

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Berkeley County

Deadra L. Jefferson, Circuit Court Judge

THE STATE,

V.

EMORY WARREN ROBERTS,

RECEIVED
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SC Court of Appeals
RESPONDENT

APPELLANT

APPELLATE CASE NO. 2017-001676

RECORD ON APPEAL

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1 Q. How often would you see guns there?

2 A. It was guns always in the house. There was guns
3 always in the house.

4 Q. What kinds of guns?

5 A. Handguns, you had assault rifles, handguns and
6 assault rifles.

7 Q. Was it always the same handguns and assault
8 rifles?

9 A. Not always, no.

10 Q. Whose guns were they?

11 A. I don't know. I believe that they are his.

12 Q. "His" being?

13 A. Q's, Q's, Mo's, theirs.

14 Q. Where did the guns come from?

15 A. Sometimes they come from sales, and other times, I
16 don't know.

17 Q. What kinds of sales?

18 A. Sometimes the customers come trade guns for drugs.

19 Q. What did Q and Mo do with the guns?

20 A. I don't know.

21 Q. Where were the guns kept?

22 A. Other than the few I seen at the house, I don't
23 know.

24 Q. Were there more guns than what were at the house?

25 A. I believe so. You know what I mean? They are,

1 like, the guns that I seen sometimes rotate. And sometimes
2 the guns will leave and more guns will come, you know,
3 like -- I don't know.

4 MS. JOHNS: Your Honor, I'm going to object.

5 THE COURT: Basis?

6 MS. JOHNS: Lack of personal knowledge.

7 THE COURT: Please approach.

8 (Whereupon, the following bench conference takes
9 place.):

10 THE COURT: Why is it relevant? It's prior bad
11 acts unless you can tie it to the guns found on him. Move
12 on.

13 (Whereupon, the bench conference ends.)

14 THE COURT: Objection sustained.

15 BY MR. UNDERWOOD:

16 Q. Mr. Brown, after you moved -- you said earlier that
17 you moved to Florida?

18 A. Yes.

19 Q. When was that?

20 A. I moved from Florida, I would say, December 15th,
21 like, around December 15th, 2015.

22 Q. How long did you stay in Florida?

23 A. Only stayed a couple -- like a week.

24 Q. Why such a short time?

25 A. Because the female that I moved down there with,

1 basically, she kicked me out because, you know, some other
2 stuff, so I had to leave and come back home.

3 Q. When you came back home, where did you go?

4 A. I went to my grandmother's house.

5 Q. How long did you stay at your grandmother's
6 house?

7 A. I stayed at my grandmother's house for eight
8 months.

9 Q. After you came back to South Carolina from your
10 long visit to Florida, did you have any more contact with Q
11 or Mo?

12 A. Yes.

13 Q. Describe what kind of contacts you had with them?

14 A. I had contact because he had gave me a dog from a
15 litter --

16 Q. Who is "he"?

17 A. Q. Q gave me a dog from the litter. So I kept the
18 dog. And when I moved down to Florida, I had brought the
19 dog with me. And when I moved back to my grandmother's
20 house, my cousin Sharell already had a dog, and the dogs
21 wasn't getting along. So I had took the dog back over
22 there. And it was the same thing, if I come over, I've got
23 to feed the dog and take care of the dog. So my cousin was
24 like, I can keep the dog as long as I bring a cage back
25 home, you know, if I bring a cage to my grandmother's house.

1 And at the time I didn't have a job, so when I first moved
2 there, I didn't have a job, so I left the dog over there at
3 his house.

4 Q. At whose house?

5 A. Q's.

6 Q. How often did you go to Q's house because of your
7 dog?

8 A. I used to go over there, I would say, within a
9 week. I would be over there two, three times a week.

10 Q. At this time, where was Q living?

11 A. In College Park in a trailer.

12 Q. Do you remember the address of the trailer?

13 A. No.

14 Q. When did Q move from Margaret Street to the
15 trailer?

16 A. In that time that I left to go to Florida.

17 Q. So some time around -- is that sometime around
18 December?

19 A. I guess, like, when I left to go to Florida, when I
20 came back, there was already a new spot.

21 Q. Did you ever spend any time other than -- at that
22 trailer, other than taking care of your dogs?

23 A. No.

24 Q. Who did you see come to that trailer?

25 A. I've seen Tommy a couple times.

1 Q. Tommy who?

2 A. I don't know his last name. I just know Tommy a
3 couple of times, other than that, I never stay over there
4 long.

5 Q. Did you ever see drugs sold from that trailer?

6 A. Yes.

7 Q. By who?

8 A. By Q.

9 Q. Anyone else?

10 A. No.

11 Q. Did you ever see Mo at that trailer?

12 A. No.

13 Q. Did you ever sell drugs at that trailer?

14 A. Yes.

15 Q. How often?

16 A. Only sold the drugs there two or three times.

17 Q. Do you remember who you sold to?

18 A. No.

19 Q. How many times did you see Q sell drugs from that
20 trailer?

21 A. The time that I was there, only seen him serve,
22 like, two, three times before I left.

23 Q. Do you remember who he served?

24 A. No.

25 Q. Do you remember what kind of drugs he sold?

1 A. Heroin.

2 Q. Do you remember how much?

3 A. No.

4 Q. Did you ever see what Q did with the money he got
5 from the drug sales?

6 A. Gave it to Mo.

7 Q. Did you see him give it to Mo?

8 A. Personally, no.

9 Q. How do you know he gave it to Mo?

10 A. That was the routine, was after the drugs are gone,
11 Mo comes and gets the money and gives him more drugs.

12 Q. How do you know that's the routine?

13 A. Because when I stayed there in Margaret with him,
14 that was the routine. After all the drugs are gone, Mo
15 comes, gives them more drugs, and he gives him the money.

16 Q. How often have you seen Mo?

17 A. Not often.

18 Q. Had you seen him more than once?

19 A. Yes.

20 Q. Have you ever talked to him?

21 A. I talked to him a couple of times.

22 Q. Was there any discussion about --

23 A. Drugs, no.

24 Q. What did you talk about?

25 A. Basically, what I wanted to do with my life, and

1 him telling me basically getting my life straight and, you
2 know, go to school and live on.

3 Q. When you were at Q's trailer, not the house on
4 Margaret, about the trailer, did you ever see any guns at
5 the trailer?

6 A. Yes.

7 Q. What kinds of guns?

8 A. Handguns.

9 Q. Any other guns or how many guns?

10 A. All I seen is two.

11 Q. Do you know where Q kept the drugs?

12 A. No.

13 Q. How were you able to serve to people if you didn't
14 know where he kept the drugs?

15 A. When he had me serve them, it was already out, you
16 know, pretty -- because they would call him and he already
17 have it for them and he will let me know, if he's leaving,
18 to who is coming and how much money that they have and who
19 to give it to.

20 Q. Is that always how it worked?

21 A. When I did it, when I was there, yes.

22 Q. The person that you've referred to as Q, do you
23 know Q's real name?

24 A. Yes.

25 Q. What is it?

1 A. Emory Roberts.

2 Q. Is Q, Emory Roberts, in the courtroom today?

3 A. Yes.

4 Q. Could you point him out, please?

5 A. Right there.

6 Q. What's he wearing?

7 A. Blue.

8 MR. UNDERWOOD: Your Honor, ask the record reflect
9 he identified the defendant, Emory Roberts.

10 THE COURT: Proceed.

11 BY MR. UNDERWOOD:

12 Q. When was your first interaction with law
13 enforcement involving this case?

14 A. The day they kicked in the trailer.

15 Q. What happened?

16 A. They basically -- what happened, I went over to the
17 house. I brought some dog food. Right when I fed the dog,
18 I didn't get to clean the cage yet, but I fed the dog. Was
19 about to sit down, play the video game, and here comes the
20 flash van.

21 Q. Were you detained at that time?

22 A. No.

23 Q. Did you speak with any of the law enforcement
24 agents?

25 A. Yes.

1 Q. At some point, did you meet Special Agent Justin
2 Wingo?

3 A. Yes.

4 Q. At what time did you agree to cooperate with the
5 investigation?

6 A. Right then.

7 Q. What did you do to cooperate?

8 A. Gave them my phone.

9 Q. What else?

10 A. That day, I gave them my phone. And then they
11 contact me, I said, like, a couple of days later. And other
12 than that, I had to go to Columbia to testify. I had to
13 choose a lineup. And, yeah, that's what I had to do.

14 Q. You mentioned a lineup?

15 A. Yes.

16 Q. What kind of a lineup?

17 A. It was basically on a sheet of paper with their
18 pictures on it that I had to circle and put my initials by
19 to clues who was who. Who was Q? Who was Mo? Who was
20 Chica.

21 Q. Did law enforcement tell you which photographs to
22 pick?

23 A. No, no, sir.

24 Q. Was there any suggestion who to pick?

25 A. Say this again.

1 Q. What exactly did they tell you to do?

2 A. Pick who was Mo, who was Q, who was Chica.

3 Q. Did they use specific names to you in your
4 instructions?

5 A. No, just pick who is who.

6 Q. When they showed you those lineups, did you
7 recognize anyone in those lineups?

8 A. Yes.

9 Q. Did you recognize the person you know at Mo in any
10 of those lineups?

11 A. Yes.

12 Q. If you recognized him, what were you supposed to
13 do?

14 A. Circle and put my initials by.

15 MR. UNDERWOOD: Permission to approach the witness,
16 Your Honor.

17 THE COURT: Approach.

18 (Whereupon, a bench conference takes place off the
19 record.)

20 THE COURT: Proceed.

21 BY MR. UNDERWOOD:

22 Q. Mr. Brown, I'm showing you what's been marked as
23 State's Exhibit 167. Do you recognize that?

24 A. Yes.

25 Q. What is that?

1 A. A lineup with Mo and some other guys on it.

2 Q. Is this the same lineup that you were shown?

3 A. Yes.

4 Q. Did you recognize the person you called Mo when you
5 were shown that lineup?

6 A. Yes.

7 Q. Did you initial a photograph on that lineup?

8 A. Yes.

9 Q. Are those, in fact, your initials?

10 A. Yes.

11 Q. Is that -- are those initials dated?

12 A. Yes.

13 Q. Is that when that took place?

14 A. Yes.

15 MR. UNDERWOOD: Your Honor, at this time I would
16 move to enter State's Exhibit 167 into evidence.

17 THE COURT: Any objection?

18 MR. GRIFFITH: No objection.

19 THE COURT: Any objection?

20 MS. JOHNS: No, Your Honor.

21 THE COURT: Marked and admitted without objection.

22 (State's Exh. 167, Photographic Lineup, is
23 received in evidence.)

24 MR. UNDERWOOD: Permission to publish, Your Honor.

25 THE COURT: You may proceed.

1 BY MR. UNDERWOOD:

2 Q. Mr. Brown, is the individual that's circled the
3 person that you knew as Mo?

4 A. Yes.

5 Q. Do you know his real name?

6 A. Yes.

7 Q. What's his real name?

8 A. Justin.

9 Q. Justin, is that what you called him?

10 A. Yes.

11 MR. UNDERWOOD: Please answer any questions
12 opposing counsel may have.

13 THE COURT: You may proceed.

14 MR. GRIFFITH: If it please the Court, Your Honor.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. GRIFFITH:

18 Q. Mr. Brown, what were your original charges in this
19 case?

20 A. A lot. It was bad. It was --

21 Q. Weren't you --

22 A. It was heroin with 28 grams, conspiracy.

23 Q. So you were charged originally with trafficking,
24 distribution of a controlled substance and conspiracy,
25 basically all the same charges that the defendants here with

1 us today are charged with; isn't that correct?

2 A. Yes.

3 Q. Law enforcement has at least given you the hope
4 that you will receive probation in exchange for your
5 testimony; is that correct?

6 A. Yes.

7 Q. You said that Mo brought over some bags. What
8 kinds of bags were those?

9 A. It was black duffel bags.

10 Q. Black duffel bags?

11 A. Yes.

12 Q. Did you ever look inside those bags?

13 A. No.

14 Q. So you really didn't know what was in those bags,
15 did you?

16 A. Right.

17 Q. Yet you testified it was drugs, but you really
18 don't know what was in those bags?

19 A. Right.

20 Q. Now, law enforcement, when you began to -- when you
21 were arrested, they talked to you about cooperating and
22 testifying, didn't they?

23 A. Right.

24 Q. And they talked to you about what they wanted you
25 to talk about, didn't they?

1 A. About the case.

2 Q. And they basically told you what they wanted you to
3 tell a jury, didn't they?

4 A. No.

5 Q. Didn't you just testify, when you were talking
6 that -- the attorney general, assistant attorney general,
7 asked you a question, you said: I don't know if that's what
8 you want me to say; didn't you say that?

9 A. Say this again.

10 Q. You said: I'm not sure, is that what you want me
11 to say; didn't you say that just now?

12 A. I believe so.

13 Q. Okay. When law enforcement said they wanted you to
14 testify, have you met with them to go over what kind of
15 testimony you would give?

16 A. Yes.

17 Q. How many times did you meet with them and go over
18 the testimony?

19 A. Once.

20 Q. When law enforcement kicked in the door, how many
21 people were present at the house at that time?

22 A. At least -- I want to say at least 15. Looked like
23 10, at least 10 people.

24 Q. I am not talking about law enforcement; the people
25 that were there with you at the time that were not law

1 enforcement.

2 A. Okay, two, just me and him, me and Q.

3 Q. Are you sure there wasn't a third person there,
4 someone named Shirley?

5 A. And Shirley.

6 Q. She was there?

7 A. Yes.

8 Q. Okay. So --

9 A. It's three people there.

10 Q. First you said two. Now you say three. So you are
11 not really sure what goes on there, I guess. I don't know.
12 But what happened to Shirley Silvis? Was she arrested too?

13 A. I don't know.

14 Q. Were you arrested right then?

15 A. Right then, no.

16 Q. When were you arrested?

17 A. I never was. Cooperated.

18 Q. Okay. By arrested -- okay. Were you taken into
19 custody right then? Did they put you in handcuffs or sit
20 you down and tell you that you are under arrest?

21 A. No.

22 Q. Did they arrest anyone else there at that time?

23 A. Yes.

24 Q. Who did they arrest?

25 A. They arrested Q.

1 Q. He was the only one they arrested; is that correct?

2 A. Yes.

3 MR. GRIFFITH: I have no further questions. Please
4 answer any questions Ms. Johns has.

5 THE COURT: Any questions?

6 MS. JOHNS: Yes, Your Honor. May it please the
7 Court.

8 THE COURT: Yes. You may proceed.

9 CROSS-EXAMINATION

10 BY MS. JOHNS:

11 Q. Good afternoon, Mr. Brown.

12 A. Good afternoon.

13 Q. Are you getting paid for your testimony today?

14 A. No.

15 Q. You sure do seem to work a lot for free, don't you?

16 A. I mean, at that time, I did lend my hand.

17 Q. So you were working for -- you said you were
18 working for Q, right?

19 A. Right.

20 Q. And in exchange for that, Q was going to give you
21 place to stay?

22 A. Yes.

23 Q. But you had places to stay, did you?

24 A. No.

25 Q. You couldn't stay with your grandfather?

1 A. My grandmother. Grandfather is deceased.

2 Q. I'm sorry, your father. I'm sorry.

3 A. My father, he left. He left the house, lost the
4 house, moved in with his girlfriend. So I couldn't stay
5 with them.

6 Q. Did you ask?

7 A. Yes.

8 Q. You didn't have any friends from high school?

9 A. Friends from high school? No, not, like, that I'm
10 close enough to stay with, no. All my friends are off in
11 different states doing in military or doing other things.

12 Q. Okay. And did you have a lot of possessions, like
13 furniture, automobiles?

14 A. I did have an automobile that I left at my father's
15 house. Sometimes I go and sleep in. And that's when, like,
16 he found out. So he was like, yo, you don't have to sleep
17 in no car, you can just sleep here.

18 Q. Okay. And you didn't have a girlfriend, or you
19 couldn't have moved to where the people were in the
20 military? You didn't have any of those options to you?
21 That's what you want this jury to believe?

22 A. With the girlfriend situation, at that time, I did
23 not have a girlfriend. And when I tried to live with my
24 grandmother at that time, I couldn't live with her because
25 my cousin, she has two other daughters. And something

1 happened to her when she was growing up, so she really,
2 really don't trust men staying there. So, like, basically,
3 at that time, it was not the right time to stay there.

4 Q. Okay. And you mentioned some people that was in
5 the military. Were they overseas?

6 A. Yes.

7 Q. So the mother, the father and your grandparents
8 were deceased and sisters?

9 A. No. My grandmother is alive. My grandfather is
10 deceased. And my sister, she -- that's who I live with now.
11 Me and her got a spot together, so ...

12 Q. So you are working now?

13 A. Yes.

14 Q. And I am not here just to try to insult your
15 intelligence. I want to make sure you understand. Most
16 people work and pay rent, right?

17 A. Right.

18 Q. Okay. So you were able-bodied back in April 2015
19 to work, weren't you?

20 A. Yes.

21 Q. And you could have gotten a job somewhere, right?

22 A. I was looking.

23 Q. You had a criminal record?

24 A. Now I do. Back then, no.

25 Q. So you could have worked anywhere? You could have

1 worked at Walmart, right?

2 A. I was looking. I was applying.

3 Q. And how old were you then?

4 A. I was 25.

5 Q. 25. Had you had a job before this?

6 A. Before this, yes.

7 Q. Where did you work before that?

8 A. Trash Gurl.

9 Q. What does that do?

10 A. Trash Gurl is the dumpster where you go pick up the
11 dumpsters and the Port-A-Potties and you put them on back of
12 the truck. And, basically, take them back to Goose Creek on
13 Red Bank Road to clean them out to go to another station or
14 where they have them or where they need them.

15 Q. And they paid you well?

16 A. They paid.

17 Q. They pay you benefits?

18 A. No.

19 Q. They didn't give you any insurance?

20 A. No.

21 Q. Okay. Did you have a car back then?

22 A. Back then, no.

23 Q. Did you have -- did you get a check or get paid
24 under the table?

25 A. I got a check.

1 Q. So you were capable of working. And if you worked,
2 you make money?

3 A. Correct.

4 Q. And with that money, you pay for your cost of
5 living?

6 A. Right.

7 Q. And cost of living would include rent, correct?

8 A. Correct.

9 Q. A cell phone, right?

10 A. Right.

11 Q. Electricity?

12 A. Right.

13 Q. And food?

14 A. Right.

15 Q. Anything else you need?

16 A. No, that was all.

17 Q. So instead of finding a decent place to live while
18 working, you made a choice, did you not, to live with Q?

19 A. Yes.

20 Q. And this was what you said was based on his offer
21 to you; is that right?

22 A. Yes.

23 Q. Now, when you decided that you were going to live
24 with Q, the agreement was that you had to keep the house
25 clean and feed the dogs?

1 A. Yes.

2 Q. And that was all you had to do, right?

3 A. Yes.

4 Q. Right?

5 A. Yes.

6 Q. But, instead, you saw that there was some game
7 going on with Q, isn't that right, an illegal game, right?

8 A. Right.

9 Q. And you say that you saw people coming in and
10 buying drugs?

11 A. Yes.

12 Q. And they bought drugs from Q?

13 A. Yes.

14 Q. And they bought drugs from you?

15 A. Yes.

16 Q. And they bought drugs from an unknown person that
17 you don't remember who it was?

18 A. Right.

19 Q. And they bought drugs from Chica?

20 A. Yes.

21 Q. Also known as Sissy, right?

22 A. I don't know about Sissy, but I know about Chico.

23 Q. Also known as Rosemarie?

24 A. Yes.

25 Q. Any other names you want to give her?

1 A. No.

2 Q. Did they buy drugs from somebody else other than
3 those four that I mentioned?

4 A. Those are the only ones I know.

5 Q. You never saw anybody buy drugs from Mo, did you?

6 A. No.

7 Q. No. Okay. Now, you had your own little game going
8 on too, didn't you?

9 A. No.

10 Q. You didn't? So when you talked to Investigator
11 Wingo over there, didn't you tell him that you were selling
12 to four regulars?

13 A. Four regulars? Back in January 2015, yes, at the
14 beginning, that's when I had my own game. But then that
15 came to a halt when -- in May, in May 2015, and then that's
16 when I went to jail in June. Got out of jail. My dad lost
17 the house. And then that's when I started living with
18 him.

19 Q. So you were selling to a guy named Oz, a white
20 male, right?

21 A. Yes.

22 Q. You sold to Vicky, white female, right?

23 A. Yes.

24 Q. You sold to Chris, a white male?

25 A. Yes.

1 Q. And you sold to a white female, Amy Moore, right?

2 A. Yes.

3 Q. Do you know who Amy Moore is?

4 A. Amy Moore, yes.

5 Q. She is one of the Sekula girlfriends, right?

6 A. I don't know who girlfriend she is.

7 Q. You don't know whose girlfriend she is?

8 A. No.

9 Q. These were your customers, right?

10 A. Correct.

11 Q. And these are the customers whose names you gave to
12 law enforcement, right?

13 A. Yes.

14 Q. So what about the people you didn't remember their
15 names? What did you do with them?

16 A. They went to him.

17 Q. So if you didn't know their names, you couldn't
18 tell law enforcement who you sold to?

19 A. Right.

20 Q. Right?

21 A. Right.

22 Q. So there were more than just four people you sold
23 to, right?

24 A. Yes.

25 Q. And they were coming in, I think you said, on a

1 daily basis?

2 A. Yes.

3 Q. And not just your customers, right, there were
4 people coming over to the house every day?

5 A. To the house is always him. They were never --

6 Q. That's not my question. My question is, your
7 testimony was that there were customers, you called them
8 clientele, that were coming over to the house on a daily
9 basis?

10 A. Yes.

11 Q. Now, of those people, of the times every single
12 day, they also came to you and bought drugs from you too,
13 right, at times?

14 A. At times, yes.

15 Q. You also said on direct examination that you never
16 saw Mo pick up money, right?

17 A. Pick up money?

18 Q. Yes, sir.

19 A. Yes.

20 Q. Okay. How much money did you see him pick up?

21 A. A lot.

22 Q. Okay. And what denominations were they?

23 A. I don't know.

24 Q. Where did he get it from?

25 A. He get it from Q.

1 Q. And you saw Q pass him money; is that right?

2 A. Sometimes.

3 Q. Okay. And when he passed -- you say Q passed money
4 to Mo?

5 A. Right.

6 Q. And where were you at the time when this money was
7 being passed?

8 A. If I wasn't sitting -- when I seen it, I would have
9 been inside the house sitting around front in the living
10 room.

11 Q. Sitting around front in the living room, and they
12 would be in the back?

13 A. Yes.

14 Q. So you didn't eyewitness this exchange? You
15 assumed there was an exchange, correct?

16 A. Yes.

17 Q. Okay. You said it took three months before Q would
18 let you serve anybody; is that right?

19 A. Yes.

20 Q. And that your role was that when somebody would
21 come over, you would have to leave, right?

22 A. Say this again.

23 Q. You would have to leave when somebody came over to
24 be served, right?

25 A. No.

1 Q. No?

2 A. No.

3 Q. You could be there when somebody was being served?

4 A. Yes, I would have to leave if Mo comes.

5 Q. Oh, you had to leave if Mo comes?

6 A. Yes.

7 Q. Okay. So you saw Mo once, right?

8 A. A couple of times I saw Mo, yeah.

9 Q. You saw him once when you had a conversation with
10 him?

11 A. Yes.

12 Q. Before you had a conversation with him, you saw him
13 once, right?

14 A. Yes.

15 Q. Next time you saw Mo, you had a conversation with
16 him, right?

17 A. Yes.

18 Q. And the conversation that you had with him, he was
19 trying to help you get your life straight, or at least give
20 you advice, is that fair to say?

21 A. Yes.

22 Q. He told you you should get yourself together and go
23 to school?

24 A. Yes.

25 Q. And get your life together, that's what he told

1 you?

2 A. Yes.

3 Q. Did he have a gun on him at that time?

4 A. No, not that I'm aware.

5 Q. Did he ever point a gun at you in any way?

6 A. No.

7 Q. Did anybody in the house ever point a gun at you in
8 any way?

9 A. No.

10 Q. Did anybody coerce you into doing anything you
11 didn't want to do?

12 A. I mean, no.

13 Q. No? Okay. Now, you stated that when the raid
14 occurred -- do you remember what date that was?

15 A. No.

16 Q. Do you remember what month it was?

17 A. February.

18 Q. Okay. So you are saying February a raid happened,
19 right?

20 A. Yep.

21 Q. Do you remember what year?

22 A. 2016.

23 Q. 2016?

24 A. Yes.

25 Q. You said you were sitting there and you were

1 playing video games?

2 A. Yes.

3 Q. Playing video games with this female by the name of
4 Silva? What was her first name?

5 A. Shirley.

6 Q. You were playing video games with Shirley?

7 A. No.

8 Q. Were you playing video games with Q?

9 A. No.

10 Q. But you were playing video games?

11 A. Yes.

12 Q. What was Shirley doing?

13 A. She -- at that time, she was doing something. I
14 don't remember what she was doing, but she was doing
15 something where I was playing the video game.

16 Q. Okay. Did she live there?

17 A. I don't know.

18 Q. Well, you lived there, didn't you?

19 A. No. When the raid -- when the raid came, I was
20 living with my grandmother at that time.

21 Q. You just happened to be there?

22 A. Yes, because of my dog was there, because you
23 couldn't keep my dog at my grandmother's house because I
24 didn't have a cage, money for a cage at that time when I
25 first came back.

1 Q. And were you working when you were living with your
2 grandmother at that time?

3 A. Yes, that's when I started work, yes.

4 Q. Where?

5 A. I started working at Graze in Summerville, the
6 restaurant in Summerville, as a dishwasher.

7 Q. Now, you mentioned earlier that you had -- let me
8 withdraw that. Okay. After the raid, you said that you
9 were not placed in handcuffs; is that correct?

10 A. Right.

11 Q. And they talked to you and told you that you needed
12 to cooperate, right?

13 A. Right.

14 Q. And if you didn't cooperate, that you would end up
15 in prison, right?

16 A. Right.

17 Q. And they told you that you would be charged with
18 trafficking heroin?

19 A. Yes.

20 Q. And they told you that trafficking heroin at that
21 level was 25 to 40 years, correct?

22 A. Right.

23 Q. And they also would have charged you with
24 distribution, several counts of distribution, correct?

25 A. Yes.

1 Q. And distribution of heroin carries 0 to 15 for a
2 first offense; isn't that right?

3 A. Yes.

4 Q. And if you had more than one distribution, they
5 could add them up together and call it consecutive time,
6 couldn't they?

7 A. Yes.

8 Q. Did they tell you that they had you on film?

9 A. Yes.

10 Q. Or video? Did they let you see it?

11 A. No.

12 Q. Okay. Did you have an attorney in this case?

13 A. Yes.

14 Q. Did your attorney show it to you?

15 A. She showed me a paper, but not really the film.

16 Q. No?

17 A. No.

18 Q. And in the paper, could you see yourself clearly in
19 the paper?

20 A. Yes.

21 Q. So you are here -- when you first took the stand,
22 you said that you were here to clear your name?

23 A. Yes.

24 Q. Is that right?

25 A. Yes, ma'am.

1 Q. You want this jury to believe that you didn't have
2 anything to do with this, right?

3 A. Yes.

4 Q. And the reason that you are testifying is because
5 you are a victim of circumstance, correct?

6 A. Yes.

7 Q. All right. And the reason that you became a victim
8 of circumstance is because you were homeless, right?

9 A. Right, wrong place, wrong time.

10 Q. Wrong place, wrong time. And that the choices that
11 you made when you sold heroin was based on somebody else
12 coercing you? Is that what you want this jury to believe?

13 A. You say it like that, like -- I'm going to have to
14 say, you know, yeah.

15 Q. Somebody forced you to sell --

16 A. No, they didn't force me. Basically, it was, you
17 know, like I'm helping you out, so, basically, you got to do
18 this.

19 Q. Yeah. He's helping you out and you are going to
20 help him out?

21 A. Right.

22 Q. And that's the same agreement you have with the
23 government right now, isn't it? They are helping you out
24 and you are going to help them out; is that right?

25 A. Yes.

1 Q. Basically, the same bargain, right?

2 A. Yes.

3 Q. And you said that you went to Columbia, right?

4 A. Yes.

5 Q. And they asked to you come down there, right?

6 A. To testify, yes.

7 Q. And did they fly you in?

8 A. No.

9 Q. Did they come and get you?

10 A. Yes.

11 Q. Okay. So they came to pick you up from here and
12 drove to you Columbia?

13 A. Yes.

14 Q. Did they buy you some lunch?

15 A. Yes.

16 Q. Did they give you something to wear?

17 A. No.

18 Q. Now, do you remember when that was?

19 A. It was in 2016.

20 Q. Okay. And at that time, they showed you what has
21 been admitted as State's Exhibit No. 167, didn't they?

22 A. Yes.

23 Q. And that was on March the 31st of 2016, wasn't it?

24 A. Yes.

25 Q. Okay. But before they collected these six

1 pictures, they didn't show you a picture of Mo, did they?

2 A. They showed me that.

3 Q. But before this, they didn't show you a picture of
4 Mo, did they?

5 A. No.

6 Q. They didn't show you a picture of Justin, did
7 they?

8 A. No.

9 Q. And you don't know anybody else in this picture; is
10 that correct?

11 A. No.

12 Q. So when they present this picture to you, you know
13 that there's a right answer; isn't that correct?

14 A. Yes.

15 Q. And not only did they show you six pictures of who
16 they thought was Mo, they also showed you six pictures of
17 everybody else that's charged; isn't that right?

18 A. Yes.

19 Q. Which is, what, four or five more other people,
20 right?

21 A. Yes.

22 Q. Okay.

23 A. I believe.

24 Q. Do you remember seeing other pictures like this?

25 A. Yes.

1 Q. That had other people in it?

2 A. Yes.

3 Q. And you had to circle a photograph; is that right?

4 A. Yes.

5 Q. What else did they tell you you had to do?

6 Testify, right?

7 A. Yes.

8 Q. And were you ever taken to jail for these charges?

9 A. No.

10 Q. So you didn't have to go to a county jail, did you?

11 A. No.

12 Q. So your freedom was never in jeopardy as long as
13 you cooperated; am I right?

14 A. Basically, yes.

15 Q. Okay. And this is just -- when you moved into Q's
16 house, you did that for survival, right?

17 A. Yes.

18 Q. And you are doing this for survival too, right?

19 A. Yes.

20 Q. And even though you had the ability to maintain a
21 law-abiding job, you chose to sell heroin, right?

22 A. I was trying to get a law-abiding job.

23 Q. You were trying to?

24 A. Yes. I was applying every day -- well, six months.
25 That's why I left.

1 Q. It's not your fault you didn't get a job? That is
2 what you are saying?

3 A. Right.

4 Q. And even if you didn't have that opportunity, you
5 still chose to break the law, didn't you?

6 A. Say this again?

7 Q. You chose to break the law, didn't you?

8 A. Yes.

9 Q. And you broke the law by selling heroin, right?

10 A. Yes.

11 Q. And now you are trying to get out of it and hope
12 for probation, right?

13 A. Yes.

14 MS. JOHNS: Thank you. Nothing further.

15 THE COURT: Any redirect of the witness?

16 REDIRECT EXAMINATION

17 BY MR. UNDERWOOD:

18 Q. Mr. Brown, to your knowledge, did Mo give out drugs
19 for free?

20 A. No.

21 Q. Did Q give out drugs for free?

22 A. No.

23 Q. The drugs that you sold to OZ, Vicky, Chris and Amy
24 Moore, where did they come from?

25 A. They came from Mo, Q.

1 Q. Were you charged in the same conspiracy as Mo and
2 Q?

3 A. Yes.

4 Q. And did you plead guilty to that?

5 A. Yes.

6 Q. Is that because you are guilty?

7 A. Yes.

8 MR. UNDERWOOD: No further questions, Your Honor.

9 THE COURT: Any objection to the witness being
10 excused, from the State?

11 MR. UNDERWOOD: None, Your Honor.

12 THE COURT: From the defense?

13 MR. GRIFFITH: No objection.

14 MS. JOHNS: No, Your Honor.

15 THE COURT: Sir, you are excused.

16 Madam Forelady, ladies and gentlemen, we are going
17 to take advantage of this break in testimony to take our
18 lunch recess. During the break, please do not discuss the
19 case. Please leave your notepads in your seats. We will
20 resume -- it's about 1:02. Why don't we say 2:15.

21 Don't have any discussion with anybody in and about
22 the courthouse. When everyone arrives, we will resume
23 testimony. Have a good lunch.

24 (Whereupon, a recess transpired.)

25 (Whereupon, the jury leaves open court at 1:03

1 the delay.

2 CRAIG VALENTINE,

3 having been duly sworn, testifies as follows:

4 THE CLERK: State your name for the court reporter.

5 THE WITNESS: Craig Valentine.

6 THE COURT: Tell me your full name.

7 THE WITNESS: Craig Valentine.

8 THE COURT: Spell your last name for the court
9 reporter.

10 THE WITNESS: V-a-l-e-n-t-i-n-e.

11 THE COURT: You may proceed, Mr. Underwood.

12 MR. UNDERWOOD: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. UNDERWOOD:

15 Q. Good afternoon, Mr. Valentine. Sir, how old are
16 you?

17 A. 24.

18 THE COURT: Could you speak up.

19 THE WITNESS: 24 years old.

20 THE COURT: Thank you, sir.

21 BY MR. UNDERWOOD:

22 Q. Where do you currently live?

23 A. [REDACTED], North Charleston, South
24 Carolina.

25 Q. How far did you go in school?

1 A. Year and a half of college.

2 Q. Where did you go to college?

3 A. Trident Tech.

4 Q. Are you employed?

5 A. I was.

6 Q. Where?

7 A. I worked for the private airport, Atlantic
8 Aviation, three and a half years.

9 Q. What did you do there?

10 A. I fueled private jets.

11 Q. When did you stop working there?

12 A. When I had an addiction.

13 THE COURT: I'm sorry, sir. Can you repeat your
14 last answer?

15 THE WITNESS: When my addiction started.

16 BY MR. UNDERWOOD:

17 Q. What addiction is that?

18 A. Addiction to -- it was pills at the time.

19 Q. When was this?

20 A. Around my 18th -- around 18 to 21.

21 Q. How did you become addicted to pills?

22 A. Prescribed them, then taken away off them.

23 Q. What happened that you first got prescribed
24 pills?

25 A. Wisdom teeth pulled.

1 Q. What kinds of pills were you prescribed?

2 A. Percocets.

3 Q. At what point did you become addicted to those?

4 A. Well, I got the prescription refilled like three
5 different times because I got dry sockets. So, I don't
6 know, after about four months of doing it, then I turned to
7 street drugs.

8 Q. Why did you turn to street drugs?

9 A. Started withdrawing.

10 Q. What kind of symptoms did you suffer from with your
11 withdrawal?

12 A. Like the flu times 10.

13 Q. Describe what that was like.

14 A. Diarrhea, nausea, throwing up, sweats,
15 uncomfortability, restless legs, a lot of different things.

16 Q. Which drug at that time were you withdrawing from?

17 A. Well, I just started to notice I was getting sick
18 without the pills. And then I started buying like Roxy 30s
19 on the street and stuff.

20 Q. When you say Roxy 30s, what are you referring to?

21 A. Oxycodone, 30 milligrams.

22 Q. Where were you getting those pills from?

23 A. Dealers.

24 Q. Did you ever seek medical treatment about trying to
25 get off of those pills?

1 A. I turned to every hospital at least probably three
2 or four times begging for help, but since I didn't have
3 insurance, they just gave me papers with rehabs on them and
4 sent me away.

5 Q. How long were you dependent upon pills?

6 A. Probably from 18 to 21 or 22.

7 Q. What happened after that?

8 A. Turned to heroin.

9 Q. How were you introduced to heroin?

10 A. Just it was cheaper. And I was introduced by
11 somebody that said I had to shoot it up in a needle to use
12 it. And that's kind of when I started using heroin in a
13 needle.

14 Q. Are there other methods that you used to take
15 heroin?

16 A. I've snorted it.

17 Q. What's your preferred method?

18 A. I prefer not to do it, but preferred method at the
19 time was using -- was snorting at first. Now it's using a
20 needle.

21 Q. Have you been continuously addicted to heroin since
22 that time, since you were about 21 or 22?

23 A. Yes.

24 Q. When you first became addicted to heroin or first
25 started using heroin, how were you getting supplied?

1 A. I was getting supplied by just people who would get
2 it for me.

3 Q. You used the term "middleman", what does that mean?

4 A. That means there was somebody who knew where to get
5 heroin, and I would call them, and they would ride with me
6 and use my money to get the dope.

7 MR. UNDERWOOD: If it please the Court, Your Honor.

8 MR. GRIFFITH: If I could pull that mic closer to
9 him.

10 THE COURT: The mic is stationary. If he can help
11 him with the chair, that would be helpful. Is that better?

12 MR. GRIFFITH: Yes.

13 BY MR. UNDERWOOD:

14 Q. You mentioned riding with people. How would a
15 transaction like that, using the middleman, take place from
16 start to finish?

17 A. Basically, telling him how much money you have,
18 they say what you can get, and then they get a little bit
19 out of the bag for doing it for you.

20 Q. Why wouldn't you just go to the supplier yourself?

21 A. Sometimes you don't know them yet.

22 Q. What difference does that make?

23 A. I mean, you have to know somebody to deal with
24 somebody, you know.

25 Q. Why do you have to know them?

1 A. Just the name of the game, I guess. I mean, you
2 just have to know somebody or be introduced.

3 Q. How severe would you describe your addiction to
4 heroin?

5 A. Severe.

6 Q. Has your addiction to heroin affected your personal
7 life in any way?

8 A. It's ruined my life.

9 Q. How so?

10 A. Lost everything, lost my job, my family, my
11 friends.

12 Q. How did you end up losing those things? What about
13 your addiction made that happen?

14 A. Stealing money from them, doing stupid things,
15 always in jail.

16 Q. Obviously, based on your attire, are you in jail
17 right now?

18 A. I am.

19 Q. Why are you in jail right now?

20 A. For probation violation.

21 Q. What are you on probation for?

22 A. Second-degree burglary.

23 Q. Have you had to -- let me rephrase that question.
24 Have you ever stolen anything to support your habit?

25 A. That's how I supported my habit was stealing.

1 Q. Why wouldn't you just go and get a job to have
2 money to support your habit?

3 A. Because I got a second-degree burglary charge and,
4 I don't know, my job at the airport meant everything to me,
5 and nothing felt right since. I couldn't find anything I
6 loved like it. And with a felony, it's put a dent in any
7 kind of career that I tried to get.

8 Q. What happened that made you lose your job at the
9 airport?

10 A. I was the supervisor, so I was the only one that
11 could tow airplanes out of the hangar in the morning. And I
12 overslept two hours because I was hungover from doing pills
13 all night.

14 Q. So that was before you started using heroin?

15 A. Yeah. So I lost that job due to the people not
16 being able to take off.

17 Q. As a result of that, you mentioned, obviously, the
18 burglary charge. Have you had several arrests and
19 convictions for stealing related to your addiction?

20 A. I have.

21 Q. Mr. Valentine, I want to take you back to the year
22 2014. At that time, who were you getting your heroin from?

23 A. 2014?

24 Q. Yes.

25 A. I guess The Boys.

1 Q. Who were The Boys?

2 A. Dealers I met on College Park and Ladson.

3 Q. How did you meet them?

4 A. Through a girl and another friend.

5 Q. Tell the jury how that happened.

6 A. Well, the girl was middleman for me. And then when
7 she was kind of gone, I moved in with a friend. And he had
8 the direct connection to them as well. And when he moved
9 away, I was given the phone number. And then I started to
10 call them myself.

11 Q. Who was the girl?

12 A. Her name was Bianca.

13 Q. You mentioned that Bianca was middleman for you.
14 How often would that happen?

15 A. Every day, well, until I didn't see her anymore. I
16 mean, that was like a couple-week-long period, like six-week
17 long period, I guess.

18 Q. Do you remember what time frame that was, what
19 month, what part of the year?

20 A. It was probably just 2014, like you said, prior --
21 warmer months, so probably summer.

22 Q. How long was Bianca middlemanning for you?

23 A. I think she just did it three to five weeks, maybe
24 three to six.

25 Q. How many times a day would you go?

1 A. Maybe up to two times, two or three.

2 Q. How much heroin would you get on each of those
3 transactions?

4 A. Maybe half gram to a gram and a half.

5 Q. Would Bianca get heroin?

6 A. I don't know if she purchased any, but she would
7 get some out of mine.

8 Q. Why would she get some out of yours?

9 A. For doing the favor.

10 Q. Did Bianca use heroin as well?

11 A. She did.

12 Q. Where would Bianca -- well, who drove you or
13 Bianca?

14 A. I drove.

15 Q. Where would you drive Bianca to get the heroin?

16 A. Trailer park on College Park Road.

17 Q. Do you remember the name of the trailer park?

18 A. I do not know the name of the trailer park.

19 Q. Do you remember the street?

20 A. Arno.

21 Q. Was that the only place that Bianca took you?

22 A. Yeah, but -- I mean, yeah, she just took me
23 there.

24 Q. When Bianca took you there, did you ever go inside?

25 A. No.

1 Q. Did you ever see who she was getting the drugs
2 from?

3 A. No.

4 Q. Are you aware of any other locations that Bianca
5 went to get heroin for you?

6 A. No, she just took me to College Park motel.

7 Q. What happened after Bianca was no longer serving as
8 your middleman?

9 A. I was on a rough patch, and I was staying with a
10 friend. And then he was kind of doing that.

11 Q. What was your friend's name?

12 A. J.T.

13 Q. Did J.T. have a source of supply for heroin?

14 A. He did.

15 Q. Who was his source of supply?

16 A. The Boys as well.

17 Q. Was it the same group?

18 A. Same group, uh-huh.

19 Q. When did you begin using J. T. as your middleman?

20 A. Right when Bianca left.

21 Q. Was there a time period in between, or was it
22 immediate?

23 A. It was pretty much immediate, right after she was
24 gone.

25 Q. Where would J.T. take you to get the heroin?

1 A. Either College Park or Ladson Road.

2 Q. When you say College Park --

3 A. The trailer park on College Park.

4 Q. The same one?

5 A. The same one.

6 Q. You mentioned Ladson, where in Ladson?

7 A. I think the name was Fairlawn.

8 Q. Do you remember what street?

9 A. I forget the name of the street.

10 Q. What kind of a building was it?

11 A. Just a one-story building. I don't know.

12 Q. Was it a house?

13 A. Oh, yeah, it was a house, yeah.

14 Q. When you first started dealing with J.T., which
15 location did he take you to?

16 A. The Ladson one.

17 Q. How often would J.T. take you to Ladson?

18 A. Every day.

19 Q. How much heroin would you get each time?

20 A. Probably about a gram and a half. He would
21 probably get about the same.

22 Q. Did you ever go, at that time, while J.T. was your
23 middleman, did you ever get to go inside the house?

24 A. No.

25 Q. Did you ever see who J.T. was getting the heroin.

1 from?

2 A. No.

3 Q. How long were you going to that house in Ladson
4 before J.T. took you to the College Park area?

5 A. I mean, it just depended on who was readily
6 available, you know. We would go to both.

7 Q. You mentioned it depended on -- I understand, if I
8 heard you, who was available; is that what you said?

9 A. Yes, first person we would get to.

10 Q. What do you mean by who was available?

11 A. Which person in the group would answer the phone
12 first, who would come through first.

13 Q. How would you contact the group?

14 A. Well, he would call through the phone.

15 Q. Did Bianca do the same thing?

16 A. Yep.

17 Q. Do you know who Bianca was contacting?

18 A. Somebody Mo and Q. That's all I know.

19 Q. Do you know who J.T. was contacting?

20 A. Same names.

21 Q. Mo and Q? You mentioned depending on who was
22 available. Explain to the jury how that worked.

23 A. I mean, it's really who was available is who is
24 there with the heroin and ready for us to come through
25 immediately.

1 Q. How many people were involved in this group that
2 you called The Boys?

3 A. I would assume --

4 MS. JOHNS: Objection, Your Honor.

5 THE COURT: Basis?

6 MR. GRIFFITH: Objection. Calls for conjecture.

7 THE COURT: Please approach.

8 (Whereupon, the following bench conference takes
9 place.):

10 MR. UNDERWOOD: I asked him how many people were
11 involved in this group, how many people.

12 THE COURT: You have to establish that he was there
13 and walked out to meet The Boys.

14 (Whereupon, bench conference ends.)

15 THE COURT: Rephrase.

16 BY MR. UNDERWOOD:

17 Q. How long did J.T. serve as your middleman?

18 A. A few months.

19 Q. Do you remember when he stopped?

20 A. He decided to pack up and leave his home, try to
21 get clean.

22 Q. Do you remember when that was?

23 A. Probably end of the summer of 2015.

24 THE COURT: Sir, can you speak up for us, please?

25 THE WITNESS: 2015 I'm guessing. It was awhile

1 ago.

2 BY MR. UNDERWOOD:

3 Q. After J.T. left, how did you get heroin?

4 A. I got the number to The Boys myself and started
5 getting heroin for myself.

6 Q. How did you get the number for The Boys?

7 A. J.T.

8 Q. I'm sorry, can you speak up?

9 A. J.T.

10 Q. How did you get it from him?

11 A. I asked for it and he gave it to me.

12 Q. Did you call that number?

13 A. I did.

14 Q. Did anyone answer it?

15 A. They did.

16 Q. Who did you speak to?

17 A. Mo.

18 Q. Is that the first time you had ever had direct
19 interaction with Mo?

20 A. That is.

21 Q. What happened in that phone call?

22 A. I told him the situation of people being gone. And
23 he had seen me, my car, at least a few times. I know he had
24 to have. And I told him that I needed dope. And he said
25 come on.

1 Q. Where did he tell you to go?

2 A. College Park.

3 Q. Where on College Park?

4 A. That street I told you, Arno.

5 Q. Did you go?

6 A. I did.

7 Q. What happened when you got there?

8 A. I was sold heroin.

9 Q. Where did the sale take place?

10 A. In the driveway.

11 Q. Who sold the heroin to you?

12 A. Mo.

13 Q. Do you remember how much heroin it was?

14 A. Probably about gram and a half.

15 Q. Was anyone else there?

16 A. Not that I recall. Not at that time.

17 Q. After that transaction, when was the next time
18 you've talked to Mo?

19 A. Probably the next day.

20 Q. What happened the next day?

21 A. Same thing.

22 Q. If you could elaborate, please.

23 A. Called and asked to buy dope, and I was told to
24 come over.

25 Q. Did you go to the same place?

1 A. Yeah. I knew I went there a couple of times before
2 I went anywhere else.

3 Q. You said a couple of times, meaning two, or couple
4 times meaning a random number?

5 A. A random number, probably six or seven times.

6 Q. How much heroin would you buy at that location each
7 time?

8 A. When my addiction started getting bad, I was
9 running no less than a half gram, but I was -- I mean, if it
10 was a bad day, I would try to get almost a gram to a ball.

11 Q. When you say "a ball", what does that mean?

12 A. That means 3.5 grams.

13 Q. Did anyone other than Mo at that trailer sell you
14 heroin?

15 A. Another person, but I don't know their name or
16 anything like that.

17 Q. Do you remember what they looked like?

18 A. Rick Ross.

19 Q. Excuse me?

20 A. The singer, Rick Ross.

21 Q. He looked like the singer Rick Ross?

22 A. Yeah. If you want me to elaborate, beard, big,
23 tall, black guy, beard, always had shades on.

24 Q. How many times did you buy from that individual you
25 called Rick Ross?

1 A. Several, up to probably -- I probably seen him like
2 20 or 30 times.

3 Q. How many times at that particular location?

4 A. I only seen him at that location. It was probably,
5 like I said, 20 or 30 times.

6 Q. What happened in those 20 to 30 times?

7 A. Just buy dope every time, rolled up, bought it,
8 left.

9 Q. Did you ever stay to socialize?

10 A. No.

11 Q. What was the most amount of heroin you purchased,
12 first from the individual you just referred to as Rick Ross?

13 A. A ball or 3.5 grams.

14 Q. How often would you buy that much?

15 A. Often.

16 Q. What does often mean?

17 A. At least four days of the week, three days.

18 Q. For how long of a period of time?

19 A. Probably about eight months to a year, I would
20 assume. I don't know. It's been a while.

21 Q. What about Mo, how many times at that location did
22 you buy from Mo in total?

23 A. Probably about 20 times.

24 Q. Was the ball, the 3.5 grams, is that the largest
25 amount you ever bought from that group?

1 A. I've bought a quarter.

2 Q. What is a quarter?

3 A. 7 grams.

4 Q. Is that referred to as a quarter of an ounce?

5 A. Quarter of an ounce.

6 Q. Did you buy from any other individuals at that
7 trailer on Arno?

8 A. Not really.

9 Q. Did you ever see anyone else there buying heroin
10 while you were there?

11 A. There was a little bit of traffic, yeah.

12 Q. What do you mean by a little bit of traffic?

13 A. I've seen people come through there the same time,
14 you know.

15 Q. What were they doing?

16 A. The same thing I was.

17 Q. Which was?

18 A. Buying heroin.

19 Q. How much were you charged for heroin by Mo?

20 A. \$160 a gram.

21 Q. Did you have a different price when you dealt with
22 Rick Ross?

23 A. No.

24 Q. Do you know any of the other individuals you said
25 that were coming and going you referred to as traffic?

1 A. No, not really, no.

2 Q. Were there any other locations that you went to get
3 heroin from Mo?

4 A. Ladson.

5 Q. And is that the same house you referred to
6 earlier?

7 A. It is. That's the only two places I've ever been.

8 Q. When did you start going to the house in Ladson?

9 A. Around the same time, after the six or seven times
10 I went to College Park, you know, just they all -- I mean, I
11 guess everyone was kind of a group, so just was sent
12 whichever way.

13 Q. Did you start going to Arno, stop and then go to
14 Ladson, or were you going to both?

15 A. Back and forth.

16 Q. Who would you deal with when you went to the house
17 in Ladson?

18 A. Q.

19 Q. Who was Q?

20 A. Part of the group.

21 Q. How did you meet Q?

22 A. Mo.

23 Q. What happened?

24 A. Mo just sent me there.

25 Q. Why did Mo send you to Q?

1 A. Because I guess Mo is the leader.

2 MS. JOHNS: Your Honor, I object.

3 THE COURT: Sustained. Speculation. Lack of
4 foundation.

5 Ladies and gentlemen, you will disregard the last
6 question and answer. Give it no consideration in your
7 deliberations. You may rephrase the question.

8 BY MR. UNDERWOOD:

9 Q. What was the purpose for your being sent to Q?

10 A. College Park, people are busy, I guess.

11 Q. Why did you go to Q?

12 A. Because he was available.

13 Q. Available for what?

14 A. To serve me.

15 Q. And by "serve you", what do you mean?

16 A. Sell me dope.

17 Q. What kind of dope?

18 A. Heroin.

19 Q. That first time, did you contact Q directly?

20 A. No, I think I was just sent there.

21 Q. How were you sent there?

22 A. Mo told me over the phone to just go to him.

23 Q. And why did you -- why were you speaking to Mo on
24 the phone at that time?

25 A. Because that was the number I had at first, the

1 only number I had, as I recall.

2 Q. You said at first. Did you later have another
3 number?

4 A. Yeah.

5 Q. What was -- who had that other number?

6 A. I'm sorry. What was the question?

7 Q. You said you had Mo's number, then you had another
8 number. Whose number was the next number?

9 A. Q.

10 Q. Who gave you 'Q's number?

11 A. Mo.

12 Q. For what purpose did he give you that number?

13 A. So I could go there to get dope, Ladson.

14 Q. The first time that you went there to Ladson, did
15 you go inside?

16 A. I did.

17 Q. What happened when you got inside?

18 A. Checked for a wire and sold dope.

19 Q. What do you mean "checked for a wire"?

20 A. Patted down.

21 Q. You were patted down?

22 A. I was patted down.

23 Q. Who patted you down?

24 A. Q.

25 Q. Was anyone else there?

1 A. No.

2 Q. After you were patted down, what happened?

3 A. I was sold dope and left.

4 Q. How much were you sold?

5 A. Probably about a gram, around that.

6 Q. What kind of drugs was the dope?

7 A. It was heroin.

8 Q. How much did you pay for it?

9 A. Probably \$160. If it was a gram, 160.

10 Q. After that interaction, did you go back to Q?

11 A. Yeah, I went back and forth to both locations.

12 Q. How often would you go to Q's house?

13 A. Off and on, I mean, 50/50 really.

14 Q. How many times do you think you went to Q's house?

15 A. Numerous. If I had to put a number on it, maybe
16 like 100, 100 times or so. I don't know.

17 Q. What did you do each of those times?

18 A. Bought heroin.

19 Q. Was there any other reason for you to go there?

20 A. No.

21 Q. How much heroin would you buy from Q at a time on a
22 regular basis?

23 A. Anywhere from half gram to a ball.

24 Q. Did you ever purchase more than a ball from Q?

25 A. No.

1 Q. Did you ever see anyone else at Q's house?

2 A. Rarely.

3 Q. Who?

4 A. Friends, I guess.

5 Q. Do you know any of their names?

6 A. I don't.

7 Q. Was Mo ever at Q's house?

8 A. I've never seen him there.

9 Q. Where have you seen Mo?

10 A. College Park.

11 Q. Anywhere else?

12 A. No.

13 Q. Do you know where Mo lived?

14 A. I do not.

15 Q. You've mentioned the term The Boys several times.

16 Who are The Boys?

17 A. Just a group of people doing what I've been talking
18 about. That is just what they were referred to by, I guess,
19 J.T. mostly. That's just kind of the name that was picked
20 up on.

21 Q. How many of the people in that group that you call
22 The Boys have you personally met?

23 A. Pretty much just who we talked about.

24 Q. For the jury, please say the names.

25 A. Mo and Q.

1 Q. Did you ever meet anyone else in that group?

2 A. Not that we talked about. The guy with the beard
3 and the glasses, I don't know his name.

4 Q. The person that you referred to as Q, do you know
5 his real name?

6 A. I do not.

7 Q. Is the person you know as Q in the courtroom today?

8 A. Yes.

9 Q. Where is he?

10 A. There. (Witness indicating.)

11 Q. Would you describe his clothing, please?

12 A. Blue collar button-up.

13 MR. UNDERWOOD: Your Honor, I ask the record to
14 reflect that he's indicated the defendant Emory Roberts.

15 THE COURT: You may proceed.

16 BY MR. UNDERWOOD:

17 Q. The individual you know as Mo, do you see him here
18 in the courtroom today?

19 A. No.

20 MR. UNDERWOOD: Permission to approach the witness,
21 Your Honor.

22 THE COURT: You may.

23 MR. UNDERWOOD: If I may publish State's Exhibit
24 42.

25 Q. Do you recognize that individual?

1 A. Yeah.

2 Q. If you could speak into the microphone, please.

3 A. Yeah.

4 Q. Who is that?

5 A. That looks like Mo.

6 Q. Do you know Mo's real name?

7 A. I do not.

8 Q. Did you ever have any discussions with Mo about how
9 the group that you knew as The Boys was put together?

10 A. No.

11 Q. Do you know from your own personal knowledge who
12 was in charge of that group?

13 A. Seemed like Mo was.

14 Q. What did you observe --

15 MS. JOHNS: Objection, Your Honor.

16 THE COURT: Basis?

17 MS. JOHNS: Speculation.

18 THE COURT: Overruled.

19 BY MR. UNDERWOOD:

20 Q. What did you observe to make you think that?

21 A. Just the way things were handled, I guess.

22 Q. What about the way things were handled?

23 A. Seemed like he was in charge.

24 Q. Give an example. What happened that made it seem
25 like he was in charge?

1 A. Phone calls, just demeanor, really, and
2 interactions. Just seemed like -- you know if you rolled
3 into a business, you can tell who the general manager is.
4 You know what I'm saying?

5 Q. You mentioned the calls, what do you mean by calls?

6 A. Calls.

7 Q. What about the calls that made it seem like he was
8 in charge?

9 A. I don't know. I would call him to kind of get the
10 direction.

11 Q. What about his demeanor made you think that he was
12 in charge?

13 A. Just how he gave direction, you know he was in
14 charge.

15 Q. Who did he give direction to?

16 A. Me and whoever was -- he was in charge of.

17 Q. Who was he in charge of?

18 A. The Boys, I guess.

19 Q. If you could just refer to their names, who would
20 he give directions to?

21 A. I mean; I guess he could tell Q sometimes --

22 MS. JOHNS: Your Honor, objection.

23 THE COURT: Sustained. Speculation, lack of
24 personal knowledge. You can establish foundation for his
25 rational perception if you can continue to pursue this line

1 of questioning. Please proceed.

