15 Q Was that at all related to drugs?

16 A No, sir.

17 Q It wasn't?

18 A No, sir.

19 Q Ms. McCall --

20 A No, my boyfriend had a crack habit at the time and I
21 sold some guns to a pawn shop for him.

22 Q And he had stolen them?

23 A And I didn't know it at the time because I was not
24 with him, but he had stolen them. And I went and sold the
25 guns. And I was in my meth addiction then, but he was in

1 a crack addiction and I went and spent money that I got
2 off the guns on household items that I needed and I gave
3 him the rest.

4 Q You bought meth with the money that you got -

5 A No, I bought household items.

6 Q Household items, I'm sorry.

7 A Yeah, and I gave him the rest of the money and he
8 went and spent it on crack.

9 Q Okay. So would you say drugs have been kind of a
10 recurrent theme in your life?

11 A Yeah, since I was 16, yes, sir. I'm an addict. I'm
12 a recovering addict, yes, sir.

13 Q Okay.

14 A I've not been on meth, but I got on meth the last
15 five or six years. I had been on it really bad.

16 Q Okay. And did you have any other occasions to talk
17 to Ms. Greenfield in this case about anything you observed
18 at the house?

19 A No, I had not talked to them since.

20 Q No, back in 2011?

21 A Yes, sir.

22 Q So what did she say or what did you talk to her
23 about?

24 A Well, it's just -- I don't know. I wondered why they
25 had so many bottles, plastic bottles and they said that

1 they could feel when they expanded and glass you couldn't
2 feel when they expanded.

3 Q Okay. Now --

4 A Now, I don't know --

5 Q Just hold on, I'm going to slow that down real quick.
6 You asked them why they had so many plastic bottles?

7 A Uh-huh.

8 Q And they said because plastic, you can feel when it
9 expands?

10 A Yes, sir.

11 Q When what expands?

12 A I don't know. I didn't ask all those specifics.

13 Q But glass you can't feel when it expands?

14 A No.

15 Q What happens if you don't feel the glass and it's
16 expanding?

17 A I guess it explodes on you.

18 Q It exploded on you?

19 A Uh-huh.

20 Q So plastic is safer?

21 A Evidently.

22 Q Are we talking about cooking meth?

23 A I didn't ask all that, sir. I imagine that might
24 have been what it was for, but I don't know. I had no
25 process in any of that.

1 Q Did you ever notice a strong odor at [REDACTED]

2 [REDACTED]

3 A I went to pick up peanut butter pies and I smelled
4 something and I was told the less I know, the better off I
5 was.

6 Q You smelled something?

7 A Well, yeah, it was a funny smell. It's kind of hard
8 to describe.

9 Q Who told you the less you know, the better off you
10 are?

11 A Cindy did.

12 Q And that's Cynthia Greenfield?

13 A Yes, sir.

14 Q Okay. You said you wanted to make sure the meth was
15 clean. What's the problem with meth that you've got to
16 make sure it's clean?

17 A I'm going to tell you the truth, sir.

18 Q Yes, ma'am.

19 A Whenever I bought meth, I don't -- if you a drug
20 addict -- and I shot meth, I'm not going to lie, I shot
21 meth for the last couple of years. I did start out
22 smoking it. But when you're worried about getting high
23 and you're worried about getting a bag of dope, you don't
24 worry about what's in that bag of dope, I'm not going to
25 lie to you. And I wasn't concerned about what was in any

1 bag of dope I had ever bought. That's just the God's
2 honest truth.

3 Q So getting a box of Sudafed to get some dope wasn't a
4 big deal?

5 A Well, I didn't think it was a big deal, no, sir.

6 Q It wasn't a big deal to you personally?

7 A Well, it wasn't at the time, but I was heavily in my
8 drug addiction at that time. And when you're under a
9 drug, you don't think clearly. I'm going to tell you the
10 truth, I had already left my mother and my father's home
11 and left my children in my mother and my father's care
12 because I was so far into my addiction. Because as long
13 as I know my children were at home with my momma and
14 daddy, DSS couldn't take those kids from my momma and
15 daddy.

16 Q Okay. Were Angie and Billy also in the same boat as
17 you?

18 A Yeah. Angie left her kids at home, too, with my
19 parents.

20 Q No, what I'm saying, were y'all using
21 methamphetamine?

22 A Yes, sir. Yes, sir. And Robert was, too.

23 Q Robert was, also, using methamphetamine?

24 A Robert's Billy's younger brother.

25 Q And did you ever use methamphetamine at their house?

1 A At their house?

2 Q Uh-huh.

3 A No, sir.

4 Q Where would you use your methamphetamine?

5 A At my sister -- well, my sister lived with her friend
6 on Loving Care Road, at the end of Loving Care Road where
7 we would use that.

8 Q Okay.

9 A I'd rather not speak his name. I mean, I can, I had
10 already spoken it earlier.

11 Q Are you talking about where you smoked meth?

12 A Yeah.

13 Q Why don't you just go ahead and tell the jury?

14 A Larry Pendergraff's house.

15 Q You smoked meth at Larry Pendergraff's house?

16 A No, I shot meth at Larry --

17 Q Shot?

18 A Yes, sir, I was a needle junkie, yes, sir.

19 Q Needle?

20 A Intravenously, yes, sir.

21 Q Okay. How do you do that? How do you make the meth
22 so you can inject it?

23 A What you do is you take your meth and you take a
24 spoon and you put your meth in the spoon and you take and
25 you put a certain amount of water on it and then you take

1 the end of the needle and crush it up. Once it's crushed
2 up, it's a liquid. Then you put a little piece of cotton
3 down in the spoon and you draw it back and then that's
4 your dope right there. Than you intravenously shoot it in
5 your veins.

6 Q Is there a difference between ice and crank?

7 A Yeah. Ice is more like glass and crystal-looking
8 form and crank is powder form.

9 Q And you said you got crank from them when you gave
10 them Sudafed?

11 A Yes, sir.

12 MR. TOOKER: No further questions.

13 CROSS-EXAMINATION

14 BY MR. NEWTON:

15 Q You're quite familiar with the meth-making process,
16 are you not?

17 A Not meth-making process, no, sir. I don't know
18 nothing about that.

19 Q Isn't your boyfriend Larry Pendergraff?

20 A He's not my boyfriend. He never was my boyfriend,
21 that was my sister's boyfriend.

22 Q But you lived in the same house with him?

23 A I stayed there occasionally, yes, sir.

24 Q Are you still living with him?

25 A No, sir. I live at home with my parents. Larry

1 Pendergraff, he's been out of the picture for a while now.

2 Q Why is that?

3 A Because -- well, to be honest with you, he scratched
4 my sister's car when we were asleep and my sister got
5 charged with it. And she left and came home and Larry --
6 I don't know where Larry's at now. I could care less
7 where Larry's at.

8 Q Is he in prison?

9 A He should be in prison from what I understand.

10 Q What address were you living with him at?

11 A I did not live there, sir. I stayed there
12 occasionally.

13 Q You stayed there occasionally?

14 A Yes, sir.

15 Q How many days in a row would you stay there?

16 A Two or three days at a time.

17 Q And what address was that?

18 A It was on [REDACTED] I don't know the exact
19 address, sir.

20 Q Didn't he get busted with a meth lab at that address?

21 A Sir, I was not there. No, sir, that's a completely
22 different address. The address you're speaking of belongs
23 to -- I don't remember. I gave tell you his name. What
24 is his name? Luther; I don't know Luther's last name. He
25 was at Luther's house is where that was at and I was not

1 around him at that time. I was at home with my children,
2 sir.

3 Q Were you aware there was a meth lab there?

4 A No, sir. I didn't never go in that home, no, sir. I
5 didn't go in that home.

6 Q Have you been around that home before?

7 A No, not meth labs, no, sir. I been in meth houses,
8 but I've not been around no meth lab, no, sir.

9 Q What do you mean by a meth house?

10 A Where you go and you can buy your dope and you can do
11 your dope. That's what a meth house is.

12 Q A place where meth is manufactured?

13 A I've never been to a place it's manufactured, sir. I
14 couldn't tell you how to make it.

15 Q So by your testimony, their house on [REDACTED] is
16 not -- you would not describe that as a meth house, would
17 you?

18 A If they made meth there, I don't know anything about
19 it because I don't know anything about the process of
20 making methamphetamine.

21 Q But didn't you just say you didn't even do your meth
22 there, right?

23 A No, I didn't do my meth there. There were children
24 there, sir. And I do not even do dope in my home around
25 my children. I mean, I might be a sorry person in some

1 people's eyes because I'm an addict, but I have rules. I
2 do not do dope around children or children that live at a
3 home.

4 Q Right.

5 A Because I mean, you can ask anybody in here that
6 knows me. I have enough common courtesy for that. And if
7 people that I was in the home, if they smoked the dope and
8 they didn't want me to keep my meth there, I didn't keep
9 my meth there.

10 Q You said DSS has custody of your kids?

11 A No, sir, they do not. No, sir.

12 Q Have they ever had custody of your kids?

13 A I have been in trouble twice with DSS for meth, yes,
14 sir, I have.

15 Q And what years were those?

16 A 2007 and 2012, or '11 and 12, something like that.

17 Q Was the first time back in 2009?

18 A No, I thought it was a little bit earlier than that,
19 but it may be, yes, sir.

20 Q Before that, before 2008?

21 A Yes.

22 Q So how long -- what year would you say your meth
23 problem first started, how long ago was that?

24 A I don't know. I'm 36 now. I guess I was 28, 29,
25 something like that.

1 Q All right. So long before you ever met Cindy?

2 A Yes, sir. Yes, sir. There's no way I can blame --
3 there's no way I can put my problems with meth or any kind
4 of drugs on anybody else because it was my own choice to
5 put those drugs into my body, sir. I can't blame that on
6 nobody else.

7 Q All right. The solicitor asked you point blank if
8 you were hoping you would be cut a deal for your testimony
9 today. And you were candid and said yes.

10 A But if I am not, then I have to deal with the
11 consequences because I made the mistake of doing what I
12 did.

13 Q But you do hope for that? That's what you're
14 shooting for, isn't it?

15 A No, that's not what I'm shooting for, sir. I'm
16 shooting for the truth to come out because I did not -- I
17 didn't traffic meth, sir. But it's my understanding from
18 what I was explained that the reason I was locked up for
19 trafficking meth was because I was buying the Sudafed
20 pills and I was supplying the Sudafed pills, was my
21 understanding. That was the reason I was locked up for.
22 Because the meth that I got, I never saw sold, I did it.

23 Q You understand that you're charged as part of a
24 conspiracy ring?

25 A Yes, sir. And I understand that I can get up to 25

1 years in prison for this, sir. Yes, sir. That's been
2 explained to me, yes, sir.

3 Q You said you wanted to tell the truth?

4 A Yes, sir.

5 Q Let me ask you point blank.

6 A Yes, sir.

7 Q Did you sit down, did you have a meeting with one or
8 other people and conspire to manufacture 100 grams of
9 meth?

10 A Sir, I don't know if we made a 100 grams of meth, but
11 I bought Sudafed pills and gave them to them. If that's
12 conspiring, then, yes, sir, I guess I did, if that's
13 conspiring.

14 Q What agreement, what discussion did you have and with
15 who, who did you have some discussion to manufacture a
16 certain amount of meth?

17 A With Cindy and Michael.

18 Q Who?

19 A Cynthia and Michael.

20 Q What was the discussion? What was the agreement?

21 A That we could make cheaper dope and it would be
22 cleaner dope and we would know what we were putting in our
23 body.

24 Q Did you discuss some amounts, a target amount that
25 you were conspiring to produce?

1 A Sir, no, sir, huh-uh.

2 Q Just a little bit?

3 A No. What I got, I got because I gave the Sudafed
4 pills to them. I didn't discuss how much amount I got out
5 of it. They deemed what they thought was right and that's
6 what I got.

7 Q Do you have legal representation?

8 A Yes, sir, I do, but he's not here today.

9 Q Who is your attorney?

10 A Chase Harpin.

11 Q Has anybody explained to you to be guilty of a
12 conspiracy you have to agree on a certain goal? That is a
13 conspiracy, the nature of a conspiracy. So it's your
14 testimony you never had any conspiracy to manufacture more
15 than 100 grams of meth?

16 A Sir, I have never even seen a 100 grams of meth in my
17 life. I might have done a hundred grams of meth in my
18 life, but I've never seen that much at one time.

19 Q Now, in 2011, you made apparently six purchases?

20 A Yes, sir. That's what it says on the paper right
21 here, yes, sir.

22 Q And you purchased them, correct me if I'm wrong, in
23 Clemson, Seneca, Central and Pickens?

24 A Yes, sir. That's what it says, yes, sir.

25 Q So when you would go to the store and buy this, you

1 claim you gave it to Cynthia. When? How long after you
2 purchased this stuff would you give it to her?

3 A As soon as I bought it, I would take it to them or
4 meet them somewhere and give it to them.

5 Q But where? Let's talk about -- are you looking at a
6 copy?

7 A Yes, sir, I've got it right here, yes, sir.

8 Q Let's talk about the first incident, May 12th, 2011.
9 Well, you read it.

10 A It says at 4:26 p.m. at Walgreens at 100 Tiger
11 Boulevard, Clemson, South Carolina, I bought a 96-count of
12 Walfred tabs, 2.88 grams. I don't understand the grams
13 part y'all got there. I don't understand that, but I
14 understand how much I bought, yes, sir.

15 Q All right. On that day at that Walgreens at 100
16 Tiger Boulevard in Clemson, who was with you, if anybody?

17 A My sister or my cousin.

18 Q Your sister or your cousin?

19 A Yeah, any one of them would have been with me.

20 Q I'm asking you do you remember specifically --

21 A No, sir, I don't remember. I'm telling you I don't
22 remember. Once I done meth, if I stayed up a couple
23 days -- meth keeps you from sleeping and you don't get
24 enough oxygen to your brain and you're not making very
25 smart decisions at this time.

1 Q Can you name specifically who was with you on May 21

2 --

3 A Sir, I'm telling you, I don't know who was with me at
4 the time.

5 Q Could you have been by yourself?

6 A I don't have a driver's license, I doubt it.

7 Q Could you have been with 30 other people?

8 A No, sir. Those two people, I'm telling you -- or
9 Robert, I could have been with Robert and Angie. But
10 we're not discussing Robert because Robert's deceased.
11 But yes, sir, Robert, Angie or Billy was who I would be
12 with.

13 Q But you don't know if they went with you each time?

14 A Well, one of the different three would be with me
15 each time I went, yes, sir.

16 Q Back to the one of May the 12th, 2011, can you
17 testify specifically from your memory where you went after
18 you purchased this?

19 A Yeah, I went to take the Sudafed to Michael or Cindy.

20 Q Directly?

21 A Yes, sir.

22 Q Directly?

23 A Yes, sir.

24 Q What if they weren't there?

25 A I usually called them or contacted them by phone.

1 Q How about May 21st?

2 A Sir, that's what I'm telling you, I cannot exactly
3 remember who was with me these times.

4 Q And May 21st, the second time, it is your testimony
5 that you went over to her house directly afterwards or
6 not?

7 A Yes, I'd give it to them. I would either meet them
8 at the store or they would come to Larry's house, where I
9 was staying at at the time.

10 Q So now you're saying sometimes they would meet you at
11 Larry's house?

12 A I just told you I would meet them out somewhere or
13 they'd come to the house and get it. That's the house I
14 was staying at, sir.

15 Q Ma'am, isn't it true that you, actually, don't
16 remember any of this really, you're just going by what the
17 State has provided you, isn't that true?

18 A Yeah, I told you I'm a drug addict and when I was up
19 for weeks at the time, I couldn't remember things.

20 Q You're just going on by what the prosecution has told
21 you?

22 A This right here is a motion of discovery and they
23 said I bought it and the government provided you this,
24 then it's got to be the truth.

25 Q I'm sorry, what was that last part?

1 A It has to be the truth.

2 Q Why?

3 A Because the government not going to take your ID and
4 put you in a system saying that you bought it if you did
5 not buy this, sir.

6 Q The government never makes an error?

7 A From what I understand, I don't see how they can make
8 an error on 16 or 18 people buying that Sudafed, sir. I
9 just don't see how they can. I really don't.

10 Q Okay. According to this government document, you
11 made six purchases in 2011?

12 A Yes, sir, I did.

13 Q Were you buying Sudafed, Pseudoephedrine or Ephedrine
14 before 2011?

15 A No, sir.

16 Q In your whole life?

17 A No, sir. I took it one time. And the only time I
18 ever took it is I took it at Morris Village when I was in
19 rehab in 2009, yeah, 2008, '9, something like that. I was
20 in rehab and they gave it to me because I had very severe
21 sinuses. That's the only time I ever took it, sir.

22 Q You ever had sinus problems?

23 A Yeah, I have them a lot, yes, sir.

24 Q What do you take for it?

25 A I take Tylenol Cold or I take Advil Cold or some

1 store brand cold and sinus and allergy pills. That's what
2 I take.

3 Q Are you aware that sinus and allergy pills have
4 Pseudoephedrine in it?

5 A From my understanding, what they got on the counter,
6 you cannot make meth with, sir. And my intent when I had
7 a sinus infection was not to take meth, it was to take it
8 to make myself better, sir.

9 Q You think you could make meth out of that?

10 A Sir, I don't know. I could not tell you.

11 MR. NEWTON: No further questions.

12 CROSS-EXAMINATION

13 BY MS. WIYGUL:

14 Q Ms. McCall?

15 A Yes, ma'am.

16 Q You said that you didn't have a driver's license?

17 A No, ma'am, I don't. They took them for my drug
18 convictions in 2009, yes, ma'am.

19 Q So you haven't had a driver's license since 2009?

20 A No, ma'am, I have not.

21 Q Whose driver's license did you use?

22 A I used my state issued ID, ma'am.

23 Q Okay. Okay.

24 A Yeah.

25 Q Now, you stated that you spent two to three days a

1 week around this time period over at Mr. Pendergraff's
2 house?

3 A Yeah, my sister was staying there.

4 Q And he was charged with manufacturing meth, wasn't
5 he?

6 A Ma'am, that was after I got locked up -- no, no, it
7 was not. I'm not very quite sure -- yes, that was after
8 -- or right around the time that I got locked up for this.
9 And he was making it at Luther's house and I did not go to
10 Luther's house because I do not get along with the young
11 ladies that stay there, ma'am.

12 Q And, I'm sorry, ma'am, I'm going to redirect you just
13 a little bit.

14 A Yeah, that'll be fine.

15 Q Was Mr. Pendergraff charged with manufacturing meth
16 to your knowledge?

17 A Yes, ma'am, but I was nowhere in that scene when that
18 happened.

19 Q Okay. Ma'am, you seem very jumpy today and I don't
20 want you to take offense, but are you under the influence
21 of anything today? Did you take any pills to calm your
22 nerves or anything?

23 A No, ma'am, I didn't. I take Amitriptyline 75 grams
24 at night to sleep, yes, ma'am, for my depression.

25 Q But you haven't taken anything today?

1 A No, ma'am.

2 Q And you've been diagnosed by a doctor with
3 depression?

4 A Yes, ma'am. And you can subpoena my doctor records
5 from Family Counseling, Dr. Clark if you had to.

6 Q Okay. All right.

7 MS. WIYGUL: I don't have any further questions.

8 Thank you, Ms. McCall.

9 THE WITNESS: All right. Thank you. Am I done?

10 MS. WIYGUL: No, ma'am, we've got one more gentleman
11 that would like to ask you some questions.

12 CROSS-EXAMINATION

13 BY MR. JOHNSON:

14 Q I apologize, Ms. McCall.

15 A That's all right. That's all right.

16 Q You're doing a great job and we really appreciate
17 your assistance today, but I know it can be a very trying,
18 very nerve racking time.

19 A Yes, sir.

20 Q So any time you need to take a minute and breathe,
21 feel free to do so, okay. I just want to clarify just a
22 few things?

23 A Yes, sir.

24 Q You mentioned knowing Ms. Greenfield and Mr. Mealor?

25 A Yes, sir.

1 Q Do you know my client, Carol Denise Hayes?

2 A Yes, I know Denise. I've known her about as long as
3 I've known Michael, yeah.

4 Q Okay. Did Denise ever ask you to go or come and get
5 together and let's all go manufacture some
6 methamphetamine?

7 A No, sir, she did not, no, sir.

8 Q She ever give you some money and say hey, go buy some
9 Sudafed?

10 A No, sir, she didn't.

11 Q She ever give you some money and say hey, go buy some
12 Sudafed for Michael?

13 A No, sir.

14 Q Go buy some Sudafed for Cynthia?

15 A No, sir.

16 Q When you mentioned that Michael and Cynthia said that
17 glass would break -- you could feel plastic expand, but
18 you can't glass and something about a bottle busting?

19 A Uh-huh. That's my understanding. I imagine if it is
20 expanding, glass will explode, I would imagine.

21 Q But when you do this with your hands, the gesture you
22 make, that -- have you ever heard the shake and bake? I
23 mean, you've been around it enough --

24 A Yeah, I've heard glass breaking, yes, sir. Yeah,
25 I've heard of that, yeah, uh-huh.

1 Q But if you, you know -- but you've never seen
2 manufactured meth?

3 A No, sir. I never been involved with it. I couldn't
4 even tell you what goes in it.

5 Q Okay. So -- but you know about methamphetamine and
6 they tell you this about -- I guess my question is why
7 would you feel that that's relevant to tell the State at
8 your meeting or is that just what they suggested that you
9 say?

10 A Do what now, sir?

11 Q Why did you feel it was relevant to tell the State at
12 your meeting about that bottles or is that just what they
13 suggested you say?

14 A No, no, no, I was asked questions, if I had ever seen
15 plastic bottles around.

16 Q And you said yes?

17 A I said yes and I stated the reason why.

18 Q You said they were laying around the house, that's
19 your testimony. Cindy would keep them.

20 A Yeah, she would keep them. And Cindy used to put
21 water in them and fix her ice in them, yes, sir.

22 Q Okay. Was the house always tidy? Be honest. Be
23 honest now, you're under oath.

24 A Well, when Cindy moved in, it was clean, and at
25 times, it was clean when Denise lived there, yes, sir.

1 But when you have small children, it's not easy to keep a
2 home clean. And there was toys and clothes. I mean, my
3 home's like that, sir. I have kids at home. You cannot
4 keep a house perfectly clean.

5 Q You also mentioned in your previous testimony about
6 how they could possibly make this a cleaner
7 methamphetamine. This isn't your first rodeo?

8 A No, I know about methamphetamine, yes, sir. I've
9 done enough methamphetamine to know about it.

10 Q Are you familiar with what chemicals go into it?

11 A No, sir, I'm not.

12 Q Does Sudafed go into it?

13 A Yeah, I imagine it does.

14 Q Sudafed used as an allergy drug?

15 A Yes, sir.

16 Q Does lighter fluid go into making methamphetamine?

17 A Sir, I do not know. I've never made it. I explained
18 that to you a while ago. I've never made it. I do not
19 know, sir.

20 Q You mentioned previously that you've never been to a
21 place where methamphetamine has been manufactured?

22 A No, sir.

23 Q So by that rationale, methamphetamine was never
24 manufactured at [REDACTED] is that correct?

25 A Sir, I don't know if it was or not. As far as I

1 know, it wasn't. But I --

2 Q I mean, you previously stated -- I'm sorry.

3 A But I was not there all the time neither. And that
4 was more than just Ms. Greenfield and Michael Mealor and
5 Denise Hayes living at the home at the time, too. There
6 were two other individuals that lived there, too.

7 Q Did you ever see them manufacture methamphetamine?

8 A No, sir, I did not. I've never seen those two people
9 manufacture meth, no, sir.

10 Q So according to your testimony that you had never
11 been to a place where methamphetamine was manufactured?

12 A No, sir.

13 Q Then methamphetamine were never manufactured at [REDACTED]
14 [REDACTED], is that correct?

15 A I'm not sure, sir. As far as I know, no.

16 MR. JOHNSON: No further questions, Your Honor.

17 THE COURT: Any redirect, sir?

18 MR. TOOKER: No, ma'am. I'd like Ms. McCall to be
19 excused, please.

20 THE WITNESS: Thank you.

21 THE COURT: Thank you. I appreciate you being here.
22 You're free to go.

23 All right. Ladies and gentlemen, we're right here at
24 five. I'm afraid if we tee up another witness, then we'll
25 probably be here after 5:30. We've got a little business

1 to take up before we leave today, so what I'll do is
2 release y'all for the day. Y'all be back, please, if you
3 would, at 9:30 tomorrow. My hope is that tomorrow, we
4 will get through all of the testimony and all of the
5 evidence and then go to argument and charge on Thursday
6 morning. I don't know if we'll be able to do that, but
7 that is my hope right now.

8 As we go forward, I'll starting asking the solicitor
9 how many more witnesses he has to call and intends to call
10 in his case in chief. Then as we get closer to the
11 Defendants' case, I'll start inquiring as to whether or
12 not they have witnesses and if so, how many, so we can
13 kind of gauge how much longer we have.

14 Y'all have a great evening. Please do not discuss
15 the case. I'll see you back here at 9:30.

16 (WHEREUPON, the jury left the courtroom at
17 approximately 4:56 p.m.)

18 THE COURT: Anything further to put on the record
19 : this afternoon?

20 MR. TOOKER: I think, Your Honor, the last thing,
21 because the jury has been sworn and their bond has been
22 satisfied, we have to take the issue of whether or not
23 you're going to take them into custody tonight. The
24 State's of the position that given the serious nature of
25 the charges, flight is, certainly, a risk, no bond. We

1 wouldn't be opposed to a trial bond, which we informed
2 defense counsel this morning. So that's our position.

3 THE COURT: How long has this case been outstanding?

4 MR. TOOKER: It's been outstanding since mid-2012.

5 THE COURT: Mid-2012, so going on 18 months, is that
6 right?

7 MR. TOOKER: Yes, sir.

8 MR. NEWTON: Your Honor, they have appeared for court
9 every time.

10 MS. WIYGUL: I've never had any trouble reaching Mr.
11 Mealor or Ms. Greenfield.

12 MR. NEWTON: Their mother has driven them to and from
13 court everyday, Your Honor. She's on the State's witness
14 list to return. Maybe a PR bond.

15 THE COURT: Well, what I'm going to do is I'm just
16 going to allow them to remain on their current bond. Just
17 extend it throughout the course of the trial.

18 MR. NEWTON: Thank you.

19 MS. WIYGUL: And, Your Honor, just for the Court's
20 knowledge, we've been informed that Deputy Robinson will
21 not be testifying for the State, so that's why we had no
22 objection to him sitting in the courtroom.

23 THE COURT: Good enough.

24 I'd like to just after this, after the jury gets
25 gone, I'd like to talk to y'all for just a second just

1 back in the grand jury room.

2 MR. NEWTON: Your Honor, may our clients go ahead and
3 leave?

4 THE COURT: Yeah, yeah, please.

5 (WHEREUPON, court was adjourned for the day to be
6 reconvened on Wednesday, December 18, 2013.)

7 WEDNESDAY, DECEMBER 18, 2013

8 (WHEREUPON, the jury entered the courtroom at
9 approximately 9:48 a.m.)

10 THE COURT: Good morning, ladies and gentlemen,
11 thanks for being on time. We appreciate it. I hope y'all
12 had a good evening. We're going to get right to it.

13 Mr. Tooker, call your next witness.

14 MR. TOOKER: The State calls Angela Armstrong.

15 THE CLERK: Place your left hand on the Bible and
16 raise your right.

17 ANGELA ARMSTRONG,

18 after being duly sworn, testified as follows:

19 THE CLERK: If you would, ma'am, have a seat and state
20 your name for the record, please.

21 THE WITNESS: Angela Mae Armstrong.

22 DIRECT EXAMINATION

23 BY MR. TOOKER:

24 Q Ms. Armstrong, where are you from, ma'am?

25 A Kittichai, South Carolina.

1 Q Where do you currently live?

2 A Kittichai, South Carolina.

3 Q Do you know why you've been called to testify today
4 in this case?

5 A Yes, sir, I do.

6 Q Okay. Are you charged with trafficking
7 methamphetamine?

8 A Yes, sir.

9 Q Same as these parties are charged?

10 A Yes, sir.

11 Q Have you been promised anything by the State for your
12 corporation today?

13 A No, sir.

14 Q Have you been threatened by us?

15 A No, sir.

16 Q Has anybody said that you're going to get some kind
17 of disposition in exchange for your testimony?

18 A No, sir.

19 Q Okay. Do you know the Defendants in this case?

20 A Yes, sir.

21 Q Okay. How do you know the Defendant, Michael Mealor?

22 A Okay. His brother is married to my cousin, Julie.

23 Q Okay. Do you have a sister?

24 A Yes.

25 Q What's her name?

- 1 A Kelley McCall.
- 2 Q Kelley McCall is your sister?
- 3 A Yes, sir.
- 4 Q And do you know the Defendant, Ms. Greenfield?
- 5 A Yes, sir, I do.
- 6 Q What's Defendant Greenfield and Defendant Mealor's
- 7 relationship, how would you define it?
- 8 A They go together.
- 9 Q Boyfriend/girlfriend?
- 10 A Yeah.
- 11 Q Do you know the Defendant, Carol Hayes, Carol Denise
- 12 Hayes?
- 13 A Yes, sir, I do.
- 14 Q How do you know her?
- 15 A Through Michael, basically.
- 16 Q Okay. Do you know where these people live? Do they
- 17 live together or part?
- 18 A Together.
- 19 Q They live together?
- 20 A Yeah.
- 21 Q Do you ever go to the house that they lived at?
- 22 A Yes, sir.
- 23 Q Okay. I'm going to show you what's been marked as
- 24 State's 15. Do you recognize that document?
- 25 A Yes, sir, I do.

1 Q Okay. Is that something you've looked at before?

2 A Yes, sir.

3 Q Okay. And the total amount of Sudafed on there, how
4 much does it say, that highlighted number at the bottom?

5 A Twelve point 81 grams.

6 Q Is that for the year 2011?

7 A Yes, sir.

8 Q Now, having looked at that, would you say that is a
9 fair depiction of how much Sudafed you purchased in 2011?

10 A Yes, sir.

11 Q Okay. Now, how much of that Sudafed, if any, did you
12 keep?

13 A The top one because it's liquid, I bought that one
14 for my daughter.

15 Q The top one?

16 A Yes.

17 Q How many grams does that top one say?

18 A One point 77.

19 Q One point 77 grams. And what did you do with the
20 rest of it?

21 A I give it to Michael and Cindy.

22 Q You gave it to Michael and Cindy?

23 A Yes, sir.

24 Q You mean Michael Mealor and Cindy Greenfield?

25 A Yes, sir.

1 Q Why did you give it to them?

2 A I give it to the for exchange for dope.

3 Q You gave it to them in exchange for dope. What do

4 you mean by dope?

5 A Crank.

6 Q What is crank?

7 A Like meth.

8 Q Meth?

9 A There you go.

10 Q Okay. Do you smoke meth?

11 A I did.

12 Q You did?

13 A Yes, sir.

14 Q How long?

15 A Probably three or four years.

16 Q Okay. How would you use methamphetamine?

17 A I smoked it.

18 Q You smoked it. Did you ever inject it?

19 A Yeah, I have.

20 Q Did you ever get it in your body any other way?

21 A No, sir.

22 Q Okay. Would you consider yourself to be an addict?

23 A Yes, sir, I was at one point in time. Now, I'm doing

24 my meetings and I've been through drug counseling and

25 everything.

