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DEC 18 2017

**S.C. SUPREME COURT** 8/17

This is my response pursuant to the Johnson brief my lawyer filed.

First, is that the court was unclear as to which affidavit was authentic at trial. There were two affidavits that were mounted together at my trial. The defense only had a February 11, 2011 affidavit in my motion. The court allowed the detective to present evidence on why there were two separate affidavits in this case. See pg. 77-94. The magistrate is contradicting what the detective testified to at trial. The detective testified that Ms. Judy at magistrate had lost the affidavit and was requesting a copy. Now I ~~was~~ wrote the magistrate to Ms. Judy asking if they had misplaced the documents, and she sent a letter in response and a copy of the search, and ~~affidavit~~ affidavit on file. See attachment. I believe my lawyer Mr. Floyd was ineffective for not challenging the authenticity of both affidavits. The defense could have defended the documents differently had we known about the actual affidavit to the search warrant. The documents were a matter of public record and could have been discovered by due diligence if Mr. Floyd had did his research.

70th years,

Douglas Knight

1 Mayes and adjourned the motion to suppress for the  
2 lunch recess. And we're now ready to get back into  
3 that.

4 Is there anything else on behalf of the  
5 State, Mr. Ross?

6 MR. ROSS: Your Honor, in due candor with  
7 the Court, the difference in the two affidavits that  
8 were presented, there's a Court's Exhibit One and a  
9 Court's Exhibit Two, I believe, with two separate  
10 affidavits.

11 This was something that I didn't catch  
12 pre-trial, and I have since investigated how there  
13 are two different affidavits in this case. And I  
14 would ask for the opportunity to offer evidence to  
15 explain how you have one affidavit with I believe  
16 February 3rd written on it and another affidavit  
17 with February 11th, if Your Honor would entertain  
18 that additional background.

19 THE COURT: Yes, sir, I'll entertain it.

20 MR. ROSS: The State would call Eric  
21 Kirkland to the stand.

22 THE COURT: All right.

23 MR. ROSS: And I believe Mr. Mayes is  
24 present with his attorney as well.

25 THE COURT: Yes, Mr. Mayes is present.

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**S.C. SUPREME COURT**

1                   You've been sworn, sir.

2                   All right, Mr. Ross, you may proceed.

3                   MR. ROSS: Your Honor, do you have the  
4 Court's exhibits?

5                   THE COURT: I do.

6                   FURTHER DIRECT EXAMINATION

7 BY MR.

8                   Q     Agent Kirkland, I'm going to show you  
9 Court's Exhibit Number One. And on this first page  
10 on Court's Exhibit Number One, can you read these  
11 three words?

12                  A     "Certified true copy."

13                  Q     And what is that underneath it? What does  
14 that say?

15                  A     "Swansea Magistrate District Four."

16                  Q     Okay. And now I'm going to flip to page  
17 three of this document. Does this appear to be --  
18 page three, does this appear to be a general form  
19 that is used in all search warrants in South  
20 Carolina?

21                  A     Yes.

22                  Q     And what is the date at the bottom of  
23 this?

24                  A     The 11th day of February, 2011.

25                  Q     And now I'm going to turn to the

REVIDOR

NOV 9 1 2011

REC. CLERK'S OFFICE

1 Attachment A, which is the next page. What is the  
2 date at the bottom here?

3 A 2/3/2011.

4 Q And whose initials are that above 2/3/2011  
5 in the left-hand corner?

6 A Judge Shockley.

7 Q And here in more the middle portion of the  
8 document, whose initials are these?

9 A Those are mine.

10 Q And what is that date underneath here?

11 A 2/3/2011.

12 Q Now I'm going to show you Court's Exhibit  
13 Number Two. At the top of this document, what does  
14 this say?

15 A "Solicitor's copy."

16 Q Okay. And, again, on page three take a  
17 look at that. Does that appear to be identical to  
18 page three on Court's Exhibit Number One?

19 A Yes, sir.

20 Q Okay. And now I'm going to flip to page  
21 four. What is this?

22 A That is actually the return.

23 Q Okay. Is there a return on this one?

24 THE COURT: "This one" being?

25 MR. ROSS: "This one" being Court's

1 Exhibit Number One.

2 THE COURT: All right.

3 A No, sir.

4 Q Okay. Now I'm going to flip to one, two,  
5 three, four -- page five, the Attachment A of  
6 Court's Exhibit Number Two. Could you please take a  
7 look at that? And what is the date here in the  
8 bottom left-hand corner?