2 BY MR. UNDERWOOD:

3 Q. Please don't guess. Based on what you have
4 actually seen or heard, what made you think that?

5 A. He's in charge. I just know that. I mean, you
6 just know when someone is in charge, just like I know this
7 judge is in charge. There's a jury. They are making the
8 decision, but I know this judge is in charge.

9 Q. Well spoken, sir.

10 MS. JOHNS: Objection, Your Honor.

11 THE COURT: Basis?

12 MS. JOHNS: Editorializing.

13 THE COURT: I will let it slide. Overruled.

14 BY MR. UNDERWOOD:

15 Q. In total, do you have any idea how much heroin you
16 bought from the group you know as The Boys?

17 A. I don't know an exact number, but I would say a
18 lot.

19 Q. Do you have any idea how much money you've paid
20 them for heroin?

21 A. Thousands.

22 Q. To your knowledge, did Mo use drugs?

23 A. No, I don't think so.

24 Q. To your knowledge, did Q use drugs?

25 A. No, I don't think so.

1 Q. Why don't you think so?

2 A. Just, I don't think they used drugs. Never did see
3 any kind of addiction or anything, you know, that would make
4 me believe that they were on drugs.

5 Q. Did either of them ever demonstrate the kind of
6 symptoms you described earlier of withdrawal?

7 A. No.

8 MR. UNDERWOOD: Thank you. Please answer any
9 questions opposing counsel has for you.

10 MR. GRIFFITH: If it please the Court, Your Honor.

11 THE COURT: Mr. Griffith.

12 CROSS-EXAMINATION

13 BY MR. GRIFFITH:

14 Q. Mr. Valentine, thank you for coming. Who was J.T.?

15 A. A friend.

16 Q. What does J.T. stand for?

17 A. Actually, I don't know.

18 Q. Were you offered any consideration under your
19 charges to testify here today?

20 A. No, I'm still in chains.

21 Q. No one has offered you to say anything to the
22 solicitor for you -- has someone offered to say something to
23 the solicitor for your --

24 A. No, I've already been charged.

25 Q. So what year did you say you first started that you

1 met Q and Mo? What year would that be?

2 A. I guess met personally was 2015, late 2015.

3 Q. What month 2015?

4 A. Probably springtime. I don't remember it being
5 cold, so probably spring or summer.

6 Q. Was it 2014 or 2015?

7 A. It was -- I think actually started 2014 is when I
8 started getting middleman, and then kind of got them myself.
9 And then it ran into 2015.

10 Q. I mean, specifically Q, what year and what month
11 did you first encounter Q?

12 A. I couldn't tell you the month.

13 Q. Well, what year?

14 A. Probably 2014 or '15. I know it was one of them
15 times.

16 Q. You don't know which year it was, '14 or '15?

17 A. It was probably late '14 and ran into '15.

18 Q. Would it surprise you to find out that Mr. Roberts
19 was in New York until March of 2015?

20 A. Maybe it was 2015, but I know it was that time
21 period.

22 Q. When you called that telephone number, the one that
23 you said -- would a different person answer that telephone
24 different times?

25 A. Which telephone number are you referring to?

1 Q. You said first you had one number and different
2 people --

3 A. Right, Mo's phone number first.

4 Q. Would Mo always answer that phone?

5 A. Yes.

6 Q. No one else answered it?

7 A. Not that I knew.

8 Q. What about the second phone number, who answered
9 that?

10 A. Q.

11 Q. Did anybody else ever answer it?

12 A. No.

13 Q. We were talking about The Boys. Did you get that
14 name from law enforcement?

15 A. I got that name from the street. It's kind of just
16 a nickname, I guess.

17 Q. Among the users?

18 A. Yeah.

19 MR. GRIFFITH: Okay. I have no further
20 questions.

21 THE COURT: Ms. Jones.

22 MS. JOHNS: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. JOHNS:

25 Q. Mr. Valentine, what did you plan on doing with your

1 career at the private airport?

2 A. Actually, two weeks before I was fired, the
3 regional manager told me I was going to be a general manager
4 there for Virginia, a little airport. So I planned to just
5 further grow in the company, really.

6 Q. That was a company that you started or were you
7 working for a company?

8 A. No, further grow in the company that I worked for,
9 Atlantic Aviation.

10 Q. Did you want to get a pilot's license ever?

11 A. Yeah. Why not?

12 Q. Did you work on that at all?

13 A. I did not. Actually, I flew a couple of times with
14 out of Mount Pleasant, but it wasn't any logged-in hours.

15 Q. And there's certainly options out there where you
16 could learn to get a pilot's license locally, correct?

17 A. Yes, there is.

18 Q. Did you ever pursue any of that at all?

19 A. Not since my addiction. I haven't pursued
20 anything.

21 Q. Before your addiction, did you pursue anything of
22 value?

23 A. Before my addiction?

24 Q. Yes, sir.

25 A. That's all I did was try to succeed.

1 Q. And then you said that this monster came in to your
2 life, right?

3 A. Right.

4 Q. It was introduced to you by a woman, Bianca, right?

5 A. Yes.

6 Q. Was Bianca your girlfriend?

7 A. No.

8 Q. Okay. Did she ever become your girlfriend?

9 A. No.

10 Q. Y'all did not have a relationship?

11 A. We had no kind of emotional or physical
12 relationship.

13 Q. And you say that this addiction to heroin began
14 because you were using it with opioids?

15 A. Yes.

16 Q. And opioid was for pain, because you had dry
17 sockets?

18 A. Yes.

19 Q. After your wisdom teeth were removed?

20 A. Yes.

21 Q. All four of them were removed?

22 A. All four.

23 Q. You were how old then?

24 A. About 17, almost 18.

25 Q. Had you graduated from high school yet?

1 A. I was just about to graduate.

2 Q. Did you ever graduate?

3 A. I did..

4 Q. Did you get a GED or did you get a high school
5 diploma?

6 A. I got a high school diploma.

7 Q. From what school?

8 A. Fort Dorchester.

9 Q. How did you meet Bianca?

10 A. She was ex-girlfriend of a friend, and I just kind
11 of got in touch with her because I knew she used.

12 Q. Oh, okay. So you sought her out?

13 A. Yeah, I did..

14 Q. And you knew she used what?

15 A. Heroin.

16 Q. Okay. So you want this --

17 A. I'm sorry. I knew she got high. And then I was
18 kind of introduced to heroin.

19 Q. You knew she got high?

20 A. Right.

21 Q. What did she get high on?

22 A. I knew she got high on opioids, or whatever, pills.
23 I was just trying to get pills at the time, kind of led to
24 heroin.

25 Q. So when you say you knew she got high, you are not

1 being drug specific about what she got high on; you just
2 knew she did drugs?

3 A. No, I knew from her and her ex-boyfriend's
4 relationship they used pills, opioids.

5 Q. And what else?

6 A. I mean, they used an assortment of drugs, but I
7 knew that was their main choice.

8 Q. What was her boyfriend's name?

9 A. Justin.

10 Q. All right. How was he your friend?

11 A. We just kind of linked up somehow. I don't know,
12 mutual friends.

13 Q. Mutual friends?

14 A. Yeah.

15 Q. You don't have any recollection of the meeting?

16 A. Of the meeting?

17 Q. Yeah.

18 A. I don't.

19 Q. Were you all getting high together?

20 A. We knew each other before we got high.

21 Q. So did Justin just end up calling you one day and
22 say, hey, bro, let's hang out?

23 A. No.

24 Q. Did you call him and ask him that?

25 A. I didn't really care to hang out with him that

1 much. I just knew what he was into, and that was that.

2 This whole town is basically on drugs now.

3 Q. Okay.

4 A. You know, seeing it, it's bad.

5 Q. Whose fault is that, do you think?

6 A. I don't know, whoever is shipping in a bunch of
7 heroin.

8 Q. And you are buying it, right?

9 A. I was.

10 Q. Okay. Now, you stated that you are currently at
11 the Dorchester County Detention Center; is that right?

12 A. I am.

13 Q. And how long have you been there?

14 A. I've been there seven days tomorrow.

15 Q. I'm sorry, repeat that.

16 A. Seven days tomorrow.

17 Q. Seven days. Seven days?

18 A. Yeah.

19 Q. Okay. How are you feeling?

20 A. I feel okay today.

21 Q. Okay. What about yesterday, was it a bad day?

22 A. Yesterday was a better day.

23 Q. Okay.

24 A. A few days before that was a little rough.

25 Q. Are you getting any medication or treatment while

1 you are in the county jail?

2 A. No.

3 Q. Okay. And so it's just cold turkey for you?

4 A. It was this time.

5 Q. What about last time?

6 A. Last time I withdrew from was 40 days long.

7 Q. Did you get any help with any medication then?

8 A. About three weeks after I got there, because
9 medical treatment in jail is not the best.

10 Q. Right. So you got clean because you were there for
11 four months, right?

12 A. I was there for -- I was in jail for like three
13 months.

14 Q. Three months? That was a whole 90 days. And you
15 were clean, right?

16 A. I was clean.

17 Q. And you got released; is that right?

18 A. Then I got released.

19 Q. You got placed on probation?

20 A. Got placed on probation.

21 Q. As soon as you got placed on probation, how long
22 did it take you before you went back out on the streets and
23 decided that you wanted to buy heroin again?

24 A. Two days.

25 Q. Somebody force you to go buy heroin after that

1 stint in jail?

2 A. No.

3 Q. Your choice, wasn't it?

4 A. It was my choice.

5 Q. You said you lost your family because of your drug
6 addiction?

7 A. Yeah, I've lost a lot.

8 Q. Does that mean your mother and father?

9 A. I have my mother and my sister.

10 Q. Okay. Did they try to help you out the best they
11 know how?

12 A. They did.

13 Q. You stole from your mother before, right?

14 A. I have.

15 Q. You stole from your sister too, right?

16 A. I have, not in a long time, but I have.

17 Q. Okay. And when this was going on and somebody,
18 your mother, became concerned about you, you lied to her,
19 didn't you?

20 A. Yeah. I guess I tried to hide my addiction as long
21 as I could.

22 Q. By hiding that, that means that you lied to her,
23 did you not?

24 A. I mean, I guess, yeah. I lied to my mom as
25 probably anybody would at that age doing those drugs would

1 probably lie to their mom.

2 Q. And you lied to her when you stole from her, didn't
3 you?

4 A. Yes.

5 Q. And --

6 A. Well, tried to. She knew, because she's a mom.

7 Q. All right. You lost a lot of friends as well,
8 didn't you?

9 A. I have lost friends, but I have friends that still
10 locate me.

11 Q. I'm sorry. I didn't mean to interrupt you.

12 A. I didn't mean to interrupt you.

13 Q. So you lost friends to this addiction?

14 A. I have.

15 Q. But you've made new friends through this
16 addiction?

17 A. I have.

18 Q. And they are users, aren't they?

19 A. Some are users and some are not. I have a 50/50
20 set of group of friends. I would say the ones that don't
21 use are the better ones.

22 Q. All right. Now, you also said that you did stupid
23 things because of this addiction. Do you remember saying
24 that, when you were talking to Mr. Underwood?

25 A. Sure, yeah.

1 Q. What were some of those stupid things?

2 A. Shoplifting, pretty much just taking drugs.

3 Q. Do you think stealing something that doesn't belong
4 to you is a very honorable thing to do?

5 A. I think it's a very dishonorable thing to do.

6 Q. But you did it anyway?

7 A. Well, drugs are very expensive. And when you are
8 sick, you do anything to fix that.

9 Q. Do you know what it means to Google something?

10 A. To Google?

11 Q. Yes, sir.

12 A. I do.

13 Q. Would you be surprised to know that if you Googled
14 heroin treatment, Berkeley County or Charleston, South
15 Carolina, do you know how many Google searches come up?

16 A. Well, I wouldn't know, because I've searched
17 everywhere for help. I don't have insurance. So there's
18 not very much help for someone without insurance.

19 Q. Would you be surprised that there are some services
20 that are at no cost?

21 A. They are not in town.

22 Q. Okay.

23 A. That I know of.

24 Q. Have you ever heard of Serenity Place?

25 A. That name rings a bell. Where is that at?

1 Q. That's local.

2 A. Could you please tell me what area?

3 Q. I don't know.

4 A. Well, if it is, I bet it takes a long time to get
5 in.

6 Q. What about your family, do they have the ability to
7 help you get off heroin?

8 A. My mom just lost pretty much everything in a
9 divorce to my dad, who was military, who had insurance. I
10 could have been on insurance until I was 26 or 23, whatever
11 it was. But he cut me off because he found out I was a user
12 and left my mom.

13 Q. So he left your mom because of you?

14 A. Pretty much what it looks like. He made it look
15 like in the divorce. He left my mom because they had
16 problems, but he used me as a lot of defense in the
17 divorce.

18 Q. And why was he not happy with the way your mom was
19 handling the situation?

20 A. Oh, I didn't ever say he wasn't happy with the way
21 my mom was handling the situation. They were unhappy. They
22 weren't in love anymore.

23 Q. You got the feeling he blamed you?

24 A. I got the feeling he was worried about his career
25 because of my decisions.

1 Q. Why would you think he would be concerned about
2 that?

3 A. Because he's Air Force.

4 Q. And why would that upset his job?

5 A. I don't know. Honestly, I resent him very much for
6 leaving the way he did. I don't know. I really don't
7 understand the whole situation. It still bothers me today.

8 Q. So some of the other stupid things you did is that
9 you would leave your house in the middle of the night,
10 right, and not come home for days? This is some of the
11 stupid things you would do when you were living with your
12 mom?

13 A. I've done that, but I'm also an adult, so I can do
14 that.

15 Q. Right. Okay. And you also said that you used to
16 steal to support your habit; is that right?

17 A. Uh-huh.

18 Q. In fact, you have that conviction for a burglary,
19 second degree?

20 A. Yep.

21 Q. And that's housebreaking, isn't it?

22 A. Yes.

23 Q. And you broke into somebody's house when they
24 weren't home, didn't you?

25 A. I did.

1 Q. And you stole things from them, didn't you?

2 A. I pawned their lawn equipment while they were out
3 of town, thinking I could get it back before they got back.
4 That's what happened.

5 Q. Did you know these people?

6 A. They were my neighbors.

7 Q. What year did you start using heroin,
8 Mr. Valentine?

9 A. 2014 or '15.

10 Q. The first time you bought heroin, who did you buy
11 it from?

12 A. First time I got heroin was middleman through
13 Bianca. Like I say, first time I bought heroin was when I
14 went to Mo.

15 Q. So earlier when you said that you got your heroin
16 from J.T., that wasn't true?

17 A. I said those were middlemen.

18 Q. Oh, so there's a difference. I didn't know that.

19 A. Yeah. I was saying they got it for me before I met
20 anybody personally. They would get it for me. And I would
21 break them off or give them some of the drugs for doing
22 it.

23 Q. Okay. Okay.

24 A. When they were gone, then I got my drug connection
25 to them.

1 Q. Let me see if I got this straight. If you called
2 them a middleman, that means that they are not a dealer; is
3 that right?

4 A. No. They are just an addict trying to get a little
5 fix.

6 Q. An addict just trying to get a fix, so --

7 A. Pretty much, or helping me to help them, you know.

8 Q. Okay. So let me see if I get this straight. They
9 are helping you help them?

10 A. Right. I'm getting a bag with my money, but they
11 are going to get some out of that bag for doing me that
12 favor.

13 Q. Did they ever pitch in with you, some of their
14 money to get some?

15 A. Sometimes.

16 Q. So then your testimony was that they would buy the
17 heroin and then they would give you some of what they
18 bought, right?

19 A. Not out of what they got with their money, but out
20 of my money, they would get some of it. And then I got the
21 rest. And whatever they got with their money is whatever
22 they did.

23 Q. Let me see. Basically, you are going into a
24 restaurant, you are eating a meal, and you are asking for
25 separate checks; is that right?

1 A. They are taking me -- I'm taking them -- I pick
2 them up to go get heroin, because they know the heroin
3 dealer. And if they have their own money, they probably
4 don't tell me about it, or they do, just to get a deal, a
5 better deal. But most of the time it will be, I just have
6 my money, whatever they do is in their pocket, they sneak
7 that so they don't have to do nothing. The deal there is,
8 maybe they got more, you know, and give it up. I am not
9 trying to be rude. And whatever money I use to purchase
10 heroin with, they will come out, give it to me, and then I
11 will open that bag and I will give them some heroin for
12 doing that.

13 Q. So you would pay them with heroin to accommodate
14 what you needed?

15 A. Right.

16 Q. Okay.

17 A. I hope you didn't take that any kind of rude way.
18 I was just trying to explain it.

19 Q. No, not at all. Thank you for saying it.

20 So when the two of you would go and buy dope, they
21 are buying dope and you are buying dope, but you are keeping
22 your business to you and they are keeping their business to
23 them?

24 A. Yeah, most of the time.

25 Q. So when they went to get dope and they got back

1 into your car, they distributed dope to you; isn't that
2 right?

3 A. Yeah.

4 Q. And then whatever you did with your dope, if you
5 went to Bianca and you gave some to her, you are
6 distributing dope to her too, right?

7 A. Well, she would normally just pull what she needed,
8 pull what she would get out.

9 Q. Or whoever you were doing dope with, when you gave
10 it to them, you are distributing it to them, aren't you?

11 A. Well, I mean, sometimes I would give them a little.
12 But most of the time, they will take the bag and get what
13 they are going to get out of it, and then give me the bag.

14 Q. Now, you said that there's a street nickname The
15 Boys, street nickname The Boys?

16 A. Oh, yeah.

17 Q. Any other street nicknames you know about that were
18 floating around out there?

19 A. No.

20 Q. No? Okay. So how long -- when was the last time
21 you were using heroin, about a week ago?

22 A. Yeah, because I just --

23 Q. The last time you got heroin, who did you get
24 heroin from?

25 A. Some person off of Ashley Phosphate.

1 Q. Okay. Just a regular person, not a middleman?

2 A. No, I got a middleman.

3 Q. Okay. You got a middleman?

4 A. Yeah.

5 Q. Do you know who that person got it from?

6 A. Somebody named J.

7 Q. Did you ride with him to get it?

8 A. Yeah.

9 Q. Can you describe who it was that sold it to him?

10 A. I mean, I don't -- are we here to talk about that
11 though?

12 THE COURT: Sir, if you could just answer the
13 question yes or no.

14 THE WITNESS: No, I cannot describe really the
15 person.

16 Q. Can you describe the house?

17 A. Just one-story little house.

18 Q. What area of town?

19 A. Ashley Phosphate.

20 Q. Is that the only house you can get heroin from?

21 A. Yeah.

22 Q. The only house?

23 A. Yeah.

24 Q. Now, this phone number that you called, you said
25 you got this phone number because your good friend J.T.

1 moved away from Charleston area?

2 A. Yes.

3 Q. And so you knew he had a number; is that right?

4 A. Right.

5 Q. You called him and you asked him for the number?

6 A. For the phone number, yes.

7 Q. He gave you the phone number; is that right?

8 A. That's correct.

9 Q. And you are telling this jury that you dialed up
10 this phone number, and whoever answered the phone was just
11 ready to deal with you, right?

12 A. Yeah, because they've seen my car around.

13 Q. Okay. And you know that they've seen your car
14 around? How do you know that?

15 A. Because I pulled in their driveways. I would
16 assume they would have seen my car.

17 Q. All right. What kind of car was it?

18 A. Volkswagen Jetta.

19 Q. Did you say, I'm the guy with the Volkswagen Jetta?
20 That's what you told them?

21 A. Yeah.

22 Q. And the person who was on the other end of the
23 phone said, come through?

24 A. Yeah.

25 Q. Have you ever heard that person's voice before?

1 A. I had not.

2 Q. So you want this jury to believe that this boss
3 man, the one in charge, who doesn't know you, is going to
4 come out of the house and just sell you dope?

5 A. Yeah.

6 Q. Okay.

7 A. Why not?

8 Q. You said that you are here today without any
9 agreement; is that right?

10 A. Without any agreement.

11 Q. Okay. How did this agency or sheriff deputy get in
12 touch with you?

13 A. I got in touch with them.

14 Q. Okay. So you got in touch with them. Was it this
15 arrest or previous arrest?

16 A. Second-degree burglary arrest in 2015.

17 Q. So in 2015, you got in touch with them?

18 A. I did.

19 Q. And that was Dorchester County Sheriff's
20 Department; is that right?

21 A. I was in jail still and spoke with Detective
22 Melendez.

23 Q. And who does he work for?

24 A. I don't think he works for them anymore, but he
25 worked for either Summerville or Dorchester County. It

1 was -- I met him on Deming Way. I just don't know which
2 building, county it was for.

3 Q. You told him you had information that might help
4 them out?

5 A. Yeah.

6 Q. And who did he put you in touch with?

7 A. I forget his name, but it was a narcotics agent.

8 Q. What does he look like?

9 A. Long hair, white.

10 Q. How big?

11 A. Probably six-foot.

12 Q. How many times did you talk to him?

13 A. Two, three, four times.

14 Q. What did you tell him that you were expecting out
15 of your cooperation?

16 A. I was trying to look for immunity, but I ended up
17 just not really doing anything with the narcotics team.

18 Q. So when you were looking for immunity, the
19 arrangement was that you would become a confidential
20 informant, correct?

21 A. The arrangement was we just met up and talked.
22 There was no setup or anything for me to be an informant at
23 the time. We just talked. And I kind of gave them a little
24 information. Should have had a lawyer there, I guess,
25 maybe.

1 Q. When you talked to him, did he talk to you about
2 possibly cooperating with the government?

3 A. Yeah, he did.

4 Q. Now, you have some college, so I know that you are
5 a smart person..

6 A. I appreciate that.

7 Q. You had an expectation that you giving this
8 information would help you out, didn't you?

9 A. Not giving the information, maybe -- I mean, it was
10 talked about that they wanted me to buy dope. I never did
11 that.

12 Q. That means becoming a confidential informant?

13 A. Right. So I never did that, because it just didn't
14 happen. So whatever information I did give, I knew wasn't
15 going to get me out of anything. So I took my punishment
16 and got my probation, whatever, all of that.

17 Q. So you went into it without being serious?

18 A. I was serious.

19 Q. But you didn't agree to become a confidential
20 informant, did you?

21 A. I did not.

22 Q. And once you got out, two days later, you were back
23 on the street, right?

24 A. I don't know if I went exactly out that day, but it
25 wasn't long after.

1 Q. Two days later, I think you said; is that right?

2 A. Probably.

3 Q. And then when you got picked up on a probation

4 violation, you got in touch with them again, didn't you? In
5 fact, I think you spoke with Detective Wingo, did you not?

6 A. Yeah, he came and asked me if I would come
7 testify.

8 Q. Okay. And this time, you didn't want to lose your
9 opportunity, did you?

10 A. What do you mean, what opportunity?

11 Q. With your expectation of some sort of leniency?

12 A. There's nothing that can be done.

13 Q. There's nothing that can be done?

14 A. I mean, what -- there's nothing that can be done.
15 I've been charged. I violated probation.

16 Q. And you are awaiting a judge's order regarding how
17 much time is going to take away from you; isn't that right?

18 A. I'm awaiting a probation hearing that could either
19 put me in inpatient rehab or maybe prison.

20 Q. Okay. So prison is a likelihood, correct?

21 A. It is.

22 Q. You don't want to go to prison, do you?

23 A. No.

24 Q. And you did not enjoy your three months being in
25 the county jail last time, did you?

1 A. No.

2 Q. And you realize that if you contacted somebody in
3 narcotics and gave up information, that would probably set
4 you free, correct?

5 A. I didn't know if it would, but --

6 Q. But it happened, didn't it?

7 A. When was I set free? I'm sitting in chains right
8 now.

9 Q. I'm talking about when you committed the second
10 degree and grand larceny?

11 A. I wasn't set free from that.

12 Q. You were out of jail?

13 A. I bonded out.

14 Q. You bonded out and then that was after you helped
15 them, correct?

16 A. Yeah. I mean, I gave them --

17 Q. You are free, right?

18 A. I wouldn't say that. I paid for it.

19 Q. You paid for it by giving them information, right?

20 A. Why would -- you are contradicting -- you are being
21 contradictive. I paid my bond with my money.

22 Q. Why didn't you get out the first time you went for
23 a bond hearing then? Why did it take three months?

24 A. What do you mean? No, no, no, no. I missed a -- I
25 had a bench warrant for missing the court date which had my

1 first plea. So I had to sit in county -- first of all, I
2 sat in Berkeley County for two months or 40 days for two
3 shoplifting charges. Then I went to Dorchester County and
4 waited a month and a half for court for the second-degree
5 burglary.

6 Q. Okay. So you didn't show up for court and there
7 was a bench warrant?

8 A. Yes, ma'am.

9 Q. And you didn't show up to court because you were
10 addicted to heroin?

11 A. Yeah, I guess.

12 Q. Well, it's either that or you didn't know?

13 A. I missed court for personal reasons.

14 Q. Okay. And the personal reasons was the same reason
15 you lost your job at the airport; you slept in?

16 A. No, I didn't sleep in. I just -- I couldn't make
17 the court hearing. But addiction runs around it. But I
18 didn't miss it because I needed a bag of dope or something.
19 I just missed it because I had problems with my car and
20 stuff like that.

21 Q. So your car couldn't get you to court, right?

22 A. Yeah.

23 Q. And you didn't have any friends to take you?

24 A. Suspended license and car -- little car trouble
25 here and there, whatever.

1 Q. And your mom --

2 A. And money has been all spent.

3 Q. Mom wouldn't help you anymore?

4 A. No, she probably would have. I just didn't ask for
5 help that day.

6 Q. All right. When you are talking about the trailer
7 on Arno Drive, who lived there?

8 A. I don't know who owned that or lived there, but I
9 just went there to get drugs.

10 Q. And did you say in your direct testimony that when
11 you went there, you never went in that house?

12 A. I've never been in that house.

13 Q. When you went to the house in, I guess, Ladson, did
14 you go in that house?

15 A. I have been in that house.

16 Q. When you went in that house, you never saw Justin
17 Hunter, did you?

18 A. Who?

19 Q. Justin Hunter?

20 A. Who is that?

21 MS. JOHNS: Right. I have no further questions.

22 THE COURT: Any redirect?

23 MR. UNDERWOOD: Court's indulgence, please.

24 REDIRECT EXAMINATION

25 BY MR. UNDERWOOD:

1 Q. Sir, when did you stop dealing with The Boys?

2 A. I guess after I got out of jail, really, for --
3 actually, been a few months after I got out of jail for the
4 second-degree or bonded out.

5 Q. When was that?

6 A. That was 2015.

7 Q. Do you remember what time of year?

8 A. I think it was -- maybe March or April, I don't
9 know.

10 Q. Excuse me?

11 A. March or April. I don't know. I don't remember it
12 being cold.

13 Q. You mentioned that after you got out of jail the
14 first time you were clean for two days. Who did you go to
15 after two days?

16 A. I think I actually got middleman, because I owed
17 them money. So I think we went to The Boys, but I got
18 middleman.

19 Q. Why did you owe them money?

20 A. I don't remember.

21 Q. Who middlemanned for you?

22 A. I do not remember. I'm assuming -- I hate to say
23 it, but I'm pretty sure that's how it went down, because I
24 owed them money and they don't want to do it until I pay
25 them.

1 Q. Why would you have a debt to them?

2 A. Maybe got fronted.

3 Q. What's fronted?

4 A. Loaned.

5 Q. Loaned what?

6 A. Heroin.

7 Q. How does that arrangement work?

8 A. Just ask for -- say, hey, you know, can I get a
9 front, which is a loan, and I will pay you back. And it's
10 up to them.

11 Q. When you say a loan, what are you getting?

12 A. I'm getting the dope before the money is there.

13 Q. Like a credit arrangement?

14 A. Credit.

15 Q. Mr. Valentine, has all the testimony you've given
16 here today been truthful?

17 A. As truthful as I could be.

18 MR. UNDERWOOD: No further questions, Your Honor.

19 THE COURT: Any objection to the witness being
20 excused, from the State?

21 MR. UNDERWOOD: None, Your Honor.

22 THE COURT: From the defense, Mr. Griffith?

23 Mr. Griffith, any objection to the witness being excused?

24 MR. GRIFFITH: No objection, Your Honor.

25 THE COURT: Ms. Johns?

1 MS. JOHNS: No, Your Honor.

2 THE COURT: Sir, you are excused.

3 Madam Forelady, ladies and gentlemen, we are going
4 to take advantage of this break in testimony to take a brief
5 restroom break. During the break, please do not discuss the
6 case. And please leave your notepads in your seats.

7 (Whereupon, the jury leaves open court at 4:02
8 p.m.)

9 THE COURT: We will be at ease for about five
10 minutes so the jury can use the restroom.

11 (Whereupon, a recess transpired.)

12 (Whereupon, the jury returns to open court at 4:12
13 p.m.)

14 THE COURT: The State ready?

15 You may call the next witness.

16 MR. FERNANDEZ: Thank you, Your Honor. May it
17 please the Court. The State calls Aaron Rawl.

18 THE COURT: Sir, if you would state your full name
19 and spell your last name.

20 THE WITNESS: R-a-w-l, Aaron.

21 AARON RAWL,

22 having been duly sworn, testifies as follows:

23 DIRECT EXAMINATION

24 BY MR. FERNANDEZ:

25 Q. Lieutenant Rawl, please introduce yourself to the

1 jury and give them a little information about yourself, your
2 education and your current work.

3 A. Lieutenant Aaron Rawl with State Law Enforcement
4 Division. Been there 10 years. First four years were with
5 the Grand Jury. After that I was on DEA task for four years
6 and came back and now I'm lieutenant over one of our
7 narcotics unit.

8 Q. And when did you get involved in law enforcement,
9 what year?

10 A. 2007.

11 Q. And did you attend college anywhere?

12 A. Yeah, University of South Carolina, graduated with
13 a master's in political science and minor in business.

14 Q. And what type of responsibilities have you had
15 throughout your time in SLED? I know you mentioned Grand
16 Jury.

17 A. Grand Jury, I did some undercover, then was a case
18 agent on a few case. Initiated cases, investigated them
19 from start to finish. And then at a DA, I worked on federal
20 conspiracy cases, wire taps, all sorts of things there. And
21 then back at the Grand Jury, again same thing, working large
22 conspiracy cases throughout the State and different
23 counties. Now as lieutenant, I supervise six agents right
24 now.

25 Q. Lieutenant Rawl, is it safe to say that most of

1 your experience has been in the narcotics realm and
2 conspiracy cases?

3 A. My entire career at SLED has been in narcotics.

4 Q. Lieutenant Rawl, did you have occasion to assist
5 with the investigation we are here for this trial?

6 A. I did.

7 Q. What was your -- what role did you play in
8 assisting in the investigation?

9 A. I executed one of the search warrant at [REDACTED]
10 [REDACTED] summerville.

11 Q. And how was that search warrant obtained for [REDACTED]
12 [REDACTED]?

13 A. Justin Wingo, I believe, was the applicant on the
14 warrant signed in the county of Berkeley. I can't tell the
15 judge's signature, but through a circuit court judge.

16 Q. And who was Justin Wingo?

17 A. He's the case agent on this case.

18 Q. And you mentioned [REDACTED] in
19 Summerville, South Carolina. What county is that located
20 in?

21 A. Berkeley.

22 Q. And when executing a search warrant, please
23 describe that situation, what that involves to the jury.

24 A. Basically, on this one, we knock and announce,
25 breach the door, make sure the house -- in this case it's an

1 apartment -- is secure. Detain the people within there.
2 Whoever is the owner of the apartment, the search warrant is
3 read to them. Make sure they understand. If they have any
4 questions, answer any questions for them about the search
5 warrant. And then the apartment is searched and evidence is
6 seized and chain of custody through to the evidence to the
7 lab.

8 Q. And in executing the search warrant, what day was
9 this done on?

10 A. February 8th, 2016.

11 Q. What was your specific role in the execution of
12 this search warrant at Bear Island Road?

13 A. I was the, I guess, team leader of that, of the
14 group that was assigned to [REDACTED]. And I was
15 the evidence custodian at the location.

16 Q. Okay. And please tell us what that means to be the
17 designated evidence custodian?

18 A. That means anything located of evidentiary value,
19 if it's located by me or anybody else, I'm called to it. I
20 photograph it. And I seize it from where it is located.
21 Nobody else seizes the evidence. When it's done, search
22 warrant is over, I maintain care and custody of all evidence
23 until it's either put into nondrug evidence lockers or
24 submitted to the lab for testing.

25 Q. And as part of your responsibilities in being the

1 evidence custodian, did you have a chance or an opportunity
2 to create a report of all that went on during the execution
3 of the search warrant?

4 A. Yes.

5 Q. Why would you create a report, for what purpose?

6 A. To document it, everything that we found. We have
7 to leave a receipt with the apartment owner, apartment of
8 what we seized from the apartment, just because it's good
9 ethics -- or not ethics, but, you know, it's good business
10 to write everything down. We got to remember what we did to
11 document everything that was seized from the apartment, who
12 was there, what date it is. Long time, you can't remember,
13 things like that.

14 Q. And are all the items y'all seized or took as part
15 of the investigation in this case, did you document all of
16 this things and where they were located?

17 A. Yes.

18 Q. And does your report assist you in recalling where
19 they were located?

20 A. Yes.

21 Q. If an item was located within this [REDACTED]
22 [REDACTED], did you document where it was located?

23 A. The room it was located from and photographed
24 within the room.

25 Q. And for every item that was seized, did you

1 actually lay eyes on where it was located prior to actually
2 taking it into your custody?

3 A. Yes.

4 Q. And that goes for every item seized in your report?

5 A. Yes.

6 Q. Thank you. Agent Rawl, if you bear with them one
7 moment, I'm going to present you with a few items.

8 MR. FERNANDEZ: Your Honor, permission to approach
9 the witness?

10 THE COURT: You may. Give me the numbers you have
11 in your hands.

12 MR. FERNANDEZ: Yes, Your Honor. This is State's
13 Exhibit 66, 67, 68 and 69.

14 THE COURT: Any objection from counsel?

15 MR. GRIFFITH: No objection, Your Honor.

16 MS. JOHNS: I have no objection.

17 THE COURT: Marked and admitted without objection.
18 You may proceed.

19 (State's Exh. 66, Drug Kit L16-01819, was
20 received in evidence.)

21 (State's Exh. 67, Drug Kit L16-01817, was
22 received in evidence.)

23 (State's Exh. 68, Drug Kit L16-01820, was
24 received in evidence.)

25 (State's Exh. 69, Drug Kit L16-01821, was

1 received in evidence.)

2 BY MR. FERNANDEZ:

3 Q. I'm handing you what's been marked in evidence as
4 State's Exhibit 66, as well as prior evidence admitted
5 State's Exhibit 161. Will you please take a look at both of
6 these items and tell me if you recognize them?

7 A. Yep, I do. Hold on a second while I get the lab
8 numbers out of my report. Okay.

9 Q. Are you familiar -- let's start with State's
10 Exhibit No. 66. Are you familiar with what that is?

11 A. Yes.

12 Q. Could you please tell the jury what that is?

13 A. This is a bag of green plant-like material, which
14 is marijuana and --

15 Q. One second, what sort of packaging is it in?

16 A. Clear plastic baggies, like corners of Ziploc bags,
17 or just regular clear plastic bags that don't have a
18 Ziploc.

19 Q. Has the evidence contained therein been placed into
20 what's called a BEST evidence kit?

21 A. It has.

22 Q. What is the purpose of that?

23 A. To make sure the integrity of the evidence is
24 contained within there until it's delivered to the lab and
25 tested.

1 Q. Does it have a tamper-proof seal on it to make sure
2 that it's not removed before it's supposed to be removed?

3 A. Yes.

4 Q. Is that evidence that you personally seized from
5 Bear Island Road?

6 A. Yes.

7 Q. How do you know it's you who seized it?

8 A. It's written in my report. And I'm the one who
9 signed it. I sealed it.

10 Q. Thank you. And after submitting -- after taking
11 that evidence that was seized, taking it into evidence and
12 placing the BEST kit, what did you do with it?

13 A. Secured it in the toolbox in my truck and
14 transported it to the lab for testing.

15 Q. And was it, in fact, tested?

16 A. Yes.

17 Q. And where did you locate this particular piece of
18 evidence?

19 A. Bear with me while I flip back to my report. This
20 was located in Bedroom No. 2, which is the back left corner
21 bedroom of the apartment.

22 Q. And I apologize for not doing this earlier. Can
23 you explain for the jury, give them a brief synopsis what
24 kind of location this was, Bear Island Road?

25 A. It's an apartment complex. As you entered, the

1 kitchen and dining room to your right. First bedroom is to
2 your left. And living room and second bedroom was back
3 to -- we call them bedroom one and two. That's how I can
4 label where stuff was located.

5 Q. Thank you. Was this particular piece of evidence
6 submitted to the SLED lab for testing?

7 A. It was.

8 Q. And what was the result, if you would publish that,
9 please?

10 A. Came back marijuana found in the one tested at net
11 weight of 1.1 grams. And the other was cocaine found in the
12 sample tested with a net weight of 1.88 grams.

13 Q. All right. Thank you. Agent Rawl, I'm handing you
14 what's been marked and admitted as State's Exhibit 67 and
15 State's Exhibit 160. Will you please take a moment to
16 review those and tell me if you recognize them?

17 A. I do.

18 Q. Okay. And please walk us through, similarly what
19 you did before, please tell us how you recognize that
20 package?

21 A. It was located within the house. I photographed,
22 seized it. And then I signed, sealing it in the BEST
23 evidence kit.

24 Q. What would that piece of evidence be when you
25 seized it on the scene, what was the description of it?

1 A. Three clear plastic bags containing a brown powder
2 substance.

3 Q. And was there similar to the other previous
4 testimony you provided? Did you do the same for all pieces
5 of evidence at Bear Island?

6 A. They would have been secured in the BEST kit, and
7 per policy, put in the lockbox in back of my truck and
8 transferred to the lab.

9 Q. Was this particular piece of evidence also
10 tested?

11 A. Yes.

12 Q. If you would, is that the lab report for that
13 particular piece of evidence?

14 A. Yes, it is.

15 Q. And how do you know that?

16 A. The lab number that's printed on here with the lab
17 report.

18 Q. Please publish the result of that test.

19 A. Three plastic bags containing powder substance.
20 Heroin found in the three samples tested, net weight of 1
21 grams.

22 Q. Thank you. Agent Rawl, I'm handing you what's been
23 marked as admitted as State's Exhibit No. 68 and 162. Would
24 you please, as you've done before, review those and tell me
25 if you recognize them?

1 A. I do.

2 Q. Walk us through how you know that and what it
3 reveals?

4 A. Again, it's documented in my report. And this was
5 located in bedroom 1. I photographed it, secured it, and
6 signed, sealing it in this BEST evidence kit.

7 Q. And was this also tested by the SLED lab?

8 A. It was.

9 Q. What was the result, if you would publish for the
10 jury?

11 A. Three plastic bags containing powder substance came
12 back cocaine found. In the samples tested, three tested,
13 total net weight of 2.15 grams. One plastic baggie
14 containing a crystal substance, results are methamphetamine
15 found in the one sample test with net weight of .65 grams.

16 Q. Thank you. Lieutenant Rawl, I'm handing you
17 State's Exhibit 69 and 163. Will you please take a moment
18 to review those. And let me know if you recognize them?

19 A. Yes, I do.

20 Q. What are they and where were they found and how do
21 you recognize them?

22 A. They were located in a safe within the closet of
23 Bedroom No. 2.

24 Q. And how would you describe the materials?

25 A. One's a clear plastic bag containing white powder

1 substance. And, two, clear plastic bags containing black
2 tar substance.

3 Q. Similar to the others, was this handled by
4 yourself?

5 A. It was. And I signed, sealing it in the BEST
6 kit.

7 Q. And after providing that to the SLED, for SLED
8 analysis, what was the result?

9 A. Plastic bag containing powder substance, cocaine
10 found in the one sample tested with net weight of 98.72
11 grams; two plastic bags containing dark brown sticky
12 substance, no controlled substance detected in the sample
13 tested.

14 Q. Thank you.

15 A. Two tested.

16 Q. And you know that's the test for that bag how?

17 A. The lab number matches up with the BEST kit.

18 Q. Thank you. Lieutenant Rawl, I handed you what's
19 been marked as -- I'm sorry.

20 THE COURT: Any exception, Mr. Griffith?

21 MR. GRIFFITH: No objection.

22 MS. JOHNS: No, Your Honor.

23 THE COURT: What number?

24 MR. FERNANDEZ: This would be State's Exhibit 76
25 and 77.

1 THE COURT: Marked and admitted without objection.
2 (State's Exh. 76, digital scale, was received in
3 evidence.)

4 (State's Exh. 77, digital scale, was received in
5 evidence.)

6 BY MR. FERNANDEZ:

7 Q. Mr. Rawl, I'm handing you what's been marked and
8 admitted as State's Exhibit 76 and 77. Would you please
9 take a look at those. And let me know if you recognize
10 them. And please, if you would, describe for the jury where
11 they were found and what they were?

12 A. They are are digitals scales. One is a Digitz,
13 with a Z, not a S, digital scale located by me in the upper
14 cabinets of the kitchen. And the other one is one Match
15 Weight digital scale located by me on the TV stand in
16 Bedroom No. 2.

17 Q. In your narcotics experience, what would a digital
18 scale typically be used for by narcotics trafficking
19 organization?

20 A. Weighing out drugs for sale, putting them in bags
21 so they know how much to is when they sell it.

22 MR. FERNANDEZ: Your Honor, this is State's Exhibit
23 79.

24 THE COURT: Any exceptions, Mr. Griffith or Ms.
25 Johns?

1 MS. JOHNS: No objection, Your Honor.

2 MR. GRIFFITH: No, Your Honor.

3 THE COURT: Marked and admitted without objection.

4 (State's Exh. 79, blender tops, is received in
5 evidence.)

6 Q. Agent Rawl, I'm handing you what's been marked as
7 admitted as State's Exhibit 79. Will you please review that
8 and let us know where you located it and what it is?

9 A. These are blender tops that were located in the
10 upper cabinets of the kitchen.

11 Q. What would be the significance of blender tops in
12 this sort of residence?

13 A. When it's all put together with the blenders and
14 some other things that were in the kitchen with it, it's
15 used for mixing cocaine with cutting agents.

16 MR. UNDERWOOD: Your Honor, this is State's Exhibit
17 80.

18 THE COURT: Any objection?

19 MR. GRIFFITH: No objection, Your Honor.

20 MS. JOHNS: No, Your Honor.

21 THE COURT: Marked and admitted without objection.

22 (State's Exh. 80, Inositol powder, is received in
23 evidence.)

24 BY MR. FERNANDEZ:

25 Q. Agent Rawl, I'm handing you State's Exhibit 80.

1 Will you please take a look at that and tell us what that
2 is.

3 A. It's a bottle of inositol powder.

4 Q. Where was this item located?

5 A. It was located in the kitchen, I believe the same
6 place as the blender.

7 Q. What would be the significance of inositol powder?

8 A. Inositol is a very common cutting agent for
9 cocaine.

10 Q. Could you please describe for the jury what a
11 cutting agent is, you said mixing before, and how that would
12 relate?

13 A. Correct. When drug dealers get, say, an ounce of
14 cocaine, they will mix it with another ounce of inositol,
15 blend it all together and now they have two ounces of
16 cocaine to sell. It takes down the purity of the cocaine,
17 but you have more to sell.

18 MR. FERNANDEZ: Your Honor, this is State's Exhibit
19 81. It is a variety of items.

20 THE COURT: Any objection?

21 MR. GRIFFITH: No objection, Your Honor.

22 MS. JOHNS: None.

23 THE COURT: Marked and admitted without objection.

24 (State's Exh. 81, Acetone, sifter, brush, scoop
25 and spoon, is received in evidence.)

1 BY MR. FERNANDEZ:

2 Q. I'm handing you what's been marked and admitted as
3 State's Exhibit 81. There are a number of items in there.
4 Can you please identify them and let us know where you
5 located them?

6 A. One is a sifter. One is a brush, a small spoon,
7 ice cream scoop and bottle of acetone.

8 Q. Where were they located?

9 A. Located in the upper cabinets of the kitchen along
10 with the blender and inositol.

11 Q. What would be the significant of those items?

12 A. It's used for cutting cocaine. It's also used for
13 purifying cocaine.

14 Q. Would that be the acetone?

15 A. Acetone would purify it, yes.

16 Q. Walk us through that process.

17 A. If you are using cocaine and/or you buy cocaine
18 that may not be good cocaine that you know of, if you mix it
19 with acetone, mix it up in a cup or put it in a blender, the
20 acetone -- cocaine does not dissolve in the acetone. But
21 the cutting agents will. So you mix it all together, the
22 acetone absorbs all the cutting agency, and leaves you
23 nothing but pretty pure cocaine. Pour that into the sifter,
24 the cocaine is left on top of the sifter, everything else
25 goes through the acetone.

1 Q. Your Honor, this would be -- I apologize. Just
2 trying to do similar --

3 THE COURT: Just give me the numbers.

4 MR. FERNANDEZ: 78, 82, 83, 84.

5 THE COURT: Any objection?

6 MR. GRIFFITH: No objection, Your Honor.

7 MS. JOHNS: Not from Hunter.

8 THE COURT: Without objection.

9 (State's Exh. 78, blender top, received in
10 evidence.)

11 (State's Exh. 82, blender, received in
12 evidence.).

13 (State's Exh. 83, blender, received in
14 evidence.).

15 (State's Exh. 84, blender, received in evidence.)

16 BY MR. FERNANDEZ:

17 Q. Agent Rawl, the items marked as 78, 82, 83, 84, can
18 you please take a look at these individually. And let's
19 walk through. And tell us which one you are referring to
20 when you first address it?

21 A. This is the bottom of a blender of a NutriBullet.

22 Q. That's number what? Sorry.

23 A. That is No. 84.

24 Q. Okay.

25 A. No. 83 is another bottom of a KitchenAid blender or

1 grinder. No. 82 is a Hamilton Beach, bottom electrical
2 end of a blend or grinder. And No. 78, this is the
3 attachments and cups and tops of the various --

4 Q. Where were these items located?

5 A. Also in the upper cabinets of the kitchen.

6 Q. If you would, please tell us what the significance
7 of these items would be to a drug trafficking organization?

8 A. Again, they went with the tops from the before as
9 well. Put them in there to really mix up the cutting agent
10 and the cocaine, so you get a good even blend throughout the
11 cocaine. Where if you just dump all the inositol on top of
12 the cocaine and start bagging it up, you may bag all the
13 inositol in one bag and no cocaine. So blend it up, get it
14 good and pure together, and make it easy so everything is --
15 would be the same.

16 MR. FERNANDEZ: These are State's Exhibit 72
17 through 75.

18 THE COURT: Any objection?

19 MR. GRIFFITH: No objection, Your Honor.

20 MS. JOHNS: No, Your Honor.

21 THE COURT: Marked and admitted without objection.

22 (State's Exh. 72, Gold iPhone, received in
23 evidence.)

24 (State's Exh. 73, Red Motorola cell phone,
25 received in evidence.)

1 (State's Exh. 74, Black Samsung, received in
2 evidence.)

3 (State's Exh. 75, White LG cell phone, received
4 in evidence.)

5 MR. FERNANDEZ: Permission to approach the witness.

6 BY MR. FERNANDEZ:

7 Q. I'm handing you what's been marked and admitted as
8 State's Exhibit 72, 73, 74 and 75. Will you please identify
9 each of these for the jury and detail where you found
10 them?

11 A. 72 is a gold Apple iPhone. I believe that was
12 taken off of Ms. Rosemarie Quezada, who was at the residence
13 there.

14 73 is a red Motorola cell phone. I'm not sure
15 where that was taken, probably off somebody's person, if I
16 don't have it written down as being located anywhere. May
17 be taken off somebody's person. I'm not sure.

18 74 is a Samsung cell phone located in the upper
19 cabinets of the kitchen.

20 And the white LG cell phone was located in bedroom
21 two in the closet.

22 Q. And what would be the significance of having
23 multiple cell phones?

24 A. A lot of times in the drug world, people have
25 multiple cell phones, because, one, you have one for your

1 customers, one for your supplier, or you have one you talk
2 to your family and friends on that you don't do drug
3 business on, and one you talk to all your customers and
4 everybody else on, or you have a phone, you get a new phone
5 because you change numbers a lot to keep detection from law
6 enforcement.

7 MS. JOHNS: Objection, Your Honor.

8 THE COURT: Approach.

9 (Whereupon, the following bench conference takes
10 place.):

11 MR. FERNANDEZ: Jones is a co-defendant who has
12 previously pled. The address located at Arno Drive address
13 you had already heard about. That's the only non-Justin
14 Hunter document. And there's a miscellaneous envelope which
15 appears to be a ledger.

16 THE COURT: Whose handwriting is that?

17 MR. FERNANDEZ: We don't know it's a ledger of
18 money.

19 THE COURT: Yeah, but who is going to make sure
20 somebody that can tie it to the --

21 MR. FERNANDEZ: We can tie the Bear Island address.

22 THE COURT: You can't tie that piece of paper.
23 That's problematic. I will think about that piece of paper,
24 but the rest of it comes in. That piece of paper will be
25 marked for ID only until I can hear it outside the jury's

1 presence, show he had dominion and control over it.

2 (Whereupon, a bench conference ends.)

3 THE COURT: Overruled.

4 BY MR. FERNANDEZ:

5 Q. Permission to approach?

6 A. Yes, sir.

7 Q. Agent Rawl, I'm handing you a number of documents,
8 will you please look through them collectively and let me
9 know if you recognize them and where they were seized?

10 A. Yeah. I recognize them. Some of the miscellaneous
11 paperwork was received from the upper cabinets of the
12 kitchen. And the rest of it was seized from Bedroom No.
13 2.

14 Q. If you would, let's take it one by one, if you
15 would, and please state which State's exhibit you are
16 relying on?

17 A. Exhibit No. 49 is a vehicle registration to a
18 Justin Gordon Hunter with the address of [REDACTED]
19 in Ladson to an Audi 4S.

20 Q. Thank you.

21 THE COURT: Which number is that again?

22 THE WITNESS: 49.

23 THE COURT: That will be marked and admitted
24 subject to the objection.

25 (State's Exh. 49, Audi vehicle registration, is

1 received in evidence.)

2 A. 50 is another vehicle registration to a BMW, 2006
3 BMW to a Justin Gordon Hunter, at the same address, [REDACTED]
4 [REDACTED] in Ladson.

5 THE COURT: What number is that, please?

6 THE WITNESS: 50.

7 THE COURT: Marked and admitted subject to the
8 objection. Overruled.

9 (State's Exh. 50, BMW registration, is received in
10 evidence.)

11 A. 51 is a State Farm bill with Justin Hunter's name
12 on it.

13 THE COURT: Marked and admitted subject to
14 the objection.

15 (State's Exh. 51, State Farm bill for Justin
16 Hunter, is received in evidence.)

17 Q. Is there an address on it?

18 A. [REDACTED] in Ladson.

19 52 is another State Farm Insurance bill to
20 Mr. Justin Hunter at [REDACTED] in
21 Summerville, South Carolina

22 THE COURT: Marked and admitted subject to the
23 objection and overruled.

24 (State's Exh. 52, State Farm bill for Justin
25 Hunter, is received in evidence.)

1 A. Number 53 is an itemized list of an insurance claim
2 on Mercedes with Justin Hunter and Lassain Johnson. This
3 time with address of [REDACTED].

4 THE COURT: Marked and admitted subject to the
5 objection and overruled.

6 (State's Exh. 53, Joint Declaration Page, is
7 received in evidence.)

8 A. 54 are two insurance cards, one with -- both having
9 Justin Hunter and Lassain Johnson's name on them for a 2008
10 Mercedes. As far as addresses go, no address.

11 THE COURT: Marked and admitted subject to the
12 objection and overruled.

13 (State's Exh. 54, Joint insurance cards, is
14 received in evidence.)

15 A. Number 55 is a Comcast Cable bill or maybe cell
16 phone bill with Lassain Johnson's name on it, with [REDACTED]
17 [REDACTED], Ladson, South Carolina, as the address.

18 THE COURT: Marked and admitted subject to the
19 objection and overruled.

20 (State's Exh. 55, Lassain Johnson's cable bill, is
21 received in evidence.)

22 A. 56 is a state of South Carolina insurance policy
23 bill for the Audi A4, 2005 with Justin Hunter's name on it
24 at [REDACTED] Summerville, South
25 Carolina.

1 THE COURT: Marked and admitted and objection
2 overruled.

3 (State's Exh. 56, Justin Hunter's ID cards, is
4 received in evidence.)

5 A. Last one is a credit card bill for Capital One
6 Platinum Mastercard with a Roy G. Hunter and co-signer
7 Justin Hunter at [REDACTED]
8 Summerville, South Carolina.

9 THE COURT: Marked and admitted subject to the
10 objection and overruled.

11 (State's Exh. 57, Capital One statement, is
12 received in evidence.)

13 THE COURT: The credit card bill is 57, correct?

14 THE WITNESS: I'm not sure.

15 THE COURT: 57.

16 Q. Lieutenant Rawl, I'm handing you --

17 THE COURT: Do not, I already indicated that is ID
18 only until I can hear argument. Give it to the court
19 reporter. It's marked as ID only. What number is that?

20 MR. FERNANDEZ: That would be 58.

21 THE COURT: 58, ID only.

22 (State's Exh. 58, Envelop ledger, is marked for
23 identification.)

24 MR. FERNANDEZ: Your Honor, this would be the next
25 batch of documents, would be State's Exhibits 59 through 65,

1 Your Honor.

2 THE COURT: Any objection, Mr. Griffith?

3 MR. GRIFFITH: No objection, Your Honor.

4 THE COURT: Any objection, Ms. Jones?

5 MS. JOHNS: No, Your Honor.

6 THE COURT: Without objection, 59 through 65.

7 (State's Exh. 59, Visa Gold card ending in 1154,
8 was received in evidence.)

9 (State's Exh. 60, Visa Gold card ending in 5770,
10 was received in evidence.)

11 (State's Exh. 61, Moneygram receipts, was received
12 in evidence.)

13 (State's Exh. 62, Emory Roberts's Social Security
14 card, was received in evidence.)

15 (State's Exh. 63, Emory Roberts's New York ID card,
16 was received in evidence.)

17 (State's Exh. 64, Emory Roberts's New York ID card,
18 was received in evidence.)

19 (State's Exh. 65, Emory Robert's debit card, was
20 received in evidence.)

21 MR. FERNANDEZ: Permission to approach the witness?

22 THE COURT: You may.

23 BY MR. FERNANDEZ:

24 Q. I'm handing you what's been marked be State's
25 Exhibit 59 through 65. Will you please take a look through

1 them and let me know if you recognize them.

2 A. I do.

3 Q. Where were these items discovered?

4 A. The items were discovered in the kitchen and
5 Bedroom No. 2.

6 Q. If you would, please go through each one and let
7 the jury know what they are.

8 A. 59 is a Visa Gold Dot card. Valued customer name
9 on it.

10 THE COURT: I'm sorry. I didn't not hear.

11 THE WITNESS: Valued customer name on it, no name,
12 just a Gold Dot card.

13 56 is another Visa Gold Dot card loaded with money.

14 Q. If you would, will you please tell the jury what
15 the significance of those cards would be?

16 A. In the drug world, a lot of drug dealers use Gold
17 Dot cards to move money around, because you can take money
18 on and off of them through different cards. You can load
19 them up to maybe 500, I believe. Some go higher, some go
20 lower. And that's how they can move money around without
21 having cash on them.

22 Q. Thank you.

23 A. Number 61 are MoneyGram payment system receipts,
24 five of them.

25 Q. MoneyGram receipt is for what now?

1 A. Again, for wiring money. Most of the time, if your
2 supplier, say, is in New York and you are in South Carolina,
3 it's -- you may have to get the money to them before they
4 will give you the drugs. And you have to wire it to
5 whatever account or location they tell you to wire it to.

6 Q. Thank you.

7 A. Number 62 is Social Security card of Emory Roberts
8 Jr.

9 63 is a New York State identification card of Emory
10 Roberts Jr.

11 64 is another New York State identification card
12 for Emory Roberts Jr.

13 Q. Thank you.

14 A. And last one, 65, is a TD Visa debit card with
15 Emory Robert Jr.'s name on it.

16 Q. Permission to again approach the witness, Your
17 Honor.

18 I'm handing you what's been previously marked
19 State's Exhibit 42 and entered into evidence. Will you
20 please take a look at that and let me know if you also
21 recognize it?