1 Q How long have you been clean?

2 A About a year.

3 Q You've picked up some criminal convictions in the
4 past, isn't that true?

5 A Yes, sir.

6 Q Okay. Did you have a 2012 conviction for controlled
7 substances?

8 A Yes, sir.

9 Q And a 2012 conviction for selling property upon which
10 a lien existed?

11 A Yes, sir.

12 Q And what about a shoplifting conviction, do you have
13 one of those, too?

14 A Yes, sir.

15 Q And did you get those convictions when you were sober
16 or when you were on drugs?

17 A I got those when I was on drugs. And then after all
18 that happened, I got clean and I went through BHS and I
19 completed their course up there.

20 Q What is BHS?

21 A Behavioral Health Services.

22 Q Okay. And you've successfully completed that
23 program?

24 A Yes, sir.

25 Q Good for you. Now, you said you were giving Sudafed

1 to Defendants Mealor and Greenfield in exchange for
2 methamphetamine?

3 A Yes, sir.

4 Q Did they ever talk to you about what they were doing
5 with it?

6 A They said that they could -- it would be easier to
7 make it because some of the stuff on the street is bad, I
8 guess, and it would be cheaper.

9 Q So you're telling us that they were -- they admitted
10 to you they making meth with the Sudafed?

11 A Yes, sir.

12 Q Okay. When you gave the Sudafed to them, is that
13 what you knew them to be doing?

14 A Yes, sir.

15 Q Okay. Did you ever, actually, see them doing it?

16 A No, sir.

17 Q Okay. But you guys had talked about it before?

18 A Yes, sir.

19 Q Okay. Where would you give the Sudafed to them?

20 A Sometimes at the store and sometimes at their house.

21 Q Okay. And is that [REDACTED]?

22 A Yes, sir.

23 Q Did you know them to live in other houses?

24 A They lived on [REDACTED]

25 Q Okay. So they moved to different places?

1 A Yeah.

2 Q Okay. And you said that you give it to the at the
3 store or the house. Did you ever give it to them anywhere
4 else?

5 A As far as I can remember, no.

6 Q How would the transaction go? Would it always be an
7 exchange that was immediately or would there be a delay?

8 A Well, usually, I give them pills and then like they
9 would call me and I would either go over their and pick it
10 up or they would meet me somewhere.

11 Q And what do you mean when you talking about --

12 A When I give them the pills, I guess they'd go do
13 their thing, then they call and say I got the meth for you
14 and I'd go meet them somewhere or go to their house and
15 pick it up.

16 Q So you're saying there was a delay between when you
17 gave them the pills and when you got the meth back?

18 A Yes, sir.

19 Q And the kind of meth you got, what would you call
20 that meth?

21 A Crank.

22 Q Crank?

23 A Yes, sir.

24 Q What is the difference between crank and ice?

25 A It's a powder form.

1 Q Powder form?

2 A Yes, sir.

3 Q Is that always what they gave you?

4 A Yes, sir.

5 MR. TOOKER: No further questions.

6 CROSS-EXAMINATION

7 BY MR. NEWTON:

8 Q Ms. Armstrong, how are you this morning?

9 A I'm good, how are you?

10 Q Who is your sister?

11 A Kelley McCall.

12 Q You live with her?

13 A Yes, sir.

14 Q Where do y'all live currently?

15 A In Kittichae.

16 Q What's the address?

17 A [REDACTED].

18 Q How long have y'all been living together at that
19 address?

20 A About eight years.

21 Q All right. Do you work?

22 A I was working at TTI, but I got laid off about a
23 month ago, so I'm drawing my unemployment.

24 Q All right. Does your sister work?

25 A She was working up there, too, but she got laid off.

1 Q So neither one of you are working currently?

2 A No, sir.

3 Q Did you see her last night?

4 A What now?

5 Q Did you see her last night?

6 A Yes, sir.

7 Q All right. What did y'all talk about regarding this
8 case?

9 A Nothing.

10 Q Did she tell you she testified yesterday?

11 A Yeah. But she didn't -- we're not allowed to speak
12 about the case, though.

13 Q Did y'all talk about what you were going to tell the
14 prosecutor before meeting with him on November 27th of
15 this year?

16 A No, sir.

17 Q Did y'all drive to the prosecutor's office together?

18 A We rode with my mother.

19 Q So you're going -- and she's charged with the same
20 thing that you are, right?

21 A Yes, sir.

22 Q All right. So you go to an all important meeting in
23 this courthouse at the prosecutor's office with your
24 sister, and y'all didn't talk about the case?

25 A No, sir, we didn't.

1 Q Were you under any order not to talk about the case
2 at that time?

3 A Yeah, we knew we wasn't supposed to talk to each
4 other about it.

5 Q Who told you that?

6 A Who told me that?

7 Q Yes.

8 A My lawyer.

9 Q Who is your lawyer?

10 A Raymond Wooten.

11 Q Is he here today?

12 A No, sir.

13 Q Does he know you're testifying today?

14 A Yes, sir.

15 Q Tell me about this meeting you had with the
16 prosecutor on November 27th of this year. What happened?

17 A I went in the room and I talked to him and answered
18 his questions.

19 Q Uh-huh. Now, you say no promise was made to you in
20 exchange for your testimony?

21 A Yes, sir, that's right.

22 Q Why did you wait until November 27th of this year to
23 make a statement to him?

24 A Because when I got out of jail, then my lawyer got in
25 touch with him and that's when he give me the change to

1 talk. Because Officer Blankenship, I guess, he's supposed
2 to be over the case or whatever, he never come and spoke
3 to me or anything. I don't even know who he is.

4 Q Who is the officer who arrested you originally and
5 charged you with this crime?

6 A A probation officer. I can't remember his name.

7 Q When were you arrested for this charge?

8 A In July of last year.

9 Q Okay. The police never asked you for a statement,
10 never tried to get a statement from you?

11 A No, sir.

12 Q Until you met with the prosecutor in November of this
13 year, last month?

14 A Yes, sir.

15 Q What did you expect was going to happen in the
16 prosecutor's office when you went there?

17 A Well, I figured he wanted me to tell him the truth
18 and was going to happen and all that. And I knew he
19 couldn't take -- he can't make me no promise on what I'm
20 going to get out of all this.

21 Q Why can't he make you a promise about that?

22 A Because it wouldn't be no good.

23 Q What wouldn't be no good?

24 A My testimony.

25 Q So what you're saying is your understanding is that

1 if he had made you a promise of leniency, the jury
2 wouldn't believe what you're saying, right? Is that how
3 you're looking at it?

4 A No, uh-huh. I look at it like this, we all did the
5 crime.

6 Q What crime did you do?

7 A We bought Sudafed pills.

8 Q Who is we?

9 A All of us.

10 Q All of us. How many people are you talking about?

11 A There's 18 of us altogether.

12 Q Did you see all those other people buying Sudafed?

13 A No, sir.

14 Q Have you talked to those other people?

15 A No, sir.

16 Q Do you even know all those other people?

17 A I know most of them, yes, sir.

18 Q But not all of them. So how can you sit there and
19 say they're all guilty?

20 A Well, I'm not saying they're all guilty.

21 Q Do you have any idea how much time you're facing for
22 your charge?

23 A Yes, sir.

24 Q It's a lot of time, isn't it?

25 A Yes, sir.

1 Q Do you want to go to prison for a long time?

2 A No, sir.

3 Q Are you hoping that somebody will be lenient on you
4 so you won't have to go to prison for a long time?

5 A I'm hoping, but.

6 Q You hope by your testimony today the State will be
7 more lenient on you? Be honest, ma'am.

8 A I don't know, maybe.

9 Q Maybe. Do you have that hope or not?

10 A I do have that hope, but.

11 Q Who did you meet with at the solicitor's office for
12 that meeting? Who all was in the room?

13 A Sam Tooker.

14 Q Who else?

15 A And my mother and my lawyer.

16 Q Anybody else?

17 A That's it.

18 Q Your lawyer was there?

19 A Yes, sir.

20 Q Your mother was there? Who is your mother?

21 A Sandra McCall.

22 Q And the prosecutor?

23 A Yes, sir.

24 Q Nobody else was in the courtroom?

25 A The investigator. Well, I have met with him twice so

1 far.

2 Q Twice?

3 A Yeah.

4 Q When was the other time?

5 A August or September.

6 Q What happened then?

7 A That's when all of us was in the room together and
8 spoke about this.

9 Q In August?

10 A Or September, I'm not sure.

11 Q September. Did you give a statement at that time?

12 A Yes, sir, I did.

13 Q What did you say at that time?

14 A Exactly what I just told you. I would go get the
15 Sudafed pills and I would give them to them. And then,
16 like I say, they would go do their thing and I would meet
17 up with them later on and they would give me crank.

18 Q If you told the prosecutor that in September, why did
19 you meet with him again in November?

20 MR. TOOKER: Judge, I'm going to object. This is
21 speculation. And she doesn't know why.

22 THE COURT: I'll overrule the objection. I'm going
23 to let him ask the question. If she doesn't know, she can
24 say she doesn't know.

25 THE WITNESS: I don't know. All I know is I was

1 called in and I come in.

2 BY MR. NEWTON:

3 Q Were the same people present for both meetings?

4 A No. The second time, it was me, him, my lawyer and
5 the prosecutor or the investigator.

6 Q How about the first meeting?

7 A The first meeting, it was me, my mother, him and my
8 lawyer.

9 Q No independent investigator at that time?

10 A No, sir.

11 Q Did you say the same thing in September that you said
12 against in November?

13 A Yes, sir.

14 Q Did you change anything at all?

15 A No, sir.

16 Q Do you give a written statement?

17 A No, sir.

18 Q Now, do you know a Thomas Pendergraff or Larry
19 Pendergraff?

20 A Yes, sir.

21 Q How do you know him?

22 A He scrapped my car.

23 Q Huh?

24 A I used to go over there and stay a couple days at a
25 time and he scrapped my vehicle.

1 Q Did you used to live with him?

2 A I used to stay with him a couple of days out of the
3 week, but I didn't, actually, live with him.

4 Q Wasn't he making meth?

5 A Not when I lived with him, no.

6 Q He wasn't. Did you ever get meth from him?

7 A Yeah.

8 Q How long have you been doing meth, ma'am?

9 A Four or five years, I guess.

10 Q All right. How long have you known Ms. Greenfield,
11 Ms. Cynthia Greenfield?

12 A Six or seven years.

13 Q Six or seven years. So you say you first met her in
14 2007 or so?

15 A Yes, sir.

16 Q How did you first meet her?

17 A My friend, Brad, was friends with her son and we went
18 to her house and that's how I met her.

19 Q In 2011, who all was living at the road -- the house
20 you say is there?

21 A It was Michael and Cynthia and Denise and the kids.
22 I think Jason and Melissa were living there, too, at the
23 time.

24 Q Anybody else?

25 A No, sir.

1 Q How often would you go over there to their house?

2 A Maybe once or twice a week. I didn't stay long,
3 though, when I went over there.

4 Q How long would you stay?

5 A Sometimes 10 minutes, sometimes 30 minutes to an
6 hour, I guess.

7 Q Any idea of how many times you went over there in
8 2011?

9 A No, sir.

10 Q No idea? Sounds like a lot then, too many to keep
11 track of.

12 A I guess. I don't know when -- when you're up on dope
13 for a while, it does --

14 Q It affects your memory, doesn't it?

15 A Yes, bad, so.

16 Q And you've had lots of different suppliers for your
17 meth in your life, right?

18 A Yes, sir.

19 Q Yes?

20 A (Witness nods head.)

21 Q All that meth you were on affect your memory of
22 events of what was going on?

23 A (Witness nods head.)

24 Q Do you remember what you were doing on January 5th of
25 2011?

1 A No, sir.

2 Q Do you remember what you were doing on January 23rd,
3 2011?

4 A No, sir.

5 Q February 20th, 2011?

6 A No, sir.

7 Q July 1st, 2011?

8 A No, sir.

9 Q You don't have any memory of anything in 2011 on
10 these particular dates or times or anything, do you?

11 A I remember buying the pills and stuff, but I can't
12 remember what day and all that, you know.

13 Q Who else were you giving pills to?

14 A Just them two.

15 Q Them two. When you say them two, who do you mean
16 exactly?

17 A Michael and Cynthia.

18 Q Michael and Cynthia. Were they always together?

19 A Yes.

20 Q All right. You say -- or according to this -- this
21 statement the prosecutor gave, you believe it because it's
22 what he's showing you, right? You don't have any memory
23 of those particular dates, do you?

24 A Well, I remember buying them, but I'm not sure
25 exactly what day and month I bought them.

1 Q You remember buying Sudafed during 2010?

2 A Yes, sir.

3 Q 2009?

4 A Well, see, my daughter's got to take Sudafed because
5 she has real bad allergies and her nose bleeds. And one
6 of those purchases on there is for my daughter.

7 Q So you say your daughter needs Pseudoephedrine
8 because of her condition?

9 A Yes, sir. So I might have bought it in those years.

10 Q So in 2011, you only bought your daughter once for
11 the whole year?

12 A Well, see, my mother goes to the pharmacy, too, and
13 buys it for my daughter.

14 Q Have you ever bought Pseudoephedrine for your
15 daughter before 2009?

16 A Probably, yeah.

17 Q You brought it for yourself?

18 A Yes, sir.

19 Q Do you have any sinus condition yourself, any
20 allergies?

21 A Yes, sir.

22 Q How long have you been buying Pseudoephedrine?

23 A Maybe two years.

24 Q I'm sorry?

25 A Maybe two years.

1 Q Two years?

2 A You talking about like for my daughter and
3 everything.

4 Q No, for you?

5 A For me?

6 Q Yes.

7 A I buy it when I get sick and stuff.

8 Q How often is that?

9 A Usually around wintertime.

10 Q Other parts of the year as well?

11 A Yeah.

12 Q On April 30th 2011, let's assume for the moment that
13 you went to Walgreens and bought 2.4 grams of
14 Pseudoephedrine. Did you go by yourself?

15 A Sometimes I go by myself and then one time, I did go
16 with Cindy and Michael and my cousin, Billy. We all went
17 together.

18 Q To do what?

19 A To buy Sudafed.

20 Q How did y'all get up together that day?

21 A We all rode together.

22 Q Did you go to town just to buy Pseudoephedrine or was
23 it some other shopping as well?

24 A Yes, sir.

25 Q How about May the 4th, did you go by yourself?

1 A Yes, sir.

2 Q May the 9th?

3 A Yes, sir.

4 Q June the 3rd?

5 A Yes, sir.

6 Q Well, there is no June 3rd on this. You're just
7 repeating whatever you think people want you to say, isn't
8 that true?

9 A No, sir.

10 Q When you went on August the 28th to Walgreens, were
11 you by yourself?

12 A I think so, sir.

13 Q Ma'am, there is no record of you going on
14 August 28th.

15 A I was on dope bad then and it did affect my memory
16 really bad.

17 Q Uh-huh. Were you hanging out with other people doing
18 meth?

19 A Yes, sir.

20 Q Quiet often, weren't you?

21 A Yes, sir.

22 Q Lots of people doing meth?

23 A Yes, sir.

24 Q Your memory of that time is very fuzzy and hazy, to
25 say the least?

1 A Yes, sir.

2 Q Was there ever a time when you conspired with anybody
3 to manufacture methamphetamine yourself?

4 A I don't understand the question.

5 Q Did you ever have an agreement, a common purpose with
6 other people to manufacture methamphetamine?

7 A No, sir.

8 Q You ever manufactured methamphetamine?

9 A No, sir.

10 Q Do you know anybody who's manufactured meth, ever
11 seen it made?

12 A No, sir.

13 Q Know how it's made?

14 A No, sir.

15 Q Do you know the ingredients that go into making it?

16 A No, sir.

17 Q You say you know the difference between ice and
18 crank?

19 A Yes, sir.

20 Q How do you know there's a difference?

21 A Because I've did them both.

22 Q But you never agreed with one other person, just one
23 other person to manufacture methamphetamine?

24 A No, sir.

25 Q What makes you think they were making

1 methamphetamine?

2 A Because that's what they told me.

3 Q When?

4 A When?

5 Q Yes.

6 A In 2011.

7 Q What precisely was told to you and who told it to
8 you, precisely?

9 A Well, okay. They said -- Cindy and Michael said they
10 could make it cheaper than they could --

11 Q They both said that?

12 A Yes, sir.

13 Q At the same time? I mean, did one of them say it and
14 the other said it?

15 A Yes, sir.

16 Q Repeat the other one?

17 A Yes, sir.

18 Q Really?

19 A Yes, sir.

20 Q That's how it happened?

21 A Yeah.

22 Q One said something and the other one standing right
23 there says the exact same thing?

24 A Well, they agreed on it.

25 Q They agreed on it?

1 A Yeah.

2 Q Do you remember it precisely what was told to you or
3 who told it to you?

4 A They just said the stuff that you get on the street
5 sometimes is bad and if they made it themselves, then like
6 I guess it would be good.

7 Q Was it Michael or Cynthia who said that to you?

8 A Cynthia.

9 Q Cynthia?

10 A Cynthia.

11 Q Didn't you say it was Michael before?

12 A Well, I've heard both of them.

13 Q Did you ever do meth with them?

14 A Yes, sir.

15 Q How often?

16 A I'm not sure.

17 Q When and where?

18 A Sometimes at their house. That's usually where we
19 was at.

20 Q I thought you said you never stayed more than about
21 10 minutes?

22 A Sometimes I stayed a little longer.

23 Q When you do meth personally, do you -- you tell me,
24 how do you do it? Are you in a given location and -- do
25 you smoke it or shoot it up?

1 A I smoke it.

2 Q All right. Do you immediately leave and go somewhere
3 else or do you stay where you smoke it?

4 A Yeah, sometimes I smoke it and leave and go somewhere
5 else.

6 Q Driving a car?

7 A Yes, sir, I have before.

8 Q You're driving? Smoke meth and then drive?

9 A (Witness nods head.)

10 Q How often would you do that sort of thing?

11 A Not too much.

12 Q You mentioned -- you claim that you're clean and
13 rehabbed, and then you said you just got out of jail.
14 What were you recently in jail for?

15 A Trafficking is what I was in jail for.

16 Q Another trafficking charge?

17 A No, the same one. I have been clean for a year
18 because see, I did get locked up for drugs, for controlled
19 substance and fraud. And that happened back in 2011. And
20 I just got off probation for it and I was on probation for
21 a year.

22 Q Didn't you say you were convicted last year in 2012?
23 I thought I heard you say 2012.

24 A (No response.)

25 Q Do you remember when you went to court? Was it last

1 year, 2012?

2 A Yeah. Yes, sir, it was.

3 Q What charge was that for?

4 A Possession of controlled substance and fraud.

5 Q What sort of fraud were you engaged in?

6 A That's when Larry Pendergraft scrapped my car and I
7 got charged for it.

8 Q He scratched your car?

9 A He --

10 Q Scrapped your car?

11 A Yeah.

12 Q And you got charged for it?

13 A Yes, sir.

14 Q How does that make you guilty of anything, him doing
15 something?

16 A Well, he run off and left.

17 Q How did you end up being charged with fraud out of
18 that?

19 A Because I was paying on the vehicle and it wasn't
20 paid for and he scrapped it. Because me and my sister and
21 Robert was at his house and was asleep for like two or
22 three days. And then when I woke up and went to get in my
23 car, the doors, the fender and hood and everything was off
24 of it. He just started stripping my car while I was
25 asleep.

1 Q Do you know what fraud means? What is fraud? Is it
2 lying?

3 A No, it's like not paying a lien off.

4 Q It involves dishonest, doesn't it?

5 A Yes, sir.

6 Q Fraud?

7 A Yes, sir.

8 Q You pled guilty to that fraud, didn't you?

9 A Yes, sir.

10 Q You pled guilty to being dishonest and lying?

11 A Yes, sir.

12 Q You say that you would give -- who, precisely, would
13 you give the Pseudoephedrine to, Cynthia or Michael?

14 A Either one.

15 Q Either one. You say you made a few purchases for
16 either one. Do you remember, was it three times to one of
17 them, 10 times to one of them, 12 times to one of them?
18 What exactly?

19 A I don't really remember. I would just give it to
20 either one of them.

21 Q Would you give it to anybody else in the household?

22 A No, sir, just either one of them.

23 Q What would you get in exchange for it?

24 A Anywhere between 20 and 40.

25 Q What does that mean?

1 A Twenty or 40 of crank.

2 Q What does that mean, a 20 or 40 of crank? 20 or 40
3 what?

4 A Bag.

5 Q Is that the dollar amount it's worth, is what you
6 mean?

7 A Yes, sir.

8 Q Twenty to 40 dollars worth of meth in exchange for
9 one box of Pseudoephedrine?

10 A Yes, sir.

11 Q A box like that one?

12 A Yes, sir.

13 Q Do you have any idea how much that cost, a box like
14 that?

15 A Eight dollars, I think. Something like that.

16 Q Well, for the record, Defendant's Exhibit No. 2 says
17 the purchase price of this was 16.36?

18 A Sixteen dollars.

19 Q Of course, it was probably less expense in 2011,
20 prices have gone up on everything.

21 A Yes, sir.

22 Q So according to you, you would provide one box of
23 this, which costs 16 dollars now, probably cheaper in
24 2011, and get 20 to 40 dollars worth of goods in exchange?

25 A Yes, sir.

1 Q Does that make any economic sense from the drug
2 point of view at all? Aren't they losing money according
3 to you? If you give them a box for 16 dollars and you get
4 20 to 40 dollars in exchange for it, what kind of sense
5 does that even make?

6 A (There was no response.)

7 Q It doesn't make any sense?

8 A Because they wouldn't sell it. They never did sell
9 it. As far as my knowledge, all they did was ever do it.

10 Q I'm sorry, what? I'm sorry, could you repeat that
11 last part?

12 A As far as I know, they never did sell it. They was
13 just making it for their own personal use.

14 Q But you said they would give you some?

15 A Yeah.

16 Q Twenty to 40 dollars worth, you said?

17 A Yes, sir.

18 MR. NEWTON: Your Honor, I have no further questions
19 of this witness.

20 CROSS-EXAMINATION

21 By MS. WIYGUL:

22 Q Ms. Armstrong, didn't you go to court and plead
23 guilty to the fraud in October of 2012?

24 A Yes, ma'am.

25 Q Okay. And regarding scrapping the car, didn't you go

1 to the scrap yard with Billy Miller and Larry Pendergraff?

2 A (There was no response.)

3 Q Didn't you go to the scrap yard with them?

4 A No, ma'am. It was Larry Pendergraff and Allen Miller
5 to the scrap yard.

6 Q Whose name was the car in?

7 A Mine.

8 Q And does the scrap yard require an ID before they'll
9 scrap a car?

10 A Some of them do, some of them don't.

11 Q Did that one?

12 A No, ma'am.

13 Q They didn't?

14 A No, ma'am.

15 Q And was this the scrap yard on Loving Care Road?

16 A No, ma'am.

17 Q It wasn't?

18 A No, ma'am.

19 Q It was a different one?

20 A It was Barlett's in Easley. But I did sell some
21 tires and stuff off of it.

22 Q You sold some tires and stuff off the car?

23 A Yes, ma'am, I did.

24 Q So it wasn't just somebody took your car and scrapped
25 it, it was that you took stuff that you weren't supposed

1 to take and you lied about it?

2 A No, I just sold my tires that were on it.

3 Q So why were you charged with fraud?

4 A Because I didn't pay for it.

5 Q Was that because you told them you had the right to
6 sell those tires?

7 A No, ma'am.

8 Q You didn't tell anybody you had the right to sell the
9 tires you were selling them?

10 A No.

11 Q You told them the tires were stolen?

12 A No, I didn't.

13 Q Okay.

14 A I just told them they come off my vehicle, the tire
15 went flat and I sold it.

16 Q And that was a lie. Answer me ma'am, was that a lie?

17 A I don't understand.

18 Q Did you lie about the tires in order to sell them?

19 A No, ma'am. He knew they come off my car. The person
20 that works at the scrap yard knew.

21 Q Did the person that bought the tires think you had
22 the legal right to sell them the tires?

23 A I have no idea.

24 Q Did you tell them you were selling them stolen
25 property?

1 A No, ma'am.

2 Q So that was a lie, wasn't it?

3 A Yes, ma'am, I guess so.

4 Q Okay. Now, you, actually, lived with Larry
5 Pendergraft or spent several days a week at his house over
6 at Loving Care Road in 2011, right?

7 A Yes, ma'am.

8 Q And you spent time with him at Amberwood Drive,
9 didn't you?

10 A No, ma'am.

11 Q You didn't?

12 A No, ma'am.

13 Q And that's where he was busted manufacturing meth,
14 wasn't it?

15 A Yeah. I seen that on the front page of the
16 newspaper.

17 Q But you didn't know anything about him making meth,
18 did you?

19 A No, ma'am.

20 Q And you didn't provide any pills to him, did you?

21 A No, ma'am.

22 Q And then after he was charged with manufacturing
23 meth, you spent more time with him over at Loving Care
24 Road, didn't you?

25 A No, ma'am, I didn't.

1 Q You didn't? You never went around him again?

2 A No, ma'am, I didn't. I stayed at home.

3 Q Now, are you familiar with a gentleman by the name of
4 Thomas Rooney?

5 A I've met him like once or twice.

6 Q You've only met him once or twice?

7 A Yes, ma'am.

8 Q You don't have any kind of relationship with him?

9 A No, sir.

10 Q No kind of intimate relationship with him?

11 A No, ma'am.

12 Q Okay. Now, have you ever used Xanax?

13 A Yes, ma'am. That's what I was charged for.

14 Q Do you have a prescription for that?

15 A No, ma'am.

16 Q Who did you buy that Xanax from?

17 A I couldn't tell you.

18 MR. TOOKER: Judge, I'm going to object. This is
19 improper impeachment. We're not talking about a criminal
20 conviction.

21 MS. WIYGUL: Your Honor, I believe it's very relevant
22 to the case and her credibility.

23 THE COURT: All right. I'm going to overrule the
24 objection. I'll give you some latitude on
25 cross-examination.

1 BY MS. WIYGUL:

2 Q Did you buy the Xanax from Susan Reese?

3 A No, ma'am.

4 Q Okay. Who did you buy the Xanax from?

5 A I couldn't tell you.

6 Q Why not?

7 A Because I don't remember.

8 Q You don't know remember who you bought the Xanax
9 from?

10 A No, ma'am.

11 Q But you remember who you got meth from?

12 A Yeah.

13 Q Were Michael and Cynthia the only people you got meth
14 from?

15 A Yes, ma'am.

16 Q You never got meth from Larry Pendergraff?

17 A Besides him.

18 Q So you did get meth from Larry Pendergraff. But
19 those are the only three people you ever got meth from?

20 A Yes, ma'am.

21 Q And you don't know anything about manufacturing it?

22 A No, ma'am.

23 Q Okay. And you said you've never seen -- you stated
24 that you had done meth over at [REDACTED] is that
25 correct?

1 A Yes, ma'am.

2 Q And you have children, don't you?

3 A Yes, ma'am.

4 Q How old are your children?

5 A Seven and 11.

6 Q Do you have custody of those children?

7 A Yes, ma'am.

8 Q Have you maintained custody of those children
9 throughout this process?

10 A Yes, ma'am.

11 Q Okay.

12 A But every time I did dope, I was always gone. I
13 never did it at home and my kids was always at home with
14 my mother and father.

15 Q So would you ever do dope in front of kids?

16 A No, ma'am.

17 Q What about the kids that lived over at [REDACTED]

18 [REDACTED]

19 A There wasn't no kids over there.

20 Q -- did you dope in front of them? There were no kids
21 over at [REDACTED]

22 A No, ma'am.

23 MS. WIYGUL: I have no further questions.

24 CROSS-EXAMINATION

25 BY MR. JOHNSON:

(Angela Armstrong - Cross by Mr. Johnson)

1 Q Ms. Armstrong?

2 A Yes, sir.

3 Q You mentioned two different residences, the one,
4 which we speak of on [REDACTED] and another one on
5 Brandy Lane, is that correct?

6 A Yes, sir.

7 Q Do you know Louise Meador?

8 A Yes, sir.

9 Q And how do you know her?

10 A I know her through Michael and Mark.

11 Q Okay. She's related to Michael, is that correct?

12 A Yes.

13 Q That's his mother?

14 A That's his mother.

15 Q Okay. That's her house on [REDACTED] correct?

16 A Yes, sir.

17 Q Do you know whose house it is on Brandy Lane?

18 A Michael's. And can I add something, there was kids
19 at the house on [REDACTED] but I never did it in front
20 of them.

21 Q Okay. Did you every see -- specifically, did you
22 ever see Carol Denise Hayes manufacturing or making
23 methamphetamines?

24 A No, sir.

25 MR. JOHNSON: No further questions.

(Melissa Wardlaw - Direct by Mr. Tooker)

1 THE COURT: Redirect examination?

2 MR. TOOKER: No, sir.

3 THE COURT: All right. Thank you, ma'am. I
4 appreciate you being here. You may step down.

5 Ladies and gentlemen, I need to take a quick break.
6 So we're going to take a five or 10-minute break and we'll
7 come back and resume testimony. Please don't discuss the
8 case.

9 (WHEREUPON, the jury left the courtroom at
10 approximately 10:30 a.m.)

11 THE COURT: We'll come back in five or 10 minutes and
12 resume testimony.

13 (WHEREUPON, a short break was taken.)

14 (WHEREUPON, the jury enters the courtroom at
15 approximately 10:42 a.m.)

16 THE COURT: Mr. Tooker, you may continue.

17 MR. TOOKER: The State calls Melissa Wardlaw.

18 THE CLERK: Please your left hand on the Bible and
19 raise your right.

20 MELISSA WARDLAW,

21 after having been duly sworn, testifies as follows:

22 THE CLERK: If you would, have a seat and state your
23 name for the record, please.

24 THE WITNESS: Melissa Wardlaw.

25 DIRECT EXAMINATION

1 BY MR. TOOKER:

2 Q Ms. Wardlaw, where you from?

3 A Pickens.

4 Q I'm going to ask you make sure you speak real loudly
5 in that microphone right there. Okay? All right. So
6 where are you from?

7 A Pickens.

8 Q Where do you live now?

9 A Where do I live now?

10 Q Yes.

11 A In Pumpkintown.

12 Q And do you know why you've been called to testify
13 here today?

14 A I do.

15 Q Are you charged in this case?

16 A I am.

17 Q What you charged with?

18 A Trafficking.

19 Q Okay. Is it the same charge that these folks have?

20 A Yes.

21 Q Have you been promised anything in exchange for your
22 testimony today?

23 A No.

24 Q Have you been made any assurances?

25 A No.

1 Q Have you been threatened with anything?

2 A No.

3 Q Are you hoping to get a deal?

4 A Hoping to get something.

5 Q Okay. But you understand --

6 A I mean, I don't -- you know, I mean, I don't feel
7 like I'm guilty in it, no.

8 Q Have you been promised anything from us --

9 A No.

10 Q -- in terms of a disposition on your case?

11 A No.

12 Q You just want to get whatever you can out of it?

13 A Yeah.

14 Q Now, you said you know why you've been called to
15 testify today. Who are the Defendants to you, just one by
16 one?