9 A 2/11/2011.

10 Q And whose initials are these?

11 A Those are mine.

12 Q And it says "EK"?

13 A That's correct.

14 Q And here on the right-hand portion of this  
15 page, what does that date say?

16 A 2/11/2011.

17 Q And whose initials are these right here?

18 A Judge Shockley's.

19 Q Okay. So we've got two separate  
20 Attachment A's in this case. Can you explain to the  
21 judge how this happened?

22 A Yes, sir. On 1/31, when I made my first  
23 controlled purchase, it is actually customary for  
24 narcotic investigators to actually when you get a  
25 controlled purchase go ahead and obtain a search

1 warrant almost immediately.

2 That way if the CI, for some unknown  
3 reason, or the investigation as a whole goes bad,  
4 you still have 10 days to execute the search  
5 warrant. I got contacted last week by Ms. Judy from  
6 Judge Shockley's office.

7 Q Well, let me interrupt you.

8 A Uh-huh.

9 Q After the January 31, 2011, buy, did you  
10 present an affidavit for the search warrant to Judge  
11 Shockley?

12 A I did.

13 Q And did he sign it?

14 A He did.

15 Q Okay. Did you execute that search  
16 warrant?

17 A No, sir.

18 Q And why didn't you execute it?

19 A Because I got a second buy on the third,  
20 and I got a second buy later on the ninth, 2/9/2011.

21 Q Okay. And after that second buy, did you  
22 appear before the magistrate again?

23 A Yes, sir.

24 Q And did you update your Attachment A?

25 A That's exactly what I did, sir.

1           Q     Okay.  And how did you write out  
2 Attachment A?  It looks like a computerized  
3 document.  Is that Microsoft Office Word or  
4 something?

5           A     It is Microsoft Word -- it is.

6           Q     So you had that saved on your computer?

7           A     Yes, sir.

8           Q     And you simply updated the attachment to  
9 reflect the additional investigation that occurred?

10          A     The buy went from one to two, yes, sir.

11          Q     Okay.  And just to be clear for the  
12 record, when you signed that attachment and the  
13 affidavit, you were swearing the truthfulness of it?

14          A     Yes, sir.

15          Q     And when you went to the judge that second  
16 time, he placed you under oath?

17          A     Yes, sir.

18          Q     And everything you told him was true and  
19 correct?

20          A     Yes, sir.

21                MR. ROSS:  Your Honor, I believe that's  
22 the factual presentation.

23                THE COURT:  All right, Mr. Floyd?

24                                CROSS-EXAMINATION

25                BY MR. FLOYD:

1 Q May I see the first exhibit, Officer  
2 Kirkland? May I see Exhibit One?

3 A I don't have it.

4 Q Both of those over there?

5 A No, these are my copies that I had, yes,  
6 sir.

7 Q All right. It's your testimony that you  
8 got a search warrant on February 3rd, but you never  
9 executed it?

10 A I did not.

11 Q Did you inform the judge that you never  
12 executed this one?

13 A When I went back for the second search  
14 warrant is the one return here. It was never  
15 executed.

16 Q You have a certain number of days to  
17 execute it, do you know?

18 A That's correct.

19 Q How many days do you have?

20 A I have 10 days.

21 Q Now, you've got a return connected to this  
22 one, do you not?

23 A I do.

24 Q It's dated February 17th?

25 A Yes. Now, you're talking about the first

1 or the second one?

2 Q First one.

3 A The first one, okay. No, that first one  
4 wasn't even executed. It's blank. We never  
5 executed --

6 THE COURT: Refer to them as one and two,  
7 Court's one and two. That's the easy way to do it  
8 for me to follow them.

9 MR. KIRKLAND: Thank you, sir.

10 Q Court's Exhibit Number One.

11 A Okay.

12 Q It's got a return on it, doesn't it?

13 A Yes, sir.

14 Q And it was executed February 17th?

15 A That's correct.

16 Q More than 10 days from the date on the  
17 warrant?

18 A If it was signed on the ninth, then, no,  
19 sir, it's not more than 10 days.

20 Q It's February 3rd, isn't it?

21 A February the 11th. That one was the one  
22 that got from the 31st buy. I actually went back  
23 and got a second search warrant. It's not, sir.

24 Q So what's been introduced as evidence as  
25 Exhibit One -- Court's Exhibit One -- is a search

1 warrant, is it not?

2 A Yes, sir. And I was elaborating and  
3 explaining on last week I received a phone call from  
4 the judge's office. They had lost the search  
5 warrant, and the Court was wanting a copy.

