

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County

Honorable Donald B. Hocker, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**  
FEB 13 2019  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JONATHAN DASHON HELLAMS,

APPELLANT

APPELLATE CASE NO 2018-000940  
\_\_\_\_\_

RECORD ON APPEAL  
\_\_\_\_\_

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STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA, )  
 )  
 PLAINTIFF, )  
 )  
 )  
 -VS- )  
 )  
 JONATHA DASHON HELLAMS, )  
 )  
 DEFENDANT. )  
 \_\_\_\_\_ )

2016-GS-23-02218 - 02219

TRANSCRIPT OF RECORD

MAY 8 - 9, 2018  
GREENVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE DONALD B. HOCKER

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

RYAN HOLLOWAY  
ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

RANDY CHAMBERS, ESQ.

SUSAN W. HUDGINS  
CIRCUIT COURT REPORTER

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1 Tuesday, May 8, 2018:

2 (Whereupon State's exhibits 1 - 11 were marked for  
3 identification)

4 **THE COURT:** Are we ready to do the plea?

5 **MR. CHAMBERS:** Yes, sir.

6 **THE COURT:** All right. Y'all want to come on up,  
7 please. Okay, Madame Clerk.

8 **MADAME CLERK:** Your Honor, in the case of 2016-GS-23-  
9 2218, the State versus Jonatha Dashon Hellams, indicted for  
10 possession of contraband in County prison, pleading to the  
11 same. And this is a true bill.

12 **THE COURT:** Okay.

13 **MADAME CLERK:** Will you raise your right hand? Do you  
14 swear or affirm to tell the truth, the whole truth and  
15 nothing but the truth so help you God?

16 **MR. HELLAMS:** Yes, ma'am.

17 **THE COURT:** Okay. Mr. Chambers, you represent Jonatha  
18 Dashon Hellams?

19 **MR. CHAMBERS:** Yes, Your Honor.

20 **THE COURT:** And you've had an opportunity to explain  
21 this charge to him and his rights that he's giving up as it  
22 relates to this charge?

23 **MR. CHAMBERS:** I have, Your Honor.

24 **THE COURT:** And do you believe he has understood your  
25 explanation?

1           **MR. CHAMBERS:** Yes, sir.

2           **THE COURT:** And I've got one charge that's possession  
3 of contraband by a prisoner. How does he plead to that  
4 charge?

5           **MR. CHAMBERS:** He pleads guilty, Your Honor.

6           **THE COURT:** Okay. And as his attorney do you agree  
7 with his decision to plead guilty?

8           **MR. CHAMBERS:** Yes, Your Honor.

9           **THE COURT:** Okay. Thank you very much. Mr. Hellams,  
10 I'm going to ask you a few questions. And you pay close  
11 attention. Speak up loud when you respond, all right?

12          **MR. HELLAMS:** Yes, sir.

13          **THE COURT:** Okay. You are Jonatha Dashon Hellams?

14          **MR. HELLAMS:** Yes, sir.

15          **THE COURT:** And you're thirty-five years of age?

16          **MR. HELLAMS:** Yes, sir.

17          **THE COURT:** And how far did you go in school?

18          **MR. HELLAMS:** I graduated.

19          **THE COURT:** Okay. All right. Now you just heard your  
20 attorney tell me you're pleading guilty to one charge of  
21 possession of contraband while in County prison, is that  
22 correct?

23          **MR. HELLAMS:** Yes, sir, that is correct.

24          **THE COURT:** Are you pleading guilty because, in fact,  
25 you are guilty?

1           **MR. HELLAMS:** Yes, sir.

2           **THE COURT:** Anyone force you to plead guilty against  
3 your will?

4           **MR. HELLAMS:** No, sir.

5           **THE COURT:** You pleading guilty today freely,  
6 voluntarily and intelligently?

7           **MR. HELLAMS:** Yes, sir.

8           **THE COURT:** Have you consumed any substance within the  
9 last twenty-four hours, alcohol, drugs, medication that  
10 would not only affect your ability to understand these  
11 proceedings, but also affect your ability to make decisions?

12           **MR. HELLAMS:** No, sir.

13           **THE COURT:** All right. For the record, solicitor, if  
14 you'll give me some facts, please.

15           **MR. HOLLOWAY:** Yes, sir, Your Honor. In this case on  
16 11/13/2015 officers with the Greenville City arrested the  
17 Defendant for -- he did traffic in heroin. They arrested  
18 him. He was put into an orange jumpsuit. And on video,  
19 when he's being led from the drug tank in the County jail  
20 you can see him dropping a baggy of what turned out to be  
21 one point seven (1.7) grams of heroin from his pant's leg.

22           **THE COURT:** Okay. All right. Is that a correct  
23 statement of the facts, Mr. Hellams?

24           **MR. HELLAMS:** Yes, sir.

25           **THE COURT:** Okay. Now, of course, you certainly

1 understand that you have a right to a jury trial because we  
2 are going forward on a jury trial on your other charge, but  
3 are you giving up your right to have a jury trial on this  
4 particular charge?

5 **MR. HELLAMS:** Yes, sir.

6 **THE COURT:** Okay. And Mr. Chambers has been  
7 representing you. And have you been satisfied and are you  
8 satisfied with his legal services?

9 **MR. HELLAMS:** Yes, sir, I am.

10 **THE COURT:** Has he done everything you've asked him to  
11 do or expected that he would do on your behalf?

12 **MR. HELLAMS:** Yes, sir, he has.

13 **THE COURT:** Okay. Do you understand, Mr. Hellams, that  
14 if you have a legal basis to challenge this guilty plea that  
15 you're making today that you only have ten days to file a  
16 notice of intent to appeal with the higher court? You  
17 understand that, sir?

18 **MR. HELLAMS:** Yes, sir.

19 **THE COURT:** Have you understood all the Court's  
20 questions?

21 **MR. HELLAMS:** Yes, sir.

22 **THE COURT:** All your answers truthful?

23 **MR. HELLAMS:** Yes, sir.

24 **THE COURT:** Okay. Thank you. Let the record reflect  
25 that there is a factual basis for the plea, the plea has

1 been made freely, voluntarily and intelligently by Mr.  
2 Hellams, and he's done so with competent counsel with whose  
3 services he expresses satisfaction with. All right.

4 We will defer sentencing on this charge. And we'll go  
5 forward in just a little bit on the trial on your other  
6 charge. You understand, Mr. Hellams?

7 **MR. HELLAMS:** Yes, sir, I do.

8 **THE COURT:** Okay. Thank you very much. And you can go  
9 back and have a seat.

10 **MR. CHAMBERS:** Thank you, Your Honor.

11 **THE COURT:** Okay.

12 (Pause)

13 **THE COURT:** Okay. Before we bring the panel in to  
14 qualify and draw a jury, does -- and I've got the State's  
15 witness list. Does either side have any particular voir  
16 dire that you want the Court to consider asking the panel?

17 **MR. HOLLOWAY:** No, sir.

18 **THE COURT:** Okay.

19 **MR. CHAMBERS:** Nothing beyond the standard, Your Honor.

20 **THE COURT:** Sure. Okay. All right. Now, also, based  
21 upon our discussion in chambers there is a, solicitor, a  
22 typo concerning the amount of heroin. It incorrectly states  
23 fourteen point two two (14.22) and that needs to be, I  
24 think, amended without objection from Defense, correct?

25 **MR. CHAMBERS:** That's correct, Your Honor. I would

1 just state for the record, I did a thorough investigation  
2 and research into the matter, and it would appear that this  
3 type of typo is not substantial enough ---

4 **THE COURT:** Right.

5 **MR. CHAMBERS:** --- to warrant quashing the indictment.  
6 And so it would probably be appropriate to amend it. Plus,  
7 I believe at this point they're going to go forward on a  
8 lesser included, ---

9 **THE COURT:** Right.

10 **MR. CHAMBERS:** --- which would be a lesser weight than  
11 the fourteen (14) grams anyway.

12 **THE COURT:** Right.

13 **MR. HOLLOWAY:** Yes, sir, that's correct. If the Court  
14 takes into account the amount of heroin that he had that he  
15 just pled guilty to and subtract that, it would actually  
16 total thirteen point seven eight (13.78) grams of heroin.  
17 That's what we're going to allege ---

18 **THE COURT:** Okay. I'm going to go ahead and just mark  
19 through the indictment and put thirteen point what,  
20 solicitor?

21 **MR. HOLLOWAY:** Seven eight. Thirteen point seven eight  
22 (13.78).

23 **THE COURT:** Thirteen point seven eight (13.78)?

24 **MR. HOLLOWAY:** Yes, sir.

25 **THE COURT:** Okay. Anything we need to -- anything else

1 we need to take up on the record before we get a panel up  
2 here? Anything from the State?

3 **MR. HOLLOWAY:** Your Honor, just -- usually in cases of  
4 this nature where the defendant is facing such significant  
5 time -- I know Mr. Chambers and I didn't go into this, but  
6 the seriousness of the crime, the amount of time he's facing  
7 is not relevant for the jury to hear. I would just ask --  
8 put it out there that Mr. Chambers can't go near that with  
9 the jury.

10 **THE COURT:** Well, I wouldn't -- I wouldn't imagine that  
11 as experienced a lawyer Mr. Chambers is that he would get  
12 into what Mr. Hellams is looking at if he were convicted.

13 **MR. CHAMBERS:** I wouldn't -- I would not do that, Your  
14 Honor.

15 **THE COURT:** I know you wouldn't.

16 **MR. HOLLOWAY:** Thank you, Your Honor.

17 **THE COURT:** Okay. All right. You know, on this,  
18 strikes are five and five. Maybe one of these days the  
19 legislature will take a look at amending the statute on  
20 strikes, but as we all understand, it's five and five.

21 So we're going to need -- let's go with one alternate  
22 just to be on the safe side. Do we usually put the panel on  
23 this side?

24 **THE BAILIFF:** Start over here.

25 **THE COURT:** Okay. So I assume these are witnesses. So

1 if y'all wouldn't mind just switching sides, gentlemen.

2 **THE BAILIFF:** To the back row, please. Thank you.

3 **MR. CHAMBERS:** And, Your Honor, I would -- just to ask  
4 that any witnesses be sequestered at this point.

5 **THE COURT:** All right. Okay.

6 **MR. HOLLOWAY:** Yes, sir. And our case agent is  
7 Investigator Joey Gault.

8 **THE COURT:** Okay. Yeah, your lead investigator  
9 certainly can remain. And, I mean, but these gentlemen are  
10 welcome to stay until it's time to start testimony. Okay.  
11 We'll be at ease for a few minutes until we can get the  
12 panel up.

13 (Whereupon court was in recess at 10:15 am)

14 (Whereupon court reconvened at 10:24 am)

15 (Whereupon the jury panel entered the courtroom at  
16 10:24 am)

17 **THE COURT:** Good morning, ladies and gentlemen.

18 **JURY PANEL:** Good morning.

19 **THE COURT:** If you will recall yesterday, Judge  
20 Stilwell went through a series of questions with you to  
21 determine your general eligibility to sit on any jury in  
22 this State. What we will do this morning is determine your  
23 eligibility and qualifications to sit on a jury -- a case  
24 that will be called for trial. And we'll talk more about  
25 that in a little bit.

1           Let me introduce myself. My name is Don Hocker. I am  
2 a circuit court judge from Laurens, just right down the  
3 road. And I have been assigned by the South Carolina  
4 Supreme Court to preside over a term of court of general  
5 sessions, which is criminal court.

6           Like I mentioned, you've already met Judge Stilwell who  
7 is a resident judge here. And we have several other circuit  
8 court judges that are handling criminal matters as well as  
9 civil matters. Usually when Greenville has court going on,  
10 there are multiple judges present just because of the volume  
11 of work that needs to be done.

12           So I'm glad you're here. And just be at ease. I know  
13 some of you are maybe a little apprehensive, a little  
14 nervous, not having had the opportunity before this week to  
15 be in a courtroom. And if that's the case, just sit back  
16 and relax. We do our very best to try to take care of our  
17 jurors.

18           The case that will be called for trial today is the  
19 State of South Carolina versus Jonatha Dashon Hellams. Mr.  
20 Hellams, if you would just stand and just face towards the  
21 door for just a second so they can -- they can see you.

22           (Pause)

23           **THE COURT:** Okay. Very good. Thank you. You can have  
24 a seat.

25           Let me explain to you, ladies and gentlemen, that Mr.

1 Hellams has been indicted -- has been charged and indicted  
2 with a criminal offense, which I'll explain to you in just a  
3 moment. But let me first emphasize and explain to you that  
4 just because Mr. Hellams has been indicted with a criminal  
5 offense is not proof of the allegations contained in the  
6 indictment. The indictment is merely the formal paper, the  
7 formal document to get a case into court.

8 So the fact that he has been arrested, and charged and  
9 indicted with a criminal offense is not proof whatsoever.  
10 And I'll explain more to you in just a little bit, but the  
11 burden is on the State of South Carolina to prove the  
12 allegations contained in the indictment.

13 But here's the charge. And I'm going to read for you  
14 the indictment in this case. It alleges as follows; that  
15 Jonatha Dashon Hellams did in Greenville County on or about  
16 November 12th, 2015 knowingly sell, manufacture, deliver, or  
17 bring into this State of South Carolina, or did knowingly  
18 provide financial assistance, or otherwise, aid, abet,  
19 attempt, or conspire to sell, manufacture, deliver, or bring  
20 into this State or was knowingly in actual or constructive  
21 possession of more than thirteen point seven eight (13.78)  
22 grams of heroin.

23 This is in violation of section 44-53-370 Code of Laws  
24 for South Carolina. It is those allegations that I have  
25 just read that the burden the State has to prove beyond a

1 reasonable doubt those -- those allegations. And, again,  
2 I'll explain more about that as we go through this  
3 proceeding.

4 But I'm going to ask you a series of questions. And I  
5 don't know, Madame Clerk, were they placed under oath  
6 yesterday during general qualifications? If not, I need  
7 them under oath. Can you handle that, please?

8 (Whereupon the Court was speaking to the Clerk)

9 **THE COURT:** All right. If you'll remember, you were  
10 placed under oath yesterday by Judge Stilwell. So you are  
11 still under oath. And certainly we -- I'm confident that  
12 any responses that you give the Court to the questions I ask  
13 will be completely truthful and accurate.

14 If I ask you a question that you're reluctant to  
15 respond to in front of everybody, I will give you an  
16 opportunity at the end of the question and answer period to  
17 come down and speak with me privately in the presence of the  
18 court reporter and certainly the lawyers, and you can talk  
19 to me privately about the question and answer that you need  
20 to -- you need to give.

21 Any member of the jury panel related by blood or  
22 marriage either now or formerly to Jonatha Dashon Hellams?  
23 If so, please stand.

24 (No response)

25 **THE COURT:** Any member of the jury panel have or had in

1 the past a close personal or social relationship with  
2 Jonatha Dashon Hellams? If so, please stand.

3 (No response)

4 **THE COURT:** Now, I'm going to publish at this time a  
5 list of potential witnesses. When I say potential, they may  
6 or they may not testify in this case. They are as follows;  
7 Investigator Matt Farrar, Investigator Cordell Johnson,  
8 Investigator Jessica McGlothlen, and that's M-c-G-l-o-t-h-l-  
9 e-n, Kara Bennick, James Armstrong, Joel Moffat with the  
10 Greenville County Detention Center, Investigator Joey Gault,  
11 Roy Ponder, Lieutenant Walter Kramer with the Greenville  
12 County Detention Center, William Antley, Greenville County  
13 Detention Center, Investigator Tim Conroy.

14 Any member of the jury panel related by blood or  
15 marriage either now or formerly to any of those potential  
16 witnesses I've just named or any member of the jury panel  
17 have or had in the past a close personal or social  
18 relationship with any of those people I have just named? If  
19 so, please stand.

20 (No response)

21 **THE COURT:** I'm going to give the attorneys who are  
22 involved in this case an opportunity to introduce  
23 themselves. I'll tell you, we have excellent attorneys who  
24 are -- will be participating in this trial. I'll start with  
25 the State.

1           **MR. HOLLOWAY:** Good morning. This is Investigator Joey  
2 Gault. This is my assistant, Ms. O'Donald. And I'm Ryan  
3 Holloway.

4           **THE COURT:** All right. Thank you, solicitor. Defense.