17 A Michael is my ex-boyfriend's uncle, Denise is his mom
18 and Cindy is Michael's girlfriend.

19 Q Who's your ex-boyfriend?

20 A Jason Mealor.

21 Q So Jason Mealor's mother is Ms. Hayes?

22 A Yes.

23 Q And Mr. Mealor is his uncle?

24 A Yes.

25 Q How long did you and Jason Mealor date?

1 A Seven years.

2 Q When you dated that seven years, where did y'all
3 live?

4 A Off and on at my grandma's house and in Six Mile on
5 [REDACTED]

6 Q Is that [REDACTED]?

7 A Yes.

8 Q Who else lived there?

9 A Various people from time to time. His brother,
10 sister, Michael, Cindy, his momma.

11 Q Why don't we do names? So Michael, Cindy?

12 A Michael, Cindy, Brandon.

13 Q Is that Brandon Hayes?

14 A Hayes. Amanda Hayes.

15 Q Is that Amanda Hurley?

16 A Hurley, yes.

17 Q Okay.

18 A Michael, Cindy, Brandon --

19 Q You said his mother, who's that?

20 A Denise Carol.

21 Q Jason's mother?

22 A Yes.

23 Q Do you know who owned the house?

24 A Louise.

25 Q And who is Louise to these people?

- 1 A It's Michael's mother.
- 2 Q So Louise Meador is Michael Meador's mother?
- 3 A Yes..
- 4 Q And for how long of a stretch did you live at [REDACTED]
- 5 [REDACTED]?
- 6 A At a time or altogether?
- 7 Q Well, in 2011, how long?
- 8 A In 2011, probably about six or seven -- about seven
- 9 or eight months, I guess. I can't really remember. See,
- 10 I would go and stay with my grandmother two or three weeks
- 11 and stay there and then come back and stay at 219, so.
- 12 But I know I left in November.
- 13 Q You and Jason, did you share a room or stayed in
- 14 different rooms?
- 15 A We shared a room..
- 16 Q And where was your room in relation to Cindy
- 17 Greenfield and Defendant Meador's room?
- 18 A Next door to it.
- 19 Q Next door?
- 20 A Yes.
- 21 Q Who's room was at the end of the hall?
- 22 A Michael and Cindy's.
- 23 Q So if your door is open and you're in your room, can
- 24 you see people going through the hall?
- 25 A Yes. I can't see in their room, but I can see

1 through the hallway.

2 Q So you can see people walking past your room to their
3 room?

4 A Yes.

5 Q Are there any other rooms at the end of the hall?

6 A No, sir.

7 Q Now, why are you here to testify today?

8 A Because I was asked to be.

9 Q You were asked to be, okay.

10 A I don't understand.

11 Q What material are you going to testify today?

12 A I don't understand that.

13 Q Did you purchase Sudafed in 2011?

14 A I did.

15 Q I'm going to show you what's been marked State's 12.
16 Of the total Sudafed purchases for 2012, how much of that
17 did you keep, if any?

18 A Half. I take it. My grandmamma takes it and.

19 Q So are you done looking at that document?

20 A Yes.

21 Q Okay. So you were buying Sudafed for both yourself
22 and your grandmother for medical conditions?

23 A Yeah, for my sinuses, migraine headaches. I'm not
24 sure why my grandmother takes it, I guess, sinuses.

25 Q What about the other half of that Sudafed, where did

1 it go?

2 A I was buying it for Michael.

3 Q By Michael, do you mean the Defendant, Michael
4 Mealor?

5 A Yes.

6 Q Why were you buying it for him?

7 A For sinuses.

8 Q For sinuses?

9 A Yes, that's why I thought I was buying it.

10 Q Why don't we just stop for a second, okay. So you're
11 telling the jury that you were buying him half of the
12 Sudafed that you bought for yourself for his sinuses?

13 A That's what I assumed it was for, yes. I didn't ask
14 him what it was for when I got it.

15 Q Okay. Whose else did you see buying Sudafed for
16 Michael?

17 A I'm trying to think. I assumed there were a few
18 people buying. I guess Brandon and I know Jason did.

19 Q You so know Jason Mealor was buying Sudafed for
20 Michael as well?

21 A Right.

22 Q And then Brandon Hayes?

23 A Yeah.

24 Q What about Carol Denise Hayes?

25 A Yeah.

1 Q Okay. What about Cynthia Greenfield?

2 A I don't think I've ever seen her get any, but I've
3 seen her with some.

4 Q You've seen her with some?

5 A I don't think I've been with her when she purchased
6 it.

7 Q Do you recall talking to Tommy Blankenship, the agent
8 in this case?

9 A I do.

10 Q And do you remember what you told him about Cindy
11 Greenfield in this case?

12 A I do.

13 Q What did you tell him?

14 A To tell you the truth, I don't remember exactly what
15 I told him because a lot of what I told him was a lie
16 because I was mad at Cindy and Michael at the time because
17 they had shot Jason, which was my boyfriend, and,
18 basically, got away with it. And so therefore, I lied
19 about a lot of stuff that I had talked to him about.

20 Q Well, specifically, I want to ask you, did you or did
21 you not tell Tommy Blankenship that Cynthia had been with
22 you during your purchases and you witnessed Cindy purchase
23 Sudafed to provide to Michael Mealar?

24 A Yes, I did tell him that.

25 Q You told him that?

1 A Right.

2 Q Okay. What about Amanda Hurley, did you ever witness
3 her purchase Sudafed?

4 A I honestly can't remember.

5 Q You can't remember?

6 A I think -- I don't think -- I've been with her when
7 she got it, but I didn't see -- I didn't go to the store
8 with her, but I've seen her with Sudafed.

9 Q What was she doing with the Sudafed?

10 A I assume she was giving it to Michael.

11 Q I mean, you've just seen her with Sudafed. Where was
12 she when you saw her with Sudafed?

13 A I can't tell you that. I mean, I don't know. It
14 mean, in the house, in the car. I mean, different places.

15 Q You've seen her with Sudafed in different places?

16 A Yeah. I mean, I can't tell you the exact spot I saw
17 her with it.

18 Q Okay. Is Sudafed just spilling out of the walls at
19 [REDACTED]?

20 A No, no. I mean, it wasn't like -- I didn't see it
21 everyday in her hand every time I seen her.

22 Q What about Michael Hayes, who is Michael Hayes?

23 A It is Amanda and Brandon's dad.

24 Q Did you ever see him purchase Sudafed?

25 A I did.

1 Q When did you see him purchase Sudafed?

2 A I can't tell you when I saw him.

3 Q Was it in 2011?

4 A I guess. I mean, it was when I was living there,
5 yeah.

6 Q Did you go with him?

7 A I might have been with him at times.

8 Q Why would y'all go together?

9 A Because I didn't have a vehicle at the time and I
10 needed a ride to the store.

11 Q And Steven Hurley, did you ever witness him provide
12 Pseudoephedrine to anybody in this case?

13 A No. I have seen him with it, but I never, actually,
14 saw him give it to anyone.

15 Q You said you recall talking to Tommy Blankenship in
16 this case?

17 A I do.

18 Q Do you recall telling Tommy that you've seen both
19 Steven Hurley and his girlfriend, Susan Reese, provide
20 Pseudoephedrine to Michael Meador?

21 A I probably said that, yes.

22 Q Probably said that?

23 A Yes.

24 Q So is that true or is it not true?

25 A I can't remember if I've seen them give it to Michael

1 and Cindy or not. But like I said, a lot of stuff I
2 talked with Tommy about, I lied about because yes, I was
3 mad at them for shooting Jason, which was my boyfriend at
4 the time, and getting away with it.

5 Q We're talking about Steven and Susan now?

6 A Right.

7 Q Were you mad at Steven and Susan?

8 A No.

9 Q So why would you implicate them in this if you're mad
10 at Michael and Cindy?

11 A Because he was going through a list asking me if
12 people -- he was going through a list of people and asking
13 me if I've seen them come to the house, give them Sudafed,
14 provide them Sudafed, and, I mean --

15 Q So you said yes to Steven and Susan?

16 A Yes, to make Michael and Cindy look bad.

17 Q What about Rebecca Crisp?

18 A She's purchased it. I don't know if -- she said it
19 was for Michael. I didn't see her give it to Michael.

20 Q So you've been around her when she purchased it?

21 A Yes.

22 Q And then when that was occurring, she said that was
23 for Michael?

24 A Right.

25 Q What about Thomas Rooney, what have you seen him do?

1 A He's come in with it and left without out.

2 Q When you say it, what do you mean?

3 A Sudafed. I've seen him come into the house with
4 Sudafed and leave without Sudafed.

5 Q What did he want when he came to the house?

6 MR. NEWTON: Your Honor, I object. That calls for
7 speculation of the other person's state of mind.

8 MR. TOOKER: I mean, she can testify to her firsthand
9 experiences, if he comes in asking for stuff.

10 THE COURT: I will allow her to answer to her
11 knowledge why he came over.

12 BY MR. TOOKER:

13 Q So do you know why he came over?

14 A Why he came over to the house?

15 Q Yes, ma'am.

16 A He would come and go all the time. Sometimes, he
17 would come just to hang out. I mean, he would come to
18 give us a ride. I mean, just different reasons as to why
19 he would come over.

20 Q Again, you recall talking to Tommy in this case?

21 A I do.

22 Q Do you recall telling Tommy that you saw Rooney
23 looking to purchase methamphetamine before he left?

24 A Yeah, from me and Jason.

25 Q He wanted to buy it from you and Jason?

1 A Yeah.

2 Q Were y'all selling methamphetamine?

3 A No, I do not sell methamphetamine.

4 Q You don't sell methamphetamine?

5 A No.

6 Q But you buy Sudafed and you give it to Michael

7 Mealor?

8 A Yes.

9 Q Okay.

10 A I do not now.

11 Q And Louise Mealor, you ever see her purchase Sudafed?

12 A I have.

13 Q Okay. When did you see her purchase Sudafed, what

14 time frame?

15 A I can't tell you that.

16 Q And what did you see her do with the Sudafed?

17 A I, actually, don't recall seeing her do anything with

18 it. I assumed it was for Michael or --

19 Q So you assumed that Louise purchased Sudafed for

20 Michael Mealor?

21 A Right.

22 Q Again, do you recall talking to Tommy?

23 A I do.

24 Q And you recall telling Tommy that Louise was also

25 buying Sudafed for Michael?

1 A Yes.

2 Q And he would ask Louise to make the purchases for
3 him, do you remember saying that? He told her because he
4 was sick?

5 A Right.

6 Q Do you remember that?

7 A Yes.

8 Q Are those things that you told Agent Blankenship?

9 A Yes, they are.

10 Q Did you tell Agent Blankenship that Louise refused to
11 believe others when they told her Michael was cooking
12 methamphetamine with the Sudafed?

13 A Yes.

14 Q You did tell him that?

15 A Yes.

16 Q So people had told her that's what he was doing?

17 A Yes.

18 Q People had told you that?

19 A Yes.

20 Q You were aware that's what he was doing with the
21 Sudafed?

22 A After Jason had gotten shot.

23 Q After Jason had gotten shot, you were aware of that?

24 A Yes.

25 Q Okay.

1 A Which was in November.

2 Q After you became aware of that fact, what did you
3 notice?

4 A I didn't notice anything, I didn't live there
5 anymore.

6 Q Let me rephrase that. After you became aware that's
7 what was going on, what things that you had seen became
8 important in your recollection?

9 A I don't really understand. Rephrase that.

10 Q Did you ever see Mr. Mealor purchase anything that at
11 the time you thought was nondescript, but after you heard
12 he was cooking meth became important?

13 A Yes.

14 Q What?

15 A Ether, batteries. I mean, that's the only two.

16 Q You witnessed him purchase ether?

17 A Yes.

18 Q When?

19 A I can't tell you when.

20 Q Was it around 2011?

21 A Yeah. I mean, it was when I lived there.

22 Q Okay. And the batteries?

23 A Well, I thought they were for the lawn mowers. I
24 mean, ether, you've got five, six, seven lawn mowers
25 outside. He's got flashlight. We've all got flashlights.

1 Q Are we talking about lithium batteries?

2 A I guess, I don't know.

3 Q Like double A-type batteries?

4 A Double A, triple A.

5 Q Did you ever witness any hand-to-hand exchanges of
6 Sudafed between the individuals providing it and Mr.
7 Mealor?

8 A I can't remember. I really can't.

9 Q You can't remember?

10 A I mean, I don't think so. I don't think I ever saw
11 any hand-to-hand. You know, I might have seen Jason give
12 him a box or something, but I really can't remember.

13 Q Okay. Did you ever see him cook meth?

14 A No.

15 Q Did not?

16 A No.

17 Q Did you talk to Tommy Blankenship about him cooking
18 meth?

19 A I did.

20 Q What did you tell Tommy Blankenship about him cooking
21 meth?

22 A That he was cooking meth.

23 Q You told him he was cooking meth. What manner of
24 preparation did you say he was using?

25 A I did not tell him that he was using any -- how did

1 you just say it?

2 Q Method of preparation, way to cook it?

3 A I didn't tell him and he made some suggestions to me
4 and I just chose one of them and said it.

5 Q You just chose one randomly?

6 A Yes.

7 Q Which one did you choose?

8 A I think it was shake and bake.

9 Q Shake and bake?

10 A Yeah.

11 Q You told Tommy Blankenship that Michael was cooking
12 with a shake and bake. What else did you tell him about
13 that shake and bake?

14 A I can't remember.

15 Q Do you recall saying that Michael would go buy other
16 ingredients for the cook at the hardware store?

17 A I can't remember if I told him that or not.

18 Q You can't remember if you told him that or not?

19 A I mean, there's -- I probably did because I was mad.
20 They had shot Jason and I was mad.

21 Q Okay.

22 A I mean, they got away with it. Nothing happened
23 about it.

24 Q You know Angie Armstrong, Kelley McCall and Billy
25 Miller, right?

1 A Yes.

2 Q How do you know them?

3 A They are -- they knew Jason's momma, Denise, before I
4 started coming around. I don't know how they all knew
5 each other, but they was just friends of the family.

6 Q Did you ever see them provide Sudafed to Michael
7 Mealor?

8 A I did, yes.

9 Q You did?

10 A Yes.

11 Q You witnessed them provide Pseudoephedrine?

12 A Yes.

13 Q Okay. Lauren Summerall and Curtiss Summerall, you
14 know them?

15 A Yes.

16 Q Did you witness them provide Sudafed to Michael
17 Mealor?

18 A Lauren.

19 Q Was Curtiss there?

20 A Yeah, but sometimes Lauren would make him sit in the
21 living room or outside in the car or wherever. He did
22 what she said.

23 Q He did what she said?

24 A Yeah.

25 Q And he would come with her?

1 A Yeah.

2 Q Did you ever witness anybody else purchase Sudafed
3 for Michael Mealor?

4 A I can't recall.

5 Q Okay. And you said you thought you were buying it
6 for him because he had a cold problem. Do you recall
7 telling Tommy Blankenship something different?

8 A Yes, I do.

9 Q What exactly did you tell him you were buying the
10 Sudafed for?

11 A I don't remember what I told him I was buying it for.
12 Because like I said, a lot of what I told Tommy, I lied
13 about because I was angry and upset and at the time, I
14 wanted to see them get in trouble for something. If it
15 wasn't going to be for shooting Jason, I mean, they got
16 away with it. Nothing ever happened of it.

17 Q Yes, ma'am. Do you recall telling Tommy that you
18 knew he was cooking meth?

19 A Yes.

20 Q Okay. Do you recall telling Tommy that you knew he
21 was a cook and you saw him cook it on several occasions,
22 especially after people would provide him with
23 Pseudoephedrine?

24 A Yes, I told him that, but that was a lie.

25 Q You told him all those things?

1 A Yes.

2 Q And those were all lies?

3 A Yes. The part you just said was.

4 Q And you've got a prior record, too, don't you?

5 A I do.

6 Q You got convictions for petit larceny?

7 A Yes, it was a shoplifting charge.

8 Q And obtaining property under false pretenses?

9 A Yes. I --

10 Q Do what?

11 A I returned items to Wal-Mart and got in trouble for
12 it.

13 Q And you got a couple convictions for that, right?

14 A No, that should be my only one.

15 Q Not two? You don't have two false pretenses
16 convictions?

17 A No.

18 Q Okay.

19 A I shouldn't.

20 Q So you're admitting that you commit crimes that
21 require a degree of deviousness?

22 A Rephrase that.

23 Q Lying?

24 A But I'm not sure what you're asking.

25 Q The crimes you've committed involved lying?

1 A The crimes I've committed involve lying?

2 Q Or deceit?

3 A The shoplifting, I guess, yeah.

4 Q What about the false pretenses?

5 A I didn't know. I didn't know the item was stolen
6 when I returned it.

7 Q You're an admitted liar. I mean, your testimony
8 today is that you lied, that you lied to Tommy
9 Blankenship?

10 A I lied to him yes, sir, yes. I'm admitting that,
11 yes.

12 Q So how is it that this jury is supposed to believe
13 whether or not you were telling the truth when you talked
14 to Tommy or whether or not you're telling the truth today?

15 A Because when I talked to him, I was trying to get him
16 -- I lied, yes, about everything about seeing. And I
17 didn't know it was going to come this far. I mean, I
18 can't, actually, tell you that I saw Michael cook meth
19 because I never have.

20 Q Okay. So you're saying that you and all these other
21 people gave that man Pseudoephedrine and it's because of a
22 sinus infection?

23 A Well, I didn't know that so many people was giving it
24 to him at the time.

25 Q And that you did this because you felt bad for him

1 because of some sort of tooth thing, an abscess?

2 A I don't know. He's got some kind of hole right here
3 and when he smokes or coughs or something, he has to hold
4 it. It's something up with his jaw or tooth, I don't know
5 why it is, but --

6 Q And that's why you and 16 other people had to give
7 him Pseudoephedrine?

8 A Yeah. I didn't know 16 other people was, though.

9 MR. TOOKER: Okay. No further questions.

10 CROSS-EXAMINATION

11 BY MR. NEWTON:

12 Q And you still don't know any such thing, do you?
13 That's just what he's telling you just now, right, 16
14 people? You don't know any such thing, do you?

15 A Right. I don't know how many people were, actually,
16 providing it.

17 Q Do you feel like the State has been trying to put
18 words in your mouth all throughout this case, telling you
19 what to say, telling you what to testify to? Haven't we
20 witnessed that very thing in this courtroom this morning?

21 A No. Yeah, but no.

22 Q Okay. You yourself, did you ever come to any
23 agreement with anybody to manufacture methamphetamine?

24 A No.

25 Q Did you know the Pseudoephedrine you were purchasing,

1 did you think it was going to manufacture methamphetamine
2 with?

3 A No.

4 Q You were not involved in any conspiracy to
5 manufacture methamphetamine?

6 A No.

7 Q Now, have you ever been around anybody manufacturing
8 methamphetamine?

9 A While they were doing it, no.

10 Q Do you know people who have manufactured
11 methamphetamine?

12 A Yes.

13 Q But not Cynthia or Jason?

14 A You mean Michael?

15 Q Michael or Cynthia?

16 A Through words of other people, I've heard that they
17 have, but I've never seen them do it. I don't know that
18 they can do it, but I've heard them talk about it and say
19 that they can do it.

20 Q How long did you live with them on [REDACTED]

21 A Like I said, I can't exactly remember the exact
22 dates, but, I mean, off and on different times, two or
23 three months at a time and six, seven, eight months at a
24 time. Just throughout seven years, off and on.

25 Q And during that time -- is it a big house or a small

1 house?

2 A It's a four bedroom house with a kitchen, living
3 room. It's a pretty good sized house.

4 Q Okay. And all that time you were living with them,
5 did you see them make meth?

6 A No.

7 Q Did you think they were making methamphetamine during
8 that time you were living there with them?

9 A I had assumed a time or two, but it was never
10 confirmed.

11 Q Assumed?

12 A Yeah.

13 Q Why would you assume that?

14 A From what people coming up and down the hallway were
15 saying. I mean, just smells. And come to find out, it
16 was stuff in the basement, Brandon down there working on a
17 moped.

18 Q I'm sorry, what? Brandon was doing what?

19 A Working on mopeds.

20 Q Working on mopeds?

21 A Go-carts, mopeds, I mean, anything with a motor.

22 Q So that's the smell you were smelling?

23 A Yes.

24 Q Okay. But it wasn't meth making?

25 A I don't know if it was or not because I don't know.

1 Q You said people had come to the house to buy
2 methamphetamine from you and Jason?

3 A No. I said that Rooney would come and asked us one
4 time to purchase it and we told him no.

5 Q Why would he ask you?

6 A Because -- I don't know. I mean, I guess he thought
7 that I could get him some or had some.

8 Q All right. Let's talk about this shooting. Isn't
9 that in a way the origin of this whole case that we're
10 here for today?

11 A Could you rephrase that? I don't understand.

12 Q When did the shooting happen that you referred to
13 earlier?

14 A In November of 2011.

15 Q Was it November of '10?

16 A Ten or '11, something like that, yes.

17 Q All right. Now, who shot Jason?

18 A Cindy shot Jason.

19 Q Cynthia Greenfield?

20 A Yes.

21 Q What did she shoot him with?

22 A A sawed-off 20 gauge, I think.

23 Q Could it have been a 410 shotgun?

24 A No. No. It could not have been.

25 Q You're sure it's not a 410?

- 1 A Yes, I'm positive.
- 2 Q Okay. Were you present at the time?
- 3 A I was in the next room, yes.
- 4 Q All right. Was Jason killed?
- 5 A No, he was not.
- 6 Q He's still alive today, isn't he?
- 7 A Yes, he is.
- 8 Q All right. He's out there in the hallway right now,
- 9 isn't he?
- 10 A Yes, he is.
- 11 Q Has he recovered?
- 12 A He has -- it blew a good bit of his arm off, but he
- 13 has recovered, but he can't use -- he don't have full use
- 14 of his arm anymore.
- 15 Q He went to the hospital after the shooting?
- 16 A For seven days.
- 17 Q I'm assuming somebody called the police?
- 18 A Yeah, he was at the hospital for seven days. And the
- 19 first three days he was there, they didn't -- they wasn't
- 20 sure if he was going to be able to keep his arm or not.
- 21 Q But after the shooting, the police were called?
- 22 A Yes.
- 23 Q Who called the police?
- 24 A Jason called and I called.
- 25 Q Okay. About how many officers arrived swarming over

1 that household after the shooting?

2 A We were three houses up and the street was lined with
3 police in the yard, in the road. I mean, they were
4 everywhere. But I was focused -- I can't tell you exactly
5 how many were there because I was focused on getting him
6 to the hospital because I wasn't sure how bad it was.

7 Q All right. Do you think it's fair to say with that
8 many officers swarming over the property they would have
9 notice a meth lab or anything like that?

10 A No. Not for a shooting.

11 Q Huh?

12 A Not for -- not being called out for a shooting
13 incident, no, I don't think they would notice. Because, I
14 mean, if you have things put -- a responsible person would
15 put things up, but I don't know if there was a meth lab
16 there or not, so I can't tell you if they would have
17 noticed one or not because I don't know if there was one
18 there.

19 Q But ou lived there, ma'am, you were living there at
20 the time?

21 A Yes, but I stayed in my bedroom 95 percent of the
22 time.

23 Q Did you ever go to the kitchen?

24 A Barely ever.

25 Q You stayed in your bedroom 95 percent of the time?

1 A Yes, sir.

2 Q Twenty-four hours a day?

3 A Yes, sir.

4 Q Would your door be open or closed?

5 A Sometimes it would be open, sometimes it would be
6 closed.

7 Q So you never left the house?

8 A Yeah, I would leave the house to go to the store, go
9 to the grocery store. Like I said, I would go to my
10 grandma's for a week or two. If a friend would come over,
11 I'd leave, but come in, go straight to my bedroom and
12 close the door or leave it open sometimes. But when I
13 first came in, I would come in and close the door.

14 Q Okay. You said you were mad?

15 A Uh-huh.

16 Q When Cynthia shot Jason?

17 A Yes.

18 Q Okay. So mad that you wanted to get her into
19 trouble?

20 A Yes.

21 Q For something?

22 A Right.

23 Q Anything?

24 A Right. Wouldn't you be?

25 Q Mad enough to lie to police, to make up a story that

1 they're manufacturing meth?

2 A Well, the police came to me with the story. I didn't
3 just make it up and go to the police and instigate this
4 story. I didn't go to them, they came to me.

5 Q When and where did they come to you?

6 A They came to my grandmother's house about midnight
7 looking for me. And I was -- just happened to be at the
8 neighbor's house and my aunt told me that they were
9 looking for me. And I called Tommy Blankenship back and
10 he told me to -- he could either come back and get me and
11 bring me to the LEC and talk or I could meet him up there,
12 that he needed to talk to me, I was being investigated in
13 a drug ring is what he told me.

14 Q Do you remember when that was?

15 A It was cold. I don't remember -- I can't tell you
16 what month or exactly when, but it was cold. That's all I
17 know.

18 Q Was it before or after the shooting?

19 A It was after because once Jason got shot, we left --
20 we got kicked out the house and moved in with my
21 grandmother.

22 Q Who kicked you out of the house?

23 A Nana, Michael, Cindy, they all just got together and
24 agreed that Jason and I couldn't be there anymore. And he
25 was the one that got shot.

1 Q Didn't the police talk to Jason, interview him in the
2 hospital?

3 A Gary Anthony came the fourth day he was in the
4 hospital and spoke with him for about 20 minutes.

5 Q Any idea how long after the shooting you were
6 contacted by the police about this drug investigation?

7 A I want to say around about three -- well, possibly
8 two and a half, three months maybe. It might have been in
9 February that Tommy Blankenship contacted me.

10 Q So you're not sure exactly when?

11 A Yeah, I'm not sure exactly.

12 Q But you were so mad at Cynthia Greenfield for
13 shooting Jason that you told all these lies on her?

14 A Yes.

15 Q And the truth is you don't know if she was
16 manufacturing or not?

17 A No, I do not know for a fact that they were
18 manufacturing, no.

19 Q All right. Thank you.

20 MR. NEWTON: I have no further questions.

21 CROSS-EXAMINATION

22 BY MS. WIYGUL:

23 Q Ms. Wardlaw, did you continue to have sinus problems
24 after 2011?

25 A I do.

1 Q Did you continue to have sinus problems after
2 February of 2012?

3 A Yes.

4 Q You met with Agent Blankenship on February 6th, 2012,
5 would you agree with that?

6 A That sounds about right.

7 Q Yet your Pseudoephedrine purchase was February 2nd of
8 2012, is that right?

9 A Yeah, sounds about right.

10 Q So after you met with Detective Blankenship and found
11 out you were being investigated, you didn't treat your
12 sinus problems?

13 A No, ma'am because I was being investigated for buying
14 Sudafed. I mean, I didn't want them -- I mean, it scared
15 me to buy anymore. I mean, I get over the counter just
16 anything now.

17 Q Okay.

18 A I mean, I don't like -- I do not like the fact or the
19 thought of even going and purchasing Sudafed because, I
20 mean, he was -- I mean, it's a serious charge.

21 Q It is a serious charge isn't it?

22 A Yeah. I mean, wouldn't you stop buying it?

23 Q And, actually, carries a mandatory, which means
24 required, mandatory minimum long term jail sentence,
25 doesn't it?

1 A That's what they've told me, I think.

2 Q So if the State does not reduce your charge, you're
3 going to jail for a long time, aren't you?

4 A Right.

5 Q But you don't feel like you're guilty of anything, do
6 you?

7 A What do you mean by that?

8 Q You said earlier that you didn't feel like you were
9 guilty of anything, didn't you?

10 A I did say that, but not guilty of -- I do not feel
11 like I'm guilty of trafficking meth, no, ma'am, I do not.

12 Q Ma'am, I want to go through your criminal history
13 just a little bit more in depth. You were convicted of
14 obtaining property under false pretenses --

15 A Yes, ma'am.

16 Q -- in August of 2011, weren't you?

17 A Yes, ma'am.

18 Q And you were convicted of petit larceny in 2009,
19 weren't you?

20 A Yes, ma'am.

21 Q And on a prior charge, you were charged with failure
22 to comply with the Court's order, weren't you?

23 A I don't know what you're referring to.

24 Q They issued a bench warrant for you, didn't they?

25 A No, ma'am, not they know of. A bench warrant on what

1 charge?

2 Q Ma'am, I'm going to show you something that's on the
3 public index, it's public record and see if that doesn't
4 refresh your memory just a little bit about not complying
5 with that court sentence? Would you agree with me that
6 that document indicates that you were charged with failure
7 to comply?

8 A Yes, that's what it says, but this was -- I was 17
9 when that happened and my grandma paid my fine. And there
10 was no bench warrant for my arrest. I don't understand
11 why that is on there.

12 Q In August of 2011, you got convicted of shoplifting,
13 didn't you?

14 A August 2011?

15 Q August 17th, 2011, you were found guilty at a bench
16 trial for shoplifting, weren't you?

17 A Are you referring to the simple larceny?

18 Q No, I'm not, ma'am, I'm referring to a shoplifting
19 charge?

20 A From where.

21 Q I have no idea.

22 A Because the only shoplifting charge I should have is
23 from Wal-Mart and it should be when I was 17. And that
24 should be around the year of '02, '03, '04.

25 Q Ma'am, again, this is public record. I'm going to

1 refresh your memory with this document. Would you agree
2 that that document indicates that you were found guilty of
3 shoplifting in 2011?

4 A That's what it states, but I don't remember that.

5 Q Do you have some problems remembering what was going
6 on in 2011?

7 A I do, but not just in 2011.

8 Q You just have some memory issues?

9 A I do.

10 Q Do you know what those are caused by?

11 A From smoking pot when I was younger.

12 Q Okay. So you've used drugs?

13 A Yes, ma'am, I have.

14 Q You've used meth?

15 A Yes, I have. I do not currently, but I have.

16 Q When's the last time you used meth?

17 A It's been --

18 Q Please recall you're under oath, ma'am.

19 A -- two and a half, three years.

20 Q So in 2011, you were smoking meth?

21 A Yes.

22 Q Okay. Now, when you were kicked out of [REDACTED]
23 didn't you tell Michael Mealor, sitting right here, that
24 he'd be sorry for making you leave?

25 A No, I did not.

1 Q You sure you remember?

2 A Yes, I do.

3 Q How do you remember that?

4 A Because I was walking by him and I went back in the
5 house to try and use the phone to call 911 because Jason
6 had been shot and he cussed me out and called me all kinds
7 of names and told me I was to leave, not to come back in
8 the house. And I pointed my finger at him and I said,
9 You'll go to jail, Mother F'er, for this, is exactly what
10 I said to him.

11 Q Okay. Now, you lived at [REDACTED] for a good long
12 time, is that correct?

13 A Off and on, yes.

14 Q Were there any animals in the house?

15 A Yes.

16 Q What kind of animals?

17 A Cats, dogs.

18 Q How many?

19 A I can't tell you how many there were.

20 Q Were there too many to count?

21 A I mean, there was at different times five, six. One
22 would have kittens. There would be five or six kittens
23 running around, two or three cats, a stray cat here and
24 there. I mean, I don't exactly know how many there were.

25 Q They liked cats?

1 A Yes.

2 Q They were all over the house?

3 A Yes.

4 Q After you stopped living there, you were able to
5 treat your own sinus problems with the Pseudoephedrine, is
6 that correct?

7 A They weren't completely treated, no. I mean, I still
8 have problems with them. I mean, I'm stopped up now. I
9 mean, I've tried everything. I've got -- in my medicine
10 cabinet at home, I've got any kind of sinus medicine you
11 can think of in there.

12 Q Except for Pseudoephedrine?

13 A Yes, ma'am, that's right.

14 Q Did you ever try going to a doctor?

15 A Yes, ma'am, I have.

16 Q But the doctor refused to prescribe you anything?

17 A The doctor will not see me because I am unemployed, I
18 do not have Medicaid and I am broke and don't have any
19 money for a co-pay or a doctor's visit. So therefore, I
20 haven't -- I can't see a doctor without money.

21 Q Okay. Who do you live with now?

22 A My current boyfriend, fiance.

23 Q Is he supporting you now?

24 A Ma'am?

25 Q He's supporting you?

1 A Yes, ma'am.

2 Q He makes sure you're fed?

3 A Yes, ma'am -- well, I get food stamps.

4 Q You get food stamps?

5 A I do.

6 Q Okay. Do you get any other checks from anybody?

7 MR. TOOKER: Your Honor, we would object to
8 relevance.

9 THE COURT: I'm going to -- I think it's close. I am
10 going to grant some latitude in cross-examination, so just
11 be weary of the questions that you're posing. But with
12 respect to this specific objection, I'm going to overrule
13 it.