6 In turn, I pulled the search warrant out  
7 of here, which is my miscellaneous file, instead of  
8 pulling it out of here, my master file. So  
9 therefore I took them a search warrant without  
10 looking at the date, because it got lost by them.

11 I took them a search warrant out of here  
12 instead of pulling it from here. That's why in here  
13 it says 2011, because this is my master.

14 If you'll note, the folder says [REDACTED]  
15 [REDACTED]. That's my miscellaneous file. And  
16 I kept it because when I got back -- when I got  
17 ready to redo my information, to change the one to  
18 two, I still had everything I needed in here.

19 Q All right, now --

20 A Yes, sir.

21 Q -- why would Judge Shockley's office be  
22 calling to get a copy of the search warrant?

23 A You would have to ask them, sir. I do not  
24 know.

25 Q Was that to be used here in this trial?

1           A     Again, you'll have to ask them, sir.

2           THE COURT:   What was the question?

3           MR. KIRKLAND:   I do not know, sir.

4           THE COURT:   What was the question?

5           MR. KIRKLAND:   I don't know.

6           Q     Why did Judge Shockley's office call  
7 requesting a copy of the search warrant?

8           A     I do not know, sir.   You'll have to ask  
9 them, sir.

10          Q     You didn't ask them?

11          A     No, sir.   I just obliged the request that  
12 was made.

13          Q     This is a copy of the search warrant that  
14 was issued February 11th right here, isn't it?

15          A     Yes, sir.

16          Q     There's an affidavit attached to it dated  
17 February 3rd?

18          A     Because that is what I took them.   I took  
19 them the wrong thing.   It came out of here instead  
20 of out of here.

21          Q     So did the search warrant that you took  
22 out of in Judge Shockley's then come back here for  
23 this trial?

24          A     Apparently so, because it was a mix-up  
25 somewhere.   I filed the stuff that's in your hand,

1 sir.

2 Q So that means that Judge Shockley's office  
3 did not have a copy of the search warrant?

4 A They had to have it because the copy that  
5 she has is actually signed by the judge. When you  
6 execute a search warrant and I took it back on the  
7 17th, I get a copy of the one that's signed by the  
8 judge.

9 That's why I can go here and show you a  
10 copy of the signed copy by the judge, because I get  
11 a copy of it. And I can show you here 2/11, that's  
12 the one I turned in. Now, what happened to it, I  
13 can't answer that question, Mr. Floyd.

14 Q Well, I understand. But what I'm saying  
15 is last week or whenever it was -- was it last week?

16 A It was last week, yes, sir.

17 Q Last week, Judge Shockley's office called  
18 because they did not have a copy of the warrant, did  
19 they?

20 A Apparently, they misplaced it, sir.

21 Q Which means they did not have a copy of  
22 the return to the warrant either?

23 A Well, I have it, and I'm assuming that's  
24 why they called me. But I don't have the authentic  
25 copy.

1 Q All right. They didn't have a copy of the  
2 warrant or the return, did they?

3 A No, sir.

4 Q And when you execute the search warrant,  
5 you have to file a return within a certain amount of  
6 time, don't you?

7 A And I did.

8 Q How much time do you have to file it?

9 A I've got three days.

10 Q And you file it with the magistrate that  
11 issued it?

12 A That's correct.

13 Q So Judge Shockley issued the warrant.

14 A Yes, sir.

15 Q So you would file it with Judge Shockley,  
16 is that correct?

17 A Uh-huh, that's correct.

18 Q Now, whatever Judge Shockley's office as  
19 of last week, which would have been the last week of  
20 September of 2012, Judge Shockley's office did not  
21 have a copy of the warrant or the return?

22 A Undoubtedly, it was misplaced because they  
23 called me.

24 Q Well, now, you don't know why. You just  
25 know they don't have copies, is that correct?

1           A     I just know they called me on the phone  
2     stating that they needed one, and I had a copy. So  
3     that's what I did, sir, and that's all I can answer  
4     to that.