5           **MR. CHAMBERS:** Thank you, Your Honor. Good morning,  
6 ladies and gentlemen. I'm Randy Chambers. I practice law  
7 here in Greenville. I have an office over on Laurens Road.  
8 I also do some part-time work with the Public Defender's  
9 Office here in Greenville. And as you've already heard, I'm  
10 representing Jonatha Hellams, who is seated here beside me.

11           **THE COURT:** Thank you very much. Any member of the  
12 jury panel ever been represented by any of the attorneys  
13 involved in this case? If so, please stand.

14           (No response)

15           **THE COURT:** Any member of the jury panel related by  
16 blood or marriage, either now or formerly, or have or have  
17 had in the past a close personal or social relationship with  
18 any of the attorneys involved in this case? If so, please  
19 stand.

20           (No response)

21           **THE COURT:** Any member of the jury panel already formed  
22 or expressed any opinion about any issue or matter involved  
23 in this case? If so, please stand.

24           (No response)

25           **THE COURT:** Any member of the jury panel aware of any

1 bias or prejudice towards either the State of South Carolina  
2 or the Defendant, Mr. Hellams, in this case? If so, please  
3 stand.

4 (No response)

5 **THE COURT:** Any member of the jury panel -- I know the  
6 answer to this, but I have to ask it anyway. Is there any  
7 member of the jury panel that was a member of the Greenville  
8 County Grand Jury which issued the indictment in this case?  
9 If so, please stand.

10 (No response)

11 **THE COURT:** Any member of the jury panel who is a  
12 member of or a contributor to any group which has as its  
13 primary concern the promotion of law enforcement or victims'  
14 rights? And these groups would include, but certainly not  
15 limited to, and I'll give you the acronyms, MADD, SADD or  
16 CAV. If that applies to you, please stand.

17 (No response)

18 **THE COURT:** Is there any member of the jury panel know  
19 of any reason whatsoever why he or she should not serve as a  
20 juror in this case with particular emphasis being placed on  
21 your ability to be fair and impartial to both the State of  
22 South Carolina and the Defendant, Mr. Hellams?

23 And that's the key, ladies and gentlemen, we want  
24 jurors who are completely fair or can be completely fair,  
25 completely impartial to both sides of this case, but if you

1 believe that there's some reason that would prevent you from  
2 being fair and impartial to both sides, then I need to know  
3 that. If that applies to you, please stand.

4 (No response)

5 **THE COURT:** All right. Now, does anybody need to speak  
6 with me privately, not only with respect to any question  
7 that I asked that you were, for whatever reason, reluctant  
8 to respond to in front of everybody, or if there are  
9 particular concerns or issues that you need -- be brought to  
10 my attention, if anybody needs to speak with me privately,  
11 please stand.

12 (No response)

13 **THE COURT:** All right. Seeing none, does the State  
14 have any additional voir dire that you would like the Court  
15 to ask?

16 **MR. HOLLOWAY:** No, sir.

17 **THE COURT:** Defense?

18 **MR. CHAMBERS:** No, Your Honor.

19 **THE COURT:** Okay. Thank you very much.

20 Now, here's how the process works, ladies and  
21 gentlemen. If your name is called out, you will come down  
22 between the lawyers' tables and stand and turn to face  
23 towards the back door. And you'll hear one of the -- both  
24 lawyers say something to the effect, swear the juror, we  
25 accept the juror or excuse the juror from the trial of this

1 case, words to that effect.

2 If you're not selected, don't take it personally, okay?  
3 Don't take offense to the fact that one of these lawyers did  
4 not select you to be on the jury. They have certain reasons  
5 that they go by in picking a jury. So don't take it --  
6 don't take it personally.

7 I will tell you this, that if you're not selected on  
8 this trial jury, it's my understanding that there's no  
9 further trial work to take place this week. And I think  
10 you'll still have to go back to the jury assembly room, but  
11 then you'll be instructed that you will be free to leave the  
12 courthouse. All right.

13 Madame Clerk, I'm going to turn it over to you, please,  
14 ma'am.

15 **MADAME CLERK:** Juror number 4, Stephanie Anastos.

16 **MR. HOLLOWAY:** Please seat the juror.

17 (Whereupon juror 4, Stephanie Anastos, a white female,  
18 came forward)

19 **MADAME CLERK:** What says the Defendant?

20 **THE COURT:** Okay. Wait for them to come down ---

21 **MR. HOLLOWAY:** Yes, sir.

22 **THE COURT:** --- and turn before you give your  
23 indication, please. All right. Does the State want to say  
24 again?

25 **MR. HOLLOWAY:** Yes, sir. The State said please seat

1 the juror.

2 MADAME CLERK: What says the Defendant?

3 MR. CHAMBERS: Excuse Ms. Anastos from this case,  
4 please.

5 MADAME CLERK: Juror number 105, Richard Kilb.

6 (Whereupon juror 105, Richard Kilb, a white male, came  
7 forward)

8 MADAME CLERK: What says the State?

9 MR. HOLLOWAY: Please seat the juror.

10 MADAME CLERK: What says the Defendant?

11 MR. CHAMBERS: Seat Mr. Kilb, please.

12 MADAME CLERK: Mr. Kilb, if you didn't get your stuff,  
13 you need your stuff ---

14 MR. KILB: No, I'm fine.

15 MADAME CLERK: Okay. This way, sir. And when I call  
16 your number, name, if you could bring your stuff with you to  
17 the front.

18 Number 115, Camilla Lewis. I'm sorry, that's Camille  
19 Lewis. I'm sorry.

20 (Whereupon juror 115, Camille Lewis, a white female,  
21 came forward)

22 MADAME CLERK: What says the State?

23 MR. HOLLOWAY: Please seat the juror.

24 MADAME CLERK: What says the Defendant?

25 MR. CHAMBERS: Seat Dr. Lewis, please.

1           **MADAME CLERK:** Juror number 90, Christopher Howard.

2           (Whereupon juror 90, Christopher Howard, a white male,  
3 came forward)

4           **MADAME CLERK:** What says the State?

5           **MR. HOLLOWAY:** Please seat the juror.

6           **MADAME CLERK:** What says the Defendant?

7           **MR. CHAMBERS:** Seat Mr. Howard, please.

8           **MADAME CLERK:** Mr. Howard, you may have a seat in the  
9 jury box.

10          Juror number 60, Christopher Fiske.

11          (Whereupon juror 60, Christopher Fiske, a white male,  
12 came forward)

13          **MADAME CLERK:** What says the State?

14          **MR. HOLLOWAY:** Please seat the juror.

15          **MADAME CLERK:** What says the Defendant?

16          **MR. CHAMBERS:** Seat Mr. Fiske, please.

17          **MADAME CLERK:** Mr. Fiske, please take a seat in the  
18 jury box.

19          Juror number 30 [sic] Julie Goldstrom.

20          **MS. GOLDSTROM:** What number did you say?

21          **MADAME CLERK:** 30. Oh, I'm sorry, 73. I don't know  
22 where that number came from.

23          (Whereupon juror 73, Julie Goldstrom, a white female,  
24 came forward)

25          **MADAME CLERK:** What says the State?

1           **MR. HOLLOWAY:** Please seat the juror.

2           **MADAME CLERK:** What says the Defendant?

3           **MR. CHAMBERS:** Seat Ms. Goldstrom, please.

4           **MADAME CLERK:** Please have a seat in the jury box.

5           Juror number 64, Johnny Fuller.

6           (Whereupon juror 64, Johnny Fuller, a black male, came  
7 forward)

8           **MADAME CLERK:** What says the State?

9           **MR. HOLLOWAY:** Please seat the juror.

10          **MADAME CLERK:** What says the Defendant?

11          **MR. CHAMBERS:** Seat Mr. Fuller, please.

12          **MADAME CLERK:** Mr. Fuller, please take a seat in the  
13 jury box.

14          Juror number 197, Margaret Taylor.

15          (Whereupon juror 197, Margaret Taylor, a white female,  
16 came forward)

17          **MADAME CLERK:** What says the State?

18          **MR. HOLLOWAY:** Please seat the juror.

19          **MADAME CLERK:** What says the Defendant?

20          **MR. CHAMBERS:** Seat Ms. Taylor, please.

21          **MADAME CLERK:** Ms. Taylor, please take a seat in the  
22 jury box.

23          Juror number 103, Donald Kamb.

24          (Whereupon juror 103, Donald Kamb, a white male, came  
25 forward)

1           **MADAME CLERK:** What says the State?

2           **MR. HOLLOWAY:** Please seat the juror.

3           **MADAME CLERK:** What says the Defendant?

4           **MR. CHAMBERS:** Seat Mr. Kamb, please.

5           **MADAME CLERK:** Mr. Kamb, please take a seat in the jury  
6 box.

7           Juror number 44, Thomas Costigan.

8           (Whereupon juror 44, Thomas Costigan, a white male,  
9 came forward)

10          **MADAME CLERK:** What says the State?

11          **MR. HOLLOWAY:** Please seat the juror.

12          **MADAME CLERK:** What says the Defendant?

13          **MR. CHAMBERS:** Excuse Mr. Costigan from this case,  
14 please.

15          **MADAME CLERK:** Juror number 100, Kenneth Jones.

16          (Whereupon juror 100, Kenneth Jones, a white male, came  
17 forward)

18          **MADAME CLERK:** What says the State?

19          **MR. HOLLOWAY:** Please seat the juror.

20          **MADAME CLERK:** What says the Defendant?

21          **MR. CHAMBERS:** Excuse Mr. Jones from this case, please.

22          **MADAME CLERK:** Juror number 78, Sarah Hamilton.

23          (Whereupon juror 78, Sarah Hamilton, a black female,  
24 came forward)

25          **MADAME CLERK:** What says the State?

1           **MR. HOLLOWAY:** Please seat the juror.

2           **MADAME CLERK:** What says the Defendant?

3           **MR. CHAMBERS:** Seat Ms. Hamilton, please.

4           **MADAME CLERK:** Juror number 203, William Tomberlin.

5           (Whereupon juror 203, William Tomberlin, a white male,  
6 came forward)

7           **MADAME CLERK:** What says the State?

8           **MR. HOLLOWAY:** Please seat the juror.

9           **MADAME CLERK:** What says the Defendant?

10          **MR. CHAMBERS:** Excuse Mr. Tomberlin from this case,  
11 please.

12          **MADAME CLERK:** Juror 127, Susan McCray.

13          (Whereupon juror 127, Susan McCray, a white female,  
14 came forward)

15          **MADAME CLERK:** What says the State?

16          **MR. HOLLOWAY:** Please seat the juror.

17          **MADAME CLERK:** What says the Defendant?

18          **MR. CHAMBERS:** Seat Ms. McCray, please.

19          **MADAME CLERK:** Juror number 6, Julie Andrews.

20          (Whereupon juror 6, Julie Andrews, a white female, came  
21 forward)

22          **MADAME CLERK:** What says the State?

23          **MR. HOLLOWAY:** Please seat the juror.

24          **MADAME CLERK:** What says the Defendant?

25          **MR. CHAMBERS:** Seat Ms. Andrews, please.

1           **MADAME CLERK:** Juror number 1, Maisa Abu-Shanab.

2           Excuse me.

3           (Whereupon juror 1, Maisa Abu-Shanab, a white female,  
4           came forward)

5           **MADAME CLERK:** What says the State?

6           **MR. HOLLOWAY:** Please seat the juror.

7           **MADAME CLERK:** What says the Defendant?

8           **MR. CHAMBERS:** Seat Ms. Abu, please.

9           **THE COURT:** Okay. One alternate.

10          **MADAME CLERK:** Juror number 124, Brady Madson.

11          (Whereupon juror 124, Brady Madson, a white male, came  
12          forward)

13          **MADAME CLERK:** What says the State?

14          **MR. HOLLOWAY:** Please seat the juror.

15          **MADAME CLERK:** What says the Defendant?

16          **MR. CHAMBERS:** Seat Mr. Madson, please.

17          **THE COURT:** Okay, ladies and gentlemen,

18          congratulations. We have selected a jury. What I'm going  
19          to want you to do is go back to the jury room, and I'll give  
20          you an opportunity to kind of get to know each other for  
21          just a little bit.

22          And, secondly, what I want you to do is I want you to  
23          decide among yourselves who will be the foreperson of the  
24          jury. I sometimes pick. Sometimes my law clerk picks.  
25          Sometimes I allow the jury to pick. And in this situation I

1 want you to select the foreperson. Now, if it is a male,  
2 it's called a foreman. Makes sense. If it is a female,  
3 it's forelady.

4 Let me explain to you a little bit the role of a  
5 foreperson of the jury. First of all, I need someone to  
6 serve as the spokesperson between the jury and the Court.  
7 If at any time during the course of this trial there's an  
8 issue that needs to be brought to my attention, then I need  
9 someone to serve as the go-between between the jury and the  
10 Court.

11 Secondly, I will be giving you some instructions. I'm  
12 going to give you one in just a moment. But I need someone  
13 to make sure that all of my instructions are being followed,  
14 even though it's really the responsibility of all thirteen  
15 of you. Primarily I need someone to make sure, to oversee  
16 that all of my instructions are being followed.

17 And, thirdly, when I give you the case to begin your  
18 deliberations, I need someone to organize and get those  
19 deliberations started in order to reach a unanimous verdict  
20 in the case. I'm confident all thirteen of you would make  
21 excellent forepersons, but we can only just have one.

22 So I need for you to go back to the jury room and make  
23 that decision. And once that decision is made, if the name  
24 of the foreperson is written down, there's paper back there  
25 in the jury room, just write it down and give it to the

1 bailiffs so they can give it to me.

2 Now, I'm going to give you your first instruction. And  
3 you're going to hear me tell you this, even though this case  
4 is not going to be a lengthy case, but throughout this whole  
5 proceeding you're going to hear me say this. You can't  
6 begin any discussions among yourselves about anything  
7 related to this case.

8 I realize you know very little, all right, other than  
9 what I've told you, but anything that you have heard, you've  
10 seen, anything related to this case, no discussions can  
11 begin until I instruct you at the end of the case to begin  
12 your deliberations. So talk about anything else, just don't  
13 talk about this case, okay? All right. So if you'll go  
14 back to the jury room. And we'll get you back out in a few  
15 minutes, okay?

16 (Whereupon the jury exited the courtroom at 10:47 am)

17 **THE COURT:** All right. The State have any exceptions  
18 or objections to jury selection?

19 **MR. HOLLOWAY:** None, Your Honor.

20 **THE COURT:** Defense?

21 **MR. CHAMBERS:** No, Your Honor.

22 **THE COURT:** Okay. Thank you very much.

23 All right, ladies and gentlemen, I know that probably  
24 some of you are glad that you were not selected, but I hope  
25 that some of you are disappointed that you were not

1 selected.

2 I don't know exactly what all my good friend, Judge  
3 Stilwell, told you yesterday, but I typically tell jury  
4 panels that we are so fortunate in this country to have the  
5 greatest justice system ever created anywhere in the world.  
6 And jurors play a very vital and important role to the  
7 success of our justice system.

8 I have talked with many jurors over the years who have  
9 served on a jury, and they -- the vast majority have found  
10 the experience to be a good one. Very, very difficult, no  
11 question about that, but a good experience and one in which  
12 they were allowed to learn some things that they did not  
13 know prior to sitting on a jury.

14 So I hope that you folks will have an opportunity  
15 sometime down the road to be summoned back to either this  
16 courthouse, or if you move to another county, to another  
17 courthouse and have an opportunity to sit on a jury whether  
18 it's in the criminal arena or whether it's in the civil  
19 arena.

20 It's my understanding that you need to go back down to  
21 the jury assembly room and you'll receive further  
22 instructions. Have a good afternoon and good remainder of  
23 the week.

24 (Whereupon the remaining jurors exited the courtroom)

25 **THE COURT:** Okay. We're going to take about a ten

1 minute recess. But do we have any other pretrial matters  
2 that we need to deal with other than what we've already  
3 discussed? The State?

4 **MR. HOLLOWAY:** Just very briefly, Your Honor. The  
5 second witness in the case is Mr. Ponder. He's the CI. He  
6 has a prior record. I just would like the Court to clarify  
7 what of his prior convictions that can be probed into,  
8 impeach him with, and can Mr. Chambers talk about the nature  
9 of the priors?

10 I will say this, he does have two charges where he sold  
11 heroin, he pled guilty. And these are the two charges he  
12 was sort of working on, being an informant in this case. He  
13 did -- and I plan to ask him on the stand. He pled to -- he  
14 pled straight-up and what his sentence was. But anything  
15 beyond that, beyond the ten years under Rule 609, anything  
16 that's not a crime of dishonesty, I guess I want to clarify  
17 what Mr. Chambers can go into before he actually takes the  
18 stand.