22 A. I do.

23 Q. And what is it?

24 A. It is Justin Gordon Hunter's passport.

25 Q. And did you locate that item in Bear Island

1 apartment complex?

2 A. I did.

3 Q. Where did you locate it?

4 A. Bedroom No. 2.

5 MR. UNDERWOOD: No further questions from the
6 State, Your Honor.

7 THE COURT: Any questions from Mr. Griffith?

8 MR. GRIFFITH: Yes.

9 THE COURT: You may proceed.

10 CROSS-EXAMINATION

11 BY MR. GRIFFITH:

12 Q. May it please the Court, Your Honor.

13 All of these items were taken from Bear Island; is
14 that correct?

15 A. [REDACTED] in
16 Summerville, South Carolina.

17 Q. Okay. And this -- the NutriBullet, NutriBullet
18 that was entered into evidence, a lot of people may own that
19 to mix vegetables with, right?

20 A. Sure.

21 Q. So that doesn't necessarily mean that somebody was
22 using it for some other purpose, does it?

23 A. Not necessarily.

24 Q. And the Inositol, that's really vitamin B, isn't
25 it?

1 A. It's a dietary supplement, yeah.

2 Q. A dietary supplement. The scales that you found,
3 they could be used for weighing out things to figure out how
4 many calories are in them?

5 A. It's a small person eating that little bit of
6 food.

7 Q. Maybe it's really a person trying to eat light, but
8 isn't that true?

9 A. You can weigh anything on a scale.

10 Q. Absolutely. Did you find any persons there when
11 you arrived?

12 A. Yes...

13 Q. Who was there?

14 A. Rosemarie Quezada. And then during the search
15 warrant, Mr. Lassain Johnson appeared at the door.

16 Q. But you did not find Mr. Emory Roberts there, did
17 you?

18 A. No, sir.

19 Q. Did you find any duffel bags there?

20 A. None that were seized, no.

21 MR. GRIFFITH: Thank you. No other questions.

22 THE COURT: Ms. Johns.

23 MS. JOHNS: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 CROSS-EXAMINATION

1 BY MS. JOHNS:

2 Q. Agent Rawl, did you submit any of these items to
3 SLED for fingerprint testing?

4 A. Did not.

5 Q. Could you tell whether or not my client Justin
6 Hunter handled any of these items?

7 A. No, ma'am.

8 Q. Do you know whether or not Mr. Justin Hunter and
9 Mr. Johnson were in the car-selling business together?

10 A. No, ma'am.

11 Q. You have some documents there, do you not, that say
12 that there is insurance in both of their names; is that
13 right?

14 A. Yes.

15 Q. Okay. And then you also have some paperwork
16 concerning an Audi A4?

17 A. Right.

18 Q. And, to your knowledge, did you know whether or not
19 Mr. Johnson drove an Audi A4?

20 A. Not to my knowledge. I don't know.

21 Q. And there is some information about 2005 BMW; is
22 that right?

23 A. I believe so. That's what I read on the
24 registration.

25 Q. Do you know what model that is?

1 A. I'm not sure. It's on the registration.

2 Q. Do you know what color it is?

3 A. No, ma'am.

4 Q. And then there was, I think, two Mercedes, right?

5 A. I'm not sure. Could have been the same one, just
6 two different documents.

7 Q. And do you know whether or not the Mercedes
8 belonged to Mr. Johnson?

9 A. I do not. It's registered to whoever's name is on
10 the registration card.

11 Q. Did you find any keys that corresponded with the
12 Mercedes?

13 A. No, ma'am.

14 Q. Did you find any keys that corresponded with an
15 Audi?

16 A. No, ma'am.

17 Q. Did you find it on the person of Mr. Johnson when
18 he came to the house?

19 A. I don't believe so, no.

20 Q. You don't know or you don't --

21 A. I don't know. I don't believe so. We didn't take
22 them, so I'm not sure. He had to drive to get there, so ..

23 Q. Did you find a bill of sale in those listed
24 documents?

25 A. No.

1 Q. You did not?

2 A. No, ma'am.

3 Q. Any of these debit Visa cards to valued customer,
4 where do you buy these?

5 A. You can get them anywhere, CVS, Walmart, you name
6 it.

7 Q. And did you run any of these or call the number to
8 see if there was any money on any of these cards?

9 A. I did not.

10 Q. Do you know if any of these cards belonged to
11 Mr. Hunter?

12 A. I do not, no, ma'am.

13 Q. And none of these were run fingerprint tested
14 either?

15 A. No, ma'am.

16 Q. Are any of these items that stack with this Visa
17 card or any of them illegal to own?

18 A. No.

19 Q. These cell phones that you found, I don't know the
20 item number, but let me just refer them -- refer to them as
21 the cell phones that have been admitted during your
22 testimony. Did you run the serial number to any of those
23 phones to prove ownership of those phones?

24 A. I did not, no, ma'am.

25 Q. You cannot connect any of those cell phones to

1 Justin Hunter; is that correct?

2 A. I'm not sure if anybody asked to, but I did not.

3 Q. You did not?

4 A. No, ma'am.

5 Q. And some of these, like State's Exhibit 81, they
6 are general household items, correct? For example, there's
7 a strainer in here.

8 A. Right.

9 Q. And you said that it was commonly used to sift
10 drugs?

11 A. When they are found with drugs and all together
12 with the grinders, you put two and two together.

13 Q. I am not trying to put two and two together.

14 A. They are not illegal to own or anything. You can
15 find them in any household.

16 Q. I just want to know, did you submit this to the lab
17 to test it for drugs?

18 A. No, I did not.

19 Q. Let me also ask you, for example, State's Exhibit
20 No. 72, which is the Apple cell phone, would you call this a
21 drop phone?

22 A. No, I would not.

23 Q. How about LGX, State's Exhibit 75, would you call
24 this a drop phone?

25 A. Possibly, but probably not.

1 Q. Probably not? Would you call it a smartphone?

2 A. Smartphone, yes.

3 Q. Smartphones usually are not drop phones; is that
4 correct?

5 A. A lots of smartphones can be found very cheap at
6 Walmart and places like that. I'm pretty sure everything is
7 a smartphone these days.

8 Q. Okay. With regard to the arrangement of the house
9 at [REDACTED], did you find any
10 clothing that belonged to Justin Hunter?

11 A. I can't say any clothing belonged to anybody unless
12 they are wearing it.

13 Q. So was there anything that you found at Bear Island
14 Road that would indicate to you that it belong to Justin
15 Hunter?

16 A. Nothing that had his name on it, no, ma'am.

17 Q. No monograms, no nothing?

18 A. No, ma'am.

19 Q. It looks like a two-bedroom apartments; is that
20 right?

21 A. Correct.

22 Q. Was one bedroom considered a master's?

23 A. Yes.

24 Q. Which bedroom was that?

25 A. The bedroom over -- bedroom No. 1. Well, I guess

1 maybe, maybe not a master. Neither one of them -- just one
2 bedroom in the apartment, so one of the bedrooms didn't have
3 its own bathroom. So I can't say it was a master's bedroom
4 in the apartment.

5 Q. So neither of the bedrooms had a bathroom attached
6 to it; is that right?

7 A. Correct.

8 Q. And as far as the way that the bedrooms were
9 furnished, was one more likely to be a master bedroom?

10 A. I would say yes.

11 Q. Did you take any photographs of it?

12 A. There's photos from stuff in the room, yes. I
13 would say bedroom No. 1 would be your master, if you are
14 going to call one a master's.

15 Q. And that's based on you taking photos; is that
16 right?

17 A. Correct.

18 Q. And was Bedroom No. 2 set up as a bedroom or
19 storage office?

20 A. Bedroom.

21 Q. Have a bed in it?

22 A. Uh-huh, and a nightstand.

23 Q. Any clothes in the closet?

24 A. Uh-huh.

25 Q. What kinds of clothes, adult or children?

1 A. Adult.

2 Q. Male or female?

3 A. Male.

4 Q. And what about bedroom No. 1?

5 A. Female.

6 Q. So one was male and one was female?

7 A. Correct.

8 MS. JOHNS: Okay. Thank you. Nothing further,
9 Your Honor.

10 THE COURT: Any redirect?

11 MR. FERNANDEZ: None, Your Honor.

12 THE COURT: Any objection to the witness being
13 excused, from the State?

14 MR. FERNANDEZ: Not from the State, Your Honor.

15 THE COURT: From the defense?

16 MR. GRIFFITH: No, Your Honor.

17 MS. JOHNS: No, Your Honor.

18 THE COURT: Sir, you are excused.

19 Madam Forelady, ladies and gentlemen, we are going
20 to take advantage of this break in testimony to take our
21 evening recess. During the break, please do not discuss the
22 case in any manner whatsoever. Do not watch or read any
23 media accounts about this case, if any, or do not to
24 research on any type on the Internet.

25 We will report at 9:30. Come directly to your jury

1 MR. UNDERWOOD: No, Your Honor.

2 THE COURT: Kevin Hamm?

3 MR. UNDERWOOD: No, Your Honor.

4 THE COURT: Your Honor, if I can defer until
5 tomorrow, depending on how one of the other agents
6 testifies.

7 THE COURT: Mike Guererre.

8 MR. UNDERWOOD: Mike Guererre, Your Honor, the
9 same, Your Honor.

10 THE COURT: And Deputy Tanner?

11 MR. UNDERWOOD: The same.

12 THE COURT: JJ Evans?

13 MR. UNDERWOOD: We do not intend to call.

14 THE COURT: And Ms. Quezada?

15 MR. UNDERWOOD: To be determined, Your Honor.

16 THE COURT: That leaves us with about four
17 witnesses, best case 7, worst case 6. Yeah, 6. I'm sorry.
18 I can't count.

19 All right. Now, do either of you plan to present
20 any witnesses, Mr. Griffith? I'm going to, of course,
21 explain to your client his Fifth Amendment right against
22 self-incrimination. I assume you have no record to impeach
23 his credibility, as y'all indicated to me he had no record
24 in South Carolina and a New York record, but it involved
25 drugs?

1 MR. UNDERWOOD: Your Honor, he had other charges as
2 well as the drug charges.

3 THE COURT: Like what?

4 MR. UNDERWOOD: I believe under New York law, would
5 be considered armed robbery, misdemeanor.

6 THE COURT: Menacing isn't probative of
7 truthfulness. What else does he have?

8 MR. UNDERWOOD: As to the felony, Your Honor, I
9 don't believe it rises to a felony.

10 So far, Your Honor, as I'm going through, the only
11 felony charges I see that are not drug-related or
12 weapons-related, he has a criminal mischief charge, which is
13 listed as a felony from the State of New York, appears to be
14 several counts of that as well as damaging property.

15 THE COURT: I haven't heard anything yet that would
16 rise -- that would come within something that would bear on
17 his veracity or his truthfulness.

18 MR. UNDERWOOD: There's an aggravated criminal
19 intent. I don't think that would affect veracity either.

20 THE COURT: You are not seeing anything you would
21 use to be able to use to impeach his credibility.

22 MR. UNDERWOOD: This rap sheet is rather lengthy.
23 I apologize.

24 THE COURT: Take your time. I want to be able to
25 have a meaningful conversation with Mr. Griffith when we get

1 to that point. And it's better that he knows ahead of
2 time.

3 MR. UNDERWOOD: I don't see any charges that go
4 directly to veracity.

5 THE COURT: I'm sorry?

6 MR. UNDERWOOD: I don't see any charges that go
7 directly to veracity. There are a number of felonies, but
8 they are related to other matters, Your Honor.

9 THE COURT: So at this point, I haven't heard you
10 tell me anything that you would be able to use to impeach
11 his credibility or probative of his truthfulness; is that
12 correct?

13 MR. UNDERWOOD: Yes, Your Honor.

14 THE COURT: Do you all anticipate any witnesses?
15 Just for planning purposes, I need to know.

16 MR. GRIFFITH: I do not anticipate any witnesses,
17 Your Honor. I have talked to Mr. Roberts about whether or
18 not he should testify and --

19 THE COURT: I will go over that with him in
20 detail.

21 MR. GRIFFITH: I don't believe he intends to
22 testify.

23 THE COURT: Huh?

24 MR. GRIFFITH: I don't believe he has any intention
25 to testify.

1 MR. UNDERWOOD: I think we can proceed, Your Honor.

2 THE COURT: Okay. All right. Sir, you said you
3 wanted to address the Court?

4 THE DEFENDANT: Yes.

5 THE COURT: You need to stand. Tell me what you
6 need?

7 THE DEFENDANT: I have a problem with counsel right
8 now.

9 THE COURT: Ah-huh.

10 THE DEFENDANT: The testimony of this guy, Craig
11 Valentine yesterday, all right, we spoke that I was in New
12 York and I was, in fact, incarcerated during that time. All
13 right? It was told to me to bring my record. And I have it
14 and I can show that. Now he's fighting against me about --

15 THE COURT: Well, I don't know. Depends. What is
16 it that you have to show him that would corroborate what you
17 are saying?

18 THE DEFENDANT: My rap sheet, my rap sheet.

19 THE COURT: Is it certified? Where did you get
20 your rap sheet?

21 THE DEFENDANT: From them.

22 THE COURT: How does that show you were
23 incarcerated?

24 THE DEFENDANT: Shows the dates and everything.

25 THE COURT: It shows when you were incarcerated?

1 Rap sheets only show when you are charged with something.
2 It doesn't show when you are in custody. It only shows what
3 you were charged with, the date you were charged, and the
4 disposition of the charge. It doesn't show when you were in
5 jail. You have to get the record from the jail that you
6 were in showing that you were incarcerated from a particular
7 date to a particular date. Your rap sheet doesn't show
8 that.

9 THE DEFENDANT: I can show that I was in New York.

10 THE COURT: You would be in New York on the date of
11 the arrest, but you could have conceivably left New York
12 within hours of being arrested and being released on bond.
13 So what date are we speaking about??

14 THE DEFENDANT: 2014.

15 THE COURT: What date?

16 THE DEFENDANT: January 13th date and then you have
17 a February 19th date.

18 THE COURT: Say that for me one more time?

19 THE DEFENDANT: It's a date of January 13th and
20 then there's a date of --

21 THE COURT: Of what year?

22 THE DEFENDANT: Of 2014.

23 THE COURT: And what's the next date?

24 THE DEFENDANT: February 19th.

25 THE COURT: Of what year?

1 THE DEFENDANT: 2014.

2 THE COURT: Okay. And what does that rap sheet say
3 that you are saying supports your position? What does it
4 say? What does it say about January 13th and February 19th
5 that you say confirms you were in custody??

6 THE DEFENDANT: I'm confirming I was in New York.
7 I was in custody --

8 THE COURT: No, but what does the rap sheet say
9 itself? What does it say about those dates??

10 THE DEFENDANT: As far as me being -- it says the
11 charge.

12 THE COURT: Yeah, but does it say you were
13 arrested? A rap sheet -- you can have charges that go on a
14 rap sheet, but you may not have come into custody yet.
15 Like, there are people who have charges pending, warrants
16 pending. It goes into NCIC. But I don't know if they were
17 picked up yet?

18 THE DEFENDANT: Can we subpoena that I was in --

19 THE COURT: What institution were you located in??

20 THE DEFENDANT: Nassau County Correctional
21 Facility.

22 THE COURT: Where is that located??

23 THE DEFENDANT: East Meadow, New York. I'm just
24 saying it because they sat up here, listened to this guy, I
25 don't even know this guy. And he testified to all of these

1 things, and I was in New York. May, June of 2015, I might
2 have --

3 THE COURT: You said May and June of 2014 you were
4 in jail in New York?

5 MR. ROBERTS: No, no, that I was present down here,
6 when I first came down here. That's what I'm saying. Like,
7 2014, I was -- this wasn't even a thought. I was in
8 Vermont. Prior to that, I was in Vermont.

9 THE COURT: In 2014??

10 THE DEFENDANT: Yeah. After I got out of jail, I
11 was in Vermont for a little while. Then I was in New
12 York.

13 THE COURT: Okay. The question still becomes what
14 do you have to corroborate that??

15 THE DEFENDANT: Well, I definitely was
16 incarcerated, so if we can --

17 THE COURT: How were you incarcerated? Did he tell
18 you what facility it was, Mr. Griffith, so you can confirm
19 it?

20 MR. GRIFFITH: He didn't indicate what facility it
21 was, Your Honor. He said he was incarcerated. I had the
22 fear that if we opened the door to his --

23 THE COURT: Yeah. It's a double-edge --

24 THE DEFENDANT: This is by far the worst thing I've
25 ever been accused of. I don't care. It can't get no worse

1 than this, Your Honor.

2 MR. GRIFFITH: I've been trying to help Mr. Roberts
3 understand, with the help of others, that if he were to open
4 the door, at this point, the jury has no idea who he is.
5 But if he opens the door and they bring in his entire
6 record, then they will have a preconceived mind --

7 THE COURT: It really would be prejudicial to you.
8 See, right now, as you remain silent -- here's how it works.
9 The State has the burden of proof. You could sit at that
10 table and never say a word. You don't have anything to
11 prove. The burden is on them. They have to prove your
12 guilt beyond a reasonable doubt. As long as you are silent,
13 there's nothing they can say. They can't use your own words
14 against you.

15 You can't just get on the stand and say, I was in
16 Nassau County. It doesn't stop there. They get to ask you
17 about everything else. That's a dangerous road to go down.
18 It's a rabbit hole. And I agree with your lawyer, it's not
19 in your interest.

20 Now, I've dealt with New York before. It's a
21 nightmare. It's a hit or miss if they ever send the record,
22 if they still have it, that you were in New York in 2014.
23 Because he's probably going to have to talk to 100 people.
24 And each person talking to him is going to give him a
25 different answer. And they may never get you what you are

1 looking for. I don't want to disparage another state, but,
2 you know, when I deal with other states, I'm thankful that I
3 live here. Let's just leave it at that. Because we may not
4 be the best, but we are incredibly organized, if nothing
5 else.

6 And then your memory may be faulty about it. But
7 you being -- you getting on the stand and say, yeah, I was
8 in Nassau County on this date and I was in Nassau County on
9 this date, you don't have anything to corroborate it. So
10 then that puts you between a rock and a hard place by
11 corroborating what you are saying, because you are just
12 saying it. So you said it? You could be not telling the
13 truth?

14 THE DEFENDANT: Can I speak?

15 THE COURT: Uh-huh.

16 THE DEFENDANT: I asked him for this thing about
17 being prejudicial. I'm the only defendant sitting here with
18 all of this mass of evidence --

19 THE COURT: No. That defendant is sitting there.
20 He's just being tried in his absence. And that's what I'm
21 going to tell the jury. He didn't show up and we get to try
22 him in his absence just like he was here.

23 THE DEFENDANT: Yeah, but, Your Honor, you know
24 what I'm saying. The jury is looking at me over here with
25 all of these things being brought out.

1 THE COURT: I have found that juries are very
2 discerning people, very discerning people, with varying
3 backgrounds. And they take their duty very seriously. So,
4 I think you should take advantage -- and the other thing
5 that happens that you are not thinking about is, when you
6 keep your mouth closed and you present no evidence, your
7 lawyer gets last argument, which means that his voice is the
8 last voice the jury gets to hear before they deliberate.
9 That's a very valuable commodity. You might want to
10 consider that?

11 THE DEFENDANT: All right.

12 THE COURT: Take his advice?

13 THE DEFENDANT: All right.

14 THE COURT: In the meantime, Mr. Griffith, if you
15 need assistance in trying to locate, I just have had to deal
16 with other institutions in other states, just trying to even
17 secure the presence of somebody, and it's a nightmare. But
18 if you want to take a shot at contacting Nassau, I have
19 found that New York operates like five different states
20 within one state, they all have their own rules in every
21 borough, nightmare. Yeah. I don't know if they will even
22 have his records from 2014. But if you want to take a shot
23 at finding them, you would still have to have a witness to
24 introduce them through, which becomes -- well, I guess if it
25 was certified, you could ask the case agent, I guess. But I

1 don't know that you would want to soil your client that way
2 by indicating he has a string of arrests in another state.
3 I'm at a bit of a loss.

4 Because what Mr. Griffith is going to do -- and I'm
5 just going to sort of jump into traffic -- he's going to
6 impugn the credibility of those witnesses. He's going to
7 say that they all lack veracity because they are all addicts
8 and they will say anything to get out of jail. He can
9 attack their credibility without you ever opening your
10 mouth. And you might want to take his advice?

11 THE DEFENDANT: All right.

12 MR. GRIFFITH: Thank you, Your Honor.

13 THE COURT: Is there anything else we need to take
14 up before we proceed with trial? We had a late -- we've had
15 late jurors all week, but I suspect -- when I was coming in,
16 I saw 526 was backed up in both directions. So I don't know
17 if that affected them getting here. It's a parking lot.
18 There was nothing moving. So I tend to be a little lenient
19 about something like that, because we pay them \$10 a day.
20 And if they get stuck in traffic, I am not going to rail
21 them about it.

22 The State ready to proceed?

23 MR. UNDERWOOD: We are, Your Honor.

24 THE COURT: Defense ready to proceed, Mr. Griffith?

25 MR. GRIFFITH: Yes, Your Honor.

1 MS. JOHNS: Yes, Your Honor.

2 THE COURT: Bring in the jury. Thank you, sir.

3 Who is the State's next witness?

4 MR. UNDERWOOD: Jason Wells, Your Honor.

5 THE COURT: Is he in court?

6 MR. UNDERWOOD: He is.

7 (Whereupon, the jury returns to open court at 9:57
8 a.m.)

9 THE COURT: Good morning, ladies and gentlemen. I
10 hope everybody had a pleasant evening. We are now going to
11 resume testimony.

12 Call your next witness.

13 MR. FERNANDEZ: Thank you, Your Honor. May it
14 please the Court. The State calls Jason Wells.

15 THE COURT: Sir, if you will come to the stand and
16 be sworn.

17 JASON WELLS,
18 having been duly sworn, testifies as follows:

19 THE COURT: State your full name, sir, and spell
20 your last name for the court reporter.

21 THE WITNESS: Jason Wells, W-e-l-l-s.

22 THE COURT: You may proceed.

23 DIRECT EXAMINATION

24 BY MR. FERNANDEZ:

25 Q. Jason, good morning. Would you please tell the

1 jury with whom you are currently employed?

2 A. Yes, I'm a special agent with the South Carolina
3 Law Enforcement Division.

4 Q. Thank you. Could you also tell the jury a little
5 about yourself, your education and your career in law
6 enforcement.

7 A. Yes. I'm a 1998 graduate of Auburn University.
8 And I began my law enforcement career in 1999 with the
9 Columbus, Georgia Police Department as a patrol officer. In
10 2000, I became a special agent with the Georgia Bureau of
11 Investigation. And I was employed there as a drug
12 enforcement agent through 2004. I relocated to South
13 Carolina and was a deputy sheriff with the Lexington County
14 Sheriff's Office. And in 2005, I began with SLED. And have
15 been with SLED ever since, primarily as a drug enforcement
16 investigator. And the last five years, I've been working
17 drug investigations with the State Grand Jury.

18 Q. And if you would, please tell us a little bit about
19 your responsibilities as an investigator in the State Grand
20 Jury unit. What kind of duties do you have and
21 investigations do you conduct?

22 A. Yeah. With the State Grand Jury, I primarily have
23 been investigating drug trafficking conspiracies, which
24 every case I've worked on has been on multi-state
25 investigation. They've involved marijuana, heroin,

1 methamphetamine, cocaine.

2 Q. How much of your law enforcement career has been
3 dedicated to drug enforcement?

4 A. Out of the 17 years I've been in law enforcement,
5 10 of them have been dedicated solely to drug trafficking.

6 Q. And how many multi-county or multi-state drug
7 narcotic trafficking conspiracy investigations have you been
8 associated with?

9 A. Effectively, seven.

10 Q. And were you assisting in the case we are here for
11 today?

12 A. Yes.

13 Q. And who was the lead case agent on that case?

14 A. Agent Justin Wingo.

15 Q. And what was your role in investigating this drug
16 conspiracy?

17 A. Okay. On February 8th of 2016, my responsibility
18 was to oversee the execution of a search warrant at an
19 apartment in Ladson, South Carolina. It was located at [REDACTED]

20 [REDACTED] And this was the
21 residence of Justin Gordon Hunter.

22 Q. And what was your designation for this execution of
23 this search warrant?

24 A. Okay. It was to oversee the overall search warrant
25 and to write the -- write out the investigative report.

1 Q. Did you also serve as evidence custodian for that
2 search warrant?

3 A. Yes, yes.

4 Q. And please tell the jury a little bit about what
5 that involves.

6 A. Okay. So at a location such as this here, I set up
7 a station where the evidence is brought to me. I document
8 all the evidence on our evidence receipts and write the
9 overall report. And my other responsibility was to get the
10 evidence turned in. Drug evidence is turned into our lab.
11 Any currency that's found is turned into our finance
12 department. Nondrug evidence is turned into our State Grand
13 Jury evidence room. And I think that's all the type of
14 evidence we would collect at this point.

15 Q. Any time a piece of evidence is located during a
16 search warrant, are you notified of its location?

17 A. Yes.

18 Q. And once notified of its location, what then would
19 you typically do for all pieces of evidence that are
20 collected?

21 A. Well, the evidence is photographed. We generally
22 had a person that takes all of our photographs. And then I
23 would collect the evidence and document it. And it's
24 transported by me to our lab.

25 Q. Do you collect the evidence in its initial location

1 or is the evidence brought to you in some central location?

2 A. Well, in this specific search warrant, we had
3 somebody responsible for actually picking up the evidence
4 from where it was originally sitting and bringing to me at
5 the apartment. I had just set up a station, yeah.

6 Q. And are you familiar with the layout of this
7 apartment?

8 A. Yes, somewhat.

9 Q. Could you just briefly describe the location, the
10 complex itself, and then the actual apartment that you would
11 have searched?

12 A. Yeah. This was a multi-story apartment complex.
13 And this particular apartment, I believe it was a
14 three-bedroom apartment, three-bedroom, two-bath
15 apartment.

16 Q. Once entering the front door, kind of describe the
17 general layout.

18 A. Yeah. The master bedroom was located -- you come
19 into a small foyer area. And the master bedroom was located
20 on the left. The kitchen was straight ahead of you.
21 There's a living room there. And then you go back to the
22 two other bedrooms and a bathroom.

23 Q. And specifically regarding any narcotics evidence
24 that's recovered, what would you do when retrieving a piece
25 of drug evidence?

1 A. Okay. We seal those in what's called a BEST kit.
2 And then they go to the SLED lab. And we request a drug
3 analysis on those.

4 Q. Would you have been the one to have taken that
5 sealed evidence to the lab?

6 A. Yes.

7 MS. JOHNS: No objection.

8 THE COURT: Mr. Griffith?

9 MR. GRIFFITH: No objection, Your Honor.

10 THE COURT: What number is that?

11 MR. FERNANDEZ: Your Honor, this is State's Exhibit
12 119.

13 THE COURT: 119 is marked and admitted without
14 objection.

15 (State's Exh. 119, Drug labeled L16-1874, is
16 received in evidence.)

17 BY MR. FERNANDEZ:

18 Q. Agent Wells, I'm handing you what's been marked
19 State's Exhibit 119 now into evidence, as well as what's
20 been marked and entered into evidence previously at State's
21 Exhibit 155. If you would, please take a look at these two
22 items and familiarize yourself with them. And let me know
23 if you recognize what they are.

24 A. Yes. This is a bag of green leafy material. There
25 are eight bar-shaped pills in here. There's a bag of white

1 powder.

2 Q. And the best kits they were placed in, do you
3 recognize the name on the person who documented that?

4 A. Yes, that's my name.

5 Q. So is that, in fact, the BEST kit that you sealed
6 on scene?

7 A. Yes.

8 Q. And could you tell us where you located these items
9 in the apartment?

10 A. Yep.

11 Q. And I apologize asking questions before you do
12 that --

13 A. These were located in multiple locations. Just one
14 second.

15 Q. As evidence custodian for this search warrant, did
16 you document everything that went on in the form of a
17 report?

18 A. Yes.

19 Q. And do you use that report to rely on specific
20 information for a later date?

21 A. Yes. The bag of white powdery substance here was
22 found by Special Agent Regina Douge in the master bedroom of
23 the vanity, second drawer from the bottom on the left side
24 of the sink.

25 There's a black digital scale in here. And a

1 digital scale is something that is -- we find a lot at
2 people's residences who are involved in drug distribution.
3 That's used for weighing drugs. This was found by Special
4 Agent Regina Douge also on the countertop of the master
5 bedroom vanity -- master bathroom vanity.

6 There's a metal spoon in here that contains a white
7 powdery residue that was found by Specialty Agent J.J. Evans
8 in the master bathroom vanity, second draw from the bottom
9 on the left side of the sink. So that spoon was also -- it
10 was located with the bag of white powdery substance here.

11 Bag of eight bar-shaped white pills were found by
12 Special Agent Ryan Shipley in the top drawer of the
13 nightstand on the right side of the bed when you are facing
14 the bedroom in the master bedroom.

15 Q. And I think you testified before, but then you did
16 package those items in a BEST kit and transported it to the
17 SLED laboratory for analysis?

18 A. Yes.

19 Q. And if you could, the second document I handed you,
20 are you familiar with what that is?

21 A. Yes. This is a SLED drug analysis report.

22 Q. And if you would, the SLED lab number, does it
23 match the items from the report on the items that you turned
24 in?

25 A.. Yes.

1 Q. And just read into the record the lab number, if
2 you would?

3 A. The lab number is L16-01874.

4 Q. And is that the same as on your items?

5 A. Yes.

6 Q. If you would, please publish for the jury the
7 results of the examination of those items?

8 A. Okay. The white eight bar-shaped pills come back
9 as a Schedule IV substance called alprazolam.

10 The white powdery substance says, no controlled
11 substance detected.

12 The green leafy material says that marijuana was
13 detected. And it weighed 4.11 grams.

14 The digital scale in here tested positive for
15 Schedule I controlled substance known as heroin.

16 And the metal spoon also tested positive for
17 heroin.

18 And those both say no weight was obtained, so a
19 residue.

20 Q. Thank you.

21 MR. FERNANDEZ: Your Honor, this is State's Exhibit
22 120.

23 THE COURT: Any exception?

24 MR. GRIFFITH: No objection.

25 THE COURT: Ms. Johns?

1 MS. JOHNS: No, Your Honor.

2 THE COURT: Make sure if there are any reports
3 referred to that, the exhibit number is referenced. 120 is
4 marked and admitted without objection.

5 (State's Exh. 120, Tupperware labeled L16-1873,
6 is received in evidence.)

7 BY MR. FERNANDEZ:

8 Q. Agent Wells, I'm handing you what's been marked and
9 admitted as State's Exhibit 120. Will you please take a
10 look at this item and let me know if you recognize it.

11 A. Yes.

12 Q. Please tell us what that is and where you located
13 it.

14 A. This is a plastic Tupperware container and a
15 plastic lid to a coffee grinder. These were located by
16 Special Agent J.J. Evans in the bottom cabinet of the master
17 bathroom vanity.

18 Q. Is that the same general area as the other items
19 were discovered?

20 A. Yes.

21 Q. And what would be the significant of otherwise
22 ordinary household items? What would be the significance
23 when in proximity to the other items we just discussed?

24 A. Well, these items -- I notated that they both
25 contained a -- they both were suspected of containing a drug

1 residue. And these were items that could be used for mixing
2 substances in them.

3 MR. FERNANDEZ: Your Honor, this would be State's
4 Exhibit Nos. 138, 139, 140, 169, 170, 172, 173, 174 -- I
5 apologize if they are out of order, Your Honor -- 171, 177,
6 176, 178, 179, 180 and 181.

7 THE COURT: Any exception from Mr. Griffith?

8 MR. GRIFFITH: No exception, Your Honor.

9 THE COURT: Ms. Johns?

10 MS. JOHNS: Your Honor, I would object to State's
11 Exhibit 172, 173, 174.

12 THE COURT: Those will be marked for ID only at
13 this point. We will take them up outside the jury's
14 presence in a moment.

15 138 through 140 are marked and admitted without
16 objection. 169, 170, 171, 176, 177, 178 and 179, 180 and
17 181 come in without objection.

18 (State's Exh. 138, Rule to Vacate, was received
19 in evidence.)

20 (State's Exh. 139, Capital One Statement, was
21 received in evidence.)

22 (State's Exh. 140, Direct Auto Insurance
23 statement, was received in evidence.)

24 (State's Exh. 169, Photo lineup, was received in
25 evidence.)

1 (State's Exh. 170, Photograph, was received in
2 evidence.)

3 (State's Exh. 171, Photograph, was received in
4 evidence.)

5 (State's Exh. 176, Photograph, was received in
6 evidence.)

7 (State's Exh. 177, Photograph, was received in
8 evidence.)

9 (State's Exh. 178, Photograph, was received in
10 evidence.)

11 (State's Exh. 179, Photograph, was received in
12 evidence.)

13 (State's Exh. 180, Photograph, was received in
14 evidence.)

15 (State's Exh. 181, Photograph, was received in
16 evidence.)

17 MR. FERNANDEZ: Permission to approach the witness?

18 THE COURT: You may. And let me see 172 through
19 174 while you are doing that.

20 BY MR. FERNANDEZ:

21 Q. Agent Wells, I'm handing you back the exhibit you
22 just reviewed as 120. I'm also handing you what's been
23 admitted and entered into evidence as State's Exhibit 154.
24 Would you please review that and compare the lab numbers for
25 each of those.

1 A. Yes. The lab number on this drug analysis report
2 is L16-01873.

3 Q. How does that compare to the Tupperware and coffee
4 grinder inside?

5 A. Yeah, it matches with these two containers.

6 Q. And was that container, in fact, tested by the SLED
7 laboratory?

8 A. Yes. It's two plastic containers with residue.
9 And result, they tested positive for/heroin, a Schedule I
10 controlled substance.

11 Q. Thank you. Agent Wells, during the course of this
12 search warrant, did you also locate miscellaneous paperwork
13 at the residence?

14 A. Yes.

15 Q. And I believe you also testified, but please verify
16 that you also took pictures of the residence as well?

17 A. Yes, that's correct.

18 Q. Beginning with documentation, I'm going to handing
19 you -- permission to approach, Your Honor.

20 THE COURT: You may.

21 Q. I'm going to hand you what's been marked and
22 entered into evidence as Exhibit 138, 139, 140 and 181.
23 Will you please take a moment to review these items and let
24 me know if you recognize them.

25 A. Yes.

1 Q. Going one by one, will you please tell me what
2 piece of evidence you were referring to and describe to the
3 jury what it is.

4 A. This first piece is invoice from Enterprise
5 Rent-A-Car. And the renter of the vehicle is Justin Hunter.

6 This next document is a past-due invoice from
7 Direct Auto and Life Insurance in the name of Justin Hunter.

8 And the -- it was a piece of mail, and the mailing
9 address on here is [REDACTED] in
10 Summerville, South Carolina.

11 Q. Agent Wells, please refer to the other one as well.
12 Can you clarify for the record what piece of evidence you
13 are referring to, the numbers?

14 A. State's Exhibit 140.

15 Q. And that would be?

16 A. This is the Direct Auto and Life Insurance past-due
17 invoice.

18 Q. And the previous piece of evidence you referred to,
19 the Enterprise Rental agreement?

20 A. Yes, this is State's Exhibit 181.

21 Q. Okay. And I'm sorry, for the former exhibit,
22 yellow piece of paper there, what's the address that was
23 located on it?

24 A. [REDACTED], Summerville, South
25 Carolina, 29483.

1 Q. Thank you. Please proceed with the next items.

2 A. This next document is State's Exhibit No. 139. And
3 it is a Capital One Platinum Mastercard statement. And it
4 is in the name of Roy G. Hunter, care of Justin Hunter. And
5 the address on here is [REDACTED]
6 Summerville, South Carolina.

7 Q. Thank you. Finally, could you please describe what
8 that last piece of paper is.

9 A. This is State's Exhibit No. 138. It is a State of
10 South Carolina, Berkeley County, court document.

11 Q. Who are the names listed on it?

12 A. Okay. The name on here -- I may not -- hope I
13 pronounce this right, Ramel Brown, and address -- this is
14 the plaintiff on this court document. The address is [REDACTED]
15 [REDACTED], Ladson, South Carolina.

16 Q. Thank you. And, again, for the record, where were
17 these items seized from, the location?

18 A. Those, I believe, were seized out of the BMW.

19 Q. What was the address, location address?

20 A. Yeah, the location where they were seized from was
21 [REDACTED] Ladson, South
22 Carolina.

23 Q. Thank you.

24 MR. FERNANDEZ: Permission to approach, Your Honor.

25 THE COURT: You may.

1 BY MR. FERNANDEZ:

2 Q. I'm also going to show you -- and I believe you
3 testified already to having provided photographic evidence
4 of this apartment complex as well.

5 A. Yes.

6 Q. I'm handing you what's been marked as State's
7 Exhibits in evidence 169, 170, 171, 176, 177, 178, 179 and
8 180. Will you please take a moment to review these pictures
9 and let me know if you are familiar with them. And Agent
10 Wells, we will go through one by one on the screen, but let
11 me know if you are familiar with these pictures.

12 A. Yes.

13 MR. FERNANDEZ: Your Honor, permission to publish
14 for the jury.

15 THE COURT: Proceed.

16 BY MR. FERNANDEZ:

17 Q. Agent Wells, beginning with State's Exhibit 169,
18 will you please tell me what we are looking at and how much
19 currency that is.

20 A. Yes. This is \$3,000 of US currency found by
21 Special Agent Ryan Shipley in the chest drawers,
22 specifically the second drawer from the top in the master
23 bedroom. That drawer also contained male clothing,
24 including underwear and socks.

25 Q. Okay. Publishing State's Exhibit No. 179, what

1 bedroom is this a picture of?

2 A. This was the master bedroom.

3 Q. Publishing State's Exhibit No. 178, what is this a
4 photograph of?

5 A. This was a photograph of the chest of drawers.

6 Q. And what kind of clothing -- is this the master
7 bedroom?

8 A. Yes.

9 Q. And what kind of clothing was location in the
10 master bedroom chest of drawers?

11 A. Male clothing.

12 Q. That would be adult male clothing?

13 A. Yes.

14 Q. This is State's Exhibit No. 180, what are we
15 looking at?

16 A. This is a picture looking into the master bedroom
17 closet.

18 Q. And, again, what type of clothing, articles of
19 clothing were located in this closet?

20 A. Male clothing.

21 Q. Publishing State's Exhibit No. 170, please review
22 this and let me know what we are looking at.

23 A. This is a picture of the master bedroom bathroom
24 vanity top. There is the black digital scale with the
25 heroin residue located on it. And besides that is a box of

1 plastic baggies.

2 Q. What would be the significance -- we already know
3 the significance of the scale and residue. What would be
4 the significance of the plastic baggies?

5 A. That is an indication of someone who is involved in
6 drug distribution. I've seen this many times, where baggies
7 will be located next to scales. The baggies are used to
8 package narcotics and weigh them on the scale.

9 Q. Thank you. This is State's Exhibit 171. What is
10 that?

11 A. That's a photograph of the box of baggies that was
12 located on the master bathroom vanity top.

13 Q. Thank you. Also publishing State's Exhibit No.
14 177. Let us know what that is.

15 A. This is a Social Security card in the name of
16 Justin G. Hunter.

17 Q. Where was this located?

18 A. I don't have that specifically in here where that
19 was located. I do have a note of miscellaneous papers being
20 found in a Victoria's Secret bag in the master closet.

21 Q. And you documented all of these papers, paperwork,
22 and provided them to the evidence custodian?

23 A. Yes.

24 Q. Publishing State's Exhibit 176. Will you please
25 tell us what that is.

1 A. Yes. This is a New York State identification card
2 in the name of Justin G. Hunter.

3 Q. Was that also located in the miscellaneous
4 paperwork?

5 A. Yes.

6 MR. FERNANDEZ: Beg the Court's indulgence one
7 minute. Your Honor, this is State's Exhibit 168.

8 THE COURT: Any objection?

9 MR. GRIFFITH: No objection, Your Honor.

10 MS. JOHNS: No, Your Honor.

11 THE COURT: Without objection, admitted.

12 (State's Exh. 168, Money counter, is received in
13 evidence:.)

14 BY MR. FERNDANDEZ:

15 Q. Handing you what's been marked and entered into
16 evidence Exhibit 168, please take a look at this and tell us
17 what it is, if you would.

18 A. Okay. This is a money counter, currency counter.

19 Q. And where was it located?

20 A. It was found by Special Agent J.J. Evans on the top
21 shelf in the master bedroom closet above the male
22 clothing.

23 Q. What would be the significance of a money counter?

24 A. This was something I've seen on a few occasions,
25 primarily by a -- someone who is not a low-level drug

1 distributor. This is someone who is going to be on the
2 upper level, who is receiving bulk amounts of cash. And
3 they will use this machine to count the cash for them,
4 basically to speed up the process, yeah.

5 Q. Are these pieces of machinery typically
6 inexpensive?

7 A. No. This would be what I would think would be an
8 expensive piece of machinery.

9 Q. Thank you.

10 MR. FERNANDEZ: Your Honor, I believe that just
11 leaves the last few documents.

12 THE COURT: We will deal with those outside the
13 jury presence. Are these the only other questions you need
14 to ask of the witness?

15 Any cross-examination, Mr. Griffith?

16 MR. GRIFFITH: If it please the Court, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. GRIFFITH:

19 Q. Special Agent Wells, was there anybody home when
20 you guys executed this warrant?

21 A. Well, when we arrived at the apartment complex, we
22 were looking for a vehicle that was a BMW that was known to
23 be driven by Mr. Hunter. The vehicle was not there, so we
24 did not approach the apartment. We sat in the parking lot
25 and conducted a surveillance and waited on the vehicle to

1 arrive. Didn't wait very long. The vehicle arrived.
2 Mr. Hunter and a female named Viviana Serrano exited the
3 vehicle. They had a small child with them. And I stayed in
4 the vehicle that I was in, doing surveillance while Agent
5 Wingo and Lieutenant Dorsey and one of the local
6 investigators approached.

7 They got into a vehicle with Mr. Hunter and drove
8 off. And Lieutenant Dorsey and myself at that point, we
9 approached Ms. Serrano. She was presented the search
10 warrant. And she unlocked the apartment with a key that she
11 had. And nobody was inside the apartment when we went in.

12 Q. Mr. Rogers (sic) wasn't there at all? I mean,
13 Roberts..

14 A. No, sir, there was nobody there.

15 Q. No evidence of that.

16 CROSS-EXAMINATION

17 BY MS. JOHNS:

18 Q. Hello, Agent Wells. I want to ask you about this
19 machinery you said.

20 A. Okay.

21 Q. Have you ever bought one?

22 A. I've never bought one.

23 Q. Is it illegal to have one?

24 A. No.

25 Q. Okay. And your basis for saying that it's

1 expensive is based on you've seen it online?

2 A. I have not looked up this particular piece, but ...

3 Q. When was the last time you looked up a piece?

4 A. Well, I know there are different models of these.

5 And being expensive is relative to someone on how much money
6 you have. But to me, this would be an expensive piece of
7 equipment.

8 Q. To you it would?

9 A. Yes, ma'am.

10 Q. I'm going to give you a stack of documents --

11 MS. JOHNS: May I approach, Your Honor? I'm sorry.

12 THE COURT: That's okay. Yes.

13 BY MS. JOHNS:

14 Q. -- documents that have already been entered into as
15 an exhibit. One is an Enterprise Rental receipt, No. 181;
16 No. 140 is a Direct Auto Life Insurance document; State's
17 Exhibit 139, Capital One credit card statement; 1 is a
18 magistrate's court order to show cause with Ramel Brown's
19 name on it. Those, I think those five documents right
20 there, did you say you found them inside the apartment or
21 inside a car?

22 A. I believe these documents were found in the BMW
23 that they -- that Mr. Hunter arrived in.

24 Q. So this -- these five documents were inside a car
25 that Vivian Serrano and Justin Hunter arrived in, correct?

1 A. Yes.

2 Q. And with regards to State's Exhibit No. 176, which
3 is the New York State identification card, would you please
4 publish the date of issue?

5 A. Yes. It's March 20th of 2013.

6 Q. Okay. Did you get a lease for the apartment at
7 Patriot Boulevard?

8 A. I did not, no.

9 Q. You did not?

10 A. No.

11 Q. So you don't know who actually had tenancy at that
12 apartment, do you?

13 A. No. That would have been done before my
14 involvement in this. I assume by -- that's part of
15 obtaining the search warrant, is knowing who's on the lease.

16 Q. Did you review any document with regards to who was
17 on the lease?

18 A. No.

19 Q. Do you know what kind of employment Viviana Serrano
20 had?

21 A. We had some casual conversation, but I do not
22 remember that.

23 Q. Do you know if she worked in a service industry
24 where she would receive tips?

25 A. I don't have all of that.

1 make you get up and get down, but we have another brief
2 matter of law we need to take up. During the break, please
3 do not discuss the case. And please leave your notepads in
4 your seats. Should be about five minutes. Gives you a
5 chance to use the restroom as well.

6 (Whereupon, the jury leaves open court at 10:42
7 a.m.)

8 (Court's Exh. 2, State's request to charge, was
9 marked for identification.)

10 (Whereupon, recess transpired.)

11 THE COURT: Please bring in the jury.

12 (Whereupon, the jury returns to open court at 10:50
13 a.m.)

14 THE COURT: The State may call its next witness.

15 MR. FERNANDEZ: Thank you, Your Honor. May it
16 please the Court. The State calls Misael Vasquez.

17 MISAEAL VASQUEZ,

18 having been duly sworn, testifies as follows:

19 THE CLERK: State and spell your name for the court
20 reporter.

21 THE WITNESS: My name is Misael, M-i-s-a-e-l,
22 V-a-s-q-u-e-z.

23 THE COURT: You may proceed.

24 DIRECT EXAMINATION

25 BY MR. FERNANDEZ:

1 Q. Agent Vasquez, with whom are you currently
2 employed?

3 A. SLED.

4 Q. Please tell the jury a little bit about yourself,
5 your education, career, even before law enforcement, and
6 then what brought you into law enforcement.

7 A. I've been with SLED for about little over six and a
8 half years. Before that, I was in the military. I was
9 serving as a Korean linguist. And afterwards, I finished my
10 term, I went to USC. Got a bachelor's degree. And then I
11 went to on Richland County. I was with Richland County
12 before I was with SLED. When SLED, I started working in the
13 gang task force. We did gang grand jury cases. And then
14 after that, I worked grand jury --

15 (Whereupon, the court reporter indicates she's
16 having trouble understanding the witness.)

17 Q. Could you just repeat what you've just said about
18 the gang task force and the State Grand Jury.

19 A. I worked the gang task force. And we did State
20 Grand Jury cases. And after working that, I went to work in
21 the State Grand Jury SLED in the narcotics cases.

22 Q. And what are your responsibilities and roles as an
23 investigator or agent with the State Grand Jury narcotics
24 unit?

25 A. Our role is to investigate multi-jurisdictional

1 narcotics groups and organizations.. We investigated pretty
2 heavy. The cases take a while to investigate. And we
3 have -- we do it through purchases of undercover narcotics.
4 We do it through testimony as well.

5 Q. Agent Vasquez, how many years do you have
6 experience with narcotics investigations, particularly
7 trafficking conspiracy investigations?

8 A. I've been investigating trafficking conspiracies
9 for about four years now.

10 Q. Agent Vasquez, did you have an opportunity to
11 assist in the investigation of this trafficking conspiracy?

12 A. I did.

13 Q. And what was your role with this -- first, who was
14 the case agent for this particular investigation?

15 A. Case agent was Justin Wingo. And my role in the
16 investigation was to serve the warrant on 116 Summer Creek.

17 Q. And is that Summer Creek Drive?

18 A. Summer Creek Drive, yes.

19 Q. And what county is that located in?

20 A. Berkeley.

21 Q. What day did you -- first of all, was this -- what
22 brought you to Summer Creek, what mechanism? Why were you
23 there?

24 A. Agent Wingo was conducting a case. He conducted
25 several undercover buys from this individual. And this was

1 the residence where he lived.

2 Q. And what was your role in the execution of this
3 search warrant at this residence?

4 A. I was taking home evidence, document it and turn it
5 in to SLED.

6 Q. And as the custodian of evidence and documentation,
7 what does that involve? What would you typically do?

8 A. Typically, when you go into these places, you set
9 up a center command post, if you would like. And then you
10 assign certain agents to certain rooms, so you know what
11 came from which room and by which agent. Once they spot
12 these things of importance, whatever we would be
13 investigating, they come get me, and I document it.

14 Q. And by document, did you prepare a report as a
15 result of all of these items that you found?

16 A. Yes.

17 Q. And what kind of things would you put in your
18 report?

19 A. I would have put in any narcotics, any ledgers, any
20 weapons, any -- and anything that they could use to either
21 manufacture, store the narcotics.

22 Q. And do you, in fact, have a copy of your report?

23 A. I do.

24 Q. Why would you want a copy of your report? Why
25 would you use a report later?

1 A. To just refresh everything up. It's been awhile,
2 and to have it as evidence.

3 Q. Now, Agent Vasquez, did you also -- could you
4 please tell the jury a little bit about the location itself?
5 What kind of neighborhood this was and the physical building
6 you entered into?

7 A. The neighborhood was the neighborhood of mobile
8 homes. And they were various kids running around the road.
9 And he was towards the back of the neighborhood. His
10 trailer, I believe, was yellow -- I'm sorry, white and blue.
11 And that's where he lived.

12 Q. And if you would, please detail the interior of the
13 mobile home at [REDACTED]

14 A. When you first go into the mobile home, you enter
15 on the left-hand side. There's a little ramp or deck before
16 you go into the mobile home. There is -- immediately after
17 the door, there's a couch. And immediately in front of you,
18 there's a table. And couple of bedrooms down the hallway,
19 and finally a bedroom in the back.

20 Q. And what day did you execute this search warrant
21 again?

22 A. The search warrants was executed on February 8th,
23 2016.

24 Q. Thank you. Please tell the jury a little bit about
25 the execution of this search warrant. Was it -- how did it

1 go down, actually, the operation?

2 A. Okay. We met before serving the warrant as a team
3 and decided how we were going to approach this. I was
4 introduced to my teammates for the day. And then we went to
5 the house. Once we went to the house, Berkeley County
6 Sheriff's SWAT team made an entrance into the building.

7 Q. Was this a forcible entry?

8 A. Yes, it was.

9 Q. And please describe to the jury, for those who
10 haven't seen that, what does that involve?

11 A. It involved them knocking on the door, announcing
12 themselves, and either opening the doors by means or
13 throwing in some kind of fashion.

14 Q. Thank you. And did you document who was found
15 inside of the mobile home at 116 Summer Creek?

16 A. Yes.

17 Q. And who was there, physically located there when
18 they affected entry?

19 A. Mr. Orlando William, Orlando Brown -- I'm sorry,
20 Henry Roberts and William Orlando Brown.

21 Q. Thank you. Now, when you collected evidence from
22 Summer Creek, when agents were in the interior of the unit,
23 did you actually physically lay eyes on the location where
24 the evidence was discovered, or did they bring it to you in
25 a central location?

1 A. I physically laid eyes on the location. Like I
2 said, they came and got me when they found something. And I
3 went to photograph it in the location where it was found.

4 Q. If you located any piece of evidence, but
5 particularly narcotics, evidence of narcotics, what did you
6 do with the narcotics evidence?

7 A. The narcotics evidence was photographed. It was
8 documented and put into SLED BEST kit.

9 Q. What's a BEST kit?

10 A. BEST kit is a kit where we document chain, who had
11 the drugs, where it came from, the suspect, the address, the
12 case number. And you submit it all to SLED lab for
13 processing.

14 Q. And would you have sealed that BEST kit after
15 placing narcotic evidence into it?

16 A. Yes. It is sealed with a seal that shows it hasn't
17 been tampered with, hasn't been opened or closed.

18 Q. What did you do with that sealed BEST kit of
19 narcotics evidence? What did you do with that once you
20 sealed it and the operation had concluded?

21 A. It was transported to Columbia for SLED analysis.

22 MR. FERNANDEZ: Your Honor, this is State's
23 Exhibits 92, 93 and 94, as well as previously entered
24 exhibits.

25 THE COURT: Well, they've already been admitted.

1 Any objection to State's Exhibit 92 through 94,
2 Mr. Griffith?

3 MR. GRIFFITH: No objection, Your Honor.

4 THE COURT: Ms. Johns?

5 MS. JOHNS: No, Your Honor.

6 THE COURT: Marked and admitted without objection.

7 (State's Exhs. 92, Drugs Labeled L16-01823, was
8 received in evidence.)

9 (State's Exhs. 93, Drugs Labeled L16-01825, was
10 received in evidence.).

11 (State's Exhs. 94, Drugs Labeled L16-01822, was
12 received in evidence.)

13 BY MR. FERNANDEZ:

14 Q. I'm handing you what's been marked and admitted as
15 State's Exhibit 92 and 147. Will you please review No. 92
16 and tell me if you recognize that particular piece of
17 evidence?

18 A. It's one of the BEST kits I used.

19 Q. How do you know it's one of the BEST kits you used?

20 A. I put my name on it. And when we submit it in the
21 lab, you get a case number. So when you get it back, it
22 matches the case number on the report.

23 Q. What is inside of that BEST kit?

24 A. Inside the BEST kit we had --

25 Q. Before we publish the actual results, tell me what

1 it is that you collected at the location.

2 A. In this one, we had a plastic sandwich bag
3 containing 11 individually wrapped baggies containing a
4 brown powder substance found inside an Intex brand air pump
5 that was inside a box in the far right kitchen cabinet. And
6 that was as soon as you come in to the right.

7 Q. Okay. And referring to -- I apologize, State's
8 Exhibit No. 147, do the SLED lab numbers on both exhibits
9 match? And if so, could you read those into the record?

10 A. Yes, the lab number is L16-01823.

11 Q. Okay. And if you would, please publish for the
12 jury what the results of the SLED analysis for that bag was?

13 A. They found marijuana in the sample tested.

14 Q. Did it give a weight?

15 A. Yes, it was 1.03 grams.

16 Q. I'm now handing you what's been marked as State's
17 Exhibit No. 93 and 146. Will you please review, first
18 number 93, and let me know if you recognize that piece of
19 evidence?

20 A. I do.

21 Q. And how do you recognize it?

22 A. It was collected from a kitchen table. It was
23 hidden in the knit cap.

24 Q. And what was in the particular BEST kit there?

25 A. A couple of baggies with a brown substance in them,

1 and also a little clear substance in here as well.

2 Q. And were you the one who collected those pieces of
3 evidence?

4 A. Yes.

5 Q. How do you know that?

6 A. Because I was the one documenting everything.
7 Holden was the one that found it. And I would have
8 documented it and grabbed it all.

9 Q. Is your name on the BEST kit?

10 A. Yes, it is.

11 Q. Please, if you would, then refer to the next
12 State's Exhibit No. 146. And if you would please compare
13 the SLED lab numbers to ensure that they are the same?

14 A. They are.

15 Q. And if you would, please read that lab number into
16 the record?

17 A. L16-01825.

18 Q. And what was the result of the SLED analysis of
19 that package?

20 A. The results of the SLED analysis was three plastic
21 baggies were containing heroin in the sample tested. And
22 total net weight was 3.09 grams.

23 And the other bags contained methamphetamine. And
24 the net weight for that was 1.65 grams.

25 Q. I'm now handing you State's Exhibit 94 and 145.

1 Please review State's Exhibit No. 94 and tell me if you
2 recognize what that is.

3 A. I do.

4 Q. And what is it?

5 A. Several baggies containing brown tar-like
6 substance.

7 Q. And where were they located?

8 A. On the kitchen table.

9 Q. And was that, in fact, evidence that you collected
10 and stored in the BEST kit?

11 A. Yes.

12 Q. And how do you know that?

13 A. I collected it and I put it in the BEST kit.

14 Q. Okay. And after returning that to the SLED lab for
15 analysis, do you have the analysis number? Would you please
16 compare the lab numbers to ensure they are the same.

17 A. They are.

18 Q. And if you would, please read that number into the
19 record.

20 A. L16-01822.

21 Q. Thank you. And please publish the results of that
22 analysis to the jury.

23 A. Heroin was found in the sample tested, with total
24 net weight of 4.9 grams.

25 Q. Thank you.

1 THE COURT: Any objection?

2 MS. JOHNS: No, Your Honor.

3 MR. GRIFFITH: No objection, Your Honor.

4 THE COURT: What number is that?

5 MR. FERNANDEZ: 97 and 98.

6 THE COURT: Marked and admitted without objection.

7 BY MR. FERNANDEZ:

8 Q. I'm handing you what's been marked as State's
9 Exhibits and entered into evidence, State's Exhibit 97
10 and -- I'm sorry, Your Honor, 96 and 97. I apologize.