5           Q     Thank you, no further questions.

6           A     Yes, sir.

7           THE COURT: Mr. Ross?

8           MR. ROSS: Yes, briefly.

9                         REDIRECT EXAMINATION

10          BY MR. ROSS:

11           Q     Did you tender Judge Shockley's office the  
12     entire search warrant or just the affidavit?

13           A     That portion.

14           Q     So just to be clear, what you gave them  
15     was --

16           A     Just that.

17           Q     And what does that say at the top of that  
18     page?

19           A     Attachment A.

20           Q     So this is page --

21           A     They had that portion. They just didn't  
22     have that.

23           Q     Four, five, six, and seven --

24           A     Uh-huh.

25           Q     -- of Court's Number One, sir?

1           A     Yes, sir, that's correct -- yes, sir.

2           Q     All right.  And a return was filed within  
3     10 days in this case?

4           A     Yes, sir.

5           Q     And again referring to Court's Number One,  
6     this is the return in the case, that last page on  
7     Court's Number One?

8           A     That is, sir.  That is it, yes, sir.

9           MR. ROSS:  Nothing further, Your Honor.

10          THE COURT:  Anything further, Mr. Floyd?

11          MR. FLOYD:  Yes, sir.

12                                 REXCROSS EXAMINATION

13     BY MR. FLOYD:

14           Q     What did you just testify that Judge  
15     Shockley's office did not have?

16           A     They called me for the attachment, which  
17     is Attachment A, is what they called me for.

18           Q     That's the affidavit?

19           A     The affidavit, because, see, the affidavit  
20     here says "See Attachment A."  They didn't have the  
21     attachment.  I took them the attachment.

22           A     And they didn't have the return either,  
23     did they?

24           A     No.  Apparently, they didn't ask me for  
25     the return.  They asked me for the attachment which

1 is marked, and I took them the wrong one, yes, sir.  
2 I took them the wrong one. I don't include anything  
3 on there. I put everything in Attachment A which is  
4 in word form, and that's what they didn't have.

5 Q So that would mean that when the warrant  
6 was issued, there was no accompanying affidavit?

7 A That would mean they misplaced it,  
8 apparently so.

9 Q It was stapled, wasn't it?

10 A It was all together.

11 Q Thank you, no further questions.

12 THE COURT: All right, thank you, sir.  
13 You may step down.

14 MR. KIRKLAND: Thank you.

15 THE COURT: All right, any further  
16 evidence on this issue of the motion to suppress on  
17 behalf of the State?

18 MR. ROSS: No, Your Honor.

19 THE COURT: Any evidence on behalf of the  
20 defense on the motion to suppress?

21 MR. FLOYD: No evidence, Your Honor.

22 THE COURT: All right, it's your motion,  
23 Mr. Floyd. I'll be glad to hear from you.

24 MR. FLOYD: Thank you, Your Honor. Your  
25 Honor, at this time we would move that the drugs

1 that were seized pursuant to the purported search  
2 warrant be suppressed because it was obviously  
3 issued upon a defective search warrant.

4 The reasons that the warrant is defective  
5 are several. First, the warrant describes the  
6 premises to be searched as [REDACTED],  
7 Lexington, South Carolina.

8 THE COURT: I understand the evidence on  
9 that. All right, your first issue is with regard to  
10 the incorrect description of the premises?

11 MR. FLOYD: That's correct, Your Honor.

12 THE COURT: All right, next ground.

13 MR. FLOYD: Okay. The second issue, Your  
14 Honor, is we think the wording of the affidavit of  
15 the search warrant was misleading because of the  
16 phraseology that was used in connection with the  
17 affidavit.

18 THE COURT: Specifically what?

19 MR. FLOYD: Your Honor, the way they said  
20 "at least one," which implies there could have been  
21 more than one buy. There had only been one buy  
22 within the past 72 hours.

23 Then they repeated on the next page and  
24 changed the phraseology and used the leading word  
25 "furthermore," which seems to indicate additional

1 evidence which was actually the same evidence just  
2 repeated using 72 hours rather than three days and  
3 using the term "furthermore."

4 THE COURT: All right, two things with  
5 regard to wording so far, "at least one" language  
6 used and "furthermore." All right, what else?

7 MR. FLOYD: That's correct. Your Honor,  
8 the next issue would be of course what we just went  
9 through here where it appears that obviously there  
10 was no -- either there was no return filed with  
11 Judge Shockley, or the warrant was issued without  
12 the affidavit in support because the judge's office  
13 did not have it. So that --

14 THE COURT: Well, let me ask you, isn't  
15 that something that -- my first thought on that and  
16 the first time it came up is just now. But wouldn't  
17 the time to have challenged that have been when the  
18 search warrant was offered into evidence. You  
19 didn't challenge the authenticity of it.

20 MR. FLOYD: Well, we just found out about  
21 that right there too, Your Honor, by the --

22 THE COURT: You've had this hearing once  
23 already, and there was no objection to the  
24 authenticity of either one or two.