19 **THE COURT:** Typically it's been my position that you  
20 can, if it is allowable under the rules, that you -- what he  
21 was convicted of, and when that conviction took place and  
22 limited to that and not go into the specifics of the  
23 particular crime or the facts involving the crime. And I  
24 typically don't even allow the sentence that he was -- was  
25 handed down by the court as a result of the conviction.

1 Now, Mr. Chambers, do you want to argue that you should  
2 be allowed to go beyond that?

3 **MR. CHAMBERS:** Only in the two distributions of heroin  
4 cases. And I don't know what the sentence was. What was  
5 his sentence?

6 **MR. HOLLOWAY:** He got two years of home incarceration,  
7 I think, two years probation to follow that. He's actually  
8 completed his HIP sentence already -- probation as of last  
9 week.

10 **MR. CHAMBERS:** I would like to go into the sentence on  
11 that because I think it goes to, you know, he is supposedly  
12 the witness, the person who identified my client as somebody  
13 who was trafficking. And so I think that goes to his motive  
14 as to whether or not to tell the truth. He'd be working  
15 those charges off, as they say, when my client was arrested.

16 And so I would simply, I mean, I don't want to belabor  
17 it. I just want to get into, okay, you didn't go to jail,  
18 basically. You got house arrest for pleading guilty to two  
19 counts of distribution of heroin because you were working  
20 for the police.

21 **THE COURT:** All right. Now, solicitor, I think before  
22 I kind of stated my position you were willing to go into or  
23 at least put on the record what the sentences were for those  
24 convictions, correct?

25 **MR. HOLLOWAY:** Yes, sir.

1           **THE COURT:** Okay.

2           **MR. HOLLOWAY:** I think it's fair for the jury ---

3           **THE COURT:** Okay.

4           **MR. HOLLOWAY:** I think the law is -- it says it as  
5 well. And I misspoke earlier. He didn't plead straight-up  
6 because the State -- I was not the prosecutor on the case,  
7 obviously. But the deal was five years suspended to two  
8 years HIP and probation to follow. That was the agreement  
9 once he, you know, after working with law enforcement.

10           **THE COURT:** Okay. So from what I'm hearing from the  
11 solicitor, he's willing for the sentences to come out. And  
12 that's basically what you want, correct?

13           **MR. CHAMBERS:** Yes, sir.

14           **THE COURT:** Okay. All right. Are the -- the  
15 solicitor's willing to have that brought out, then I'm  
16 certainly not going to prevent that.

17           Now, the actual convictions, is there any dispute about  
18 those fitting within the rule?

19           **MR. HOLLOWAY:** I think they fit within the rule. He  
20 pled guilty March of 2017. Anything beyond that, I think,  
21 the other priors don't meet the definition or what's defined  
22 in Rule 609.

23           **THE COURT:** Okay. Mr. Chambers, any particular  
24 dispute?

25           **MR. CHAMBERS:** Your Honor, it looks like everything

1 else he has is outside the ten years.

2 **THE COURT:** Okay. All right. So it sounds like to me,  
3 gentlemen, that y'all are in agreement.

4 **MR. CHAMBERS:** Yes, sir.

5 **MR. HOLLOWAY:** Yes, sir.

6 **THE COURT:** Okay. Very good. Anything else pretrial  
7 that we need to deal with?

8 **MR. HOLLOWAY:** No, sir.

9 **THE COURT:** Okay.

10 **MR. CHAMBERS:** No, sir.

11 **THE COURT:** All right. Very good! Let's take about a  
12 ten minute break and then we'll get the jury out and get  
13 started.

14 (Whereupon court was in recess at 10:54 am)

15 (Whereupon court reconvened at 11:07 am)

16 **THE COURT:** Okay. You guys ready?

17 **MR. CHAMBERS:** Yes, sir.

18 **MR. HOLLOWAY:** Yes, sir.

19 (Whereupon Court's exhibit 1 was marked)

20 **THE COURT:** Let's bring the jury out, Madame Bailiff.

21 (Whereupon the jury entered the courtroom at 11:09 am)

22 **THE COURT:** Let the record reflect the jury is back in.

23 And it's my understanding that Sarah Hamilton, okay, Ms.

24 Hamilton, you are the forelady of the jury.

25 Evidently you've already been instructed, you will

1 always maintain that front seat there. The alternate, which  
2 is Mr. Madson, you will always maintain that seat there.  
3 Everybody else, you can sit where you'd like. It's not  
4 unusual for a jury to like to sit in the same seats, but  
5 that's totally up to you, however you want to do it. But  
6 the forelady and the alternate will have the assigned seat.

7 Madame Clerk, will you swear the trial jury in, please,  
8 for me.

9 **MADAME CLERK:** Please stand. And the correct response  
10 is I will. Please raise your right hand. You shall well  
11 and truly try the case 2016-GS-23-2219, the State versus  
12 Jonatha Dashon Hellams, indicted for trafficking heroin and  
13 a true verdict rendered according to the law and the  
14 evidence so help you God.

15 **THE JURY:** I will.

16 **MADAME CLERK:** Thank you.

17 **THE COURT:** Thank you, Madame Clerk.

18 Ladies and gentlemen, I'm going to give you just some  
19 preliminary instructions and things to keep in mind as we go  
20 through this case. First of all, it is extremely important  
21 that you pay close attention to everything that goes on in  
22 this trial. You're not permitted to take notes. Therefore,  
23 if you pay close attention and are alert, then hopefully  
24 when you go back into the jury room to begin your  
25 deliberations you'll have a pretty good memory of what was

1 brought out to you.

2       You're certainly not going to remember every single  
3 detail, I understand that, but collectively if everybody has  
4 been alert, paid attention, then you will have a good memory  
5 of what's going on. And the reason for having that good  
6 memory is that you are the sole judge of the facts in this  
7 case. I can't tell you what the facts are because you and  
8 you alone are the sole judge of the facts.

9       Now, the same law that makes you the sole judge of the  
10 facts makes me the sole judge of the law. And I will  
11 instruct you at the end of this case the law applicable to  
12 this particular case.

13       So keep in mind, I can't tell you what the facts are.  
14 Certainly the lawyers are going to try to, in advocating for  
15 the respective side, are going to try to encourage you to  
16 accept what they believe the facts are. But it's ultimately  
17 up to you, okay?

18       Now, let me just remind you once again, as I told you a  
19 little while ago, the fact that Mr. Hellams has been  
20 indicted in this case is not proof whatsoever and has no  
21 bearing on any guilt or innocence on his part. The  
22 indictment contains allegations that it's up to the State to  
23 prove to you beyond a reasonable doubt. So don't use --  
24 don't hold this indictment against Mr. Hellams because it  
25 cannot be.

1           Mr. Hellams has exercised his constitutional right and  
2 has pled not guilty to this charge. And, therefore, that  
3 plea puts the burden of proof on the State to prove this  
4 case to you beyond a reasonable doubt.

5           As Mr. Hellams sits here right now and as he will sit  
6 here throughout this entire trial, he is presumed by law to  
7 be innocent of the charge that's been made against him. And  
8 that presumption of innocence is a very important concept.  
9 And I'll explain all of that to you at the end of the case.

10           Now, there may be times that lawyers will make an  
11 objection to something or tell me, Judge, I have a matter of  
12 law, and it may require me to send you to the jury room.  
13 We'll try to resolve the particular issue up at the bench or  
14 I sometimes will even carry the lawyers out to the hallway  
15 and talk to them.

16           And the reason why we do that is that I may need to  
17 discuss some of the facts with the lawyers to make a ruling  
18 on that legal issue. And I certainly don't want to discuss  
19 the facts in your presence because, again, you are the sole  
20 judge of the facts in this case.

21           As I told you and I will continue to tell you  
22 throughout the case not to start any early discussions about  
23 anything related to this case, that also applies to when we  
24 take a break whether for lunch or break in the evening, not  
25 to do any independent research into anything related to this

1 case. We all recognize we live with -- we have a wealth of  
2 information at our -- just a push of a button via the  
3 internet, social media and the like.

4 It may be tempting to do some sort of research in  
5 someway related to this case. And while the information, if  
6 you were to do that, while the information you receive may  
7 be wrong, it is information that is not provided to you in  
8 this courtroom because your verdict, your decision in this  
9 case has to be based one hundred percent on what is brought  
10 out during this trial. So refrain from doing any of this  
11 research until after this case is over with.

12 And lastly I like to tell jurors this, it's so  
13 important to keep an open mind. Don't pass any judgment,  
14 don't make any decisions until all of the evidence is in,  
15 the lawyers have made their closing arguments to you and I  
16 have instructed you on the law. So very, very important to  
17 keep an open mind, okay?

18 The State have any objections to the Court's  
19 preliminary instructions?

20 **MR. HOLLOWAY:** No, sir.

21 **THE COURT:** Defense?

22 **MR. CHAMBERS:** No, Your Honor.

23 **THE COURT:** Okay. All right. The lawyers now will  
24 make their opening arguments to you. What they tell you is  
25 not evidence in this case. It's just their statement. It's

OPENING STATEMENTS - MR. HOLLOWAY

1 what they believe the evidence will show you and their  
2 respective positions in this case. State ready?

3 **MR. HOLLOWAY:** Yes, sir, Your Honor.

4 **THE COURT:** You may proceed, solicitor.

5 **MR. HOLLOWAY:** Thank you, Your Honor.

6 Good morning.

7 **THE JURY:** Good morning.

8 **MR. HOLLOWAY:** This case occurred about two years ago  
9 back in 2015. This day's been a long time coming for both  
10 sides, the State and the Defendant's.

11 In this case the Defendant is charged with trafficking  
12 in heroin. Most trafficking cases occur through a traffic  
13 stop of some kind and a certain weight of a drug is found in  
14 the vehicle. Sometimes trafficking occurs where someone, a  
15 defendant sells a particular weight of a drug to an  
16 undercover officer or a CI, someone who's a witness in the  
17 case, an informant.

18 Sometimes in cases like this -- Mr. Hellams in this  
19 situation actually brokered a deal with the CI, the  
20 informant. In this case the informant will be here to  
21 testify. He will show you all of his works, everything that  
22 happened to him that led up to him joining with law  
23 enforcement and essentially setting up a deal with Mr.  
24 Hellams and Mr. Hellams' cousin.

25 Now the cousin, his name may come up throughout this

OPENING STATEMENTS - MR. HOLLOWAY

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1 trial. His court date is for a different date. We're not  
2 talking about what happened to him or the status of his  
3 case. Today we're here to talk about Mr. Hellams'  
4 involvement of this situation that occurred about two and a  
5 half years ago.

6 Throughout this trial you will hear from law  
7 enforcement witnesses, the informant. You will hear from  
8 someone who kind of handles evidence for the sheriff's  
9 office or the City of Greenville. You'll hear from a  
10 chemist.

11 Throughout this trial you'll hear, you know, things  
12 about the chain of custody. And you maybe ask yourself,  
13 what does it mean? Well, chain of custody is a process by  
14 which law enforcement takes to best assure to a jury that  
15 the evidence is credible, that it was not tainted.

16 Now, why would Mr. Ponder agree to broker a deal with  
17 Mr. Hellams? He'll tell you -- point blank he'll tell you,  
18 he, himself, was charged with selling the same stuff. He  
19 was charged with selling heroin. He's in trouble.

20 And he does what a lot of the people in this position  
21 -- there is no honor among thieves and certainly not the  
22 guys who deal with heroin. He wanted to save his own skin.  
23 He'll tell you that on the stand. In fact, I dare say when  
24 he takes the stand in a bit, he's going to be very nervous  
25 or angry about even having to be here. In this situation he

OPENING STATEMENTS - MR. HOLLOWAY

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1 knows he's in trouble. So he decides to save his own skin.

2 And the officer in the case, Joey Gault, who will  
3 testify shortly, asks him who can you get? And one thing to  
4 remember in this situation when it involves informants and  
5 trafficking in heroin, it's all about weight. It's all  
6 about the volume of the drugs.

7 Mr. Ponder, the informant, had sold a little bit of  
8 heroin. And officers were wanting to know, can you get  
9 somebody who sells a greater volume in heroin? He said a  
10 man named "J". Now, Investigator Gault will explain to you  
11 the process by which that he went through to identify who  
12 "J" was, Jonatha Hellams. His name's Jonatha, not Jonathan.

13 The informant and Investigator Gault called Mr.  
14 Hellams. It is his voice on the CD that you will hear  
15 today. The Defendant set up the location of the buy, the  
16 price for the heroin, just short of half an ounce of heroin,  
17 thirteen point seven eight (13.78) grams. That was set by  
18 his cousin.

19 In the meantime Mr. Hellams is on the phone with the  
20 informant on the recording you will hear today. The  
21 Defendant's relaying this information as sort of a buffer.  
22 In the Godfather part 2 they talk about buffers in any  
23 situation that may involve a criminal enterprise. Well, Mr.  
24 Hellams was the buffer. At the conclusion -- throughout the  
25 trial and at the conclusion of the State's case I will give

OPENING STATEMENTS - MR. HOLLOWAY

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1 you my theory on why he was the buffer for Mr. Weir, the  
2 cousin.

3 You will hear from law enforcement, you will hear from  
4 the informant himself, you will hear evidence that shows the  
5 evidence was taken care of throughout the -- from the time  
6 it was obtained. You'll hear from officers who say that  
7 when the location was set that Mr. Hellams arrived in one  
8 vehicle and Mr. Weir arrived in a second vehicle, and  
9 arrived at this location at roughly the same time, almost  
10 simultaneously. And once Mr. Hellams and Mr. Weir got out  
11 of their vehicles, officers moved in and found the heroin.

12 Now the law of trafficking -- I will say this,  
13 throughout this trial and even -- sometimes the Defense,  
14 they may give an opening statement and they may tell you  
15 what our burden of proof is. He may try to explain to you  
16 what our burden of proof is. We freely accept that burden  
17 of proof. It's beyond a reasonable doubt. We're here to  
18 prove the Defendant was trafficking in heroin on this date,  
19 two and a half years ago.

20 Now, what is trafficking? Trafficking can be  
21 delivering the drug. It can be conspiring to deliver, in  
22 this situation, more than four (4) grams of heroin. Keep in  
23 mind that for possession weight of heroin it is point one  
24 three (.13) grams or less. Anything more than that becomes  
25 possession with intent to distribute.

OPENING STATEMENTS - MR. CHAMBERS

1           The law of South Carolina says four (4) grams becomes  
2 trafficking weight. The Defendant brokered a deal to sell  
3 thirteen point seven eight (13.78) grams of heroin, well  
4 beyond, three times the amount for trafficking weight, a  
5 hundred times more than possession weight.

6           The law of trafficking is aiding and abetting,  
7 attempting to do these things. The Judge will instruct you  
8 on what the law is. My role as the attorney for the State  
9 of South Carolina, I will advocate my position as zealously  
10 as Mr. Chambers will for his client. We both will argue our  
11 versions of the facts and what they mean.

12           And certainly at the end of this case you will decide  
13 is the Defendant guilty? So we do accept this burden of  
14 proof. We do believe that he is guilty of trafficking  
15 heroin.

16           I can say -- I think I can speak for both of us that we  
17 appreciate your time. This is an important case for the  
18 State. It's an important case for Mr. Hellams. We  
19 appreciate everything you're doing. Thank you.

20           **THE COURT:** Thank you, solicitor. Mr. Chambers, you  
21 ready?

22           **MR. CHAMBERS:** Thank you, Your Honor. May it please  
23 the Court, solicitor, and ladies and gentlemen?

24           As you were introduced to him at the outset, this is  
25 Jonatha Hellams seated over beside me. You've heard him be

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1 referred to as the Defendant. You're going to continue to  
2 hear him referred to as the Defendant.

3 And as the solicitor already alluded to, he has been  
4 waiting for this day for about a year and a half now. This  
5 happened back on November the 12th of 2017. Jonatha was  
6 arrested at the Burger King on Laurens Road down there where  
7 the Olive Garden is, you know, where Verdae intersects with  
8 Laurens. Most of you are probably familiar with it if  
9 you've lived in Greenville for any amount of time. Fairly  
10 busy area. Several restaurants, lots of businesses down  
11 there.

12 And what you're going to hear as the solicitor puts up  
13 their case -- and I already know a little bit about it  
14 because we have this discovery process that we go through  
15 beforehand. But like you, you know, I wait to see the case  
16 that they put up and we'll all listen together. But there  
17 are some things, I think, that as you listen are going to be  
18 abundantly clear.