11 THE COURT: 96 and 97 marked and admitted without
12 objection.

13 (State's Exh. 96, Air pump box, was received in
14 evidence.)

15 (State's Exh. 97, Air pump, was received in
16 evidence.)

17 BY MR. FERNANDEZ:

18 Q. Please take a moment and review State's Exhibit 96
19 and 97. And let me know if you recognize those items.

20 A. I do recognize these.

21 Q. Tell me what they are.

22 A. They are --

23 THE COURT: I'm sorry, I couldn't understand your
24 answer.

25 A. Pump you fill air mattresses with, an air pump.

1 Q. Where were these items located and what was the
2 significance of that?

3 A. These items were located in the kitchen cabinet.
4 And they had -- they contained drugs in the little
5 compartment here where the batteries should go. And this
6 pump was inside this box inside the cabinet with drugs
7 inside of it.

8 MR. FERNANDEZ: Thank you. Your Honor, this is
9 State's Exhibit 169.

10 THE COURT: Any objection?

11 MR. GRIFFITH: No objection, Your Honor.

12 MS. JOHNS: No, Your Honor.

13 THE COURT: Marked and admitted without objection.

14 (Exhibit 169A, digital scales, is received in
15 evidence.)

16 BY MR. FERNANDEZ:

17 Q. I'm handing you what's been marked and admitted as
18 State's Exhibit 169. Please take a moment to review those
19 items.

20 A. Okay.

21 Q. Do you recognize the contents of those, of that
22 bag?

23 A. I do.

24 Q. Please tell the jury what they are and where they
25 were located?

1 A. These are little scales used to measure out
2 narcotics before you sell them out and put them in
3 individual little bags.

4 Q. Where were they located?

5 A. They were located in the -- on the kitchen table.

6 MR. GRIFFITH: Objection, Your Honor.

7 THE COURT: Approach.

8 (Whereupon, the following bench conference takes
9 place.):

10 THE COURT: Are any of these that he's charged
11 with?

12 MR. FERNANDEZ: Yes, Your Honor.

13 THE COURT: Which one is he charged with? You
14 can't -- no, you can only charge one. Okay?

15 MR. GRIFFITH: They were not in his personal
16 possession. This was in the living room. That's where
17 Mr. Brown was sitting. My client was in the bedroom.

18 THE COURT: We will take it up outside the jury's
19 presence. Is this the last question you are going to ask
20 this witness?

21 MR. FERNANDEZ: Yes.

22 THE COURT: Madam Forelady, ladies and gentlemen, I
23 have a matter of law to take up with counsel. During the
24 break, please do not discuss the case. And we appreciate
25 your patience.

1 (Whereupon, the jury leaves open court at 11:11
2 a.m.)

3 (Whereupon, recess transpired.)

4 THE COURT: What's the basis of the objection's
5 Mr. Griffith?

6 And for the court reporter, we are referring to
7 Exhibits 184, 183 and 182 in descending order.

8 MR. GRIFFITH: Your Honor, this is a handgun that
9 was found on a couch at 116 Summer Creek where Mr. Brown and
10 Mr. Roberts, along with a female, were arrested. At that
11 location, that gun was placed -- that is to say, it was
12 photographed as being on that couch where Mr. Brown
13 testified that he was sitting. He testified that my client
14 was in a back bedroom.

15 Your Honor, my client did not have this gun in the
16 furtherance, he was not arrested with this gun in the
17 furtherance of the commission of the crime. The gun was not
18 pointed at anyone. It was not in his possession. It was
19 brought in to prejudice the jury in an attempt to make him
20 look more violent and, of course, be found guilty of the
21 possession of a firearm in accordance with a violent crime.
22 But, Your Honor, this tends to be more prejudicial to the
23 client rather than producing anything for the State in a
24 positive manner. And it wasn't in his possession. And, in
25 fact, of course, it was next to Mr. Brown, as I've stated.

1 THE COURT: Ms. Johns, do you have any position on
2 it?

3 MS. JOHNS: Your Honor, I don't know that I have
4 standing for Summer Creek Drive. If I did, I would join in
5 the objection based on it being more prejudicial. I would
6 say it would be inflammatory more than probative, and I
7 would object.

8 THE COURT: Anything from the State?

9 MR. FERNANDEZ: Yes, Your Honor. The State would
10 offer the evidence. And allow me to clarify our position.
11 There were a number of firearms in this location. I believe
12 with the assertion that Mr. Brown was located in the front
13 chair or the couch in the entryway, and that then the
14 defendant, Mr. Roberts, was located in a back bedroom. As
15 Your Honor can see, a number of those long rifles were
16 located in the back bedroom, as well as a pistol, handgun,
17 the Glock was located in the back bedroom. The State would
18 proceed on the theory of constructive possession.

19 All the firearms, and I would elicit that testimony
20 from Agent Vasquez, that all the firearms were certainly
21 within the dominion and control of Mr. Roberts. It was his
22 location. It was his residence. There have been a number
23 of both testimony and video showing him living there. In
24 addition, Your Honor, all of the firearms that they seized
25 were accessible and within seconds of an individual.

1 Certainly, if he was in the bedroom, they located it in a
2 dresser in the bedroom --

3 THE COURT: What was located in the dresser of the
4 bedroom?

5 MR. FERNANDEZ: Correct, Your Honor.

6 THE COURT: No, I said what? I don't see a
7 picture.

8 MR. FERNANDEZ: We don't have a picture of that.
9 It's in the report.

10 THE COURT: Yeah, but I don't have a picture of
11 that, so I can't consider that.

12 MR. FERNANDEZ: I would ask Your Honor if I can
13 proffer some evidence then from the witness.

14 THE COURT: Without a picture of it, I am not going
15 to let him testify to that.

16 MR. FERNANDEZ: Okay.

17 THE COURT: It's prejudicial. What I need to know
18 is which gun did you charge him with possession of a weapon
19 during the commission of a violent crime and what's the
20 nexus to that charge? The statute contemplates someone
21 using it in furtherance of the crime, that being brandishing
22 it, showing it, or having the ability to show it to someone
23 while they were in the commission of the crime, not simply
24 going into a house, executing a search warrant and taking a
25 bunch of weapons. That's not what the statute

1 contemplates.

2 MR. FERNANDEZ: I believe I can get Your Honor a
3 case, but we would rely on just the simply constructive
4 possession ability --

5 THE COURT: That case was before. The Supreme
6 Court said what it said about nexus. It is not probative.
7 The Supreme Court been very clear about what -- and the case
8 that this grew out of was similar to this. The Supreme
9 Court said you have to prove a nexus. Person can't just be
10 around a gun while something is being committed. You have
11 to prove a nexus, that it was used in furtherance of it.

12 Yes, sir.

13 MR. GRIFFITH: Your Honor, they have not proved
14 either that during any of the videos or any of the testimony
15 of any of the people who they brought in to testify about
16 buying or appearing at this residence, that Mr. Roberts
17 brandished or possessed a gun. They have no evidence saying
18 that that -- that the gun appeared in, along with the
19 commission of any of the crime, Your Honor. And so in
20 furtherance of the crime, doesn't fit in this case.

21 And the prejudice and, in fact, being inflammatory,
22 as Ms. Johns's mentioned, nature of this evidence would cast
23 Mr. Roberts in the light that is, of course, favorable to
24 the State and unfavorable to him. But it would prejudice
25 the jury so much that they would feel, I believe, compelled

1 to find disfavor --

2 THE COURT: I'm listening. Anything further from
3 the State?

4 MR. FERNANDEZ: Yes, Your Honor. I would reference
5 testimony that we have had specifically regarding the
6 possession of firearms.

7 THE COURT: You had a very generalized statement
8 made by a witness who cannot prove any nexus. He could not
9 tie any one gun to any one transaction. He testified that
10 he usually was not present during transactions. At some
11 point, they became comfortable with him and eased him into
12 making transactions, but they never conducted a transaction
13 where a gun was exchanged. Everything he said really was
14 speculative. There was no objection, therefore, there was
15 nothing for the Court to rule on. But that doesn't mean, as
16 the gatekeeper, I'm going to let it all in, because it has
17 to pass the scrutiny that's required.

18 Possession of a weapon during the commission of a
19 violent crime requires the State to prove beyond a
20 reasonable doubt that the defendant was in possession of a
21 firearm or visibly displayed what appeared to be a firearm,
22 or visibly displayed a knife during the commission of a
23 violent crime. And in order for him to be found guilty of
24 that, you would have to prove beyond a reasonable doubt that
25 that particular weapon further advanced or helped in the

1 commission of the crime.

2 I am not aware of any case law that says
3 constructive possession of a gun proves possession of a
4 weapon during the commission of a violent crime. I'm
5 looking right now to make sure my memory is accurate, but I
6 am not aware of any such precedent.

7 MR. FERNANDEZ: If you give me one moment, I can
8 give you that cite I was speaking of. And also, to clarify
9 the record, beyond the currency exchange that the firearms
10 were used for, there was testimony about them using the guns
11 for protection.

12 THE COURT: You have to prove that he used it with
13 one of these transactions or that he was using it when you
14 went into this residence to execute this search warrant;
15 otherwise, it's not coming in.

16 MR. FERNANDEZ: Thank you.

17 THE COURT: Now, 184 is more prejudicial than
18 probative. It will be marked for ID only.

19 Now, I'm -- y'all concede, there was no testimony
20 from Mr. Brown about sitting in the vicinity of a gun on a
21 sofa. He testified he was sitting on the sofa when they
22 came in to the house. I would have to assume, ergo, he was
23 sitting by this gun. But there's been no testimony about
24 that.

25 MR. FERNANDEZ: Your Honor, I can provide you a

1 case.

2 THE COURT: I'm listening.

3 MR. FERNANDEZ: State v. Hamilton, 486 S.E. 2nd.

4 THE COURT: SC?

5 MR. FERNANDEZ: S.E. 2nd, 512, specifically page
6 516. And I will read, Your Honor --

7 THE COURT: I just need you tell you the year and
8 what court.

9 MR. FERNANDEZ: 1997, Court of Appeals.

10 THE COURT: I think Supreme Court was very clear
11 that everything before their decision supersedes. That moot
12 decision superseded all of that, but I will look at that.
13 It will be marked for ID only. That is ID only. I
14 sustained the objection on No. 184. And I've taken under
15 advisement 182 and 183.

16 MR. FERNANDEZ: I was going to say that case is
17 what the State would rely on for its nexus, the reliability
18 of the case would support our position.

19 THE COURT: Give me a moment, please.

20 This is not a possession of weapon case. This is
21 about burglary second. And you charged burglary second as
22 an element of another offense. And you get a qualifying
23 jury charge. How is this relevant to what we are talking
24 about?

25 MR. FERNANDEZ: I may have given you the wrong

1 case. This is an e-mail. I'm reading it. I'm sorry.

2 THE COURT: That's okay. If you have something
3 else you want me to look at, I will be glad to.

4 MR. FERNANDEZ: Yes, *State v. Whitesides*, 725 S.E.
5 2nd, 487. I believe that is, Your Honor --

6 THE COURT: All of these cases are factually
7 driven. In Whiteside, there was a tip. They found him in
8 his car with a gun in the side panel of his car. He got out
9 of the car. They searched him. And he had marijuana and he
10 had the gun right in the side panel. That was clearly a
11 nexus. I agree with the decision in this case. These facts
12 are not comparable to these facts.

13 MR. FERNANDEZ: Okay.

14 THE COURT: However, I do think it is a factual
15 issue as to whether he had constructive or actual possession
16 of a weapon.

17 And that would be for you to argue, Mr. Griffith,
18 to the jury. Mr. Brown did testify Mr. Roberts was armed
19 and -- well, in general, had weapons to protect himself.
20 And that the whole purpose of the statute is to guard
21 against behavior -- and I'm talking about possession of a
22 weapon during the commission of a violent crime. The
23 purpose of the legislation within the meaning of the statute
24 was to guard against those offenders who used a gun while
25 they are trafficking in any kind of illicit substance or

1 committing any other kind of offense, whether it be a
2 robbery, a burglary or otherwise. The whole purpose is for
3 firearm to be accessible and allow them to provide a defense
4 against someone who might attempt to rob them, thereby
5 committing another crimes in furtherance of the initial
6 crime. You can argue to the jury that Mr. Brown was sitting
7 on the sofa and this isn't your client's gun.

8 Now, why do we need two pictures of the gun?

9 MR. FERNANDEZ: One is a zoomed out version and the
10 other is closeup to better see the gun.

11 THE COURT: I will let 182 and 183 in subject to
12 the objection.

13 (State's Exh. 182, Photograph, is received in
14 evidence.)

15 (State's Exh. 183, Photograph, is received in
16 evidence.)

17 THE COURT: Anything further before we proceed,
18 from the State?

19 MR. FERNANDEZ: No, Your Honor. And this is for
20 ID?

21 THE COURT: That's to the court reporter for ID.

22 MR. FERNANDEZ: That would be all, Your Honor.

23 THE COURT: Anything further before we proceed,
24 Mr. Griffith?

25 MR. GRIFFITH: Nothing, Your Honor.

1 MS. JOHNS: No, ma'am.

2 THE COURT: Please bring in the jury.

3 THE FERNANDEZ: For housekeeping purpose, I did
4 forget a couple of pieces of evidence.

5 THE COURT: Did they agree to it?

6 MR. FERNANDEZ: I believe they will.

7 THE COURT: What numbers are they?

8 MR. FERNANDEZ: 185, 186, 187, 188.

9 THE COURT: Any objection?

10 MR. GRIFFITH: No objection, Your Honor.

11 MS. JOHNS: No, Your Honor.

12 THE COURT: 185 through 188 will be marked and
13 admitted without objection.

14 (State's Exh. 185, Cell phone, was received in
15 evidence.)

16 (State's Exh. 186, Cell phone, was received in
17 evidence.)

18 (State's Exh. 187, Cell phone, was received in
19 evidence.)

20 (State's Exh. 188, Cell phone, was received in
21 evidence.)

22 (Whereupon, the jury returns to open court at 11:47
23 a.m.)

24 THE COURT: We will now resume questioning the
25 witness.

1 You may proceed.

2 MR. FERNANDEZ: Thank you, Your Honor.

3 BY MR. FERNANDEZ:

4 Q. Agent Vasquez, I'm handing you what has been marked
5 and admitted into evidence as State's Exhibits 185, 186, 187
6 and 188. Will you please review these items. And let me
7 know if you recognize them. And if so, where they were
8 located, or what they are and where they were located?

9 A. This one here is a plastic Samsung flip phone. It
10 was located on the kitchen table. And it was documented and
11 evidenced into evidence of the Grand Jury.

12 Q. And what number would that be, the one you referred
13 to?

14 A. This would be number 17 --

15 Q. I'm sorry, on the State's Exhibit.

16 A. 188.

17 Q. Thank you.

18 A. This is a black LG Smartphone. It was found also
19 on the kitchen table. It was also logged into evidence in
20 the Grand Jury.

21 Q. What number is that State's Exhibit?

22 A. Exhibit No. 185.

23 Q. Thank you.

24 A. This is one of two HTC smart phones that were found
25 also on the kitchen table. And they were also put into

1 evidence in the Grand Jury.

2 Q. And what exhibit is that?

3 A. This one is Exhibit 187. And this one is Exhibit
4 Number 186.

5 Q. Okay. Thank you. Agent Vasquez, I'm handing you
6 back State's Exhibit 94 and 145. You previously read those
7 into the record. I want to also read, if you would, read
8 both parts of the SLED analysis.

9 A. The results are 11 plastic bags, each containing a
10 powder substance. Heroin was found in the sample tested.
11 Total weight of those were 4.9 grams. The maximum was
12 attainable --

13 (Whereupon, the court reporter indicates she's have
14 trouble understanding the witness.)

15 MR. FERNANDEZ: Can you please read that slower.

16 A. The maximum attainable statutory threshold has been
17 met for the substance. Gross weight, including the
18 packaging of the remaining substance is 4.22 grams.

19 Q. Thank you. Agent Vasquez, I'm now handing you
20 State's Exhibit No. 182 and 183. Will you please review
21 these for me and let me know if you recognize those
22 photographs.

23 A. Yes, I do.

24 Q. Could you please give a very brief description
25 about the location those photographs were taken?

1 A. These photographs were taken on a couch. The couch
2 was located right as you walk into the door to the
3 right-hand side.

4 Q. Thank you. Is this a true and accurate
5 representation of what you personally viewed in your duties
6 as an evidence custodian at this location?

7 A. Yes.

8 Q. Agent Vasquez, I'm showing you State's Exhibit 182.
9 Please tell the jury what they are viewing?

10 A. Again, that's a couch located by the front door.
11 You can see the window back behind it.

12 Q. And in reference to this location, where would the
13 kitchen be?

14 A. It's a mobile home. It wasn't that wide. So
15 basically was as wide as this couch would be here. Kitchen
16 table would be right where he's standing. And then kitchen,
17 right where you guys are.

18 Q. So a matter of feet?

19 A. Matter of feet, yes.

20 Q. And what is located on the right side of the couch
21 cushion?

22 A. Handgun.

23 Q. Do you know the model and make?

24 A. It's a Ruger P-90 handgun.

25 Q. I'm going to show you State's Exhibit 193. What is

1 this a picture of?

2 A. That was of the weapon found on the couch.

3 Q. Same make and model you just stated?

4 A. Yes.

5 MR. FERNANDEZ: Beg the Court's indulgence.

6 THE COURT: Yes, sir.

7 MR. FERNANDEZ: No further questions from this
8 witness, Your Honor. Thank you.

9 THE COURT: Mr. Griffith.

10 MR. GRIFFITH: If it please the Court, Your Honor.

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. GRIFFITH:

14 Q. Agent Vasquez, were you present when the agents
15 entered the trailer?

16 A. No, sir. The SWAT team has training doing that.
17 So we stood back behind and let them do it.

18 Q. After they entered the trailer, did you then enter
19 the trailer?

20 A. Yes, I did.

21 Q. And you testified there were two people there. You
22 testified that Mr. Brown was there and that Mr. Roberts was
23 there. Was anyone else there?

24 A. I do believe there was a female there.

25 Q. So there were three people there, not two?

1 A. Yes.

2 Q. Mr. Brown testified as to where he was and where
3 the other people were. Were you aware of where other people
4 were when they were arrested?

5 A. I was aware that Mr. Brown was sitting on the couch
6 and that Mr. Roberts was further back in the residence.

7 Q. So Mr. Roberts was not on the couch, is that what
8 you are telling me? Isn't that true?

9 A. That's true.

10 Q. All these items that you picked up in there, were
11 fingerprint analysis done on any of those?

12 A. No, sir.

13 Q. Were they found in anyone's possession, that is, in
14 their pockets or anything like that?

15 A. No. They were found on the kitchen table with
16 various other mail and such things as that.

17 Q. So there was no real way to tell whose items they
18 were, is there?

19 A. No, sir, but they were in his control and
20 dominion.

21 MR. GRIFFITH: I have no further questions.

22 THE COURT: Ms. Johns.

23 MS. JOHNS: I have nothing for this witness.

24 THE COURT: Any redirect from the State?

25 MR. FERNANDEZ: No, Your Honor.

1 have a good lunch. I will see y'all at 1:15.

2 (Luncheon recess was taken.)

3 THE COURT: The State ready to proceed?

4 MR. UNDERWOOD: Yes, Your Honor.

5 THE COURT: Defense ready to proceed?

6 MR. GRIFFITH: Yes, Your Honor.

7 MS. JOHNS: Yes, Your Honor.

8 THE COURT: Please bring in the jury. You can
9 bring in the jury.

10 (Whereupon, the jury returns to open court at 1:18
11 p.m.)

12 THE COURT: The State may call its next witness.

13 MR. UNDERWOOD: Your Honor, the State calls Special
14 Agent Justin Wingo.

15 JUSTIN WINGO,

16 having been duly sworn, testifies as follows:

17 THE CLERK: State your name for the court reporter.

18 THE WITNESS: My name is Justin Wingo, W-i-n-g-o.

19 THE COURT: You may proceed.

20 DIRECT EXAMINATION

21 BY MR. UNDERWOOD:

22 Q. Agent Wingo. If you would please take a moment and
23 introduce yourself to the jury. Tell them about your
24 education, training and current career.

25 A. Yes, sir. Good afternoon, everyone. I'm Special

1 Agent Justin Wingo with the State Law Enforcement Division.
2 I'm a narcotics agent who specializes in large-scale drug
3 trafficking conspiracies with multi-county, multi-state
4 impact.

5 I graduated from The Citadel, class of 2014. After
6 graduating from The Citadel, I was an intern with SLED for
7 little over six months. I believe it was in November I got
8 hired on as a narcotics agent with SLED. Two weeks later,
9 they shipped me off to the Criminal Justice Academy, where I
10 graduated in March of 2015. After graduating, I was placed
11 into an FTA program with Lieutenant Max Dorsey. And six
12 months later, I guess I did enough for him to prove that I
13 was a sufficient agent. And he cut me loose. And then I
14 was given this case.

15 Q. Agent Wingo, how did SLED become involved in this
16 case?

17 A. Early September 2015, Lieutenant Dorsey approached
18 me and stated that Dorchester County reached out for some
19 help, saying they had a large organization that was
20 trafficking heroin around this area. I drove down here and
21 met with Dan Lundberg and another investigator. He briefed
22 me on the case saying they had done about six buys on a
23 couple of individuals, Justin Gordon Hunter, known as Mo,
24 and Emory Roberts, known as Q. These were buys occurred in
25 Dorchester County.

1 He also stated that he had a CI, Tommy Sekula, who
2 was able to purchase heroin from this organization. He
3 stated that they had some limitations as there were
4 locations outside of Dorchester County, which is his
5 jurisdiction, as well as that Mr. Sekula was able to
6 purchase larger amounts of heroin than what the Dorchester
7 County Sheriff's Department could afford.

8 Q. And what do you mean by that?

9 A. When you purchase heroin -- heroin is a very
10 expensive drug. 14 grams of heroin could run you right
11 around 1,000 to \$1,100. Because of Dorchester County being a
12 smaller department, they aren't able to have as access to as
13 much money as I do. I'm able to come in and purchase larger
14 quantities of the drug, to a certain extent.

15 Q. Obviously, did SLED agree to assist with the case?

16 A. Oh, yes, sir. I agreed to assist. And I sat down
17 and I met with Mr. Sekula. He and I talked for little over
18 just about four hours about everything, his knowledge of the
19 organization, who he knew was in the organization, how he
20 knew them. We talked about the buys that he had done with
21 Dorchester County and how long he had been involved.

22 Q. What was the next step in your investigation?

23 A. After interviewing Mr. Sekula, we arranged a buy.
24 And if I can refer to my notes, I believe the first buy that
25 we did was on September 23rd, 2015. We conducted a buy on

1 Mr. Roberts.

2 That buy occurred at Margaret Drive over there in
3 that Ladson, Fairlawn. We bought seven grams of heroin, two
4 8 balls, for just around \$600.

5 Q. If you could, explain to the jury what your role in
6 that transaction was and how the transaction played out?

7 A. Yes, sir. Throughout this investigation, I
8 partnered up with Detective Lundberg as the lead case agent.
9 I was responsible for conducting or assisting in conducting
10 the buys, ensuring the safety of Mr. Sekula, monitoring the
11 technical equipment, as well as signing out or swearing to
12 any warrants, search warrants or arrest warrants that may
13 need to be issued.

14 On this particular buy, we picked Mr. Sekula up.
15 He doesn't have a driver's license. We picked him up and
16 brought him to an undisclosed meeting location in Dorchester
17 County. We stripped searched him. We always strip search
18 every single CI before a buy to ensure they have no evidence
19 on them -- no illegal drugs, weapons or money. It's the
20 same strip search they do in the jails. It's a full squat
21 and cough cavity search.

22 After that, we place -- what we do is we place
23 recording equipment on them for their safety as well as the
24 collection of evidence. Yesterday, some of the defendants
25 testified that they -- he used the term "wire". What a wire

1 is, it's a transmitting device that I will place on
2 Mr. Sekula or any other CI. It allows me to listen in to
3 whatever is going on, while also recording what's going on.
4 I can hear -- I don't know if you notice in some of the
5 videos how Mr. Sekula seemed to be kind of talking to
6 himself. He's actually talking to me, because I can hear
7 him. And I was a short distance away able to monitor.

8 This ensures the safety of that CI itself.
9 Obviously, buying and selling drugs is a very dangerous
10 game. People get robbed all the time. And I always tell my
11 CIs that this is not worth your life. If anything goes
12 wrong, help, help, help, and just get out of there. We have
13 to stay close enough to ensure their safety, because if they
14 do say help, we have to get there fast and make sure they
15 are okay.

16 So we would place this recording device on
17 Mr. Sekula after searching him. And then we would give
18 him -- I would give him money from the State to purchase
19 this evidence. And in this case, it was \$600. That money
20 is documented on the back of my vouchers that I submit to
21 SLED.

22 He then gets in the car with Detective Brandon
23 Allen. And he drives him to that location. Mr. Sekula gets
24 out of the car. He goes into this location. Meets with
25 Mr. Roberts. Conducts the transaction. Comes back out.

1 And he gets in the car with Detective Allen.

2 As soon as he gets in the car with Detective Allen,
3 both Mr. Sekula and Detective Allen knew that the rule was
4 that Mr. Sekula was to give the heroin immediately to
5 Detective Allen..

6 He gave the heroin to Detective Allen. Detective
7 Allen then drove Mr. Sekula back to the meeting location
8 where he met myself, Detective Lundberg, and other members
9 of the surveillance team.

10 Let me expand on that. Surveillance team, when we
11 do these buys, it's not just one, two or three people.
12 Usually, it's a group of people. And we have cars that are
13 in the area looking for suspicious activity or trying to
14 gain more intelligence on the subject that we are buying
15 from. This also plays into the safety role, because we
16 don't know how many people would be in a house or the
17 situation that may unfold. And it's always better to have
18 more people there than not enough.

19 Once they get back to the meeting location,
20 Detective Allen relinquishes custody of that heroin to me.
21 I place the heroin into a BEST bag, seal it up. I then take
22 that BEST bag and submit it to the lab in Columbia for
23 evidence for analysis.

24 MR. UNDERWOOD: Permission to approach the witness,
25 Your Honor.

1 THE COURT: Yes, sir.

2 BY MR. UNDERWOOD:

3 Q. Special Agent Wingo, I'm handing you what's been
4 marked as State's Exhibit 117. Do you recognize that
5 exhibit?

6 A. Yes, sir, I do.

7 Q. I believe that has already been entered into
8 evidence without objection.

9 THE COURT: What number?

10 MR. UNDERWOOD: 117, Your Honor.

11 THE COURT: Proceed.

12 BY MR. UNDERWOOD:

13 Q. Agent Wingo, whose name appears on that?

14 A. My name does.

15 Q. Is it a signature?

16 A. Yes, sir, it is.

17 Q. What does that signify?

18 A. That I placed these drugs into this BEST kit.

19 Q. What did you do with that BEST kit after placing
20 the drugs inside?

21 A. I took it to the SLED lab in Columbia and requested
22 a drug analysis on them.

23 Q. I'm now handing you State's Exhibit 118, which has
24 already been admitted into evidence.

25 A. Yes, sir.

1 Q. Do you recognize that?

2 A. Yes, sir, I do. It's the laboratory report from
3 the lab.

4 Q. How does that relate to the BEST kit in Exhibit
5 117?

6 A. The lab numbers correspond from what's on this to
7 what's on this.

8 Q. Which means what?

9 A. That this evidence was analyzed by the lab and they
10 had given me a report on it, which here is 7 plastic bags
11 containing powder substance. Heroin found in sample tested.
12 Total net weight of 7.10 grams. Confidence level for it is
13 99 percent.

14 Q. Is that the conclusion of that particular
15 transaction?

16 A. Mr. Sekula was searched again, strip-searched again
17 to make sure that he did not have any other evidence on him.
18 He was then -- the audio/video equipment was removed from
19 him. He then sat down and provided me a written statement
20 of what happened. He signed that statement. And we took
21 Mr. Sekula home.

22 Q. What was the next step of your investigation?

23 A. Next step of that investigation was to conduct
24 another buy. September 25th of 2015, we conducted another
25 controlled purchases utilizing Mr. Sekula as the

1 confidential informant. This buy occurred on an individual
2 at the time we knew as G. Later on, we identified him as
3 Lassain Johnson. We were able to identify him during the
4 search warrant at [REDACTED], where Mr. Johnson
5 was trying to enter the residence while we were conducting
6 the warrant. He was arrested.

7 We -- we picked Mr. Sekula up. He was taken to
8 this meeting location. He was strip-searched. We put the
9 recording evidence or the recording equipment on him for
10 safety of him and the collection of the evidence. I gave
11 him \$600, but I actually gave him 720, because he had to pay
12 a debt off to another individual there.

13 We were instructed by Mr. Johnson to go to the
14 Sunoco on College Park Road right there. Mr. Sekula and
15 Mr. Allen get in the undercover vehicle. Mr. Allen drives
16 Mr. Sekula to the Sunoco. Myself and Agent Lundberg, along
17 with other members of the surveillance team, were there. I
18 was at a gas pump and other members were scattered out
19 throughout that gas station and McDonald's beside it.

20 Mr. Lassain Johnson is observed pulling up with
21 another black male. They exit the vehicle and meet
22 Mr. Sekula in the women's bathroom of that gas station where
23 they -- Mr. Sekula purchases the heroin from Mr. Johnson.

24 After this transaction occurs, Mr. Sekula comes
25 back out, gets in the car with Detective Allen. Immediately

1 hands the dope to Detective Allen -- excuse me, the heroin
2 to Detective Allen. And we all meet back at the meeting
3 location where Detective Allen hands me the suspected
4 heroin. And I secure it to another SLED BEST kit.

5 Q. Agent Wingo, where did this particular transaction
6 take place again?

7 A. At the Sunoco on College Park.

8 Q. What county is that in?

9 A. Berkeley County.

10 Q. The previous transaction we discussed from
11 September 23rd, where did that take place?

12 A. Dorchester County.

13 Q. Agent Wingo, I'm now handing you State's Exhibit
14 124. Do you recognize that item?

15 A. Yes, sir, I do.

16 Q. What is that?

17 A. These are the drugs that were purchased -- this is
18 the SLED BEST kit that contains the drugs that were
19 purchased from Mr. Johnson on that date.

20 Q. Whose signature appears on that BEST kit?

21 A. Mine.

22 Q. What does the signature signify?

23 A. That I was the one that put these drugs in the SLED
24 BEST kit.

25 THE COURT: Any objection?

1 MR. GRIFFITH: No objection, Your Honor.

2 MS. JOHNS: No, Your Honor.

3 THE COURT: What number is that?

4 MR. UNDERWOOD: 124, Your Honor.

5 THE COURT: Thank you. Marked and admitted without
6 objection.

7 (State's Exh. 124, Drug labeled L15-13080, is
8 received in evidence.)

9 BY MR. UNDERWOOD:

10 Q. Agent Wingo, now handing you State's Exhibit 164,
11 which I believe has already been admitted into evidence. Do
12 you recognize that?

13 A. Yes, sir, I do. It is the lab report for these
14 drugs.

15 Q. How do you know that the lab report in Exhibit 164
16 relates to the drug evidence in Exhibit 124?

17 A. Because the lab number on the report is the same
18 lab number that is on this BEST pack right here.

19 Q. Was the evidence inside that BEST kit tested by the
20 SLED laboratory?

21 A. Yes, sir, it was. It was two Ziploc bags
22 containing a powder substance. Of the two tested, heroin
23 was found, a total of 6.92 grams. The confidence level for
24 that is 99.7 percent.

25 Q. Was that the conclusion of that transaction?

1 A. We -- after placing this heroin in this BEST kit,
2 Mr. Sekula was then strip-searched once again. We removed
3 the equipment from him. He sat down and provided a written
4 statement of what had happened on that transaction. He
5 signed it. After that, we took him home.

6 Q. Agent Wingo, what was the next thing that you did?

7 A. We conducted another buy. This buy was on
8 September 30th, 2015.

9 Q. How did that transaction take place?

10 A. We utilized Mr. Sekula again to act as a
11 confidential informant to purchase drugs, this time from
12 Mr. Hunter. He was taken -- we were purchasing 14 grams of
13 heroin from Mr. Hunter at this time. That's an expensive
14 purchase. We were being charged \$1,100. And we also had to
15 pay off a debt that Mr. Sekula owed Mr. Hunter for selling
16 Mr. Hunter -- or exchanging an Airsoft gun for some heroin
17 in a previous transaction. We were spending a total of
18 \$1,350 that day.

19 We took -- picked Mr. Sekula up, took him to a
20 meeting location. He was strip-searched again. We placed
21 all of the recording equipment that we used, the wire on
22 him. He was given the money. I documented the money and I
23 gave it to Mr. Sekula. He got into the undercover vehicle
24 with Detective Allen. He and Detective Allen drove to -- if
25 my memory serves me, it's going to be the McDonald's on

1 College Park right there, to the left of the Sunoco.

2 We observed Mr. Hunter arriving in a gray BMW with
3 the license plate of LMQ-556. We were close enough to be
4 able to get that tag. Mr. Sekula gets into the car with
5 Mr. Hunter. They conduct the transaction. Mr. Sekula exits
6 the vehicle, then enters the undercover vehicle with
7 Detective Allen again. Immediately gives the heroin to
8 Detective Allen.

9 After giving the heroin to Detective Allen,
10 Detective Allen and Mr. Sekula meet myself and Investigator
11 Lundberg and other members of the surveillance team back at
12 this location. Detective Allen relinquishes the heroin to
13 me. And I place it into a SLED BEST kit.

14 Q. And the location of that transaction was again?

15 A. In Berkeley County.

16 Q. Now, handing you State's Exhibit 113, do you
17 recognize that?

18 A. Yes, sir, I do.

19 Q. What is that?

20 A. These are the drugs that I placed into the SLED
21 BEST kit.

22 Q. How do you know that that is the BEST kit that you
23 placed those drugs into.

24 A. Because my signature was on there.

25 Q. Was that evidence submitted to the SLED laboratory

1 for analysis?

2 A. Yes. I took it to the lab and submitted it will
3 for drug analysis.

4 Q. Now handing you State's Exhibit 109. Both exhibits
5 are already entered into evidence. Do you recognize 109?

6 A. Yes, sir, I do.

7 Q. What is that?

8 A. This is the lab report for the evidence collected
9 in this BEST kit.

10 Q. What were the results of the analysis?

11 A. That heroin was found in the sample tested. It was
12 13.96 grams, with a confidence level of 99.7 percent.

13 Q. What else did you do in relation to that
14 transaction?

15 A. After securing the evidence, we stripped searched
16 Mr. Sekula, was strip-searched again to make sure there were
17 no other drugs on him again or money. He was then -- the
18 recording equipment was removed. And then he sat down and
19 provided a written statement to me of what happened during
20 those events, where he signed it. After that, we took him
21 home.

22 Q. What was the next thing you did in your
23 investigation?

24 A. We then conducted another buy on Mr. Hunter
25 utilizing Mr. Sekula. This was on October 28th of 2015. We

1 picked Mr. Sekula up, just as always. He was taken to a
2 meeting location where we strip-searched him. He was then
3 wired up with the wire and recording equipment. He then was
4 given -- this buy was for 14 grams again. So it was \$1,000.
5 And I gave him the documented money. He gets into the car
6 with Detective Allen. He is driven to that location, which
7 was the Sunoco right there in Berkeley County on College
8 Park.

9 Mr. -- he's waiting there with Detective Allen.
10 Surveillance team is down on a trailer down -- Arno Drive is
11 right there, right beside that Sunoco. It's not far at all.
12 You could walk to it if you wanted to. We had surveillance
13 personnel down there. And observed Mr. Hunter go to that
14 residence, enter it, come back out. And then he drove to
15 the Sunoco to meet us.

16 He pulls in with a gray BMW 7 series. It has a
17 temporary tag on it. He is -- I'm clear enough to see him
18 because I took a cell phone video of Mr. Sekula exiting his
19 car after the transaction. They were sitting there and I
20 was close enough. I was at a gas pump behind him where I
21 could pull my cell phone up. And I took that video. You
22 can clearly see Mr. Sekula exiting the vehicle, Mr. Hunter
23 driving off.

24 Mr. Sekula then gets in the undercover car with
25 Detective Allen. And gives the heroin immediately to

1 Detective Allen. After giving the heroin to Detective
2 Allen, they meet us back at this location. Mr. Sekula is
3 then once again strip-searched. I take the evidence and
4 place it into a SLED BEST kit, and submit it to the lab for
5 analysis.

6 Q. Agent Wingo, I want to follow up on a few things.
7 You mentioned the video. Is that the same video that we
8 watched here in court earlier in this trial?

9 A. Yes, sir, it was.

10 Q. Was that video a fair and accurate portrayal of
11 what you saw at that time?

12 A. Yes, sir, 100 percent.

13 Q. Agent Wingo, how was the surveillance able to
14 observe -- specifically, what did they observe about
15 Mr. Hunter driving to the trailer on Arno and into the
16 Sunoco station? Did they observe where he came from?

17 A. No, sir, we didn't observe where he came from. We
18 had an agent sitting down. It's an one-way-in/one-way-out
19 road. All those roads dead ends. You have to turn around.
20 They are all gravel. So you can sit somewhere and you have
21 to see somebody come in. And then there's no back way out
22 of that trailer park. We sat there. Our the surveillance
23 team would sit there, observe Mr. Hunter come in, go to that
24 residence on Arno. He gets out, comes back, gets in his
25 car. And they are able to follow him to the Sunoco.

1 Another -- we were utilizing the number that Mr. Hunter or
2 Mr. Sekula had for Mr. Hunter at that time, which was (843)
3 469-5400. Mr. Hunter answered that number directly.

4 Q. Agent Wingo, I'm now handing you what's been
5 admitted as State's Exhibit 112 and State's Exhibit 110. Do
6 you recognize each of those items? And please identify them
7 by their exhibit number.

8 A. Yes, sir, I do. State's Exhibit 112 contains the
9 heroin with my initials on it placed into a bag. This is
10 the SLED BEST kit that I placed it in.

11 State's Exhibit 110 is the actual lab report for
12 this heroin. You can tell that this is the actual lab
13 report because this lab number and the lab number up here in
14 the corner match up.

15 Q. What were the results of the analysis performed?

16 A. The substance that was in this bag tested, it was
17 14.03 grams. And the confidence level for that weight is
18 99.7 percent.

19 Q. What else did you do as part of that particular
20 operation?

21 A. We, again, took Mr. Sekula. He was strip-searched
22 The audio/video recording equipment was removed from him.
23 We sat down. He and I sat down and he provided a statement
24 to me of what all happened during that transaction. And
25 then we took him home.

1 Q. What did you do next in this case?

2 A. We then took -- did another deal with -- on
3 December 14th. This deal occurred with Mr. Hunter. We
4 utilized Mr. Sekula again to conduct a controlled buy from
5 Mr. Hunter. This deal occurred at the Walmart in
6 Summerville down there. Like every other time, we picked
7 Mr. Sekula up. He's strip searched. He is placed equipment
8 on him. He's given documented money. He then gets in the
9 car with Detective Allen. And we all -- he's driven to the
10 Walmart in Summerville. Mr. Hunter is observed driving up
11 in a gray BMW.

12 Mr. Sekula gets in the car with Mr. Hunter. A
13 transaction occurs. Mr. Sekula gets out. We purchased an
14 eight-ball 3.5 grams, also known as an eight-ball in the
15 drug world, because it's an eighth of an ounce, for \$300.

16 Mr. Sekula then gets back in the car with Detective
17 Allen. He immediately hands that heroin to Detective Allen.
18 And we all meet at the meeting location. Detective Allen
19 gives me the heroin as soon as we get back. Mr. Sekula is
20 immediately strip-searched And I place the heroin into the
21 SLED BEST bag.

22 Q. Agent Wingo, let me ask you a few more questions
23 concerning this particular transaction. Where were you
24 located when the transaction took place?

25 A. I was in the Walmart parking lot in the front seat

1 of Detective Lundberg's truck monitoring the wire.

2 Q. How close were you to where the activity took
3 place?

4 A. I would say probably 60, 70 yards.

5 Q. Were you able to witness what took place?

6 A. They were inside of a car. I was able to observe
7 the car pull up, pick Tommy up and -- he didn't stop. He
8 picked Tommy up and it was like he rolled up. And there's a
9 frontage road right there. He stopped at that stop sign
10 where that frontage road is. And Tommy got out of the car
11 after that.

12 Q. Were you able to observe Tommy Sekula then walk
13 back to the undercover vehicle?

14 A. Yes, sir.

15 Q. Did he make any stops between Mr. Hunter's vehicle
16 and the undercover vehicle?

17 A. No, sir. And when you monitor that wire, you can
18 pretty much tell what they are doing. If they are walking,
19 you hear their pants and shirt rubbing together, like on the
20 video. And Tommy would always talk to himself or make some
21 kind of comments. And you could hear him. There wasn't
22 that much of a delay of silence until he got back in the car
23 and then Mr. Allen would let us know, hey, he refers to him
24 in the Charlie on the video. Charlie is back in the car.
25 Deal went good.

1 Q. What vehicle did Mr. Hunter drive to that
2 transaction?

3 A. It was a gray 7 Series.

4 Q. 7 series of what make?

5 A. I'm sorry, BMW.

6 Q. And what county did that occur in?

7 A. He believe that Walmart is in Berkeley County.

8 Q. Special Agent Wingo, I'm now showing you State's
9 Exhibit 114 and State's Exhibit 111, both of which have
10 already been placed into evidence. Could you identify each
11 on them by their exhibit number, please.

12 A. Yes, sir. State's Exhibit 114 is the heroin that
13 was purchased from Mr. Hunter on that date. It was placed
14 in the SLED bag by me, because my initials are on this BEST
15 kit.

16 State's Exhibit 111 is the lab report for this drug
17 evidence. You can tell that it's this lab report because
18 the lab numbers match up on this BEST kit on this report.

19 The results from this buy are that heroin was found
20 in the sample tested. Net weight is 3.30 grams. Yes,
21 ma'am, 3.30 grams, with a confidence weight or confidence
22 level for 99.7 percent.

23 Q. Did that conclude your activity for that
24 transaction?

25 A. No, sir. Mr. Sekula was then immediately

1 strip-searched again. We removed all the buy equipment, the
2 recording equipment used in that buy from him. Tommy sat
3 down. And he and I had a conversation about what happened,
4 wrote it out in a statement. He signed it. And then we
5 took Tommy home.

6 Q. What was the next thing you did to further your
7 case?

8 A. Then we conducted another buy on January 7th of
9 2016. We conducted this buy on Mr. Roberts. It occurred at
10 [REDACTED] That trailer is off College Park
11 Road. We were able to purchase an eight-ball of heroin for
12 \$300 from Mr. Roberts. Like before, we picked Mr. Sekula
13 up. He was strip-searched. We placed the recording
14 equipment on him and gave him the recorded State-documented
15 funds.

16 He then got into a vehicle with Detective Allen,
17 where he was driven to [REDACTED] observed by
18 Detective Allen entering the residence, leaving the
19 residence. He gets back into the car with Detective Allen.
20 Immediately gives the heroin to Detective Allen. And then
21 they meet us back at the meeting location.

22 During this specific buy, it's kind of hard to sit
23 down in that trailer park, because if you don't belong
24 there, people are going to kind of pick you out. So there's
25 a little barbecue spot, Bessinger's barbecue is directly

1 across the street from that location. And I was able to
2 pull in -- Detective Lundberg and I were able to pull into
3 that location. And I was close enough that I could hear the
4 wire and everything else going on throughout that buy and
5 get to Tommy fast if I needed to, but I was far enough away
6 that, hey, what is this random vehicle doing sitting here,
7 so ...

8 Q. What happened when Detective Allen and Mr. Sekula
9 got back to the meeting location?

10 A. Detective Allen gave me the heroin. I placed it
11 into the BEST kit. And Mr. Sekula was immediately
12 strip-searched.

13 Q. This location, what was that address again?

14 A. [REDACTED]

15 Q. What county is that located in?

16 A. Berkeley County.

17 Q. Is this the same site of the search warrant Mr.
18 Vasquez testified about earlier?

19 A. Yes, sir, it was.

20 Q. Agent Wingo, I'm now handing you what's been
21 admitted into evidence as State's Exhibits 115 and 116.
22 Will you please examine those and identify them by their
23 exhibit numbers?

24 A. This is State's Exhibit 116. It is the actual
25 heroin that we purchased from Mr. Roberts that night at [REDACTED]

1 [REDACTED].

2 Q. How do you know that?

3 A. Because my name is right here. My signature is
4 right here on this BEST pack.

5 Q. And the other exhibit?

6 A. Exhibit -- State's Exhibit 115 is the lab report
7 for these drugs. You can tell that because these two lab
8 numbers match up from the report and on the drugs. The
9 results from this buy are four plastic bags containing
10 powder substance. Heroin was found in the sample tested.
11 All four bags were tested. Total Net weight of 3.38 grams.
12 And the confidence level is 99.7 percent.

13 Q. What else did you do regarding that transaction?

14 A. We obtained a search warrant on that transaction.
15 But to further the investigation, we chose not to serve it
16 at that time.

17 Q. What was the next step in your case that you took?

18 A. We took and -- after taking this, making this buy,
19 Mr. Sekula again was immediately strip-searched. He then
20 was able to sit down with me. We took all the recording
21 equipment off of him. He provided another statement to me
22 about what happened during this buy. He signed that
23 statement and we took him home.

24 Q. What did you do next to further your case?

25 A. We conducted another buy. This time it occurred on

1 January 14th of 2016. We utilized Mr. Sekula. We picked
2 him up again. We strip-searched him. We had him reach out
3 to Mr. Hunter, Justin Hunter. And Hunter directed us to the
4 Walmart in Summerville. Mr. Sekula was strip-searched. We
5 gave him the recording equipment. Placed the wire on her.
6 I gave him documented funds. It was \$300. We were buying
7 3.5 grams of heroin from him.

8 We were able to see Mr. Hunter leave his residence
9 at [REDACTED] He left in a gray BMW 7 Series
10 bearing license plate LTQ-710. He was then -- he pulls into
11 the Walmart. Mr. Sekula enters Mr. Hunter's vehicle. They
12 conduct the deal. After conducting the deal, Mr. Sekula
13 exits Mr. Hunter's vehicle. He then comes and gets in the
14 undercover vehicle with the Detective Allen. After getting
15 in the vehicle with Detective Allen, he then immediately
16 gives Detective Allen the heroin, just as all times before.
17 And he and Detective Allen meet us back at the meeting
18 location. Detective Allen gives me the heroin. And
19 Mr. Sekula is immediately strip-searched.

20 I then take that heroin and place it into the SLED
21 BEST bag and submit it to the lab for analysis.

22 Q. And what else did you do to complete that
23 operation?

24 A. We -- Mr. Sekula was then strip-searched. We took
25 the recording equipment off of him. After recording

1 equipment was off, he sat down and provided a statement to
2 me. After getting that license plate number, we were able
3 to successfully run those license plates, that license plate
4 LTQ-710 from that BMW through South Carolina DMV, and
5 confirmed that that BMW did, in fact, belong to Mr. Hunter.

6 Q. Agent Wingo, I'm now handing you what's been marked
7 and admitted into evidence as State's Exhibit 131 and what
8 is now marked for identification as State's Exhibit 121.
9 Could you please identify each of those exhibits, please?

10 A. This is the heroin that was purchased and placed
11 into the SLED BEST kit from Mr. Hunter. This is my
12 signature on it.

13 MR. UNDERWOOD: Your Honor, at this time I move to
14 admit State's Exhibit 121 into evidence.

15 THE COURT: Has that already been admitted, Madam
16 Court Reporter?

17 THE COURT REPORTER: No.

18 MR. GRIFFITH: No objection, Your Honor.

19 THE COURT: Ms. Johns?

20 I thought it was already admitted. Admitted
21 without objection:

22 (State's Exhibit 121, Drug labeled L16-0782, is
23 received in evidence.)

24 BY MR. UNDERWOOD:

25 Q. How do State's Exhibit 131 and 121 relate to each

1 other?

2 A. They have the same lab number on them. Up here in
3 the corner, this is the lab report for this evidence.

4 Q. What were the results of the analysis on that
5 evidence?

6 A. There was a powder substance tested. Heroin found
7 in the sample tested, a net weight of 3.45 grams, with a
8 confidence level for the weight is 99.7 percent.

9 MS. JOHNS: No objection.

10 THE COURT: What are those numbers again?

11 MR. UNDERWOOD: Your Honor, these are State's
12 Exhibit 194, 195 and 196.

13 THE COURT: Any objection, Mr. Griffith?

14 MR. GRIFFITH: No objection, Your Honor.

15 MS. JOHNS: No, Your Honor.

16 THE COURT: Marked and admitted without objection.

17 (State's Exh. 194, Vehicle plate registration
18 from the DMV BMW 7 Series with the license plate number
19 LTQ-710, was received in evidence.)

20 (State's Exh. 195, Vehicle plate registration for
21 BMW 7 Series belonging to Justin Gordon Hunter, was received
22 in evidence.)

23 (State's Exh. 196, DMV Vehicle customer list DMV
24 of all vehicles owned by Mr. Justin Gordon Hunter, includes
25 a 2005 Audi A4, License Plate LSF-463; a 2007 BMW 5 Series

1 with license plate LMQ-556; and a 2006 BMW 7 Series with a
2 license plate LTQ-710, was received in evidence.)

3 BY MR. UNDERWOOD:

4 Q. Please identify for the jury State's Exhibit 194,
5 195 and 196 by their exhibit numbers.

6 A. 194 is a certified copy of the current plate from
7 the DMV for a BMW 7 Series with the license plate number
8 LTQ-710.) That plate comes back to a Justin Gordon Hunter.

9 The State's Exhibit of 195 is the current title,
10 certified from the DMV, current title of a BMW 7 Series
11 belonging to Justin Gordon Hunter.

12 And State's Exhibit 196 is a vehicle customer list
13 provided by the DMV, certified for all vehicles owned by
14 Mr. Justin Gordon Hunter, and includes a 2005 Audi A4,
15 License Plate LSE-463; a 2007 BMW 5 Series with license
16 plate LMQ-556; and a 2006 BMW 7 Series with a license plate
17 LTQ-710.

18 Q. What significance does the information in those DMV
19 records give to you as part of your investigation?

20 A. We were able to obtain those license plates. Both
21 of those vehicles were utilized during controlled purchases
22 with Mr. Hunter. We were able to observe him pull up, and
23 successfully get the tag number from both BMWs, both the 5
24 Series, the LMQ-556 license plate. I believe that was on
25 September 30th.

1 And the second one we were able to get that LTQ-710
2 license plate after successfully following him from [REDACTED]
3 [REDACTED] off of the 7 Series.

4 Q. As to the 5 Series, license plate LMQ-556, was
5 there any significant dates related to that on those
6 documents?

7 A. No, sir, not on the document itself for the 5
8 Series.

9 Q. What about for the 7 Series with the license plate
10 LTQ-710?

11 A. Yes, sir. That plate was issued on 10/27/2015. On
12 the buy of 10/28, he shows up in this vehicle. It just has
13 a temporary tag on it.

14 Q. Again, were both of those BMWs listed to owner
15 Justin Hunter?

16 A. Yes, sir, as well as the Audi.

17 Q. Agent Wingo, what was the next step in your
18 investigation?

19 A. We then conducted another buy. This time it was on
20 January 19th of 2017 -- excuse me, 2016. This buy occurred
21 with Mr. Roberts and Mr. Brown at the residence of [REDACTED]
22 [REDACTED] right there in Berkeley County again,
23 right off College Park Road. The deal went. We picked
24 Mr. Sekula up. He was taken back to a meeting location
25 where he was strip-searched. After being strip-searched, we

1 placed the recording equipment and wire on him. We gave him
2 \$300 of documented funds. After that, we were directed by
3 Mr. Roberts to come to the residence of [REDACTED]
4 [REDACTED] Once we got that, Mr. Sekula was driven by Detective
5 Allen to that residence.

6 He exits the vehicle. Enters the trailer. From
7 watching the video, you observe Mr. Brown conduct the
8 transaction with Mr. Sekula. Mr. Sekula then exits the
9 vehicle -- I'm sorry, exits the trailer, and enters the
10 vehicle with Detective Allen, where he immediately hands the
11 heroin to Detective Allen.

12 After handing the heroin to Detective Allen, they
13 meet us back at the meeting location. After meeting us at
14 the meeting location, I secure the heroin from Detective
15 Allen and place it into a SLED BEST kit. Mr. Sekula is
16 immediately strip-searched. And I submit that BEST kit to
17 the lab for analysis.

18 Q. I'm now showing you what's been marked for
19 identification as State's Exhibit 123. Do you recognize
20 that item?

21 A. Yes, sir. That is the BEST kit that I sealed the
22 heroin that we obtained from Mr. Brown on that buy.

23 Q. How do you know it's the same BEST kit?

24 A. Because my signature is on it.

25 MR. UNDERWOOD: Your Honor, at this time, I move to

1 admit State's Exhibit 123 into evidence.

2 THE COURT: Any objection?

3 MS. JOHNS: No, Your Honor.

4 MR. GRIFFITH: No.

5 THE COURT: Marked and admitted. What was that
6 number again?

7 MR. UNDERWOOD: 123, Your Honor.

8 THE COURT: 123 marked and admitted without
9 objection.

10 (State's Exhibit 123, Drug labeled L16-0965, was
11 received in evidence.)

12 BY MR. UNDERWOOD:

13 Q. I'm now handing you State's Exhibit 132. Can you
14 explain how 132 and 123 relate to each other?

15 A. This is the lab results for the drugs that were in
16 this BEST kit we bought from that address. The results are
17 there's a Ziploc bag containing four plastic bags containing
18 powder substance. Heroin found in the sample tested of --
19 they tested one, but when they test one, sometimes the lab
20 states that the maximum attainable statutory threshold has
21 been met for this substance. The total weight is 2.61
22 grams. And the confidence level for that weight is 99.7
23 percent.

24 Q. Can you explain to the jury what that threshold
25 language means?

1 A. That if they -- if there's a certain amount of a
2 product, testing these drugs is very expensive, and they are
3 able to test one and confirm that that is actually that
4 substance, I am not 100 percent familiar, but it shows the
5 total weight as well as the confidence level for it.

6 Q. Was there any other activity from law enforcement
7 regarding that particular transaction?

8 A. Yes, sir. Like I said, Mr. Sekula was immediately
9 strip-searched. He takes the -- we take the recording
10 equipment off of him. He and I sit down, have another
11 conversation about what occurred in that buy, write it out
12 in a statement. He signs it. After that, we take him home.

13 Q. What was the next step in your investigation?

14 A. We then conducted a buy on February 2nd of 2016.
15 This buy occurred on Mr. Roberts at [REDACTED]
16 for 3.5 grams of heroin. We utilized Mr. Sekula to conduct
17 this buy. We picked him up. He was strip-searched. We
18 placed the audio/video recording device on him, as well as
19 the wire. I gave him \$300 from state money, state
20 documented funds.

21 He was then driven to this residence by Detective
22 Allen. Detective Allen was -- at this time, it was night.
23 He was able to pull up into the driveway and observe
24 Mr. Sekula walk straight up the porch and be led in by
25 Mr. Roberts. The transaction occurs. Mr. Sekula is then

1 observed walking straight out of that front porch, down the
2 steps, and gets back into the undercover vehicle, where he
3 immediately hands the heroin that was purchased straight to
4 Mr. -- or Detective Allen.

5 We then drive or meet them back at the meeting
6 location, where Detective Allen immediately hands me the
7 heroin. And Mr. Sekula is immediately strip-searched. I
8 take the heroin that was purchased and place it in a SLED
9 BEST kit, submit it to the lab for an analysis.

10 I really remember this buy because, after reviewing
11 the video, it was a really good video. You can clearly see
12 what happened inside that trailer on that night, that
13 transaction that occurred.

14 THE COURT: Any objection?

15 MS. JOHNS: No, Your Honor.

16 MR. GRIFFITH: No objection, Your Honor.

17 THE COURT: What number is that?

18 MR. UNDERWOOD: 122, Your Honor.

19 THE COURT: Marked and admitted without objection.

20 (State's Exh. 122, Drug labeled L16-1604, is
21 received in evidence.)

22 BY MR. UNDERWOOD:

23 Q. Agent Wingo I'm now handing you what's been
24 admitted into evidence State's Exhibit 122 and State's
25 Exhibit 133. Referring to them by exhibit number, can you

1 explain how they relate to each other?