25 MR. FLOYD: Your Honor, I understand. But

1 we did not know at that first meeting, it did not  
2 come out, that there was this affidavit dated  
3 February 3, 2011, and that it was presented to Judge  
4 Shockley's office, because that just happened last  
5 week.

6 THE COURT: Okay.

7 MR. FLOYD: So that was something new to  
8 us.

9 THE COURT: All right, what else?

10 MR. FLOYD: Furthermore, Your Honor, it  
11 appears from the letter from Charles Walker, the  
12 alleged CI, that the information contained in his  
13 statements to the detectives, which was the basis of  
14 the search warrant, was inaccurate. As he said,  
15 without threat or without harm or anything from  
16 anyone, he gave a statement saying that those  
17 transactions did not occur.

18 THE COURT: Well, doesn't that come under  
19 an issue of credibility for me to determine between  
20 the statement that he made in the jail and the  
21 statement that he made today?

22 MR. FLOYD: Yes, sir, it would be.

23 THE COURT: Okay.

24 MR. FLOYD: For all those reasons, Your  
25 Honor, it's our position that the search warrant is

**COUNTY OF LEXINGTON**  
***MAGISTRATE***

500 Charlie Rats Rd  
Swansea, South Carolina 29160  
Telephone: (803) 785-6250  
Fax (803) 785-4078

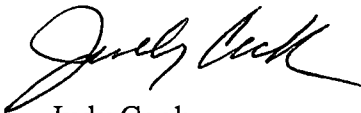
November 6, 2012

Douglas Mayes 334386 C-1 Room52  
Kirkland Correctional Institution  
4344 Broad River Rd  
Columbia, SC 29210

Dear Mr. Mayes;

Enclosed you will find a copy of the search warrant that you requested from your letter dated October 29, 2012. To answer your question about the search warrant, we had a copy of it in possession, just not the original. The original was sent out with the detective and he then gave it to the clerk in General Sessions Court and they had misplaced it there in Lexington. I hope the copy of this search warrant will aid in your needs.

Sincerely,



Judy Cook  
Criminal Assistant

*original*  
original

STATE OF SOUTH CAROLINA

County of LEXINGTON

\_\_\_\_\_

SEARCH WARRANT

*Certified True Copy*  
*Judith Cook 11-6-12*  
Swansea Magistrate - District 4

Date FEBRUARY 11, 2011

Officer INVESTIGATOR E. KIRKLAND

\_\_\_\_\_

STATE OF SOUTH CAROLINA

SEARCH WARRANT

Form Approved by  
S.C. Attorney General  
Section 17-13-160  
March 16, 1979

COUNTY OF LEXINGTON

0 ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY  
OF LEXINGTON

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)  
TO BE SEARCHED

7004 EDMUND HIGHWAY IN THE LEXINGTON AREA OF LEXINGTON COUNTY SC. RESIDENCE DESCRIBED AS A SINGLE WIDE MOBILE HOME  
WHITE IN COLOR WITH BROWN TRIMMING AND DARK SHUDDERS. RESIDENCE HAS A WOODEN PORCH WITH HANDICAP RAMP ATTACHED AND  
THE NUMBERS 7004 AFFIXED ON THE RIGHT SIDE OF RESIDENCE.. ALL ROOMS, ATTICS, BASEMENT, VEHICLES AND OTHER PARTS THEREIN  
AND THE SURROUNDING GROUNDS AND ANY GARAGE, STORAGE ROOMS, AND OUTBUILDINGS OF ANY KIND.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

CRACK COCAINE, ALL PARAPHERNALIA COMMONLY ASSOCIATED WITH THE USE, PACKAGING, SALE AND  
DISTRIBUTION OF CRACK COCAINE. ALL PAPERS AND EFFECTS TENDING TO ESTABLISH OWNERSHIP AND OR  
LOCATION OF CONTRABAND. THIS IS ALSO TO INCLUDE ANY AND ALL MONIES OR PROFITS FROM THE SALE OR  
DEALING OF CRACK COCAINE. ALSO TO INCLUDE ANY AND ALL DOCUMENTS AND OR FILES BOTH PAPER AND  
ELECTRONIC. ANY AND ALL SURVEILLANCE EQUIPMENT USED TO MONITOR CRACK COCAINE SALES, WEAPONS,  
AND ELECTRONICS.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

JUDGE SHOCKLEY

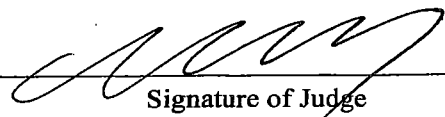
within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

LEXINGTON, S. C.