19 Willis Weir, who is the cousin, and I think that term  
20 is a loose term. I don't know that they're actually even  
21 kin to each other. But Willis Weir is the only person who  
22 had the heroin that is referenced in this indictment, the  
23 thirteen point seven (13.7) grams, all found on Willis Weir,  
24 in his physical possession.

25 Willis Weir also had one thousand, two hundred and

OPENING STATEMENTS - MR. CHAMBERS

1 seventy-five dollars (\$1,275.00) in cash in his possession.  
2 Clearly Willis Weir on that evening was trafficking in  
3 heroin, and he was arrested.

4 You will hear that Jonatha Hellams had -- did not have  
5 any of that on him and did not have any of that money on  
6 him. And so their claim is and what they have to prove to  
7 you beyond a reasonable doubt is that he's somehow involved  
8 in selling of this heroin, because he didn't possess it.  
9 And they can't say he possessed it.

10 And he didn't have the money. And they can't say he  
11 didn't have -- that he had the money. So it all comes down  
12 to this sort of aiding and abetting thing. And you have to  
13 find that beyond a reasonable doubt.

14 Now, they weren't the only two people there. There  
15 were three people in Jonatha's car. And one of whom was a  
16 girl named Kendra. And then there were other people that  
17 were there with Mr. Weir. And you'll hear that the police  
18 were watching all of this. So they saw everything that was  
19 going on.

20 And you'll hear that Mr. Weir actually got out, went  
21 into the Burger King, was in there for a little bit, came  
22 out. And it wasn't until then that he was greeted by Mr.  
23 Hellams because Jonatha knows him. They went up, they  
24 greeted, they talked. There was no exchange of anything.  
25 If there was, the police would have seen it. And I don't

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1 believe they're going to testify to there being any kind of  
2 exchange or anything between people.

3 And this Mr. Ponder, who you heard about, was not  
4 present on the scene at all. So the person for whom this  
5 deal was supposedly set up, not even there.

6 So we believe based on what we know about the case that  
7 there's going to be lots of loose ends. And we don't  
8 believe they're going to be able to tie up those loose ends.

9 Now, the solicitor talked a little bit about their  
10 burden. And he stated we believe he's guilty. Well, I  
11 don't doubt that. But the fact that they believe he's  
12 guilty is not enough.

13 You're here as His Honor has already told you, as the  
14 triers of the fact. You will determine what the facts are  
15 in this case. And you will do it based on the evidence that  
16 they're going to present to you. That's the evidence that  
17 comes primarily from this witness stand.

18 And one of the things that all of you are going to do  
19 is something all of you are already very good at, and that  
20 is to judge the demeanor of each and every person that gets  
21 up there and testify. Do I believe this person? And is  
22 what this person's saying corroborated by other evidence?  
23 Or do they have a motive to tell me something other than the  
24 truth in this case?

25 The fact that the police and prosecutor may believe

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1 that he's guilty is completely irrelevant. People can  
2 believe a lot of things that ultimately aren't true. And  
3 you're not merely here to decide the difference, you know,  
4 between who do I believe the most.

5 If we were in civil court, that's exactly what you'd be  
6 trying to do. There, a plaintiff who's bringing a case,  
7 sometimes very important cases, that involve millions of  
8 dollars and people that have been maimed, killed, they have  
9 to prove their case only by a preponderance of the evidence.  
10 In other words, the greater weight.

11 We think about a scale, sort of metaphorical scale, the  
12 plaintiff would only have to tip it ever so slightly in his  
13 favor for you to come back and find in the plaintiff's  
14 favor. Then you would determine what the damages were.

15 There are other courts and tribunals where the standard  
16 of proof is by clear and convincing evidence. And that  
17 sounds like a significant burden, and it is, but the  
18 greatest burden, that's beyond a reasonable doubt, is  
19 reserved for general sessions or criminal court.

20 And the reason for that is this is the only court that  
21 can deprive a person of their liberty. This is the only  
22 court that can lock somebody away from their friends and  
23 loved ones for a significant period of time.

24 Our very wise forefathers put this system in place.  
25 And it is an important system. It is a check on government

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1 powers, an overreach. It is so important that John Adams,  
2 who was the second President of the United States said that  
3 it is the very heart and lungs of liberty. And I'm not here  
4 to give you a civics lesson, but I think that hammers home  
5 how important this is.

6 I know that some of you came in here believing that  
7 when the police and the prosecutor have deemed it  
8 appropriate to charge somebody and bring them to trial that  
9 they're probably guilty. That's common. Almost as common  
10 as the phrase of innocent until proven guilty, which we all  
11 hear and kind of take for granted. But today is where you  
12 get to put that into action.

13 And one of the things that gives me solace, and I've  
14 been doing this for a while, is that I know that all of you  
15 will take that burden seriously. Even if you came in here  
16 believing that a person sitting over there as a defendant is  
17 probably guilty or he wouldn't be there, you're going to do  
18 what you took an oath to do, and that is you are going to  
19 hold them to this burden.

20 Now it's something that's hard to define, this  
21 reasonable doubt. His Honor is going to tell you something  
22 along the lines that their proof is proof that would leave  
23 you firmly convinced.

24 Well, when you look those words up it basically means  
25 definitely sure. Are you definitely sure? Not sure beyond

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1 any doubt, because if we wanted to we could convince  
2 ourselves that the sun's not going to come up. You know,  
3 there are people, in fact, apparently a fairly significant  
4 number of people who believe that the towers coming down on  
5 9/11 was an inside job, and they believe it with all their  
6 heart, but I think most of us would look at that and say  
7 that's not reasonable.

8 At the end of the day is there the doubt that would  
9 cause you to hesitate to act? Is there a doubt that would  
10 be such if you had to bet something that's very near and  
11 dear to you, something very valuable, would you do it?  
12 That's what we're talking about. And you can only do this,  
13 ladies and gentlemen, after they have put up their case and  
14 you have everything in front of you.

15 And they get to determine what evidence is going to  
16 come to you and who it's going to come from because they do  
17 have this burden of proof. We don't have the responsibility  
18 to put up anything. In fact, we may not. That remains to  
19 be seen.

20 But I can tell you that Mr. Hellams appreciates each  
21 and every one of you being here. This has been hanging over  
22 his head now for about a year and a half. And while he's  
23 very nervous about it, because who wouldn't be, he is glad  
24 that you're here so that this can be resolved and he can get  
25 on with his life. Thank you very much.



JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

1, investigations, can you sort of describe what investigations  
2 you guys do?

3 A. Mainly drug distribution cases, possession with intent  
4 to distribute, trafficking cases and also work those cases  
5 to the -- the furthest extent possible so that we can  
6 recover the most drugs and get the most responsible folks  
7 off the street.

8 Q. Okay. And have you -- what sort of drugs do you -- I  
9 guess what are the most common drugs that are trafficked in  
10 Greenville County from your experience?

11 A. My experience it would be -- marijuana would be the  
12 most, most common. We are seeing an increase in heroin  
13 trafficking for various reasons. But heroin is on the  
14 upswing.

15 Q. Okay. And in this particular case you had an occasion  
16 to meet a gentleman named Roy Ponder. Can you describe that  
17 for the jury?

18 A. Yes, sir. Roy Ponder was the subject of a heroin  
19 investigation in which several controlled purchases were  
20 made from Mr. Ponder. Mr. Ponder was arrested, and we  
21 interviewed him following his arrest in an effort to further  
22 the investigation and essentially get another rung up the  
23 ladder of the drug distribution organizations.

24 Q. How many -- how many buys did you arrest Mr. Ponder  
25 for?

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 A. Two.

2 Q. Okay. Did those buys involve Mr. Hellams or anybody  
3 else with this case?

4 A. No, sir.

5 Q. How much heroin did he sell?

6 A. It was less than four (4) grams. I don't remember the  
7 exact amount.

8 Q. Was it under a gram?

9 A. It may have been under a gram. I don't remember  
10 exactly.

11 Q. Okay. When you -- when you arrested -- I assume you  
12 arrested Mr. Ponder or was it someone else -- someone else  
13 in your department?

14 A. He was arrested, yes, sir.

15 Q. All right. When you arrested him can you describe for  
16 the jury -- how did it come out that he might do some work  
17 for Vice?

18 A. After he was arrested we, of course, advised him of his  
19 Miranda rights and offered him an opportunity to speak with  
20 us about his source of heroin. He indicated that he did  
21 want to discuss that with us. So he was brought from his  
22 apartment and escorted to the Vice and Narcotics office  
23 where we conducted the interview.

24 Q. Okay. What, if any, promises did you make to him or  
25 deals?

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

1 A. There were no promises made to him. We explained to  
2 him that should he choose to cooperate and assist us in  
3 furthering the investigation that we would make his  
4 cooperation known to the court, but we made it very clear  
5 that we were not promising him any type of special treatment  
6 for his cooperation.

7 Q. Who was the prosecutor on his case?

8 A. I don't recall.

9 Q. Was it me?

10 A. On Ponder?

11 Q. Yes.

12 A. May have -- may have been. I don't recall.

13 Q. Okay. Joyce Monts?

14 A. That sounds -- that sounds familiar.

15 Q. Okay. Describe what you did to -- first off, did he  
16 throw out names to you or did you throw out names to him of  
17 possible targets?

18 A. He provided information to us. We didn't ask him about  
19 any specific targets. His source, he indicated to us, was a  
20 guy named "J".

21 Q. Okay. At first did you know who "J" was?

22 A. I did not.

23 Q. Okay. Did he tell you "J's" real name?

24 A. No. He didn't know "J's" real name. He just referred  
25 to him as "J".

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 Q. Okay. What steps did you take to identify who "J" is?

2 A. Mr. Ponder provided us with a phone number that he had  
3 used to contact "J" in the past. We obtained that phone  
4 number. Weren't able to get any lead on who "J" was using  
5 his phone number.

6 Mr. Ponder did tell us that he knew where "J" lived.  
7 And so myself and Detective Estes escorted Mr. Ponder to the  
8 area of [REDACTED] Alpha Drive in Greenville. And Mr. Ponder  
9 pointed out that residence to be the residence where "J"  
10 lives.

11 Q. Okay. And how did you determine or make the connection  
12 between that residence and Mr. Hellams?

13 A. We conduct checks through a program we call -- it's  
14 called Accurate. It uses public information index, utility  
15 information. And so we frequently use that when we have an  
16 address and we're looking for a suspect. Mr. Hellams was  
17 tied to [REDACTED] Alpha Drive through that system.

18 Q. And how was he tied?

19 A. I don't recall exactly. Again, I don't know what  
20 specific records, you know, were brought back. Accurate  
21 uses various utility records and public service records. So  
22 I'm not sure exactly what type of record it was.

23 Q. And was -- on what day was all this going on? The  
24 arrest of Mr. Ponder, and researching, going back to his  
25 residence, what day was that on?

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

1 A. That was on -- may I refer to my notes?

2 Q. Sure. Yes.

3 A. November the 12th, 2015.

4 Q. All the same day?

5 A. Yes, sir.

6 Q. Okay. When did you begin to work with Mr. Ponder about  
7 doing a buy with "J"?

8 A. Immediately after his arrest on that day.

9 Q. What did you do? What steps did you take with Mr.  
10 Ponder to conduct that transaction?

11 A. Again, once we determined Mr. Hellams to be a suspect  
12 in the case, we obtained a photograph of Mr. Hellams, put  
13 him in a six-person photo line-up and we presented the line-  
14 up to Mr. Ponder.

15 Now, prior to presenting the line-up to him, we  
16 explained to him that "J" may or may not be included in the  
17 line-up and that Mr. Ponder didn't need to feel compelled or  
18 pressured to pick anyone from the line-up, that "J" may not  
19 be in there.

20 Q. Did he pick somebody?

21 A. He did.

22 Q. Okay. And how positive was he?

23 A. One hundred percent.

24 Q. Investigator Gault, I'm going to show you what's been  
25 premarked as State's exhibits 2, 3 and 4. Can you identify

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 those for the jury?

2 A. Yes, sir. Exhibit 2 is the affidavit of photograph  
3 identification. This is a form that we use to advise the  
4 person that's going to be seeing the line-up that they don't  
5 need to feel compelled to pick anyone. It also gives them  
6 the opportunity to sign and positively identify someone.

7 Q. Okay. And who -- this is what you conducted with Mr.  
8 Ponder, is that right?

9 A. That's correct.

10 Q. Okay. Who signed it?

11 A. Mr. Ponder did.

12 Q. Okay. And is this where you signed it as well?

13 A. My signature down at the witness block, yes, sir.

14 Q. Okay. And this is done on what date?

15 A. This was done on November the 12th, 2015.

16 Q. Okay. And you're pointing at State's exhibit 2 for the  
17 record?

18 A. Yes, sir.

19 Q. And can you describe exhibit 3 for the jury?

20 A. Yes, sir. Exhibit 3 is a photograph of six similar  
21 looking individuals. The -- this particular form does not  
22 have any names associated with the pictures because we don't  
23 want that to play into someone's decision into picking  
24 someone or not. So they're -- each photo is marked with a  
25 number so that we could help identify that particular person

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

1 for sure.

2 Q. Okay. And where -- how do you come up with a photo  
3 line-up? Can you explain that?

4 A. There's a photo program that we use called MugShots.  
5 They're mug shots that are taken from the arresting booking  
6 photos at the detention center. And the program uses some  
7 type of algorithm that's way above my head. If you pick a  
8 particular person, you can find similar images associated  
9 with that particular person.

10 Q. Okay. If you, I mean, for example, if you pick an age  
11 range, gender, race sort of thing, is that correct?

12 A. Right. Yeah, there are all kinds of criteria you can  
13 use to narrow your search.

14 Q. Tattoos, maybe?

15 A. Tattoos and hairstyles, things like that.

16 Q. Do the photos conceal whether the people in there have  
17 ever -- does it show the clothing that they're wearing?

18 A. It shows a black kind of -- kind of coverall, almost  
19 like what they would put on you at the barber shop to try to  
20 make the pictures look as similar as possible.

21 Q. Okay. And which photo did Mr. Ponder pick?

22 A. He picked photo number 2.

23 Q. Okay. Now, he didn't know initially who that person --  
24 as far as the real name, he just knew that that's the guy  
25 named "J"?

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 A. Correct. I presented this to him, and asked him that if  
2 he recognized Mr. Hellams to please circle that, and he did.

3 Q. Okay. And do State's exhibits 2, 3 and 4, do they  
4 fairly and accurately depict the photo line-ups -- photo  
5 line-up and the affidavits you conducted in this case?

6 A. Yes, sir.

7 **MR. HOLLOWAY:** Your Honor, I'd ask to move these into  
8 evidence.

9 **MR. CHAMBERS:** No objection, Your Honor.

10 **THE COURT:** All right. Without objection number 2, 3  
11 and 4 into evidence for the State.

12 (Whereupon State's exhibits 2, 3 and 4 were admitted  
13 into evidence)

14 Q. Did you eventually tell Mr. Ponder who it was?

15 A. I did.

16 Q. Okay. And from there what did you do with Mr. Ponder?

17 A. At that point I allowed Mr. Ponder the opportunity to  
18 conduct some recorded phone calls ---

19 Q. Okay.

20 A. --- in an effort to set up a direct transaction with  
21 Mr. Hellams.

22 Q. And who came up with the phone number for Mr. Hellams?

23 A. That was the number provided to me by Ponder.

24 Q. Okay. And can you describe sort of how things went  
25 with these phone calls?

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 A. Yes, sir. Initially Mr. Ponder made a phone call to  
2 Mr. Hellams and inquired about, you know, the possibility of  
3 purchasing some heroin. There were several calls made over  
4 the span of about an hour, maybe a little more. But there  
5 was an agreement made that Mr. Hellams could assist Mr.  
6 Ponder in obtaining fourteen (14) grams of heroin.

7 At one point, I believe it was in the first call, Mr.  
8 Hellams mentioned that his cousin was in town and had some  
9 good stuff. So that meant, to me, that he had some good  
10 product available.

11 Q. Who is the cousin?

12 A. Later to find out it would be Willis Weir.

13 Q. Okay. And how much -- how much heroin did Mr. Hellams  
14 agree to sell to Mr. Ponder?

15 A. Half an ounce or fourteen (14) grams.

16 Q. Okay. And what is -- what does the law say regarding  
17 the level at which it becomes a trafficking weight?

18 A. More than four (4) grams.

19 Q. Okay. Investigator Gault, I'm going to hand you what's  
20 been premarked as State's exhibit 1. Can you identify this  
21 for the jury?