2 A. State's Exhibit 122 is the BEST kit that I placed
3 the heroin purchased from Mr. Roberts in immediately after
4 that buy. It's also the same BEST kit I submit to the lab
5 for analysis. My signature is right here on the front of
6 it.

7 State's Exhibit 133 is the lab report for this BEST
8 kit. The lab number on this BEST kit itself and the lab
9 number on this report match up.

10 The results are heroin found in sample tested, net
11 weight 3.35 grams. Confidence level for that weight is 99.7
12 percent.

13 Q. What was the next step in your investigation, Agent
14 Wingo?

15 A. Next day, we conducted a controlled buy utilizing
16 Mr. Sekula. This time we were going to purchase some
17 methamphetamine. We texted Mr. Hunter. And he responds to
18 go to Main Street. We picked Mr. Sekula up, or after we
19 picked Mr. Sekula up, we contacted Mr. Hunter about
20 purchasing the methamphetamine. And he responds to go to
21 Main. Mr. Sekula is strip-searched. We place the audio and
22 video recording equipment on him. He then was given money,
23 State-documented funds. He drives with -- he arrives with
24 Detective Allen to the Azalea Square Shopping Center right
25 there. I believe that's PetSmart, a Kohl's and Target all

1 right there in a row.

2 Surveillance personnel are sitting in the parking
3 lot. I'm sitting in the parking lot. And we are able to
4 observe Ms. Quezada leave [REDACTED], walk across
5 the street, because the apartment complex I believe is Vista
6 Sands, which is right there within walking distance of that
7 shopping center. She walks across the street. I'm able to
8 observe her meet with Mr. Sekula. They conduct a
9 transaction. And we are able to observe her walk all the
10 way back to that apartment and go back in [REDACTED]

11 Q. Agent Wingo, the apartment complex and shopping
12 center you mentioned, are they in Berkeley County?

13 A. I believe so.

14 Q. Now, Agent Wingo, where were you positioned during
15 that transaction?

16 A. I was in the front seat of Detective Lundberg's
17 truck in that parking lot, probably safe to say 40 to 60
18 yards away from the actual buy. I didn't have -- it was --
19 parking lot is kind of empty. It was later on in the day.
20 So you had a clear view of Mr. Sekula, as well as when
21 Ms. -- excuse me, Ms. Quezada came up, we could see both on
22 them. They sat down on a bench together and conducted the
23 buy.

24 Q. What was her full name?

25 A. It's Rosemarie Quezada. Tommy referred to her as

1 Cici.

2 Q. How were you able to identify Cici as Rosemarie
3 Quezada?

4 A. She was at the residence of [REDACTED]
5 when we conducted the search warrant on that residence.

6 Q. Were you able to recognize her from your own
7 personal observations?

8 A. Yes, sir, I was. After the buy, Tommy gets back in
9 the car with Detective Allen. He immediately hands the
10 methamphetamine to Detective Allen. They drive back to the
11 meeting location where they meet us. Detective Allen
12 immediately hands me the methamphetamine. And Mr. Sekula is
13 immediately strip-searched. We take -- I take the
14 methamphetamine. And I place it in that BEST kit and seal
15 it up and submit it to the lab for analysis.

16 Tommy, we take the recording equipment off of him.
17 Sit him down. We debrief him again, where he writes a
18 statement of what happened during those events. He signs
19 it. And we took him home.

20 Q. Agent Wingo, now handing you what's been marked for
21 identification as State's Exhibit 125. Do you recognize
22 that?

23 A. Yes, sir, I do. This is the methamphetamine placed
24 in the BEST kit with my signature on it.

25 MR. UNDERWOOD: Your Honor, at this time, I move

1 that State's Exhibit 125 be admitted.

2 THE COURT: Show it to counsel.

3 MR. UNDERWOOD: I did.

4 THE COURT: Any exception?

5 MS. JOHNS: No, Your Honor.

6 THE COURT: 125 marked and admitted without
7 objection.

8 (State's Exh 125, Lab Report L16-01640, is
9 received in evidence.)

10 BY MR. UNDERWOOD:

11 Q. I'm also handing you State's Exhibit 152. Using --
12 referencing that by exhibit numbers, can you explain how
13 they relate to each other?

14 A. Yes, sir. This the BEST kit with the lab number on
15 the top. This report has the same lab number on it as this
16 BEST kit does. It was a Ziploc bag containing plastic
17 corner containing crystal substance. The results of that
18 were methamphetamine were found in the sample tested of .87
19 grams. And the confidence level for that weight is 99
20 percent.

21 Q. Was there anything else to that transaction, Agent
22 Wingo?

23 A. No, sir, not in that transaction.

24 Q. Agent Wingo, throughout these transactions, you've
25 mentioned strip searches before and after.

1 A. Yes, sir.

2 Q. What were the results of those searches?

3 A. At all times they were negative. Mr. Sekula was
4 never found with anything, any illegal substance on him
5 before the buy or after the buy. They are very thorough
6 strip searches. They take the soles of the shoes out. They
7 take the battery out of his phone to make sure there's
8 nothing there, squat and cough to make sure he hadn't stuck
9 anything where he wasn't supposed to stick it. And
10 throughout all of these buys, Mr. Sekula never had an issue
11 with any kind of contraband being found on him.

12 Q. Agent Wingo, did you conduct any further controlled
13 purchases in this case?

14 A. No, sir, at this time, we reached a point in our
15 case where we had -- we felt it was time to further it
16 beyond controlled buys. So myself, Lieutenant Max Dorsey
17 and Detective Lundberg and some of his supervisors, all met
18 down here and created an ops plan. We obtained search
19 warrant for the three location, for [REDACTED]
20 for [REDACTED], and then [REDACTED]
21 We were able to obtain search warrants for those.

22 Since there were three locations, we had to create
23 an op's plan to get teams together for those locations.
24 Lieutenant Aaron Rawl was the team captain, if you will,
25 team leader for [REDACTED]. Special Agent Jason

1 Wells was the team leader for [REDACTED] And
2 Special Agent Vasquez was the team leader for [REDACTED]
3 [REDACTED]

4 We knew that we needed some help conducting an
5 entry into one of those residences, entry referring to
6 securing the residence for safety of law enforcement to be
7 able to come in and search the residence. That was the [REDACTED]
8 [REDACTED] So we utilized the Berkeley County SWAT
9 team to create our -- conduct the entry into that residence.

10 Q. Agent Wingo, what were the results of that search?

11 A. Of the three searches?

12 Q. Well, if you can break them down, beginning first
13 with, I suppose, Bear Island Road, what was --

14 A. At [REDACTED], there were drugs found.
15 There was money found. And I believe there were firearms
16 that were found. There was evidence or items found that are
17 evident to drug dealing and trafficking, I believe, scales,
18 the blenders, some Inositol powder.

19 Q. Please continue.

20 A. At [REDACTED] there were drugs found.
21 I believe there were numerous firearms found and also scales
22 and stuff that are conducive to drug trafficking or drug
23 dealing and drug trafficking.

24 At that time [REDACTED] -- at [REDACTED]
25 [REDACTED], there were also documents found that belonged to

1 Mr. Roberts, that belonged to Mr. Hunter, that belonged to
2 Mr. Johnson, and that belonged to Ms. Quezada. Passports,
3 driver's license, school IDs, Social Security cards, all
4 that information was found at [REDACTED] that
5 belonged to those individuals.

6 There were -- at [REDACTED] which is
7 Mr. Hunter's residence, there were numerous documents found
8 that showed Mr. Hunter connected to [REDACTED].
9 There were documents. There were scales found that had
10 heroin residue. There was Tupperware found that had heroin
11 residue on it, large stacks of money, a money counter and
12 firearms.

13 MS. JOHNS: Your Honor, I object.

14 THE COURT: Basis?

15 MS. JOHNS: Please approach.

16 (Whereupon, the following bench conference takes
17 place.):

18 MS. JOHNS: I object to the testimony of firearms
19 because the whole reason the firearms, all three of them --

20 MR. UNDERWOOD: I told him that we didn't need to
21 talk about firearms.

22 THE COURT: Okay. Well, I will just strike it,
23 strike the testimony and sustain the objection.

24 (Whereupon, the bench conference ends.)

25 THE COURT: The objection is sustained. Ladies and

1 gentlemen, you are to disregard the last two questions and
2 answers in their entirety. You are to give it absolutely no
3 consideration in your deliberations.

4 You may proceed.

5 (Whereupon, the bench conference ends.)

6 BY MR. UNDERWOOD:

7 Q. Agent Wingo, as the results of those searches, what
8 were you able to determine about the relationships between
9 Rosemarie Quezada, Lassain Johnson, Justin Hunter and Emory
10 Roberts?

11 A. As a result of those searches, finding all the
12 evidence that we found at those locations, we were able to
13 see that there was a relationship between those four
14 individuals. Like I said, we found information, passports
15 and such at [REDACTED]. We found information at
16 9698 that had those other addresses listed on it.

17 Q. Agent Wingo, aside from the search warrants, were
18 there any other investigative techniques that were used in
19 the investigation of this case?

20 A. Yes, sir. During the execution of the search
21 warrants, myself and Agent Lundberg, Danny Lundberg and
22 Lieutenant Dorsey attempted to approach Mr. Hunter, seeing
23 if he wanted to cooperate. We were conducting surveillance
24 right before the search warrant was executed. And observed
25 Mr. Hunter -- the BMW was parked right in front of his

1 house, that gray 7 Series was parked in front of his house.
2 Mr. Hunter was observed pulling up in the Audi. He, his
3 wife and small child got out of there. We approached
4 Mr. Hunter. We had our vests on clearly marked as police.
5 When we approached him, Mr. Hunter became very stand-offish.
6 He kind of, I will use the term, squared up against us right
7 there.

8 And for the safety of myself and the other
9 officers, we placed him in the investigative detention. We
10 placed him into the front seat of the Detective Lundberg's
11 truck. After searching him, we found two phones and a
12 wallet. And he was taken to another parking lot of the
13 complex.

14 After that, we sat down and I Mirandized
15 Mr. Hunter. I used the card that I always use to Mirandized
16 people. I carry it right here in my credentials case. I
17 pull it out. It's kind of warn. I read to it Mr. Hunter.
18 And he acknowledged to me that he understood his rights and
19 that he agreed to talk to us..

20 After that, Mr. Hunter confessed that he was
21 involved in trafficking heroin. He had been involved in
22 trafficking heroin since winter of 2015. He said that he
23 began trafficking heroin when he met a female down here
24 named Sonia. He was introduced to another male through
25 Sonya named R. I believe -- he briefly bought heroin from R.

1 He then began purchasing heroin from an individual known as
2 B.K. And that went on for about six months. Then
3 Mr. Hunter told me that he would go to New York. He would
4 fly to New York with the money for the heroin in his pocket,
5 and he would stay at the specific hotel. And if I'm
6 correct, the hotel is the Gateway Inn. And he told me
7 address is 1780 Sunrise Highway. He would meet an
8 individual at that hotel known as Fresh. And then he would
9 have a female transport it back down.

10 He would go down there and I think he bought -- I
11 would have to refer to my notes here. He bought 40 grams of
12 heroin from Fresh for right around \$1,600. After that,
13 Mr. Hunter gave me a list of customers that he would sell
14 to. There was three specifically he told me about. One was
15 a male named Parker. He would sell him around an
16 eight-ball.

17 Another was a male known as Chuck. Chuck was a
18 white male. He had a girlfriend. He drove a work truck.
19 Mr. Hunter told me he sold at least a gram.

20 And the third was an individual named Tom who he
21 sold heroin through throughout Dorchester and Berkeley
22 Counties.

23 After this, Mr. Hunter became very emotional after
24 telling me these things and asked me to take him to jail.
25 So I placed him under arrest. And he was transported to

1 jail in Columbia.

2 Q. At that time, when Mr. Hunter was placed under
3 arrest, was there anything seized him?

4 A. Yes, sir. There were two cell phones, an iPhone
5 and a little blue flip phone, and then his wallet.

6 Q. Agent Wingo, I'm now showing you what's been marked
7 for identification as State's Exhibits 189, 190, 191, 192
8 and 193. Could you identify what each of those items are?

9 A. 189 is that little blue cell phone I took off
10 Mr. Hunter.

11 190 is the Apple iPhone that was taken off
12 Mr. Hunter.

13 191, that's Mr. Hunter's driver's license.

14 Q. Where did that come from?

15 A. His wallet.

16 Q. The wallet was seized?

17 A. Yes, sir.

18 192 is a receipt that was found in the wallet for
19 the Gateway Inn located at 1780 Sunrise Highway. It
20 shows -- has Mr. Hunter's name on it right here and shows
21 him being up there January 25th, 2016.

22 And then Item No. 193 is another gold Green Dot
23 card, which, like Lieutenant Rawls said yesterday, it is
24 usually --

25 MS. JOHNS: Your Honor, I object.

1 THE COURT: Sustained. Hearsay.

2 THE WITNESS: That, through my training and
3 experience, I've seen be used by other drug traffickers to
4 move large amounts of money around.

5 Q. Where was that?

6 A. That was also in Mr. Hunter's wallet.

7 MR. UNDERWOOD: Your Honor, at this time the State
8 to move into --

9 THE COURT: The phones have already come in,
10 haven't they?

11 MR. UNDERWOOD: These are different phones, Your
12 Honor.

13 THE COURT: Oh, never mind. I may have the numbers
14 wrong.

15 Any objection?

16 MR. GRIFFITH: Without objection.

17 MS. JOHNS: No, Your Honor.

18 THE COURT: Marked and admitted without objection.

19 (State's Exh. 189, Cell phone, is received in
20 evidence.)

21 (State's Exh. 190, Cell phone, is received in
22 evidence.)

23 (State's Exh. 191, Justin Hunter's driver's
24 license, is received in evidence.)

25 (State's Exh. 192, Gateway Inn receipt, is

1 received in evidence.)

2 (State's Exh. 193, Green Dot card, is received in
3 evidence.)

4 BY MR. UNDERWOOD:

5 Q. First Exhibit 193, 190, 189, 192, Agent Wingo, what
6 is the significance of this receipt that was found in
7 Mr. Hunter's wallet?

8 A. That receipt corroborates with the statement that
9 he gave me of where he would go up in New York to purchase
10 or meet the individual to purchase the heroin. He stated
11 that it was at the Gateway Inn located at 1780 Sunrise
12 Highway.

13 Q. State's Exhibit 191, Agent Wingo, do you recognize
14 the individual in that driver's license?

15 A. Yes, that's Mr. Justin Hunter.

16 Q. Is that the same individual you took the confession
17 from?

18 A. Yes, sir, it is.

19 Q. Agent Wingo, did Mr. Hunter give you any of his
20 personal identifying information or contact information?

21 A. Yes, sir, he did. When we interview these people,
22 we try to get as much information from them as we can. He
23 gave me his date of birth, Social Security number, his
24 address. He gave me some telephone numbers, how much he
25 weighed, how tall he was, his South Carolina driver's

1 license number.. He gave me that. He told me his work
2 status, which at the time was unemployed. He provided me a
3 telephone number of (843) 496-5400.

4 Q. Sorry. What was that number one more time,
5 please?

6 A. Telephone (843) 496-5400, but after reviewing it, I
7 realized that I was slightly dyslexic, and it's actually
8 469. I've messed up on that number a couple of times when
9 writing reports. After looking back, I realized that that
10 number was also utilized on the October 28th buy to contact
11 Mr. Hunter.

12 And also, after reviewing some of the Western Union
13 receipts that Mr. Lundberg found in the trash, that same
14 number is listed on those as well.

15 MR. UNDERWOOD: Beg the Court's indulgence, Your
16 Honor. Your Honor, request permission to publish State's
17 Exhibits 39 and 40.

18 THE COURT: You may proceed.

19 BY MR. UNDERWOOD:

20 Q. It's a bit grainy on the projector, but, Agent
21 Wingo, can you make out the phone number right here?

22 A. Yes, sir. That is (843) 469-5400. And right above
23 it is the sender's name, which is Justin Hunter.

24 Q. 140, can you make out that phone number?

25 A. (843) 469-5400, same sender, it was Justin Hunter.

1 Q. And how does that phone number relate back to the
2 controlled purchases you conducted?

3 A. That is the same phone number that was utilized to
4 contact Mr. Hunter on the controlled purchase that we used.
5 Mr. Hunter answered the phone as well as called us back from
6 that number.

7 Q. Agent Wingo, earlier in your testimony, I may have
8 skipped over a question, did you conduct any controlled
9 purchases on anyone other than Emory Roberts, Rosemarie
10 Quezada, Will Brown and Justin Hunter?

11 A. Yes, sir, we did. We conducted a buy on an
12 individual known only to us as Keith. I'm going to have to
13 reference my report to make sure that I have the date
14 correct on that. That buy occurred at the -- I do remember
15 we utilized Mr. Sekula to purchase heroin from an individual
16 known as Keith. The buy -- he was strip-searched and driven
17 to the trailer park writ in Arno. He was then -- there's --
18 so the way this trailer park is set up, it's one long
19 street. And then on the left, there is streets that go down
20 into dead-ends, kind of like that. The trailers are back to
21 back. There's not really many fences you can kind of walk
22 back and forth through it.

23 Mr. Sekula, after being driven there by Mr. Allen,
24 he met with this individual we know as Keith on the street,
25 right behind the trailer for Arno Drive, like, he walked

1 through the yard to the trailer or to the road right there
2 and met Mr. Sekula. The deal occurred. Mr. Sekula got back
3 into the vehicle with Detective Allen, where he handed
4 Detective Allen heroin. The heroin was then -- they drove
5 back to the meeting location with the surveillance team.
6 Detective Allen handed me the heroin. And Mr. Sekula was
7 immediately strip-searched again. I took the heroin and
8 placed it into a SLED BEST kit where I submitted it to the
9 lab for analysis.

10 Q. To your knowledge, was that analysis performed?

11 A. Yes, sir, it was.

12 Q. Now handing you State's Exhibit 142, do you
13 recognize that?

14 A. Yes, sir, I do. That is the -- excuse me, that is
15 the lab report for the drugs that I placed into the BEST
16 kit.

17 Q. What were the results of that analysis?

18 A. Heroin was found, a total weight of 14 grams. And
19 the confidence level for that weight is 99 percent.

20 Q. Agent Wingo, were there any other investigative
21 techniques used during the investigation of this case?

22 A. During this investigation, myself and Detective
23 Lundberg conducted many, many hours of surveillance on
24 Mr. Hunter. And we were able to obtain what is known as a
25 mobil tracking device, which is basically a tracker that you

1 place on to a vehicle.. And then that tracker sends a signal
2 to computer database where you are able to locate and see
3 where all that vehicle had been going. I was able to pull
4 the reports from that tracker.

5 Q. When did you -- were you successful in placing the
6 tracker on Mr. Hunter's vehicle?

7 A. Oh, yes, sir, I was.

8 Q. When did that take place?

9 A. January of 2016.

10 Q. What vehicle was the tracker placed on?

11 A. We placed it on the gray 7 Series BMW that we
12 determined was the primary vehicle Mr. Hunter drove through
13 just conducting surveillance on him. And we were able to
14 obtain quite a few locations where Mr. Hunter went.

15 Q. As relates to the case that we have discussed
16 during this trial, what locations did the vehicle go to
17 according to the GPS tracker?

18 A. According to the GPS tracker, it visited Patriot
19 Boulevard numerous of times. It visited [REDACTED]
20 [REDACTED], as well as Summer Creek Drive numerous times.

21 Q. Agent Wingo, were you able to approach any other
22 individuals for cooperation in this case?

23 A. Yes, sir. After Mr. Hunter questioned he wanted to
24 go to jail and he was arrested, I then drove to [REDACTED]
25 [REDACTED] where I was introduced to Mr. Brown by

1 Lieutenant Leslie. Lieutenant Leslie already Mirandized
2 Mr. Brown and they were talking. Lieutenant Leslie of SLED
3 informed me that Mr. Brown was wanting to cooperate. And
4 Mr. Brown and I sat down and started talking about his
5 involvement in the organization.

6 One of the things that we do is, we get cell
7 phones, people use cell phones for everything nowadays.
8 They usually have a good amount of evidence on them.
9 Mr. Brown, I presented him with a consent to search form for
10 his cell phone. He signed it. And I was able to take that
11 cell phone and examine it. I was able to look at that cell
12 phone and tell that there was nothing pertinent on
13 Mr. Brown's cell phone itself that was going to help me
14 further my case against them.

15 Then when I brought the cell phone back to
16 Mr. Brown, I brought with me some photo lineups. I met
17 Mr. Brown at a meeting location in Dorchester County, myself
18 and Lieutenant Rawl. I would take the photo lineup,
19 Mr. Brown, do you see anybody on this page that you know? I
20 wouldn't tell him who was on there, you know who he was
21 supposed to be looking for. It was, do you see anybody on
22 this page that you know? If you do, circle them and put
23 your initials.

24 Q. And how many photo lineups did you show him at that
25 time?

1 A. I believe four.

2 Q. What were the results of showing him those lineups?

3 A. He was correctly able to identify Ms. Quezada,
4 Mr. Roberts, Mr. Hunter, as well as, I believe, Mr. Johnson
5 as well.

6 Q. How are these lineups created?

7 A. You send a photo lineup request to a -- SLED has a
8 fusion center. It's an intelligence gathering group where
9 they are able to analyze data that comes in. They create
10 photo lineups. They run tags for us. Basically, it's our
11 operations desk. I would send a request in to an analyst.
12 And they created the photo lineups for me.

13 I've never created a photo lineup, so I don't know
14 how they did it, but I just know that she sent me the
15 e-mails -- actually, had to go pick them up from the
16 analysis that day in Columbia at their office.

17 Q. Do you know where the photographs come from that
18 are used in the lineups?

19 A. They either come from previous jail mug shots or
20 South Carolina DMV.

21 Q. And, again, did Justin Hunter have a South Carolina
22 driver's license?

23 A. Yes, sir, he did.

24 MR. UNDERWOOD: Court's indulgence, Your Honor.

25 Q. Agent Wingo, going back to the GPS tracker you

1 discussed, how long was that tracker on Mr. Hunter's
2 vehicle?

3 A. From beginning of January up until the time when I
4 met Mr. Hunter and we seized that vehicle.

5 Q. Was that the day of the search warrant?

6 A. Yes, sir, it was.

7 Q. What date was that?

8 A. If I recall, it was February 8th. We seized the
9 vehicle and it was placed into a Dorchester County impound
10 yard.

11 Q. Who placed the tracker on the vehicle?

12 A. Detective Lundberg did at one time. And there were
13 two times -- because the first tracker kept dying. There
14 was a faulty battery in it or something like that. And so
15 we've had to switch the tracker out. So we switched the
16 tracker out. And one time one of the agents that -- another
17 narcotics agent with SLED assisted me in putting that on
18 there. And he put it on there. I was there for both of
19 those placements, though.

20 Q. Agent Wingo, as relates to confidential informants,
21 how do narcotics agents interact with those confidential
22 informants to convince them to become confidential
23 informants? Are there any threats involved?

24 A. No, sir. It is -- throughout all my training with
25 Lieutenant Dorsey and all the other narcotics agents that I

1 have, you are not to threaten them in any way. You are not
2 to promise them anything. You are not to try and scare them
3 or, you know, anything like that. That is a decision that
4 has to be made on their own free will. And if they say no
5 and they want to leave, you let them. Not leave, per se,
6 but if they agree -- they don't want to cooperate, you leave
7 it alone. You just let it go.

8 Q. When you became involved in this investigation,
9 please describe what kind of personal interaction you had
10 with the confidential informant, Thomas Sekula.

11 A. Prior to meeting Detective Lundberg and Tommy, I
12 knew nothing of Tommy. I knew nothing of his charges. I
13 knew nothing of what Dorchester County, their agreement with
14 him. That wasn't my dealings. I was -- I left that to the
15 sole responsibility of Detective Lundberg. I utilized
16 Tommy. We had some basic rules that Tommy and I went over,
17 you know, you can't keep the drugs, you can't keep the
18 money, you can't break the law while you are working for me,
19 kind of deal. But I never promised to me anything.

20 That was all Detective Lundberg, he and Tommy had
21 an agreement that they had worked out with the Dorchester
22 County Sheriff's Office.

23 Q. During the time that you were working with Tommy
24 Sekula, did he commit any misconduct during any of the
25 controlled purchases?

1 A. No, sir, not at all. He was always -- like I said,
2 during all those controlled buys, he always went in or met
3 with whoever, came right back out and gave the drugs
4 directly to Detective Allen. On all strip-searches, there
5 was nothing found, no paraphernalia, no drugs. He was
6 always clean as far as no -- nothing illegal was ever found
7 on Mr. Sekula.

8 MR. UNDERWOOD: Your Honor, may I have one moment?

9 Q. Agent Wingo, the equipment that was used during the
10 controlled purchases, the audio/video equipment, who did
11 that belong to?

12 A. That was Dorchester County Sheriff's Office. They
13 provided the audio and video equipment for all buys.
14 Mr. Sekula was familiar with that equipment. He knew how to
15 use it. You can't really bring a film crew in when you are
16 doing these drug buys. And the CIs are already nervous
17 going in to conduct these as it is. So to kind of calm them
18 down, the more familiar they are with whatever they are
19 using, usually the smoother things go. So I didn't
20 introduce any new equipment. Mr. Sekula continued to use
21 the same equipment that Detective Lundberg had used on him
22 throughout the whole investigation.

23 Q. At any time did Mr. Sekula do anything for you to
24 doubt his reliability or veracity?

25 A. Not while he was working for me, no, sir.

1 MR. UNDERWOOD: Thank you. Please answer any
2 questions opposing counsel has.

3 THE WITNESS: Yes, sir.

4 MR. GRIFFITH: If it please the Court, can we have
5 a brief break?

6 THE COURT: Sure. ladies and gentlemen, we're
7 going to take a brief recess. During the break, please do
8 not discuss the case and please leave your notepads in your
9 seats. We appreciate your patience.

10 (Whereupon, the jury leaves open court at 2:44
11 p.m.)

12 THE COURT: We will be at ease for about ten
13 minutes.

14 (Whereupon, a recess transpired.)

15 THE COURT: Everybody sufficiently refreshed? The
16 State ready to proceed?

17 MR. UNDERWOOD: Yes, Your Honor.

18 THE COURT: Defense ready to proceed?

19 MR. GRIFFITH: Yes, Your Honor.

20 MS. JOHNS: Yes, Your Honor.

21 THE COURT: Please bring in the jury.

22 (Whereupon, the jury returns to open court at 2:58
23 p.m.)

24 THE COURT: You may proceed.

25 MR. GRIFFITH: May it please the Court, Your Honor.

CROSS-EXAMINATION

BY MR. GRIFFITH:

Q. Agent Wingo.

A. Yes, sir, that's Agent Wingo, Mr. Griffith.

Q. Did you ever see with your own eyes Mr. Roberts hand any drugs to anybody?

A. With my own eyes, no, sir; through other investigative techniques.

Q. When you talk about the confidence level of 99.7 percent, you say the confidence level of the weight, isn't that what we are talking about?

A. That's what the lab report said.

Q. But the confidence level of the weight, that means that they took something, weighed it, and they are very confident that what they weighed weighs that much?

A. Sir, I'm a narcotics agent, not at a chemist.

Q. That's not the percentage of heroin in that sample, is it?

A. Again, sir, I'm a narcotics agent. I am not a chemist. I am not in the lab. And I couldn't tell you how they test that stuff. You would have to reference a chemist.

Q. What you are saying is, when you repeat that, and when you've read that, you've said the confidence level of the weight was 99.7 percent; isn't that correct?

1 A. You got a specific lab report you are referencing?

2 Q. You said that on every lab report.

3 A. That's what the lab reports say.

4 Q. Okay. So if I mix a gram of heroin with 27 grams
5 of baby powder, it's going to come up, yep, that sure does
6 weigh 28 grams. But that doesn't mean it's 28 grams of
7 heroin, does it?

8 A. That means there's heroin in there, sir. But,
9 again, I am not a chemist.

10 Q. Okay. Now, did you participate -- you were present
11 when calls were made by Tommy; is that correct?

12 A. Yes, sir. When he was working for me, we directed
13 who Tommy called.

14 Q. But at no time when those calls were made did
15 anyone pick up the phone and say, hi, this is Mr. Hunter?

16 A. In drug trafficking organization, people use a lot
17 of nicknames. Obviously, you are not going to say, it's
18 Timothy Griffith, I've got heroin to sell you. You use a
19 lot of nicknames to avoid detection and get caught.

20 Q. Let me rephrase it. At no time did anyone pick up
21 the phone and say, hi, this is Mo, or, this is G, or, this
22 is Q, or, this is any name?

23 A. Sir, when you call someone you are familiar with,
24 do you see, hey, is this my mom, or do you automatically
25 begin talking? Because the level or relationship that

1 Mr. Sekula had with these individuals was familiar enough
2 that they could recognized each other's voice.

3 Q. But they did not identify -- what I'm saying is --

4 A. I understand what you are saying.

5 Q. They did not identify --

6 A. No, sir. Nobody ever picked up the phone and said,
7 this is Q or Mr. Roberts.

8 Q. Okay. So you don't know who really answered that
9 phone, do you?

10 A. No, sir, I guess I don't know who was on the other
11 end that picked that phone up.

12 Q. Okay. The quantity of heroin that Mr. Hunter in
13 his statement said he bought, 40 grams for \$1,600, is that
14 what you told us?

15 A. Let me refer to my notes for that, but -- I
16 apologize, sir. Yes, sir. It is -- he purchased -- the
17 most heroin he had ever purchased from Fresh was 40 grams
18 for \$1,600. Usually, if you've been dealing with an
19 individual long enough --

20 MS. JOHNS: Objection, Your Honor.

21 THE COURT: Basis? Basis of the objection?

22 MS. JOHNS: Nonresponsive.

23 THE COURT: Overruled. Sir, you may continue your
24 answer.

25 THE WITNESS: Usually when you are dealing with an

1 individual, through my training and experience, it seems
2 that if you were dealing with an individual buying
3 significant amount of weights of something --

4 MR. GRIFFITH: Objection. Nonresponsive.

5 THE COURT: Repeat the question. And, sir, you may
6 answer yes or no.

7 MR. GRIFFITH: I asked --

8 THE COURT: Neither of you speak over me. Repeat
9 the question, Mr. Griffith.

10 BY MR. GRIFFITH:

11 Q. I asked you if you paid \$1,600 for 40 grams?

12 A. Yes, he did.

13 THE COURT: Continue.

14 Q. So did you ever actually observe when Mr. Tommy
15 went into that -- any of those homes, did you observe
16 Mr. Roberts actually with your own eyes at all?

17 A. Sir, I answered that question one time. I never
18 personally observed Mr. Roberts. You can watch videos and
19 stuff and see him on there, but I never observed him.

20 Q. Okay.

21 MR. GRIFFITH: I have no further questions. Please
22 answer any questions Ms. Johns has.

23 THE COURT: Ms. Johns.

24 MS. JOHNS: Thank you, Your Honor. May it please
25 the Court.

1 THE COURT: Sir, please don't compromise your
2 representation by speaking out loud. If you need a break to
3 speak with your lawyer, I will give that to you. You may
4 proceed.

5 MS. JOHNS: Thank you, Your Honor.

6 Your Honor, beg the Court's indulgence for one
7 moment.

8 THE COURT: Uh-huh.

9 CROSS-EXAMINATION

10 BY MS. JOHNS:

11 Q. It's been a long week, Investigator Wingo.

12 A. Yes, ma'am.

13 Q. How are you? Okay. When was the first time you
14 met Tommy?

15 A. It was beginning of September, ma'am, when I
16 first -- when I was introduced by Detective Lundberg to
17 Mr. Sekula.

18 Q. And Detective Lundberg gave you his case file, did
19 he not?

20 A. At that time, he didn't physically give it to me.
21 He and I reviewed the case file together. He informed me of
22 what investigation up to the point of me becoming involved
23 he had conducted.

24 Q. And if you were going to get involved in an
25 investigation of another law enforcement agency, you need to

1 know everything, don't you?

2 A. Up to a certain extent, ma'am. I need to know what
3 involves me, what I'm signing up to do, as far as what
4 targets we are buying from, how much money we may be
5 spending, what kind of drug we are buying.

6 Q. Is it fair to say that it would be unsafe if you
7 entered into an investigation and you didn't know everything
8 you were dealing with?

9 A. In what regard, ma'am?

10 Q. In other words, you have to know who the officers
11 are, correct?

12 A. Yes, ma'am.

13 Q. You have to know who their confidential informants
14 are, correct?

15 A. Yes, ma'am.

16 Q. And you have to know who the targets are, right?

17 A. Yes, ma'am.

18 Q. And you were informed of all three of those thing,
19 were you not?

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

21 Q. And when you met with Tommy for the first time, do
22 you remember the date?

23 A. I don't remember the specific date, no, ma'am, I
24 met with Tommy. I didn't document every time I sat down and
25 talked with Tommy or had contact with him with Investigator

1 Lundberg.

2 Q. You didn't document that?

3 A. Not every single time. I documented the debrief
4 that Tommy and I conducted.

5 Q. I am not talking about the debrief. I'm talking
6 about every time you met with Tommy about anything
7 concerning this case.

8 A. It's obviously documented in the buys. It is --

9 Q. I understand it's the buys. That's not my
10 question. My question is, did you document each and every
11 time you met with Tommy? Yes or no?

12 A. No, ma'am.

13 Q. And you do not remember the date that you first
14 were introduced to Tommy, do you?

15 A. No, ma'am, I don't.

16 Q. Now, when the buy that had occurred on September --
17 bear with me.

18 A. Yes, ma'am.

19 Q. The first buy that you mentioned when Tommy bought
20 from Q, what was the date of that?

21 A. That was September 23rd.

22 Q. Okay. And had you interviewed Tommy before you set
23 him up with the money to go buy from Mo or Q or G or Cici?
24 Did you talk with him?

25 A. I sat down and talked with Tommy. I also had sat

1 down and talked to Detective Lundberg with Tommy.

2 Q. Right. Okay. The decision that was made in regard
3 to the amount of drugs that were to be purchased was made by
4 you and Detective Lundberg, correct?

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

6 Q. And part of the reason for that is that you have to
7 request funds in order to provide to the confidential
8 informant to pay for the drugs, correct?

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

10 Q. So the more funds that you request, the more drugs
11 you can buy; isn't that right?

12 A. Not necessarily, no, ma'am. Sometimes it depends
13 on how many drugs the bad guy has. That really determines
14 what I buy and don't buy. It's not how much money I have in
15 my little buy bag. It depends how much money or how much
16 the amount of drugs that they have.

17 Q. Okay. And if you are informed that an amount of
18 drugs can be purchased, you have to provide the funds for
19 that, don't you?

20 A. Yes, ma'am. I provide the State-documented funds
21 that were obtained from SLED.

22 Q. Now, the State-documented funds, when you say
23 State-documented funds, you put in a request for the funds,
24 correct? That's the first step?

25 A. I take and -- there's a process you have to go

1 through. It's very lengthy process that involves a lot of
2 people signing, to include majors and captains and
3 lieutenants.

4 Q. Okay. So one of the steps is that you have to
5 request the funds, correct?

6 A. That is correct.

7 Q. Another one of the steps is that you make
8 photocopies of the funds, do you not?

9 A. No, ma'am. SLED's policy is we do not make
10 photocopies. We notate them on the back of the confidential
11 vouchers, which we turn into our captain, or we turn into
12 our approval, our supervisor, in my case, Lieutenant Dorsey,
13 so he can prove it. He looks at the back of the voucher.
14 He sees it and it goes on. SLED'S policy and -- Dorchester
15 County makes photocopies. SLED, we are not permitted to
16 make photocopies of the money. That is not our policy.

17 Q. In this case, there are photocopies made of the
18 money of every buy, correct?

19 A. No, no, ma'am, not on my buys. On the six
20 Dorchester did, there are.

21 Q. So you don't have marked money that you give to an
22 informant? Is that what you are telling us today?

23 A. In regards to marked money, in what regard, ma'am?

24 Q. How do you know whether the money that is being
25 used is the funds that you provided to the confidential

1 informant? You don't know how that's done?

2 A. Because I'm the one that writes the serial numbers
3 on the back of the voucher directly from that money.

4 Q. So you write down the serial numbers?

5 A. Yes, ma'am. The process is, we establish a price.
6 I take the money. And I have a voucher. I take on the back
7 of that voucher and I write the domination. And I go down
8 through those denominations, and I list out each serial
9 number on the back of that voucher.

10 Q. That's how you keep track of the money, correct?

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

12 Q. And it's also how you can actually go in and arrest
13 somebody if they have one of those marked bills on there; it
14 would be on their possession, correct?

15 A. I'm sorry?

16 Q. If Tommy goes in and pays the drug dealer the
17 money, and you arrest the drug dealer, then if he has any of
18 that money with the serial numbers on it, you know he got
19 that money from Tommy, right?

20 A. Usually that's what happens, yes, ma'am.

21 Q. Okay. Now, I'm going to refer to a few of these
22 forensic services laboratory reports. And I'm just going to
23 refer to them one at a time.

24 State's Exhibit No. 106, the date on that is August
25 the 11th of 2015; is that correct?

1 A. No, ma'am.

2 Q. What is the date of the incident then?

3 A. September 17th.

4 Q. Sorry. September 17th?

5 A. Yes, ma'am. This is not my buy.

6 Q. Okay. On that particular drug analysis form, there
7 is a SLED lab number, correct?

8 A. Yes, ma'am, there is.

9 Q. And there's a case number listed; is that right?

10 A. There is a Dorchester County case number listed.
11 There's not a SLED case number listed.

12 Q. Okay. And under that, there's a box that has the
13 letter S in it; is that right?

14 A. Yeah, ma'am, there is.

15 Q. And besides that it says FNU/LNU, right?

16 A. Yes, ma'am, there is.

17 Q. What does FNU mean?

18 A. First name unknown.

19 Q. And the LNU, what does that mean?

20 A. Last name unknown.

21 MS. JOHNS: Okay. And, Your Honor, approach the
22 witness?

23 THE COURT: You may.

24 BY MS. JOHNS:

25 Q. State's Exhibit 130, is that the same situation,

1 first name unknown, last name unknown?

2 A. Yes, ma'am. But, again, these are not my buys.

3 Q. I didn't ask you if they were your buys. Just
4 asking what they say.

5 A. FNU/LNU right next to the subject box.

6 Q. What is the incident date on that?

7 A. September 17th.

8 Q. And showing you State's Exhibit No. 107, read the
9 incident date on that, please.

10 A. September 17th.

11 Q. Same one? Sorry.

12 A. I'm sorry. I apologize. The incident date is
13 8/27.

14 Q. And, again, first name unknown, last name unknown,
15 correct?

16 A. Yes, ma'am, that's what it says.

17 Q. All right. And then referring to State's Exhibit
18 No. 142, what date, incident date is that?

19 A. 10/19/2015.

20 Q. And what does it state under subject?

21 A. Keith LNU.

22 Q. So Keith last name unknown?

23 A. Yeah, ma'am, that's what that means.

24 Q. Okay. Thank you.

25 A. Yes, ma'am.

1 Q. Do you have a written copy of the interview that
2 you conducted with Tommy on October the 15th, 2015?

3 A. Up here, ma'am, with me right now?

4 Q. No. Did you produce one?

5 A. Yes, ma'am. I submitted an interview to the case
6 file.

7 Q. Okay. And the interview would state that on
8 October the 14th, that you interviewed Tommy or Thomas
9 Sekula?

10 A. That's correct, yes, ma'am.

11 Q. And during this interview, you pretty much asked
12 him certain questions about where he was getting his drugs
13 from, correct?

14 A. I told Mr. Sekula to pretty much tell me his life
15 story from the first time he started using drugs up until
16 that day.

17 Q. Okay. Did you think that he told you this life
18 story?

19 A. He was pretty detailed when he told me, yes, ma'am.

20 Q. And did you reduce those details to writing in your
21 opinion?

22 A. Not in my opinion. I reviewed my notes that I had
23 taken during that interview. And I transferred it from what
24 I had taken from that interview and put it on that, in
25 that -- from those notes and put it in the report. I didn't

1 put an opinion in there.

2 Q. Okay. Were you able to investigate a man by the
3 name of Rory Maine?

4 A. I'm sorry, ma'am?

5 Q. Were you able to investigate a man by the name of
6 Rory Maine?

7 A. Rory Maine? I am not familiar with that. I never
8 investigated somebody named Rory Maine.

9 Q. Well, this is a name that was provided to you by
10 Tommy, right?

11 A. Yes, ma'am. I believe that that was someone he had
12 dealt with in previous years prior to meeting me.

13 Q. Okay. The fact that somebody he dealt with in
14 previous years, does that mean that that person is no longer
15 using drugs?

16 A. No, that's not what that means, no, ma'am. But
17 that's not what -- that person -- I had no idea who that
18 person was. Tommy provided it to me.

19 Q. Right. Okay. And then there's another man by the
20 name of Troy McDowel, same situation, correct?

21 A. Yes, ma'am.

22 Q. And then a guy named Rico?

23 A. Yes, ma'am.

24 Q. All right. Hispanic man named Flaco, do you
25 remember that conversation you had with Tommy?

1 A. Is that included in that interview too, ma'am?

2 Q. Uh-huh.

3 A. Yes, ma'am, I remember it.

4 Q. All right. And Matthew Simpson?

5 A. Yes, ma'am, I remember these names.

6 Q. And do you remember that Matthew Simpson was one of
7 his dear friends?

8 A. I don't know if he used the term "dear friend" in
9 this interview. He said that he knew Matthew Simpson.

10 Q. Did he say Matthew Simpson was a friend of his?

11 A. I would have to refer to that interview. If you
12 don't mind, could I look at it?

13 Q. Yeah.

14 A. Yes, ma'am, he states that he is a friend.

15 Q. Did you investigate or focus on a Matthew
16 Simpson?

17 A. No, ma'am, not at that time, I did not.

18 Q. White male by the name of Brandon Timblin (ph)?

19 A. No, ma'am.

20 Q. Did you obtain any phone numbers from him?

21 A. I may have in that interview, just to see how much
22 Tommy knew, I guess, how familiar he was with the subject.
23 But, no, ma'am, I did not. I did not personally say, Tommy,
24 give me his number so we can work on him.

25 Q. All right. With regard to Simpson, he said that he

1 had purchased 50 times from him; do you remember that?

2 A. Yes, ma'am.

3 Q. And is that -- do you consider that a lot?

4 A. I mean, for a -- yes, ma'am.

5 Q. Okay. And with this case, what you have so far is
6 that you have Tommy purchasing while you were on the case
7 four times?

8 A. While I was off the case?

9 Q. While you were on the case, Tommy purchased from
10 Mr. Justin Hunter four times?

11 A. Under my control and direction.

12 Q. Okay. So in comparison, when Tommy buys from
13 Matthew Simpson 50 times and he buys from Justin Hunter four
14 times, that's a little skewed, don't you think?

15 A. The amounts he was buying from Mr. Simpson and the
16 amounts he was buying from Mr. Hunter probably, I assume
17 varied. I don't think he was getting 14 grams from
18 Mr. Simpson.

19 Q. That is a choice you made, though, wasn't it?

20 A. Yes, ma'am.

21 Q. Okay. And then there was a guy name Bengi and a
22 guy named John. I guess the last names are not known or
23 last name unknown?

24 A. I would assume, yes, ma'am.

25 Q. Then you have several other people, Justin Gordon

1 Hunter, a/k/a Mo listed. You have a guy name G listed, a
2 guy named Q listed, last name unknown. You have a guy named
3 Jacob. Did you focus on Jacob?

4 A. At the time we started -- we attempted to buy from
5 Jacob. Jacob wasn't in this organization anymore when we
6 started buying drugs.

7 Q. How do you know that?

8 A. Because if he was in this organization, I bought
9 drugs from him.

10 Q. Well, what about some of these females you didn't
11 focus on? Because the drug organization doesn't only focus
12 on people who sell, but also focuses on people who buy,
13 don't they?

14 A. Occasionally, yes, ma'am.

15 Q. Because, actually, Tommy is a buyer, right?

16 A. Tommy is an addict.

17 Q. Right. But he's a buyer in this organization, is
18 he not?

19 A. He's a user in this organization. It's a supply
20 and demand thing.

21 Q. Let me break it down.

22 A. Yes, Tommy buys drugs from Justin Hunter.

23 Q. Now, Tommy buys the drugs from anybody where he can
24 find it, right?

25 A. Well, under my direction and control, Tommy was

1 buying drugs from Justin Hunter.

2 Q. And he bought drugs from other people that have
3 been accused, correct?

4 A. Yes. He also bought drugs from Mr. Roberts. He
5 also bought drugs from Ms. Quezada. He also bought drugs
6 from Mr. Johnson. He also bought drugs from Ms. Keith
7 LNU.

8 Q. And he bought those drugs from those people at your
9 direction?

10 A. He was strip-searched. He had audio/video
11 recording devices on him. He was under the control of an
12 undercover officer. He was using the money that was given
13 to him by the State. He would go purchase these drugs and
14 immediately relinquish custody of them to that undercover
15 officer and be strip-searched again.

16 Q. We have heard that from you already on direct.
17 That's not what I'm asking you about. I'm asking you, first
18 of all, is a buyer considered a part of a drug
19 organization?

20 A. Yeah, ma'am, they are.

21 Q. So when you interview Tommy and you've receive
22 information about his brother, do you investigate his
23 brother at all?

24 A. No, ma'am, I don't. I am not -- I didn't receive
25 information about Tommy's brother.

1 Q. Well, let me refresh your memory.

2 MS. JOHNS: May I approach?

3 THE COURT: You may.

4 THE WITNESS: Yes, ma'am. Where he sold to his
5 brother or -- yes, ma'am. He does mention his brother in
6 this.

7 BY MS. JOHNS:

8 Q. Okay. And who is -- is it Sylvia Silva, the girl
9 that was found at the Summer Creek house?

10 A. Ma'am, I don't know who that was. She was someone
11 else found at that location doing execution of the search
12 warrant.

13 Q. Do you remember her name?

14 A. If I can recall correct, I think her name was
15 Shirley. I didn't have any contact with her.

16 Q. You are right, her name was Shirley, Shirley Silva.
17 You didn't have any contact with her?

18 A. No, I never met her at all. Another SLED agent
19 interviewed her.

20 Q. Did she have to sign up to be a CI?

21 A. In what regard?

22 Q. In the fact that she gave a statement admitting her
23 involvement in drugs?

24 A. You don't have to sign up to be a CI to give a
25 statement. Mr. Valentine wasn't a CI.

1 Q. But he was definitely looking for something, wasn't
2 he?

3 A. He met with us. He was in an agreement -- he and
4 Detective Lundberg had talked about that. I just took a
5 statement from him.

6 Q. And when you took the statement from Craig
7 Valentine, you knew that even though -- you don't outwardly
8 promise anybody anything, right --

9 A. No, ma'am, I don't promise anybody anything in
10 regard to the CI when we meet them. I've been taught
11 through training and experience not to promise anyone
12 anything, because I ultimately don't make the decision of
13 what happens to them.

14 Q. Okay. But you do make decisions about what the CI
15 does, don't you?

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

17 Q. And you didn't threaten Craig Valentine or Tommy
18 Sekula, did you?

19 A. No, ma'am, I did not.

20 Q. Well, who is it that informed them how much time
21 they could get; was that you?

22 A. No, ma'am, I did not. I am not a lawyer.

23 Q. Okay.

24 A. And I am not a prosecutor. I am not -- I am
25 familiar with the drug laws, but I would not ever

1 specifically say, if you don't do this, you are getting a
2 range of 4 to 7 years.

3 Q. Well, in this case, it's not 4 to 7 years. It's 25
4 years, isn't it?

5 A. Ma'am, I never informed Tommy Sekula any length of
6 time that he was getting. I never informed Craig Valentine
7 of any length of time that he was getting. I was even
8 unaware of Craig's charges until after I met him and
9 Detective Lundberg told me.

10 Q. When did you meet him? Let's get to that.

11 A. I believe it was some time in October of 2015.

12 Q. '15, right? Okay.

13 A. Yes, ma'am.

14 Q. And when you interviewed him, was he locked up or
15 was he free?

16 A. He was free, ma'am.

17 Q. Did you follow him, because he was clearly a heroin
18 addict? Did you investigate him?

19 A. I had no reason to investigate Mr. Valentine.

20 Q. You didn't? Even though he told you that he was a
21 user?

22 A. Yes, ma'am.

23 Q. Okay. There are 14 people, 14 names that Tommy
24 gave you about people he was selling to. Did you
25 investigate any of the people that were buyers in his

1 organization?

2 A. I was not working down in this investigation. I
3 was working up to cut the head off the snake. It would not
4 make sense for me to take Tommy and try to go and buy heroin
5 from people he was selling to, when I could take Tommy and
6 sell to people he was selling from.

7 Q. Do you think Tommy is the only person these 15
8 people were buying heroin from?

9 A. Do I think that Tommy was the only person these
10 people were buying heroin from? I don't know no, ma'am.

11 Q. Well, you know a little bit about the drug trade,
12 don't you?

13 A. But I don't know the people specifically. I don't
14 know what they were doing.

15 Q. Right. Okay. That's fair. Now, who lived at Arno
16 Drive?

17 A. Ma'am, I don't know who lived at Arno Drive.

18 Q. Okay. During your scope of your investigation, did
19 you ever obtain a lease regarding the rent on that
20 residence?

21 A. No, ma'am, because during the scope of my
22 investigation, that -- that property was vacated and it
23 wasn't used anymore. We didn't make -- I think we made one
24 buy there. When I came in to the investigation, then that
25 property became obsolete. We never dealt with it, had to go

1 back there anymore. We started dealing with Margaret Drive,
2 Summer Creek and Bear Island Road, and then various meeting
3 locations throughout the counties.

4 Q. There was some testimony from one of your key
5 witnesses, Craig Valentine, that he purchased drugs directly
6 from a man named Justin Hunter who he didn't even know.

7 A. I can tell you that Justin Hunter has been observed
8 going to that residence and leaving that residence and then
9 meeting us for a drug deal.

10 Q. Then the fact that you didn't get the proper
11 information about who was living there is not helpful to
12 this investigation, is it?

13 A. That property right there became kind of obsolete.
14 There were more properties coming up. They were moving
15 around. It didn't make sense at that time.

16 Q. Didn't make sense to you?

17 A. No, ma'am, because I was focusing on where he was
18 going.

19 Q. Okay. So when you do your investigation, you are
20 just focused on what you are focused on. And with regards
21 to who actually had dominion and control over Arno Drive
22 does not matter to you? Is that what you are telling us?

23 A. Who actually had dominion and control over Arno
24 Drive? I mean, it matters to me, ma'am. But it also has no
25 relevancy on what goes on there. I mean, you know -- I

1 mean, it does, but I also, through training and experience,
2 I know that drug traffickers usually don't put their names
3 on a lease, the same way they don't register their phone
4 numbers in their name, because this helps to avoid
5 detection. If I pull the lease and saw Justin Hunter's name
6 on there, I think he would be smart enough not to do that.

7 Q. Do you think he's smart enough to register a BMW in
8 his own name?

9 A. Shows that he did, ma'am.

10 Q. So you didn't even try, did you, to get a lease?

11 A. No, I did not.

12 Q. You didn't try to get a lease for Summer Creek
13 either, did you?

14 A. No, ma'am, I did not.

15 Q. And you didn't try to get a lease for these fine
16 apartments buildings, for example, [REDACTED]?
17 You didn't find the lease for that?

18 A. We inquired about Bear Island Road. Detective
19 Lundberg inquired about that on his own.

20 Q. I am not asking you what he was told. That's
21 hearsay.

22 A. No, ma'am. They never gave us a piece of paper
23 about who lived there.

24 Q. What about Patriot Boulevard where you claim Justin
25 Hunter's wife lived, did you get a lease there?

1 A. No, ma'am. I believe that was his girlfriend. And
2 no, ma'am, I did not. But I can tell you that I've seen his
3 car parked out there many, many times.

4 Q. And you've seen many cars parked out there, haven't
5 you?

6 A. It's a parking lot.

7 Q. Exactly. It's a parking lot. So there's a BMW
8 parked out there, right?

9 A. With a tag on it that comes back directly to Justin
10 Hunter.

11 Q. Right. So he's not trying to hide the fact that he
12 owns a car, is he?

13 A. No, ma'am.

14 Q. Okay. Now, when your investigation focused on
15 Justin Hunter, you didn't have an identity of him until
16 March the 31st of 2016, correct? That's when Will Brown
17 picked him out of a photo lineup?

18 A. Ma'am, I ran his tag and was able to see,
19 obviously, he had those cars registered in his name. I then
20 ran his DMV from that customer number and was able to print
21 a picture out. And I met Mr. Hunter personally in February
22 of 2016. February 8th, I met him. I didn't need Mr. Will
23 to pick him out to tell me who he was.

24 Q. Then why did you do it?

25 A. To corroborate that Mr. Brown knew him.

1 Q. You went ahead and did a photo lineup that you
2 didn't really need to know because you already knew
3 Mr. Hunter, right?

4 A. Me and Mr. Brown weren't together every time that
5 Mr. Brown and Mr. Hunter hung out. Mr. Brown --

6 Q. Agent Wingo, will you listen to my question.

7 A. Yes, ma'am.

8 Q. I don't mean to interrupt you, but I'm trying to
9 get a point across. You made a photo lineup with Justin
10 Hunter's picture in it?

11 A. Yes, ma'am.

12 Q. And you showed it to Will Brown, who already knew
13 Justin Hunter, right?

14 A. Yes, ma'am.

15 Q. Okay. And the reason that he knew him is that he
16 was acquainted with him; isn't that right?

17 A. Yes, ma'am.

18 Q. And you did that, but you didn't go get leases for
19 any of these residences? That's all I'm asking.

20 A. I showed Will Brown a photo lineup, that's correct.

21 Q. Now, do you know the relationship between Justin
22 Hunter and Lassain Johnson as far as whether or not they are
23 related?

24 A. No, ma'am.

25 Q. Did you ask anybody?

1 A. No, ma'am.

2 Q. What about the relationship between Justin Hunter
3 and Rosemarie Quezada, do you know anything about their
4 relationship?

5 A. No, ma'am.

6 Q. All right. Do you know whether or not Justin
7 Hunter had more than one girlfriend?

8 A. I'm not investigating his personal life, ma'am.

9 Q. You did investigate a girlfriend. What's her name?

10 A. I didn't investigate a girlfriend. I met Ms.
11 Serrano when I executed that search warrants.

12 Q. And you went into her house, correct?

13 A. With a search warrant.

14 Q. Right. And, therefore, you investigated her,
15 correct?

16 A. Sure.

17 Q. All right. And you said that she is his
18 girlfriend; is that right?

19 A. He said that she's his girlfriend.

20 Q. Okay. So he told you that she was his girlfriend?

21 A. That's correct.

22 Q. All right. Now, did Rosemarie Quezada say that she
23 was Lassain Johnson's girlfriend?

24 A. Rosemarie Quezada wouldn't talk to anybody.

25 Q. So you didn't find it important to find out whether

1 or not any of these people were related by blood or
2 marriage?

3 A. No, ma'am, I did not.

4 Q. Okay. Were you involved in the decision about
5 whether or not to pursue Will Brown's charges?

6 A. Those decisions were left to Mr. Underwood. He's
7 the prosecutor.

8 Q. Okay.

9 A. I provided him with the facts and he makes the
10 decision.

11 Q. All right. So did Mr. Underwood make the decision
12 as to whether or not you should interview Mr. Will Brown?

13 A. No, ma'am, Mr. Underwood didn't make that decision.
14 Mr. Brown was cooperating and so I made that decision to
15 interview him.

16 Q. Okay. That's what I was asking.

17 A. I made that decision to interview Mr. Brown, yes,
18 ma'am.

19 Q. Okay. All right. That's good. Did you -- you
20 stated that at the day of February 8th, when you finally met
21 Justin Hunter, that you put him into Lundberg's truck; is
22 that correct?

23 A. Front seat of Lundberg's truck, yes, ma'am.

24 Q. And did you put him in handcuffs?

25 A. Yes, ma'am, because Mr. Hunter --

1 Q. Squared up, is what you said?

2 A. That's right.

3 Q. Okay. That's the reason you put him in handcuffs,
4 is that your testimony?

5 A. Yeah, ma'am.

6 Q. And when you put him in Mr. Lundberg's truck, you
7 put him in the front seat, right?

8 A. Yes, ma'am. And I climbed in the back behind
9 him.

10 Q. All right. At the time you took his personal
11 items -- let me back up. Did you search him after you
12 handcuffed him?