FEBRUARY 11, 20 11

Corrected True Copy of Original Court Document

  
Signature of Judge

(L. S.)

COURT REPRESENTATIVE

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF LEXINGTON

Personally appeared before me, one INVESTIGATOR E. KIRKLAND who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

CRACK COCAINE, ALL PARAPHERNALIA COMMONLY ASSOCIATED WITH THE USE, PACKAGING, SALE AND DISTRIBUTION OF CRACK COCAINE. ALL PAPERS AND EFFECTS TENDING TO ESTABLISH OWNERSHIP AND OR LOCATION OF CONTRABAND. THIS IS ALSO TO INCLUDE ANY AND ALL MONIES OR PROFITS FROM THE SALE OR DEALING OF CRACK COCAINE. ALSO TO INCLUDE ANY AND ALL DOCUMENTS AND OR FILES BOTH PAPER AND ELECTRONIC. ANY AND ALL SURVEILLANCE EQUIPMENT USED TO MONITOR CRACK COCAINE SALES, WEAPONS, AND ELECTRONICS.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

7004 EDMUND HIGHWAY IN THE LEXINGTON AREA OF LEXINGTON COUNTY SC. RESIDENCE DESCRIBED AS A SINGLE WIDE MOBILE HOME WHITE IN COLOR WITH BROWN TRIMMING AND DARK SHUDDERS. RESIDENCE HAS A WOODEN PORCH WITH HANDICAP RAMP ATTACHED AND THE NUMBERS 7004 AFFIXED ON THE RIGHT SIDE OF RESIDENCE.. ALL ROOMS, ATTICS, BASEMENT , VEHICLES AND OTHER PARTS THEREIN AND THE SURROUNDING GROUNDS AND ANY GARAGE, STORAGE ROOMS, AND OUTBUILDINGS OF ANY KIND.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES  
SEE ATTACHMENT A ATTACHED

Sworn to and Subscribed before me

this 11 day of Feb, 2011

(L. S.)



*[Handwritten Signature]*

Signature of Judge

INVESTIGATOR E. KIRKLAND

Affiant

Certified True Copy of Original Court Document

Address 521 GIBSON ROAD

LEXINGTON, SC 29072

COURT REPRESENTATIVE

ATTACHMENT "A"

AFFADAVIT IN SUPPORT OF SEARCH WARRANT

THIS AFFIANT, DETECTIVE ERIC V. KIRKLAND, SWEARS AND DEPOSES:

I HAVE BEEN A COMMISSIONED LAW ENFORCEMENT OFFICER FOR APPROXIMATELY THIRTEEN (13) YEARS. FOR FIVE (5) YEARS I HAVE BEEN A NARCOTICS INVESTIGATOR. MY CURRENT ASSIGNMENT IS SPECIAL AGENT WITH THE LEXINGTON COUNTY MULTI-AGENCY NARCOTICS ENFORCEMENT TEAM (LCMANET). IN THE PAST THIRTEEN (13) YEARS YOUR AFFIANT HAS COMPLETED A EIGHT WEEK POLICE OFFICER CERTIFICATION SCHOOL, ONE WEEK BASIC NARCOTICS UNDERCOVER SCHOOL, TWO WEEK OFFICER SAFETY, HIGH RISK MANAGEMENT OPERATIONAL PLANNING LEVELS ONE (1) AND TWO (2), ONE (1) WEEK ADVANCED NARCOTICS INVESTIGATIONS CLASS, ONE (1) WEEK INTERVIEWS AND BODY LANGUAGE TECHNIQUES CLASS, ONE (1) WEEK ELECTRONIC SURVEILLANCE WIRETAP CERTIFICATION CLASS, AND A HONOR GRADUATE OF THE LECC NARCOTICS COMMANDER SCHOOL AND HAVE SINCE ATTENDED SEVERAL NARCOTICS COMMANDER WORKSHOPS. YOUR AFFIANT IS STILL ACTIVE IN INVESTIGATING NARCOTICS VIOLATIONS, YOUR AFFIANT HAS PARTICIPATED IN MULTIPLE DRUG RELATED ARRESTS AS WELL AS THE SEARCH OF MULTIPLE RESIDENCES AND VEHICLES SUSPECTED OF CONTAINING DRUGS, RELATED DOCUMENTS, AND PARAPHERNALIA. DURING THE PAST FIVE (5) YEARS YOUR AFFIANT HAS ALSO CONFERRED WITH OTHER POLICE OFFICERS, NARCOTIC INVESTIGATORS, PROSECUTING ATTORNEYS, WITNESSES, DEFENDANTS, AND LAW ENFORCEMENT OPERATIVES. AS A RESULT YOUR AFFIANT HAS GAINED CONSIDERABLE EXPERIENCE IN THE INVESTIGATION OF ILLICIT DRUG TRAFFICKING.