22 A. Yes, sir.

23 Q. Okay. And what is that?

24 A. State exhibit 1 is a CD disk containing the recorded  
25 phone calls made by Mr. Ponder to Mr. Hellams.

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 Q. And you've actually listened to that CD?

2 A. Yes, sir.

3 Q. And the things that you'd hear on there, are they a  
4 fair and accurate, you know, a fair and accurate copy of  
5 recordings, the calls between Hellams and the CI?

6 A. Yes, sir.

7 Q. Okay.

8 **MR. HOLLOWAY:** Your Honor, I'd ask to move this into  
9 evidence.

10 **MR. CHAMBERS:** No objection, Your Honor.

11 **THE COURT:** All right. Without objection, number 1  
12 into evidence for the State.

13 (Whereupon State's exhibit 1 was admitted into  
14 evidence)

15 **MR. HOLLOWAY:** Thank you. And I would ask to publish.

16 **THE COURT:** Certainly. About how long is the total  
17 recordings, roughly, just for my information?

18 **MR. HOLLOWAY:** Five or ten minutes, maybe.

19 **THE COURT:** Okay. All right. Very good. Thank you.

20 (Whereupon State's exhibit 1 was played for the jury)

21 (Whereupon the CD was paused)

22 Q. Before I go on, when he said fourteen (14), does he  
23 mean fourteen dollars (\$14.00) or what amount?

24 A. He means fourteen hundred dollars (\$1400.00).

25 (Whereupon the CD resumed)

JOEY GAULT - DIRECT EXAMINATION BY MR. HOLLOWAY

1 (Whereupon the CD was stopped)

2 Q. All right. The location of the exchange or drop, where  
3 was that?

4 A. It was at the Burger King on Laurens Road.

5 Q. And in what County is that located?

6 A. Greenville County.

7 Q. Now during the phone call where were you and Mr.  
8 Ponder?

9 A. We were at the Vice and Narcotics office.

10 Q. Okay. Why didn't you bring Mr. Ponder to the scene?

11 A. For his general safety, so that we could control the  
12 context -- relatively control the context of the  
13 conversations with Mr. Ponder and Mr. Hellams.

14 Q. Okay. And was he ever brought out there that evening?

15 A. Mr. Ponder?

16 Q. Yes.

17 A. Was not ever brought out there.

18 Q. All right. Now, as the lead agent in the case where  
19 was -- well, first off, was heroin found?

20 A. Yes, sir.

21 Q. Okay. And who had the heroin?

22 A. Willis Weir.

23 Q. Okay. And what vehicle was he in?

24 A. I don't have in my report and in my notes what vehicle  
25 he was in, but it's -- there's a detailed sketch in there

JOEY GAULT - CROSS EXAMINATION BY MR. CHAMBERS

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1 that Detective Farrar did that -- what I would have to refer  
2 to to be sure.

3 Q. And just from hearing the recording, it sounds like  
4 both parties, Hellams and Weir, arrived in separate  
5 vehicles?

6 A. Yes, sir.

7 Q. Thank you very much.

8 **MR. HOLLOWAY:** That's all I have for this witness ---

9 A. Yes, sir.

10 **MR. HOLLOWAY:** --- at this time.

11 A. You're welcome.

12 **Cross Examination by Mr. Chambers:**

13 Q. Did you ever go out to the Burger King?

14 A. Yes, sir, I did.

15 Q. And was everybody still on-scene when you got out  
16 there?

17 A. Yes, sir.

18 Q. And you spoke to Mr. Weir, didn't you?

19 A. I believe I did, yes, sir.

20 Q. And you can look at your report if you need to.

21 A. Sure.

22 Q. He said to you very adamantly on several occasions, and  
23 I'm -- this is a quote, I believe, from your report, all  
24 that shit's mine, ---

25 A. Um-hum (affirmative).

JOEY GAULT - CROSS EXAMINATION BY MR. CHAMBERS

1 Q. --- talking about the heroin, right?

2 A. Correct.

3 Q. So -- and he was adamant about that. He said it not  
4 once, but several times, correct?

5 A. Correct.

6 Q. He didn't -- he was taking responsibility for every bit  
7 of it, then?

8 A. He said, all that shit is mine, yes, sir.

9 Q. Okay. And you indicated that there were several people  
10 in each car, but you're not sure who was in each car?

11 A. Correct.

12 Q. But those people were still on-scene when you got  
13 there, correct?

14 A. Yes, sir.

15 Q. So in each one of the vehicles there were several  
16 people?

17 A. Correct.

18 Q. But you didn't make -- you didn't make this diagram,  
19 correct?

20 A. That is correct.

21 Q. So you're not sure about who was in each car?

22 A. Correct.

23 Q. Do you know that there was -- well, I guess I can get  
24 into that with Detective Farrar when he testifies. Mr.

25 Hellams -- now, when you first met Mr. Ponder, it was

JOEY GAULT - CROSS EXAMINATION BY MR. CHAMBERS

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1 because he had been arrested for distribution of heroin,  
2 correct?

3 A. Yes, sir.

4 Q. And you said that you didn't make any deals with him,  
5 but you did tell him that you would -- that he would be  
6 looked upon favorably if he helped y'all, correct?

7 A. I told him that his cooperation in furtherance of  
8 another investigation, we would make that known to the court  
9 and that that would be considered by the court.

10 Q. And are you personally aware of whether or not he has  
11 pleaded guilty and been sentenced in this case?

12 A. He has.

13 Q. And he did not go to jail, did he?

14 A. He did go to jail.

15 Q. I thought he got house arrest.

16 A. The night of the incident following this, he went to  
17 jail.

18 Q. Okay. But he -- when he was sentenced, he was  
19 sentenced to house arrest?

20 A. That's what I -- that's my understanding, yes, sir.

21 Q. For two counts of distribution, second.

22 A. That's my understanding, yes, sir.

23 Q. Okay. So his cooperation was looked upon favorably,  
24 then, correct?

25 A. Correct.

JOEY GAULT - CROSS EXAMINATION BY MR. CHAMBERS

1 Q. And you said that he took you by this house and said  
2 that's where "J" lives, and then he picked "J" out of a  
3 photographic line-up, correct?

4 A. That's correct.

5 Q. And he called this number that he said was "J's"  
6 number?

7 A. That's correct.

8 Q. But you did not independently identify that as Jonatha  
9 Hellams' number, did you?

10 A. That's correct. That's not unusual, though, with drug  
11 investigations.

12 Q. But if you had the phone number, it would be pretty  
13 easy for you to find out whose phone it was, correct?

14 A. Not always.

15 Q. I mean, is that in your -- are you telling me you can't  
16 do that? Like you can't, as law enforcement, take a phone  
17 number and determine who that phone number belongs to?

18 A. Sometimes you can, but often you can't with drug  
19 investigations.

20 Q. Well, you certainly can't do it if you don't try,  
21 right?

22 A. Correct.

23 Q. Okay. And in this case you didn't do that?

24 A. Correct. Time was -- the time constraint just didn't  
25 allow that.

**JOEY GAULT - REDIRECT EXAMINATION BY MR. HOLLOWAY**

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1 Q. So you are acting basically on good faith because you  
2 don't know Jonatha Hellams, do you?

3 A. No, I don't.

4 Q. And you didn't know what his voice sounded like,  
5 correct?

6 A. That's correct.

7 Q. So you had no idea, other than what he told you, who  
8 Roy Ponder was talking to on the phone, correct?

9 A. Correct.

10 Q. And, in fact, there was another individual that was out  
11 there whose name was John Lentz, correct?

12 A. Correct.

13 Q. So his name also starts with "J"?

14 A. Correct.

15 Q. For all you know that could have been John Lentz on the  
16 phone?

17 A. Could have been.

18 Q. All right. That's all the questions I have for you.

19 Thank you.

20 **THE COURT:** Anything in redirect, solicitor?

21 **MR. HOLLOWAY:** Yes, sir, Your Honor.

22 **Redirect Examination by Mr. Holloway:**

23 Q. Did the name John Lentz come up at the -- on any  
24 records at the residence that Mr. Ponder took you to?

25 A. No, sir.

**JOEY GAULT - RECROSS EXAMINATION BY MR. CHAMBERS**

1 Q. In what condition was Mr. Lentz on the scene, do you  
2 know?

3 A. I don't remember his particular condition. He was --  
4 he was speaking with us and was alert and talking to us.

5 Q. Okay. You testified that after helping you, Mr. Ponder  
6 went to jail?

7 A. That's correct.

8 Q. Okay. And your testimony today has been that the  
9 informant talked to a man named "J", and Mr. Hellams showed  
10 up?

11 A. Correct.

12 Q. And his cousin, Willis Weir?

13 A. Correct. And this is the same "J" that Mr. Ponder had  
14 indicated he had purchased items from in the past.

15 Q. Thank you very much. That's all I have.

16 **THE COURT:** Anything on recross?

17 **MR. CHAMBERS:** Yes, Your Honor.

18 **Recross Examination by Mr. Chambers:**

19 Q. Well, in addition to Mr. Hellams showing up, several  
20 other people showed up as we've already discussed?

21 A. Yes, sir.

22 Q. Nobody other than Mr. Weir and Mr. Hellams were charged  
23 with trafficking, were they?

24 A. That's correct.

25 Q. Even though they all showed up?

ROY PONDER - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 A. Correct.

2 Q. And, again, any knowledge you have about "J's" home,  
3 "J's" phone number, any of that, comes from Roy Ponder?

4 A. That's correct.

5 Q. Thank you.

6 **THE COURT:** You can step down, sir. Thank you.

7 A. Thank you, sir.

8 **THE COURT:** Let me see the lawyers for just a minute.

9 (Whereupon a bench conference was held off the record  
10 in the presence of the jury, but out of their hearing)

11 (Whereupon the bench conference was ended)

12 **THE COURT:** All right. Solicitor, you want to call  
13 your next witness, please.

14 **MR. HOLLOWAY:** Yes, sir, Your Honor. The State calls  
15 Roy Ponder.

16 **MADAME CLERK:** Mr. Ponder, please come up to the Bible.

17 Place your left hand on the Bible and please raise your  
18 right hand.

19 **Roy Ponder,** being duly  
20 sworn testified as follows;

21 **MADAME CLERK:** Thank you. Please take a seat. And  
22 state your name for the record.

23 **MR. PONDER:** Roy Lee Ponder. Roy Lee Ponder.

24 **THE COURT:** Mr. Ponder, you may want to sit a little  
25 closer to the microphone so we can make sure that we can

ROY PONDER - DIRECT EXAMINATION BY MR. HOLLOWAY

1 hear you, okay?

2 MR. PONDER: All right.

3 Direct Examination by Mr. Holloway:

4 Q. Mr. Ponder, in this particular case you are the CI, is  
5 that correct?

6 A. Yes.

7 Q. The informant?

8 A. Yeah.

9 Q. Okay. Can you tell the jury how you became involved in  
10 this case?

11 A. Basically I had a charge.

12 Q. Okay. If you could speak up so that this -- these  
13 jurors back here can hear you. Tell the jury how you became  
14 involved in this case.

15 A. I had a charge. And they asked me do I know what's  
16 going on in Greenville.

17 Q. Okay. When you say what's going on, what does that  
18 mean?

19 A. What's on the streets.

20 Q. Okay. And are we talking candy? Are we talking  
21 hotdogs? Are we talking drugs?

22 A. Drugs.

23 Q. Okay. What kind of drugs?

24 A. Any kind.

25 Q. Okay. And the charge that you caught, what kind of

ROY PONDER - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 charge was that?

2 A. A heroin charge.

3 Q. Okay. Now, when you were placed under arrest -- is  
4 that right?

5 A. Yeah.

6 Q. Okay. Did you approach the police about working for  
7 them?

8 A. They asked me.

9 Q. Okay. And tell the jury about that. What happened  
10 with that?

11 A. They just asked me.

12 Q. Okay. And what name did you provide them as a -- as a  
13 ---

14 A. They already had my phone anyway.

15 Q. Okay. Who was the target that -- the name that you  
16 provided?

17 A. It was no target, ---

18 Q. Okay.

19 A. --- period.

20 Q. Whose name did you provide?

21 A. "J".

22 Q. Okay. Who is "J"?

23 A. I don't know his real name.

24 Q. Okay. Is "J" in the courtroom?

25 A. Yeah.

ROY PONDER - DIRECT EXAMINATION BY MR. HOLLOWAY

1 Q. Okay. Where is he at?

2 A. Right there.

3 (Witness Pointed to the Defendant)

4 Q. Okay.

5 **MR. HOLLOWAY:** For the record, he's pointing to Mr.  
6 Hellams.

7 **THE COURT:** What color of shirt does he have on, sir?

8 A. A white one.

9 **THE COURT:** All right. Let the record reflect he's  
10 identified the Defendant.

11 Q. Now, in the process of or during that day did you make  
12 some phone calls for the police?

13 A. One or two.

14 Q. Okay. And those phone calls were to whom?

15 A. Different people.

16 Q. Okay. Did you place any calls to "J"?

17 A. One.

18 Q. Okay. And during -- I'm going to, just for the  
19 purposes of identification, play State's exhibit 1. I'm  
20 going to play this call. And, Mr. Ponder, I'm going to have  
21 you identify the voices you hear, okay? All right?

22 A. (No response)

23 (Whereupon State's exhibit 1 was played for the jury)

24 (Whereupon the CD was stopped)

25 Q. Whose voices do you hear?

ROY PONDER - DIRECT EXAMINATION BY MR. HOLLOWAY

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1           **MADAME COURT REPORTER:** I can't hear you.

2           A. "J's" and mine.

3           **MADAME COURT REPORTER:** Judge, ---

4           **THE COURT:** Yeah. You need to sit up, sir, and be sure  
5 you speak into the microphone, if you would. The court  
6 reporter needs to take down everything that you say. Would  
7 you repeat the question again, solicitor?

8           **MR. HOLLOWAY:** Yes, sir.

9           Q. Whose voices do you hear on this recording?

10          A. My voice.

11          Q. And who else?

12          A. "J's" voice.

13          Q. Okay. And how much heroin were you asking to bring or  
14 someone to bring for him?

15          A. Fourteen (14) grams.

16          Q. Okay. And how much, I mean, how much was he going to  
17 charge?

18          A. I don't know.

19          Q. Okay. You mentioned something on the recording talking  
20 to "J" about what color is it. What were you asking about?

21          A. Just the color of the content.

22          Q. The color of the content of what?

23          A. The heroin.

24          Q. Okay. And he said, it's good stuff, it's brown or tan?

25          A. Yeah.

ROY PONDER - DIRECT EXAMINATION BY MR. HOLLOWAY

1 Q. Okay. And do you recall doing a photo line-up with  
2 Investigator Gault in this case?

3 A. (No response).

4 Q. Do you?

5 A. I think, yes.

6 Q. Okay. I'm going to hand you what's already been  
7 admitted into evidence as State's exhibits 2 and 3. Do you  
8 know what these exhibits are?

9 A. Yeah.

10 Q. Okay. I'm going to have you speak up because the  
11 jurors back here need to be able to hear you, okay? Do you  
12 see where you signed on the photo line-ups?

13 A. Yes.

14 Q. Okay. Do you see where you initialed photo number 2?

15 A. Yes.

16 Q. Okay. And did you write in, this is "J"?

17 A. Yes.

18 Q. Okay. And on what date does that say?

19 A. 12/15 -- 11/12/15.

20 Q. 11/12/15? Okay. What promises did any officer make to  
21 you in this case?

22 A. (No response).

23 Q. With regard to your charges?

24 A. I wouldn't have no charge.

25 Q. So that's what they told you?

ROY PONDER - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 A. Yes.