13 A. For officer's safety, he was given a pat-down. He
14 had his wallet and phones on him. He then was placed in the
15 handcuffs and put in the front seat of Detective Lundberg's
16 truck.

17 Q. So you removed his personal effects or personal
18 items from his pockets, right?

19 A. He may have had them in his hands. He was getting
20 in his car.

21 Q. So you removed these personal items from his
22 pockets or out of his hands getting out of his car, right?

23 A. He was being placed in the investigative detention
24 for officer safety reasons. These items were --

25 Q. I understand that.

1 A. Yes, ma'am. Yes, ma'am. Sure. I wouldn't say --
2 yes, ma'am, I did.

3 Q. Okay. Did you search the BMW?

4 A. No, ma'am, I was interviewing Mr. Hunter.

5 Q. Somebody else searched the BMW?

6 A. That responsibility was given to Special Agent
7 Wells and his team.

8 Q. And you said that they arrived in an Audi?

9 A. Yes, ma'am. That Audi -- I think the model is an
10 A4, I think. I'm not 100 percent sure. I would have to
11 refer to my notes.

12 Q. I think there's something in evidence that lists
13 him as an owner of an Audi 84; is that right?

14 A. Yes, ma'am, it's on that DMV.

15 Q. Right, right here. Do you need to look at this?

16 A. No, ma'am, I've seen this.

17 Q. So they arrived in the Audi, he and his girlfriend
18 and a child, right?

19 A. Yes, ma'am.

20 Q. Did you instruct somebody to search the Audi?

21 A. Ma'am, my role in this was, I approached
22 Mr. Hunter, and then I left that area where the Audi -- the
23 BMW and all that were, and I drove to the top of the parking
24 lot. I can tell you that that Audi and that BMW were both
25 seized and are sitting in an impound lot right now.

1 Q. Very good. Now, did you instruct somebody to
2 search the Audi?

3 A. I was not on that scene.

4 Q. Okay. So, no, you did not?

5 A. That's correct.

6 Q. And Jason Wells would have been the one that was
7 the team leader for that particular residence, right?

8 A. That was his assigned position, yes, ma'am.

9 Q. Did he provide you with any paperwork regarding the
10 items that were collected and where they were found?

11 A. Yes, ma'am. He wrote a report and submitted it to
12 the case file.

13 Q. Do you have it with you? Agent Wingo, will you
14 look through that -- let me ask the question first. And if
15 you need to refresh your memory, please do look through
16 that.

17 A. Yes, ma'am. Thank you.

18 Q. Will you look in there and see if -- look at the
19 listed items on there and see if it designates which
20 documents were found in the BMW or the Audi?

21 A. Ma'am, it just says miscellaneous papers were
22 collected. Again, I was interviewing Mr. Hunter.

23 Q. Okay. Regarding the miscellaneous papers found,
24 these -- this is the paperwork that was found in the
25 Victoria's Secret bag. I'm talking about anything out of

1 the car.

2 A. During the investigation, Hunter provided --

3 Q. I am not asking you to read it. I'm just asking --

4 A. Some miscellaneous papers were collected from the
5 vehicle.

6 Q. Does it say which one?

7 A. Search silver BMW, so miscellaneous papers were
8 collected from the vehicle.

9 Q. Did it say anything about the Audi?

10 A. No, ma'am, does not.

11 Q. There's a lot of testimony about text messages.

12 A. Yes, ma'am.

13 Q. These were text messages that were made by Tommy;
14 is that right?

15 A. To?

16 Q. To anyone during the controlled buys.

17 A. Yes, ma'am.

18 Q. Okay. Did you instruct him what to say in the text
19 messages?

20 A. I didn't specifically instruct Tommy what to say,
21 because I am not familiar with the language with buying
22 heroin, but I monitored what Tommy said.

23 Q. And explain what you mean by monitored what he said
24 in his text messages.

25 A. I write it down.

1 Q. You wrote it down?

2 A. It should be on -- I know I would document it on
3 surveillance report, either what Tommy said, what Tommy
4 text, or sometimes I put what he said.

5 Q. Did you ever document what he texted after he left
6 residences?

7 A. Like when he was with me?

8 Q. Let me build this up.

9 A. Yes, ma'am.

10 Q. Tommy goes in to make a buy at the house or
11 trailer.

12 A. While he's working for me?

13 Q. While he's working to you.

14 A. Yeah, ma'am.

15 Q. After he gets the drugs and goes back to the truck,
16 do you know whether or not he texted anybody?

17 A. No, ma'am, I wasn't there.

18 Q. Okay. Because you can't hear a text over the wire,
19 can you?

20 A. No, ma'am, I cannot.

21 Q. And you didn't review his telephone, did you?

22 A. He was under control of Detective Allen. I did not
23 personally review his phone.

24 Q. All right. Did you have the ability to take
25 photographs with your cell phone like you did with this

1 video of a gray BMW at the McDonald's? You had the ability
2 to take pictures and video?

3 A. Yes, ma'am.

4 Q. Okay. And the only video that you took was at the
5 McDonald's of the gray BMW leaving McDonald's?

6 A. Yes, ma'am, it was directly in front of me.

7 Q. And the most amount of heroin that was purchased
8 during this organization was 21 grams; is that right,
9 purchased from Keith LNU, last name unknown.

10 A. Was it 21 grams? I would have to refer to that lab
11 report, ma'am.

12 Q. And the purchase from Keith was controlled or
13 uncontrolled buy?

14 A. Ma'am, it was a controlled buy.

15 Q. And that was with State funds?

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

17 Q. I'm probably wrong about the 21 grams, but I will
18 get to that. Do you remember how much you gave Tommy to
19 purchase heroin from Keith?

20 A. If you can show me my report, ma'am, I probably
21 could tell you.

22 Q. That's okay. So it's your theory that Justin
23 Hunter was the boss of this organization, or leader; is that
24 your theory?

25 A. Yes, ma'am.

1 Q. Okay. And he didn't wear a shirt or anything that
2 indicated that he was in charge, did he?

3 A. No, ma'am, he didn't.

4 Q. And in any of the videos that were recorded, is
5 there a clear picture of who Justin Hunter is?

6 A. No, ma'am, there's not a perfect video of who
7 Justin Hunter is.

8 Q. Clearly, you've had an opportunity to review all of
9 these way before this week, correct?

10 A. Yes, ma'am.

11 Q. You do have the ability to make still photographs
12 from video, don't you?

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

14 Q. Did you even have one frame that you could freeze
15 that would indicate who Justin Hunter is?

16 A. Not from those videos, no, ma'am.

17 Q. And when you put Justin Hunter into a truck and
18 drove him into another area of the apartment complex, did
19 you tell this jury that he started to cry?

20 A. I told this jury he became emotional, ma'am.

21 Q. And you said you got a statement from him?

22 A. Ma'am, I got a confession from him.

23 Q. I'm sorry. Let me rephrase that. You got a
24 confession from him?

25 A. Yes, ma'am.

1 Q. Did you get a confession from Will Brown?

2 A. Will Brown told me he sold heroin too.

3 Q. Okay. Did you get a confession from -- well,
4 anybody else you get a confession from?

5 A. Mr. Roberts refused to talk to law enforcement.
6 Mr. Johnson refused to talk to law enforcement. Ms. Quezada
7 refused to talk to law enforcement.

8 Q. Okay. So no other confessions, just Will Brown
9 and --

10 A. Justin Hunter.

11 Q. -- and Justin Hunter, right?

12 A. Yes, ma'am.

13 Q. All right. Now, you say you read him his rights,
14 correct?

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

16 Q. And after you read him his rights, you said -- did
17 you say he waived his rights?

18 A. Ma'am, he did. He agreed to talk to us. He noted
19 that he understood those rights and that he agreed to talk
20 to us.

21 Q. All right. And did you give him an opportunity to
22 review his confession?

23 A. No, ma'am, I did not give him an opportunity to
24 review his confession.

25 Q. Did you record what he might have said to you at

1 any time in the truck?

2 A. Ma'am, SLED policy, through my training and
3 experience, we do not record interviews. Sometimes those
4 interviews can -- that person being interviewed could become
5 a confidential informant.

6 Q. Right.

7 A. And that may give their identity away.

8 Q. Okay. Now, I'm getting ready to wrap up, but I
9 really want to know more about your relationship with your
10 confidential informant Tommy.

11 A. In what regard, ma'am?

12 Q. I'm getting ready to ask. You said you weren't
13 going down the chain of this anarchy of heroin. You were
14 going to go up the chain; is that right?

15 A. Yes, ma'am, that's correct.

16 Q. And you were worried about Tommy Sekula's safety,
17 correct?

18 A. Yes, ma'am. He was under my control at the time.

19 Q. Okay. And did you ever sit and talk with him at
20 his home?

21 A. No, no, ma'am. I never picked Tommy up. Detective
22 Lundberg would always pick Tommy up.

23 Q. When were you made aware that Tommy was a heroin
24 addict?

25 A. Tommy admitted to me in his debrief that he was an

1 addict.

2 Q. All right. Did you offer Tommy some help for his
3 addiction?

4 A. No, ma'am, I didn't.

5 Q. And he worked for you for about six months?

6 A. Sure, yes, ma'am.

7 Q. September, October, November, December, January,
8 and February?

9 A. Yes, ma'am.

10 Q. Okay. During the six-month period, did you ever
11 see Tommy throw up?

12 A. No, ma'am.

13 Q. Did you ever see him have chills?

14 A. Actually, yes, ma'am, I did. When I was debriefing
15 Tommy, he was severely sick. I mean, he was sweating. He
16 was shaking. He was hurting really bad.

17 Q. Okay. That's when you were debriefing him in
18 October?

19 A. Yes, ma'am.

20 Q. Okay. And that was the only time you saw him sick,
21 correct?

22 A. That I can recall, yes, ma'am.

23 Q. Okay. And how many total buys did Tommy make for
24 you?

25 A. There were a number of them.

1 Q. Do you know how many total buys there were?

2 A. 1, 2, 3, 4, 5, 6, 7, 8, 11 --

3 Q. 11 buys over --

4 A. Yes.

5 Q. -- over a period of six months?

6 A. Yes, ma'am.

7 Q. That doesn't include what Detective Lundberg may
8 have done, right?

9 A. Before I got involved, yes, ma'am.

10 Q. You think Tommy Sekula was a reliable confidential
11 informant?

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

13 Q. And do you think that he was using heroin when he
14 wasn't under your control?

15 A. Ma'am, I was not there. I can't say what Tommy did
16 or not when he wasn't under my control. I can only tell you
17 what Tommy did when he was under my control.

18 Q. When he was under your control, you knew what he
19 was doing because you saw him personally, right?

20 A. Yes, ma'am, he was doing a buy for me. He had
21 recording equipment on. He was with the police.

22 Q. Right. And prior to him meeting you at what he
23 calls a meet location, you don't know what he was doing, do
24 you?

25 A. Because I wasn't with him.

1 Q. Right. And then after the buy was good, according
2 to the undercover Agent Allen, the buys is good, or whatever
3 the word is, he left?

4 A. No, ma'am. He was taken back. We took -- he gave
5 the drugs to Detective Allen. He was taken back and
6 stripped searched to make sure there were no other drugs on
7 him. And then we took our equipment off of him, made sure
8 he didn't have any of our money that was left over. And he
9 provided me a statement. And Detective Lundberg took him
10 home.

11 Q. You are right. I stand corrected. I forgot about
12 that part. But after the strip search, Lundberg took him
13 home.

14 A. That's correct.

15 Q. And did Lundberg pick him up?

16 A. Yes, ma'am. Before the buys, Detective Lundberg
17 would pick him up.

18 Q. Oh. And after he got dropped off, after Lundberg
19 dropped him off, you don't know what he did, do you?

20 A. No, ma'am.

21 Q. There's an exhibit in here which is a photograph of
22 some money that was rolled up, I believe he got from Patriot
23 Boulevard. Do you remember that photograph?

24 A. I think they talked about it with Special Agent
25 Wells's testimony.

1 Q. Yeah, I think it was put on the screen. There was
2 like \$3,000 you said?

3 A. Yes, ma'am, I remember that.

4 Q. Okay. There was not one single marked bill in that
5 \$3,000 that came from the government, was there?

6 A. I don't think so, no, ma'am.

7 MS. JOHNS: Thank you. I don't have anything
8 further.

9 THE COURT: Any redirect?

10 MR. UNDERWOOD: Briefly, Your Honor.

11 THE COURT: You may proceed.

12 REDIRECT EXAMINATION

13 BY MR. UNDERWOOD:

14 Q. Agent Wingo, in the recorded phone calls with the
15 targets of controlled purchases, did the informant,
16 Mr. Sekula, ever use the names of the people he was talking
17 to?

18 A. He would use their nicknames.

19 Q. Did the people on the other end deny those
20 nicknames when they were asked who it was?

21 A. No, sir.

22 Q. Briefly, please explain how an investigation into
23 an organization functions in regards to how targets of that
24 investigation are decided upon?

25 A. When you conduct a large-scale investigation as

1 such, you are essentially trying to work to the top of the
2 chain. Cut the head off the snake is the term I believe
3 Detective Lundberg used. Basically, you are trying to get
4 to the point where you can cut off or pinch off the supplies
5 that's coming in. So you are constantly trying to work your
6 way towards the top guy. He's going to have the most drugs.
7 He's going to be supplying. He's kind of the boss. He's
8 the CEO. And you have your managers. And you come down and
9 you have like your shift supervisors. And then you just
10 have your employees. In this case, your employees would
11 kind of be your users. So you would take someone usually at
12 the -- I've done it where I started with an employee and
13 worked up. I started where you can start with the kind of
14 middleman, people who were buying and then reselling.

15 And then you start seeing who they have a
16 relationship, who they can purchase from. And then you
17 start picking targets and buying from them. Certain
18 occasions you approach that target and you say -- you ask
19 for their cooperation to see if you can climb to the next
20 level. Sometimes they cooperate and you go to the next
21 level. Sometimes your investigation ends right there.

22 Q. How does SLED measure success in those types of
23 investigations?

24 A. The ultimate way that SLED measures success is at
25 the end of the day, we are getting drugs off the street and

1 protecting the community. We are taking someone who is
2 fueling, in this case an addiction, and getting them off the
3 street. We -- you know, you have taken a piece of that
4 organization and removed them. I don't think SLED measures
5 success. I personally don't measure success in the amount
6 of drugs, oh, I got -- you know, the amount of drugs you
7 take off, just that I've taken someone that is pushing those
8 drugs out of the community.

9 Q. In regards to the confidential informant, Tommy
10 Sekula, are you familiar with what a person -- how a person
11 behaves and appears while they are high on heroin?

12 A. Somewhat, yes, sir.

13 Q. Did Tommy Sekula ever appear to be high during any
14 of your interactions with him?

15 A. No, sir.

16 MS. JOHNS: Objection, Your Honor.

17 MR. GRIFFITH: Objection, Your Honor.

18 THE COURT: Basis. Speculation, is it? What's the
19 basis?

20 MR. GRIFFITH: Speculative, Your Honor.

21 THE COURT: And your basis, Ms. Johns?

22 MS. JOHNS: I think I need to hear the question
23 again.

24 THE COURT: Can you repeat the question?

25 Q. Agent Wingo, did Thomas Sekula ever appear to be

1 high on heroin during any of your interactions of him?

2 THE COURT: What's the basis of the objection?

3 MS. JOHNS: I don't think he's qualified to answer
4 that.

5 MR. GRIFFITH: Calls for speculation on his part,
6 Your Honor.

7 THE COURT: Lack of foundation, speculation.
8 Sustained. Rephrase. Put it within his ambit of his
9 knowledge and rational perception.

10 BY MR. UNDERWOOD:

11 Q. Did you observe anything that made you think that
12 Tommy Sekula was high during your interactions with him?

13 A. No, sir.

14 Q. During your interactions with Mr. Sekula, did he
15 appear to understand what was happening?

16 A. Yes, sir.

17 Q. Was he coherent?

18 A. Yes, sir.

19 Q. What was his physical condition, as best you could
20 tell?

21 A. He was coherent. He was alert. He was up walking
22 around. He was engaging in conversation.

23 Q. Since the end of your part of the investigation,
24 have you had any subsequent discussions with Tommy Sekula?

25 A. I'm sorry. Can you repeat that question,

1 Mr. Underwood?

2 Q. Since you stopped using Mr. Sekula as a
3 confidential informant, have you had subsequent
4 conversations with him?

5 A. Yes, sir.

6 Q. And during any of those conversations, have you
7 discussed rehabilitation options with him?

8 A. Yes, sir.

9 Q. Are there any particular types of options that are
10 being pursued?

11 A. I think that Tommy is trying to get Tommy help,
12 yes, sir. He's talked about several, trying to check into
13 several rehab facilities.

14 Q. In regards to the photographic lineups that were
15 shown to William Brown, what is the purpose of showing
16 someone a photo lineup of a person who is a suspect?

17 A. To corroborate that they do know them.

18 Q. Did William Brown ever identify to you that he knew
19 the full name of Justin Hunter?

20 A. No, sir, he did not.

21 Q. Why would you show him at a photo lineup?

22 A. To show that we were talking about the same person.

23 Q. Did you ever -- during the course of this
24 investigation, were there any documents found to connect
25 Justin Hunter to the location on Arno?

1 A. I believe he had some documents in his car that
2 were to that address.

3 MR. UNDERWOOD: Permission to publish State's
4 Exhibit 138.

5 THE COURT: I think that's been admitted, hasn't
6 it?

7 MR. UNDERWOOD: Yes, Your Honor.

8 THE COURT: Yes, sir. Proceed.

9 BY MR. UNDERWOOD:

10 Q. Agent, what's the significance of this document?

11 A. It has the address of Arno -- it has the address of
12 Arno Drive on it.

13 Q. Where was this document recovered from?

14 A. In Mr. Hunter's car.

15 Q. Agent Wingo, were you in the courtroom when the
16 recording of the call that was sent to the controlled
17 purchases on October 28th was played?

18 A. In this courtroom, yes, sir.

19 Q. Did you recognize the voices of the individuals in
20 that?

21 A. Yes, sir, I did.

22 Q. Whose voices were they?

23 A. Mr. Hunter's and Mr. Sekula and I think
24 Mr. Lundberg prefaced it.

25 Q. What are you basing your identification of Mo's

1 voice on?

2 A. The interactions that I've had with him. I've also
3 listened to his jail phone calls.

4 MR. UNDERWOOD: Nothing further, Your Honor.

5 THE COURT: Sir, you may step down.

6 MR. GRIFFITH: Your Honor, I have a brief
7 follow-up.

8 THE COURT: I'm only allowing this one time. You
9 may proceed. Limited to redirect only.

10 RECROSS-EXAMINATION

11 BY MR. GRIFFITH:

12 Q. You just mentioned you were asked if you had
13 subsequent contact and conversations with Tommy after you
14 used him as a confidential informant and you answered, yes,
15 you have. How many of those conferences did you have with
16 Tommy?

17 A. When Mr. Underwood prepared him for this trial.

18 Q. How many opportunities did you have to speak with
19 him prior to this trial and after he was used as a CI?

20 A. I mean, I had all the opportunities, but I did not
21 contact Mr. Sekula again until this trial.

22 Q. How many times did you talk to him before the
23 trial?

24 A. After he worked for me? Zero.

25 Q. By after he worked for you, I mean, do you mean

1 after you were done with him, or after the last time he
2 bought for you, how many times did you talk to him?

3 A. After the last time he bought from me, I didn't
4 talk to Tommy until I found out that we were going to trial.

5 Q. And then how many times did you talk to him after
6 you found out you were going to trial?

7 A. When Mr. Underwood prepped him, and then when --
8 Thommy doesn't have a ride, doesn't have a driver's license,
9 so somebody got to pick him up and take him back and forth
10 each morning.

11 Q. So you picked him up?

12 A. Not always. I picked him up one morning.

13 Q. And you would talk during that time?

14 A. Sure.

15 Q. That's correct. And you testified that Tommy did
16 not appear sick at all while you were using him as a CI. He
17 appeared sick, you said, the first time you interviewed him.
18 But after that, he did not appear sick; is that correct?

19 A. That's correct.

20 MR. GRIFFITH: That's all I have.

21 THE COURT: Any redirect as a result?

22 MR. UNDERWOOD: No, Your Honor.

23 THE COURT: Sir, you may step down. The State may
24 proceed.

25 MR. UNDERWOOD: The State rests, Your Honor.

1 a weapon during the commission of a violent crime, but I
2 don't want to fall into the category of being the finder of
3 fact. Because, again, that's not my prerogative on directed
4 verdict. It is for the State to prove that there is, in
5 fact, a nexus between the gun and the actual criminal
6 activity. And the law does require that he have possession
7 of the weapon or that he reasonably or visibly display what
8 appeared to be a weapon, in this case a firearm, to be found
9 guilty of that offense. And the State has that burden
10 beyond a reasonable doubt.

11 And, certainly, Mr. Griffith, you can argue that
12 Mr. Brown had dominion and control over the weapon and not
13 your client. It becomes a factual issue for the jury to
14 resolve. And, therefore, that motion is denied as well.

15 I think that covers everything on directed verdict.

16 Sir, if you can stand for me, please, and raise
17 your right hand to be sworn so I can advise you of your
18 rights regarding testifying.

19 (Whereupon, the defendant is sworn.)

20 THE COURT: State your name for the record.

21 THE DEFENDANT: Emory Warren Roberts, Jr.

22 THE COURT: Mr. Roberts, I'm going to at this time
23 explain to you certain of your rights. We have reached the
24 stage of the trial where you may present your own defense.
25 And I need you to listen to me carefully. If there's some

1 right you need for me to explain in more detail, if there's
2 something you do not understand, please make me aware of it
3 so I can go back over it or ensure that you do understand
4 your rights as I am explaining them to you. Do you
5 understand?

6 THE DEFENDANT: Yes.

7 THE COURT: We have now reached the stage of the
8 trial where you may present your defense. Sir, you have the
9 right to claim the protections given to you by the Fifth
10 Amendment to the Constitution. And that amendment reads in
11 part that no person shall be compelled in any criminal case
12 to be a witness against himself. That means that you cannot
13 be compelled to testify in this case. You have the right to
14 remain silent and that right cannot be used against you.

15 This is a personal right. No one can make this
16 decision except you. You have the right to testify on your
17 own behalf, however, again, this is a personal right and no
18 one can make you testify. You can waive that right. If you
19 decide to testify, I need to advise you that you will be
20 subject to the same rules that govern other witnesses. You
21 can be examined and cross-examined on any issue in this
22 case. In addition, if you have any convictions involving
23 dishonesty or false statement for crimes punishable by
24 imprisonment for more than one year, and this Court
25 determines that the probative value of admitting this

1 evidence outweighs its prejudicial effect to you, the
2 solicitor will be able to introduce your record to attack
3 your credibility.

4 If you decide to testify, this decision on your
5 part must be made freely and voluntarily, knowingly and
6 intelligently, with knowledge of your protections under the
7 Fifth Amendment to both -- provided by both the United
8 States Constitution as well as by the South Carolina State
9 Constitution.

10 If you decide not to testify, I will instruct the
11 jury that they cannot consider this fact in any manner
12 whatsoever. I will instruct them that you have the
13 constitutional right to remain silent. I will instruct them
14 that you have the presumption of innocence, that no citizen
15 in this state is required to prove himself or herself
16 innocent, and that that assertion of your right cannot be
17 used against you, that the burden remains on the State to
18 prove your guilt to each and every element of every offense
19 beyond a reasonable doubt, and that the fact that you remain
20 silent is not to be discussed in any manner whatsoever
21 during their deliberations, and that there's to be no
22 inference from the fact that you did not testify. In other
23 words, they cannot infer that you have something to hide by
24 not testifying.

25 Sir, again, you can talk with your family members,

1 your friends or your attorneys, or your attorney, but the
2 decision, the final decision as to whether you should or
3 shouldn't testify is left entirely up to you. Do you
4 understand your rights as I've explained them to you?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you have any questions for me about
7 your rights as I've explained them to you?

8 THE DEFENDANT: No.

9 THE COURT: I want you to discuss thoroughly with
10 Mr. Griffith this afternoon, and if need be, in the morning
11 before you answer both my final questions. Okay?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. You may take your seat.

14 Mr. Griffith, do you have any questions for the
15 Court or anything you feel needs to be discussed in any
16 further detail or explained in any further detail to
17 Mr. Roberts before fully discussing with him whether he
18 should or should not testify?

19 MR. GRIFFITH: No, Your Honor. I believe we have
20 addressed it previously.

21 THE COURT: Okay. Now, if Mr. Roberts testifies,
22 will the State have any rebuttal testimony?

23 MR. UNDERWOOD: Your Honor, I think that might
24 depend on the nature of his testimony.

25 THE COURT: Worst-case scenario.

1 MR. UNDERWOOD: One moment. I almost have the
2 exhibits organized.

3 MR. UNDERWOOD: All exhibits are accounted for?

4 MR. GRIFFITH: Yes, sir.

5 We did talk.

6 MS. JOHNS: Yes, Your Honor.

7 THE COURT: Mr. Roberts, if you stand up for me,
8 sir. I will remind you you are still under oath. Have you
9 had a full opportunity to discuss with your lawyer whether
10 you should or should not testify?

11 MR. ROBERTS: Yes, Your Honor.

12 THE COURT: Do you have any questions regarding
13 your rights?

14 MR. ROBERTS: No.

15 THE COURT: Do you need to speak with your lawyer
16 any further about whether you should or should not testify?

17 MR. ROBERTS: No.

18 THE COURT: And, sir, do you wish to testify?

19 MR. ROBERTS: No.

20 THE COURT: Okay. You can take your seat. All
21 right.

22 So what we will do is, I will -- and I assume you
23 have nothing -- I assume, Mr. Griffith, other than your
24 client, you would have nothing to present?

25 MR. GRIFFITH: No, Your Honor.

1 proceed.

2 MR. GRIFFITH: Your Honor, the defense rests.

3 THE COURT: Thank you. And, Ms. Johns, on behalf
4 of Mr. Hunter.

5 MS. JOHNS: Your Honor, the defense rests as
6 well.

7 THE COURT: We'll reserve motions.

8 Ladies and gentlemen, both the State and the
9 defense have rested their cases. We are now proceeding to
10 the part of the trial where we will have closing arguments
11 and instruction. I would ask that you give counsel your
12 undivided attention in this process.

13 You may proceed, Mr. Underwood.

14 MR. UNDERWOOD: Thank you, Your Honor. May it
15 please the Court.

16 THE COURT: Yes, sir. You may proceed.

17 MR. UNDERWOOD: This trial was about more than one
18 or two drug dealers. This trial was about the prosecution
19 of the business of trafficking drugs, especially heroin.
20 This case is not about one or two street pushers standing on
21 the corner. This case is about an organization, an
22 organization that went by the name of The Boys, a drug
23 trafficking organization that sold heroin throughout
24 Berkeley, Dorchester and touching into Charleston Counties,
25 an organization that was funneling this terrible substance

1 from the state of New York to our state of South Carolina.

2 This case is not about, unfortunately, the people
3 that are affected by this conduct. It's about the people
4 who are committing this conduct. You've heard testimony
5 from three individuals who had inside knowledge of this
6 organization.

7 You've had information from Will Brown. Will
8 Brown, the guy that just needed somewhere to lay his head at
9 night, who ended up staying with a guy he met on the street
10 who wanted to breed some pit bulls. He had him living with
11 him. And after a period of time, got into his business,
12 helped him out a little bit. But what was it that Will
13 Brown told you? He didn't do anything on his own. He did
14 what he was told. Doing what you are told shows the fact
15 that, obviously, that means people are in charge. That
16 means there's organization.

17 He told you about how people would come to Emory
18 Roberts's house. And if Emory Roberts wasn't home, there
19 were instructions left for Will Brown to serve those people.
20 And by "serve them" that means he would sell them heroin for
21 the deals that Emory Roberts set up. He would sell them the
22 amounts and at the prices that he was told by Emory Roberts.
23 And this happened over an expansive period of time.

24 You heard from Craig Valentine, a self-admitted and
25 unfortunate heroin addict. He made it very clear that there

1 was some structure to this group. He told you how he got
2 involved with heroin. He told you that he had never had
3 heroin before, not until Bianca took him to, who? Justin
4 Hunter. The very first time he had heroin was when he was
5 taken to Justin Hunter, person he knew as Mo.

6 Now, ladies and gentlemen, he also told you how he
7 continued to go back for more heroin from them, because he
8 was an addict. He had to go every day. And after a period
9 of time from going to one location at Arno, then he started
10 going to another location over in Ladson, the house of Emory
11 Roberts. Sometimes he would call and Mo would tell him to
12 go to Emory Roberts's house. And he would split going back
13 and forth between those different locations to get his
14 heroin every day, just about every day, at least a gram up
15 to an eight-ball, which is three and a half grams. And why
16 did he have to keep going? Because he was an addict.

17 Why was it important to know to him who Mo was, who
18 Q was, where they were? Because that's where he would have
19 to get his supply, so that he wouldn't be sick from
20 withdrawal. He was trapped in his addiction. And he was
21 trapped because, on one unfortunate day, he was taken to
22 Justin Gordon Hunter and got that first dose of heroin.

23 He also made it very clear that Justin Gordon
24 Hunter was in charge, that it was obvious who was calling
25 the shots. And, again, if someone is in charge, that means

1 there's organization. That means people are working towards
2 a common goal. If people are working towards a common goal,
3 they are coming into an agreement to carry on conduct that
4 is illegal. Ladies and gentlemen, that is a conspiracy.

5 The judge is going to give you a more full
6 explanation later, the full definition of a conspiracy.
7 But, remember, essentially, that's an agreement between two
8 or more people to combine together or have some mutual
9 understanding and intent to commit an unlawful act. In this
10 case, that conspiracy was to traffic heroin.

11 You also heard from Thomas Sekula, who when he
12 moved back to the Summerville area from Bluffton, had one
13 source for heroin. He told you who that source was. It was
14 The Boys, through Mo. He would call direct and then he got
15 another number, a dispatch number, the phone that got passed
16 around to the other people in this organization, to the rest
17 of The Boys. The way he described it was, he would call The
18 Boys, and whoever answered the phone would tell him where to
19 go. Why would they need to tell him where to go? Several
20 reasons. They had different locations. That's a way to
21 avoid detection from law enforcement. Again, another sign
22 of organization. They went to different locations because
23 there were different people involved. There were different
24 places where the drugs were kept. And depending on who had
25 drugs at the time, that's where he would go.

1 But the fact that he's calling up a dispatch number
2 and being told where to go, shows that there are multiple
3 people working together to make these drug sales happen.
4 Again, that is further evidence of a conspiracy. That is
5 what a conspiracy is.

6 And Mr. Sekula found himself in some trouble. In
7 order to support his habit, he was selling some of that
8 heroin that he was getting. And he got caught. He got
9 caught by the Dorchester County Sheriff's Office. And he
10 agreed to work for them because he wanted to do whatever he
11 could to get out of trouble. That is what it is.

12 Remember, ladies and gentlemen, upstanding citizens
13 can't just walk up to a drug house, walk in and buy some
14 drugs. In order to do that, you have to be in that world.
15 And that's why law enforcement has to use confidential
16 informants, who, unfortunately, are often in very dire
17 situations in their personal lives.

18 He became a confidential informant. And what do
19 they do with Mr. Sekula? They did controlled buys. They
20 would wire him up. They would take him to a location where
21 he would buy drugs from The Boys, many times in particular,
22 Emory Roberts and Justin Hunter, as well as a couple other
23 individuals.

24 They did a buy on August 7th going into the 8th in
25 Dorchester County on Margaret Street. On that day, they

1 bought what tested positive for one plus grams of heroin. , 1
2 gram of heroin that was tested. And there was another half
3 gram that wasn't tested because they met their threshold at
4 the lab.

5 They did another buy August 11th of 2015, again,
6 Dorchester County. They bought 3.41 grams.

7 Again, August 17th, they go back and they buy five
8 grams.

9 August 27th, they buy another 1.45 grams of heroin.

10 September 9th, they go again, and they get 1.28
11 grams of heroin.

12 September 16th, they go one more time. They buy
13 more heroin that tested positive at the lab. The part that
14 was tested was .92 grams. They met their threshold, so they
15 stopped testing, but what was left was another .526 grams.

16 Remember the testimony at that point, Dorchester
17 County realized, there's a whole other side to this. We are
18 only able to deal with what's going on in Dorchester County.
19 Dorchester County has a very limited budget. They can't go
20 into Berkeley County and buy larger amounts of drugs. So
21 what do they do? They ask for help. They needed help from
22 SLED, State Law Enforcement Division.

23 So Special Agent Wingo becomes involved. He comes
24 down and then he starts working with them as well. They
25 start to make more buys.

1 On September 23rd, Special Agent Wingo is now
2 involved. They conducted a buy. And what did they buy?
3 7.1 grams of heroin. We've now moved up to a quarter of an
4 ounce.

5 September 25th, another individual who's in The
6 Boys, somebody that was known as G, later identified as
7 Lassain Johnson, they go to him and they purchase 6.92 grams
8 of heroin. Again, showing that this is a conspiracy. There
9 are more than one person involved. We will talk more about
10 Mr. Johnson in a little while.

11 September 30th, 2015, they wire Mr. Sekula again.
12 He goes to meet with Justin Hunter. And what happens? He
13 buys 13.96 grams of heroin from Mr. Hunter. That's
14 basically half an ounce.

15 October 28th, they use Mr. Sekula again. He goes
16 to meet Mr. Hunter again. You heard the recorded phone
17 call. He calls up that particular phone number (843)
18 469-5400, says: Is this Mo? Person on the line doesn't
19 say, no, this isn't Mo, this somebody else. Is this Mo?
20 And they continue to set up a deal. What happened at that
21 deal? Tommy Sekula bought just over half an ounce, 14.03
22 grams.

23 December 14th, they take Mr. Sekula again to meet
24 with Justin Hunter. This time I believe it was at the
25 Walmart in Summerville. He gets in the car, does the deal,

1 comes out with what? 3.3 grams of heroin.

2 January 7th, 2016, now, they set up another
3 controlled buy. This time the person that actually makes
4 the delivery here, we are talking about Emory Roberts. He
5 goes to the new location over at Summer Creek. Goes into
6 that trailer, deals with Mr. Roberts, and comes out with
7 3.38 grams of heroin.

8 January 14th, 2016, another controlled buy with
9 Justin Hunter. This time for 3.45 grams of heroin.

10 January 19th, 2016, they set up a deal with Q,
11 Emory Roberts. Mr. Sekula is taken to the trailer at 116
12 Summer Creek. But when he gets there, Q isn't there. Will
13 Brown is there. And Will Brown gives Mr. Sekula the drugs
14 that were set up in the transaction. Why? Because that's
15 what Will Brown was told to do. At that time he was keeping
16 his dog there and he had to do what he had to do to stay in
17 the good graces of Emory Roberts. And at that time, he did
18 what he was told, and he sold a little over an eight-ball to
19 Tommy Sekula. Substance that was tested was .95 grams. And
20 there's a gross weight of another 2.61 grams that wasn't
21 tested because of the threshold. Didn't really matter.

22 February 2nd, 2016, another buy with Emory Roberts.
23 This time for 3.35 grams of heroin.

24 Now, remember I said this is the business of
25 dealing drugs. What do successful businesses have to do to

1 be able to compete and thrive in society? They diversify.
2 And this drug trafficking organization was no different.
3 While they started out as primarily a heroin trafficking
4 organization, they would sell other drugs too.

5 You recall from the testimony, on February 3rd,
6 2016, a methamphetamine controlled buy was arranged. How
7 was it arranged? It was arranged by texting Justin Hunter's
8 phone number. Justin Hunter set up the deal and sent one of
9 his accomplices, one of his workers, Rosemarie Quezada, from
10 her apartment from [REDACTED] in
11 Summerville. She walked over to the shop center, Azalea
12 Shopping Center where Target and Kohls are, and delivered
13 methamphetamine to Thomas Sekula. And then walked back to
14 the apartment. All that under the guise, under the watchful
15 eyes of law enforcement. And she delivered .87 grams of
16 methamphetamine for Justin Hunter. Working together, he set
17 it up, told her how to make the delivery, and she did what
18 she was told.

19 Now, ladies and gentlemen, that wasn't the end of
20 this investigation. After law enforcement had gone
21 repeatedly to some of these locations, had seen what they
22 had seen, they obtained search warrants, search warrants for
23 Summer Creek, search warrants for the Bear Island Road
24 apartment where Rosemarie Quezada came from when she
25 delivered that methamphetamine, and from Justin Hunter's

1 residence at Patriot Boulevard.

2 Beginning with Summer Creek, they go to the
3 trailer, [REDACTED], as Mr. Brown testified, he was
4 there. He was there in the living room, sitting down there,
5 I guess playing video games. And just as he's playing video
6 games, in comes the flash, and law enforcement comes in.
7 Everyone is detained for safety. And then they are able to
8 search the trailer. What do they find when they do that
9 search? Digital scales. They also find some marijuana and
10 they find some heroin. In this package here we have what
11 was tested 4.90 grams of heroin. Remember, they found it,
12 it was stuffed inside a bag of bags inside an air pump. And
13 this container here had or was tested 4.90 grams. The
14 remaining gross in this was 4.22 grams. So there's more
15 weight of substance that wasn't all tested because they
16 already met their threshold. But they did test 4.90 grams
17 of heroin.

18 And in this package was another 3.09 grams of
19 heroin. Not only was that heroin in there, they also found
20 1.65 grams of methamphetamine. Remember, for a business to
21 survive, it must diversify. Heroin and methamphetamine.
22 More than 7 grams of heroin, more than a gram of
23 methamphetamine, in whose house? Emory Roberts, his trailer
24 [REDACTED] in Berkeley County.

25 What else was found in that house? They found a

1 gun staged on the couch. Now, Mr. Brown was at that
2 trailer too. Here's a closer picture of that gun.
3 Mr. Brown was at the trailer too. But you heard testimony
4 that The Boys dealt in guns, that they would take guns as
5 payment for drugs, and that they had plenty of guns. And
6 they would have guns around for protection from robbers.
7 Remember whose trailer this is. It's not Will Brown's
8 trailer. It's Emory Roberts's trailer. He's the one who
9 has control of what goes on in this trailer. There's been
10 no testimony at all, no evidence of Will Brown ever having a
11 gun. Ladies and gentlemen, this gun is Emory Roberts's gun,
12 put there in the trailer in very close proximity to where
13 his drugs were found on the kitchen table. As Agent Vasquez
14 described it, it's only a few feet away.

15 That wasn't the only -- I forgot, there was another
16 another buy they did on another individual named Keith.
17 There was a mention of someone named Keith throughout the
18 testimony. You heard about another buy going on with him
19 where they bought another 14.01 grams of heroin, another
20 half ounce of heroin. That means that this is an
21 organization that sells at least up to half an ounce at a
22 time, if not more.

23 But, ladies and gentlemen, you have to remember
24 something. All of these drugs right here, that's just the
25 time they got caught. These are the times that law

1 enforcement went and found them with the drugs and did the
2 controlled buys for the drugs. You heard testimony from
3 Will Brown, Tommy Sekula, from Craig Valentine, about
4 hundreds, hundreds of transactions. That is a lot of
5 heroin. That is not somebody that's just dabbling with a
6 hobby of selling a little bit of drugs. We are talking
7 about an organized group with large goals of selling lots of
8 drugs.

9 That wasn't the only search, at Summer Creek.
10 Remember I said they also did a search at the apartment on
11 Bear Island Road. What was found there? Another gram of
12 heroin, a little bit of marijuana, some methamphetamine,
13 methamphetamine being .65 grams, and when you combine those
14 packages together, over 100 grams of cocaine. Remember,
15 diversification. Have as many different drugs as you can to
16 make as much money as you can. And this was a business
17 interest. You can tell because what did the witnesses who
18 knew these people say when they were asked, did Mo ever use
19 drugs? No. Did Emory Roberts or Q, did he ever use drugs?
20 No. These defendants aren't drug users. They are
21 traffickers out for profit at the expense of the people who
22 are addicted to using these drugs.

23 During the search of [REDACTED], they
24 found other things as well. They found documents. And
25 surprisingly, or maybe not so surprisingly, they found

1 documents belonging to Justin Gordon Hunter. There's DMV
2 receipts, registration for his Audi. There's another piece
3 of mail from State Farm Insurance talking about his
4 different vehicles that he was insuring, the Audi, a 2007
5 BMW that you've heard about in the testimony, and a 2008
6 Mercedes, some more State Farm Insurance paperwork. And
7 notice, it's addressed to Justin Hunter at [REDACTED]

8 [REDACTED]
9 Now, he wasn't there when this search happened.
10 During the search, Rosemarie Quezada was there. And while
11 they were searching, Lassain Johnson, also known as G, he
12 showed up and put his key in the door. So then he was taken
13 into custody as well. Justin Hunter wasn't there, but,
14 surely, he's got a connection to this apartment and a
15 connection to those two people. These documents show that
16 they are working together.

17 Now, you should take interest in this. This
18 paperwork here addressed to both Justin Hunter and Lassain
19 Johnson where they were insuring a car together. There's
20 insurance cards to both Mr. Hunter and Lassain Johnson.
21 Obviously, these individuals know each other and have
22 dealings with each other if they are insuring vehicles
23 together, living at different places.

24 Now, during the testimony, you heard about a
25 location where drugs were being sold out of a trailer on

1 Arno Drive or Arno Road. Remember, law enforcement, while
2 they were searching the apartment at [REDACTED], they
3 found this cable bill for Lassain Johnson at Arno, the same
4 location where drugs were being sold by The Boys.

5 And more mail for Justin Hunter at the address of
6 [REDACTED] Mr. Hunter has got
7 more than one address. Why? Because that's how drug
8 operations work. You move your supply around. You have
9 people go to different locations to avoid detection and to
10 minimize losses. And here's one more piece of mail for
11 Mr. Hunter at Bear Island Road.

12 But they found more than mail. As to Mr. Hunter,
13 they found his United States passport. That is pretty
14 important paperwork to just leave lying around at some
15 random address. And, remember, several individuals who
16 dealt personally with Mr. Hunter identified this photograph
17 as Mo. Will Brown, who didn't know Justin Hunter's full
18 name, did a photographic lineup. And he was asked, do you
19 recognize in this lineup, and he says, yeah, that's Mo.

20 They also found Green Dot Gold cards, which you
21 heard testimony about how they are used to move money
22 without having cash so you can pay for suppliers and move
23 your money around. They found MoneyGram receipt stubs.
24 Again, another way to move money around without banks and
25 without exposing your cash.

1 But they didn't just find property of Lassain
2 Johnson and Rosemarie Quezada and Justin Hunter in that
3 apartment. They also found a TB Bank debit card for Emory
4 W. Roberts, Jr. They found a Social Security card for Emory
5 Roberts. They found Mr. Roberts's New York identification
6 cards. So that shows that Mr. Roberts has a connection to
7 this apartment as well. And that's pretty important
8 paperwork to be lying around in just a random person's
9 house.

10 What else was in that apartment? Digital scales,
11 blenders, grinders, sifters, cutting agents, stuff that you
12 would expect drug traffickers to have, items used in the
13 drug trafficking trade.

14 That wasn't the only search. Remember, we had
15 Summer Creek, we had Bear Island Road, and simultaneously,
16 they were also searching Mr. Hunter's apartment at [REDACTED]

17 [REDACTED] What did they find there?
18 Well, they found several items of interest. You will
19 remember that they found digital scale at the master
20 bathroom sink next to a box of baggies, commonly used to
21 package heroin. They found this container which they sent
22 to the lab to be tested. And guess what they found on it?
23 Heroin residue. That shows that heroin had been stored in
24 that apartment, that this apartment was also related to the
25 drug activity that was going on.

1 And they also found -- it's little bit hard to see
2 in this bag -- among several other items, there was some
3 marijuana and some pills, but they found a digital scale.
4 And guess what was on that digital scale? More heroin
5 residue. It's been to the lab, heroin residue on a plastic
6 container and a digital scale found in Justin Hunter's
7 apartment. It's not a coincidence, ladies and gentlemen,
8 that Mr. Hunter has his paperwork associated at these other
9 people's houses, that he has drug paraphernalia, the trace
10 amounts of drugs at his own apartment, let alone these other
11 locations.

12 There may not be a good video image of Mr. Hunter's
13 face. It's his voice, which has been identified by several
14 people that would recognize his voice. We don't have a
15 picture, but we have a lot of testimony. We have his
16 documents all over the place associated with these people
17 that we do have pictures of. We have his voice. We have
18 drug residue in his apartment.

19 Now, you may recall that Special Agent Lundberg
20 testified that they did a trash pull at Mr. Hunter's
21 address. And one of the things they found was a piece of
22 junk mail from, where? [REDACTED]

23 [REDACTED] So it's not like Rosemarie Quezada and Lassain Johnson
24 went and stole a bunch of Justin Hunter's stuff and took it
25 back to their apartment. He's got mail from there.

1 But back to the search warrant. Something else
2 that was found. A lot of cash, about \$3,000, as I recall.
3 What goes along with large amounts of cash? Well, something
4 that every household has, a rather heavy automatic money
5 counter, used for counting large amounts of currency, large
6 amounts of cash. Who deals in cash? Drug traffickers. You
7 don't write a check when you are going to your heroin
8 dealer. You don't use your debit card when you are going to
9 your heroin dealer. You deal with cash. So the people who
10 are at the top, who are collecting all of this cash, they
11 are going to need a money counter for all that money. The
12 guys at the bottom don't need it. It's where the money
13 filters up to the top, funnels to the top, that is where you
14 are going to need to have a money counter. And that was
15 found in Justin Hunter's apartment.

16 You may recall that during that search, while that
17 was going on, Special Agent Wingo and Dan Lundberg
18 approached Mr. Hunter. They Mirandized him. He agreed to
19 talk. And one of the things that he said in his confession
20 is that, yes, he would go to New York to purchase drugs from
21 a guy, I believe his name was Fresh. He would go to New
22 York and he would buy those drugs.

23 Now, also during that time, before I get to that,
24 some items were taken from his person upon his eventual
25 arrest, an iPhone and a little flip phone. Do you remember

1 you heard testimony about burner phones or drop phones. Got
2 a rather expensive, nice smartphone and a very inexpensive
3 flip phone, both on his person at the same time. You heard
4 testimony about these individuals having multiple numbers.
5 Well, Mr. Hunter had multiple phones.

6 He also had in his wallet another Green Dot Gold
7 card, one that looks just like the Green Dot Gold cards
8 found at Bear Island Road along with methamphetamine, heroin
9 and over 100 grams of cocaine. He also had a South Carolina
10 driver's license, which you compare that to the photo lineup
11 that Mr. Brown did when he was trying to identify the person
12 he knew as Mo or Just. Compare those pictures and judge for
13 yourself, who is being identified.

14 Now, I mentioned earlier that Mr. Hunter said that
15 he went to New York, that he would meet with someone named
16 Fresh, get his heroin, get another person, a female, to
17 bring that heroin back down to South Carolina for him so
18 that he wouldn't be caught with it. And in that confession,
19 you heard the testimony of Agent Wingo, he even said where
20 he would stay when he went to New York, that he would go to
21 the Gateway Inn. And what was found in his wallet? A
22 receipt for the Gateway Inn. And that receipt is dated
23 January 25th, of 2016. Now, you may recall that the last
24 time law enforcement did a controlled purchase of Justin
25 Hunter, that was for 3.45 grams of heroin, that was on

1 January 14th. So after they've done their last buy with him
2 using their documented government funds, what does he do?
3 He goes to New York, less than about 10 days later. And he
4 said why he would go to New York; it was to get more heroin
5 from Fresh.

6 Some other documents that were found during that
7 search, this time coming out of Mr. Hunter's BMW, another
8 credit statement addressed to Justin Hunter at [REDACTED]
9 [REDACTED] Again, this was found in his
10 vehicle, the same BMW that you heard testimony about, same
11 BMW that you saw on video. Another piece of mail addressed
12 to Mr. Hunter at [REDACTED]. So that
13 connects Mr. Hunter to that location.

14 Also in there they found a court document.
15 Granted, it has someone else's name on it, but why would
16 Mr. Hunter have court documents for a trailer at [REDACTED]
17 [REDACTED] if he didn't have some connection to that location?

18 You may recall that Lassain Johnson had a cable
19 bill to that address on Arno Drive. These individuals are
20 connected to that location. They are connected to what's
21 going on there, because they are The Boys. And they worked
22 together to traffic their drugs.

23 Mr. Hunter was connected to all of these locations.
24 You may recall there was testimony from Agent Wingo, for a
25 brief period of time they had a GPS tracker on his car. And

1 when reviewing that information, he went to Summer Creek and
2 he went to Bear Island Road. Now, at that point, you may
3 recall, you can put your little timeline together, that this
4 was in January of 2016, after Emory Roberts had moved his
5 dealing operation from Margaret Street over in Dorchester
6 County, he had then moved over to Summer Creek in Berkeley
7 County. And the GPS tracker has Mr. Hunter going there
8 multiple times.

9 Now, a very important piece of information came out
10 in Mr. Hunter's confession. He gave his identifying contact
11 information to Special Agent Wingo. And he said his phone
12 number was (843) 469-5400. You may recall on October 28th,
13 2015, law enforcement purchased 14.03 grams. The phone
14 number that they called to set that up to the person that
15 was addressed at Mo, was 843-469-5400. So that phone number
16 is directly connected to this heroin. It's directly
17 connected to Mr. Hunter by his own admission.

18 And let's go back to that trash pull. Now, it's a
19 little bit hard to see on this projection. But on this
20 Western Union receipt, Justin Hunter and the phone number
21 (843) 469-5400. And the same on this receipt. That one is
22 a little bit easier to see. That's Mr. Hunter's phone
23 number. He's the one on those calls. He's the one on those
24 recordings selling heroin. It traces back to his apartment
25 at Patriot Boulevard.

1 Now, in the videos, one in particular on that same
2 date of October 28th, you can see a BMW. In prior
3 transactions, there was also another BMW. Agent Wingo
4 testified about that. During these different drug
5 transactions, as there were multiple, they were able to get
6 license plates from those BMWs. According to the DMV,
7 Mr. Hunter had an Audi A4, a BMW 5 Series and a BMW 7 Series
8 with the same license plates that Agent Wingo testified were
9 on the BMWs seen during these drug transactions. It was his
10 car, his phone, his voice, his drugs.

11 They say that a picture is worth a thousand words.
12 If there's a picture of Justin Hunter, that would be worth
13 more than a thousand dollars about him. But we don't have
14 that picture. But we have 999 more things showing that
15 Justin Hunter is the person who was selling this heroin, who
16 was in charge of this drug trafficking organization called
17 The Boys.

18 Now, ladies and gentlemen, soon you are going to be
19 beginning your deliberations. When you do that, you have a
20 number of different counts that you will need to consider.
21 There are multiple controlled purchases for which Mr. Hunter
22 and Mr. Roberts are charged. I've laid the drug evidence
23 out right here by date.

24 THE COURT: Mr. Underwood, let me interrupt you one
25 second. We need to take a courtesy break for one of the

1 parties. Ladies and gentlemen, we apologize for the
2 interruption. If you would leave your notebooks in your
3 seats and please do not discuss the case. You should be out
4 less than two minutes.

5 (Whereupon, the jury leaves open court at 10:27
6 a.m.)

7 THE COURT: We apologize, Mr. Underwood.
8 Mr. Roberts needed to go to the restroom urgently.

9 MR. ROBERTS: It's been 20 minutes.

10 THE COURT: That's okay. As soon as he's done, we
11 will resume argument.

12 (Whereupon, recess transpired.)

13 THE COURT: Are we ready to resume?

14 MR. UNDERWOOD: Yes, Your Honor.

15 THE COURT: Please bring in the jury.

16 (Whereupon, the jury returns to open court at 10:34
17 a.m.)

18 THE COURT: Ladies and gentlemen, we appreciate
19 your indulgence.

20 Mr. Underwood, you may resume your argument.

21 MR. UNDERWOOD: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 MR. UNDERWOOD: Ladies and gentlemen, as you are
24 soon about to go into your deliberations, there are numerous
25 different counts that you need to consider. I want to help

1 break that down for you just a little bit.

2 Under count two, Justin Hunter, also known as Mo,
3 is charged with trafficking heroin 4 to 14 grams. He's
4 accused of doing that in Berkeley County on September 30th,
5 2015. In this bag right here, is 13.96 grams of heroin.
6 That's between 4 and 14.

7 Count 3, Justin Hunter, also known as Mo, is
8 charged with trafficking 14 to 28 grams on October 28th,
9 2015. In this bag is 14.03 grams of heroin that Justin
10 Hunter sold to the confidential informant on that date.
11 That's more than 14.

12 Count 4, Justin Hunter is charged with distribution
13 of heroin on December 14th, 2015. In this bag is 3.30 grams
14 of heroin that Justin Hunter sold to the confidential
15 informant on that date.

16 Count 5, distribution of heroin, Justin Hunter is
17 accused on January 14th of selling heroin. In this bag
18 right here, 3.45 grams of heroin sold by Justin Hunter to a
19 confidential informant.

20 Count 6, distribution of methamphetamine, that
21 Justin Hunter, along with his accomplice Rosemarie Quezada,
22 did sell methamphetamine on February 3rd, 2016. This bag
23 right here is that methamphetamine sold to the confidential
24 informant by Rosemarie Quezada under the direction of Justin
25 Hunter.

1 Count 11, distribution of heroin, on January 7th,
2 2016, Emory Roberts, also known as Q, did distribute heroin.
3 In this bag right here, 3.38 grams of heroin, sold by Emory
4 Roberts to a confidential informant.

5 Count 12, that Emory Roberts, along with Will
6 Brown, distributed heroin on January 19th, 2016. This bag
7 right here is the heroin that Will Brown gave to the
8 confidential informant at the direction of Emory Roberts.
9 And, again, that was tested positive for heroin.

10 February 2nd, 2016, Emory Roberts is charged with
11 another count of distribution of heroin. This bag right
12 here has 3.35 grams of heroin that Emory Roberts sold to the
13 confidential informant.

14 Count 14, on February 8th, Emory Warren Roberts
15 trafficked heroin 4 to 14 grams and was in possession of a
16 firearm during the commission of or attempt to commit a
17 violent crime. Ladies and gentlemen, down here we have more
18 than 14 grams of heroin into these bags that were found in
19 Emory Roberts's trailer while he was there at [REDACTED]
20 [REDACTED]. During the search warrant on February 8th, 2016,
21 found in close proximity to that, was this gun. It's Emory
22 Roberts's trailer. It's his drugs. It's his gun.

23 Count 16, possession with intent to distribute
24 methamphetamine. On February 8th 2016, Emory Roberts did
25 possess with intent to distribute methamphetamine. That is

1 also in these bags down here from that same search at 116
2 Summer Creek. They found heroin and methamphetamine all in
3 close proximity to Mr. Roberts's gun.

4 Now, there's one more charge that you will need to
5 consider, and that's count 1... That's trafficking more than
6 28 grams of heroin by way of a conspiracy. Now, I've told
7 you a little bit about how conspiracy works and what it is.
8 But this charge encompasses the agreement that these
9 individuals entered into to traffic heroin, that they agreed
10 to combine together to sell more than 28 grams of heroin.

11 Their connections are quite clear from all of the
12 documents that you have seen, the testimony and the
13 recordings of shared phone numbers, people having
14 connections to these addresses that were being used to
15 stash, or sell houses. When it comes to the weight, this is
16 the weight of the entire conspiracy. And the threshold is
17 28 grams or more, meaning that you would need to find that
18 they agreed to sell 28 grams or more of heroin as a joint
19 venture.

20 Ladies and gentlemen, there is somewhere in the
21 neighborhood of at least 100 grams right in front of you.
22 And that's just what they were caught with. That's not what
23 they agreed to do when law enforcement wasn't looking. That
24 wasn't the hundreds of drug transactions that you heard
25 testimony about from the addicts that relied upon The Boys

1 to supply them with their heroin.

2 Ladies and gentlemen, this was a drug trafficking
3 organization. These were individuals that worked together.
4 All of them are guilty of being in this conspiracy. And
5 each one of the individuals who had something to do with
6 these transactions are guilty of those transactions.

7 Now, we, the State, have that burden of proof that
8 we need to present you with sufficient evidence for you to
9 find beyond a reasonable doubt, a doubt that will leave you
10 firmly convinced that the defendants are guilty. Ladies and
11 gentlemen, we did not oversell our position. And we more
12 than delivered. You have the evidence before you. And I
13 ask that when you go in to complete your deliberations, that
14 you find the defendants Justin Hunter, also known as Mo, and
15 Emory Warren Roberts, also known as Q, guilty on all counts.