*WVA*  
*2-3-11*

*E.K.*  
*2-3-11*

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*[Signature]*  
COURT REPRESENTATIVE

ON OR ABOUT 12-01-10 THIS AGENT RECEIVED AN ANONYMOUS COMPLAINT OF POSSIBLE DRUG ACTIVITY AT 7004 EDMUND HIGHWAY IN THE LEXINGTON AREA OF LEXINGTON COUNTY SC. THE INFORMATION GIVEN STATED THAT A BLACK MALE NAMED DOUGIE WHO IS 507 HGT 165 WGT BLACK HAIR BROWN EYES LIVES AT THE RESIDENCE. INFORMATION ALSO GIVEN STATED THAT A WHITE FEMALE AND A SMALL CHILD ARE ALSO PRESENT AT THE RESIDENCE AS WELL AS A BLACK MALE POSSIBLY NAMED ANTONIO WHO IS THE BROTHER OF DOUGIE. THE INFORMATION STATED THAT HEAVY TRAFFIC IS IN AND OUT FROM THIS RESIDENCE AND VEHICLES PULL IN, STAY A FEW MINUTES AND LEAVE. THIS AGENT BEGAN AN INVESTIGATION AND PERFORMED A HISTORY OF THE RESIDENCE TO IDENTIFY WHO LIVES THERE. THIS AGENT WAS ABLE TO LOCATE THE NAME OF DOUGLAS JAMES MAYES AS THE OCCUPANT OF THE RESIDENCE AND A HALEY THARPE ACCORDING TO HISTORY. INFORMATION WAS ALSO GIVEN ON VEHICLES AT THE RESIDENCE WHICH WERE AS LISTED: BLACK NEW MODEL PONTIAC, GREEN PONTIAC WITH 24 INCH RIMS, AND A BLACK FORD EXPLORER.

ON OR ABOUT 12-20-10 THIS AGENT WAS CONTACTED BY A CONFIDENTIAL AND RELIABLE INFORMANT WHO HAS BEEN USED BY AGENTS IN THE PAST. THE INFORMANT STATED THAT ILLEGAL NARCOTICS WERE BEING SOLD AT 7004 EDMUND HIGHWAY IN THE LEXINGTON AREA OF LEXINGTON COUNTY SC. THE INFORMANT STATED DOUGIE MAYES WAS THE INDIVIDUAL AT THE RESIDENCE. THE INFORMANT STATED THAT A CONTROLLED PURCHASE COULD BE MADE BY INFORMANT WITH DOUGIE MAYES. THE INFORMANT STATED THAT AS MUCH AS TWO (2) DOZEN PIECES OF CRACK COCAINE WERE SEEN A WEEK PRIOR TO BY THIS INFORMANT. THE INFORMANT STATED THAT ON A SEPARATE OCCASION AT LEAST A QUARTER OUNCE OF CRACK COCAINE WAS SEEN ON DOUGIE MAYES BY INFORMANT. THE INFORMANT STATED THAT A WHITE FEMALE IS LIVING THERE AS WELL AS THE HIS BROTHER JAMES ANTONIO MAYES AND ONE SMALL CHILD.

*WMM*  
2-3-11

*J.K.*  
2-3-11

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*[Signature]*  
COURT REPRESENTATIVE

DURING THE PAST THREE DAYS AGENTS HAVE MADE AT LEAST ONE CONTROLLED PURCHASE OF ILLEGAL NARCOTICS FROM THE RESIDENCE OF 7004 EDMUND HIGHWAY IN THE LEXINGTON AREA OF LEXINGTON COUNTY SC. DURING THE CONTROLLED PURCHASE THE INFORMANT WAS SEARCHED PRIOR AND AFTER THE PURCHASE FOR ILLEGAL NARCOTICS OR MONEY. THE RESULT WAS NEGATIVE FOR EITHER. THE INFORMANT WAS FITTED WITH A CONCEALED TRANSMITTING DEVICE (AUDIO/VIDEO) TO ALLOW AGENTS TO MONITOR AND RECORD CONVERSATION AS IT OCCURRED DURING THE SALE OF ILLEGAL NARCOTICS. AGENTS RECORDED ALL THE MONEY USED TO PURCHASE NARCOTICS FOR LATER IDENTIFICATION.