2 Q. Okay. You ultimately pled guilty to two distribution  
3 of heroin?

4 A. Yes.

5 Q. Okay. How much heroin did you sell?

6 A. I can't remember.

7 Q. Was it less than one (1) gram?

8 A. I can't remember.

9 Q. Okay.

10 A. I've sold so much.

11 Q. It was not trafficking weight, was it?

12 A. No.

13 Q. You didn't plead guilty or found guilty of trafficking,  
14 were you?

15 A. No.

16 Q. Okay. And in that particular case the State -- who was  
17 the prosecutor, do you know?

18 A. No.

19 Q. Was it me?

20 A. I don't know. I can't remember.

21 Q. Okay. I mean, I'm pretty short with, you know,  
22 eyebrows here. I'm sure I'm hard to remember.

23 A. I wasn't paying attention.

24 Q. Okay. What was the State's offer in the case?

25 A. Five years for ---

**ROY PONDER - CROSS EXAMINATION BY MR. CHAMBERS**

1 Q. Five years suspended to two years of home  
2 incarceration?

3 A. Yes.

4 Q. Okay.

5 A. Two years probation.

6 Q. Okay. And right now you're -- have you completed the  
7 home incarceration sentence?

8 A. Yes.

9 Q. All right. And right now you're on ...

10 A. Probation.

11 Q. Okay. How much longer do you have probation?

12 A. Two years.

13 Q. Two years? How much time is hanging over your head?

14 A. Five.

15 Q. So there's still a period going -- going to prison,  
16 right?

17 A. Yes.

18 Q. Thank you very much, Mr. Ponder. Please answer any  
19 questions Mr. Chambers ---

20 **THE COURT:** All right. Mr. Chambers, any cross  
21 examination?

22 **MR. CHAMBERS:** Yes, Your Honor.

23 **Cross Examination by Mr. Chambers:**

24 Q. Mr. Ponder, so the whole reason you started working  
25 with the police was because you were arrested for

ROY PONDER - CROSS EXAMINATION BY MR. CHAMBERS

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1 distribution of heroin, correct?

2 A. Yes.

3 Q. And as the solicitor said, you eventually pled guilty  
4 to two counts of distribution of heroin, second offenses,  
5 correct?

6 A. Yes.

7 Q. And because of your cooperation you did not go to  
8 prison, you got house arrest and probation, correct?

9 A. Yes and no.

10 Q. Okay. And, in fact, you've still got five years  
11 hanging over your head, right?

12 A. Yes.

13 Q. So if you don't come in here and complete what you set  
14 out to do, you could end up going to prison for a while,  
15 correct?

16 A. Yes.

17 **MR. HOLLOWAY:** Objection, Your Honor. Whether he goes  
18 to prison for violation of probation or not has nothing to  
19 do with his testimony today. That was a ---

20 **THE COURT:** Well, I mean, Mr. Chambers can certainly  
21 ask him about it. He can give whatever response and you can  
22 -- you certainly have the right to engage in redirect with  
23 him.

24 **MR. HOLLOWAY:** Okay. Thank you, Your Honor.

25 **THE COURT:** Overruled.

ROY PONDER - CROSS EXAMINATION BY MR. CHAMBERS

1 Q. You know Jonatha Hellams because you used to live by  
2 his mother in Berea, correct?

3 A. Yeah.

4 Q. And y'all got to be friends that way?

5 A. Yes.

6 Q. And you just knew him by a nickname, which is not  
7 uncommon, right? A lot of people just know each other by  
8 their nicknames, right?

9 A. Yeah. Yes.

10 Q. You also know a guy named John Lentz. You're friends  
11 with him, too, correct?

12 A. I don't know him by his real name.

13 Q. All right. Well, you could know John Lentz, you just  
14 don't know the name, right?

15 A. (Affirmative nod).

16 **THE COURT:** Is that -- what was your answer, sir?

17 A. Yes, sir.

18 Q. You said, though, when the solicitor asked you if you  
19 made a call to "J", you said you made one call, right?

20 A. (Affirmative nod).

21 Q. And ---

22 A. Yes, sir.

23 Q. But you said you made several other calls to different  
24 people with the police?

25 A. Yes, sir.

ROY PONDER - CROSS EXAMINATION BY MR. CHAMBERS

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1 Q. Who were those calls to?

2 A. I can't remember.

3 Q. Was it also trying to solicit drugs from somebody?

4 A. Yes, sir.

5 Q. And this person that you were talking to on the phone,  
6 the recording that we heard, basically what that person told  
7 you was I know somebody that has some, right?

8 A. Yes.

9 Q. It wasn't that they were going to give you anything or  
10 sell you anything, right?

11 A. Right. Correct.

12 Q. It was just this other person was selling him some?

13 A. Correct.

14 Q. How common is it to have somebody that you know tell  
15 you where you can get some? Is that pretty common?

16 A. Just ask.

17 Q. Just ask?

18 A. Um-hum (affirmative).

19 Q. Like, let's say -- and, obviously, before you got into  
20 this trouble, but if I had come to you at some point and you  
21 knew me well enough to trust me, and I said, do you know  
22 anybody that's got anything, you would have known exactly  
23 where to send me, right?

24 A. Yes, if I didn't sell it to you.

25 Q. Okay. That's all the questions I have for you. Thank

**ROY PONDER - REDIRECT EXAMINATION BY MR. HOLLOWAY**

1 you.

2 **THE COURT:** Okay. Redirect.

3 **MR. HOLLOWAY:** Yes, sir, Your Honor.

4 **Redirect Examination by Mr. Holloway:**

5 Q. Mr. Ponder, you've listened to State's exhibit 1  
6 before?

7 A. Yeah.

8 Q. Okay. This is your initials?

9 A. Yes.

10 Q. Okay. Now, you testified under direct and cross that  
11 you made one phone call?

12 A. Yes. I can't remember everything exact.

13 Q. Okay. It's fair to say that wasn't quite true, was it?

14 A. No.

15 Q. You actually made ---

16 A. Probably two. I don't -- I can't remember.

17 Q. Okay. Would it help you to listen to the contents of  
18 this CD to refresh your mind?

19 A. No.

20 Q. Okay. Is -- you've listened to the entirety of State's  
21 exhibit 1, correct?

22 A. Yes.

23 Q. This CD?

24 A. Yes.

25 Q. And is it your testimony that on this CD there's only

ROY PONDER - REDIRECT EXAMINATION BY MR. HOLLOWAY

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1 one call that you made to Hellams and calls to other people  
2 or are all these calls to "J"?

3 A. All the calls to one person.

4 Q. Okay. So the contents of this CD, of each of the  
5 digital recordings and digital files are your calls to "J"?

6 A. Yes.

7 Q. No one else?

8 A. No.

9 Q. All right. Thank you very much. That's all I have.

10 **THE COURT:** All right. Any recross, Mr. Chambers?

11 **MR. CHAMBERS:** No, Your Honor.

12 **THE COURT:** Okay. All right. You can step down, sir.

13 Any objection to Mr. Ponder leaving the courthouse?

14 **MR. HOLLOWAY:** No, sir, Your Honor.

15 **MR. CHAMBERS:** No, Your Honor.

16 **THE COURT:** Okay. Mr. Ponder, you're free to go, sir.

17 All right. Madame Forelady and ladies and gentlemen of  
18 the jury, I think this would be a good time to break for  
19 lunch. If I can have you back at 1:30.

20 Again, no discussions about anything related to this  
21 case among yourselves or anybody that you come into contact  
22 with, whether if you go home and see a family member,  
23 whatever. Certainly you can say, I've been picked on a  
24 jury, but leave it at that.

25 If you were to go to a local restaurant -- now, chances

TIMOTHY CONROY - DIRECT EXAMINATION BY MR. HOLLOWAY

1 are, you know, if the lawyers, or witnesses, or law  
2 enforcement, anybody be in the same restaurant as you, but  
3 just to make sure that there -- you don't overhear any  
4 discussion about this case, if you don't mind, if you'll  
5 leave your little badge on so you can be recognized as being  
6 on a jury so there won't be any inadvertent discussion about  
7 this case that you may overhear, okay? And we'll see you  
8 back at 1:30. Have a good lunch.

9 (Whereupon the jury exited the courtroom at 12:23 pm)

10 **THE COURT:** All right. We'll be in recess til 1:30.

11 Y'all have a good lunch.

12 (Whereupon court was in recess at 12:24 pm)

13 (Whereupon court reconvened at 1:42 pm)

14 **THE COURT:** Thank you very much. Have a seat. All  
15 right, gentlemen, we ready to bring the jury out?

16 **MR. HOLLOWAY:** Yes, sir.

17 **MR. CHAMBERS:** Yes, sir.

18 **THE COURT:** Okay. Very good. Let's bring the jury  
19 out, please, sir.

20 (Whereupon the jury entered the courtroom at 1:43 pm)

21 **THE COURT:** Let the record reflect the jury is back in.  
22 Solicitor, you ready to call your next witness?

23 **MR. HOLLOWAY:** Yes, sir, Your Honor. The State calls  
24 Tim Conroy.

25 **MADAME CLERK:** Please place your left hand on the Bible

TIMOTHY CONROY - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 and raise your right hand.

2

Timothy Conroy, being

3 duly sworn testified as follows;

4

**MADAME CLERK:** Thank you. Please take a seat and state  
5 your name for the record.

6

**MR. CONROY:** Timothy Michael Conroy.

7

Direct Examination by Mr. Holloway:

8

Q. Investigator Conroy, can you tell the jury how you

9

became involved in this particular case?

10

A. Yes. I was working in the Vice and Narcotics Division,  
11 and Investigator Gault stated that he had a possible heroin  
12 deal that was going to go down that day.

13

Q. Okay. How was the deal to be done as far as the setup  
14 with officers and how it was to be done on-scene?

15

A. On-scene Investigator Gault stated that he had -- was  
16 in contact with a dealer, using a confidential informant.

17

It was supposed to happen at the Burger King on Laurens

18

Road. We had numerous officers out there to conduct

19

surveillance.

20

Q. Okay. And what did you do -- first off, where was the  
21 informant at?

22

A. The informant was at our office on Main Street.

23

Q. Okay. When you said you were doing -- you were

24

watching this scene, can you describe what you were doing

25

out there?

TIMOTHY CONROY - DIRECT EXAMINATION BY MR. HOLLOWAY

1 A. So I was in a vehicle with another investigator. We  
2 were sitting in an unmarked car with our police vests on.  
3 And when he pulled up we were supposed to be given the word  
4 by Investigator Gault. So I was in a plain vehicle with  
5 another investigator.

6 Q. Okay. And who -- in what vehicles did the parties  
7 arrive?

8 A. There was a silver Lexus that pulled in. And that was  
9 given to us by Investigator Gault that the target or the  
10 suspected dealer was going to arrive in. And then seconds  
11 after that a Dodge Durango pulled in.

12 Q. And who -- who in this case was inside that gold  
13 colored car, the Dodge?

14 A. There was five people in that vehicle.

15 Q. And who was in the vehicle? Do you know ---

16 A. There were five different people. Mr. Weir was one of  
17 the individuals that was in the backseat when it pulled in.

18 Q. Okay. And what happened once the vehicles were parked?

19 A. Once the vehicles came in, pulled into the parking lot,  
20 they parked -- there was two empty spaces between them. The  
21 passenger in the Lexus, front passenger's seat, he went into  
22 the Burger King as well as the passenger exited the Durango,  
23 and -- the rear passenger door, exited that vehicle and went  
24 into the Burger King for a short period of time.

25 Q. Okay. And what happened once they got into the

TIMOTHY CONROY - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 restaurant?

2 A. When they got to the restaurant there was a lot of talk  
3 of what we were going to do. We were going to wait for them  
4 to come back out and then we were going to approach them.

5 When they came back out the front or the driver of the Lexus  
6 exited the Lexus and walked over to the passenger's side,  
7 I'm sorry, the driver's rear door of the Durango. That was  
8 Mr. Hellams.

9 Q. Okay. And the person named Weir, where was -- where  
10 was Weir at?

11 A. So Weir exited the Burger King and he went to the  
12 driver's side rear door of the Durango where -- and he and  
13 Mr. Hellams began to talk.

14 Q. Okay. And once they started doing that what did you  
15 guys do, all the officers?

16 A. At that point Investigator Farrar advised us to go  
17 ahead and move in. And at that point we all converged on  
18 both vehicles.

19 Q. Okay. And what did you do with the Defendant and Mr.  
20 Weir?

21 A. At that point I -- we were all marked in police  
22 markings. I went up to the passenger, or I'm sorry, the  
23 driver's side of the Durango and ordered both Mr. Weir and  
24 Mr. Hellams to the ground. And there was another individual  
25 right inside the door. We asked him to exit the vehicle.

TIMOTHY CONROY - DIRECT EXAMINATION BY MR. HOLLOWAY

1 And we had everybody lay on the ground out of the vehicle.

2 And at that point there was cover given. And I began to  
3 handcuff individuals.

4 Q. Okay. What, if anything, did you smell coming from the  
5 Dodge?

6 A. There was an odor of marijuana that was coming out of  
7 the Dodge.

8 Q. Okay. And within the Dodge Durango what did you find?

9 A. Inside the -- and I don't know that I actually located  
10 the -- in the Durango there was -- there were a couple of  
11 items that were located in the -- there was open containers,  
12 as well as a firearm that was retrieved from the Durango.

13 Q. Okay. And who -- who searched Mr. Weir?

14 A. So after handcuffs were on everybody, I rolled them  
15 over, patted them down briefly. And he had a bulge in his  
16 pocket. And I asked him what that was and if I could  
17 retrieve that. He stated I could retrieve it, I could go in  
18 his pocket and retrieve it. And that turned out to be a  
19 brown powder substance later field tested as positive for  
20 heroin.

21 Q. Okay. And what, if anything, did he say about his  
22 cousin?

23 A. He said that he set him up. He said his cousin -- he  
24 said he didn't want to go to jail, it was not his  
25 girlfriend's, and his cousin, Jonatha Hellams, set him up.

TIMOTHY CONROY - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 Q. Okay. And I'm referring you to State's exhibit 10.

2 This is premarked as State's exhibit 10. Can you identify  
3 this for the jury?

4 A. This is the item that I retrieved from Mr. Weir.

5 Q. Okay. And what was done with that item on-scene?

6 A. So on-scene Mr. Weir was -- once he was stood up, we  
7 patted him down and we emptied his pockets. And then -- and  
8 I put them in a paper bag and locked them in the vehicle I  
9 was driving and with his name on it. Then it was  
10 transported -- transferred back to our office and turned  
11 over to Investigator Farrar, who later put it in evidence.

12 Q. Okay. And who brought that exhibit to court today?

13 A. I brought this exhibit to court today.

14 Q. And you take a look inside the envelope. Did you see  
15 any signs of tainting, any signs that it's been disturbed?

16 A. No. It's in the same form other than it's in an outer  
17 bag from the lab that tested the substance.

18 Q. And you took it from the scene in the parking lot to  
19 your office?

20 A. Correct.

21 Q. And handed it to Investigator ...

22 A. Matt Farrar.

23 Q. Matt Farrar. And who put it into Property and  
24 Evidence?

25 A. Matt Farrar put it in our evidence room.

TIMOTHY CONROY - CROSS EXAMINATION BY MR. CHAMBERS

1 Q. Okay.

2 MR. HOLLOWAY: Your Honor, that's all I have for this  
3 witness at this time.

4 THE COURT: Okay.

5 MR. HOLLOWAY: Thank you.

6 THE COURT: Mr. Chambers, any cross examination?

7 MR. CHAMBERS: Yes, Your Honor.

8 Cross Examination by Mr. Chambers:

9 Q. So, Investigator, you were on the scene with several  
10 other officers watching the Burger King?

11 A. Yes, sir.

12 Q. And where were y'all posted?

13 A. I was parked behind the Federal Credit Union right at  
14 the back side of Burger King.

15 Q. So you had a vantage point where you could see  
16 everything that was going on in the parking lot?

17 A. I did have a vantage point. I was kind of -- the  
18 Credit Union is directly behind the Burger King. And then  
19 if you -- to the right, if you're looking at Burger King, to  
20 the right of that is a Olive Garden, so that when they  
21 pulled into the parking lot, they pulled between the Olive  
22 Garden and the Burger King. So I could see both vehicles  
23 that pulled in and where they were parked.

24 Q. Could you see inside the Burger King?

25 A. I could not see inside the Burger King. I could see in

TIMOTHY CONROY - CROSS EXAMINATION BY MR. CHAMBERS

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1 -- I could see the door entering to the Burger King. I saw  
2 the passenger from the Lexus and Mr. Weir enter the Burger  
3 King.

4 Q. So but you were able to see both of these cars pull up,  
5 correct?

6 A. That is correct.

7 Q. You said first the silver Lexus pulled up?

8 A. Yes, sir.

9 Q. And pulled into a spot. And then just a little while  
10 later the gold Durango pulled up in a spot a couple of spots  
11 down?

12 A. Yes, sir. A little while is probably no more than ten  
13 seconds.

14 Q. And there were several passengers in each car, is that  
15 correct?

16 A. There were three in the -- three occupants in the Lexus  
17 and five in the Durango.

18 Q. And are you familiar with who was in each car? I know  
19 there was a diagram. Did you have anything to do with  
20 making that diagram?