14 BY MR. WIYGUL:

15 Q Do you get any other checks from anybody?

16 A No, ma'am.

17 Q Back in 2011, during the time of this conspiracy --
18 or alleged conspiracy, were you working then?

19 A No. I was getting food stamps. I think I worked at
20 Dollar General maybe for a week.

21 Q What happened with that?

22 A Transportation.

23 Q So during that time period, who supported you?

24 A I did. I mean, if I got cigarettes, I had to scrap
25 cans or my boyfriend, which was Jason at the time, would

1 ask his nana for money or he would go scrap a little bit
2 of metal and get money. I mean, he helped support me a
3 little bit.

4 Q And by his nana, are you referring to Louise Mealar?

5 A Louise, yes, ma'am.

6 Q So you're a smoker?

7 A Yes, ma'am.

8 Q About how much do you smoke?

9 A About a half a pack a day.

10 Q Even back in 2011, that's about five dollars a pack?

11 A No, ma'am, I buy cheap cigarettes, about two,
12 two-fifty, three dollars.

13 Q And during this 2011 time period, who gave you the
14 money to buy the Pseudoephedrine? Was that covered by
15 your food stamps?

16 A No, Michael would give me the money to go purchase it
17 for him.

18 Q Okay. And how were you paid? Were you paid anything
19 for giving him the Pseudoephedrine?

20 A Yeah, I mean, he would give me money, buy me a pack
21 of cigarettes, give me a joint.

22 Q You don't care for Michael Mealar, do you?

23 A No, ma'am, I don't.

24 Q You don't care for Cynthia Greenfield, do you?

25 A Not anymore, I don't.

1 Q And shortly after all of this, you and Jason broke
2 up, didn't you?

3 A Yes, ma'am.

4 Q And Ms. Greenfield, you don't feel like she received
5 the appropriate punishment for that shooting, do you?

6 A No, I don't.

7 Q Because she wasn't convicted of anything having to do
8 with shooting him, was she?

9 A No, she wasn't not that I'm aware of.

10 Q Because the police believed it was in defense of
11 Michael, didn't they? They believed she was defending
12 Michael when she shot Jason, didn't they?

13 A No.

14 Q No?

15 A I don't know what the police believed. I didn't hear
16 that. Once we left and went to the hospital, we had no
17 other contact with them. The police didn't contact us
18 back. Like I said, the fourth day we was at the hospital,
19 Gary Anthony came, let us fill out a statement of what
20 happened. He left and that's all we heard from him.

21 Q And you never spoke with anyone from [REDACTED]
22 again?

23 A No.

24 Q Okay. You lived there for six or seven years, is
25 that right?

1 A Off and on, yes.

2 Q What happened to all your stuff?

3 A Michael and Cindy stole some of it. Jason sold some
4 of it. When I left, a lot of it, I couldn't get. I mean,
5 I managed to get some of my stuff, but not everything.

6 Q So you never had any contact with them after November
7 10th of 2012?

8 A Possibly a time or two at the store maybe, you know.

9 Q How did you get the money to buy the Pseudoephedrine
10 products after --

11 A From my grandmother.

12 Q -- you moved out?

13 A From my grandmother because I also purchased it for
14 her.

15 Q Oh, so you were purchasing it for other people, not
16 just --

17 A Right.

18 Q Okay.

19 MS. WIYGUL: I have no further questions.

20 CROSS-EXAMINATION

21 BY MR. JOHNSON:

22 Q Ms. Wardlaw, I'll try to be brief. Your testimony is
23 that when you met with Mr. Blankenship, there's a good
24 deal of information that you gave to him that are lies, is
25 that true?

1 A Yes.

2 Q But yet, you testified that you assumed Carol Denise
3 Hayes was buying Pseudoephedrine to give to Michael Mealor
4 and Cynthia?

5 A Yes.

6 Q Is That correct?

7 A Yes.

8 Q But you didn't ever see her physically hand it to
9 Michael or Cynthia, correct?

10 A No, I -- well, I might have -- I might have seen her
11 give it to him a time or two.

12 Q You don't remember?

13 A I can't --

14 Q You can't say for sure?

15 A But I do remember seeing her buy it. I have been
16 with her when she's bought it.

17 Q But you've bought Sudafed, correct?

18 A Right.

19 Q And you previously mentioned that you don't feel like
20 you're guilty in this?

21 A I don't feel like I'm guilty of trafficking, but I --

22 Q But that's what you're charged with, correct?

23 A Right.

24 Q Do you know what my client is charged with?

25 A Trafficking.

1 Q You're exactly right. You ever see her shake and
2 bake?

3 A No.

4 Q You ever see her manufacture?

5 A No.

6 MR. JOHNSON: That's all the questions I have, Your
7 Honor. Thank you.

8 THE COURT: Any redirection?

9 MR. TOOKER: No, sir.

10 THE COURT: Okay. All right.

11 Thank you, ma'am. I appreciate you being here. You
12 may step down.

13 Call your next witness, please.

14 MR. TOOKER: State calls Susan Reese.

15 THE CLERK: Place your left hand on the Bible and
16 raise your right.

17 SUSAN REESE,

18 after being duly sworn, testified as follows:

19 THE CLERK: If you would, state your name for the
20 record.

21 THE WITNESS: Susan Reese.

22 DIRECT EXAMINATION

23 BY MR. TOOKER:

24 Q Make sure you speak right in that microphone.

25 A Okay.

1 Q Ms. Reese, are you okay today?

2 A Yeah, I hadn't been feeling good.

3 Q Are you on medication right now?

4 A No. I throwed up this morning.

5 Q You what?

6 A I threw up this morning.

7 Q You threw up this morning?

8 A Yeah.

9 Q I'll ask my questions real fast, okay?

10 A Okay.

11 Q Do you know the Defendants?

12 A Yes.

13 Q Who's your boyfriend?

14 A Steven Hurley.

15 Q And did you buy Sudafed in this case,

16 Pseudoephedrine?

17 A (There was no response.)

18 Q Ms. Reese did you buy Sudafed?

19 A Yes.

20 Q You did?

21 A Yes.

22 Q Okay. I'm going to show you -- I'll hand it to you
23 first. I'll show you what's marked as State's 13. Just
24 take a minute and look at that.

25 A Okay.

1 Q All right, ma'am. Did you look at this before, did
2 you and I look at it together?

3 A Yeah, we looked at it together.

4 Q Okay. What we're talking about is Sudafed purchases.
5 Did you buy the Sudafed in this case, did you buy this
6 Sudafed?

7 A Yes, sir.

8 Q Did you buy this Sudafed?

9 A Yes, sir.

10 Q Okay. Did you buy this Sudafed?

11 A Yes, but some of it was for my sinuses.

12 Q Yes, ma'am. And about how much of did you keep for
13 yourself?

14 A I would say, at least, half of it.

15 Q At least, half of it you kept?

16 A Yeah.

17 Q What did you do with the rest of it?

18 A Gave it to them.

19 Q Who's them?

20 A The Defendants.

21 Q What are their names?

22 A Cynthia Greenfield and Michael Mealor.

23 Q Okay. Would you give it to both of them or just one
24 of them?

25 A I mostly give it to Cynthia.

1 Q Mostly Cynthia?

2 A Yeah.

3 Q Would get anything in exchange?

4 A They would give me like a little 20 sack.

5 Q Of what?

6 A It was powder.

7 Q Powdered what? A drug?

8 A Yeah.

9 Q What kind of drug? Are we talking about
10 methamphetamine?

11 MR. NEWTON: Objection to leading question.

12 THE COURT: All right. Overruled.

13 BY MR. TOOKER:

14 Q Are we talking about methamphetamine?

15 A I guess, yeah.

16 Q Well, don't say you guess. If you don't know, then
17 don't tell me?

18 A Yeah.

19 Q You know it to be meth?

20 A Yeah.

21 Q Okay. Would you and Steven do meth together?

22 A Yeah.

23 Q Was that something you did often?

24 A Not real often.

25 Q Okay. And you would give the Sudafed to Cynthia, who

1 would give you the meth?

2 A Yeah.

3 Q No, ma'am, I'm asking you gave it to you. It's not a
4 yes or no question?

5 A Cynthia.

6 Q Cynthia did what?

7 A Give me the meth.

8 Q Okay. All right.

9 MR. TOOKER: I have no further questions.

10 THE COURT: Cross-examination.

11 CROSS-EXAMINATION

12 BY MR. NEWTON:

13 Q Ms. Reese, how old are you?

14 A Forty-nine.

15 Q Forty-nine. You ever been at [REDACTED]?

16 A Yeah.

17 Q How many times have you been there?

18 A Several, but Denise had two grandkids, so we'd go a
19 lot of times to see the grandkids.

20 Q Okay. You would go over there to see the grandkids?

21 A Yeah.

22 Q Whose grandkids are they?

23 A They're Danny Hurley's.

24 Q Danny Hurley?

25 A Yeah.

1 Q Are you any relation to the kids?

2 A Yeah, I'm their step-grandmother.

3 Q Step-grandmother?

4 A Yes.

5 Q Were the kids over there ever time you went over
6 there?

7 A Yeah, pretty much.

8 Q Okay. So what would you do when you went over there?

9 A We would play with the kids, enjoy being with them.

10 Q Just play with the kids, enjoy being with the kids?

11 A Yeah..

12 Q Ever do any drugs over there?

13 A No.

14 Q Okay. Ma'am, do you remember meeting with the
15 prosecutor in this case?

16 A No -- yeah, yeah, I do.

17 Q Yes. Do you remember when?

18 A It was November the 16th, I think, may have been the
19 14th.

20 Q Where was the meeting at?

21 A In his office.

22 Q In this courthouse?

23 A Yeah.

24 Q Now, you think it was November 14th or 16th. Was it
25 after Thanksgiving?

1 A Yeah.

2 Q So it was, actually, sometime after Thanksgiving?

3 A Yes, it was Thanksgiving.

4 Q Do you remember what was discussed at that meeting?

5 A Yeah.

6 Q What?

7 A How I knew the Defendants and how I got to know the
8 Defendants and how much Sudafed I give them.

9 Q Did you talk about the fact that you were going to
10 come to this trial and testify in the trial, did you talk
11 about that at all?

12 A Well, not really, but I knowed it was coming.

13 Q Are you currently charged with a crime in this case
14 as well?

15 A No.

16 Q You're not?

17 A No.

18 Q You're not charged with anything?

19 A Not that I know of.

20 MR. NEWTON: Your Honor, may I have a moment?

21 BY MR. NEWTON:

22 Q Do you have a lawyer?

23 A Yeah.

24 Q Who is your lawyer?

25 A Angel.

1 Q Who?

2 A Dr. Angel.

3 Q Dr. Angel?

4 A I mean, not doctor, Angel.

5 Q Is that a first name or last name?

6 A Last name.

7 Q This is your lawyer?

8 A Yeah.

9 Q Is it a man or woman?

10 A Man.

11 Q Do you think the first name?

12 A No, I'm not sure what --

13 MR. TOOKER: Your Honor, can we approach?

14 THE COURT: Yes, come on up.

15 (WHEREUPON, a bench conference was held.)

16 THE COURT: All right. Ladies and gentlemen, based
17 on the conversation with the attorneys in this case, we're
18 disqualifying Ms. Reese as a witness in this case. I'm
19 going to strike the record of her testimony. It is clear
20 from the testimony that right now she is having some
21 difficulty testifying and remembering things. Therefore,
22 I would charge you not to consider any testimony that you
23 have heard in this case from the witness. I am, however,
24 reserving the right for the State to recall her should her
25 mental state and capacity to testify increase over the

1 next day or hours. So, again, I am disqualifying her as a
2 witness. Please do not consider any of the testimony or
3 evidence that you heard related to her having been called
4 as a witness today. And I further note that the record be
5 stricken. Okay.

6 MR. TOOKER: Thank you, Your Honor.

7 THE COURT: Call your next witness.

8 MR. TOOKER: Your Honor, the State calls Thomas
9 Rooney.

10 THE CLERK: Place your left hand on the Bible and
11 raise your right.

12 THOMAS ROONEY,

13 after having been duly sworn, testified as follows:

14 THE CLERK: If you would, have a seat and state your
15 name for the record.

16 THE WITNESS: Thomas Rooney.

17 DIRECT EXAMINATION

18 BY MR. TOOKER:

19 Q Mr. Rooney, where are you from?

20 A Originally?

21 Q Yes, sir.

22 A Fort Lauderdale, Florida.

23 Q When did you get up to South Carolina?

24 A I believe it was '80.

25 Q Okay. And were you ever in any accident?

1 A Yes, sir.

2 Q What kind of accident were you in?

3 A In 1991, I was in a motorcycle accident that caused
4 traumatic brain injury.

5 Q Okay. And despite that fact, you feel confident to
6 testify here today?

7 A Yes, sir.

8 Q Okay. Before you got in that motorcycle accident,
9 what did you do for a living?

10 A I taught guitar, I was a student. I was young when
11 it happened.

12 Q How old were you?

13 A I believe I was 20.

14 Q Okay. And as a result of your accident, what did you
15 start doing with your life?

16 A I beg your pardon?

17 Q I said as a result of the accident, what did you
18 start doing with your life?

19 A Well, a lot changed after the wreck.

20 Q Explain that to the jury.

21 A A lot changed after the accident. I had to relearn
22 how to do everything over again and it changed my
23 personality and I had a lot of problems after that. A lot
24 of impulse problems because of frontal lobe damage.

25 Q What kind of behaviors would you participate in?

1 A I beg your pardon.

2 Q What kind of things would you do?

3 A I don't understand the question.

4 Q My question is, Mr. Rooney, when did your drug habit
5 start?

6 A It was after the motorcycle accident.

7 Q Okay. What drugs did you start with?

8 A It was the painkillers that I had to have after the
9 wreck.

10 Q And then from the painkillers, what did you move on
11 to?

12 A Methamphetamine, alcohol.

13 Q How long have you been using methamphetamine?

14 A I believe since like '93, '94 or '95, somewhere in
15 there.

16 Q Okay. And pretty consistently, you've been using
17 that drug ever since?

18 A Yes, sir.

19 Q Okay. Do you know why you've been called to testify
20 here today?

21 A Yes, I do.

22 Q Are you charged in this case?

23 A Yes, I am.

24 Q What are you charged with?

25 A Trafficking.

1 Q Okay. And the same thing that these folks have been
2 charged with?

3 A Yes.

4 Q And has the State, my office or me or any law
5 enforcement officers promised you anything in exchange for
6 your testimony?

7 A No.

8 Q Okay. Are you hoping you're going to get a deal?

9 A Of course, anything that would further, of course.

10 Q Yeah, but have we given you anything?

11 A No.

12 Q Have we promised you anything?

13 A No.

14 Q Okay. Do you know the Defendants in this case,
15 Michael Mealor, Cynthia Greenfield and Carol Denise Hayes?

16 A Yes.

17 Q How do you know them?

18 A I met Cynthia through her daughter, which I was in a
19 relationship with on and off over the years.

20 Q What is Cynthia's daughter's name?

21 A Julie.

22 Q How long did you and Julie date?

23 A Which time?

24 Q Okay. So on and off for some time?

25 A (Witness nods head.)

1 Q Have you ever been to the house at [REDACTED]?

2 A Yes, I have.

3 Q Who did you know to live there?

4 A Mike, Cindy and Denise.

5 Q Anybody else?

6 A There was some kids, some children.

7 Q Okay. What about Jason Mealor, do you know if he
8 lived there?

9 A Jason was there, also, yes.

10 Q Could those have been his kids?

11 A Might have. I believe they were.

12 Q What about Melissa Wardlaw?

13 A Yeah, she was there, also.

14 Q Okay. And did you ever do any meth at that
15 residence?

16 A Yes, I have.

17 Q Often?

18 A A few times, more than a few times.

19 Q I'm going to show you what's been marked as State's

20 18. Have we looked at these records together?

21 A Beg your pardon?

22 Q Have we looked at your Sudafed records together?

23 A Yes.

24 Q Now, all these purchases of Sudafed, are they about
25 accurate to your knowledge?

1 A I would think, yes.

2 Q So it looks like between April 5th and July 28th,
3 about how many times did you try to purchase?

4 A I'm not sure. I'm not sure. What it says would have
5 to be it.

6 Q So it says seven times, do you think that's accurate?

7 A It would have to be.

8 Q But it says you were blocked twice, is that accurate?

9 A See, I don't even recall then.

10 Q What about getting blocked three times in August and
11 November of 2011, do you recall that?

12 A I really don't remember.

13 Q Okay. Finally, what about getting blocked later in
14 December of 2011, do you recall that?

15 A I believe I remember that, I'm not quite sure.

16 Q Okay. Now, you and I have talked about what you did
17 in this case, right?

18 A Correct.

19 Q Of that total amount of Sudafed that you purchased,
20 how much of it, if anything, went to the Defendants in
21 this case?

22 A I know some of it did, but then again, I really can't
23 recall. I believe it was two in December and January of
24 that year.

25 Q You think it was two boxes?

1 A I believe.

2 Q So you think you gave them two boxes?

3 A Yes.

4 Q Where did rest of that stuff go?

5 A It was --

6 Q Mr. Rooney, did you give it to other people to make
7 meth with?

8 A No.

9 Q You didn't?

10 A No.

11 Q You sure about that?

12 A I'm pretty sure.

13 Q Mr. Rooney, in your records, you kept purchasing
14 Sudafed, right?

15 A Correct.

16 Q Up until maybe a couple of weeks ago?

17 A Correct.

18 Q And it looks like purchases every week or so?

19 A Correct.

20 Q Okay. And you've been blocked several times, too,
21 right?

22 A I'm not sure. I'm not sure about being blocked.

23 Q Okay. The last time you would have purchased, do you
24 remember when that was?

25 A No.

1 Q Okay. Could it have been 11/27 of 2013?

2 A Could have been, yes.

3 Q Okay. And your purchase history, it goes back a long
4 time, doesn't it?

5 A Yes.

6 Q Okay. What did you see at [REDACTED] when you
7 would go over there?

8 A What did I see?

9 Q Yeah, what kind of activities would be going on with
10 regards to drugs or methamphetamine.

11 A Manufacturing.

12 Q Manufacturing?

13 A Yes.

14 Q How do you know about manufacturing meth?

15 A Because I've seen it done.

16 Q You've seen it done?

17 A Yeah.

18 Q What have you seen specifically?

19 A I'm not understanding the question.

20 Q My question is maybe you can explain to the jury how
21 you know someone's making meth when you say you've seen it
22 made.

23 A Well, you can smell it, number one.

24 Q What's that smell smell like?

25 A It smells like a very strong ammonia.

1 Q Ammonia?

2 A Yeah.

3 Q Okay. What else do you notice?

4 A The house is really smokey.

5 Q Smokey?

6 A Smokey.

7 Q Like a have in the air?

8 A Yeah.

9 Q What else do you notice?

10 A People standing around with a bottle shaking it.

11 Q A bottle, what kind of bottle are you talking about?

12 A Like a plastic drink bottle.

13 Q Like a Coke bottle?

14 A Yeah.

15 Q And why would they be shaking it?

16 A I believe it's some part of the process.

17 Q Part of the process. Have you seen meth made at
18 other places, too?

19 A No.

20 Q You've never seen meth made at anywhere other than

21 [REDACTED]?

22 A No.

23 Q Okay. How many times would you say you've seen it at

24 [REDACTED]?

25 A Times I went over there with Julie, quite a few.

1 Q Quite a few. And who was engaged in that process?

2 A Cynthia and Michael.

3 Q What about Carol Denise Hayes, have you ever seen her
4 do anything?

5 A No, I've never seen that.

6 Q Just Cynthia and Michael?

7 A Yeah.

8 Q Okay. And what other things would you notice at that
9 residence that you associate with methamphetamine or
10 cooking methamphetamine?

11 A That's about it, just the big bottles of Coleman
12 fuel.

13 Q Coleman fuel?

14 A Yeah.

15 Q What's that used for?

16 A Something they put in it.

17 Q They put that in the two-liter bottle?

18 A I believe, yes.

19 Q What else did you notice?

20 A That's really about it.

21 Q Did you ever notice anything with batteries?

22 A Yes.

23 Q What did you notice with batteries?

24 A They be cut open.

25 Q The batteries would be cut open. What kind of

1 batteries are we talking about?

2 A Lithium batteries.

3 Q And where would you see the cut-open Lithium
4 batteries?

5 A Lying around.

6 Q The house?

7 A Yeah.

8 Q Would they be inside or outside?

9 A Inside.

10 Q Inside the house?

11 A Yeah.

12 Q When you witnessed Mike and Cindy shaking bottles of
13 meth, where were they inside the residence?

14 A In their bedroom.

15 Q In their bedroom. Why would you be in their bedroom?

16 A I wouldn't be for long. The smell was overpowering.

17 Q Okay. Why would you be there in the first place?

18 A I would be visiting with Julie.

19 Q Did Julie smoke meth, too?

20 A Yes.

21 Q Did you all do it together?

22 A Yes.

23 Q Okay. Now, you've got some criminal history, don't
24 you?

25 A Yes.

1 Q You've been convicted of grand larceny and filing a
2 false police report?

3 A Yes.

4 Q Did you plead guilty to those things?

5 A Yes.

6 Q When you did those things, were you impaired, under
7 the influence of drugs?

8 A Yes.

9 Q You were? What drugs were you under the influence
10 of?

11 A I believe alcohol.

12 Q Alcohol. Are you clean now?

13 A Yes, I am right now, except for my medication, yes.

14 Q Mr. Rooney, are you really?

15 A Yes.

16 Q What medication do you take?

17 A I take Oxycodone for pain and I take Phenobarbital
18 for seizures, Dilantin for seizures and Keppra for
19 seizures.

20 Q And do you take all your prescription medication when
21 you have to?

22 A To the best of my ability. Sometimes I forget doses.

23 Q When is the last time you've made meth?

24 A I have not made meth.

25 Q When is the last time you smoked meth?

1 A It has been a few weeks.

2 Q A few weeks since you smoked meth. And when you say
3 you're clean today, you mean you're clean on this day?

4 A Right.

5 Q You don't have a long track record of being clean?
6 You haven't been clean very long?

7 A No.

8 Q Where do you smoke meth when you smoke meth?

9 A I was clean for a year and then here recently, I have
10 relapsed.

11 Q Okay. When you and I talked, were you clean?

12 A Yes.

13 Q You relapsed after that?

14 A Yes, after we talked, yes.

15 Q Okay. Where would you go to smoke meth other than

16 [REDACTED]?

17 A Where did I?

18 Q Yes.

19 A It was in Duncan.

20 Q In Duncan?

21 A Yeah.

22 Q With other people?

23 A Yeah.

24 Q Would you ever give them Sudafed?

25 A No.

1 Q You did not?

2 A No.

3 Q Okay. When you gave the Defendant's Sudafed, what
4 did you get in exchange?

5 A I beg your pardon.

6 Q When you gave the Defendants Sudafed, what did you
7 get in exchange?

8 A Sometimes money so I could buy alcohol.

9 Q Did you ever get anything else?

10 A Occasionally, I got the meth.

11 Q You got meth?

12 A Yeah.

13 Q What kind of meth did you get?

14 A Whatever it was.

15 Q Okay. Was it meth that they made?

16 A I believe so.

17 Q Did you see it made?

18 A Did I see it made?

19 Q The meth that they gave you?

20 A It might have been. I really --

21 Q You can't say for sure?

22 A I can't say for sure.

23 Q Okay.

24 MR. TOOKER: No further questions.

25 CROSS-EXAMINATION

1 BY MR. NEWTON:

2 Q Who are you giving your Pseudoephedrine to these
3 days?

4 A I beg your pardon.

5 Q Who are you giving your Pseudoephedrine to these
6 days?

7 A It's for allergies and cold. I'm not giving it to
8 anyone.

9 Q All right. You're charged with this offense, right?

10 A Correct.

11 Q Conspiracy to manufacture or traffic in
12 methamphetamine. Are you guilty of it?

13 A Am I guilty of it? I haven't been tried.

14 Q Do you have an attorney?

15 A Yes.

16 Q Who's your attorney?

17 A Paul Herron.

18 Q What do you think is going to happen in your case?

19 A I have no idea.

20 Q Is it coming up soon?

21 A I have no idea, again, I have no idea.

22 Q Didn't you meet with the prosecutor November 27th of
23 this year?

24 A I beg your pardon.

25 Q Didn't you meet with the prosecutor November 27th of

1 this year here in this courthouse, the solicitor's office?

2 A I'm not sure, I might have.

3 Q Last month, November, you don't remember coming to
4 this courthouse --

5 A I remember coming to the courthouse, but I don't know
6 if he was the prosecutor.

7 Q This gentleman right here?

8 A Yes, yes, I'm sorry.

9 Q You didn't know he was the prosecutor in your case?

10 A I didn't realize, no.

11 Q Did he tell you that before he talked to you, that he
12 was your prosecutor?

13 A I don't think so. He might have. I'm not sure.

14 Q At that meeting with this gentleman, did you not tell
15 him at the time that you provided two boxes to Michael
16 Mealor and all the Pseudoephedrine you were buying was
17 going to other people to make meth with?

18 A I might have.

19 Q Well, is it a true thing or not, sir? What is the
20 truth?

21 A What they said.

22 Q Which time? Were you purchasing Pseudoephedrine to
23 give to other people who are not even in this courtroom
24 today to make meth with?

25 A I can't say they were making meth with it, no.

1 Q You were buying Pseudoephedrine to give to lots of
2 other people, were you not?

3 A Some other people.

4 Q Who? Can you give us a name?

5 A I can give you first names. I'm not sure about last
6 names.

7 Q Why were you buying all this Pseudoephedrine for all
8 these people, sir?

9 A Well, number one, I'm an alcoholic and I was selling
10 them.

11 Q You were selling Pseudoephedrine. So how much would
12 you ask for it? How much would you get for a box of
13 Pseudoephedrine.

14 A Usually, like 25 or 30 dollars.

15 Q And you would be paid in cash for it?

16 A Yes.

17 Q Did you ever have any agreement with anybody to
18 conspire to make meth?

19 A No.

20 Q You were never a part of any such agreement with
21 anybody?

22 A No.

23 Q And you said you would buy Pseudoephedrine, give it
24 to people and they would pay you cash for it?

25 A Correct.

1 Q Was that for Michael Mealor?

2 A I beg your pardon.

3 Q The two boxes you said earlier that you provided to
4 Michael Mealor, he paid you cash for it?

5 A I believe so, yes.

6 Q You believe so. Did you ever given any boxes to
7 Cynthia Greenfield?

8 A I'm not -- this was a while ago and I really don't
9 know how or when or -- I'm not sure whom.

10 Q You don't remember those days very well, do you?

11 A No.

12 MR. NEWTON: No further questions.

13 CROSS-EXAMINATION

14 BY MS. WIYGUL:

15 Q Mr. Rooney, when did you say your motorcycle accident
16 was?

17 A It was '91.

18 Q In '91. You told Mr. Newton that you could remember
19 the first names of the people you gave the Pseudoephedrine
20 to. What were the first names of these people?

21 A There was a Mitchell.

22 Q Uh-huh.

23 A I don't know. Ken.

24 Q Mitchell and Ken. Did you know anyone named Larry
25 Pendergraff?

1 A I know a Larry, I'm not sure. I know quite a few
2 Larrys.

3 Q Did you give any of these Pseudoephedrine boxes to
4 Larry?

5 A I'm not sure.

6 Q You might have? Might you have given the
7 Pseudoephedrine to someone named Larry?

8 A It possible.

9 Q It possible?

10 A Possible. I can't say.

11 Q Sir, you've lied to the police before, haven't you?

12 A Yes, I have.

13 Q And that's when you filed a false police report about
14 a felony, right?

15 A Correct.

16 Q So you told them somebody was guilty of committing a
17 felony and you lied?

18 A That was not exactly what had happened.

19 Q Were you convicted of filing a false police report of
20 a felony?

21 A Yes.

22 Q Okay. And Michael and Cynthia have been charged with
23 a felony, too, haven't they?

24 A Yes.

25 Q And you've been charged with the same felony?

1 A Yes.

2 Q And you understand you're looking at a long term
3 mandatory sentence if you're convicted?

4 A Yes.

5 Q Have you made plans to go to jail?

6 A Yes.

7 Q You have. Tell me about those plans.

8 A There's not much I can do about it. I'm not in
9 control.

10 Q Who is in control?

11 A God.

12 Q God or the prosecutor?

13 A I believe God is.

14 Q Who decides whether to reduce your charge?

15 A The prosecutor.

16 Q The prosecutor decides. So the prosecutor decides
17 whether you go to jail or not, doesn't he?

18 A Yeah.

19 Q Okay. Now, you said that these batteries and this
20 this overwhelming smell and these other meth-making
21 materials were just all over the house, right?

22 A I didn't say all over the house.

23 Q And that's what I'm trying to understand. Where were
24 they?

25 A In the bedroom.

1 Q And you're saying they were in Michael and Cynthia's
2 bedroom?

3 A Correct.

4 Q Okay. Would you agree with me that you purchased
5 Pseudoephedrine on November 9th of 2011 and November 12th
6 of 2011?

7 A If that's what it says, yes.

8 Q You'll agree with whatever this says?

9 A Yes, because of memory problems from the motorcycle
10 wreck, it's hard.

11 Q Okay. Well, here, I'll show you this right here.
12 And this is -- I've circled the dates, but this is exactly
13 what the prosecutor prepared and told you happen. Would
14 you agree that it says you bought them on those dates?

15 A Yes.

16 Q Would you have taken those straight to Michael? Were
17 you over at [REDACTED] during that time period?

18 A See, then, again, I'm not sure.

19 Q Do you know when you were at [REDACTED]

20 A Yes.

21 Q When?

22 A Julie and I were together and it was in that time
23 period when we were back together. And Julie and I went
24 over there. That's all I really remember.

25 Q Who's Julie?

1 A Cynthia's daughter.

2 Q And Julie kicked you out, didn't she?

3 A No, it was mutual.

4 Q She didn't chase you off with a gun?

5 A No. That's absolutely untrue.

6 Q Okay. And you were convicted of grand larceny in
7 2010, correct?

8 A Correct.

9 Q So you were on probation in 2011, weren't you?

10 A Correct.

11 Q So if your probation had been violated -- were you
12 told while you were on probation, you weren't allowed to
13 do drugs?

14 A Yes, but I believe I was off at this period because I
15 was P -- P --

16 Q Paid up?

17 A Yeah.

18 Q Would you agree that you paid off that probation in
19 May of 2011?

20 A That would seem about right, I think.

21 Q That sounds right?

22 A Yeah.

23 Q Were you told while you were on probation you weren't
24 allowed to do drugs?

25 A Yes.

1 Q Did you do them anyway?

2 A Yes.

3 Q Are you out on bond now?

4 A Yes.

5 Q Is a condition of your bond that you abide by the
6 law?

7 A Yes.

8 Q Is a condition of your bond that you not do drugs?

9 A I don't know.

10 Q It is illegal to do drugs?

11 A Yes.

12 Q Are you doing drugs?

13 A Not today, no.

14 Q Not today. Were you doing them yesterday?

15 A No.

16 Q Were you doing them within the last few weeks?

17 A Yes.

18 Q So you're admitting under oath that you're in
19 violation of your bonds?

20 A Yes.

21 MS. WIYGUL: No further questions.

22 MR. JOHNSON: I have no questions for this witness,
23 Your Honor.

24 THE COURT: Good enough.

25 Any redirect?

1 MR. TOOKER: No, sir.

2 THE COURT: All right. Thank for being here, sir.
3 You can step down.

4 Mr. Tooker, how many additional witnesses do you
5 intend to call?

6 MR. TOOKER: I think we have six additional lay
7 witnesses and then three officers.

8 THE COURT: So nine collectively?

9 MR. TOOKER: Yes, sir.

10 THE COURT: All right. Just talking out loud, I'm
11 beginning to become concerned that we're taking a lot
12 longer than I had anticipated at the inception of this
13 trial. So let's try to move it along a little bit, that
14 is -- I'll talk to you about it in just a little bit.