DURING THE CONTROLLED PURCHASE THE INFORMANT KNOCKED ON THE BACK DOOR OF RESIDENCE, AND WAS MET AT THE DOOR BY THE TARGET. ONCE INSIDE THE KITCHEN AREA OF THE RESIDENCE THE INFORMANT GAVE THE TARGET THE LCMANET DOCUMENTED FUNDS. THE INFORMANT STATED THE TARGET THEN PULLED A VITAMIN BOTTLE FROM HIS FRONT POCKET AND COUNTED OUT FIVE PIECES OF CRACK COCAINE FOR THE INFORMANT. THE INFORMANT PARTED THE LOCATION AFTER THE CONTROLLED PURCHASE AND MET BACK UP WITH AGENTS. THE EVIDENCE THAT WAS PURCHASED FROM THE RESIDENCE WAS PACKAGED IN A BEST KIT FOR LAB TESTING. A PHOTO LINEUP WAS SHOWN TO THE INFORMANT FOLLOWING THE CONTROLLED PURCHASE BY THIS AGENT. THE INFORMANT IDENTIFIED THE TARGET WITHOUT THE SLIGHTEST DEGREE OF HESITATION.

FUTHERMORE THIS AFFIANT STATES THAT WITHIN THE PAST SEVENTY TWO HOURS (72) AGENTS WITH THE LCMANET HAVE CONDUCTED AT LEAST ONE (1) CONTROLLED PURCHASE OF ILLEGAL NARCOTICS FROM THE RESIDENCE OF 7004 EDMUND HIGHWAY IN THE LEXINGTON AREA OF LEXINGTON COUNTY SC. AGENTS UTILIZED AN OPERATIVE OF LAW ENFORCEMENT THAT HAS BEEN USED BY LAW ENFORCEMENT IN THE PAST. THE OPERATIVE HAS PROVIDED ACCURATE AND TRUSTWORTHY

*CLM*  
2-3-11

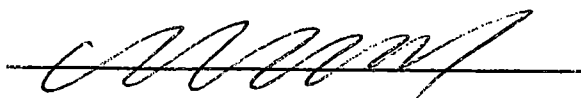
*J.K.*  
2-3-11

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INFORMATION TO AGENTS IN THE PAST. THE OPERATIVE WAS UTILIZED AND DID MAKE A CONTROLLED PURCHASE OF ILLEGAL NARCOTICS FROM ONE JAMES DOUGLAS MAYES INSIDE THE RESIDENCE OF 7004 EDMUND HIGHWAY IN THE LEXINGTON AREA OF LEXINGTON COUNTY SC. THE OPERATIVE CALLED DOUGALS MAYES AT CELL NUMBER 803-665-0465 PRIOR TO MEETING AGENTS TO ARRANGE THE CONTROLLED PURCHASE. THE OPERATIVE WAS SEARCHED BEFORE AND AFTER THE CONTROLLED PURCHASE AND MADE THE PURCHASE WITH LCMANET DOCUMENTED FUNDS. AGENTS HAVE MADE NO LESS THAN ONE (1) CONTROLLED PURCHASE OF ILLEGAL NARCOTICS FROM INSIDE THE RESIDENCE.

BASED ON THE ABOVE FACTS AND CIRCUMSTANCES YOUR AFFIANT BELIEVES THAT THERE IS A VIOLATION OF TITLE 44-53-370 (B) S.C. CODE OF LAWS, 1976 AS AMENDED AT THE RESIDENCE OF 7004 EDMUND HIGHWAY IN THE LEXINGTON AREA OF LEXINGTON COUNTY SOUTH CAROLINA. FURTHER MORE YOUR AFFIANT BELIEVES THAT A SEARCH WARRANT SHOULD BE ISSUED FOR THE RESIDENCE BASED ON THE NARCOTICS INVESTIGATION AND THE CONTROLLED PURCHASE FROM 7004 EDMUND HIGHWAY IN THE LEXINGTON AREA OF LEXINGTON COUNTY SOUTH CAROLINA. THIS SHOULD INCLUDE OUTBUILDINGS, SHEDS, BARNs, SURROUNDING AREA ABOVE AND BELOW GROUNDS, AND VEHICLES ON THE PROPERTY.



Signature of Judge

2-3-11



Signature of Affiant

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