21 A. I did not make that diagram. Farrar made that diagram.  
22 But I was out there on the scene. If I saw the names, there  
23 were numerous people, I'd be familiar with the names ---

24 Q. Well, let me ask you this. The occupants of the Lexus,  
25 would that be Jonatha Hellams, John Lentz and Evelyn Loaiza-

TIMOTHY CONROY - CROSS EXAMINATION BY MR. CHAMBERS

1 Alvarez?

2 A. That's correct. Ms. Alvarez was sitting in the rear  
3 passenger's seat. Lentz was in the driver, I'm sorry, the  
4 front passenger. And Hellams was driving.

5 Q. Hellams was driving. And then the Durango you had  
6 Christina Reese driving, is that correct?

7 A. I believe so. Yes, sir.

8 Q. And then Carmen Sprouse was seated in the front  
9 passenger's seat?

10 A. I can -- yes, to the best of my recollection.

11 Q. And Willis Weir, Broderick Williams and Timothy Davis  
12 were all in the backseat?

13 A. That is correct.

14 Q. And you said that Willis Weir and John Lentz both went  
15 into the Burger King together, correct?

16 A. They walked in together. Yes, they exited the vehicles  
17 and walked in towards the door together, that's correct.

18 Q. And they were in there for some period of time. Do you  
19 know how long?

20 A. I think a couple of minutes.

21 Q. Did they come out with any food or anything?

22 A. No.

23 Q. Did you see -- could you see whether they were having  
24 any sort of discussion or exchange or anything like that?

25 A. I could not see once they entered into the building.

TIMOTHY CONROY - CROSS EXAMINATION BY MR. CHAMBERS

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1 Q. But then -- but then Weir and Lentz exited together as  
2 well as going in together, correct?

3 A. I believe so, yes, sir.

4 Q. And wasn't until they came out that Jonatha Hellams got  
5 out of his car and walked over and spoke to Mr. Weir,  
6 correct?

7 A. They were -- yes, they were at the back of the Durango  
8 talking.

9 Q. And it was right about that time that y'all decided to  
10 move in, right?

11 A. That's correct. Since everybody that arrived to the  
12 Burger King was back at the vehicles or back at vehicles so  
13 we could ---

14 Q. And Weir stated very affirmatively to all you officers  
15 there that all this shit's mine, right? He didn't attribute  
16 it to anybody else. He said, all this shit's mine.

17 A. No. All officers were spread out throughout the  
18 parking lot. He stated that -- when I patted him down, he  
19 stated it was not his girl's, and his cousin set him up.

20 Q. Okay. You didn't hear the part where he said all this  
21 shit's mine?

22 A. It was in his pocket. So, I mean, I'd have to look  
23 back. If I wrote that in my report, I guess, but I'm not  
24 familiar with it.

25 Q. And you also took a fairly large amount of money off of

TIMOTHY CONROY - CROSS EXAMINATION BY MR. CHAMBERS

1 him, correct?

2 A. Yes, sir.

3 Q. I believe it was one thousand, two hundred and seventy-  
4 five dollars (\$1,275.00)?

5 A. That sounds correct.

6 Q. All right. Now were you the one that made the arrest,  
7 secured the warrants or did somebody else do that?

8 A. Somebody else secured the warrants.

9 Q. All right. So you don't know who was charged with what  
10 or do you?

11 A. I'm familiar with what people were charged with. I  
12 mean, we discussed it as a unit.

13 Q. Okay. Well, the only two people out of this group of  
14 eight that were charged with trafficking, Mr. Hellams and  
15 Mr. Weir, correct?

16 A. I believe that was based on the entire investigation,  
17 through the phone calls, that's why they were charged.

18 Q. All right. And you weren't part of the phone calls?  
19 You weren't there when the phone calls or anything were  
20 made, correct?

21 A. I was on the scene at the Burger King.

22 Q. Okay. And you didn't -- you weren't working with the  
23 CI or have any of that preliminary investigation, correct?

24 A. No, sir. Gault was doing that.

25 Q. It was all -- that was all Investigator Gault?

MATTHEW FARRAR - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 A. That's correct.

2 Q. All right. That's all the questions I have for you.

3 Thank you.

4 **THE COURT:** You have any redirect, solicitor?

5 **MR. HOLLOWAY:** No, sir.

6 **THE COURT:** Okay. You can step down, sir.

7 A. Thank you, Your Honor.

8 **THE COURT:** Thank you. Okay.

9 **MR. HOLLOWAY:** Your Honor, is it okay if he goes ahead  
10 and leaves?

11 **THE COURT:** Sure. Sure. Any objection, Mr. Chambers?

12 **MR. CHAMBERS:** No, Your Honor. No objection.

13 **THE COURT:** Okay. You're free to leave, officer.

14 **MR. HOLLOWAY:** Your Honor, the State calls Matt Farrar  
15 to the stand.

16 **THE COURT:** Okay.

17 **MADAME CLERK:** Mr. Farrar, if you'll place your left  
18 hand on the Bible and raise your right hand.

19 **Matthew Farrar,** being  
20 duly sworn testified as follows;

21 **MADAME CLERK:** Thank you. Please take a seat. And  
22 state your name for the record.

23 **MR. FARRAR:** My name is Matthew Farrar.

24 Direct Examination by Mr. Holloway:

25 Q. Investigator, can you tell the jury how you became

MATTHEW FARRAR - DIRECT EXAMINATION BY MR. HOLLOWAY

1 involved in this case?

2 A. Yes. Early, the morning of the incident, Detective  
3 Gault executed a search warrant. Developed from that search  
4 warrant -- developed a confidential informant.

5 Q. Okay. And who was that informant?

6 A. Roy Ponder.

7 Q. Okay. And further along in that same day what  
8 happened?

9 A. Detective Gault relayed to us that after speaking with  
10 Mr. Roy Ponder, he advised us that he had set up a  
11 transaction to occur for approximately a half ounce of  
12 heroin in exchange for fourteen hundred dollars (\$1400.00).  
13 The transaction was to occur at Burger King off of Laurens  
14 Road. And myself and several other detectives went to that  
15 area for the transaction to occur.

16 Q. And what was your role in this -- in this transaction?

17 A. Once all the detectives arrived on-scene, just because  
18 it kind of developed into a little bit more than what we  
19 were expecting, I took over the role of case agent out on-  
20 scene where I took charge and directed detectives and  
21 received information and kind of was the focal point for  
22 information that was received while we were out on-scene.

23 Q. Okay. And where exactly were you on-scene?

24 A. Prior to the suspect vehicles arriving, I was with  
25 Sergeant Conroy behind SC Telco Federal Credit Union, which

MATTHEW FARRAR - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 is just below Burger King as you're, you know, so we had an  
2 eye on the parking lot of Burger King and we could also see  
3 in the distance Olive Garden.

4 Q. And what was the purpose behind having you and the  
5 other officers in that location?

6 A. Detective Gault was able to relay information from the  
7 informant, Roy Ponder, as to vehicle description or suspect  
8 description. And so we positioned ourselves so we could see  
9 when and if that suspect arrived in the vicinity. There  
10 were several detectives in different places. And just from  
11 my position, I happened to be able to see where the other  
12 two vehicles ended up parking.

13 Q. And what time of day was this?

14 A. It was about -- by the time they arrived it was  
15 probably about 6:00 at night.

16 Q. Okay. And this is in a fast food restaurant parking  
17 lot?

18 A. Yes, it is. Correct.

19 Q. Can you recall how -- it's a public place, obviously,  
20 but can you recall how busy it was?

21 A. In that particular part of the parking lot there wasn't  
22 many other vehicles, if any at all, that I recall. I wasn't  
23 -- the way the building sat, I couldn't really see towards  
24 the right of the building. Just the part of the parking lot  
25 that I could see wasn't very busy at all.

MATTHEW FARRAR - DIRECT EXAMINATION BY MR. HOLLOWAY

1 Q. Okay. Did you see both vehicles arrive?

2 A. Yes, I did.

3 Q. Okay. And how much time difference are we talking when  
4 the vehicles arrived?

5 A. Very little. Maybe a few seconds, thirty seconds,  
6 something like that. Two vehicles arrived. A silver Lexus  
7 came in and then maybe several moments after a gold Dodge  
8 Durango came and parked next to one another.

9 Q. I'm going to hand you what's been premarked as State's  
10 exhibit 5. Can you identify this for the jury?

11 A. Yes. This is a sketch that I made. Once the -- once  
12 the takedown occurred of the suspect vehicle, what we knew  
13 to be the suspect vehicle, because of a unexpected number of  
14 people that arrived and, of course, unexpected two vehicles,  
15 just because of the confusion I just -- I kind of wrote out  
16 and sketched where everyone was sitting and how the vehicles  
17 were oriented in the parking lot.

18 Q. Okay. And you -- this is what you -- you drew?

19 A. Yes.

20 Q. On what software?

21 A. PowerPoint.

22 Q. Okay. And whose names are on it?

23 A. Starting with the gold Dodge Durango, it'd be Christina  
24 Reese, Carmen Sprouse, Willis Weir, Broderick Williams,  
25 Timothy Davis. And then in the silver Lexus was Jonatha

MATTHEW FARRAR - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 Hellams, John Lentz and Evelyn Loaiza-Alvarez.

2 Q. And what's the date printed on exhibit 5?

3 A. It is November 19th, 2015.

4 Q. Okay. And is this exhibit a fair and accurate drawing  
5 of what you prepared?

6 A. Yes, it is.

7 **MR. HOLLOWAY:** Your Honor, I would ask to move this  
8 into evidence.

9 **MR. CHAMBERS:** Without objection, Your Honor.

10 **THE COURT:** All right. Without objection, number 5 for  
11 the State into evidence.

12 (Whereupon State's exhibit 5 was admitted into  
13 evidence)

14 **MR. HOLLOWAY:** Thank you, Your Honor. And I ask to  
15 publish this to the jury.

16 **THE COURT:** Certainly.

17 (Pause)

18 Q. All right. Let's go back to this one more time. You  
19 see the names on this exhibit, correct?

20 A. Yes, that is correct.

21 Q. And on the left is the Dodge?

22 A. Yes. The gold Dodge Durango is drawn on the left.

23 Q. Okay. And the one on the right?

24 A. Is the silver Lexus.

25 Q. And what's the purpose of having the point for each

MATTHEW FARRAR - DIRECT EXAMINATION BY MR. HOLLOWAY

1 vehicle -- on the size?

2 A. The point indicates the front of the vehicle. So they  
3 weren't both pointing the same direction. One was pointing  
4 towards the Olive Garden and one was pointing the front  
5 towards Burger King.

6 Q. And which car arrived first and parked first?

7 A. The silver Lexus.

8 Q. Okay. So that person, Mr. Hellams, and the other  
9 people, they -- the driver backed into the space?

10 A. Correct.

11 Q. Okay. The second vehicle was the Dodge?

12 A. Correct.

13 Q. Okay. And where was Weir sitting?

14 A. Willis Weir was in the gold Dodge Durango. He was --  
15 would have been in the back left side.

16 Q. Okay. And Mr. Hellams was seated where?

17 A. Jonatha Hellams was in the driver's seat of the silver  
18 Lexus.

19 Q. Okay. And who exited the vehicles first?

20 A. First Willis Weir and then the passenger of the silver  
21 -- Willis Weir out of the gold Dodge Durango and then John  
22 Lentz out of the passenger -- front passenger seat of the  
23 silver Lexus exited first.

24 Q. And after they got out of their vehicles what did they  
25 do?

MATTHEW FARRAR - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 A. They entered Burger King for a few moments.

2 Q. Okay. Did Mr. Weir and Mr. Lentz order anything that  
3 you could tell?

4 A. I don't recall them bringing anything out, no.

5 Q. Okay. And what happened once they got outside the  
6 restaurant?

7 A. Once they got back outside the restaurant, Mr. Weir  
8 walked back over to the seat that he had come from in the  
9 back of the gold Dodge Durango. And he opened the door, but  
10 he just stood outside. Several moments later Mr. Hellams  
11 came out from the driver's seat of the silver Lexus and  
12 approached, walking to the front of the vehicles, approached  
13 Mr. Weir.

14 Q. Okay. And when Hellams and Weir talked to each other,  
15 what did Lentz do?

16 A. I don't recall what Lentz did at that time.

17 Q. Did he approach them, too? Do you know?

18 A. I don't remember.

19 Q. Okay. And how much time transpired before you guys  
20 moved in?

21 A. Not very long. Once those -- once Weir and Hellams got  
22 together we weren't sure of what was transpiring. So we  
23 decided that that time was our most opportune time to  
24 basically collapse in and, you know, deal with the situation  
25 that we had at hand because we weren't sure if more people

MATTHEW FARRAR - CROSS EXAMINATION BY MR. CHAMBERS

1 were coming or what -- what was the situation going to  
2 transpire.

3 Q. Okay. And prior to their arrival who were you  
4 expecting? Like what vehicles and parties were you  
5 expecting?

6 A. Yeah. We were just -- according to what Detective  
7 Gault had relayed to us, we were simply expecting Jonatha  
8 Hellams. And he advised us he was going to be in a silver  
9 Lexus.

10 Q. Thank you very much.

11 **MR. HOLLOWAY:** That's all I have for this witness at  
12 this time.

13 **Cross Examination by Mr. Chambers:**

14 Q. In fact, you were told before you went out there that  
15 Hellams was the target, correct?

16 A. Yes.

17 Q. And you really didn't know anything about Willis Weir?

18 A. No.

19 Q. And so you were looking for the Lexus and you were  
20 looking for Jonatha Hellams, correct?

21 A. We were looking for a silver Lexus, yeah.

22 Q. Okay. And now when -- those two cars -- your diagram  
23 makes it look like they were side-by-side, but, in fact,  
24 there were spaces in between those two cars, correct?

25 A. There may have been -- there may have been some space.

MATTHEW FARRAR - CROSS EXAMINATION BY MR. CHAMBERS

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1 I don't recall if it was one parking space, but they were  
2 not -- they were not directly adjacent where two doors --  
3 there was enough for a person to get in between.

4 Q. And immediately upon pulling up Lentz, John Lentz, got  
5 out of the passenger's side of the Lexus and Weir got out of  
6 the passenger's side of the rear seat of the Durango and  
7 they walked into the Burger King together, right?

8 A. Pretty much. I don't know that they were side-by-by,  
9 but they pretty much went in almost simultaneously.

10 Q. And then they walked out together?

11 A. Yes, sir.

12 Q. And then Weir stood by the car and Hellams walked over  
13 there. And it was about that time that y'all decided to  
14 take them down, correct?

15 A. Yes.

16 Q. And I think at that point you spent most of your time  
17 with the other occupants of one of the vehicles, correct?  
18 And you didn't search Weir or Hellams or have any direct  
19 conversations with either one of those two, did you?

20 A. No, I did not.

21 Q. So you were busy with the other occupants?

22 A. At the original take-down I dealt with one particular  
23 occupant that was inside a vehicle. Once he was secured, I  
24 spent most of my time essentially filtering information from  
25 other detectives that were on-scene and insuring that some

**MATTHEW FARRAR - REDIRECT EXAMINATION BY MR. HOLLOWAY**

1 people that were -- everyone was searched properly and the  
2 scene was processed accordingly.

3 Q. Okay. Thank you very much.

4 **THE COURT:** Redirect?

5 **MR. HOLLOWAY:** Yes, sir, Your Honor.

6 **Redirect Examination by Mr. Holloway:**

7 Q. Investigator Farrar, was there a heroin exchange  
8 between Lentz and Mr. Weir when they went inside the  
9 restaurant?

10 A. I was not -- I wouldn't know.

11 Q. So there's no evidence of that?

12 A. No.

13 Q. The only heroin we know, the alleged heroin we know in  
14 this case was in -- still in Mr. Weir's pocket?

15 A. Yes.

16 Q. Right when he was talking to his cousin?

17 A. Yes.

18 Q. Okay. Now, I'm showing you State's exhibit 10. Can  
19 you -- without showing the jury just yet, can you pull the  
20 item out and tell us what that is? If you can identify the  
21 markings, initials and such?

22 A. It's a plastic bag containing a substance. It's got  
23 case number, date, and time, as well as my initials and my  
24 identifying number for the police department.