15 What we'll do is we'll take a short break and then
16 we'll run until about 1:00 and then take an hour lunch.
17 And then tonight, ladies and gentlemen, we'll probably
18 stay a little bit later than we did yesterday, probably as
19 late as 6:00, 6:30. So if you have any arrangements that
20 you need to make, please, make those over lunch. Like I
21 said, I'm concerned we're going a little bit longer than I
22 had anticipated. Nine witnesses and we're going on a clip
23 between half an hour and an hour for each witness. We're
24 probably going to go into tomorrow on testimony and I
25 suspect the defense is going to present testimony as well.

1 So we may not be able to argue and charge until Friday at
2 the rate that we're going right now. That's the way I see
3 it. We could speed up significantly between now and then,
4 I don't know, but that's the way I'm seeing it right. So
5 I just wanted to give y'all that heads up.

6 Let's take about a five or 10-minute break, come back
7 in, hear another witness and then go to lunch.

8 (WHEREUPON, the jury left the courtroom at
9 approximately 12:08 p.m.)

10 (WHEREUPON, a short break was taken.)

11 THE COURT: All right. We'll take a short break.

12 With respect to the witnesses, y'all aren't doing
13 anything wrong, it's just taking longer than I had
14 anticipated. I think now, it's pretty clear to the
15 jury -- it's pretty clear to me, at least, the points that
16 each of you are trying to make, both in direct and
17 cross-examination, so you may be at that point with
18 respect to the lay witnesses that you can be very surgical
19 with respect to both direct examination and
20 cross-examination. So what I would suggest to you that
21 once a point is made, I don't think you need to make it
22 twice. And just by way of example, I'm not just picking
23 on the defense, but once we've established that he or she
24 is an incorrigible reprobate who has been convicted of
25 crimes and is on drugs, we've established that he or she

1 is an incorrigible reprobate who is on drugs and has
2 committed a crime. So get it out of the way and go. And
3 there are a couple of examples where I think the State is
4 asking questions once or twice as well. So let's be
5 surgical and let's get them up and down. Okay?

6 MR. TOOKER: Yes, sir.

7 (WHEREUPON, the jury entered the courtroom at
8 approximately 12:25 p.m.)

9 THE COURT: The State may proceed.

10 MR. TOOKER: The State calls Billy Miller.

11 THE CLERK: Place your left hand on the Bible and
12 raise your right.

13 BILLY MILLER,

14 after being duly sworn, testified as follows:

15 THE CLERK: If you would, have a seat on the witness
16 stand and state your name for the record.

17 THE WITNESS: Billy Miller.

18 DIRECT EXAMINATION

19 BY MR. TOOKER:

20 Q Are you charged with trafficking in this case?

21 A Yes.

22 Q Have you been promised anything in this case in
23 exchange for your corporation?

24 A No, sir.

25 Q So are you getting any kind of deal for your

1 testimony in this case?

2 A No, sir.

3 Q Are you hoping for one?

4 A I hope so.

5 Q Okay. But you haven't been promised anything from
6 us?

7 A No.

8 Q Do you know the Defendants in this case?

9 A Yes.

10 Q How do you know them?

11 A Friends.

12 Q Friends. How do you know Michael Mealor and Cynthia
13 Greenfield?

14 A Friends. I have known him a long time and Cynthia, I
15 have known her from Michael.

16 Q What's your relationship to Kelley McCall and Angie
17 Armstrong?

18 A Cousins.

19 Q And do you know why you've been called to testify in
20 this case today?

21 A Yes.

22 Q You purchased some Sudafed in 2011, is that correct?

23 A Yes.

24 Q And of that Sudafed that you purchased in 20011,
25 about how much of it went to anybody involved in this

1 case?

2 A All of it.

3 Q All of it. Everything you purchased there went to
4 somebody in this case?

5 A Yes.

6 Q Who did it go to?

7 A Michael and Cindy.

8 Q Michael and Cindy. How would you give it to them?

9 A In a box.

10 Q In a box. I mean, would you give it to them at their
11 house, would you give it to them out of the store, where
12 would you give it to them?

13 A Give it to them at their house.

14 Q At their house?

15 A Yes.

16 Q What would you get in exchange?

17 A Meth.

18 Q And I'm going to go ahead and see if we can't lower
19 this a little bit. Make sure you talk in the microphone
20 good and loud, okay. So what would you get in exchange?

21 A Meth.

22 Q Meth. What kind of meth would you get?

23 A Crank.

24 Q Crank. Is there a difference between crank and ice?

25 A Yes.

- 1 Q What's crank?
- 2 A It's a form of meth.
- 3 Q Okay.
- 4 A Powder substance.
- 5 Q How long have you been doing meth?
- 6 A Right at 15 years maybe.
- 7 Q Fifteen years?
- 8 A Yeah.
- 9 Q Would you say you're an addict?
- 10 A Yes.
- 11 Q Okay. You've got a criminal history, don't you?
- 12 A Somewhat.
- 13 Q You've got a conviction for criminal sexual conduct
- 14 with a minor?
- 15 A Yes.
- 16 Q Okay. That was back in 1993?
- 17 A Yes.
- 18 Q And -- one moment, Mr. Miller. And your meth
- 19 addiction, how has it changed your life?
- 20 A Ruined it.
- 21 Q It's ruined it?
- 22 A (Witness nods head.)
- 23 Q Give us an example.
- 24 A Everything bad happens it's because of meth.
- 25 Q Okay. How would you get the meth from Ms. Greenfield

1 and Mr. Mealar?

2 A They would give it to me at their house?

3 Q Where in their house?

4 A In their bedroom.

5 Q In their bedroom?

6 A Yes.

7 Q Would you ever see them making the meth?

8 A No.

9 Q When you gave them the Sudafed, did you know they
10 were going to make the meth out of it?

11 A Yes.

12 Q You did?

13 A Yes.

14 Q Did they tell you that?

15 A Yeah.

16 Q When did they tell you that?

17 A When I give it to them.

18 Q Okay. When you went to purchase it, did you know
19 that's what they were going to do?

20 A Yes.

21 Q And despite knowing they were going to break the law,
22 you still bought it for them?

23 A Yes.

24 Q Okay. How much meth would you get in exchange for
25 the Sudafed?

- 1 A Twenty.
- 2 Q Twenty?
- 3 A Twenty dollars worth.
- 4 Q Twenty dollars worth of meth?
- 5 A Yeah.
- 6 Q Do you drive?
- 7 A No.
- 8 Q How would you get to the stores?
- 9 A My momma.
- 10 Q Your mom would drive you?
- 11 A Yeah.
- 12 Q Would anybody else ever drive you?
- 13 A No.
- 14 Q Would you ever go to the store with anybody else,
- 15 with Angie or with Kelley?
- 16 A No.
- 17 Q To your knowledge, did they also purchase Sudafed for
- 18 Mr. Mealor?
- 19 A Yes.
- 20 Q Okay. What about Cindy Greenfield, do you know of
- 21 her involvement in this case?
- 22 A They both go to together is all I know.
- 23 Q Okay. Would she ever purchase Pseudoephedrine?
- 24 A I never seen her.
- 25 Q You haven't seen her purchase Pseudoephedrine?

1 A No.

2 Q Do you recall talking to Tommy Blankenship in June of
3 2012?

4 A Yes.

5 Q Do you remember telling him that you knew Cindy was
6 making Pseudo purchases to cook as well?

7 A Yeah.

8 Q You remember saying that?

9 A Yes. I reckon she was buying it.

10 Q Okay. Is that something that's true or are you just
11 making that assumption?

12 A I figured they were buying it for themselves. I
13 never seen them buy it, but I figured they were buying it
14 for themselves.

15 Q So you're making an assumption in that case?

16 A Yeah.

17 Q So all you know about for sure is you were giving Mr.
18 Mealor Sudafed?

19 A Yes.

20 Q Did you ever give it to Ms. Greenfield?

21 A No.

22 Q Was she in the room with Mr. Mealor when you gave it
23 to him?

24 A Oh, yeah. They was always together.

25 Q They were always together. When she in the room when

1 he gave you the meth?

2 A Yes, they was always together.

3 Q Okay.

4 MR. TOOKER: No further questions.

5 CROSS-EXAMINATION

6 BY MR. NEWTON:

7 Q Mr. Miller, you stated that you were hoping in
8 exchange for your testimony for your testimony that the
9 prosecution would go more lenient on you, is that correct?

10 A Yes.

11 Q All right. So you're here to try to satisfy the
12 prosecution, right?

13 A Yes.

14 Q When you would buy the Pseudoephedrine, you said your
15 mom would drive you to the store?

16 A Yes. That's the only way I got to get anywhere.

17 Q Okay. So it wasn't anybody else, it was your mom
18 driving you. What's her name?

19 A Diane.

20 Q Diane. Okay. Well, when you originally talked to
21 law enforcement back in 2012, didn't you tell them that
22 Michael Mealor was the one driving you to the store?

23 A No.

24 Q You didn't never say that?

25 A No.

1 Q Okay. We'll hear from the officer later. I have no
2 more questions for you.

3 CROSS-EXAMINATION

4 BY MS. WIYGUL:

5 Q Mr. Miller, you don't always comply with what the
6 Court tells you to do, do you?

7 A No.

8 Q In fact, you failed to comply with the court sentence
9 in 2007, correct?

10 A For what?

11 Q You didn't pay the fine they told you to pay?

12 A Yes, yes.

13 Q And you failed to comply with the court's sentence in
14 2009?

15 A Yes.

16 Q And you failed to comply with the court's sentence in
17 2011, didn't you?

18 A Yes.

19 Q And you failed to comply with another sentence in
20 2011, didn't you?

21 A Yes.

22 Q And you failed to comply in 2012, didn't you?

23 A Yes.

24 Q And despite all those failures to comply, being
25 charged with trafficking in meth, 100 to 200 grams, they

(Billy Miller - Cross by Mr. Johnson)

1 let you out on a personal recognizant bond, didn't they?

2 A Yes.

3 MS. WIYGUL: I don't have any other questions.

4 CROSS-EXAMINATION

5 BY MR. JOHNSON:

6 Q Mr. Miller, just briefly, you said you did recall
7 meeting with Detective Blankenship?

8 A Yes.

9 Q And that when you would get the Pseudoephedrine, you
10 would exchange it for 20 or 30 dollars of methamphetamine?

11 A Yes.

12 Q How did you know it was 20 to 30 dollars worth, you
13 just eyeball it or is that what Mr. Blankenship suggested
14 for you to put in your statement?

15 A Yeah.

16 MR. JOHNSON: No further questions. Thank you.

17 THE COURT: Any redirect?

18 MR. TOOKER: No, sir.

19 THE COURT: All right.

20 Thank you, Mr. Miller. You can step down. I
21 appreciate you being here, sir.

22 Let's go ahead and call another witness before we
23 break for lunch.

24 MR. TOOKER: The State would call Lauren Summerall.

25 THE CLERK: Place your left hand on the Bible and

1 raise your right.

2 LAUREN SUMMERALL,

3 after being duly sworn, testified as follows:

4 THE CLERK: If you would, have a seat and state your
5 name for the record.

6 THE WITNESS: My name is Lauren Summerall.

7 DIRECT EXAMINATION

8 BY MR. TOOKER:

9 Q Ms. Summerall, make sure you talk real loud in that
10 microphone, all right?

11 A Okay.

12 Q So Maybe scoot up a little closer to it?

13 A Is that better?

14 Q What is that bandana in your pocket about, is that a
15 gang thing?

16 A No, that's my boyfriend's bandana and he went away,
17 so I'm just holding onto it.

18 Q Okay. So you're charged with trafficking in this
19 case, is that correct?

20 A Yes.

21 Q Okay. And you're charged the same has these folks?

22 A Yes.

23 Q Have you been promised anything from the State in
24 exchange for your testimony today?

25 A No.

1 Q Have you been given any kind of deals or plea offers
2 or anything like that in exchange for your testimony?

3 A No.

4 Q Are you hoping you're going to get something out of
5 it?

6 A No.

7 Q You're not hoping for something?

8 A No, I just want to tell the truth.

9 Q Really?

10 A Yeah.

11 Q Well, good for you. I want to show you what's been
12 marked as State's No. 20. There three Sudafed purchases
13 in 2011. Were those for you?

14 A No.

15 Q Who were they for?

16 A Michael and Cindy.

17 Q Michael and Cindy?

18 A Yes.

19 Q And that's Michael Mealor and Cynthia Greenfield?

20 A Yes.

21 Q How would you give them the Sudafed?

22 A Just take it to them.

23 Q At their house?

24 A Yeah.

25 Q Where in their house?

1 A Wherever they stayed. I mean, just run in and hand
2 it to them.

3 Q Their bedroom or the living room?

4 A Bedroom most of the time.

5 Q What would you get in exchange?

6 A Money.

7 Q Money? What kind of money?

8 A Usually around 20 or 30 dollars.

9 Q Twenty or 30 dollars.

10 A Uh-huh.

11 Q Okay. Did you ever get anything else?

12 A No.

13 Q Okay. Were you married at the time?

14 A Yes.

15 Q Who were you married to?

16 A Curtiss Summerall.

17 Q Were you ever with him when he made any purchases?

18 A Yes.

19 Q And what did he do with his purchases of Sudafed?

20 A We would take them to Cindy and Michael.

21 Q Okay. Let me show you what's been marked as State's

22 19. I'm going to try to put it up next to yours right
23 here. You don't have but, it looks like, two congruent
24 purchases?

25 A Right.

1 Q Like one 11/02 and 11/06, is that correct?

2 A I guess.

3 Q Had y'all purchased the Sudafed at different stores
4 or the same stores?

5 A Different stores.

6 Q Why would you purchase it at different stores?

7 A Because we knew if we went in there that if you
8 bought two consecutive boxes back to back it would be
9 noticeable.

10 Q What do you mean?

11 A I mean, we just figured it would be noticeable if we
12 both walked in there and bought two boxes back to back.

13 Q You thought it would look suspicious?

14 A Yeah.

15 Q Were you with him on 12/01/11 when he got blocked or
16 not with him?

17 A Probably with him.

18 Q Probably?

19 A Yeah.

20 Q To your knowledge, did he ever buy Sudafed when he
21 wasn't with you?

22 A No.

23 Q Okay. What did he do with the Sudafed that he
24 bought?

25 A Give it to Cindy and Michael.

1 Q What were they doing with that Sudafed?

2 A They were making methamphetamine.

3 Q They were making meth?

4 A Yes.

5 Q Did y'all smoke meth at the time?

6 A Yes.

7 Q Did you ever get any meth from them?

8 A On occasion.

9 Q Did you ever smoke methamphetamine over there?

10 A No.

11 Q You didn't smoke it over there?

12 A No.

13 Q But you got it from them?

14 A On occasion.

15 Q Okay. And you've had a drug problem for a little
16 while?

17 A I've had a drug problem since my early, early teens.

18 Q Okay. Is that something that you've been in trouble
19 with the law for?

20 A I've had a simple possession charge in a few things,
21 yeah.

22 Q You've had drug convictions in the past?

23 A Yes.

24 Q Okay. And you also wrote some bad checks, isn't that
25 right?

- 1 A Yes.
- 2 Q Did you do that when you were using drugs?
- 3 A Yes.
- 4 Q Okay. How have drugs affected your life?
- 5 A Tremendously, I would say. I've struggle off and on
- 6 with it. I've put it down, picked it up, put it down,
- 7 picked it up, but usually run back to it just to take away
- 8 the realities of life.
- 9 Q Are you clean today?
- 10 A Yes.
- 11 Q How long have you been clean?
- 12 A Probably since about six months.
- 13 Q About six months?
- 14 A I did a stint and jail and I've been clean and at
- 15 home with my child since.
- 16 Q And so before that time when you got clean, what
- 17 drugs were you using the most?
- 18 A Methamphetamine.
- 19 Q Methamphetamine?
- 20 A Uh-huh.
- 21 Q What about Curtiss, what was he using?
- 22 A Curtiss is Curtiss, he's probably on meth, but I
- 23 don't know. We don't really talk.
- 24 Q No, I mean back when y'all were together?
- 25 A Oh, he was on meth.

1 Q He was on meth?

2 A Uh-huh.

3 Q Did y'all use any other drugs together?

4 A Marijuana, yeah.

5 Q Okay.

6 MR. TOOKER: No further questions.

7 CROSS-EXAMINATION

8 BY MS. WIYGUL:

9 Q Ms. Summerall, when were you released on bond from
10 this charge?

11 A I believe it was July.

12 Q And you've picked up two new drug charges since then,
13 haven't you?

14 A I did my time on those charges, but, yes.

15 Q They're still pending, aren't they?

16 A No, ma'am. I was incarcerated at Pickens LEC for
17 them.

18 Q Just to clarify, ma'am, do you have any pending
19 charges other than the trafficking in meth?

20 A No, ma'am. Not that I'm aware of.

21 Q Ma'am, I'm going to show you a printout from public
22 records.

23 A Okay. I did -- can I answer?

24 Q Sure.

25 A I did my time on these. I was released a month early

1 due to health conditions.

2 Q I understand they released you from jail?

3 A Have I been -- what you asking me?

4 Q Do you have a pending charge other than the
5 trafficking charge for drugs that has not been dealt with
6 yet?

7 A Okay. To me, pending means have I went up on it or
8 not? So let me clarify, yes, I have been charged with two
9 other charges since then.

10 Q And you don't know what sentence you're going to get
11 on that drug charge, do you?

12 A I went to jail for this already. There's nothing
13 else they can sentence me for.

14 Q Well, you got out on a PR bond, didn't you?

15 A No, I did my time on these two charges already to my
16 knowledge.

17 Q Ma'am, would you agree that the public record
18 indicates that the charge is pending?

19 A I don't understand why it's pending. You should go
20 look up your records because I spent a month in jail for
21 that.

22 Q Ma'am, would you agree that the public records --

23 A Yeah, if you --

24 Q -- said the charge is pending?

25 A -- go by that, you can, but I did my time.

1 Q Would you agree that the public record says you were
2 released on a personal recognizance bond?

3 A Sure, if it'll make you feel better, sure.

4 Q No, not to make me feel better, ma'am?

5 A There's not going to be anything else. Yeah, sure,
6 go ahead.

7 Q Would you agree that you were out on bond on the
8 trafficking charge --

9 A I guess.

10 Q -- when you picked up this charge?

11 A Yes.

12 Q And yet, they released you on a personal recognizance
13 bond, didn't they?

14 A No, I did my time on those charges already.

15 Q Would you agree that the records indicate that you
16 were released on a personal recognizance bond?

17 A I would agree that your records are wrong.

18 MS. WIYGUL: Judge --

19 THE COURT: Let's move on, Ms. Wiygul.

20 BY MS. WIYGUL:

21 Q Ma'am, who's your boyfriend?

22 A Currently?

23 Q Currently.

24 A Jeremy Boyce.

25 Q Okay. And you're still married to Curtiss Summerall

1 legally, aren't you?

2 A Yes.

3 Q Okay.

4 MS. WIYGUL: I don't have any further questions.

5 THE WITNESS: Thank you.

6 MR. JOHNSON: No questions of this witness, Your
7 Honor.

8 THE COURT: Mr. Newton.

9 CROSS-EXAMINATION

10 BY MR. NEWTON:

11 Q Ma'am, is this a joke to you?

12 A No.

13 Q Nothing funny about this proceeding?

14 A No, I just got confused with her questions as to why
15 it's still pending.

16 Q Right. The public record that you dismissively said
17 I would agree that your records are wrong?

18 A Yes.

19 Q How do we know these other government records are
20 accurate?

21 A Because they're documented by the store itself.

22 Q You think that's where that came from --

23 A CVS records.

24 Q Do you know where that came from?

25 A No. I thought it came from the CVS records that they

1 uphold. Every time you buy a box, you have to show your
2 identification and sign for it. Am I right?

3 Q Do you know who prepared that document?

4 A No.

5 Q Do you know it was prepared by a law enforcement
6 agency?

7 A I probably agree with you on that, but not before it
8 was documented by CVS and Walgreens itself.

9 Q How long have you been buying Pseudoephedrine?

10 A How long?

11 Q Yes.

12 A I bought it in a period of time that I bought it for
13 Cynthia and Michael.

14 Q You've never bought it at any other time in your
15 entire life?

16 A No, sir, I have not.

17 Q Did you ever have colds, allergies, sinus condition?

18 A I can't take those type of medications for my
19 allergies.

20 Q Why not?

21 A Because I'm allergic.

22 Q And how would you find out that you're allergic to
23 them?

24 A Because I was juvenile and my drug use history, I
25 took more cough and cold medicine than I was supposed to

1 and it has a bad reaction to me if I take it normally now.
2 That doesn't stop me from still being a drug addict and
3 what it's used for, but I can't take it normally.

4 Q When you met with the prosecutor in this case, was
5 your attitude then whatever you want to hear, whatever
6 makes you happy like you said to this attorney just now?

7 A No.

8 Q You're sure?

9 A I'm sure.

10 Q You're here to give the State what they want, right?

11 A No, I'm here to tell the truth.

12 Q Was it a truthful statement when you said you weren't
13 looking for a better deal, you didn't really care what
14 happened to you? Was that a true statement?

15 A Yes, it is, because I did what I did in this as well
16 and I know I'll have to answer for it, but I'm not going
17 stop telling the truth just because you want to hear it.

18 Q Really? What was keeping you from going to court
19 before now and pleading guilty to your charge if you were
20 so guilty and wanted to face up to it?

21 A I haven't been called upon by the courts to go up for
22 my charges yet.

23 Q When were you arrested on this charge?

24 A I believe it was July, almost maybe two, maybe three
25 years ago.

1 Q It's been pending all this time?

2 A Yes, sir.

3 Q You have a lawyer?

4 A Yes, sir.

5 Q All right. You are aware, aren't you, that you can
6 tell him at any time you want to plead guilty to the
7 charge? Pick up the phone and tell this gentleman, we
8 want to plea, when can we come to court to plea to get it
9 over with?

10 A Right.

11 Q Why haven't you done that?

12 A No one's in a rush to go to jail, sir. Have you been
13 around those conditions?

14 Q So you do care whether you go to prison or not?

15 A Eventually, yes.

16 Q So you're lying when you say you don't care, right?

17 A No.

18 MR. NEWTON: No further questions.

19 THE COURT: Redirect?

20 MR. TOOKER: No, sir.

21 THE COURT: All right. Thank you, ma'am. Appreciate
22 you being here. You may step down.

23 Let's go ahead and get some lunch. Let's come back
24 at 10 minutes to the hour, that's 10 minutes to the hour
25 of 2:00. We'll take an hour lunch. We'll come back and

(Michael Hayes - Direct by Mr. Tooker)

1 resume the testimony. Please don't discuss the case.

2 (WHEREUPON, the jury left the courtroom at
3 approximately 12:47 p.m.)

4 THE COURT: All right. We'll come back on the record
5 at 10 minutes till two. Thank you.

6 (WHEREUPON, a lunch break was taken.)

7 THE COURT: Bring the jury in.

8 (WHEREUPON, the jury entered the courtroom at
9 approximately 2:00 p.m.)

10 THE COURT: Mr. Tooker, I believe it's your case,
11 sir.

12 MR. TOOKER: Thank you, Your Honor. May it please
13 the Court. The State calls Michael Hayes to the stand.

14 THE CLERK: Place your left hand on the Bible and
15 raise your right.

16 MICHAEL HAYES,

17 after having been duly sworn, testified as follows:

18 THE CLERK: If you would, have a seat and state your
19 name for the record.

20 THE WITNESS: Michael Hayes.

21 DIRECT EXAMINATION

22 BY MR. TOOKER:

23 Q Mr. Hayes, do you know why you've been called to
24 testify today?

25 A Yes, sir.

1 Q Okay. You've been charged in this case?

2 A Yes, sir.

3 Q You just got charge recently, isn't that right?

4 A I was picked up on November 5th.

5 Q Same charges as these folks?

6 A (Witness nods head.)

7 Q And have we promised you anything today in exchange
8 for your testimony?

9 A No.

10 Q Okay. All the Sudafed that you purchased in 2011,
11 what did you do with it?

12 A I turned it over.

13 Q You what?

14 A I gave it to Michael.

15 Q You're going to have to speak up in that microphone,
16 sir.

17 A I gave it to Michael.

18 Q By Michael, do you mean the Defendant Michael Mealor?

19 A Right.

20 Q What did you give it to him for?

21 A In exchange for a little bit of dope.

22 Q Dope. What do you mean by dope? What kind of drug
23 are we talking about?

24 A Meth.

25 Q Meth. And where would this occur?

(Michael Hayes - Direct by Mr. Tooker)

- 1 A Where I gave it to him at?
- 2 Q Yeah, where did you give it to him?
- 3 A At his house.
- 4 Q At his house. Is that [REDACTED]?
- 5 A Right.
- 6 Q Okay. Now, the Defendant, Ms. Hayes, have any
7 relation to her?
- 8 A She's my wife.
- 9 Q And so what would that make Mr. Mealor to you?
- 10 A Brother-in-law.
- 11 Q And how do you know Ms. Greenfield?
- 12 A She's Michael's girlfriend.
- 13 Q Okay. And was she ever involved in any of these
14 transactions?
- 15 A Not that I know of.
- 16 Q So it was always just you and Michael?
- 17 A Yes.
- 18 Q Nobody else?
- 19 A No.
- 20 Q What was he doing with the Sudafed?
- 21 A I don't know.
- 22 Q You don't know?
- 23 A I just gave it to him, you know, and that's as far as
24 I went with it.
- 25 Q When you gave it to him, would he give you the drugs

1 immediately in exchange?

2 A I think I picked them up a few days later.

3 Q You picked them up a few days later?

4 A Right, something like that.

5 Q And how long did this go on?

6 A Well, I don't remember the exact month first time I
7 did it. And I think I left there, Denise and I were kind
8 of reconciliating, you know, we had been married, but we
9 had split up. So we were dating and I would go up there
10 frequently. And I left in January of 2012, I guess it
11 was, and I never had any contact with him much until --

12 Q Until all this?

13 A Until all this, right.

14 Q Okay. So around January of 2012, you stopped talking
15 to any of these people?

16 A I never was around them again until now.

17 Q Who would you go to the store with to purchase the
18 Pseudoephedrine for Mr. Mealor?

19 A I usually went by myself on a moped.

20 Q Did you ever go with any other people?

21 A It's possible. It's been so long, I don't remember,
22 but I know going several times by myself on my moped to
23 Wal-Mart.

24 Q Did you ever go with Amanda Hurley?

25 A I don't remember ever going with Amanda Hurley, no.

1 Q Okay. Did you ever go with your son, Brandon Hayes.

2 A No, I don't. He and I both had mopeds, so we hardly
3 ever rode together anywhere.

4 Q Okay. So if y'all both bought at a Walgreens and CVS
5 on 06/15/2011, that would be a coincidence?

6 A Yes. We could have been with somebody. I'm not
7 saying that definitely that I wasn't, but I don't
8 remember.

9 Q Okay. Did you ever go with Melissa Wardlaw to
10 purchase Sudafed?

11 A I don't think so.

12 Q You don't think so. Okay. All right. So on
13 06/24/2011, you're saying you don't know if you went to
14 the store with her to buy Sudafed?

15 A Right, I don't know. I ain't saying I didn't, I
16 ain't saying I did. I just don't remember. It's been two
17 and a half years ago when all this was going on.

18 Q Okay. Sure enough. So if you both went to a
19 Walgreens on 06/24 around 11:45 and bought Sudafed, that's
20 just something you can't say happened or not?

21 A If she and I both were around that same time?

22 Q Uh-huh.

23 A More than likely, we were together.

24 Q Okay. What about with Rebecca Crisp?

25 A Rebecca Crisp, I don't believe -- okay, yeah, I know.

1 her. That's a friend of Denise's, yeah.

2 Q Okay. So you remember Denise's friend, Rebecca
3 Crisp?

4 A Right.

5 Q You ever go to the store with her to buy Sudafed?

6 A It's possible.

7 Q Okay. It's possible you went in June of 2011?

8 A I had already left there and went to live with my
9 parents. Like I said, I left in January.

10 Q Of 2011, not 2012?

11 A Well, maybe it was 2012 in January when I went to my
12 parents and stayed there until June before all the
13 warrants come out. See, I never even knew there was a
14 warrant out.

15 Q Sure.

16 A And I had been gone from there for six or seven
17 months. But if it shows that I went in 2011 with someone,
18 I went. It was 2012 when I went back to daddy's. I was
19 thinking it was 2011.

20 Q Okay. So on 07/11 of '11 at 8:28, you went to the
21 Wal-Mart in Central?

22 A Right.

23 Q And then 07/11 of '11 at 8:25, she went to Wal-Mart
24 in Central?

25 A All right. If I was buying Sudafed at that time,

(Michael Hayes - Direct by Mr. Tooker)

1 then I hadn't moved back over to Central. Because after I
2 moved over there, I never bought anymore.

3 Q And you would have been with her when that happened?

4 A I suppose so, yes, sir.

5 Q And did you buy with her on any other occasions,
6 maybe in Greenville County, perhaps?

7 A With Becky?

8 Q Yeah, with Becky Crisp?

9 A Yes.

10 Q You did?

11 A We went to the hospital to see my granddaughter's
12 newborn baby. I remember I rode with them and we stopped,
13 I think, at Wal-Mart on the way back.

14 Q What about with Jason Meador, did you ever buy any
15 with him?

16 A If you've got a record that says I did, I probably
17 did.

18 Q Now, I'm just asking if you've got any independent
19 recollection of that?

20 A I don't have an independent recollection.

21 Q What about with Carol Hayes, you ever buy any with
22 her?

23 A I don't think so, no.

24 Q You don't think so. Okay. So on 11/07 of '11, it
25 looks like you bought at 2:45 at Walgreens, does that

1 sound right?

2 A I guess so. It's been so long, though, I can't
3 pinpoint those times. If you've got a record that I
4 bought them, I reckon I bought them.

5 Q Sure enough. And if she was at a Walgreens on 11/07
6 of '11 about nine minutes beforehand at that same
7 Walgreens? Do you think y'all were buying together?

8 A That sounds quite possible.

9 Q And if you bought on 11/23 of '11, at the same CVS
10 and she was there. Do you think you bought together?

11 A Probably.

12 Q Okay. Especially if you were only about 12 minutes
13 apart?

14 A Right, yeah.

15 Q And then you ever buy with Steve Hurley?

16 A I don't think so. He and I aren't hardly around one
17 another.

18 Q Okay. So if you purchased on 12/04 of '11 at a
19 Wal-Mart in Central and he also purchased at a Wal-Mart in
20 Central on 12/04 of '11 and you were about eight minutes
21 apart, you think you were probably together?

22 A I'd say he and I were buying some along the same
23 time, but the reason I say we weren't together, I don't
24 ever remember riding in a vehicle with him.

25 Q Okay. But you know him, right?

(Michael Hayes - Cross by Mr. Johnson)

1 A Yes, he's my -- his son married my daughter.

2 Q Okay. So, I mean, if you see him, you're going to
3 say hi and stuff like that?

4 A Right, I know him, yeah. I just don't remember ever
5 riding around with him.

6 Q So it might just be a coincidence?

7 A Yeah, that we both showed up at the same time.

8 Q And just back to the original point, that 60.74
9 grams, any of that for you for colds or anything like
10 that?

11 A No.

12 Q Okay.

13 MR. TOOKER: No further questions.

14 CROSS-EXAMINATION

15 BY MR. JOHNSON:

16 Q Mr. Hayes, good afternoon. How are you doing?

17 A Fine.

18 Q You mentioned that warrants came out in June of 2012
19 for arrest for different individuals involved in this
20 alleged incident, correct?