16 Thank you.

17 THE COURT: Mr. Griffith.

18 MR. GRIFFITH: If it please the Court.

19 THE COURT: Yes, sir. You may proceed.

20 MR. GRIFFITH: Thank you, Your Honor.

21 THE COURT: Yes, sir.

22 MR. GRIFFITH: Ladies and gentlemen of the jury,
23 first of all, thank you for sitting through this. I know
24 it's been a long week. And when I go home at night and I'm
25 tired, I'm sure you are too. First of all, thank you so

1 much for your service.

2 The State has put together a lot of information for
3 you to absorb, but I think I want you to consider that this
4 is about finding someone guilty beyond a reasonable doubt.
5 And if you can find that there is some doubt as to one,
6 more, or all of these charges, then you would need to find
7 that my client, Mr. Roberts -- this is Mr. Roberts, by the
8 way. That is not Mr. Hunter, that is Mr. Roberts -- is not
9 guilty if you can find that you do not have sufficient cause
10 to believe he's guilty beyond any reasonable doubt.

11 I want to talk about the people that testified
12 before you today. And I believe I spoke earlier and said I
13 had every respect for law enforcement. And their job is
14 tough. I don't want that job. And I certainly would not
15 want to be in positions that they are in many times. But at
16 the same time, they are human, as we are. And we never saw
17 any evidence that any of the agents from SLED walked into
18 any house, said that they bought something, and then walked
19 out. Instead, all the evidence that they presented was that
20 they were handling people who they had been caught with
21 drugs, who had a real incentive to keep out of trouble.
22 They were giving those people an opportunity to work off the
23 charges that may be brought against them and to do something
24 to keep those people, keep themselves, out of jail, or to
25 reduce the amount of time they might spend in jail.

1 Starting with the witness, Mr. Tommy Sekula. He
2 admitted and testified that he was brought in to this
3 because he was buying and selling drugs for himself and for
4 others. He had a lot of incentive to keep out of jail. And
5 he's doing pretty good at it. But during his testimony, the
6 State would put up a video. They would give him a date and
7 he would pare it back what seemed like a well-rehearsed list
8 of what happened that day. I can't tell you what happened
9 day before yesterday. But he could tell us exactly what
10 happened every single time.

11 He never, in any of those videos, refers to Emory
12 Roberts, Mr. Roberts. Sometimes you hear Q. Sometimes you
13 hear Will. But you never hear the name Emory Roberts. On
14 the record of the phone calls, on the recordings, you don't
15 hear the name of who answered the phone. And you definitely
16 never hear, "this is Emory Roberts". You don't hear it. We
17 don't hear the person identified as so.

18 Detective Allen, who was testifying that he was
19 there each time Tommy, Mr. Sekula, went to buy, he couldn't
20 remember what dates it was. He's a trained observer. He's
21 an investigator. He couldn't remember him. But Tommy,
22 after two years, wants us to believe that without any
23 coaching, he remembered every detail exactly.

24 Tommy also testified that it was not the same phone
25 that he called, the phone number he called every time.

1 There was not a phone that was passed around. There was no
2 conspiracy. There may have been different people from whom
3 he was buying drugs.

4 In none of the videos, not one, well, at least I
5 did not see any drugs change hands. I saw pictures of the
6 wall. I saw pictures of Mr. Sekula's nostrils one time when
7 he was in the car. I did not see any drugs pass between
8 hands, not one time. The State told us that they exchanged
9 drugs, but they never showed us any exchange of drugs.

10 The State hasn't shown that there were -- there was
11 a real organization, just individuals. Agent Wingo
12 mentioned that SLED agents had to transport Tommy everywhere
13 he went because he doesn't drive. And they talked, coached
14 him, and so when he got up, he knew exactly what to say.
15 Tommy admits he was an addict and he admits he is an addict.
16 And that he was taking drugs, he admitted on the stand,
17 between the controlled buys. And that when asked when was
18 the last time you took drugs, he did a little hesitation, I
19 don't know, a week ago. But, yet, when the detective told
20 us, yeah, yeah, he's seeing people who were coming down off
21 of drugs, they are very sick, people coming off of heroin,
22 throwing up, they are grabbing their stomach. Tommy never
23 appeared sick during any time, according to what the
24 detective told us. They said, no, they never seen him sick.
25 But Tommy, the detectives knew he was an addict. So they

1 knew because of their training. They are the ones that told
2 us what it's like when they come down.

3 He was high the whole time he was doing it. He
4 admitted he was taking drugs between. The whole time he was
5 buying for them, he was on drugs. Addicts, every family has
6 some in their family. I do. Perhaps some of you do. I
7 hope not. But here's the truth. Addicts will lie, steal,
8 cheat, do whatever it takes to get to their next high and to
9 stay high and to stay out of jail. So Tommy was very
10 practiced at what he needed to say when he came to this
11 courtroom.

12 Mr. Brown, when questioned by the State, at one
13 point, Mr. Brown, you heard him, he said, well, I don't know
14 how you want me to say it. The State told you during their
15 closing that Mr. Brown did what he was told when he was on
16 the stand. He was still doing what he was told. He also
17 said that he never sold more than a ball, which is 3.5
18 grams. There's no 28 grams coming out of Mr. Brown, who
19 they want to connect to my client, Mr. Roberts. He had lots
20 of opportunities, Mr. Brown, to meet with law enforcement
21 and go over his testimony or story. And it was a story. He
22 met with them on more than one occasion.

23 Detective Allen got on the stand. Laid-back
24 individual, it seemed to me, but a detective. But he could
25 not remember the dates or the places. And when he first

1 looked over at my client, Mr. Roberts, who he allegedly saw
2 more than once doing things as a focus of his investigation,
3 called him Mr. Hunter. And you heard it.

4 Mr. Valentine, Mr. Valentine is incarcerated right
5 now. He changed the dates from the time the State started
6 questioning him and even while they were questioning him.
7 And when I questioned him, he changed them again. Was it
8 2014? Was it 2015? Or when exactly was it. I was trying
9 to get those years or dates out of him, and he wouldn't
10 commit. Then when he was questioned again by Ms. Johns, he
11 change them again. He's currently in jail and will do
12 whatever he can to get out or to get a better deal.

13 The same is true of Mr. Tommy Sekula and Mr. Will
14 Brown. They want to spare themselves from being kept in
15 prison. Their testimony is unreliable and unbelievable,
16 because they are addicts. If you know any addicts, you know
17 you can tell when they are lying, because their lips are
18 moving.

19 The State did not fulfill either its burden to
20 prove a conspiracy. All of the evidence presented was
21 circumstantial. In some cases, some of the items you can
22 find in any kitchen. The State never proved that
23 Mr. Roberts possessed a burn phone, nor did they prove he
24 ever used one. They did not connect Mr. Roberts to that
25 telephone number he just called out. They did not connect

1 Mr. Roberts to a burn phone. We want to know when 28 grams
2 was sold. None of those bags contained 28 grams.

3 When he talked about Mr. Roberts and sales that may
4 have occurred out of his house, none of them came to any
5 amount like that. There was no reliable detective testimony
6 that they saw him handle any drugs at all. There was not a
7 detective that ever saw Mr. Roberts with drugs in his hand.

8 So how much heroin was being bought or sold? How
9 much really heroin was there? Special Agent Wingo read all
10 of these lab reports to us. And every time at the end he
11 said, well, the weight was so much and the confidence in the
12 weight was 97.7 percent. And when I asked him, well, does
13 that mean that's how much heroin? What is the amount of
14 heroin? He said, well, there was heroin found in the
15 sample, but it doesn't say how much heroin. It says the
16 weight of this whole sample was so much. Could have been
17 sand with four sprinkles of heroin in it. We don't know.
18 They are confident in the weight of the sample, but they did
19 not say the sample contained half heroin, one-quarter
20 heroin, one-eighth heroin, even 10 percent heroin. We don't
21 know.

22 So coming up with a number of 28 grams of heroin, I
23 don't know, you have to think about that. Because how much
24 of it was heroin? They didn't tell us. So they never
25 established how much actual heroin it was.

1 The State also never connected an unknown person,
2 Keith, to any of the others or to my client, Mr. Roberts,
3 other than he may have merely known them. These people may
4 have known each other. There are people in this group that
5 have been talked about that knew each other. That does not
6 mean that there's conspiracy between them. If I go down
7 Main Street and there are stores on both sides of the
8 street, there may be a shoe store on this side of the
9 street, may be a shoe store on down, couple other stores
10 here and there. All those guys know each other. They are
11 all selling stuff. But they don't have a conspiracy to sell
12 stuff. They just know each other and they are all selling
13 stuff. A conspiracy is a good bit more. When they came up
14 with the name The Boys, okay, where did they get that?

15 In a statement made by one of the defendants,
16 Mr. Hunter, he listed people he dealt with. The State told
17 us a list. Mr. Roberts, my client, was not on that list.

18 As to the charge of possession of a weapon during
19 the commission of a violent crime, in none of the videos did
20 we ever see Mr. Roberts with a weapon. Nope, not one. In
21 no testimony where these guys were saying we bought this
22 from these guys, did they say, well, of course, he pointed a
23 weapon. And the State says when they entered -- questioned
24 the detective, when they entered the trailer of Mr. Roberts,
25 they found a gun on the couch. Mr. Willie Brown testified

1 he was present when the officers came in. He also said that
2 he was sitting on the couch playing a video game. He also
3 said that Mr. Roberts was in a different room, not the room
4 where the gun was laying on the couch.

5 There's no evidence that Mr. Roberts committed a
6 crime while armed with a weapon. Emory Roberts was not the
7 only person found in the trailer when he was arrested. The
8 State did not show, besides the weapon, who brought the
9 drugs into the trailer or who owned those drugs or who --
10 they did not give any receipt saying that anybody owned that
11 gun.

12 Ladies and gentlemen, much of the evidence, as it
13 has to be sometimes, they just put together what they can,
14 but some of it is circumstantial. It's not beyond a
15 reasonable doubt. And we got to be careful. We can accuse
16 people of things. You could accuse me of something. I can
17 accuse you or your neighbors could accuse you of something,
18 but it has to be proven element by element every part beyond
19 a reasonable doubt. They may prove one thing, but if they
20 can't prove it all, you can't put somebody in jail just
21 because somebody says something. There has to be sufficient
22 proof beyond a reasonable doubt.

23 And I will close by saying, of course, it's your
24 decision, and I would want you to look at all of it and
25 consider whether you ever actually saw any drugs changing

1 hands, whether you knew who owned certain drugs or gun. And
2 when you make your decision, that you may find that there is
3 enough reasonable doubt to find Mr. Roberts not guilty of
4 the counts that are lined up against him. Thank you.

5 THE COURT: Ms. Johns.

6 MS. JOHNS: Thank you, Your Honor. May it please
7 the Court.

8 THE COURT: Yes, ma'am. You may proceed.

9 MS. JOHNS: This operation the government has
10 presented to you today lasted three to six months long. The
11 name of this operation should be called Operation Free Ride.
12 Come along with me, take a free ride, because the government
13 is in charge of this entire operation. It's in charge of
14 the decisions that they made. It's in charge of Tommy
15 Sekula. It's in charge of Will Brown. It's in charge of
16 Craig Valentine. The government is making the decisions
17 that they want you to decide upon. Anybody that was accused
18 in this case did not independently make a decision as to how
19 much dope they were going to buy. That decision was made by
20 the Government.

21 This case is based on what you could do for me, and
22 then I will tell you what I can do for you. That's just the
23 way it is in this drug trafficking world. You scratch my
24 back, I will scratch yours. What do you want me to say? I
25 will say whatever you want me to say so that I don't have to

1 go to jail, so that I can clear myself, so I can clear my
2 name, so I can get my next fix, so that I don't have to go
3 to jail, maybe I can get probation. I'm praying that my
4 charges are going to be dropped. I'm at your beck and call.
5 That's the organization.

6 This case that they present to you that they worked
7 on for six months is very, very simple to have proven. They
8 had everything at their disposal. They have the entire
9 Dorchester County Sheriff's Department helping them, granted
10 that they might not be as big as SLED. They have
11 multi-jurisdictional or multi-county jurisdiction. They
12 could have had the entire Berkeley County narcotics division
13 help them. They had the entire SLED division at their
14 disposal to help them with this case. They have all the
15 badges. They have all the orders. They have all the
16 motions. They have all the search warrants. They control
17 every single thing that they present to you in this case.
18 And there should be never any leaf left unturned, any stone
19 not looked under, any excuse for not providing you with the
20 organization necessary to convict any person of a crime.
21 There's no excuse.

22 Now, I believe that there was some commentary, and
23 I wanted to talk to you about some of these things that the
24 State is presenting to you that they want you to rest your
25 laurels on. The best thing that the government has going

1 for them is they've got a dedicated law enforcement team.
2 That's the best thing they've got going for them. And
3 nobody is perfect. No one is 100 percent perfect. I don't
4 expect anybody to ever be that way. If anybody is that way,
5 they are just not human beings, because human beings make
6 mistakes. My standard of my fellow man is not perfection.
7 My standard of my fellow man is, if you make a mistake, just
8 admit it and we can move on. We can deal with mistakes.

9 But you know what we can't deal with? We can't
10 deal with exaggeration. We can't deal with fabrication. We
11 can't deal with dishonesty. We can't deal with motives,
12 motive that will make you do something you would not
13 normally do. We should not deal with that kind of evidence.
14 And that is what they have.

15 Other than law enforcement, you have to look at
16 each and every one of these witnesses and you have to
17 determine, are they biased in this situation. Do they have
18 a motive? Do they have intent? Is their motive to walk
19 scot-free? Is their motive to ask for probation? If they
20 do a good enough job and get a conviction, they may never
21 get charged for being a drug dealer.

22 Who in this courtroom selected the name drug
23 dealer? Who decided who was a drug dealer and who was not a
24 drug dealer? The government did that. And what they told
25 you is that they want to bite the head off of the snake.

1 Well, you know, what, a snake's body can't live without its
2 head, but a snake's head can live without its body. So
3 however they want to dress it up for you, as long as there
4 is a demand, is there going to be a supply. You can't say
5 we are going to cut out the supply and the demand is going
6 to diminish. You just can't say that.

7 You've seen all these mom and pop stores around
8 town, eventually closing down to the big super power
9 Walmart. There's a demand for groceries. There's a demand
10 for goods, services. There's a demand for that. How are
11 you going to distinguish whether or not if you cut out
12 Walmart, then the other stores will flourish. Cut out the
13 other stores, Walmart is going to flourish. The supply and
14 demand argument leaves you with nothing to base your
15 decision on in this case.

16 Now, let's talk about this conspiracy, because this
17 conspiracy ups everything that was done in this case, with
18 the exception of Tommy Sekula buying drugs on the side,
19 getting high somewhere else with this friends, who he didn't
20 turn in, by the way. You know, here's a young white male
21 who had every opportunity in the world, just like everybody
22 else in this courtroom, went to college, was a manager at
23 Walmart, and comes in here with pathetic story that he had
24 his wisdom teeth pulled and he had to take pain medication
25 for that, and because of that, he got addicted to pills.

1 That is weak. That is the weakest excuse for making a bad
2 choice I've heard in a long time.

3 And when he started buying pain pills on the
4 street, do you think he still had pain from his wisdom teeth
5 being pulled? So when he was buying pills from the street,
6 these opiates, whose fault is that? Well, I guess whoever
7 is putting them in the market. Really? Because I don't see
8 you going off of the big pharmas, the people who are
9 producing the pain pills. I don't see you complaining about
10 that. They are the ones that's providing it to you. You
11 are the ones choosing to do it. What about them? Well,
12 it's their fault. Their fault because it's out there. I
13 had to get my wisdom teeth pulled and I got addicted, so I'm
14 going to blame them for that.

15 Oh, wait a minute, not only that, but I'm also
16 going to blame my friend or my cousin or my whoever that
17 provided these pills to me.

18 And then Matt Simpson, his dear friend, introduced
19 him to heroin. And at that moment, you have to make a
20 decision, just like the rest of us, as to whether or not you
21 are going to put a needle in your arm or not. And when you
22 do that and then you realize that you can't live without
23 that, what do you do? Well, didn't have a ride. Didn't
24 have any friends. I didn't have any family. Nobody cares
25 about me. I get sick. I'm a weak person. I can't make

1 decisions on my own. I have to be told what to do all the
2 time. And if that means that I have to lie, if I have to
3 steal, if I have to go take something that doesn't belong to
4 me and resell it, if I have to take in goods that were
5 stolen and get my girlfriend to pawn it, because pawn shops
6 and me don't work, that's what I'm going to do.

7 Government's told you, you know, we don't get to
8 pick who our criminals are. Yes, they do. We don't get to
9 pick who we have to put out there in the field to catch the
10 bad guys. Yes, they do. Tommy Sekula, his brother is in
11 prison. And a number of other people that he associated
12 with are bad guys. They are equally as bad guy as anybody
13 else they've accused. They are all drug dealers. Right?

14 Every one of these pieces of evidence up here of
15 drugs, every single one of them, I want you to ask yourself
16 this, did they bring you proof beyond a reasonable doubt
17 that they got those drugs from Justin Hunter? I am not
18 saying, do you think they got them from Justin Hunter. I'm
19 saying, do you know that beyond a reasonable doubt? Because
20 you are not allowed to speculate about that. You have to be
21 firmly convinced that they did.

22 And if a picture does tell a thousand words and
23 they give you 999 other words and they are missing one, then
24 it's not a picture of a thousand words. They've got 99
25 problems and a picture is one of them. But bringing a

1 reasonable doubt is not one of them. Right? Because let me
2 tell you, there are some so-called eyewitnesses in this
3 case. And out of those eyewitnesses, who can you trust?
4 They did the best they could by hanging a video recorded
5 wire on a drugged out, strung-out heroin addict, to go in
6 and make multiple buys from a person named Justin Hunter.

7 That's -- the people on the street want to call Mo.
8 What's in a name? Mo is a nickname. Tommy is a nickname.
9 Curly is a nickname. Larry, I mean, whatever. The nickname
10 is not necessarily the person. In fact, they even gave the
11 confidential informant a nickname. Is it against the law
12 for them to use a nickname? They have to prove that
13 whatever nickname belonged to whatever person. They
14 nicknamed their confidential informant Charlie. Charlie is
15 on the move. Charlie is doing this. Charlie is doing that.

16 But you know what Charlie didn't do for them? And
17 it's not his fault, right, because he doesn't know anything
18 about wires. They didn't capture the necessary picture in
19 order to convict Justin Hunter of anything. What are you
20 going to do? Oh, well, you know, sometimes that happens.
21 Not sometimes. Every single time that happened. Don't you
22 think that once they review the wire and the video, that
23 they would have at least tried to make an adjustment. Don't
24 you think they would have said, wow, you know, this is
25 really capturing that pickup truck across the street on this

1 Margaret Drive, maybe we should make some other
2 arrangements, to get something a little bit more reliable,
3 because we are not just going to rely on a heroin addict.
4 That's the whole reason for the wire. It's the entire
5 reason for it, is to identify the person selling drugs. Is
6 that hard to accomplish? The reason for the wire is because
7 Tommy Sekula is a drug addict and he can't be held
8 accountable because he's not trustworthy.

9 And you know what, with regard to whether or not
10 they knew you as a drug addict, he got sick one time
11 throwing up at the meet location, the meeting. They know
12 what heroin is. It's common knowledge that if you are a
13 heroin addict and you are not using, you are sick. You
14 heard it from two or three -- at least two witnesses,
15 flu-like symptoms, vomiting, chills, stomach cramps. And
16 you can't live very well like that.

17 So let's talk about who our eyewitnesses are with
18 regard to Justin Hunter, because that's who I represent. I
19 don't represent Q. I don't represent Lassain Johnson or
20 Rosemarie Quezada or whoever else. I represent Justin
21 Hunter. Let's start out with the eyewitnesses. The most
22 obvious alleged eyewitness is Tommy Sekula.

23 Now, to give Tommy Sekula credibility or to set up
24 some sort of basis for his testimony, he had to tell you
25 guys that he had infiltrated this group of The Boys. All

1 right. Tommy, well, who were The Boys? Well, there are a
2 bunch of them. Why don't you name them for me? Okay. He
3 sat up there. And I wrote them down: Munch, Black, Keith,
4 Jacob, Omar, Q, Chris, Cici, Oz, Mo, John, Shorty, BK, and
5 G, times two. That's who he said, those are The Boys. How
6 many is that? Well, I didn't count them. Out of those, we
7 had a Mo. We have a Q. He didn't even say G. G is Lassain
8 Johnson. What about Rosemarie, is she one of the boys?
9 She's Chica, Cici. So those make up The Boys.

10 And you know what he said. He said they are using
11 a phone as a hub. A phone, one phone as a hub, one phone or
12 one phone number? Because I'm going to show you something.
13 We got one, two, three, four, five, six, seven, eight, nine,
14 ten phones in this case, ten phones. And that's probably
15 not all of them, right? Because they didn't give you G's
16 phone. They didn't give you Rosemarie Quezada's phone.
17 They didn't even give you -- I don't know who else. They
18 didn't bring their phones in.

19 Do you know what they did bring in regarding
20 phones? Whose phone belonged to whom? And where are the
21 phone numbers? Where is the subscriber information? When
22 you go out and you ask AT&T or you ask Sprint or you ask
23 anybody else, hey, this is my phone, bill me for it, or this
24 is my phone, here, Sprint, I'm going to pre-pay you for the
25 services of this phone. They didn't even go out there and

1 go to those places and get the information for any of these
2 telephones to tell you who these phones belonged to, not
3 one. Not even a burner phone. Not even a smartphone. They
4 didn't bring to you the ownership of these phones. And we
5 all know how easy that is to do. If you've ever went and
6 paid a cell phone bill at the site, you know they can pull
7 off your subscriber information. You can pay your bill.
8 And they will give you a detail list of everybody you called
9 and everybody that called you if you ask for it.

10 So this hub phone that they had the number to, who
11 did it belong to? Did it belong to Keith? Did it belong to
12 Keith last name unknown? Did it belong to somebody whose
13 responsibility was Detective Lundberg, because that's
14 Detective Lundberg's case. That's not my case. My case
15 didn't start until September of 2015. So whatever he did
16 and whatever mistakes he made, it's not my fault. But when
17 you bring on a case, you become involved in the case, you
18 turn over that leaf. You find that rock. And you look
19 under it. Because the standard in this courtroom is not
20 maybe he did it, or if we put over 100 exhibits into
21 evidence, the amount of what we bring to the courtroom will
22 convince them that Justin Hunter is guilty.

23 Is the government just using people to make cases?
24 Are they interested in getting this off the street? And I
25 will submit to you, did they ever offer poor old Tommy

1 Sekula any help? They did. Let me tell you how. Listen,
2 you are going to become a confidential informant, and if you
3 don't, we are going to send you to jail. Because we know
4 you made four buys, at a Publix, at a convenience store with
5 a soda can, with a pack of gun. We do know that. So if you
6 don't, we are going to take away your liberty and we are
7 going to put you in jail. Because we got you, and you are
8 going to get somebody else. Do you think they cared about
9 Tommy Sekula? They don't care about Tommy Sekula. Don't
10 fall for it. If they cared about him and they cared about
11 what heroin was doing to this community, they would have
12 taken Tommy Sekula and they would have gotten him some help
13 at the time that this case was over. And if he was using,
14 they would have helped him out then too, perhaps some other
15 method, legal method, methadone, some sort of counseling,
16 however long it takes to detox. So they didn't do that,
17 because they don't care about that.

18 They let somebody that was high on heroin go in and
19 make these buys. And some of the buys only lasted two or
20 three minutes. And they want you to believe that they drove
21 right up to the house, dropped Tommy off, Tommy went in, got
22 the drugs and then jumped back in the truck. That's not how
23 it happened. You saw the video. They dropped him off way
24 down the street. And he was hustling getting in there. It
25 was hot. Gets in there, gets it, walks all the way back to

1 the truck. And you know the only other help they got him?
2 They went to pick him up from his home, they used him, and
3 then they dump him back out. Tommy Sekula, from his own
4 mouth, I'm between a rock and a hard place; a rock and a
5 hard place.

6 Craig Valentine, poor guy, his defense should be
7 affluency. You know, raised very well, went to school,
8 graduated, had some college, had a decent job. Guess what?
9 He had to have his wisdom teeth pulled too. I think
10 everybody that gets their wisdom teeth pulled are likely to
11 turn into a heroin addict. That's not true. He made a
12 choice. Do you know what his choice was last year or the
13 year before that? What can I do to get out of jail? And
14 they wanted him to be a confidential informant then. You
15 know what, he schmoozed his way out of it. He finagled his
16 way. He slipped. He's got a smart mouth on him. He has no
17 respect for anybody, not even himself.

18 And he came in here and he gave you bunch of
19 speculation, a bunch of conjecture, a bunch of -- well, you
20 know, I'm the one who is still in chains. But you know
21 what, he's not here out of the goodness of his heart. He
22 didn't come in here. He wasn't truthful to you. And you
23 can't trust him. Because you know why? You might one day
24 be a neighbor to his mother, and he will break into your
25 house and steal what doesn't belong to him so that he can

1 pay for his ever loving habit of using heroin. And he
2 admitted to that.

3 And he did get a break, because he got probation
4 this first time around. Maybe it was because he was smart
5 enough to pick the phone and reach out to law enforcement
6 and say, hey, I can help you out here. Did he take
7 advantage of the break he got? No. At one time, two days
8 after he got out of jail, he was back out there looking out
9 for himself. And he's looking out for himself on the
10 witness stand. So no matter what he says, it cannot be
11 believed because he has a motive and his motive is to break
12 those chains.

13 Do you think that if he comes back after being on
14 this witness stand, that his lawyer isn't going to stand in
15 front of another judge and say, guess what, Judge, he
16 assisted the government in the conviction of a large-scale
17 heroin trafficking organization. What do you think that
18 does? That mitigates his offenses. It excuses his
19 stealing, his lying, his cheating. And he's going to get
20 another break. And then you know what he's going to? He's
21 going to go out and buy more heroin. Do you know why you
22 know that? Because he's done it before and he's going to do
23 it again.

24 So Craig Valentine is not a witness to anything
25 Justin Hunter did. He's not an eyewitness to it. He can

1 tell you that, you know, he got his drugs from John F.
2 Kennedy, Jr. just as much as he can say he got his drugs
3 from Justin Hunter, because he's not a believable person to
4 be on the witness stand.

5 Now, Detective Allen with the Dorchester County
6 Police Department -- I'm sorry, Dorchester County Sheriff's
7 Office, came in here, said he was assisting SLED with all of
8 these buys. He was an eyewitness. He had as much potential
9 of seeing Justin Hunter in a gray BMW as who? As Agent
10 Wingo? He's there with the CI at the gas pump when Charlie
11 gets into a gray BMW and gets out. What did he do when he
12 came in here? Pointed to Justin Hunter, right there, next
13 to his lawyer. That's your eyewitness. Do you see the
14 defendant in the courtroom? Do you see Justin Hunter in the
15 courtroom? Yes, right there next to his lawyer. Oh, gee,
16 sorry, I was wrong. That's your eyewitness.

17 Do you know why he couldn't identify him? Because
18 he didn't see him. He did not see Justin Hunter in a BMW.
19 Yes, they came in here, they've proven the BMW was
20 registered to Justin Hunter. But did they prove to you that
21 Justin Hunter was driving this BMW?

22 They were going to talk about Tommy a/k/a Charlie
23 again, who is high, clearly buying heroin on the side. Did
24 Tommy get in here and tell you that besides the fact of
25 buying drugs from these people under a controlled purchase,

1 did he tell you who he was buying drugs from when they
2 weren't looking? Did he tell you that? If he's to be
3 trusted, he should have told you that. He didn't tell you
4 that because he didn't have tell you that because they
5 didn't tell him to tell you that. They only told him to
6 tell you that Justin Hunter was involved. And Tommy is
7 going to do what he's told. He did what he was told when he
8 got caught dealing heroin. He did what he was told when he
9 got wired. He did what he was told when he was strip
10 searched. He did what he was told when he met with the the
11 agents and the Attorney General's office to prepare for this
12 case. He did what he was told when he got on the witness
13 stand.

14 Is he going to get immunity? He's already got it.
15 Do you know what that does for your community? It puts
16 Tommy Sekula back on the street looking for heroin.
17 Congratulations.

18 Tommy Sekula -- and Craig Valentine is an
19 eyewitness. Detective Allen, obviously, wasn't paying
20 attention if he's going to point out Mr. Roberts as
21 Mr. Hunter. So we can't rely on his testimony. And we've
22 got Agent Wingo, who was in charge of the organization. And
23 he was getting gas one time and he used his cell phone one
24 time to capture, what, the movement of the gray BMW. He was
25 able to get a tag. One a temporary tag, two -- maybe didn't

1 even get the temporary tag number. Got a tag number. That
2 was it.

3 But you know what, there's another eyewitness in
4 this case, a very, very reliable eyewitness in this case
5 that the government didn't bring to you. And I'm sitting
6 there wondering why. Because I promise you, the better the
7 case the government has, the easier my job is. Do you know
8 why it's easy? Because, bam, there it is, the eyewitness
9 that you need, and there's no way out of this, no way out of
10 this for Justin Hunter at all. Do you know who that
11 eyewitness is? The eye in the sky. Where is the eye in the
12 sky in this case? The video surveillance from Sunoco gas
13 station, where is it? The video surveillance from
14 McDonald's who had video surveillance on the outside so that
15 they can help prosecute people who commit crimes on their
16 property. Robberies, assaults, whatever happens, the eye in
17 the sky at McDonald's, they have the ability to go in and
18 ask for the videos and the videos are so good. We see them
19 all the time.

20 Walmart Corporation, where Tommy worked, not only
21 do they have video surveillance, they have video cameras in
22 the parking lot. If you want to prove who is driving a car,
23 if you want to be on a video inside your car, you just drive
24 through Walmart parking lot or drive to the garden center,
25 because you will be captured. And you will be identified,

1 because the technology is that good. They didn't bring
2 that.

3 You know what else they didn't bring? They didn't
4 bring you any proof that Justin Hunter lived at any of those
5 places, not even Patriot Boulevard. He could have gone to
6 get a lease. Yeah, could have, but we didn't do it. Who
7 leased those houses for those people? G, Emory Roberts, had
8 paperwork in his own house. Is there any evidence Justin
9 Hunter lived there? No. You got some of Justin Hunter's
10 documents. Great. Is it illegal to have somebody else's
11 documents, even somebody else's passport? No. Do any of
12 you have important documents belong to your family members?
13 It's not against the law to be related to somebody or be a
14 friend with somebody.

15 And when they go to Justin Hunter's house, guess
16 what they get? They get this illegal machine that counts
17 money and they found a stack of \$3,000, \$1,000 each. This
18 you can buy anywhere, Office Depot, Staples, Amazon.com.
19 How much is it? Because you said it was expensive. Oh, I
20 really don't know how much it is. They are \$188 up to
21 whatever. And what money did it count? Did it count drug
22 money? They don't have proof of that. They found \$3,000.
23 Do they know what Viviana Serrano does for a living? Did
24 they even investigate that so they can eliminate the fact
25 that could have been her money? Did they eliminate the fact

1 that she could have been using that for her nail salon, or
2 whatever it was? No. Not important to them. They want you
3 to take it, though. They want you to take it all and say,
4 this proves that Justin Hunter is a drug dealer.

5 These little Tupperware things that they got from
6 Justin Hunter's house in the bathroom, these things right
7 here, what do they say? Trace level of heroin. Did they
8 find any substantial amount of heroin at Patriot Boulevard
9 where Viviana Serrano lived? No. Do you know what they did
10 find? They found some paperwork. They found some paperwork
11 that's got the name of some of these people on here. Maybe
12 it's up here. Anyway, it's blue. You will have it in there
13 with you. I think it's got the name of Ramel-somebody on
14 it. Oh, here it is. Huh, Ramel Brown at Arno Drive. Guess
15 who lived in that same neighborhood? Will Brown. Guess who
16 was staying there? Will Brown. Hmmm, could it be -- could
17 there be a relationship as to why this was found somewhere
18 around Justin Hunter, if Will Brown is a friend of his?

19 Will Brown, the young man that got up there and
20 said, is that what you want me to say? Am I saying what you
21 want me to say? Is my brother a drug dealer, because I
22 don't want that to happen. I'm looking for immunity. I'm
23 praying I get probation. Yeah, they came and charged me
24 because I was over at this trailer when the flashing lights
25 came, and I'm looking for immunity, I want to clear my name.

1 Could it be Ramel Brown wrote this note? Could it be?

2 Now, let's talk about theorizing. When Agent Wingo
3 went and had Patriot Boulevard under surveillance and he
4 sees a Justin Hunter pull up and get out of a car with
5 Vivianna Serrana and a young child, they approach him. And
6 he squares up, whatever that means. Does that mean he gets
7 frightened when law enforcement officers are coming towards
8 him? I would. I get frightened when I see blue lights in
9 my rearview mirror, and I am not even doing anything wrong.
10 I just start shaking. I pull over. Hopefully they go
11 around. Usually they do, because I'm driving too slow. So
12 is that normal behavior? Sure it is.

13 When they take Justin Hunter's personal belongings
14 away from him, which, by the way, was two cell phones, was
15 he carrying Vivianna's cell phone, because they didn't
16 introduce any of her cell phones. Were any of those cell
17 phones connected to anything in this case? Do they even
18 have a phone number for any of those cell phones? No. When
19 they take his personal items and they go through his wallet,
20 lo and behold, they find a receipt for a room that was
21 purchased 10 days beforehand in New York. Well, guess what,
22 ladies and gentlemen, birth place, Justin Hunter, New York,
23 USA. Do you think he has a mother or a father or children
24 his age that might live in New York, or he might have been
25 exercising some sort of visitation? They want you to

1 believe by exaggeration that the only purpose of going to
2 New York was to buy heroin. That is a leap of faith.

3 And you know what, just so happens that when Justin
4 Hunter gave a statement, he confessed to being in New York
5 and staying in this hotel. Had nothing to do with him
6 finding a receipt in his wallet. And he got emotional.
7 This is supposed to be the toughest guy in this DTO, drug
8 trafficking organization, and he cried. He got emotional.
9 This tough guy, the one in charge. How do you know he's in
10 charge? You can just tell he's in charge, just like I can
11 tell the judge is in charge in here.

12 Well, you know what? Judge is wearing a robe. And
13 you know who is in charge when you are in the police
14 station? The people wearing the badges. This tough guy
15 gets emotional and starts, I don't know, spilling his heart
16 out.

17 Just so happens that his phone number is a phone
18 number that they connect to these Western Union receipts.
19 And they connect the phone number to a buy back in October,
20 October the 28th of 2015. How do we know that somebody
21 didn't use Justin Hunter's phone number the same way that
22 somebody used Tommy Sekula's phone? When Tommy Sekula was
23 out looking for heroin and his friend who moved away took
24 his phone and called somebody, and that's how he got the
25 number to The Boys, how do we know that when this phone,

1 whether it was attached to Justin Hunter's hand or not,
2 could have been used by somebody else? We don't have any
3 proof that that phone was in the hands of Justin Hunter when
4 that call was made on October the 28th. You guys figure
5 that out beyond a reasonable doubt.

6 Speculation, supposition, exaggeration, all in an
7 effort to keep your streets clean. I don't envy you in this
8 case. I don't -- I wish it was clearcut. I wish it was cut
9 and dry. I wish the eye in the sky had come into this
10 courtroom to help you, because there's certain things in
11 this case that trouble me. And when it troubles me, I can
12 submit to you that to me, it makes me hesitate to act. I am
13 not firmly convinced that they've proven their case. Are
14 you?

15 Thank you for everything.

16 THE COURT: Madam Forelady, ladies and gentlemen,
17 I'm going to give you a brief restroom break. Y'all have
18 been sitting a considerable amount of time. And my jury
19 charges is probably about 35 minutes. During this break,
20 please do not discuss the case and please leave your
21 notepads in your seats. You will be out about ten minutes.

22 (Whereupon, the jury leaves open court at 11:52
23 a.m.)

24 THE COURT: If counsel could approach for me and
25 look at the verdict forms. And then I will give you an

1 that the amount of heroin or any mixture containing heroin
2 was -- and it states the amounts.

3 Anything further from the State before we
4 proceeding?

5 MR. UNDERWOOD: Nothing, Your Honor.

6 THE COURT: From the defense, Mr. Griffith?

7 MR. GRIFFITH: No, Your Honor.

8 THE COURT: From the defense, Ms. Johns?

9 MS. JOHNS: No, Your Honor.

10 THE COURT: Let's proceed. If you can get the jury
11 for me.

12 (Whereupon, the jury returns to open court at 12:05
13 p.m.)

14 THE COURT: During this trial, ladies and
15 gentlemen, you and I have certain duties to perform. As the
16 trial judge, it is my responsibility to preside over the
17 trial of this case. I also have the duty to rule upon or
18 pass upon the admissibility of evidence, which has been
19 offered during this trial. You are to consider only the
20 competent evidence that is before you. And you are to
21 disregard and disabuse from your mind any testimony this
22 court has ordered stricken from the record in this case
23 during the progress of this trial, if there has been any.

24 You are to consider only the competent evidence
25 which has been presented from the witness stand, together

1 with any exhibits which have been made a part of the record
2 in this case and any stipulations of counsel made into the
3 record, if there have been any.

4 I also have the additional duty to charge or
5 instruct you to the law applicable to this case. As the
6 presiding judge, I'm the sole judge of the law of this case.
7 And it is your duty as jurors to accept and apply the law as
8 I now state it to you. If you have a preconceived idea as
9 to what the law is or what the law ought to be in a case or
10 in this case and it should not now agree with what I tell
11 you the law is, you are obligated under your oath to abandon
12 this preconception on your part. Because you are sworn to
13 accept the law and apply the law precisely as I now state it
14 to you.

15 In every case tried in this court before a jury,
16 the jury becomes the sole and exclusive judges of the facts.
17 You the jury are the judges of the fact in this case. The
18 Court is the judge of the law. The Constitution of our
19 state has declared that a trial judge shall not intimate,
20 state, comment upon or make any statement to a trial jury
21 about the facts in a case. Since you the jury are the sole
22 judges of the facts in this case, you are not to infer
23 anything from what I've said during the progress of this
24 trial and ruling upon the admissibility of evidence or
25 otherwise or anything that I say now to you during the

1 course of this instruction, that I have any opinion about
2 the facts. The law does not not allow me to have an opinion
3 about the facts. This is a matter solely for you the jury
4 to determine.

5 As jurors then, it is your duty, as I've
6 instructed, to determine the effect, the value, the weight
7 and the truth of the evidence presented during this trial.
8 Necessarily, you must assess the credibility of witnesses
9 who have testified in this case. Credibility is simply a
10 legalistic term meaning the believability of each witness
11 who has testified.

12 It becomes your duty as jurors to analyze and to
13 evaluate the evidence and determine that evidence which
14 convinces you. Some of the things you may consider as you
15 decide whether or not to believe the testimony of a
16 particular witness include, what was the manner and
17 appearance of the witness who testified? Was he or she
18 straightforward or hesitant in answering? Was the testimony
19 of a witness consistent or inconsistent? How did the
20 witness come to know the facts that he or she testified to,
21 or what was his or her ability to know these facts? Is
22 there some reason a witness would want to give testimony
23 which would help or hurt one side or the other? In other
24 words, was the witness biased or prejudiced? And was the
25 testimony of a witness strengthened or weakened by other

1 testimony or evidence?

2 I further instruct you that in determining the
3 question of the credibility or believability of witnesses
4 who have testified, you may believe one witness as against
5 several witnesses, or several witnesses as against one
6 witness. You may believe a part of the testimony of a
7 witness and reject the remaining part of the testimony of
8 that same witness. If you have a good and sound reason, you
9 may believe the testimony of a witness in its entirety or
10 reject the testimony of a witness in its entirety. Again, I
11 instruct you that you can believe as much or as little of
12 each witness's testimony as you think proper. You may
13 consider the demeanor of a witness, that is the manner and
14 appearance of the witness from the witness stand.

15 A person who has a past criminal record is
16 competent to testify during a trial. A past record does not
17 affect the ability of the witness to testify. The past
18 record may only be considered by you, if at all, in
19 determining the witness's believability. Remember, ladies
20 and gentlemen, you are the sole judges of facts in this case
21 and of the believability and credibility of any and all of
22 the witnesses who have testified.

23 I further instruct you that our rules of evidence
24 ordinarily do not permit witnesses to testify to opinions or
25 conclusions. An exception to this rule exists with

1 witnesses we call expert witnesses. A witness who by their
2 education, training and experience has become an expert in
3 some art, science, profession or calling may state an
4 opinion as to relevant and material matters in which the
5 witness claims to be an expert, and may also state the
6 reasons for the opinion. You should consider any expert
7 opinion received in evidence in this case like any other
8 evidence. Give it the weight you think it deserves.

9 If you decide that the opinion of an expert witness
10 is not based on sufficient education, training and
11 experience, or if you conclude that the reasons given in
12 support of the opinion are not sound, or that the opinion is
13 outweighed by other evidence, you may disregard the opinion
14 entirely. An expert witness's testimony is to be given no
15 greater weight than that of other witnesses simply because
16 the witness is an expert. Further, you are not required to
17 accept an expert's opinion even though it is not
18 contradicted.

19 I further instruct you, ladies and gentlemen, and
20 emphasize that the fact that the defendant did not testify
21 is not a factor to be considered by you in any way
22 whatsoever in your deliberation and in your consideration of
23 the fact of whether the State has met their burden of proof
24 in this case. It must not be considered by you in any
25 manner whatsoever. A defendant has the constitutional right

1 to remain silent. And the assertion of this right must not
2 be considered by you in your deliberations. I repeat, under
3 your oath, you are to draw absolutely no conclusion
4 whatsoever from the fact that the defendant in this case did
5 not testify. The fact that he did not testify is not to be
6 discussed in any manner whatsoever in the jury room. The
7 burden of proof, as I've stated to you, is on the State.
8 The defendant is not required to prove his innocence. The
9 burden of proof remains on the State to prove guilt beyond a
10 reasonable doubt.

11 I further instruct you that under our laws of this
12 state, a defendant may be tried even if the defendant does
13 not attend the trial. But the fact that the defendant is
14 not present may not be considered against the defendant in
15 any manner whatsoever.

16 Ladies and gentlemen, there are two types of
17 evidence which are generally presented during a trial,
18 direct evidence and circumstantial evidence. Direct
19 evidence is the testimony of a person who asserts or claims
20 to have knowledge of a fact, such as an eyewitness.

21 Circumstantial evidence is proof of a chain of
22 facts and circumstances indicating the existence of a fact.
23 The law makes absolutely no distinction between the weight
24 or value to be given to either direct or circumstantial
25 evidence, nor is a greater degree of certainty required of

1 circumstantial evidence than of direct evidence.

2 And as I've instructed, crimes may be proven by
3 circumstantial evidence. And, again, the law makes no
4 distinction between the weight or value to be given to
5 either direct or circumstantial evidence. However, to the
6 extent that the State relies on circumstantial evidence, all
7 of the circumstances must be consistent with each other, and
8 when taken together, point conclusively to the guilt of the
9 accused beyond a reasonable doubt. If these circumstances
10 merely portray the defendant's behavior as suspicious, the
11 proof has failed.

12 The State has the burden of proving the defendant
13 guilty beyond a reasonable doubt. This burden rests with
14 the State regardless of whether the State relies on direct
15 evidence, circumstantial evidence, or some combination of
16 the two.

17 Ladies and gentlemen, you should weigh all of the
18 evidence in this case. After weighing all of the evidence,
19 if you are not convinced of the guilt of the defendant
20 beyond a reasonable doubt, you must find the defendant not
21 guilty.

22 Conversely, if you are convinced of the guilt of
23 the defendant beyond a reasonable doubt, then you must find
24 him guilty.

25 I instruct you that the fact that the defendants

1 were arrested, charged and indicted in this case is not
2 evidence in this case and cannot be considered by you as
3 evidence of guilt in this case, nor does it create any
4 presumption or inference of guilt. This documentation,
5 ladies and gentlemen, are simply the formal written
6 instruments or instrument which contain the charge or
7 charges made against a defendant. It simply serves as the
8 formal documentation by which the case is processed or
9 brought in to this court.

10 The defendants have pled not guilty to the
11 indictments. . And that plea casts the burden on the State to
12 prove the defendants guilty, because a person charged with
13 committing a criminal offense in South Carolina is never
14 required to prove himself innocent. I instruct you, Madam
15 Forelady, ladies and gentlemen, that it is a cardinal and
16 important rule of the evidence that a defendant in a
17 criminal trial, no matter what the seriousness of the charge
18 or charges made against him may be, will always be presumed
19 to be innocent of the crimes for which he is indicted unless
20 his guilt has been proven by evidence satisfying you of that
21 guilt beyond a reasonable doubt.

22 The presumption of innocence does not cease when
23 you retire to deliberate, but it accompanies the defendants
24 from the time of their appearance throughout the trial until
25 you reach a verdict in this case. Our Supreme Court has

1 said that the presumption of innocence is like a robe of
2 righteousness placed about the shoulders of the defendants.
3 And it remains with them and assigns them to that class of
4 the innocent until that presumptive robe of righteousness
5 has been stripped from their person by evidence satisfying
6 you of that guilt beyond a reasonable doubt.

7 The presumption of innocence is not mere legal
8 theory. It is not just a legal phrase. It a substantial
9 right to which every defendant is entitled unless you the
10 jury are satisfied from the evidence of guilt beyond a
11 reasonable doubt.

12 The State has the burden of proving the defendants
13 guilty beyond a reasonable doubt. Some of you may have
14 served as jurors in civil cases where you were told that it
15 is only necessary to prove that a fact is more likely true
16 than not true, such as by the greater weight or the
17 preponderance of the evidence.

18 In criminal cases, the State's proof must be more
19 powerful than that. It must be beyond a reasonable doubt.
20 Proof beyond a reasonable doubt is proof that leaves you
21 firmly convinced of the defendant's guilt. There are very
22 few things in this world that we know with absolute
23 certainty. And in criminal cases, the law does not require
24 proof that overcomes every possible doubt. If, based on
25 your consideration of the evidence, you are firmly convinced

1 that the defendants are guilty of the crimes charged, you
2 must find the defendants guilty.

3 If, on the other hand, you think there's a real
4 possibility that the defendants are not guilty, you must
5 give them the benefit of the doubt and find them not guilty.

6 The defendant Hunter, in counts one, two and three,
7 and Roberts in counts one and fourteen are charged with
8 trafficking. The defendants are charged with trafficking in
9 heroin. The State must prove beyond a reasonable doubt that
10 the defendants knowingly sold, manufactured, cultivated,
11 delivered, purchased, brought in to this state, provided
12 financial assistance, or otherwise aided, abetted, attempted
13 or conspired to sell, manufacture, cultivate, deliver,
14 purchase, or bring into this state, was knowingly in actual
15 or constructive possession, knowingly attempted to become in
16 actual or constructive possession of heroin.

17 The State must also prove beyond a reasonable doubt
18 that the amount of heroin or any mixture containing heroin
19 was 4 grams or more but less than 14 grams; 14 grams or more
20 but less than 28 grams; and 28 grams or more.

21 "Actual possession" means that the heroin was in
22 the actual physical custody of the defendants.

23 "Constructive possession" means that the defendant
24 had dominion and control or the right to exercise dominion
25 or control over either the heroin itself or the property of

1 which the heroin was found.

2 Mere presence at the scene where the drugs were
3 found is not enough to prove actual or constructive
4 possession. Actual knowledge of the presence of the heroin
5 is strong evidence of the defendant's intent to control its
6 disposition or use.

7 The defendant's knowledge and possession may be
8 inferred when a substance is found on the property under the
9 defendant's control. However, this inference is simply an
10 evidentiary fact to be taken into consideration by you,
11 along with the other evidence in this case, and to be given
12 the weight, value and effect you decide it should receive.

13 Two or more persons may have joint possession of a
14 drug. "To deliver" means to actually, constructively or
15 attempt to transfer the drug.

16 "Manufacture" means to produce, prepare, convert,
17 process, plant, cultivate, grow or harvest a drug naturally
18 or chemically.

19 "Manufacturing" includes any packagings or
20 repackaging of the drug or labeling or relabeling of the
21 drug's container.

22 In order to prove a conspiracy, the State must
23 prove beyond a reasonable doubt that the defendant combined
24 with one or more persons for the purpose of committing an
25 unlawful act or of committing a lawful act by unlawful

1 means. There must be a mutual understanding, agreement or
2 common intention and plan. Mere passive knowledge or
3 consent to the criminal conduct of another is not enough to
4 make a person a conspirator. There must be guilty knowledge
5 and participation.

6 Similarly, the mere fact that the defendant may
7 have associated with another person or met with another
8 person and discussed common names in interest, does not
9 necessarily establish proof of existence of a conspiracy or
10 that the defendant was involved in a conspiracy.

11 On the other hand, it is not necessary that the
12 agreement be a formal one, that it be in writing, that the
13 persons hold a meeting and expressly state the terms of the
14 common plan, or that the agreement be stated in words
15 between them. The agreement of a conspiracy may come into
16 being through an implied mutual understanding. The willful,
17 intentional and knowing adoption by two or more persons of a
18 common plan is sufficient.

19 Overt acts need not be shown to establish a
20 conspiracy. A conspiracy may be shown by circumstantial
21 evidence and the conduct of the parties. In order to
22 convict the defendants of conspiracy, the State must prove
23 beyond a reasonable doubt not only that the defendant or
24 defendants knew of the unlawful conduct, but that the
25 defendant or defendants agreed to combine with the other

1 person or persons for the purpose of accomplishing the
2 unlawful conduct.

3 The defendant Hunter in count 4 and count 5, and
4 Roberts in counts 11, 12 and 13, are charged with
5 distribution of heroin. The State must prove beyond a
6 reasonable doubt that the defendants distributed heroin.

7 "Distribute" means to deliver or to actually,
8 constructively or attempt to transfer a drug other than by
9 administering or dispensing.

10 "Deliver" means to actually, constructively or
11 attempt to transfer a drug. A transfer can involve an
12 exchange for money or barter or a gift. There does not have
13 to be anything given in exchange for the drugs for a
14 transfer to constitute distribution.

15 And in that count 6, the defendant Hunter is
16 charged with distribution of methamphetamine. The State
17 must prove beyond a reasonable doubt that the defendant
18 distributed methamphetamine.

19 "Distribute" means to deliver or to actually,
20 constructively or attempt to transfer a drug other than by
21 administering or dispensing.

22 "Deliver" means to actively, constructively or
23 attempt to transfer a drug. A transfer can involve an
24 exchange for money, a barter or a gift. There does not have
25 to be anything given in exchange for the drugs for a

1 transfer to constitute distribution.

2 The defendant Roberts in count 15 is charged with
3 possession of a weapon during the commission of or attempt
4 to commit a violent crime. The State must prove beyond a
5 reasonable doubt that the defendant was in possession of a
6 firearm or visibly displayed what appeared to be a firearm
7 during the commission of a violent crime.

8 A firearm means any machine gun, automatic rifle,
9 revolver, pistol, or any weapon which will, is designed to,
10 or may be readily converted to expel a projectile.

11 In order to find the defendant guilty of possession
12 of a weapon during the commission of a violent crime, you
13 must first find the defendant guilty of either committing a
14 violent crime or attempting to commit a violent crime. I
15 instruct you that trafficking heroin is a violent crime as
16 defined by South Carolina Code Annotated 16-1-60.

17 The State must also prove beyond a reasonable doubt
18 that the weapon furthered, advanced, or helped in the
19 commission of the crime.

20 In count 16, the defendant Roberts is charged with
21 possession with intent to distribute methamphetamine. The
22 State must prove beyond a reasonable doubt that the
23 defendant possessed methamphetamine with the intent to
24 distribute it.

25 To prove possession, the State must prove beyond a

1 reasonable doubt that the defendant had both the power and
2 the intent to control the disposition or use of the
3 methamphetamine.

4 Possession may be either actual or constructive.
5 Actual possession means that the methamphetamine was in the
6 actual physical custody of the defendant. Constructive
7 possession means that the defendant had dominion and control
8 or the right to exercise dominion or control over either the
9 methamphetamine itself or the property on which the
10 methamphetamine was found.

11 Mere presence at the scene where drugs were found
12 is not enough to prove possession. Actual knowledge of the
13 presence of the methamphetamine is strong enough -- is
14 strong evidence of the defendant's intent to control its
15 disposition or use.

16 The defendant's knowledge of possession may be
17 inferred when a substance is found on the property under the
18 defendant's control. However, this inference is simply an
19 evidentiary fact to be taken into consideration by you,
20 along with the other evidence in the case, and to be given
21 the weight, value and effect you decide it should receive.

22 Two or more persons may have joint possession of a
23 drug. The State must also prove beyond a reasonable doubt
24 that the defendant intended to distribute the
25 methamphetamine.

1 "Distribute" means to deliver, other than by
2 administering or dispensing a drug. Intent may be shown by
3 acts and conduct of the defendant and other circumstances
4 from which you may naturally and reasonably infer intent.

5 In determining whether or not the defendant had the
6 intent to distribute the methamphetamine, you may consider
7 the circumstances surrounding the defendant's alleged
8 possession. You may consider the amount of the substance
9 alleged to have been possessed, the manner in which it was
10 allegedly possessed, the place where it was allegedly
11 possessed, and other factors which you consider to be
12 important. You must find that the defendant did not intend
13 to have the methamphetamine solely for his own use.

14 Possession of more than one gram -- possession of
15 one or more grams of methamphetamine, also known as ice or
16 crank, creates an inference that the defendant possessed the
17 methamphetamine with the intent to distribute it. This
18 inference does not relieve the State from proving beyond a
19 reasonable doubt that the defendant had the intent to
20 distribute. It is simply an evidentiary fact to be taken
21 into consideration by you, along with the other evidence in
22 the case, and to be given the weight, value and effect that
23 you decide it should receive.

24 Ladies and gentlemen, I instruct you that if a
25 crime is committed by two or more people who are acting

1 together and committing a crime, the act of one is the act
2 of all. A person who joins with another to commit an
3 unlawful act is criminally responsible for everything done
4 by the other person which happens as a probable or natural
5 consequences of the acts done in carrying out the common
6 plan and purpose.

7 For example, two people can be guilty of killing
8 another person when only one of the two had a gun, there was
9 only one bullet, and only one of the two fired the shot that
10 caused the death. If two or more people are together,
11 acting together, assisting each other in committing the
12 offense, the act of one is the act of all, or as it is
13 sometimes said, the "hand of one is the hand of all".

14 Prior knowledge that a crime is going to be
15 committed without more is not sufficient to make a person
16 guilty of that crime. Mere knowledge that another person is
17 going to commit a crime, even if the defendant is present
18 when the crime is committed, is not sufficient to convict
19 the defendant as a principal. Guilt as a principal is shown
20 by active or constructive presence at the scene as a result
21 of prior arrangement. Therefore, finding of prior arranged
22 plan or common scheme is necessary for a finding of guilt as
23 a principal. The State must prove beyond a reasonable doubt
24 by competent evidence the theory of the "hand of one is the
25 hand of all".

1 A principal at a crime is one who either actually
2 commits the crime or who is present aiding, abetting or
3 assisting in committing the crime. When a person does an
4 act in the presence of and with the assistance of another,
5 the act is done by both. Where two or more acting with a
6 common plan or intent are present at the commission of a
7 crime, it does not matter who actually commits the crime,
8 all are guilty. The "hand of one is the hand of all".

9 Present at the commission of a crime means to be
10 sufficiently near to aid and abet and assist in the
11 commission of the crime. However, mere presence at the
12 scene of a crime is not sufficient to convict one as a
13 principal on the theory of aiding and abetting.

14 Intent is also a necessary element, but there must
15 have been a common design or intent to commit the crime.
16 And the crime must have been committed pursuant there to
17 with the person aiding and abetting by some overt act.

18 "Intent" means intending the result which actually
19 occurs, not accidentally or involuntarily. Intent may be
20 shown by acts and conduct of the defendant or defendants and
21 other circumstances from which you may naturally and
22 reasonably infer intent. The State must prove these
23 elements beyond a reasonable doubt.

24 An additional issue in this case, ladies and
25 gentlemen, is the identification of the defendant or

1 defendants as the people or persons who committed the crime
2 charged. The State has the burden of proving identity
3 beyond a reasonable doubt. You must be satisfied beyond a
4 reasonable doubt of the accuracy of the identification of
5 the defendant or defendants before you may convict either.