21 A Yes, sir.

22 Q When were you arrested?

23 A November 15th, last month.

24 Q Last month?

25 A Right.

1 Q 2013, correct?

2 A Right.

3 Q Were you -- where have you been since June 2012?

4 A At [REDACTED], which is my address.

5 Q What county is that in?

6 A It's in Pickens County. It's about six miles from

7 [REDACTED]

8 Q Were you staying at a bomb shelter underneath the
9 ground?

10 A I wasn't hiding. When the guys come out, they said
11 you must have been laying low. I'm the kind of person I
12 don't get out much, but as far as going to the grocery
13 store or wherever I wanted, I went because I didn't know
14 there was a warrant out there.

15 Q So you weren't hiding anywhere?

16 A I was not hiding. I see deputies everywhere. I wave
17 at them.

18 Q If you didn't want to be found, you could have gone
19 somewhere?

20 A And hid and try to hide.

21 Q Fair enough.

22 A I was not hiding.

23 Q Fair enough. Now, you mentioned that -- I believe,
24 at first, you testified you never went with Denise Hayes
25 to purchase Sudafed for Michael Mealor, particularly with

(Michael Hayes - Cross by Mr. Johnson)

1 Denise Hayes -- let me back up. I know you testified that
2 you personally had purchased Pseudoephedrine for Michael
3 Mealor and personally gave it to him in exchange for
4 methamphetamine. You mentioned previously that you did
5 not know Denise to purchase any Pseudoephedrine and give
6 it to Michael Mealor, is that correct?

7 A (Witness nods head.)

8 Q Okay. But yet later in your testimony, if she
9 purchased it within 12 minutes or seven minutes or five
10 minutes or 30 minutes of when you did, if the government's
11 got it, it must be true, correct?

12 A Right. I mean, I can only take responsibility for
13 what I signed for, you know.

14 Q Okay. But do you remember specifically seeing her
15 purchase the Pseudoephedrine?

16 A Well, no. Her being my wife and us reconciling, we
17 would be riding places together. I mean, like if I go in
18 Wal-Mart and buy me a case of beer and she wants to go
19 over there and get something else, I don't really pay it
20 much attention what she's buying.

21 Q So, feasibly, that could happen then, I guess?

22 A Right.

23 Q You could have bought you come beer, correct, and she
24 could be buying some Sudafed for her allergies, is that
25 correct?

1 A Right.

2 Q Okay. Now, Mr. Hayes, you do have prior charges for
3 fraudulent checks, is that correct?

4 A Right.

5 Q Okay. I'm showing, at least, two convictions here,
6 is that correct, for fraudulent checks?

7 A Right. I have a couple in Pickens County. I have
8 one in Anderson County. I just went back last year and
9 paid that. I've tried to take care of all of them.

10 Q Yes, sir. Yes, sir. Would you agree that fraudulent
11 check charge would insinuate dishonesty or being
12 deceitful?

13 A Yeah, it's the same as stealing because you got
14 something you didn't pay for.

15 Q Thank you very much, Mr. Hayes.

16 MR. JOHNSON: No further questions at this time, Your
17 Honor.

18 CROSS-EXAMINATION

19 BY MS. WIYGUL:

20 Q Mr. Hayes, when's the last time you and Denise lived
21 together?

22 A That would have been -- well, we split up in 1993.
23 We were married in '87 and we stayed together until '93.
24 In '93, we split up. And she moved in with a guy and
25 lived with him for about 12 years. Then after that, we

(Michael Hayes - Cross by Ms. Wiygul)

1 started dating one another a little bit. I don't
2 remember, actually, what year. But then I left -- we
3 split up the last time in 2012 in January when I went back
4 to stay with my parents.

5 Q So she never lived with you over on Moss Bridge Road
6 this year?

7 A No.

8 Q She never lived with you over on Moss Bridge Road in
9 2012?

10 A No, she did, she did. I'm sorry. My mother was
11 sick. She died with pancreatic cancer. Denise came over
12 and she stayed with us for a few months there and helped
13 take care of my mother.

14 Q So she did live with you for a while in 2012?

15 A Yes, she did. I didn't mean to mislead you there,
16 but I had forgotten about it. She did.

17 Q And you and Denise, you have kind of a love-hate
18 relationship, don't you?

19 A Well, I love her. I don't want to hate her, yeah, I
20 love her, but we kind of clash sometimes.

21 Q And she's had several younger boyfriends, hasn't she?

22 A Yes.

23 Q In fact, she dated the gentleman that your daughter
24 is currently married to, didn't she?

25 A That's right.

1 Q Now, your son, Brandon Hayes, is also charged in this
2 group, isn't he?

3 A Yes, ma'am.

4 Q And he lived with you in 2012, didn't he?

5 A Yes.

6 Q Okay. You have some memory problems?

7 A Occasionally, yes, especially if it's been a while.

8 Q Okay. Prior to last month, had any officers ever
9 questioned you about this case?

10 A No.

11 Q Did you ever go in and meet with the prosecutor in
12 this case?

13 A No.

14 Q First time you ever heard anything was last month?

15 A When they come and locked me up first time I knew
16 about it.

17 Q But your son was charged in June of 2012, wasn't he?

18 A Right. Right. And I heard -- naturally, because I
19 knew I was completely innocent on the thing, so someone
20 called for me and asked if I had a warrant and they told
21 they didn't. The guys come to my house here on
22 November 5th or 6th, I believe it was, the undercover guy.
23 And he come up, I didn't know what he wanted and we stood
24 there and talked and he told me he had a warrant for my
25 arrest.

1 Q So they came to your house?

2 A Right.

3 Q They knew where you lived?

4 A Right.

5 Q They knew where to find you?

6 A Right. Why they hadn't come in two and a half years,
7 I have no idea.

8 Q I think we've got a pretty good idea, sir. Thank
9 you.

10 MR. NEWTON: Very briefly, Judge.

11 CROSS-EXAMINATION

12 BY MR. NEWTON:

13 Q You said that prior to just now, you have never given
14 any statement to anybody about this case?

15 A Right.

16 Q You never talked to a police office about what you
17 were going to say in this case, never talked to these
18 gentlemen here?

19 A I don't think I know those gentlemen.

20 Q Have you ever seen these people before today?

21 A They were three or four undercover guys when they
22 come and picked me up, but I don't recognize either one of
23 them.

24 Q So are you asking this jury to believe that the State
25 has put you on the witness stand with no idea what you're

1 going to say, nobody talked to you ahead of time about
2 your testimony?

3 A Right.

4 MR. NEWTON: No further questions.

5 THE COURT: Yes, sir, redirect?

6 MR. TOOKER: I've just got one question.

7 REDIRECT EXAMINATION

8 BY MR. TOOKER:

9 Q Didn't we talk in the parking lot today?

10 A Yeah, you and I did.

11 Q Okay. I think that's what he was getting at?

12 A Oh, yeah, that. I thought you meant had I been
13 brought in and talked to. But yeah, you and I have talked
14 twice. Once over the phone and once right out there.

15 Q Yes, sir.

16 A I'm sorry, I was wrong about that.

17 MR. TOOKER: No further questions, Judge.

18 THE COURT: Do you have any recross?

19 MS. WIYGUL: Just very briefly, Your Honor.

20 RECROSS-EXAMINATION

21 BY MS. WIYGUL:

22 Q Mr. Hayes, did you speak with this prosecutor on the
23 phone?

24 A Yes.

25 Q When did you talk with him on the phone?

1 A Okay. Let's see, I was up here the day before
2 yesterday -- or yesterday. He told me to come up here
3 yesterday. I come up here yesterday and he told Steve
4 Hurley and I, we were sitting together, I need y'all back
5 here at 9:30. That was day before yesterday. That's
6 right. We had to come up here yesterday at 9:30.

7 Q But when did he call you?

8 A That was the day or day before that.

9 Q Okay.

10 A Couple days ago. He introduced himself and we talked
11 for just a minute. Told me everything that I said then,
12 you know, wouldn't be recorded and all that. I hadn't
13 talk to the guy until just a while ago, I was headed out
14 across the parking lot and I heard him holler my name. He
15 come out and he introduced himself. That's the first time
16 I know him as his face, Sam Tooker. And we touched base
17 just a minute and then went to lunch and here we are.

18 Q Sir, do you have an attorney?

19 A No.

20 Q Did the prosecutor tell you that you have a right to
21 have an attorney in this case?

22 A Yes.

23 Q Did the prosecutor tell you what kind of time,
24 required mandatory minimum time you're looking at in this
25 case?

1 A I don't remember.

2 Q You don't remember how much time you're looking at?

3 A No. They had us up here, the whole group, one day
4 and checked role and talked to us and then sent us back.

5 Q And you sat out there yesterday talking with
6 everybody?

7 A Well, I sat out there. I don't know if I talked to
8 everybody or not.

9 MS. WIYGUL: I don't have no further questions.
10 Thank you.

11 THE COURT: Any recross?

12 MR. JOHNSON: No.

13 THE COURT: Okay. Thank you, sir. Appreciate you
14 being here. You can step down.

15 THE WILKINS: The State calls Captain Chad Brooks.

16 THE CLERK: Place your left hand on the Bible and
17 raise your right.

18 CHAD BROOKS,

19 after having been duly sworn, testified as follows:

20 THE CLERK: If you would, have a seat and state your
21 name for the record.

22 THE WITNESS: My name is Marcum Chad Brooks.

23 DIRECT EXAMINATION

24 BY MR. WILKINS:

25 Q Captain Brooks, where do you work?

1 A At Pickens County Sheriff's Office.

2 Q And what do you do for the Pickens County Sheriff's
3 Office?

4 A I'm the captain and the supervisor over the detective
5 division.

6 Q And as the supervisor over the detective division,
7 what are your duties?

8 A Technically, I supervise everybody that falls under
9 the umbrella of the detective division, which includes
10 general investigations, juvenile investigations, school
11 resource officers, victim services, special operations and
12 narcotics, forensics and aviation.

13 Q All right. And, Captain Brooks, when did you get
14 into law enforcement?

15 A 1989.

16 Q All right. What was your first job in law
17 enforcement?

18 A I worked at the detention center at the sheriff's
19 office.

20 Q All right. Tell this jury, briefly, sir, your
21 history with law enforcement, your employment history with
22 law enforcement?

23 A Certainly. I started out working at the detention
24 center at the sheriff's office where I worked for about a
25 year. I was promoted to sergeant in the detention center

1 and I supervised the second shift in detention for about
2 the next two years. Then I, actually, transferred into
3 special operations and narcotics where I spent the
4 majority of my career. Up until January, I was in
5 narcotics full time.

6 Q And as a narcotics agent, how many investigations do
7 you think -- narcotics investigations do you think you've
8 been involved in your career?

9 A Thousands, probably in excess of 10,000.

10 Q In what capacity have you been involved in the
11 various investigations?

12 A Has the lead agent or assisting agent in those
13 investigations.

14 Q Have you done any undercover work?

15 A Yes, sir, I have.

16 Q And right now, you oversee the narcotics division as
17 well?

18 A Yes, sir, I do.

19 Q What about your education? Tell the jury a little
20 bit about your education.

21 A Well, I graduated from Easley High School. I also
22 have an Associate's Degree from Tri-County Technical
23 College in criminal justice.

24 Q And what about training that you received over your
25 25-year career?

(Chad Brooks - Direct by Mr. Wilkins)

1 A I've been to many aspects of training throughout my
2 career. Of course, basic law enforcement training through
3 the Academy, several other training school through the
4 Academy, jail management, jail supervision school. I've
5 been to South Carolina Drug Unit Commander's school. I've
6 also been through the DEA, Drug Unit Commander's Academy.
7 I've through the South Carolina Law Enforcement
8 Commander's Academy. I've had several other training
9 opportunities throughout my career.

10 Q How many hours of training do you think you've had
11 throughout your career?

12 A Well, I know I've had over a thousand hours just
13 specialized in narcotics investigations and aspect of
14 narcotics work. And hundreds of hours of both that and
15 other aspects.

16 Q In those narcotics trainings, what do you learn
17 there? What do they teach you?

18 A Several different things. I mean, I've been through
19 several undercover schools, counter drug operations,
20 supervising counter drug operations, clandestine meth lab
21 training school, several different aspects of training
22 when it comes to methamphetamine investigations, drug
23 identification investigations. I'm certified as a
24 marijuana analyst. Just every aspect of surveillance,
25 surveillance equipment engineering, things of that nature.

1 Q All right. Let's focus a little bit on your training
2 as far as methamphetamine is concerned?

3 A Yes, sir.

4 Q What training have you had regarding methamphetamine
5 labs and clandestine methamphetamine labs and the various
6 ways that you can cook methamphetamine?

7 A I'm certified through the DEA as what they call a
8 site safety officer at labs sites and also clandestine lab
9 certified, which, basically, enables me to enter and seize
10 clandestine methamphetamine labs.

11 Q About how many methamphetamine investigations you
12 think you've been involved in?

13 A Pertaining to strictly labs or methamphetamine in
14 general?

15 Q Both.

16 A Methamphetamine in general thousands. High level
17 trafficking conspiracies surrounded by methamphetamine.
18 As far as methamphetamine labs go, I, personally, have
19 been involved in the seizure of probably close to 200
20 methamphetamine labs.

21 Q And so is that when you, actually, go to a site where
22 there's a lab, an active lab or maybe inactive lab and
23 you're there to help secure the scene and investigate it?

24 A Yes, sir.

25 Q What about your training -- have you ever cooked

1 methamphetamine in a controlled setting?

2 A Yes, sir, I have.

3 Q What training was that?

4 A In the clandestine lab training, we, actually, went
5 to the SLED lab and manufactured methamphetamines from
6 start to finish in the lab, in the controlled setting.

7 Q And during that training, are you trained on how to
8 cook the actual meth?

9 A Yes, sir.

10 Q Are you trained on the various methods which you can
11 cook the meth?

12 A Yes, sir.

13 Q And what about the yield of the meth through certain
14 precursor elements, are you trained on that as well?

15 A Yes, sir.

16 Q And how are you trained on that? How do you do that?

17 A The yield itself?

18 Q Yes.

19 A It's, basically, a mathematical equation. By taking
20 the grams of Pseudoephedrine that are introduced into the
21 lab --

22 MR. NEWTON: I object at this point. We're getting
23 into expert testimony. I think a background of chemistry
24 is necessary for what he's about to try to testify to,
25 Your Honor. I don't know he's ever had any training as a

1 chemist, never been certified, had any degrees as being a
2 chemist.

3 THE COURT: Do you intent to offer him as an expert
4 witness?

5 MR. Wilkins: Eventually, yes, sir, Your Honor.

6 THE COURT: Okay. You can continue to ask questions
7 relative to qualifications. And then factual questions
8 that may be incident to his particular expertise, such as
9 yields, you can ask that after any potential
10 qualification.

11 MR. WILKINS: Okay. All right.

12 BY MR. WILKINS:

13 Q Captain Brooks, have you ever been qualified as an
14 expert in any courts before?

15 A Yes, sir, I have.

16 Q How many times have you been qualified as an expert?

17 A Twice.

18 Q Can you tell me what you were qualified as in those
19 two times?

20 A Yes, sir. One occasion, I was qualified as an expert
21 in general narcotics investigations. The other time, I
22 was qualified as an expert on clandestine methamphetamine
23 labs.

24 MR. WILKINS: Your Honor, at this point, I'd like to
25 offer Captain Brooks as an expert in the field of

1 clandestine methamphetamine manufacturing.

2 THE COURT: Okay.

3 Any objection?

4 MR. NEWTON: I do object if they intend -- and I
5 believe they are going to try to get in these formulas,
6 which are chemistry, probably goes to scientific area,
7 which requires scientific knowledge and needs a properly
8 trained scientist to testify to such expert knowledge.
9 He's never been qualified as such an expert by his own
10 testimony. He's never had any training in chemistry. He
11 has no chemical degree. He's never studied chemistry as
12 far as we've heard. So he does not rise to the level of
13 scientific expert in the field of chemistry, which I
14 believe is what they're trying to get into.

15 MS. WIYGUL: Your Honor, just to preserve the record,
16 I believe that myself and Mr. Johnson would join in any
17 objections by Mr. Newton in this area.

18 MR. JOHNSON: Yeah.

19 THE COURT: Okay. Good enough.

20 All right. I will respectfully overrule the
21 objection. It's not necessary necessarily for certain
22 degrees to be present. It's a question that goes to
23 credibility as opposed to admissibility. I'm satisfied
24 that based on the questioning and voir dire relative to
25 the qualifications that he's qualified.

1 Yes, ma'am?

2 MS. WIYGUL: Your Honor, may we have the opportunity
3 to question?

4 THE COURT: I just asked if you'd like to and,
5 instead, I got an argument. Do you want to voir dire?

6 MS. WIYGUL: Yes, Your Honor, we do.

7 THE COURT: Voir dire.

8 VOIR DIRE

9 BY MS. WIYGUL:

10 Q Captain Brooks, have you ever been published in this
11 area?

12 A No, ma'am.

13 Q Do you keep up with articles in this area published
14 by the scientific community? Not published by law
15 enforcement, published by the scientific community?

16 A I read stuff that's published on the Internet from
17 different studies, yes, ma'am.

18 Q Can you tell us what the most recent publication you
19 read was?

20 A Not right off the top of my head. It's something I
21 pulled up on the Internet probably a couple of weeks ago.

22 Q Something that would have been available to any
23 layman?

24 A Yes, ma'am.

25 Q Now, in preparation for today's testimony, you were

1 requested to provide a curriculum vitae as to your expert
2 status, weren't you?

3 A Yes, ma'am.

4 Q And you provided a copy of all the certifications
5 you've gotten since I believe 1992, is that correct?

6 A Yes, ma'am.

7 Q And out of all these certificates, these two regard
8 actual clandestine lab training, correct, and I believe
9 there may be one other?

10 A It should have been more than that. There's multiple
11 things in there about clandestine labs.

12 Q Well, I know I saw that you were trained in Windows?

13 A Yes, ma'am.

14 Q And trained in canines, the use of canines?

15 A Yes, ma'am.

16 Q Trained in the Mexican drug cartel?

17 A Yes, ma'am.

18 Q Trained in raves and club drugs?

19 A Yes, ma'am.

20 Q You did a CD training where, I guess, they just sent
21 you a CD about something to get four hours credit of
22 training in drug identification?

23 A Yes, ma'am.

24 Q Analytical investigative techniques?

25 A Yes, ma'am.

1 Q Would that have had anything to do with meth?

2 A It has to do with drug dealers and their records,
3 yes, ma'am.

4 Q Drug dealers and their records, but not anything
5 chemistry related as far as --

6 A No, ma'am.

7 Q Okay. And there's one. Gambling and drug records
8 analysis. Did that have anything to do with
9 methamphetamine, from 2003?

10 A It's analyzing drug records. It could be from
11 methamphetamine, could be from marijuana, could be from
12 cocaine.

13 Q And I'm sorry, sir, I'm not concerned about drug
14 records. I'm concerned only about specific training as to
15 the analysis of a chemical makeup of a drug and the
16 breakdown of it.

17 A All right.

18 Q A narcotics conference in Orlando?

19 A Yes, ma'am.

20 Q Did that have anything to do with it?

21 A They covered methamphetamine, yes, ma'am.

22 Q What did they cover, specifically, about
23 methamphetamine?

24 A The different types of labs and things of that nature
25 that are being used, narcotics trends.

1 Q You get a lot of training in supervising, correct?

2 A Yes, ma'am.

3 Q Okay. All this training, as a law enforcement
4 officer, are you required to have a certain number of
5 hours of training each year?

6 A You are.

7 Q Kind of like lawyers, we have to have continuing
8 legal education?

9 A In legals and criminal domestic violence, that's what
10 we're required to have training in.

11 Q Okay. So how many hours of training are you required
12 to have a year?

13 A I'm not really sure to be honest with you. They just
14 send out a training schedule when we need to go, but as
15 far as legals and criminal domestic violence and things of
16 that nature.

17 Q But from going through your records, it looks like
18 you go about once a year for something on drugs? They
19 give you some kind of update, at least, once a year?

20 A Typically, yes, ma'am.

21 Q And about how long does that training last? Does it
22 usually last a day or a week?

23 A It just depends. Sometimes -- most of them are a
24 minimum of three days up to two weeks.

25 Q Now, are those taught by certified chemists?

1 A Some of them, yes, ma'am.

2 Q Are you qualified to go into a pharmacy and issue
3 prescriptions?

4 A No, ma'am.

5 Q Sir, do you have any specialized chemical training?

6 A Nothing other than high school chemistry.

7 Q Okay.

8 MS. WIYGUL: I don't have any further questions. I
9 would defer to Mr. Newton and Mr. Johnson.

10 THE COURT: Any questions in voir dire?

11 MR. NEWTON: Very briefly?

12 VOIR DIRE

13 BY MR. NEWTON:

14 Q You refer to different types of meth labs?

15 A Yes, sir.

16 Q So there are different types of labs?

17 A Yes, sir.

18 Q And there are different ways of making it?

19 A Certainly.

20 MR. JOHNSON: Jude, for the sake of not being
21 repetitive --

22 THE COURT: I understand.

23 MR. JOHNSON: No questions.

24 THE COURT: At this point, would you like to renew
25 your objection with respect to qualification?

1 MR. JOHNSON: Yes, Your Honor.

2 MR. NEWTON: I believe what the State wants him to
3 testify to is there some way to convert this amount of
4 Pseudoephedrine into an amount methamphetamine
5 theoretically and that is an area requiring expert
6 scientific knowledge and it deals with chemistry. And he
7 just stated he's no more than high school level of
8 chemistry training. That does not qualify him as expert
9 by any means of stretch of the imagination.

10 MS. WIYGUL: And if I may briefly, Your Honor.

11 THE COURT: Yes, ma'am.

12 MS. WIYGUL: In my research on the Internet, it
13 appears that the experts disagree about the actual
14 measurements of conversion that's possible from
15 Pseudoephedrine to actual methamphetamine. In addition,
16 it appears that there's serious arguments about whether
17 that yield is effected by the way its cooked, by who cooks
18 it, by what's done with it.

19 I would respectfully submit to the Court that the
20 real experts on this subject cannot agree on it.
21 Therefore, it would be completely inappropriate to expect
22 a police officer who is trained in investigative
23 techniques regarding this with no more than a high school
24 education in chemistry as an expert. I go to a lot of
25 CLE's every year. It doesn't make me an expert in any one

1 of those subjects.

2 MR. JOHNSON: Judge, just to piggyback on everything
3 that has been said already, I have no problem if he were
4 to testify as to what he's seen out in the field as far as
5 a meth lab, what a meth lab might like, but as far as
6 yields and things -- you know, grams that yield certain
7 grams coming out of the manufacturing process, again,
8 Judge, that should be left up to an expert chemist..

9 THE COURT: Yes, sir.

10 MR. WILKINS: I'm just going to say the yields are
11 very, very basic. His education, training and experience
12 can, certainly, testify to that. You will hear his
13 testimony, it will involve into an expert in clandestine
14 methamphetamine cooks.

15 THE COURT: Okay. I am going to qualify him as an
16 expert. I know that there is some anticipation of what
17 his specific testimony will be. I don't know that as I
18 sit here because I have haven't heard it yet. However,
19 with respect to the qualification in the particular area
20 that the State has offered him, I will allow him to
21 testify as an expert. Under the law, I don't think the
22 requirement is such that there is any necessary degree
23 required with respect to the administration of yields. I
24 just have to hear the testimony to hear under what basis
25 his knowledge has come.

1 All right. So ladies and gentlemen, what we've done
2 right now is had an argument with respect to whether this
3 witness will be qualified an expert witness. Okay. The
4 reason somebody would want to qualify someone as an expert
5 witness is because an expert witness can testify as to
6 opinion evidence that other lay witnesses cannot
7 necessarily testify to, which means that an expert witness
8 can tell you things that can assist you in analyzing the
9 evidence that's presented in trial.

10 Now, an expert witness is qualified as an expert
11 witness because of his or her respective education,
12 experience or expertise. Now, just because someone may be
13 qualified as an expert witness does not mean that they
14 have any preferred status and that their testimony should
15 be accepted and/or rejected simply because of their
16 status. It is considered in the same light as any other
17 piece of evidence that you receive in this case. In the
18 same light as any layperson's testimony that you receive
19 in this case. That means you can decide to believe it or
20 you can decide not to believe it. It is entirely up to
21 you what weight to put on an expert witness's testimony
22 just like you decide what weight to put on any other piece
23 of testimony.

24 You heard the argument in here regarding
25 qualifications. And you hear that my rule was as a

1 threshold matter it's admissible. Now, whether it's
2 reliable and believable is left up to you to determine.
3 And just because I accept an expert as an expert witness
4 and let him testify doesn't mean I'm suggesting to you
5 that it's believable or credible. Just like any other
6 witness who takes the stand, I make no suggestion one way
7 or the other, I just say whether you can hear it or not
8 and you're going to make the decision whether it's
9 credible or whether it's valuable when you weigh the
10 evidence.

11 All right. Mr. Wilkins.

12 BY MR. WILKINS:

13 Q Captain Brooks, you talked about the number of
14 investigations, how many labs do you think -- how many
15 methamphetamine labs do you think you've been to in your
16 career?

17 A Probably a couple of hundred.

18 Q As a result of that, have you effectuated a lot of
19 arrests in methamphetamine investigations?

20 A Yes, sir.

21 Q And of all the arrests that you've conducted or
22 performed of individual charged with various
23 methamphetamine violations, have any of those -- were any
24 of those able to cook methamphetamine?

25 A Yes, sir.

1 Q A lot of those were able to manufacture
2 methamphetamine in various ways?

3 A Yes, sir.

4 Q Did any of those that you recall have chemistry
5 degrees?

6 A No, sir.

7 Q What are the various ways in which you can
8 manufacture methamphetamine?

9 A Well, there primarily three different ways. One way
10 a called the red phosphorus and is referred to as red fee
11 method and it's, basically, using red phosphorus and
12 iodine in the manufacturing process. The second way is
13 called the birch method or more commonly referred to as
14 the Nazi method, which they use lithium method and
15 anhydrous ammonia in the reaction. And the third method
16 is referred to as the shake and bake or one pot.

17 Q Let's talk about the one pot more specifically.

18 A Yes, sir.

19 Q To be able to cook methamphetamine pursuant to the
20 one pot or the shake and bake method, what are the initial
21 ingredients you must have in order to do that?

22 A Basically, you start out with a plastic bottle or
23 some type of vessel to complete the reaction in,
24 Pseudoephedrine or Ephedrine is a necessary ingredient.

25 Q Can you make it without Pseudoephedrine or Ephedrine?

1 A No, sir. Lithium metal, ammonium nitrate or ammonium
2 sulfate, depends on the cook, they could use either or,
3 sodium hydroxide, some type of solvent, most people use
4 ether, and water.

5 Q And once you get all the ingredients, what do you do?

6 A Well, let me elaborate a little further. Basically,
7 one pot or shake and bake method is just a simplified
8 reduction of the birch or anhydrous ammonia method. And
9 in the birch method, basically, they start out with
10 Pseudoephedrine or Pseudoephedrine tablets, cold
11 medication, and they extract the Ephedrine or
12 Pseudoephedrine out of that cold medication. And the way
13 they do that is by, basically, crushing the pills. They
14 usually use a blender or coffee grinder. They crush those
15 pills and they soak them in some type of solvent. Most
16 people I see use Coleman fuel. And, basically, the
17 Ephedrine, actually, is absorbed up into the liquid. And
18 they filter that out, they, basically, dissolve that
19 solvent off. They let it evaporate and they're left with
20 the Ephedrine or Pseudoephedrine. Then that's put into
21 the mixture with liquid anhydrous ammonia and lithium
22 metal. And, basically, that causes a chemical reaction
23 that turns Pseudoephedrine into methamphetamine. And then,
24 it makes a meth oil base, basically. And the last stage,
25 they call salting out or gassing out, in which they

1 combine sulfuric acid and salt is one way of doing it or
2 they can combine uratic acid and tin foil or aluminum
3 foil. And what those do, either method creates
4 hydrochloric gas. They, basically, filter the
5 hydrochloric acid and meth oil and it, actually,
6 precipitates. It almost looks like it's snowing. And
7 what's falling, they filter off and that's what they're
8 left with is methamphetamine hydrochloride.

9 Q And when you cook methamphetamine in a controlled
10 setting down at SLED, which method did y'all use?

11 A The birch method.

12 Q All right. So let's go back to the shake and back,
13 is that a condensed form of the birch method?

14 A It is. Basically, in the shake and bake or one pot
15 method, they combine the ingredients that I said and,
16 basically, it does the Ephedrine extraction and the
17 synthesis all in one step. And what it does is condenses
18 that all in one step and you're left with a liquid, which
19 you still have to salt or gas out, either method I talked
20 about, either sulfuric acid and salt or uratic acid and
21 tin foil, to create hydrochloric acid.

22 Q So take us through a little bit. If I've decided I
23 want to conduct a shake and bake, what's the first thing I
24 need to get?

25 A Pseudoephedrine.

1 Q Where can I get that from?

2 A Any pharmacy, CVS, Walgreens, Wal-Mart.

3 Q And are you familiar with the law regarding the
4 purchase of Pseudoephedrine and Ephedrine?

5 A Yes, sir.

6 Q And do you oversee the individuals that monitor the
7 NPLEX system as well?

8 A Yes, sir, I do.

9 Q Are you familiar with the NPLEX system?

10 A Yes, sir, I am.

11 Q So I'm going to drive to the CVS and get my
12 Pseudoephedrine, where do I go next?

13 A Probably a hardware store, Wal-Mart or any other
14 place.

15 Q And what do I want to buy there?

16 A You're probably going to buy Lithium batteries.
17 You're going to guy -- while you're at the pharmacy,
18 you're probably either going to buy -- most people I see
19 in the one pot method buy the cold packs.

20 Q A cold pack?

21 A Yes, sir, which is, basically, ammonium nitrate and
22 water. And when you bust the water and it mixes with
23 ammonium nitrate, it, basically, absorbs the heat and
24 turns the pack cold. It's almost like an ice pack that
25 you can buy at any pharmacy. What they're looking for is

1 -- the crystalized substance inside is, actually, ammonium
2 nitrate. So that's what most of them use. And then they
3 buy either starter fluid at either an auto parts store or
4 Wal-Mart.

5 Q Starter fluid?

6 A Yes, sir. That's where they obtain ether for the
7 most part. And some type of lye, either Drano or Red
8 Devil lye for the sodium hydroxide.

9 Q With those ingredients, can an individual manufacture
10 methamphetamine?

11 A Yes, sir, along with sulfuric acid and salt or uratic
12 acid and tin foil for the salting out and gassing out.

13 Q Where do they get the sulfuric acid?

14 A At any hardware store or Wal-Mart.

15 Q So what else -- so if I have all those ingredients
16 and I take them back to my location, what else do I need
17 for a shake and bake?

18 A That's it, plastic bottle.

19 Q Plastic bottle?

20 A Yes, sir.

21 Q And what's the first thing they do with that plastic
22 bottle?

23 A They'll start adding all those ingredients into the
24 bottle.

25 Q Do they just pour them all in the top of the bottle?

1 A Pretty much, yes, sir.

2 Q How much Pseudoephedrine do they need to put in
3 there?

4 A It depends on how much they want to try to
5 manufacture.

6 Q Okay. And then what happens when they put all those
7 chemicals in a plastic two-liter bottle?

8 A Actually, it starts pretty much an instant chemical
9 reaction and it starts rolling.

10 Q What's rolling?

11 A I refer to it as rolling. On the inside of the
12 bottle, the whole mixture looks like it's almost being
13 stirred without moving. It's just the chemicals reacting
14 with each other inside it and we refer to it as rolling.
15 Over time, that builds up pressure and they have to kind
16 of what we refer to as burping. They'll loosen the top of
17 the bottle to relieve the pressure and get the reaction
18 rolling again.

19 Q Captain Brooks, we heard testimony earlier that they
20 needed two-liter bottles and not glass bottles. Why would
21 that be important?

22 A Well, I've seen people manufacture in glass bottles
23 before, but a lot of these cooks, actually, fail. They
24 get too high in pressure and they explode or they have
25 what's called flash fires a lot of times because Lithium

1 metal reacts very violently with water. So while this
2 mixture is rolling, if the Lithium metal, actually,
3 touches the water, it will, actually, spark inside this
4 reaction. So you also have ether in there, which is very
5 dangerous. Sometimes in the plastic bottles, the spark is
6 so close to the plastic, it will, actually, melt a hole in
7 it and it looks like a flamer thrower and we call it a
8 flash fire when that happens. And I have seen glass
9 bottles, actually, explode, so plastic bottles are,
10 actually, a little safer because if a glass bottles
11 explodes, you've got glass shards everywhere.

12 Q Will a plastic bottle expand more than a glass
13 bottle?

14 A It will. And you can feel where pressure is built up
15 so strongly that you go ahead and release some pressure.
16 And it's not necessarily a two-liter bottle. I've seen
17 them cook all the way down to 16-ounce bottles.

18 Q Any kind of plastic bottle?

19 A Yes, sir.

20 Q We talked about the Pseudoephedrine as well. Can you
21 make meth out of three boxes of Pseudoephedrine?

22 A Yes, sir.

23 Q Would you have a lower yield, I guess?

24 A Yes, sir.

25 Q Is the yield going to be dependent on the

1 Pseudoephedrine that you have?

2 A Yes, sir.

3 Q All right. So if you needed more Pseudoephedrine,
4 but I can only buy up to about three boxes in 30 days,
5 what do you do to get more Pseudoephedrine?

6 A Most people employ what we have call smurfing.

7 Q Smurfing?

8 A Yes, sir.

9 Q What is smurfing?

10 A Basically, smurfing is a law enforcement term that's
11 coins people or persons who I may send out to buy Sudafed
12 because they haven't bought their restricted amount for
13 the month or for the day or for the year and they bring
14 those products back to me in order to cook.

15 Q And have you seen in your law enforcement experience
16 a number of smurfing cases or smurfers engaging in that
17 kind of conduct?

18 A Yes, sir.

19 Q So how do they, actually, smurf, what do they do?

20 A They just, basically, go to the pharmacy and use
21 their ID and purchase Pseudoephedrine and bring it back to
22 whoever's manufacturing the meth.

23 Q And if you want to manufacture more methamphetamine,
24 do you need more smurfers?

25 A Yes, sir.

1 Q To get the Pseudoephedrine?

2 A Yes, sir.

3 Q If you put all of these ingredients into the bottle,
4 are you guaranteed you're going to get meth out of it?

5 A No, sir. Like I said --

6 Q What are some possibilities that can occur?

7 A It could flash fire, it could explode, all kind of
8 possibilities.

9 Q Okay. Now, when you manufactured methamphetamine
10 down in SLED and throughout your hours of training, did
11 y'all ever talk about how much Pseudoephedrine you need to
12 yield a certain amount of methamphetamine?

13 A Well, it's, basically -- in my training, we used
14 three grams of Pseudoephedrine, which produced --

15 MR. NEWTON: I renew the objection, Judge. It's,
16 basically, chemistry testimony.

17 THE COURT: Okay. All right.

18 MS. WIYGUL: We would join in the objection, Your
19 Honor.

20 THE COURT: I understand. It's respectfully
21 overruled. I will allow him to testify.

22 THE COURT: Go ahead, Captain.

23 THE WITNESS: In the cook that we did at SLED, we
24 used three grams of Pseudoephedrine, which yielded 2.7
25 grams of methamphetamine hydrochloride.

1 BY MR. WILKINS:

2 Q So what's your yield on that?

3 A It's 92 percent yield.

4 Q Is that about as good as you can do?

5 A It's about as good as you can get. That's in a
6 controlled lab environment using specific measurements.

7 Q In your experience and investigation, assuming it
8 doesn't flash fire and assuming your successful, what's
9 the lowest amount you possibly could get out of it?

10 A Forty to 50 percent.

11 Q Forty to 50 percent?

12 A Yes, sir.

13 Q So two grams of Sudafed will get you one gram of
14 meth?

15 A Yes, sir.

16 Q Is worst case scenario?

17 A Yes.

18 Q And can you get somewhere in between there?

19 A Yes, sir.

20 Q Does that depend upon the cook?

21 A There's a lot of factors it depends on. If people
22 take the time to extract the Ephedrine from the start,
23 like in the old birch method, the longer they let -- you
24 know, some people may get in a hurry and doesn't let the
25 chemical process complete itself and it may not extract as

1 much Pseudoephedrine from the initial pill binder. So
2 there's a lot depending on, spillage and things at the lab
3 site.

4 Q In your experience in investigating meth labs, when
5 you come upon a meth lab and you see it, what do you
6 commonly see around the house or what materials do you
7 commonly see around the house in the lab?

8 A A lot of different things. Different -- sulfuric
9 acid, which is, basically, drain cleaner, things we look
10 for, coffee filters, funnels, bottles. Other things,
11 Xylene, ether, a lot of starter fluid cans, things that
12 you would strip batteries. When I say strip batteries,
13 during the process Lithium metals is one of the
14 ingredients, so the easiest way to obtain Litium metal is
15 buy Litium batteries and strip those batteries, basically,
16 get the Lithium strip out of the center of the battery.
17 So we look for cut batteries. We look for blister packs
18 from the medication. We look for burn piles because,
19 commonly, they try to destroy that evidence by burning it
20 outside the house somewhere.

21 Q What about disposing of the lab, the two-liter
22 bottle, is it moveable?

23 A Certainly.

24 Q And, for example, if you wanted to clean it up or you
25 wanted to clean up the bottle itself, would that be

1 relatively easy to do?

2 A Very easy. I've, actually, seized labs inside of a
3 single backpack with a guy walking down the road with the
4 whole thing. So they're very portable and easy to dispose
5 of.

6 Q We talked about it briefly, but can you describe a
7 little bit the dangers of cooking methamphetamine?

8 A Yes, sir.

9 Q What are some of the possibilities when one's
10 engaging in a cook?

11 A It's extremely dangerous because the chemical
12 reaction inside, even with the birch method, you've got
13 the danger of liquid anhydrous ammonia, which in its
14 normal state is stored at minus 44 degrees Fahrenheit, so
15 it's extremely caustic to the lungs. It's dangerous to
16 breathe. It could be deadly. You've got all the other
17 acids there. The exposure to skin is going to give severe
18 burns, chemical burns. You've got the danger of the lab
19 exploding itself, which causes, of course, burning.
20 You've got chemical burns, house fires and things of that
21 nature that go along with it.

22 Q And, quickly, is there a distinct odor that you may
23 smell while someone is engaging in the cooking of that
24 methamphetamine?

25 A The most two distinct odors I've determined around

1 lab sites and I try not to hang around them because as
2 soon as detect that odor, we suit up in the SCBA equipment

3 --

4 Q What is that?

5 A Self-contained breathing apparatus. Just for our
6 protection. But, commonly, you'll smell a very strong
7 ammonia smell a lot of times and then sometimes, it's a
8 very sweet smell. Ether is the main thing that you're
9 smelling. And the best way I know how to describe it is
10 close to like smelling fingernail polish remover.

11 Q I want you to answer any questions the defense
12 counsel may have.

13 A Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. NEWTON:

16 Q This training that you had, you said you manufactured
17 meth, I bet that's fun.

18 A Not really.

19 Q How many times did you do it at the lab?

20 A Just once.

21 Q How long did that process take altogether?

22 A About an hour and a half.

23 Q Were you doing it by yourself or was there a bunch of
24 people all doing it together?

25 A There was groups of people.

1 Q How many people in your group?

2 A They divided the class up and I think there was about
3 10 in my group.

4 Q Okay. And were you guys the ones, actually, handling
5 all the chemicals or was somebody showing you how to do
6 it?

7 A We were under the supervision of a chemist.

8 Q Okay. But you were yourself mixing up the
9 ingredients?

10 A Yes, sir.

11 Q What method did you say you used that one time?

12 A The birch method.

13 Q Now, that's different from the bottle shake and bake?

14 A No, sir, it's the same method, it's just the bottle
15 method is the condensed version of that. The main
16 difference being in the birch method, most people do the
17 extraction of the Ephedrine or Pseudoephedrine as step one
18 and then do the synthesis with liquid anhydrous ammonia
19 and Lithium metal. In the one pot method, it's all done
20 together. The extraction and the synthesis is all done in
21 the one vessel instead of two separate steps.

22 Q Was there a smell when you did it?

23 A I don't know, I had a respirator.

24 Q Okay. Is it a fairly sophisticated lab you're
25 talking at SLED? Was this in Columbia?

1 A Yes, sir.

2 Q What the facility you were at?

3 A At the SLED lab where they do all the drug analysis.

4 Q And that's a pretty big lab, right?

5 A Yes, sir.

6 Q Sophisticated equipment?

7 A High tech equipment, yes, sir.

8 Q So I guess it's safe to say that those guys down
9 there know what they're doing as far as making meth?

10 A Yes, sir.

11 Q So they have a very efficient technique of doing it
12 and know what they're doing?

13 A They do it just like it's clandestinely on the
14 street. That's the point of doing it, taking it step by
15 step through that method.

16 Q But aren't there all kinds of variables that can go
17 into making meth and some people, you might say, are more
18 efficient at it than others, know what they're doing more
19 than others?

20 A There's a lot of different recipes on the Internet, I
21 mean, thousands of them. I have run across people that
22 manufacture with the Nazi method and for some reason, he
23 put a copper BB in with the mixture. Got no reason why he
24 did it, but he just did it. Each cook could be different.
25 There's studies out there that say each cook teaches 10

1 others how to cook, so they're going to throw their spin
2 on it to try to make a better product for market.

3 Q Well, as you just said, there are thousands of
4 different ways?

5 A Yes, sir.

6 Q So that the ingredients that you named, that's just
7 one way of doing it, right?

8 A That's the most common way we see in Pickens County.

9 Q But there are other ways?

10 A There are other ways.

11 Q Now, you said it was necessary to have
12 Pseudoephedrine, that's an essential ingredient?

13 A Ephedrine or Pseudoephedrine, yes, sir?

14 Q Any other ingredients you named, are those essential?

15 A Some of them are switched. Like ammonium nitrate or
16 ammonium sulfate. Ammonium nitrate, well, it's, actually,
17 a fertilizer, but where they obtain it, most of the time
18 it's from those cold packs. And then you've got ammonium
19 sulfate, which is a fertilizer. Now, those can be
20 interchangeable. Just like with the solvent, some people
21 may use ether and some people may use Xylene, which is a
22 paint thinner. Those products are interchangeable. It
23 just depends on the cook and what they have access to.

24 Q Did you happen to be one of the police officers who
25 responded to [REDACTED] because of that shooting out

1 there in November of 2011? Were you out there then?

2 A No, sir.

3 Q You weren't?

4 A No, sir.

5 Q You ever been out to that residence?

6 A Yes, sir.

7 Q Were you out there in connection with this case?

8 A No, sir.

9 Q To your knowledge, were any of these people, any of
10 the three Defendants on trial today found with any
11 meth-making equipment?

12 A Not to my knowledge.

13 Q So we have on actual physical evidence that any such
14 thing was going on, do we?

15 A I've never found them with meth-making equipment.

16 MR. NEWTON: No further questions.

17 CROSS-EXAMINATION

18 BY MS. WIYGUL:

19 Q Captain, clarify me if I'm wrong, you said that
20 you're responsible for the supervision of the detective
21 division and the narcotics division, is that correct?

22 A Yes, ma'am.

23 Q And as the supervisor over those division, are you
24 responsible for training in investigative techniques?

25 A No, ma'am.

1 Q Do you --

2 A I mean, somewhat. I mean, if you -- basically,
3 on-the-job training.

4 Q Are you in charge of making sure your officers and
5 detectives do a good job?

6 A Yes, ma'am.

7 Q Okay.

8 A It's ultimately my responsibility, yes, ma'am.

9 Q Okay. Is one of the common investigative techniques
10 used taking pictures of a crime scene?

11 A If it calls for it, yes, ma'am.

12 Q Would it be standard operating procedure in Pickens
13 to take pictures of alleged evidence in a criminal case
14 that was supposedly found laying in plain sight?

15 A I'd have to have -- I mean, without knowing the
16 entire scenario, I don't -- sometimes stuff gets moved. I
17 don't know what you're trying to ask me.

18 Q Let me give you a hypothetical. Officer goes into a
19 house on any kind of crime, say it's a shooting, if they
20 saw items commonly used in the manufacturing of meth, do
21 you think they'd investigate that?

22 A They would if they would recognize it. Now, there's
23 a lot of young officers on the street, if I set a meth lab
24 in front of them, unfortunately, wouldn't know what it
25 looked like.

1 Q How long has Officer McJunkin been with the Pickens
2 County Sheriff's Office?

3 A I have no idea, ma'am.

4 Q Do you know Officer McJunkin?

5 A I don't think I do.

6 Q Do you know Office Blankenship?

7 A I do.

8 Q Do you think that he would have the sense to take
9 pictures of evidence that he plans to use in a criminal
10 case?

11 A I know if Officer Blankenship saw a methamphetamine
12 lab, he would know what it was and he would take pictures
13 and seize it.

14 Q Okay. So is it your testimony that if Officer
15 Blankenship saw items that he thought were being used in a
16 meth lab he would have taken pictures of it?

17 A Well, now, that depends.

18 Q Oh, what would it depend on?

19 A Because meth lab sites are volatile. I mean, if
20 you've got a high pressure of chemicals, you don't want to
21 snap pictures there. You have to either have
22 intrinsically safe flashlights so you can go into a meth
23 lab.

24 Q I understand completely.

25 A Because of the explosion --

1 Q Say they weren't the explosive type of things, say
2 they were just empty plastic bottles, do you think he
3 would take pictures of it?

4 A If he had a camera on hand, yes, ma'am.

5 Q Does your phone have a camera?

6 A Does mine?

7 Q Yes.

8 A Yes, ma'am.

9 Q Does Officer Blankenship's?

10 A Yes, ma'am.

11 MS. WIYGUL: I don't have any further questions.

12 CROSS-EXAMINATION

13 BY MR. JOHNSON:

14 Q Captain, good afternoon.

15 A How are you doing, sir?

16 Q How are you?

17 A Can I get a swallow of water?

18 Q Absolutely.

19 A Thank you.

20 Q You just let me know when you're good.

21 A I'm good. Thank you. Getting a little dry.

22 Q I can understand that. The method that you mentioned
23 that you used when you were in the controlled environment
24 in the lab at SLED, that was the birch method?

25 A Yes, sir.

1 Q And I believe you mentioned it was the condensed
2 method of the -- or the shake and bake is a condensed
3 method of the birch?

4 A Yes, sir.

5 Q So in a controlled environment?

6 A Yes, sir.

7 Q The yield is 50 percent worst case and 92 percent
8 best case?

9 A No, not in the controlled environment. The
10 controlled environments that we had, we produced 92
11 percent. Every study that I've read, if it's a controlled
12 environment under ideal conditions, it's, typically, 92 to
13 93 percent yield.

14 Q Okay.

15 A Now, what the varying factors of that are is if it's
16 not in a controlled environment and you have a spillage
17 and everything else, it could drop to 50 percent.

18 Q Okay. I believe my co-counsel covered some of that
19 with you in testimony how about how it could depend on the
20 cook and things of that sort. What I do want to touch on
21 is if the shake and bake is a condensed method, how
22 condensed is it of the birch method?

23 A When I say condensed, it's just you don't have --
24 basically, the shake and bake method was developed simply
25 because of the restrictions and it's hard to get liquid

1 anhydrous ammonia. And as they started cooking that
2 method, people tightened down on it. People were more
3 secure in liquid anhydrous ammonia. So this method was,
4 basically, developed where those chemicals that are added,
5 actually, create liquid anhydrous ammonia within that
6 reaction, i.e. the ammonium nitrate or ammonium sulfate
7 and the solvent and the sodium hydroxide. Those
8 chemicals, actually, cause a reaction that, actually,
9 creates liquid anhydrous ammonia within that reaction.

10 Q What is the largest methamphetamine lab you've ever
11 seized?

12 A Probably capable of producing a couple ounces.

13 Q Was that a shake and bake lab?

14 A No, sir, it was birch meth lab.

15 Q It was a real deal, top of the line drug dealer lab
16 that you just pumping them out and making money hand over
17 fist, isn't that right?

18 A They're all -- I would classify them all that way.

19 Q Okay. Fair enough. Going back to that last remark,
20 you would classify -- bear with me a second.

21 A Yes, sir.

22 MR. JOHNSON: Beg the Court's indulgence, Your Honor.

23 THE COURT: Sure.

24 MR. JOHNSON: I'll just withdraw the last question --
25 well, it wasn't even a question. I'll move on, Your

1 Honor.

2 THE COURT: Sure.

3 BY MR. JOHNSON:

4 Q Was HAZMAT ever called out to [REDACTED]?

5 A Not to my knowledge.

6 Q Okay. You own cats? Do you have a pet cat?

7 A No, sir, I do not have a cat.

8 Q You ever been around a cat litter box?

9 A Yes, sir.

10 Q Have you ever smelled what seemed to maybe be a
11 strong odor of ammonia?

12 A It smells a lot like cat urine.

13 MR. JOHNSON: No further questions.

14 THE COURT: Any redirect?

15 MR. WILKINS: No, Your Honor.

16 THE COURT: Thank you, sir. Appreciate you being
17 here. You may step down.

18 You may call your next witness.

19 MR. TOOKER: Your Honor, as I anticipate, the next
20 witness may be slightly lengthy. This might be a good
21 time for a bathroom break, at least, for the State's
22 benefit.

23 THE COURT: Okay. At least, you owned up to it.

24 Let's take a brief break and we'll come back in and
25 resume testimony.

1 (WHEREUPON, the jury left the courtroom at
2 approximately 3:11 p.m.)

3 MR. TOOKER: Before the jury comes in, real quick,
4 and we just found this out, too. In addition to Steve
5 Hurley having passed, it appears that Susan Reese is in
6 the hospital, too.

7 THE COURT: So how many more witnesses do you
8 anticipate calling today?

9 MR. TOOKER: So today, it will just be two more,
10 Tommy Blankenship and then Tony Robinson with the
11 sheriff's office. He's the evidence custodian.

12 THE COURT: Okay. Well, we'll move forward with that
13 and adjourn for the day and we'll come back tomorrow
14 morning.

15 (WHEREUPON, the jury entered the courtroom at
16 approximately 3:23 p.m.)

17 THE COURT: Mr. Tooker, you may call your next
18 witness.

19 MR. TOOKER: Your Honor, the State calls Tommy
20 Blankenship to the stand.

21 THE CLERK: Place your left hand on the Bible and
22 raise your right.

23 THOMAS BLANKENSHIP,
24 after having been duly sworn, testified as follows:

25 THE CLERK: If you would, have a seat and state your

(Tommy Blankenship - Direct by Mr. Tooker)

1 name for the record, please.

2 THE WITNESS: Thomas Blankenship.

3 DIRECT EXAMINATION

4 BY MR. TOOKER:

5 Q Where do you work, sir?

6 A Currently, employed full time at the Pickens County
7 Sheriff's Office. I'm also a part time employee of Holly
8 Springs Baptist Church as youth minister.

9 Q At the sheriff's office, what do you do?

10 A I'm currently employed in the special operations
11 division. We investigate crimes, including, but not
12 limited to drug crimes, prostitution, murders for hire,
13 anything that your normal deputy or detective wouldn't
14 necessarily investigate.

15 Q Okay. And what would you say you spend most of your
16 time doing?

17 A Most of the time is on drug investigations, including
18 possessions, distribution, trafficking, conspiracy to
19 traffic and reversals.

20 Q What's a reversal?

21 A A reversal is when an individual is looking to
22 purchase a quantity of an illicit drug and we will,
23 actually, sign out a quantity from our P&E and will,
24 actually, do the deal with the individual, however, we do
25 not ever let the drugs leave our possession. That person

1 is arrested on the scene for the attempt to possess.

2 Q What drugs do you see most often in Pickens County?

3 A In Pickens County, methamphetamine is definitely our
4 prevalent drug.

5 Q Okay. What do you have to contend with most often in
6 meth cases, i.e. what's the side effect or residue or what
7 do you have to deal with as a law enforcement officer?

8 A There's several things you have to deal with. Number
9 one is the individuals that are either utilizing
10 methamphetamine, selling it. They are what I would
11 consider a dangerous individual, very unpredictable,
12 depending no what stage of their high they're in. The
13 other things are our meth labs. Meth labs are extremely
14 dangerous in the fact that through training, we've been
15 told 50 percent of them are known to fail. So half of
16 every one pot that I pick up and walk out of the house,
17 there's a 50 percent chance it's going to explode in my
18 hand. Obviously, with any other drug distributors, their
19 main objective is money, so.

20 Q Or drugs?

21 A Or drugs, exactly.

22 Q Have you investigated a lot of meth manufacturing
23 cases?

24 A Yes, sir, I have. As a matter of fact, in the year
25 2012, I couldn't give you the exact number of labs that

1 our office worked, but I was on scene for every single one
2 of them.

3 Q When you are on scene for a lab, what do you have to
4 do as the protocol?

5 A Once we establish that there is a lab, step one is to
6 put on a chem suit. We call it a shrink wrap suit as a
7 joke because of the propensity of a flash fire, if it were
8 to flash fire on that suit, it would literally shrink wrap
9 us inside of it. But we need the chem suit to protect us
10 from the chemicals so they cannot absorb into our clothes,
11 into our skin so that we don't take them with us and we
12 don't suffer an adverse effect so that our children or
13 anybody that lives in our house don't suffer adverse
14 effects. We also always put on a respirator so that any
15 fumes that are being released, we don't breathe those.
16 Hydrochloric gas is released out of gas generators. It is
17 highly acidic and instantly burns anything it touches.
18 There's also a possibility of coming into contact with
19 anhydrous ammonia. Anhydrous ammonia is, basically, a
20 typical ammonia that you would have any cleaner, but it's
21 absent of water, so it automatically attacks any water
22 membrane. The human body is composed mostly of water, so
23 therefore, it would chemically burn any part of your body
24 it comes in contact with. We put on protective boots,
25 protective gloves. Virtually, every inch of our body is

1 covered by some sort of protective material. The seams
2 from one protective material to the next is wrapped in
3 chem tape so that there's no air in, no air out. And then
4 at that point in time, we will go into the methamphetamine
5 lab and begin to break it down.

6 Q Have you had many occasions to deal with people who
7 are users or abusers of methamphetamine?

8 A Absolutely.

9 Q Okay. In your experience, what kind of physical
10 ailments do they often suffer?

11 A Depending on the type of use they have, smokers will
12 always have absence of teeth. The correlation, I would
13 assume, is the smoke. As the inhale it, it affects the
14 enamel on their teeth. Weight loss, severe weight loss.
15 Aging is one. An individual that is 20 years old could
16 appear to be 30 years old just from their methamphetamine
17 use.

18 Q Okay. We saw a lady that was in pretty bad shape
19 today, Susan Reese, how old is she?

20 A She was 49 years old.

21 Q Forty-nine?

22 A Yes, sir.

23 Q In this case -- well, how did y'all get started
24 investigating this case?

25 A This case originated by one of our deputies -- or our

1 reserve deputies, John Ross, who testified yesterday.

2 John Ross is only person that accesses the NPLEX records

3 that were testified to earlier. He started noticing a

4 trend of individuals utilizing the same address. After he

5 saw the fact that they were utilizing the same address, he

6 started to watch their purchases. As he watched their

7 purchases, he noticed there were other people purchasing

8 at very similar times. Throughout several months, he

9 would gather this information and would come to me and say

10 hey, I think we have a group that's manufacturing

11 methamphetamine, what do you think about it. And we sat

12 down and discussed the information he brought to me.

13 Q What did y'all do with that information?

14 A Well, the first thing we did was start to put it into

15 spreadsheets. If you look at an NPLEX record, it's very

16 difficult to just look at and understand exactly what's

17 going on.

18 Q Okay. I'm going to stop you there real quick. So

19 when you say look at an NPLEX record, you mean something

20 like this?

21 A Yes, sir.

22 Q Where there's just a lot of data on there?

23 A Yes, sir.

24 Q And this is just one person?

25 A That's correct.

1 Q So what's the benefit of putting this information
2 into a spreadsheet?

3 A For me, it's easier to read. It gives me the ability
4 to shorten to the Information that I think is pertinent to
5 the case, the location, the date and the time, you know,
6 where they were purchasing it and when, what they were
7 purchasing and, obviously, the location of where and the
8 amount they purchased and whether or not they were able to
9 complete the sale.

10 Q And how is it that you're able to tie different
11 parties together in the course of your investigation?

12 A I believe John Ross, actually, testified to the fact
13 that he could do a search of a store. He would pull up
14 the store's information, who had bought. And he had one
15 individual that he had a watch on, so he would pull up the
16 time period 30 minutes before and 30 minutes after. And
17 anybody within that 30 minutes before or 30 minutes after
18 that had a prior drug conviction that, through speaking
19 with confidential informants, we knew as a possible drug
20 user, we would flag that information and then start to see
21 if there was a correlation between when they would buy and
22 when someone that either utilized [REDACTED] would
23 buy or if they were purchasing at a similar time as
24 another person that we had flagged who was associated with
25 [REDACTED].

1 Q Once you had sort of a group of people that you were
2 looking at, what was the next step you took in your
3 investigation?

4 A The next step is we start to do surveillance on
5 individuals that were involved. Deputy Ross had set up
6 the watch alerts so that any time somebody would make a
7 purchase, he would get what we thought was an
8 instantaneous e-mail. Later, after making several
9 attempts, we realized the e-mail was a little slow getting
10 to us. The purchase could be made at 11:45 and we
11 wouldn't get the notice until 11:50 and by the time we
12 would drive to the pharmacy, of course, there's nobody
13 there to surveil. So we attempted to do surveillance on
14 different occasions. There were a couple of times that
15 individuals that are not included in this case, we
16 surveilled them, made traffic stops, actually, removed
17 components of a methamphetamine lab out of a vehicle.
18 After some interviews we deducted that they weren't
19 involved in this case. So, basically, our next step was
20 to attempt to make contact with these people during their
21 activities.

22 Q And so there's been mention of a traffic stop in
23 November of 2011, is that what you were doing?

24 A Yes, that's exactly what took place. Deputy Ross
25 received a hit. I believe Michael Mealor had purchased at

1 the Walgreens in Pickens. So as soon as he got the
2 notification, we immediately drove up to Main Street
3 Pickens and began to surveil the area for vehicles that
4 may be associated with him or any of the other people that
5 are involved in the case, in which we noticed a green
6 Mazda that was parked at the CVS that's directly across
7 the street.

8 Q Okay. So what did y'all see when y'all sat up on
9 that green Mazda?

10 A Well, we sat up in the parking lot across the street
11 at a gas station, backed into where we hoped we would fit
12 in with the general traffic. I, actually, have a report
13 of surveillance here if you don't mind me --

14 Q Yeah, you need that to refresh your recollection?

15 A If you don't mind.

16 Q Yes, just refresh your recollection.

17 MS. WIYGUL: Your Honor, I would object to him
18 reading from the document. This is from another case.
19 It's got another case number.

20 THE COURT: He can use it to refresh his
21 recollection. But to your point, I sustain it.

22 You can use it, but you can't read from it. You can
23 use it as a tool to refresh your recollection.

24 BY MR. TOOKER:

25 Q Agent Blankenship, you can read it to yourself to

1 refresh your recollection --

2 A You know, I can probably do it without looking at it.

3 Q Okay.

4 A We sat there in the car. We watched the activity of
5 individuals coming in and out of the store to the vehicle.

6 We did witness Cynthia Greenfield come out of the store.

7 As soon as she walked out of the door, we got a

8 notification, an e-mail that she had purchased

9 Pseudoephedrine. At that point in time, we decided we
10 were going to continue to follow the vehicle.

11 Q Why would you want to follow the vehicle?

12 A We wanted to see if they were going to go to any
13 other hardware stores. You know, it's not unusual
14 practice for a person who's involved in manufacturing
15 methamphetamine to go purchase their Pseudoephedrine and
16 then immediately go to a hardware store and get the other
17 items that they need so that they can manufacture
18 methamphetamine. We figured that if we could follow them
19 and they went to those stops, it would only strengthen the
20 case that we had against them for manufacturing
21 methamphetamine.

22 Q But what did they end up doing?

23 A They, actually, left the store, got out on Main
24 Street Pickens, which is 25 miles per hour, and started
25 heading toward Six Mile where their residence is going 40

1 to 45 miles per hour in the 25 mile per hour zone. So we
2 decided they're not going to a hardware store. We
3 couldn't think of anywhere on the way that they would be
4 stopping to get the items they needed, so we initiated a
5 traffic stop based on the speed they were traveling.

6 Q Okay. And who was in the vehicle?

7 A Inside the vehicle were Amanda Hayes Hurley, who was
8 driving, Daniel Ray Hurley, who was a passenger, Michael
9 Lavont Mealor was in the back along with Cynthia
10 Greenfield and there were infant children in the vehicle.

11 Q What's the relationship between Daniel Hurley and
12 Amanda Hayes Hurley?

13 A To my knowledge, they are married.

14 Q Did you have occasion to talk to Ms. Hurley?

15 A Yes, sir.

16 Q What did she say?

17 A I, actually, had occasion to speak to everyone in the
18 vehicle, but she was the first one I spoke to being that
19 she was the driver. I made an approach to the driver's
20 side and told her I was an agent with the sheriff's
21 office, that I stopped her for speeding in a 25 mile per
22 hour zone and then I requested her driver's license,
23 insurance and proof of registration.

24 Q Was she allowed to drive?

25 A No, no, she was not legally allowed to drive. Her

1 license was suspended.

2 Q Now, did you ask her for consent to search the
3 vehicle?

4 A I did ask her for consent to search the vehicle.

5 Q Did she give it to you?

6 A She did.

7 Q What did you find in the vehicle?

8 A Inside the vehicle, we located a --

9 MR. WIYGUL: Your Honor, I'm going to object to this
10 line of questioning. I'm renewing my earlier objection.

11 THE COURT: Okay. I'll respectfully overrule the
12 same.

13 You may proceed.

14 BY MR. TOOKER:

15 Q So what did you find?

16 A Items that we found were two boxes of cold medicine
17 that contained Pseudoephedrine that had been purchased at
18 CVS and at Walgreens.

19 Q Did you take those items into evidence?

20 A I did take those items.

21 Q Did you turn those items into Tony Robinson?

22 A Yes, I did.

23 Q Who's Tony Robinson?

24 A Tony Robinson is the lieutenant over our ID division.
25 He's, basically, our evidence custodian.

1 Q Now, there was some talk about Reserve Deputy John
2 Ross being a reserve deputy as opposed to a permanent
3 deputy?

4 A Yes, sir.

5 Q How would you characterize Deputy Ross's performance
6 as a reserve deputy?

7 A Deputy Ross is --

8 MS. WIYGUL: Your Honor, I'm going to object as
9 witness bolstering.

10 MR. TOOKER: I think they opened the door with this
11 with cross-examination.

12 MS. WIYGUL: I believe they had the opportunity to
13 redirect with Reserve Deputy Ross if they wished to
14 address his training qualifications.