6 Identification testimony is an expression or belief
7 of impression by a witness. You must determine the accuracy
8 of the identification of the defendants. You must consider
9 the believability of each identification witness in the same
10 way as any other witness. You may consider whether the
11 witness had an adequate opportunity to observe the offender
12 at the time of the offense. This will be affected by things
13 that like how long or short a time was available, how far or
14 close the witness was, the lighting conditions, and whether
15 the witness had the chance to see or know the person in the
16 past. Once again, I instruct you, the burden of proof on
17 the State extends to every element of the crime charged.
18 And this specifically includes the burden of proving beyond
19 a reasonable doubt the identity of the defendants as the
20 people or persons who committed the crime.

21 If after examining the testimony, you have a
22 reasonable doubt as to the accuracy of the identification,
23 you must find the defendants not guilty.

24 I further instruct you that mere presence at the
25 scene is not sufficient to prove someone guilty of a crime.

.1 A defendant's presence where a crime is being committed or
2 mere association with a person who commits the crime does
3 not make a defendant an accomplice or an aider and abettor
4 of person committing the crime. The burden is on the State
5 to prove every element of the crimes charged.

6 If you find, after reviewing all of the evidence,
7 that the State has proven that the defendant was only
8 present at the scene of a crime and they have not proven
9 beyond a reasonable doubt any other participation in the
10 crime, then you must find the defendants not guilty. The
11 law is that proof of at the scene of the crime is not
12 sufficient to find someone guilty.

13 Ladies and gentlemen, there are multiple counts in
14 one indictment and multiple counts against each defendant.
15 And I am not going to read all of those, because I know you
16 heard them on multiple occasions. And I will go over the
17 charges when I go over the verdict form with you. But I
18 instruct you that each count of the indictment charges a
19 separate and distinct offense. You must decide each count
20 separately on the evidence and the law applicable to it,
21 uninfluenced by your decision as to any on the count. The
22 defendants may be convicted or acquitted on any or all of
23 the offenses charged. And you write a separate verdict of
24 guilty or not guilty for each count of the indictment.

25 Ladies and gentlemen, you have also heard reference

1 or testimony concerning the potential penalty a person can
2 serve for the crimes alleged in the indictment. In
3 determining whether the State has met their burden of proof
4 or not, you cannot consider any possible penalty for any
5 particular crime. The potential punishment for a crime is
6 an as a matter of law for the Court to determine and should
7 never been considered by you in any manner whatsoever in
8 arriving at a fair and impartial verdict in this case.

9 There are two possible verdicts for each count of
10 each indictment for each defendant. And I will go over
11 those with you in a moment. You don't have to try to write
12 that down because the verdict forms go into the jury room
13 with you. And there's no significance whatsoever to the
14 order in which I will state these potential verdicts.

15 Ladies and gentlemen, your verdict must be
16 unanimous, which means that all twelve of you must agree in
17 order to reach a verdict in this case. I think in the
18 interest of time and brevity, I will do this.

19 As to the defendant Emory Warren Roberts, each
20 count of the indictment, that being count 1, count 11, count
21 1, which is trafficking in illegal drugs, heroin, 28 grams
22 or more, conspiracy; count 11, distribution of heroin; count
23 12, distribution of heroin; count 13, distribution of
24 heroin; count 14, trafficking in illegal drugs, heroin, 4 to
25 14 grams; count 15, possession of a weapon during the

1 commission of or attempt to commit a violent crime; and
2 count 16, possession with intent to distribute
3 methamphetamine, your options are as follows, we, the jury,
4 unanimously find the defendant, either guilty of the
5 substance of offense, or not guilty.

6 And as it regards the defendant Justin Gordon
7 Hunter, as to count 1, trafficking in illegal drugs, heroin,
8 28 grams or more, conspiracy; count 2, trafficking in
9 illegal drugs, heroin, 4 to 14 grams; count 3, trafficking
10 in heroin, 14 to 28 grams; count 4, distribution of heroin;
11 count 5, distribution of heroin; and count 6, distribution
12 of methamphetamine. Your options are as follows, we, the
13 jury unanimously find the defendant either guilty of the
14 substantive offense or not guilty.

15 Madam Forelady, once the jury can has reached a
16 unanimous verdict, you will fill out each verdict form and
17 sign and date each form. Once the jury has reached a
18 unanimous verdict on all of the counts, it is your
19 responsibility to knock on the door and advise the bailiffs
20 that the jury has reached a unanimous verdict. Also, if the
21 jury has any questions during deliberations, it is your
22 responsibility to write out those questions, sign and date
23 the note and knock on the door and follow the same process
24 with the bailiffs.

25 Ladies and gentlemen, if you have any questions

1 during deliberations, please know that there will be a delay
2 in our response because there's a process that I have to
3 follow in answering your questions. So know if you have a
4 question, don't think we are ignoring you. We are simply
5 following that procedure.

6 Again, ladies and gentlemen, your verdict must be a
7 unanimous one, which means all twelve of you must agree.

8 And, Madam Forelady, any notes provided to the
9 Court should never make reference to any of the jury's
10 deliberative process or to any numerical breakdown that may
11 exist between the jury.

12 Ladies and gentlemen, I'm going to ask that you
13 return to your jury room. But do not yet begin your
14 deliberations. I have some matter of law to take up with
15 counsel that may require further instruction or
16 clarification of an instruction. However, if there's no
17 further instruction, we will send in the evidence, the
18 verdict forms and your notepads. And at that time, we will
19 excuse the alternates. We have also made arrangements for
20 your lunch today. I think it's pizza. Mr. Marvin went to
21 pick it up for us. It is probably here. So we will get you
22 set up for lunch and we will secure a separate room for the
23 alternates to enjoy their lunch as well. If you would go
24 with the bailiffs for me, please, and do not yet begin your
25 deliberations.

1 (Whereupon, the jury leaves open court at 12:36
2 p.m.)

3 THE COURT: Any exceptions from the State?

4 MS. GORDON: None, Your Honor.

5 THE COURT: From the defense, Mr. Griffith?

6 MR. GRIFFITH: No, Your Honor.

7 THE COURT: From the defense, Ms. Johns?

8 MS. JOHNS: No, Your Honor.

9 THE COURT: If y'all could indulge me just one more
10 second and make sure all of the evidence in place.

11 MR. ROBERTS: When you say the evidence for the
12 jury, are they going to go through it?

13 THE COURT: Yeah. And we need some gloves too for
14 them. They also need a clean computer.

15 MR. UNDERWOOD: We have a clean computer that they
16 can use. There's nothing on it, but operating software.

17 THE COURT: Perfect. As soon as I get the jury
18 situated, I will let y'all get some lunch as well.

19 (Whereupon, the alternate enters the courtroom.)

20 THE COURT: Thank you for your time and attention
21 to this case. We know being an alternate is completely
22 thankless, but if someone was not able to go forward by
23 illness or otherwise, you would have taken that place of
24 that jury. And it's such an important service that you
25 provide to the jury. We are going to situate you in an

1 alternate jury room. No pun intended. It's just a room
2 that's over on the other side. And I'm going to give you
3 lunch so you can take your time and eat. After that, you
4 are welcome to hang out with us or go on about your day.
5 You are welcome to discuss the case if you want, but I ask
6 you not do that until the entire panel is released.
7 Sometimes lawyers ask to get feedback on the case.

8 We will destroy your notes for you, unless you want
9 to do that, but the bailiffs are pretty adept at destroying
10 notes, unless you just want to keep them. I hope y'all have
11 a wonderful weekend. And thank you again so very much for
12 your service. I hope it's been educational. And I will
13 turn it over to the hands of the bailiff so you are situated
14 to have your lunch. Thank you very much.

15 THE COURT: Now I need you to get the evidence and
16 the notes and go ahead and take that into the jury for me so
17 I can note a time that they've begun their deliberations.

18 The record will reflect that the jury began its
19 deliberations at 12:41.

20 (Whereupon, the jury deliberates at 12:41.)

21 (Court's Exh. 3, Jury note, was marked for
22 identification.)

23 THE COURT: We have a note from the jury. And it
24 reads as follows, I've had it marked as a Court's exhibit:
25 Could you please clarify the distinction between

1 distribution and trafficking.

2 I will reinstruct them on distribution and
3 trafficking. Any exception from the State?

4 MR. UNDERWOOD: None, Your Honor.

5 THE COURT: From the defense?

6 MR. GRIFFITH: None, Your Honor.

7 MS. JOHNS: No, Your Honor.

8 THE COURT: All right. Please bring in the jury.

9 (Whereupon, the jury returns to open court at 1:42
10 p.m.)

11 THE COURT: Ladies and gentlemen, in response to
12 your note, could you please clarify the distinction between
13 distribution and trafficking, I will reinstruct you as
14 follows. The defendant Hunter is charged in counts 1, 2 and
15 3, and the defendant Roberts in Counts 1 and 14 with
16 trafficking in heroin. The State must prove beyond a
17 reasonable doubt that the defendants knowingly sold,
18 manufactured, cultivated, delivered, purchased, brought in
19 to this state, provided financial assistance or otherwise
20 aided, abetted, attempted or conspired to sell, manufacture,
21 cultivate, deliver, purchase or bring into this state, was
22 knowingly in actual or constructive possession, knowingly
23 attempted to become in actual or constructive possession of
24 heroin. The State must also prove beyond a reasonable doubt
25 that the amount of heroin or any mixture containing heroin

1 was 4 grams or more but less than 14 grams, 14 grams or more
2 but less than 28 grams, and 28 grams or more.

3 Actual possession means that the heroin was in the
4 actual physical custody of the defendants.

5 Constructive possession means that the defendants
6 had dominion and control or the right to exercise dominion
7 or control over either the heroin itself or the property on
8 which the helper was found.

9 Mere presence at the scene where drugs were found
10 is not enough to prove actual or constructive possession.

11 Actual knowledge of the presence of the heroin is
12 strong evidence of the defendant's intent to control its
13 disposition or use.

14 The defendant's knowledge of possession may be
15 inferred when a substance is found on the property under the
16 defendant's control. However, this inference is simply an
17 evidentiary fact to be taken into consideration by you along
18 with the other evidence in the case and to be given the
19 weight, value and affect you decide it should receive.

20 Two or more persons may have joint possession of a
21 drug.

22 "To deliver" means to actually, constructively or
23 attempt to transfer the drug.

24 "Manufacture" means to produce, prepare, convert,
25 process, plant, cultivate, grow or harvest a drug naturally

1 or actually.

2 "Manufacturing" includes any packagings or
3 repackagings of the drug or labeling or relabeling of the
4 drug's container.

5 In order to prove a conspiracy, the State must
6 prove beyond a reasonable doubt that the defendant or
7 defendants combined with one or more persons for the purpose
8 of committing an unlawful act or of committing a lawful act
9 by unlawful means. There must be a mutual understanding,
10 agreement or common intention and plan. Mere passive
11 knowledge of or consent to the criminal conduct of another
12 is not enough to make a person a conspirator. There must be
13 guilty knowledge and participation. Similarly, the mere
14 fact that the defendant may have associated with another
15 person or met with another person and discussed common names
16 in interest does not necessarily establish proof of the
17 existence of a conspiracy or that the defendant was involved
18 in a conspiracy.

19 On the other hand, it is not necessary that the
20 agreement be a formal one, that it be in writing, that the
21 persons hold a meeting and expressly state the terms of the
22 common plan, or that the agreement be stated in words
23 between them. The agreement of a conspiracy may come into
24 being through an implied mutual understanding. The willful,
25 intentional and knowing adoption by two or more persons of a

1 common plan is sufficient. Overt acts need not be shown
2 to establish a conspiracy.

3 A conspiracy may be shown by circumstantial
4 evidence and the conduct of the parties. In order to
5 convict the defendant or defendants of conspiracy, the State
6 must prove beyond a reasonable doubt not only that the
7 defendant or defendants knew of the unlawful conduct, but
8 that the defendant or defendants agreed to combine with the
9 other person or persons for the purpose of accomplishing the
10 unlawful conduct.

11 In count 4 and 5, defendant Hunter in count 4 and
12 5, and defendant Roberts in count 11, 12 and 13, are charged
13 with distribution of heroin. The State must prove beyond a
14 reasonable doubt that the defendants distributed heroin.

15 "Distribute" means to deliver or to actually,
16 constructively or attempt to transfer a drug other than by
17 administering or dispensing.

18 "Deliver" means to actually, constructively or
19 attempt to transfer a drug. A transfer can involve an
20 exchange for money, a barter or a gift. There does not have
21 to be anything given in exchange for the drugs for a
22 transfer to constitute distribution.

23 And in count 6, the defendant Hunter is charged
24 with distribution of methamphetamine. The State must prove
25 beyond a reasonable doubt that the defendant distributed

1 methamphetamine.

2 "Distribute" means to deliver or to actually,
3 constructively or attempt to transfer a drug other than by
4 administering or dispensing.

5 "Deliver" means to actually, constructively or
6 attempt to transfer a drug. A transfer can involve an
7 exchange for money, a barter or a gift. There does not have
8 to be anything given in exchange for the drugs for a
9 transfer to constitute distribution.

10 Please let me know if you need anything further.
11 If you will return to your jury room and resume your
12 deliberations.

13 (Whereupon, the jury leaves open court at 1:49
14 p.m.)

15 THE COURT: Any exceptions from the State?

16 MR. UNDERWOOD: None, Your Honor.

17 THE COURT: From the defense, Mr. Griffith?

18 MR. GRIFFITH: None, Your Honor.

19 MS. JOHNS: No, Your Honor.

20 THE COURT: Thank you. We will await further
21 instruction.

22 (Whereupon, a recess transpired.)

23 (Whereupon, the defendant is present.)

24 THE COURT: Bring in the jury.

25 (Whereupon, the jury returns to open court at 2:22

1 p.m.)

2 THE COURT: Madam Forelady, is it correct that the
3 jury has reached a verdict?

4 THE FOREPERSON: Yes.

5 THE COURT: Give the verdict forms to the bailiff,
6 please.

7 The verdicts are as follows: The State of South
8 Carolina vs. Emory Warren Roberts, Indictment
9 2016-GS-47-0002, as to count one, we the jury unanimously
10 find the defendant guilty of trafficking in illegal drugs,
11 heroin, 28 grams or more and conspiracy.

12 Ladies and gentlemen, if this be your verdict,
13 please indicate by raising your right hand.

14 Let the record reflect all 12 raised their right
15 hand. You can put your hands down.

16 As to count 11, we the jury unanimously find the
17 defendant guilty of distribution of heroin.

18 As to count 12, we the jury unanimously find the
19 defendant guilty of distribution of heroin.

20 As to count 13, we the jury unanimously find the
21 defendant guilty of distribution of heroin.

22 As to count 14, we the jury unanimously find the
23 defendant guilty of trafficking in illegal drugs, heroin, 4
24 to 14 grams.

25 As to count 15, we the jury unanimously find the

1 defendant guilty of possession of a firearm during the
2 commission of or attempt to commit a violent crime.

3 And as to count 16, we the jury unanimously find
4 the defendant guilty of possession with intent to distribute
5 methamphetamine.

6 Ladies and gentlemen, if this be your verdicts,
7 please indicate by raising your right hands.

8 Let the record reflect that all 12 raised their
9 right hand. You can put your right hand down.

10 Sir, you may take your seat.

11 As to the State vs. Justin Gordon Hunter, we the
12 jury, as to count 1, Indictment No. 2016-GS-47-00002, we the
13 jury unanimously find the defendant guilty of trafficking in
14 heroin, 28 grams or more.

15 As to count 2, we the jury unanimously find the
16 defendant guilty of trafficking in heroin, 4 to 14 grams.

17 As to count 3, we the jury unanimously find the
18 defendant guilty of trafficking in heroin, 14 to 28 grams.

19 As to count 4, we the jury unanimously find the
20 defendant guilty of distribution of heroin.

21 As to count 5, we the jury unanimously find the
22 defendant guilty of distribution of heroin.

23 And as to count 6, we the jury unanimously find the
24 defendant guilty of distribution of methamphetamine.

25 Ladies and gentlemen, if this be your verdicts,

1 Are there any members of the panel that wish to
2 remain for sentencing? If so, if you would raise your hand.
3 Those who wish to remain, if you would stay in your seats.
4 Those who do not wish to remain, you are excused with the
5 Court's profound thanks.

6 (Whereupon, the jury is excused.)

7 THE COURT: Do you all have the sentencing sheets?
8 While we are doing that, are there any post-trial
9 motions?

10 MR. GRIFFITH: Your Honor, we would ask for
11 reconsideration of a new trial, verdict notwithstanding.

12 MS. JOHNS: We join in, Your Honor.

13 THE COURT: Okay. Both motions are denied. There
14 is more than ample evidence to have supported the verdicts
15 in this case. The standard is if there's any evidence to
16 support the jury's findings in a case, and there are more
17 than ample facts to have supported the verdict. And,
18 therefore, the motions are denied.

19 The Court will reincorporate all of its
20 contemporaneous findings regarding any motions made and
21 contemporaneously preserved for the record.

22 All right. Do you all have some sentencing sheets
23 for me? Does Mr. Hunter have any record?

24 MR. UNDERWOOD: He does, Your Honor.

25 THE COURT: If you will publish that for me,

1 please.

2 MR. UNDERWOOD: From that state of New York, 2005,
3 criminal possession, narcotic drug, fourth degree.

4 THE COURT: Do you know what drug that is?

5 MR. UNDERWOOD: I do not, Your Honor.

6 MS. JOHNS: Yes, Your Honor. May I approach?

7 THE COURT: Yes.

8 (Whereupon, a bench conference takes place off the
9 record.)

10 MR. UNDERWOOD: Your Honor, that may have been two
11 counts. Then going to 2007, also from the state of New
12 York, another criminal possession narcotic drug, fourth
13 degree.

14 And 2009, criminal mischief with intent to damage
15 property, aggravated harassment, second degree,
16 communicating in a manner likely to cause alarm. And,
17 again, those are also in the state of New York, Your Honor.

18 2011, assault, third degree, attempt to cause
19 physical injury.

20 2013, from the State of New York, disorderly
21 conduct, creating hazard or physically offensive condition.
22 Criminal possession of a controlled substance, third,
23 narcotic drug with intent to sell -- excuse me, Your Honor,
24 that last charge was dismissed. That's the extent of his
25 convictions, Your Honor.

1 THE COURT: As I understand, on the conspiracy to
2 traffic, that's a mandatory 25.

3 MR. UNDERWOOD: It is, Your Honor.

4 THE COURT: What's the maximum penalty?

5 MR. UNDERWOOD: 40 years, Your Honor.

6 THE COURT: And the trafficking 4 to 14 is -- is
7 that 7 to -- what is that?

8 MR. UNDERWOOD: 4 to 14 would be a second offense,
9 Your Honor, which would make it a mandatory 25. And I do
10 have sentencing sheets for Mr. Hunter.

11 THE COURT: Count 3, which is 14 to 28 grams --

12 MR. UNDERWOOD: Also 25, Your Honor.

13 THE COURT: Because it's a second.

14 MR. UNDERWOOD: Count 4, which is distribution of
15 heroin, is 0 to 15, or 5 to 30 if it's a second.

16 MR. UNDERWOOD: 5 to 30 as a second offense, Your
17 Honor.

18 THE COURT: Do you contest the enhancement of your
19 client's situation, Ms. Johns?

20 MS. JOHNS: No, Your Honor, not at this time.

21 THE COURT: The distribution of methamphetamine,
22 that would also be -- is that in the same category as meth,
23 crank, ice, crack, all the same category?

24 MR. UNDERWOOD: I'm sorry, Your Honor.

25 THE COURT: I said methamphetamine, distribution

1 second, is the same as cocaine, crack, all that is in the
2 same category, same schedule?

3 MR. UNDERWOOD: Yes.

4 THE COURT: That's 5 to 30 as well?

5 MR. UNDERWOOD: Yes, Your Honor.

6 THE COURT: Okay. We will come back to Mr. Hunter
7 in a moment. You can approach and hand me the sentencing
8 sheets.

9 THE DEFENDANT: Can I address the appeals?

10 THE COURT: Pardon me? Actually, sir, you don't
11 have to do that. What will happen, if you wish to appeal,
12 Mr. Griffith will file a motion to appeal. And Indigent
13 Defense will step in and take over and they'll be in touch
14 with you.

15 THE DEFENDANT: Can I do it myself though?

16 THE COURT: You don't want to do that. They have a
17 whole group of lawyers who all they do is appeals. They are
18 very good at it. Take advantage of their services, at no
19 charge to you.

20 The DEFENDANT: So what happens if it's not done in
21 10 days.

22 THE COURT: It's going to be done probably by
23 Monday. Yeah. They can do it quicker than you can. They
24 know where to send it and they know what to do. And
25 Mr. Griffith will send you a copy.

1 While we are waiting on the State to complete that
2 paperwork, Mr. Roberts's range of penalty on count 1 is 25
3 to 40, clarified as violent and serious and a strike; count
4 11 is 5 to 30. Is this -- would this count as a second for
5 him? His record, as I recall was --

6 MR. UNDERWOOD: Prior conviction was outside the
7 time frame, Your Honor.

8 THE COURT: So these are not seconds? They are
9 firsts, correct?

10 MR. UNDERWOOD: Yes, Your Honor.

11 THE COURT: So then his on all three distributions
12 is 0 to 15, trafficking 7 to 25, and the possession of a
13 weapon is a mandatory 5, PWID methamphetamine is 0 to 15
14 and/or 25,000.

15 Glad to hear from you, Mr. Underwood, regarding
16 Mr. Roberts.

17 MR. UNDERWOOD: Your Honor, Mr. Roberts does have a
18 criminal history from the state of New York. The
19 convictions consist of menacing, second degree, with a
20 weapon.

21 THE COURT: What year was that?

22 MR. UNDERWOOD: That was 1996. Petty larceny from
23 1997; another petty larceny from 2000; assault, third
24 degree, with intent to cause physical injury from 2002,
25 along with a trespass, and what appears to be a second count

1 of assault, third degree.

2 THE COURT: What year, same, 2000?

3 MR. UNDERWOOD: Yes, Your Honor. Violation of an
4 order of protection from the same year as well, Your Honor.

5 THE COURT: I also have that there was a criminal
6 mischief charge, what year was that, and damaging property?

7 MR. UNDERWOOD: I'm going through, Your Honor. I
8 apologize. Also 2002, criminal possession of narcotic drug,
9 fourth degree, reckless endangerment, second degree,
10 criminal possession of controlled substance, fifth degree,
11 with intent to sell, criminal possession of a weapon,
12 third.

13 THE COURT: What years are all these?

14 MR. UNDERWOOD: Your Honor, these are from 2002.

15 THE COURT: Okay.

16 MR. UNDERWOOD: Separate cycle, but the same year.
17 I apologize. I'm trying to make sure there's no
18 repeats.

19 THE COURT: That's okay.

20 MR. UNDERWOOD: In 2006, aggravated harassment,
21 second degree, communicating to cause alarm, aggravated --
22 appears to be two counts, Your Honor.

23 2007, criminal mischief with intent to damage
24 property, appears to be one count.

25 2009, assault, third degree, with intent to cause

1 physical injury. Also in 2009, criminal contempt, second
2 degree, disobeying a court. And in 2009 as well, aggravated
3 criminal contempt, violating an order of protection,
4 criminal possession of a weapon, third, criminal mischief,
5 third degree, damaging another person's property, and
6 another count of criminal possession, third degree. Appears
7 to be a different cycle.

8 2013, criminal contempt, second degree.

9 2014, another criminal trespass, third degree, two
10 counts.

11 And, Your Honor, I believe that is the extent of
12 his criminal conviction history. And those are all from the
13 state of New York.

14 THE COURT: Mr. Griffith, is that accurate, to the
15 best of your knowledge?

16 MR. GRIFFITH: To my knowledge, Your Honor, that is
17 accurate.

18 THE COURT: Mr. Underwood, glad to hear from you.

19 MR. UNDERWOOD: Your Honor, Mr. Roberts was a key
20 person involved in this drug trafficking organization. As
21 Your Honor is aware, he was in possession of numerous
22 firearms, both handguns and long guns, shotguns and assault
23 rifles. Several of those weapons were stolen.

24 Your Honor, he is considered by law enforcement to
25 be a very dangerous individual, a very culpable individual

1 in this case. And we feel that based on his criminal
2 history, his conduct which led to these charges and his
3 propensity for violence, we feel it would be appropriate for
4 him to have a sentence far greater than the mandatory
5 minimum.

6 THE COURT: Well, you need to quantify that so
7 Mr. Griffith knows what he's responding to.

8 MR. UNDERWOOD: Your Honor, for whatever amount of
9 bearing the Court would give to it, also the incident
10 occurring during this incarceration prior to trial, the
11 assault on a detention officer, just to show the nature of
12 this particular defendant, we would ask for a sentence
13 exceeding 30 years.

14 THE COURT: Mr. Griffith, glad to hear from you.

15 MR. GRIFFITH: Your Honor, Mr. Roberts is 38 years
16 old. He has gotten wrapped up into some -- with some bad
17 folks. But, Your Honor, I have had the opportunity to sit
18 here and talk to him. I still believe, Your Honor, as when
19 I asked for that evaluation, I truly believe that there is
20 something going on. I really think that he needs some help.
21 And that at some point with the right kind of help, he could
22 be a citizen and a productive citizen, Your Honor.

23 I would ask that the Court show some leniency as
24 allowed by statute, Your Honor. But Mr. Roberts, I don't
25 think, even if he receives the minimum, Your Honor, he won't

1 be getting out --

2 THE COURT: He will be 60 almost.

3 MR. GRIFFITH: As far as his age, by that time,
4 it's unlikely he would return to a life of crime by that
5 time.

6 THE COURT: Does he need any drug treatment
7 while --

8 MR. GRIFFITH: Your Honor, he's indicated to me
9 that he was not addicted to drugs and did not use the drugs.

10 THE COURT: Okay. I just wanted to make sure.
11 They will evaluate him in R and E, but if I needed to make
12 that designation, I wanted to make sure.

13 MR. GRIFFITH: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 Anything further from the State?

16 MR. UNDERWOOD: Nothing, Your Honor.

17 THE COURT: Mr. Roberts, anything you want to say
18 for the record on your own behalf?

19 THE DEFENDANT: Yeah. I have two children, 8 and
20 14.

21 THE COURT: Where are they, sir?

22 THE DEFENDANT: In New York.

23 THE COURT: Who are they with?

24 THE DEFENDANT: Their mothers.

25 THE COURT: They have different moms? What kind of

1 contact do you have with the kids?

2 THE DEFENDANT: Now?

3 THE COURT: Well, in general.

4 THE DEFENDANT: I only could talk to them on the
5 phone.

6 THE COURT: You made mention of your mother. Is
7 she here in South Carolina?

8 THE DEFENDANT: No.

9 THE COURT: She's in New York as well? How old is
10 your mother?

11 THE DEFENDANT: 61.

12 THE COURT: Do you have any other siblings?

13 THE DEFENDANT: Yes.

14 THE COURT: And how many siblings do you have?

15 THE DEFENDANT: Three.

16 THE COURT: How old are they?

17 THE DEFENDANT: 21, my sister is 23 today, and I
18 have an older sister, 39.

19 THE COURT: She's 39?

20 THE DEFENDANT: Yeah.

21 THE COURT: Where are they all located?

22 THE DEFENDANT: New York.

23 THE COURT: Do you have any contact with them?

24 THE DEFENDANT: Yeah.

25 THE COURT: Just so the record is clear, while

1 there may be some concerns that Mr. Griffith has articulated
2 regarding Mr. Roberts's need for potentially an evaluation
3 of some type to see if he needs counseling, medication or
4 otherwise, I have no concern about his ability to have
5 assisted in his representation, to understand the nature of
6 these proceedings. It is clear to the Court that he's been
7 cognizant of place and time, that he is well aware of the
8 nature of these proceedings. And due to the breadth of his
9 criminal history, I have no concern that he understands the
10 legal process, that he understands the nature of his right
11 to a jury trial, his right to a defense, and the other
12 rights of attendant constitutionally to him, as he has more
13 than on many events during the course of this trial
14 articulated for the Court.

15 I believe initially he refused to cooperate with
16 his lawyer, because to some extent, I think he thought he
17 knew more than Mr. Griffith about the system. And I think
18 some of that is tainted by the environment at the detention
19 center, which I think when you are in a desperate situation,
20 you will listen to anyone. And if you have any level of
21 intelligence, you can become a hostage to your own
22 intelligence, which is I think what happens when people
23 listen to the -- and I say sovereign citizens, because
24 basically they come into the heading of those individuals
25 who indoctrinate them to believe that the Constitution is

1 not valid, that they are not particularly citizens, that the
2 United States is a corporation, and all those other rules
3 that apply to the UCC that simply don't apply in this
4 context.

5 But I think they take advantage of people because
6 they know they have a hostage audience, so to speak. And I
7 think to some extent, he got caught up in that initially.
8 But once faced with the specter of a trial, he then -- I
9 observed him during the trial. And he has been more than
10 active and adamant in his representation. And I think he
11 has communicated with you. And you have taken heed of
12 what's he's asked of you and done lots of those things. And
13 y'all have had vigorous discussions about strategy. So I
14 have no concern about his ability to understand these
15 proceedings, and even more importantly, to understand the
16 nature of the right from wrong, moral and legal. So I have
17 no concerns about his competence.

18 But he will, once at the institution, go through R
19 and E, and they will evaluate him. And if he makes them
20 aware of what he needs, they will provide it for him,
21 whether that be mental health from a psychologist or
22 psychiatrist or if he needs any other physical treatment,
23 they will provide it to him at the institution.

24 Sir, if you will stand for me, please, for
25 sentencing.

1 Sir, as to count one, you're sentenced to the State
2 Department of Corrections for a mandatory period of 25
3 years.

4 On each count of distribution of heroin, you're
5 sentenced to State Department of Corrections for 15 years
6 and a fine -- well, actually, I need to go back because on
7 count one, there's a mandatory imposition of \$250,000 fine,
8 which this Court will suspend upon the service of his 25
9 years.

10 On each count of distribution of heroin, sir, you
11 are sentenced to the State Department of Corrections for a
12 period of 15 years and \$25,000, suspended upon the service
13 of 15 years.

14 The trafficking heroin, 4 to 14 grams, sir, you're
15 sentenced to the State Department of Corrections for a
16 period of 15 years and \$50,000, which will be suspended upon
17 the service of 15 years.

18 Possession of weapon, your sentenced to the
19 mandatory period of five years.

20 And possession with intent to distribute
21 methamphetamine, you are sentenced to 15 years and \$25,000,
22 suspended upon the service of 15 years.

23 Thank you very much. And you will get credit for
24 any time that you've served. And I will run these sentences
25 concurrent with one another.

1 Now, Ms. Johns, when a person is tried in their
2 absence in South Carolina, they are sentenced, their
3 sentences are sealed. They are not published for the
4 purpose of any court record. When he's picked up on the
5 bench warrant that I've already issued, he will then be
6 sentenced.

7 Is there anything that you wish to present to the
8 Court in mitigation so that Mr. Underwood can then respond?

9 MS. JOHNS: No, Your Honor. I don't have any
10 mitigation at this time.

11 THE COURT: Is there any argument you want to make
12 regarding sentencing of your client at this time?

13 MS. JOHNS: Your Honor, I would just point out the
14 facts that the attorney general has presented to this Court
15 with regard to his specific conduct. And I would note for
16 the record that he has family in New York, along with a
17 daughter. And without talking any further, I have nothing
18 else I can give you at this time.

19 THE COURT: Have you had any contact with him?

20 MS. JOHNS: Not since Tuesday, the night before our
21 motions, which were last week. And I don't know -- I don't
22 remember the date. I think it was July 16th, but I'm not
23 sure of that.

24 THE COURT: And did he indicate to you whether he
25 intended to appear or not?

1 MS. JOHNS: He did, Your Honor. In my last
2 conversation with him little, voice-to-voice conversation
3 was around 9:30 p.m. on Tuesday night. I had text messaged
4 him several times without any responses. My last text
5 message was for him to call me immediately. About an hour
6 later, he did call. I said, I'm calling to remind you that
7 you need to be in court tomorrow morning, which would be
8 Wednesday, at 9 a.m., are you aware of that? And he said,
9 yes, I will be there at 9. That's my last conversation.

10 THE COURT: And you checked all the institutions to
11 make sure he's not incarcerated somewhere?

12 MS. JOHNS: No, I have not done that, Your Honor.

13 THE COURT: Does the State have any indication he's
14 incarcerated anyplace else?

15 MR. UNDERWOOD: No, Your Honor. However, there is
16 on his NCIC report a wanted posting for some sort of a fraud
17 charge out of the state of Georgia, Your Honor. But no
18 indication he's actually been picked up.

19 THE COURT: Have we heard anything from the bonding
20 company?

21 MR. UNDERWOOD: No, Your Honor.

22 MS. JOHNS: I will inform the Court that the
23 bonding company has contacted my office and asked if we had
24 heard from him. And, of course, I was not there, but my
25 office responded in the negative. I have attempted to

1 contact him since the inception of this trial numerous
2 occasions by telephone and text messages with negative
3 results.

4 THE COURT: Okay. Glad to hear from the State
5 regarding sentencing of Mr. Roberts.

6 MR. UNDERWOOD: You mean Mr. Hunter?

7 THE COURT: I'm sorry, I meant to say Mr. Hunter.

8 MR. UNDERWOOD: Your Honor, he has a conviction
9 from 2005 from the state of New York, possession of narcotic
10 drugs, fourth degree, two counts.

11 THE COURT: I think you told me his record. Yeah,
12 you told me his record, uh-huh.

13 MR. UNDERWOOD: Your Honor, this defendant, Justin
14 Gordon Hunter, also known as Mo, as Your Honor heard
15 throughout the course of the trial, this is the individual
16 that was leading this drug trafficking organization. He is
17 the head of this organization and has the fullest
18 culpability imaginable, Your Honor. He is the one person
19 responsible for bringing this heroin to our state. The
20 State would ask for the maximum sentence on count one, Your
21 Honor.

22 THE COURT: Anything, Ms. Johns, you would like to
23 say in response?

24 MS. JOHNS: Yes, Your Honor. I don't think the
25 State has any evidence showing that heroin was being

1 transported to this state from any other state.

2 THE COURT: Well, did your client say he met folk
3 in New York and he would meet at the hotel and then bring
4 the drugs back here?

5 MS. JOHNS: I was going to say, Your Honor, with
6 the exception of the statement that the agent received from
7 Mr. Hunter at the time that they executed the search warrant
8 on the apartment in Patriot Boulevard, but as far as
9 confirming any of that, I don't believe the State has
10 that.

11 THE COURT: All right. Thank you very much. I
12 will impose sentence that will be sealed. That will remain
13 in his file. The time he's picked up, I assume the Court
14 will notify you, Ms. Johns, and you can be here for the
15 imposition of any sentence of your client, as well as the
16 State.

17 Thank you all very much. It was a pleasure. Hard
18 work this week. And I appreciate it.

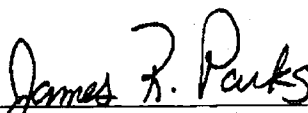
19 (Whereupon, proceedings are adjourned.)
20
21
22
23
24
25

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	CASE NO. 2016-GS-47-02
	)	2016-GS-47-03
STATE OF SOUTH CAROLINA	)	
	)	ORDER OF APPOINTMENT FOR LEGAL
VS	)	COUNSEL OF INDIGENT DEFENDANT
	)	
EMORY WARREN ROBERTS,	)	
<u>DEFENDANT</u>	)	

THE DEFENDANT CONTENDS THAT SHE IS INDIGENT AND IN NEED OF SERVICE OF AN ATTORNEY AS CONTEMPLATED BY LAW. THEREFORE, ELEANOR CLEARY, ATTORNEY-AT-LAW, IS APPOINTED FOR THE DEFENDANT UNDER THE AUTHORITY OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES/STATE GRAND JURY. THIS ORDER IS ISSUED BY THE CLERK OF COURT FOR THE STATE GRAND JURY TO APPOINT ATTORNEYS FOR INDIGENT DEFENDANTS.

IT IS SO ORDERED:

This 18th day of May, 2016



 JAMES R. PARKS, CLERK OF COURT
 STATE GRAND JURY

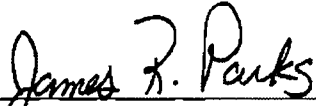
FILED
MAY 18 2016
James R. Parks
CLERK, STATE GRAND JURY

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	CASE NO. 2016-GS-47-02
	)	2016-GS-47-03
STATE OF SOUTH CAROLINA	)	
	)	ORDER RELIEVING APPOINTMENT
VS	)	
	)	
EMORY WARREN ROBERTS,	)	
<u>DEFENDANT</u>	)	

THE DEFENDANT CONTENDS THAT HE IS INDIGENT AND WAS IN NEED OF NEW APPOINTED COUNSEL. THEREFORE, ELEANOR CLEARY, ATTORNEY-AT-LAW, IS HEREBY RELIEVED OF HER APPOINTMENT FOR THE DEFENDANT UNDER THE AUTHORITY OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES/STATE GRAND JURY. THIS ORDER IS ISSUED BY THE CLERK OF COURT FOR THE STATE GRAND JURY TO APPOINT ATTORNEYS FOR INDIGENT DEFENDANTS.

IT IS SO ORDERED:

This 18th day of November, 2016



 JAMES R. PARKS, CLERK OF COURT
 STATE GRAND JURY

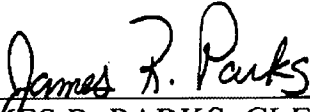
FILED
NOV 18 2016
James R. Parks
CLERK, STATE GRAND JURY

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	CASE NO. 2016-GS-47-02
	)	2016-GS-47-03
STATE OF SOUTH CAROLINA	)	
	)	ORDER OF APPOINTMENT FOR LEGAL
VS	)	COUNSEL OF INDIGENT DEFENDANT
	)	
EMORY WARREN ROBERTS,	)	
<u>DEFENDANT</u>	)	

THE DEFENDANT CONTENDS THAT SHE IS INDIGENT AND IN NEED OF SERVICE OF AN ATTORNEY AS CONTEMPLATED BY LAW. THEREFORE, TIMOTHY GRIFFITH, ATTORNEY-AT-LAW, IS APPOINTED FOR THE DEFENDANT UNDER THE AUTHORITY OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES/STATE GRAND JURY. THIS ORDER IS ISSUED BY THE CLERK OF COURT FOR THE STATE GRAND JURY TO APPOINT ATTORNEYS FOR INDIGENT DEFENDANTS.

IT IS SO ORDERED:

This 21st day of November, 2016



 JAMES R. PARKS, CLERK OF COURT
 STATE GRAND JURY

FILED
NOV 21 2016
James R. Parks
CLERK, STATE GRAND JURY

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

VS.

JUSTIN GORDON HUNTER,

(A.K.A. "MO"),

EMORY WARREN ROBERTS,

(A.K.A. "Q"),

FNU LNU (A.K.A. "KEITH"),

ROSEMARY QUEZADA,

(A.K.A. "CI CI"),

(A.K.A. "CHICKA"),

LASSIAN DIXON JOHNSON,

(A.K.A. "G")(A.K.A. "BG"),

WILLIAM ORLANDO BROWN, IV,

(A.K.A. "WILL"),

DEFENDANTS.

CASE NO. **2016-GS-47-02****INDICTMENT FOR
UNLAWFUL DRUGS****TRAFFICKING IN ILLEGAL
DRUGS**(HEROIN, 28 GRAMS OR MORE)
(CONSPIRACY)S.C. Code Ann. § 44-53-370 (e)(3)(c)
(1 Count)**TRAFFICKING IN ILLEGAL
DRUGS (HEROIN, 4-14 GRAMS)**S.C. Code Ann. § 44-53-370(e)(3)(a)
(3 Counts)**TRAFFICKING IN ILLEGAL
DRUGS (HEROIN, 14-28 GRAMS)**S.C. Code Ann. § 44-53-370(e)(3)(a)
(2 Counts)

JAM 4/12/16

DISTRIBUTION OF HEROINS.C. Code Ann. § 44-53-370 (b)(1)
(5 Counts)**DISTRIBUTION OF
METHAMPHETAMINE**S.C. Code Ann. § 44-53-375(B)
(1 Count)**POSSESSION OF A FIREARM
DURING COMMISSION OF OR
ATTEMPT TO COMMIT A
VIOLENT CRIME**S.C. Code Ann. § 16-23-490
(1 Count)**TRAFFICKING COCAINE,
100 - 200 GRAMS**S.C. Code Ann. § 44 53 370(e)(2)(c)
(1 Count)**FILED****APRIL 13 2016****James R. Parks****CLERK, STATE GRAND JURY**

**POSSESSION WITH INTENT TO
DISTRIBUTE HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)
(1 Count)**

**POSSESSION WITH INTENT TO
DISTRIBUTE
METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)
(1 Count)**

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on April 12, 2016, the State Grand Jurors present upon their oath:

COUNT ONE
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 28 GRAMS OR MORE)
(CONSPIRACY)
S.C. Code Ann. § 44-53-370 (e)(3)(c)

That JUSTIN GORDON HUNTER (A.K.A. "MO"), EMORY WARREN ROBERTS (A.K.A. "Q"), FNU LNU (A.K.A. "KEITH"), ROSEMARY QUEZADA (A.K.A. "CI CI") (A.K.A. "CHICKA"), LASSIAN DIXON JOHNSON (A.K.A. "G") (A.K.A. "BG"), WILLIAM ORLANDO BROWN, IV (A.K.A. "WILL"), and other persons whose names are both known and unknown to the State Grand Jury, did in Berkeley County and Dorchester County, South Carolina, from January 1, 2015 to the present, knowingly and intentionally provide financial assistance or otherwise aid, abet, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State twenty eight (28) grams or more of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT TWO
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 4-14 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

That JUSTIN GORDON HUNTER (A.K.A. "MO") did in Berkeley County, on or about September 30, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of four (4) grams or more but less than fourteen (14) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT THREE
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 14-28 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

L TM 4/12/16

That JUSTIN GORDON HUNTER (A.K.A. "MO") did in Berkeley County, on or about October 28, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of fourteen (14) grams or more but less than twenty eight (28) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT FOUR
DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

That JUSTIN GORDON HUNTER (A.K.A. "MO"), did in Berkeley County, on or about December 14, 2015, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT FIVE
DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

That JUSTIN GORDON HUNTER (A.K.A. "MO"), did in ^{Berkeley 4/2/16 Tdn} ~~Dorchester~~ County, on or about January 14, 2016, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT SIX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That JUSTIN GORDON HUNTER (A.K.A. "MO") and ROSEMARY QUEZADA (A.K.A. "CI CI") (A.K.A. "CHICKA") did in Berkeley County, on or about February 3, 2016, knowingly manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT SEVEN
TRAFFICKING COCAINE, 100 - 200 GRAMS
S.C. Code Ann. § 44-53-370(e)(2)(c)

That ROSEMARY QUEZADA (A.K.A. "CI CI") (A.K.A. "CHICKA") and LASSIAN DIXON JOHNSON (A.K.A. "G") (A.K.A. "BG") did, in Berkeley County, on or about February 8, 2016, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, one hundred (100) grams or more but less than two hundred (200) grams of cocaine, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT EIGHT
POSSESSION WITH INTENT TO DISTRIBUTE HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

That ROSEMARY QUEZADA (A.K.A. "CI CI") (A.K.A. "CHICKA") and LASSIAN DIXON JOHNSON (A.K.A. "G") (A.K.A. "BG") did, in Berkeley County, on or about February 8, 2016, knowingly manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense or deliver a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT NINE
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 4-14 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

That LASSIAN DIXON JOHNSON (A.K.A. "G") (A.K.A. "BG") did in Berkeley County, on or about September 25, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of four (4) grams or more but less than fourteen (14) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT TEN
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 14-28 GRAMS)

S.C. Code Ann. § 44-53-370(e)(3)(a)

b THM 4-12-16

That FNU LNU (A.K.A. "KEITH") did in Berkeley County, on or about October 19, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of fourteen (14) grams or more but less than twenty eight (28) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT ELEVEN
DISTRIBUTION OF HEROIN
 S.C. Code Ann. § 44-53-370 (b)(1)

That EMORY WARREN ROBERTS (A.K.A. "Q"), did in Berkeley County, on or about January 7, 2016, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT TWELVE
DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

Amc
4-12-16

That EMORY WARREN ROBERTS (A.K.A. "Q") and WILLIAM ORLAND BROWN, IV (A.K.A. "WILL"), did in Berkeley County, on or about January 19, 2016, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT THIRTEEN
DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

That EMORY WARREN ROBERTS (A.K.A. "Q"), did in Berkeley County, on or about February 2, 2016, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT FOURTEEN
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 4-14 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

That EMORY WARREN ROBERTS (A.K.A. "Q") did in Berkeley County, on or about February 8, 2016, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of four (4) grams or more but less than fourteen (14) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT FIFTEEN
POSSESSION OF A FIREARM DURING COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That EMORY WARREN ROBERTS (A.K.A. "Q") did in Berkeley County, on or about February 8, 2016, possess or visibly display a firearm during the commission of or attempt to commit a violent crime to wit: TRAFFICKING IN ILLEGAL DRUGS (HEROIN), in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT SIXTEEN
POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That EMORY WARREN ROBERTS (A.K.A. "Q") did in Berkeley County, on or about February 8, 2016, knowingly manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Against the peace and dignity of the State and contrary to the statute in such case made and provided.

A. True Bill


FOREMAN


ALAN WILSON (jru)
ATTORNEY GENERAL

STATE OF SOUTH CAROLINA

FILED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Berkeley

STATE

JUL 28 2017

INDICTMENT/CASE#:

2016GS-47-02 (count 1)VS. Emory Warren Roberts JAMES R. PARKS

AW#:

Direct Presentment

AKA:

CLERK, STATE GRAND JURY

Date of Offense:

1/1/2015 - 4/12/2016

Race:

13

Sex:

M

Age:

S.C. Code §:

44-53-370(e)(3)(c)

DOB:

SS#:

CDR Code #:

0149

Address:

City, State, Zip:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

SENTENCE SHEET

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

☒ CONVICTED OF or ☐ PLEADS

TO:

Transporting Illegal Drugs (Heroin) 28 grams or more (conspiracy)

In violation of §

44-53-370(e)(3)(c)

of the S.C. Code of Laws, bearing CDR Code #

0149☐ NON-VIOLENT☒ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

76207

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections☐ County Detention Center,

for a determinate term of

25

days/months/years of

☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:all 7/28/17☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total:

\$

plus 20% fee:

\$

days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPSObtain GED ☐

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date

Plea Accepted Date(if different):

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

§14-1-211 (A)(2)(DUI Surcharge)

\$100

§56-5-2995 (DUI Assessment)

\$12

§56-1-286 (DUI Breath Test)

\$25

Proviso 61.6 (Public Def/Probation)

\$500

§14-1-212 (Law Enforce. Funding)

\$25

§14-1-213 (Drug Court Surcharge)

\$150

§50-21-114 (BUI Breath Test Fee)

\$50

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

3% to County (if paid in installments)

\$

TOTAL

\$

798.25

Clerk of Court/Deputy Clerk

Court Reporter:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Berkeley**FILED**

STATE

JUL 28 2017

INDICTMENT/CASE#: 2016-GS-47-02 (count 11)VS. Emory Warren Roberts
AKA: "Q" JAMES R. PARKSAW#: Direct PresentmentRace: B Sex: M CLERK, STATE GRAND JURYDate of Offense: 1/7/2016

DOB: _____ SS#: _____

C. Code §: 44-53-370(b)(1)

Address: _____

CDR Code #: 0183

City, State, Zip: _____

SENTENCE SHEET

DL# _____ * SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

☒ CONVICTED OF or ☐ PLEADSTO: Distribution of HeroinIn violation of § 44-53-370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 76207

Assistant Attorney General SC Bar # _____ Defendant Attorney for Defendant SC Bar # _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____, provided that upon the service of _____ days/months/years and or payment of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all 7/28/17☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____
Substance Abuse Counseling ☐

*Fine:		S	
§14-1-206 (Assessments 107.5%)		S	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	S	<u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	S	
§56-5-2995 (DUI Assessment)	\$12	S	
§56-1-286 (DUI Breath Test)	\$25	S	
Proviso 61.6 (Public Def/Probation)	\$500	S	<u>500.00</u>
§14-1-212 (Law Enforce. Funding)	\$25	S	<u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	S	<u>150.00</u>
§50-21-114 (BUI Breath Test Fee)	\$50	S	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	S	
3% to County (if paid in installments)		S	<u>23.25</u>

TOTAL S 798.25Clerk of Court/Deputy Clerk Maryann J. SetzCourt Reporter: Karen AndersonRandom Drug/Alcohol Testing ☐
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____
S _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.Presiding Judge [Signature]Judge Code: 2128Sentence Date 7/28/17

Plea Accepted Date(if different): _____

STATE OF SOUTH CAROLINA

FILED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Berkeley

STATE

JUL 28 2017

INDICTMENT/CASE#:

2016GS 47-02 (Count 12)VS. Emory Warren Roberts

JAMES R. PARKS

AWV#:

Direct PresentmentAKA: 1702 CLERK, STATE GRAND JURY

Date of Offense:

1/19/2016Race: B Sex: M Age:

S.C. Code §:

44-53-370(b)(1)DOB: SS#:

CDR Code #:

0183Address: City, State, Zip: DL# * SID# * CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

☒ CONVICTED OF or ☐ PLEADSTO: Distribution of HeroinIn violation of § 44-53-370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.ATTEST: Robert T. Hines 76207Assistant Attorney General SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed 15 years and/or to pay a fine of \$25,000; provided that upon the service of 15 days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 15 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all of 7/28/17☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedPTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPSRecipient:

*Fine:

§14-1-206 (Assessments 107.5%) \$ §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ §56-5-2995 (DUI Assessment) \$12 \$ §56-1-286 (DUI Breath Test) \$25 \$ Proviso 61.6 (Public Def/Probation) \$500 \$ 500.00§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00§50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 23.25TOTAL \$ 798.25Clerk of Court/Deputy Clerk Margaret J. SeayCourt Reporter: Karen AndersonObtain GED ☐Attend Voc. Rehab. Or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning \$ Paid to Public Defender FundOther:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge AK JooJudge Code: 228Sentence Date 7/28/17Plea Accepted Date(if different):

STATE OF SOUTH CAROLINA

FILED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Berkeley

STATE

JUL 28 2017

INDICTMENT/CASE#: 2016-GS-47-02 (Count 13)VS. Emory Warren Robert JAMES R. PARKS

Direct Presentment

AKA: CLERK, STATE GRAND JURYRace: B Sex: M Age: Offense: 2/2/2016DOB: SS#: S.C. Code §: 44-53-370(6)(1)Address: CDR Code #: 0183City, State, Zip: DL# * SID# *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐**SENTENCE SHEET**

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

☒ CONVICTED OF or ☐ PLEADSTO: Distribution of HeroinIn violation of § 44-53-370(6)(1) of the S.C. Code of Laws, bearing CDR Code # 0183☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Judge T. E. Anderson 76207

Assistant Attorney General

SC Bar # 60

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$25,000; provided that upon the service of 15 days/months/years and or payment of \$, plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all of 7/28/17☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedPTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: Obtain GED ☐☐ Set by SCDPPPSAttend Voc. Rehab. Or Job Corp. Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐*Fine: \$ Random Drug/Alcohol Testing ☐§14-1-206 (Assessments 107.5%) \$

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00pmts. of \$ Beginning §14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \$ Paid to Public Defender Fund§56-5-2995 (DUI Assessment) \$12 \$ §56-1-286 (DUI Breath Test) \$25 \$ 25.00Proviso 61.6 (Public Def/Probation) \$500 \$ 500.00§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00§50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 23.25TOTAL \$ 798.25Clerk of Court/Deputy Clerk Margaret J. SellsCourt Reporter: Karen AndersonPresiding Judge 2128Judge Code: 2128Sentence Date 7/28/17Plea Accepted Date(if different):

FILED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Berkeley

JUL 28 2017

STATE

JAMES R. PARKS

INDICTMENT/CASE#:

2016GS-47-02 (Court 14)

Emory Warren Roberts

CLERK STATE GRAND JURY

Direct Presentment

AKA: _____
 Race: B Sex: M Age: _____
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: _____
 DL# _____ SID# _____
 *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

Date of Offense: 2/5/2016
 S.C. Code §: 44-53-370(e)(3)
 CDR Code #: 2361

SENTENCE SHEETIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: TRAFFICKING HEROIN (4-14 GRAMS)In violation of § 44-53-370(e)(3) of the S.C. Code of Laws, bearing CDR Code # 2361
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

1.6.7.16 76207

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$50,000 provided that upon the service of 15 days/months/years and or payment
 of \$ plus costs and assessments as applicable; the balance is suspended with probation for 2
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all of 7/28/17☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge DRJudge Code: 2128Sentence Date 7/28/17

Plea Accepted Date(if different): _____

TOTAL

\$ 798.25

Clerk of Court/Deputy Clerk

Court Reporter: Maryann J. Sarg
Raven Anderson

FILED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

JUL 28 2017

STATE

JAMES R. PARKS

CLERK, STATE GRAND JURY

2016-GS-47-02 (count 15)

Emory Warren Roberts

AKA: Q
 Race: B Sex: M Age:
 DOB: SS#:
 Address:
 City, State, Zip:

AW#: Direct Regiment
 Date of Offense: 2/8/2016
 S.C. Code #: 16-23-490
 CDR Code #: 0549

SENTENCE SHEET

DL# * SID#
 *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS violent crime
 TO: Possession of a Firearm during Commission of or Attempt to commit a crime
 In violation of S. 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
 (CSC w/minor 1st or Lewd Act)

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: James R. Parks 76207
 Assistant Attorney General SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 9 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$ provided that upon the service of days/months/years and or payment
 of \$ plus costs and assessments as applicable*, the balance is suspended with probation for
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all of 7/28/17
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
 Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐

☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:
 \$14-1-206 (Assessments 107.5%) \$
 \$14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00
 \$14-1-211 (A)(2)(DUI Surcharge) \$100 \$
 \$56-5-2995 (DUI Assessment) \$12 \$
 \$56-1-286 (DUI Breath Test) \$25 \$
 Proviso 61.6 (Public Def/Probation) \$500 \$ 500.00
 \$14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 \$14-1-213 (Drug Court Surcharge) \$150 \$ 150.00
 \$50-21-114 (BUI Breath Test Fee) \$50 \$
 \$56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) \$ 23.25

TOTAL\$ 798.25

Clerk of Court/Deputy Clerk

Court Reporter: Karen AndersonPresiding Judge: DR JossJudge Code: 2128Sentence Date: 7/28/17

Plea Accepted Date(if different):

FILED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Berkeley

JUL 28 2017

STATE

JAMES R. PARKS

INDICTMENT/CASE#: 2016-GS-47-02 (count 16)

VS.

Emory Warren Roberts CLERK, STATE GRAND JURYAW#: Direct PresentmentAKA: "B"Date of Offense: 2/8/2016Race: B Sex: M Age: _____S.C. Code §: 44-53-375(B)

DOB: _____ SS#: _____

CDR Code #: 3198

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐**SENTENCE SHEET**In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Possession w/ Intent to Distribute MethamphetamineIn violation of § 44-53-375(B) of the S.C. Code of Laws, bearing CDR Code # 3198☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense.☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Robert R. Hubbard 76207

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ 25,000; provided that upon the service of 15 days/months/years and or payment of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: Alfred J. MooreJudge Code: 2128Sentence Date: 7/28/17

Plea Accepted Date(if different): _____

*Fine:

§14-1-206 (Assessments 107.5%) S _____

§14-1-211 (A)(1)(Conv. Surcharge) S100 S 100.00

§14-1-211 (A)(2)(DUI Surcharge) S100 S _____

§56-5-2995 (DUI Assessment) S12 S _____

§56-1-286 (DUI Breath Test) S25 S _____

Proviso 61.6 (Public Def/Probation) S500 S 500.00§14-1-212 (Law Enforce. Funding) S25 S 25.00§14-1-213 (Drug Court Surcharge) S150 S 150.00

§50-21-114 (BUI Breath Test Fee) S50 S _____

§56-5-2942(J) (Vehicle Assessment) S40/ea S _____

3% to County (if paid in installments) S 23.25

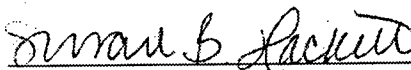
TOTAL

S 798.25Clerk of Court/Deputy Clerk Maryann J. ScottCourt Reporter: Karen Anderson

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

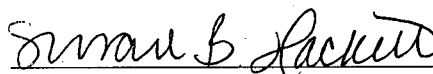
ATTORNEY FOR APPELLANT

This 18th day of September, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 18th day of September, 2018.

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SC Court of Appeals