15 THE COURT: Okay. I'm going to sustain the
16 objection. We'll move on.

17 MR. TOOKER: Okay.

18 BY MR. TOOKER:

19 Q After you did the search on that date, how did the
20 investigation continue?

21 A On that date, we, actually, continued the
22 investigation at the traffic stop. We removed each
23 individual from the vehicle separate and advised them of
24 their Miranda rights, advised them that there was an
25 ongoing investigation taking place, advised them that

1 there were purchased of Pseudoephedrine that had perked
2 our interest and we were interested in where that
3 Pseudoephedrine was going.

4 Q Did you have occasion to, actually, speak with
5 anyone?

6 A I did. Originally, I spoke --

7 Q And don't tell us what anybody said.

8 A Okay.

9 Q No hearsay, just did you have occasion to speak with
10 anybody from the car?

11 A Yes, sir, I spoke with each individual separately.

12 Q Did you talk to Daniel Hurley?

13 A I did.

14 Q Did you conduct, I guess, an interview with him?

15 A I conducted a short interview with him, yes.

16 Q Was he Mirandized?

17 A Yes, sir, he was.

18 Q Did you give him the waiver of rights form?

19 A I did.

20 Q Did he sign it?

21 A He initialed each line stating that he understood the
22 rights and that he had signed it agreeing to speak with
23 me.

24 Q Okay. And after that, who was the next person in
25 this case that you talked to or you interviewed?

1 A The case as a whole or the individuals at the traffic
2 stop.

3 Q No, all 20 persons?

4 A Okay, because I attempted to interview each person at
5 the traffic stop.

6 Q Just the next person you had an interview with?

7 A The next person I had a sit-down interview with was
8 Ms. Hurley, Amanda Hurley, at our jail. I attempted to
9 interview her at the traffic stop and she advised -- well.

10 Q Yeah, don't say what she said. You had occasion to
11 talk to her?

12 A Yes, sir, I did.

13 Q And did you Mirandize her before you talked to her?

14 A Yes, sir, I did.

15 Q And did she cooperate with you at that point?

16 A Yes, sir, she did.

17 Q After you talked to her, who did you next go talk to?

18 A Would it be okay to review any notes that I have.

19 Q Yes, look at your notes to refresh your recollection,
20 just don't testify from your notes.

21 A What I have are typed up summaries that were provided
22 in the discovery. So it would have been Mr. Hurley, then
23 Amanda Hayes, and the very next person I spoke with was
24 Kitty Christine Hurley. That was January 25th of 2012.

25 Q What is her relationship to the rest of the family?

1 A She is Danny Ray Hurley's mother.

2 Q Okay.

3 A And she is the ex-wife of Mr. Hurley that we heard
4 testimony from.

5 Q And after you talked to her, who is the next party
6 that you talked to?

7 A The next one was Melissa Paige Wardlaw on February
8 6th, 2012.

9 Q Okay. Now, with regards to Ms. Wardlaw, did you hear
10 her testimony earlier today?

11 A Yes, sir, I did.

12 Q Is there anything that she said on the stand that was
13 inconsistent with your recollection --

14 MS. WIYGUL: Your Honor, I'm going to object. This
15 is improper impeachment of Ms. Wardlaw.

16 THE COURT: You want to be heard on that?

17 MR. TOOKER: I don't think it's improper impeachment.
18 We're going to go into the specific statements that she
19 denied making, that Agent Blankenship identified listening
20 to her testimony that's inconsistent with his
21 recollection.

22 MR. NEWTON: Your Honor, she did not deny making
23 those statements. She admitted making them and said they
24 were lies. That was her testimony.

25 MS. WIYGUL: I would agree with Mr. Newton on this,

1 Your Honor.

2 THE COURT: Okay. I sustain the objection.

3 You may proceed.

4 BY MR. TOOKER:

5 Q When you talked to her, what was her demeanor?

6 A She was very calm and collected. I had went to --

7 MS. WIYGUL: Objection again, Your Honor. Now, he's
8 attempting to bolster --

9 MR. TOOKER: It's not bolstering, it's his
10 recollection of the events.

11 THE COURT: I'm going to overrule the objection. You
12 can answer that question.

13 THE WITNESS: I had went to her residence where I
14 believed her to be staying on Hidden Valley Road the night
15 before, spoke with her aunt and told her aunt that I would
16 like to speak with her at the sheriff's office and she
17 showed up the next day to talk to me.

18 BY MR. TOOKER:

19 Q And you said she was in a calm state?

20 A Yes, sir.

21 Q Okay. Was she crying?

22 A No, sir.

23 Q Was she angry?

24 A No, sir.

25 Q All right. So from what you could tell, she seemed

1 to be level headed?

2 A Absolutely.

3 Q Okay. And after you talked to her, who did you next
4 talk to?

5 A The next person was two days later, Jason Mealor came
6 to the sheriff's office to speak with me. I had not
7 requested conference with him. He came on his own accord.

8 Q Okay. Was he Mirandized as well?

9 A Yes, sir.

10 Q Was Ms. Wardlaw Mirandized?

11 A Yes.

12 Q And they're informed of all their rights?

13 A Yes, sir. Every time I interview a person, they're
14 advised of their Miranda rights.

15 Q And they're provided an opportunity to read those
16 rights as well?

17 A That's correct.

18 Q Did you do that for everybody in this case?

19 A Everybody that I spoke with, I Mirandized them and
20 provided them with a Miranda form and they did sign it.

21 Q And would you describe Mr. Mealor's appearance when
22 you talked to him?

23 A Mr. Mealor appeared to me to be very nervous when he
24 came to talk to me.

25 Q And after you talked to Mr. Mealor, who is the next

1 person in this case that you talked to?

2 A The next one would have been Billy Earl Ray Miller.

3 Q Did you talk to him close in time to when you talked
4 to these other parties or --

5 A I talked to him in June after he was arrested on this
6 charge. He was, actually, in our detention facility
7 awaiting bond.

8 Q And you mentioned arrest, when were most of these
9 people arrested on this case?

10 A Most of them were arrested in June.

11 Q Are there any exceptions to that?

12 A Yes, for some reason, Mr. Hayes was arrested some
13 time later. The best explanation that I could give you,
14 we were, actually, unaware that he was unarrested. I,
15 actually, spoke with you on the phone at some point in
16 time when you advised me he hadn't been. When I had
17 warrants issued on this case, I had them entered into the
18 computer so if any individual was approached by any law
19 enforcement in the State of South Carolina, it would send
20 up a red flag that they had an active warrant with our
21 sheriff's office and that they would be arrested. I then
22 took these warrants and issued them out to our warrant --
23 we call them our warrant guys. Basically, their sole job
24 is to take warrants that are issued and serve them. At
25 that point in time, it was out of my hands. To my

1 understanding, I thought they were all served in June.

2 Q Okay. So the fact that Mr. Hayes was not served, is
3 that some sort of -- was he being cut a deal?

4 A No, sir.

5 Q So that was just an error?

6 A Yes, sir.

7 Q You said most of these parties were served in June.
8 Was anybody served in July?

9 A I think Michael Mealor may have been arrested later
10 as well.

11 Q What about Ms. Crisp? I guess you can't speak to
12 that from personal experience, can you?

13 A Of her arrest?

14 Q Uh-huh.

15 A I had no hand in her arrest. I knew that she wasn't
16 arrested at the same time. We, actually, went to her
17 father's residence in an attempt to locate her and he told
18 us she was living in North Carolina.

19 Q Just to rehash, the traffic stop was on what date?

20 A 11/22.

21 Q And then when did most of these interviews transpire?

22 A Afterwards.

23 Q So November? If you've got to refresh your
24 recollection, refresh it and then testify.

25 A Yes, sir. November would have been the Hurleys. It

1 was right after the traffic stop. February would have
2 been when I spoke with Ms. Wardlaw and Mr. Mealor, Jason
3 Mealor. And then I spoke with Billy Ray Miller after his
4 arrest in June.

5 Q And most of these parties were then arrested?

6 A Yes.

7 Q Is there anything else you did in the investigation
8 in this case that we haven't touched on today in your
9 testimony that you feel is important for this jury to
10 hear?

11 A Not that I can think of at this time.

12 MR. TOOKER: No further questions at this time.

13 CROSS-EXAMINATION

14 BY MR. NEWTON:

15 Q You've been sitting here for this whole trial,
16 correct?

17 A Yes, sir, I have.

18 Q And you were here when Billy Ray Miller testified?

19 A Yes, sir, I was.

20 Q You listened to his testimony?

21 A I did listen to his testimony.

22 Q All right. So you heard him when he said that his
23 mother would always take him to the various pharmacies to
24 buy Pseudoephedrine?

25 A I heard him say so.

1 Q Did he tell you something different?

2 A Absolutely, he did.

3 Q What did he tell you?

4 A He told me Mr. Mealor would, actually, pick him up
5 and take him to the store to make the purchases.

6 Q When you were here and you heard him testify that he
7 would go back into the back bedroom with Cynthia and
8 Michael to be given the methamphetamine, but he told you
9 something different than that, didn't he?

10 A Could I reflect on my interview with him?

11 Q Yes.

12 A During his testimony, I, actually, made notes of
13 discrepancies, so if you'll bear with me.

14 Q Sure.

15 A Yes, sir, that's not what he told me.

16 Q Thank you. One final question for me. Normally, in
17 a drug trial, there's all kinds of physical evidence,
18 right, like drugs?

19 A Drugs, yes, sir.

20 Q And you enter them into evidence, something physical?

21 A When you're not dealing with conspiracies, yes, sir.

22 Q So is it correct to say there is no physical evidence
23 in this trial other than the packaged items?

24 A Other than the illegal substances, that's correct.

25 MR. NEWTON: No further questions.

CROSS-EXAMINATION

BY MS. WIYGUL:

Q Officer, you're, actually, the lead investigator in this investigation, correct?

A Yes, ma'am.

Q And as such, did you have an opportunity to go out to [REDACTED]?

A No, ma'am, I have never been to [REDACTED].

Q You've never been there?

A Other than driving by, no, ma'am.

Q And you've never gotten out and walked back on the property?

A No, ma'am, I have not.

Q Okay. Now, you stated that you spoke with CI's in this case regarding the watch alerts. Who are those CI's? And by CI, you mean confidential informant, correct?

A Yes.

Q What confidential informants did you speak with in this case?

A I don't have any documentation of any individuals that I spoke with other than the ones here.

Q Sir, your earlier testimony was that you spoke with confidential informants in this case?

A I don't have the documentation of speaking with anybody. What I was speaking of is general conversation

1 with individuals involved in the drug world. We do that
2 on a regular basis.

3 Q Yes, sir, but isn't it normal to document these
4 conversations to protect the rights of others?

5 A Other than when you're speaking with somebody who
6 says yes, I know Michael Mealor. He cooks some dope.
7 Other than that, yes, ma'am, if I sat down and did an
8 interview with an individual, I would. We're not speaking
9 of anyone who was under any kind of a criminal
10 investigation.

11 Q But you didn't feel like it was important to document
12 this information, even though your entire investigation
13 was based on it?

14 A The entire investigation was not based on these
15 individuals?

16 Q It started with them, didn't it?

17 A No, ma'am, it did not.

18 Q You stated --

19 A My investigation --

20 Q -- you had the NPLEX records --

21 A -- began with Mr. Ross's NPLEX records.

22 Q Correct. And then the next step was these CI's
23 giving you information. That was your earlier testimony,
24 correct?

25 A No, I did not say that was a step in my

1 investigation.

2 Q So speaking with these CI's and getting information
3 that these CI's, whoever they may be --

4 A I may have inappropriately used the word CI.
5 Confidential informants are documented in our office. I
6 am strictly speaking of talking with people on the street.
7 We do a lot of drug investigations. I speak with a lot of
8 individuals on the telephone who make anonymous
9 complaints. When I speak, I refer to them all as
10 confidential informants because they're all confidential
11 bases of information.

12 Q Well, sir, please, clarify because as I'm sure you're
13 aware, these confidential informants aren't confidential
14 once it gets to the trial. Defense attorneys have the
15 right to that information, correct?

16 A That's correct.

17 Q So you just didn't document it?

18 A No, ma'am.

19 Q You stated that one of these alert watches, actually,
20 did lead to an active meth lab, correct?

21 A It led to a vehicle that had the components of a meth
22 lab. It wasn't active at the time.

23 Q Were those individuals charged with anything?

24 A Yes, they were.

25 Q Okay. Who were they?

1 A They were Tina Mealor and Mr. Branyon. I don't
2 remember his first name.

3 Q And they didn't have anything to do with this case?

4 A Through investigation and speaking with others that
5 professed their own involvement, every single person I
6 spoke to said they were not involved in their affairs.

7 Q Okay.

8 A I found it hard to believe, but that's what they
9 said.

10 Q Now, you stated that you didn't make any deals with
11 these people, right?

12 A Oh, I made no deals.

13 Q You don't have the power to make deals, do you?

14 A I do not.

15 Q Okay. So that's not really important, is it?

16 A No, ma'am.

17 Q Okay. You didn't take the first picture in this case
18 of evidence, did you?

19 A What would you want me to photograph? The majority
20 of evidence is testimony.

21 Q You're the investigator, did you take any pictures?

22 A No.

23 Q Sir, you stated that you had another job other than
24 just working at the sheriff's office, what was that, was
25 it youth pastor?

1 A Yes, I'm a part time employee for Holly Springs
2 Baptist Church.

3 Q Who's the pastor of that church?

4 A Gerald Martin.

5 Q Does Pastor Martin have any children that you're
6 aware of that are involved in this case?

7 A Not to my knowledge.

8 Q Okay.

9 MS. WIYGUL: No further questions.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Just a couple of questions, Agent Blankenship.

13 A Yes, sir.

14 Q When did you say you attempted to making contact with
15 the people that are allegedly involved in this and try to
16 interview them?

17 A It would have been prior to the traffic stop, but it
18 would have been later in the year. Deputy Ross was
19 gathering all the information. And my best guesstimation
20 as to when we would have begin attempting to go out and
21 make contact would have been July.

22 Q Okay. July of?

23 A 2011.

24 Q The NPLEX records are kind of what, for lack of a
25 better term, tipped you guys off in this investigation,

1 NPLEX records, those regarding Sudafed, correct?

2 A Correct.

3 Q Are there any records out there -- let me back up.

4 You've previously testified that quite often when someone
5 would buy Sudafed, they would go directly to the hardware
6 store to get some other stuff?

7 A It's not an unusual practice, yes, sir.

8 Q The other stuff being Coleman fuel or --

9 A Yes, sir, being other ingredients that Captain Brooks
10 testified to, yes, sir.

11 Q So why not stake out a hardware store? Do they have
12 NPLEX records for a hardware store?

13 A Unfortunately, everybody that purchases -- you know,
14 there's no way to know when somebody purchases a --

15 Q They don't monitor that?

16 A No, it's not monitored. Sudafed is the only thing
17 that's monitored that we can utilize. Unfortunately, we
18 have a lot to do, so we can't sit in front of hardware
19 stores all day.

20 Q So if I'm an avid camper, I'm in the clear, but if I
21 have severe allergies, I'm out of luck, is that right?

22 A Unfortunately, you are more likely to be put on a
23 watch list, yes, sir.

24 MR. JOHNSON: No further questions. Thank you. Oh,
25 I'm sorry, Your Honor.

1 BY MR. JOHNSON:

2 Q To your knowledge, is Tina Mealor related to anyone
3 in the courtroom today?

4 A That I know of, she does have a relation to the
5 Mealors, but I couldn't tell you the exact lineage.

6 Q Do you know if Denise -- do you know Denise Hayes?

7 A Yes, sir.

8 Q To your knowledge, is she related to Denise Hayes?

9 A Yes, sir.

10 Q What relationship is she?

11 A I do not know the direct lineage.

12 Q Okay. What about Michael Mealor? The last names
13 coincide?

14 A Yes, sir.

15 Q Obviously, we can't draw a distinction based solely
16 on that?

17 A Yes, sir.

18 Q But you're not aware of the relationship between Tina
19 and Michael, is that correct?

20 A Are you speaking as a romantic relationship?

21 Q Or familial?

22 A No, sir, I do not know if there is or is not one.

23 Q Okay. Do you know -- you saw the testimony
24 previously of Susan Reese?

25 A I did.

1 Q Is she one of your CI's?

2 A Is she a CI?

3 Q Is she an informant?

4 A No, sir.

5 Q Okay. Susan Reese never did offer up any other
6 information other than the one that's been provided
7 through discovery, is that correct?

8 A I never spoke with Susan Reese.

9 Q Okay.

10 MR. JOHNSON: Thank you, Your Honor.

11 THE COURT: Redirect?

12 MR. TOOKER: No, sir.

13 THE COURT: Thank you, sir. You can step down.
14 Appreciate it.

15 You can call your next witness.

16 MR. TOOKER: The State calls Louise Mealor.

17 THE CLERK: Place your left hand on the Bible and
18 raise your right.

19 LOUISE MEALOR,

20 after having been duly sworn, testified as follows:

21 THE CLERK: If you would, have a seat and state your
22 name for the record, please.

23 THE WITNESS: Louise Mealor.

24 DIRECT EXAMINATION

25 BY MR. TOOKER:

1 Q How are you doing today, Ms. Mealor?

2 A Fine.

3 Q You were charged in this case, is that correct?

4 A Right.

5 Q Okay. Your charges are now dismissed, is that
6 correct?

7 A Right.

8 Q And what's your relationship, your family
9 relationship with these folks on trial?

10 A Michael is my son.

11 Q Michael is your son? What's Carol Denise Hayes's
12 relationship to you?

13 A My daughter.

14 Q And Cindy Greenfield?

15 A She is my daughter-in-law.

16 Q Because she's with your son?

17 A Yes.

18 Q In this case, you know it's alleged that people were
19 buying a lot of Sudafed and giving it to your son and
20 daughter-in-law, do you know that to be the allegations?

21 A I know that to be allegations.

22 Q Okay. And do you know that you were charged because
23 you had bought a lot of Sudafed?

24 A Yes.

25 Q Okay. And I want to look at the Sudafed purchases

(Louise Meador - Direct by Mr. Tooker)

1 with you real quick. Looks like, we've got a few pages
2 here, where you bought Sudafed about 16 times for maybe 42
3 grams, does that sound right?

4 A I guess, it's been a while.

5 Q Okay. Ms. Meador, I know it's kind of a funny
6 position, that chair and that microphone, but if you would
7 try to scoot up close to that microphone, please, just so
8 everybody can hear you real clear.

9 A Is that good?

10 Q How about I scoot the microphone closer to you. I
11 know that's kind of weird, it's right in your face.

12 A Is that okay?

13 Q Yes, ma'am, that's perfect. Now, what I want to know
14 is when you bought your Sudafed, did you buy it with
15 anybody else?

16 A Did I buy it with anybody else?

17 Q Yes, ma'am, did you go to the store with other people
18 when you bought your Sudafed?

19 A Not usually. Somebody might have been with me
20 sometime. I don't really remember.

21 Q Well, I'm going to ask you just about specific people
22 and whether or not you went to the store and bought
23 Sudafed with them, okay?

24 A Okay.

25 MS. WIYGUL: Your Honor, I would object. She's

1 already said she doesn't remember.

2 THE COURT: Okay. I'm going to overrule the
3 objection. I'm going to let him explore a little bit
4 further.

5 BY MR. TOOKER:

6 Q Did you ever purchase Sudafed with Cynthia
7 Greenfield?

8 A No.

9 Q You did not?

10 A I don't even think I knew Cynthia Greenfield at the
11 time.

12 Q Let's just look at January 19th of 2011. If you were
13 at Wal-Mart and she was at a Wal-Mart -- well, actually,
14 it looks like those are different stores. No, they are
15 the same store. You were at a Wal-Mart and she was at a
16 Wal-Mart in Easley on 01/19, right around within 15
17 minutes of each other, do you think you guys were
18 purchasing together?

19 MS. WIYGUL: Your Honor, I renew my objection. She's
20 already said she doesn't remember.

21 THE COURT: Okay. I'll overrule. You can ask her
22 the question.

23 BY MR. TOOKER:

24 Q Do you think you were purchasing together?

25 A Do I think what?

1 Q Do you think when you and Ms. Greenfield were at the
2 same place at the same time buying Sudafed you were doing
3 it together?

4 A No.

5 Q You think it was a coincidence?

6 A Yeah, if we was.

7 Q Okay. Did you ever buy any Sudafed with your son,
8 Michael?

9 A No.

10 Q You didn't?

11 A Not that I remember.

12 Q If you were at a Wal-Mart in Seneca on 06/29 and he
13 was at a Walgreens in Seneca on 06/29 within about a half
14 hour of each other, is that a coincident or did y'all go
15 to those two stores together?

16 A I suppose it's a coincident, I don't remember. I
17 mean, I don't remember going with Michael.

18 Q Okay. What about with Jason Mealor, did you ever buy
19 with Jason Mealor?

20 A I don't think so.

21 Q So if Jason bought Sudafed on 07/16 of 2011 at a
22 Walgreens in Seneca and then you bought it at a Wal-Mart
23 in Seneca on 07/16, you guys are about 30 minutes apart,
24 25 minutes apart, is that because you went together or is
25 that a coincidence?

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

2 Q You don't know. Okay. Did you every buy with Carol
3 Denise Hayes?

4 A I think she was with me a time.

5 Q Okay. So you think you maybe went to like a Wal-Mart
6 in Seneca?

7 A Probably.

8 Q Okay. So you bought with Carol Denise Hayes before?

9 A She was with me.

10 Q Would she have bought Sudafed, too?

11 A I don't think so.

12 Q Okay. Well, what about look at, Ms. Hayes, on 09/28.

13 So if you bought Sudafed on 09/28 5:13 at a Walgreens in
14 Pickens and she were to buy Sudafed on 09/28 at 5:23 at a
15 Walgreens in Pickens, would that be coincidence or would
16 that be because you bought it at the same time together?

17 A I really don't remember if she was with me that day
18 or not.

19 Q Okay. Do you have independent recollection of ever
20 having gone to the store to buy Sudafed with her?

21 A Talking about me and her buying it at that same time?

22 Q Yes, ma'am.

23 A I don't.

24 Q Okay. Do you know Amanda Hurley?

25 A I do, she's my granddaughter.

1 Q Did you ever have occasion to go to a Walgreens in
2 Clemson with her to buy Sudafed?

3 A Not to my knowledge.

4 Q So if Ms. Hurley on 10/11 of '11, she went to a
5 Walgreens in Clemson and you also on 10/11 of '11 went to
6 a Walgreens in Clemson and you guys are about almost an
7 hour apart, is that a coincidence or is that because y'all
8 went together and she thought maybe she could buy some?

9 A I would think it's coincidence. I'm not sure, but I
10 don't remember.

11 Q Okay. And you said that you never remembered buying
12 with Michael and I pointed to you a particular date and
13 time. I just want to show you one more date and time.
14 All right. If you went to a CVS in Pickens on 11/10 of
15 '11 and he went to a Walgreens --

16 A Who's he?

17 Q Your son.

18 A Michael?

19 Q Yes, ma'am. On 11/10 of '11, about maybe an hour and
20 15 minutes apart, is that a coincidence or is that because
21 y'all were driving around together?

22 A I couldn't tell you. I don't know. I just don't
23 remember.

24 Q Okay. That's okay. Do you know what you did with
25 the Sudafed that you bought?

1 A I've been buying Sudafed for Michael since he was 13
2 years old.

3 Q Okay.

4 A Dr. Frances, he's deceased now, he told me to get it
5 for him.

6 Q Yes, ma'am.

7 A And I would pick it up for Michael sometimes.

8 Q Okay.

9 A That's all I can tell you.

10 Q So all that Sudafed that you got, was that for
11 Michael's benefit.

12 A No, not all of it.

13 Q Not all of it. Was some of it for him?

14 A I told you I picked it up for him some.

15 Q Okay. And, you know, he's a grown man, right?

16 A Yes.

17 Q Would he go pick up his own medicine, too?

18 A He didn't have a way to go.

19 Q He couldn't get to the store?

20 A Right. If I'm out or if I was out or something, he'd
21 just call me and tell me, momma, somebody's got my
22 medicine, can you pick me up some or something like that.

23 Q Do you remember when the police came and gave you
24 your papers when they arrested you initially?

25 A They didn't come give me no papers. I had went to --

(Louise Mealor - Direct by Mr. Tooker)

1 Q You went down there?

2 A I went to the jailhouse to visit someone.

3 Q Okay.

4 A Okay. And when -- they let me have my visit. I went
5 with Denise, my daughter. We was going to see her friend.
6 And when I come out, they arrested me.

7 Q Okay. But do you remember about when that was?

8 A It was like it was October.

9 Q Okay. In 2012 sometime?

10 A Yeah, I think.

11 Q Okay. Now, you said you buy the Sudafed for Michael
12 because he has sinuses and stuff?

13 A Yeah.

14 Q How come you stopping buying Sudafed for Michael?

15 A Because all this came up.

16 Q Okay. But people didn't start getting arrested until
17 around June of 2012, correct?

18 A I don't really know.

19 Q Okay. And your last purchase of Sudafed was in
20 February of 2012, does that sound right?

21 A I guess.

22 Q Okay. So why did you stop purchasing -- why would
23 you stop purchasing in February of 2012 if nobody got
24 arrested until June of 2012?

25 A I don't know.

1 Q Okay.

2 MR. TOOKER: No further questions at this time,
3 Judge.

4 CROSS-EXAMINATION

5 BY MS. WIYGUL:

6 Q Louise, did the State dismiss your charges on the
7 first day of this trial or on Monday? Monday or Tuesday
8 of this week?

9 A Yes, this week.

10 Q So they just dismissed your charges?

11 A Right.

12 Q Who's Tina Mealor?

13 A She was married to one of my sons.

14 Q Not Michael?

15 A No, Mark.

16 Q She was married to Mark?

17 A Right.

18 Q And did they have a custody dispute with the kids?

19 Were they fighting about the kids?

20 A Yeah, they went to court about the kids.

21 Q Who got the kids?

22 A Mark.

23 Q When did that happen? A while back?

24 A Yeah, it's been a year or two. Probably two years.

25 Q Is it fair to say that she expressed some anger over

(Louise Mealor - Cross by Ms. Wiygul)

1 him getting the kids?

2 A Yeah.

3 Q Okay. Who did you drive to could today?

4 A Denise, Michael, Cindy, Jason and Kelley.

5 Q Okay. And is that because you're the only one with a
6 car?

7 A That's right.

8 Q Has that kind of been going on on and off for years?

9 A Yeah.

10 Q Okay. After all this came about, did Michael go to
11 the -- did you take Michael to the doctor's office?

12 A Yeah, I take them to the doctor's office.

13 Q And did he find out that he can, actually, get a
14 prescription for his allergy medications?

15 A Right, yes.

16 Q Did he ever know that before?

17 A Not that I know of.

18 Q Okay. And so now he gets prescriptions for those
19 allergies, doesn't he?

20 A Right.

21 Q Takes them as prescribed?

22 A Right, as far as I know.

23 Q All right. And, Louise, are you familiar with
24 Michael Hayes?

25 A Yes, he was married -- well, they're still married,

(Louise Mealor - Cross by Mr. Newton)

1 to my daughter, Denise.

2 Q To Denise. Has he displayed some anger towards your
3 family? Did he punch out a window at your house?

4 A He broke out a window with a brick, yes. It was a
5 little brick and he broke out my window.

6 Q And was that because he was upset because she was
7 dating somebody else?

8 A I really don't know the reason he did it.

9 Q You try to stay out of that drama?

10 A (Witness nods head.)

11 Q I don't blame you.

12 MS. WIYGUL: Thank you. I don't have any further
13 questions.

14 CROSS-EXAMINATION

15 BY MR. NEWTON:

16 Q Ms. Mealor, to your knowledge, who owns the house at
17 [REDACTED]?

18 A Me.

19 Q You are the owner of that house?

20 A I am the owner.

21 Q You, actually, live there?

22 A No. I stay with my boyfriend.

23 Q And where is that other address? Where do you stay?

24 A I stay in Seneca.

25 Q Okay. So do you let various people stay at the house

1 at [REDACTED]

2 A Say that again, please.

3 Q Do you let various people stay at the house on [REDACTED]

4 [REDACTED] over the years?

5 A Yes.

6 Q Okay. And why do you do that? Why do you let
7 various people stay there?

8 A Well, mainly, it's my family. Denise has lived
9 there. My son, Jimmy's lived there. I have three boys
10 and one girl, Michael, Mark and Jimmy.

11 Q And sometimes they let friends stay there as well?

12 A Friends of theirs has stayed, yes.

13 Q Y'all are not a wealthy family, are you?

14 A No, sir.

15 Q So you try to help each other out by staying in the
16 same place. That cuts out on rent, right? It's cheaper
17 that way?

18 A Yes.

19 Q What was the name of the doctor that first told you

20 --

21 A Frances. About Michael?

22 Q Yeah.

23 A Dr. Frances, but he's deceased.

24 Q When Michael was 13 years old?

25 A Right.

1 Q And you've been buying Pseudoephedrine for him all
2 this time?

3 A Yes.

4 Q Until they started getting harassed by the police?

5 A Yes.

6 Q To your knowledge, was anybody manufacturing meth at
7 [REDACTED]?

8 A No, sir.

9 MR. NEWTON: No further questions.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Good afternoon, Ms. Mealor. They call you Nana, I
13 understand, is that correct? That's what my son calls my
14 mother. Just want to look back at State's Exhibit and
15 I'll put them up here on the projector in just a second
16 when I get to the date I'm looking for, so bear with me,
17 please. This is State's Exhibit No. 10 that you
18 previously viewed. Just to show you the over page. This
19 is the cover page. The solicitor, actually, went over
20 this with you previously. This is State's Exhibit No. 6.
21 Does that look familiar? You saw that just a little bit
22 ago from the solicitor?

23 A I'm not sure who that is.

24 Q He was comparing the NPLEX records. Remember the
25 dates and times he was asking -- the solicitor was asking

(Louise Mealor - Cross by Mr. Johnson)

1 the dates and times of when you went to certain stores
2 with certain people? Do you remember that?

3 A Who was that picture?

4 Q Let me show you again, sorry. That's an old picture.

5 A Denise.

6 Q Sure is, a long time ago. Now, specifically, the
7 solicitor asked you about September 28th of 2011, whether
8 or not it was possible that each of you could have gone on
9 September 28th of 2011 about 10 minutes apart to the same
10 Walgreens at the same address and purchased Sudafed.

11 Well, is it also possible that Denise could have gone in
12 and tried to get some Sudafed for her allergies and she
13 was blocked, so you helped her out and just went ahead and
14 purchased the Sudafed? I mean, that's feasible, correct?

15 A It's possible.

16 Q Because it says there -- the solicitor said that you
17 both bought Sudafed on that day, but you didn't. Ms.
18 Mealor, can you tell us the relationship of Tina Mealor to
19 Susan Reese?

20 A Susan is her aunt.

21 Q Susan is Tina's aunt?

22 A Right.

23 Q Thank you. I just needed some clarification on that.

24 A Okay.

25 Q You stopped buying Sudafed, as the solicitor showed

1 you, in February of 2012, according to the records?

2 A Right.

3 Q And the solicitor explained the arrests in this
4 particular case were made in June of 2012. Did you buy
5 any Sudafed in March of 2012?

6 A I don't remember.

7 Q Did you buy any in April?

8 A Not that I know of.

9 Q Did you buy any in May?

10 A (Witness shook head.)

11 Q Did you ever recall at any time when you were living
12 on [REDACTED] -- well, it's your house, but at any time,
13 did you ever recall -- Jason Mealor, did he have occasion
14 to get out of hand?

15 A Yes.

16 Q At any time when Jason would get out of hand, did you
17 ever contact Cynthia and Michael?

18 A Michael.

19 Q What did you ask Michael to do?

20 A To go over there and see what was going on and see if
21 he could straighten him out.

22 Q Okay. Did sometimes he have to stay for more than
23 one day?

24 A He has stayed overnight.

25 Q Okay.