25 Q. Okay. What did you do with that item in this case?

**MATTHEW FARRAR - RECROSS EXAMINATION BY MR. CHAMBERS**

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1 A. I basically seal it inside this plastic bag and then  
2 take all the evidence related to this case and take it to  
3 the Property and Evidence room and turn it over to Property  
4 and Evidence.

5 Q. Okay. And that's what you did in this case?

6 A. Yes.

7 Q. Okay. And when did you take it to Property and  
8 Evidence?

9 A. After we came back to the office, processed it, did the  
10 Property and Evidence sheets. And then we took all the  
11 evidence and went to the Property and Evidence room, which  
12 is on the basement floor of the Law Enforcement Center of  
13 Greenville County.

14 Q. Okay. Thank you very much.

15 **MR. HOLLOWAY:** That's all I have, Your Honor.

16 **MR. CHAMBERS:** Just briefly, Your Honor.

17 **THE COURT:** Sure.

18 **Recross Examination by Mr. Chambers:**

19 Q. You indicate that you were waiting on a Lexus. Do you  
20 remember being informed that it would probably be about  
21 thirty minutes because "J" was waiting on his cousin to come  
22 by and pick him up?

23 A. Yes, that's correct.

24 Q. All right. Thank you.

25 **THE COURT:** All right. You can step down, officer.



CORDELL JOHNSON, JR. - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 Q. Okay. Do you recall who arrived first?

2 A. Yes, sir. The silver Lexus arrived on-scene first.

3 And that's the vehicle that Detective Gault told us was

4 going to arrive. Moments later a brownish colored Durango

5 pulled up and parked next to that vehicle.

6 Q. Okay. And do you recall who got out of the vehicle or

7 the vehicles first?

8 A. Yes, sir. A white male got out of the passenger's seat

9 of the Lexus, it was Mr. Lentz, and went into the

10 restaurant. And then Mr. Weir got out of the Durango, the

11 backseat behind the driver, and he went into the restaurant

12 as well.

13 Q. And did you see any exchange between these two people,

14 whether it was words or actions exchanged inside the

15 restaurant?

16 A. No.

17 Q. Okay. Did they order anything that you were able to

18 tell?

19 A. Not that I were able to tell.

20 Q. Come out of the restaurant with fries and a ---

21 A. No, sir.

22 Q. --- whopper, anything like that?

23 A. Not that I remember, no.

24 Q. Okay. What happened when they left the restaurant?

25 A. They came out of the restaurant. Mr. Lentz walked back

CORDELL JOHNSON, JR. - DIRECT EXAMINATION BY MR. HOLLOWAY

1 over to the Lexus and Mr. Weir walked back over to the  
2 Durango. And he was kind of -- the back door was open where  
3 he had just got out from. He was just standing there. And  
4 Mr. Hellams got out of the Lexus and walked over and where  
5 he was standing right by that open door.

6 Q. Okay. And what were they doing?

7 A. As far as I could see they were just conversating  
8 [sic]. It's kind of -- we were in a jam because we weren't  
9 expecting two vehicles. So we were trying to figure out  
10 what was going on at the time.

11 Q. Okay. And based on the two vehicles, Mr. Hellams, Mr.  
12 Weir talking, what did you guys do?

13 A. Well, we were there and we -- we were going to do a  
14 take-down on whoever was bringing the dope. So eventually  
15 the signal was given. And I drove -- like I said, I was  
16 right across at the adjacent restaurant. So I just drove  
17 right across from them and stopped my vehicle right where  
18 Weir and Hellams were standing.

19 Q. Okay. And once there -- once you guys had them, what  
20 did you do? What was your role?

21 A. I got the driver out of the Durango. It was a white  
22 female, detained her. And then I walked over to the back --  
23 the back door of the vehicle, and I saw a firearm on the  
24 floorboard of the vehicle.

25 So I put gloves on, and I retrieved the firearm. I

CORDELL JOHNSON, JR. - CROSS EXAMINATION BY MR. CHAMBERS

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1 unloaded it, and I put it in an evidence bag. And I think I  
2 found -- there was also a syringe on the other side of the  
3 vehicle on the floorboard as well that I also collected.

4 Q. Okay. But so far as you saw, no exchange occurred  
5 between Mr. Lentz and Mr. Weir prior -- at any moment in  
6 time?

7 A. No, sir.

8 Q. Okay. Thank you very much. Please answer any  
9 questions Mr. Chambers has for you.

10 **THE COURT:** Cross examination.

11 **Cross Examination by Mr. Chambers:**

12 Q. When you were talking to one of the females, and I  
13 believe it was Carmen Sprouse, and she indicated to you that  
14 Mr. Weir, who was an occupant in the vehicle that she was  
15 in, and also Mr. Davis, who was an occupant in the vehicle  
16 she was in, that they were cousins. Do you recall that?

17 A. I remember having a conversation with her about  
18 somebody being cousins, yes.

19 Q. Okay. I mean, you don't -- do you recall specifically  
20 if it was husband? Or her -- I don't know if it was her  
21 husband or her boyfriend. Let me see.

22 (Pause)

23 Q. But at any rate, do you recall that somebody in that  
24 car was also cousins with Mr. Weir, correct?

25 A. (No response).

**CORDELL JOHNSON, JR. - REDIRECT EXAMINATION BY MR. HOLLOWAY**

1 Q. Let me ask you this. Do you recall saying Sprouse  
2 advised that Weir, a/k/a Rock, and her husband, Timothy  
3 Davis, were cousins?

4 A. Yes.

5 Q. And they were in the car together, correct?

6 A. Yes.

7 Q. That's all the questions I have. Thanks.

8 **THE COURT:** Redirect?

9 **MR. HOLLOWAY:** Yes, sir.

10 **Redirect Examination by Mr. Holloway:**

11 Q. Any indication that Tim Davis or Carmen Sprouse set up  
12 this drug deal?

13 A. No, sir. She said that they were basically just along  
14 for the ride. They were doing some stuff earlier in the day  
15 and that they were just there for the ride.

16 Q. Thank you.. That's all I have.

17 **Recross Examination by Mr. Chambers:**

18 Q. Well, as far as who set up the drug deal, I mean, you  
19 were acting completely on the information that you got from  
20 Investigator Gault, correct?

21 A. Correct.

22 Q. Thank you.

23 **THE COURT:** You can step down, sir.

24 A. Thank you.

25 **MR. HOLLOWAY:** Your Honor, the State calls Kara Bennick

**KARA BENNICK - DIRECT EXAMINATION BY MR. HOLLOWAY**

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1 to the stand.

2 **THE COURT:** Okay.

3 **MADAME CLERK:** Ms. Bennick, if you could place your  
4 left hand on the Bible and raise your right hand.

5 **Kara Bennick,** being duly  
6 sworn testified as follows;

7 **MADAME CLERK:** Please take a seat and state your name  
8 for the record.

9 **MS. BENNICK:** Kara Bennick.

10 **Direct Examination by Mr. Holloway:**

11 Q. Ms. Bennick, can you tell the jury where you work?

12 A. The Property and Evidence section at the law  
13 enforcement center.

14 Q. Okay. And how long have you worked there?

15 A. Twenty-one years.

16 Q. Okay. And what role do you serve there?

17 A. I'm the supervisor of the evidence section.

18 Q. Okay. Can you describe to the jury sort of when  
19 there's an arrest, officers collect evidence, what they do  
20 with that evidence and what you guys do with the evidence?

21 A. That evidence is brought in to be secured. So it comes  
22 into a secured location. And it is housed there until they  
23 need it for court or until disposition.

24 Q. Okay. Who has -- once the evidence is put into  
25 Property and Evidence, or we call it P&E, who has access to

KARA BENNICK - DIRECT EXAMINATION BY MR. HOLLOWAY

1 that?

2 A. Just the five clerks that work down there.

3 Q. Okay. And anyone like me who comes down and sees the  
4 evidence, we have to sign in ---

5 A. It's a controlled atmosphere, yes.

6 Q. I'll hand you up what's been premarked as State's  
7 exhibit 6. Can you identify the names you see at the  
8 bottom?

9 A. Yes. There's Detective Farrar and then there is Cindy  
10 Witherspoon.

11 Q. Okay. And what is that form?

12 A. This is the Property and Evidence sheet that  
13 accompanies all evidence.

14 Q. And what's the purpose behind having a form like that?

15 A. It's to maintain the chain of custody.

16 Q. Okay. And what is -- in general, what is chain of  
17 custody?

18 A. Chain of custody is -- it tracks all the movements of  
19 any evidence coming or going for any reason.

20 Q. So that you know that if evidence is taken out, ---

21 A. Yes.

22 Q. --- who took it out, when, that sort of thing?

23 A. Yes.

24 Q. Okay. Who took -- first of all, what evidence or what  
25 is the caption right there on that form of what the item is?

KARA BENNICK - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 Down at the bottom.

2 A. It's a brown powder substance in a clear, plastic bag.

3 Q. Okay. Is there any indication who signed it out?

4 A. Signed it out, no. This was signed in. It was put in  
5 the locker first, ---

6 Q. Okay.

7 A. --- an after-hour storage. And then it was signed into  
8 Property and Evidence from that locker by Cindy Witherspoon.

9 Q. Okay. And is there any indication that it was tested  
10 on that form?

11 A. No.

12 Q. Okay. And who is Cindy? You said Cindy -- what's her  
13 ---

14 A. She's one of the Property and Evidence people that work  
15 down there.

16 Q. Okay. So who -- who actually gave the exhibit or the  
17 item to you guys in the first place?

18 A. Once this report comes in with the evidence, it will be  
19 put into the barcode system. And then it becomes a digital  
20 chain of custody. So I would need the next form to tell you  
21 that.

22 Q. Okay. And I was going to ask you, too, when did  
23 Investigator Farrar enter this into P&E?

24 A. Well, he put it into the secured locker on November  
25 12th, 2015 at 22:49.

JAMES ARMSTRONG - DIRECT EXAMINATION BY MR. HOLLOWAY

1 Q. And when did Cindy bring it into your -- to the ---

2 A. She removed it from the locker and placed it into  
3 storage on 11/13/2015 at 10:16 am.

4 Q. All right. Thank you very -- and is this form -- is  
5 this a fair and accurate copy of the evidence form in this  
6 case?

7 A. It is.

8 Q. Okay.

9 **MR. HOLLOWAY:** I would ask to move this into evidence.

10 **MR. CHAMBERS:** Without objection, Your Honor.

11 **THE COURT:** All right. Without objection, number 6  
12 into evidence for the State.

13 **MR. HOLLOWAY:** Thank you, Your Honor.

14 (Whereupon State's exhibit 6 was admitted into  
15 evidence)

16 **MR. HOLLOWAY:** That's all I have for this witness.

17 **THE COURT:** Cross examination.

18 **MR. CHAMBERS:** No questions, Your Honor.

19 **THE COURT:** Okay. You can step down, ma'am. Thank  
20 you. No objection, you're free to leave.

21 **MR. HOLLOWAY:** The State calls James Armstrong.

22 **MADAME CLERK:** Mr. Armstrong, please place your left  
23 hand on the Bible and raise your right hand.

24 **James Armstrong,** being

25 duly sworn testified as follows;

JAMES ARMSTRONG - DIRECT EXAMINATION BY MR. HOLLOWAY

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1           **MADAME CLERK:** Thank you. Please take a seat and state  
2 your name for the record.

3           **MR. ARMSTRONG:** James William Armstrong.

4           **Direct Examination by Mr. Holloway:**

5           Q. Mr. Armstrong, can you tell the jury where you work?

6           A. For the Greenville County Department of Public Safety,  
7 Forensics Division and Crime Laboratory.

8           Q. And can you describe your background, your education,  
9 your experience and training?

10          A. Yes, sir. I have a Bachelor of Science degree in  
11 Chemistry from Erskine College. I've trained in the area of  
12 drug identification approximately one year under the  
13 direction of the lab supervisor. I've attended numerous  
14 instrumental analysis schools concerning the instruments I  
15 use in my analysis. And I've testified in federal, state  
16 and local courts at least a hundred and sixty-nine (169)  
17 times as an expert in the field of drug chemistry.

18          Q. And your tests that you've run as a part of your job  
19 includes heroin?

20          A. Yes, sir, it does.

21          Q. Okay.

22          **MR. HOLLOWAY:** Your Honor, I'd move to have him  
23 qualified as an expert witness.

24          **MR. CHAMBERS:** No objection to that, Your Honor.

25          **THE COURT:** Okay. Found to be an expert in drug

**JAMES ARMSTRONG - DIRECT EXAMINATION BY MR. HOLLOWAY**

1 analysis. Ladies and gentlemen of the jury, let me explain  
2 to you when the Court determines that a witness is an expert  
3 witness because of training, education, experience and the  
4 like, they are permitted to render opinions and the basis  
5 for that or those opinions.

6 Normally witnesses who testify in cases are only  
7 allowed to testify as to what they actually have seen or  
8 heard and not permitted to render opinions, however, an  
9 expert is allowed to do so. Now, just because I have found  
10 this witness to be an expert in the area of drug analysis,  
11 it's still up to you to determine the weight and value that  
12 you think is appropriate as to his testimony. Okay.  
13 Solicitor.

14 **MR. HOLLOWAY:** Thank you, Your Honor.

15 **Direct Examination by Mr. Holloway Continued:**

16 Q. And in this particular case you tested an exhibit, is  
17 that correct?

18 A. Yes, sir.

19 Q. Okay. And I'm going to hand you up what's been marked  
20 as State's exhibit 10. Can you identify this for the jury?

21 A. Yes, sir, I can. The outer bag is the bag which I had  
22 sealed the evidence in once I completed my testing. This  
23 has my initials and the date between a double heat-seal.

24 The inside bag has my initials and the date where I  
25 opened the officer-sealed bag. There's another bag

JAMES ARMSTRONG - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 containing a power-type substance. It has my initials, item  
2 number and the weight on it.

3 Q. Okay. Any sign it's been tampered with, tainted?

4 A. No, sir.

5 Q. Reopened since you sealed it?

6 A. This is my original sealed package.

7 Q. Okay. And what, if any, testing did you put that  
8 exhibit through, exhibit 10?

9 A. I did a chemical spot test to give me the idea of what  
10 I may or may not have had in the sample. Then I did an  
11 instrumental analysis.

12 Q. Okay. And what did you find out?

13 A. I found this item to be a bag containing powder-  
14 substance. Found that it contained heroin with a weight of  
15 thirteen point seven eight (13.78) grams.

16 Q. Okay.

17 **MR. HOLLOWAY:** Your Honor, I would ask at this time to  
18 move State's exhibit 10 into evidence.

19 **MR. CHAMBERS:** No objection, Your Honor.

20 **THE COURT:** All right. Without objection, number 10  
21 into evidence for the State.

22 (Whereupon State's exhibit 10 was admitted into  
23 evidence)

24 Q. And as a part of the testing or after the testing did  
25 you do a written document ---

JAMES ARMSTRONG - DIRECT EXAMINATION BY MR. HOLLOWAY

1 A. Yes, sir.

2 Q. --- as to what you found out?

3 A. Yes, sir, I did.

4 Q. I'll show you what's been premarked as State's exhibit

5 7. Can you identify this?

6 A. Yes, sir. This is a copy of my lab report for City  
7 case number 2015081838.

8 Q. And is there a name at the top of who the person who's  
9 charged?

10 A. Jonatha Hellams.

11 Q. And who's the case agent?

12 A. Farrar.

13 Q. Matt Farrar, maybe?

14 A. Farrar, yeah.

15 Q. Okay. And this document, does it fairly and accurately  
16 show what you just testified to, that this was heroin  
17 weighing in at thirteen point seven eight (13.78) grams?

18 A. Yes, sir, it is.

19 **MR. HOLLOWAY:** I'd ask to move this into evidence at  
20 this time.

21 **MR. CHAMBERS:** Without objection, Your Honor.

22 **THE COURT:** Without objection, number 7 into evidence  
23 for the State.

24 **MR. HOLLOWAY:** Thank you, Your Honor.

25 (Whereupon State's exhibit 7 was admitted into

JAMES ARMSTRONG - DIRECT EXAMINATION BY MR. HOLLOWAY

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1 evidence)

2 MR. HOLLOWAY: That's all I have for this witness, Your  
3 Honor.

4 MR. CHAMBERS: Your Honor, I have no questions for Mr.  
5 Armstrong.

6 THE COURT: Okay. You can step down, sir. Thank you.

7 A. Thank you.

8 THE COURT: Ladies and gentlemen, I think this would be  
9 a good time to take a short afternoon break. So if you will  
10 go back to the -- our jury room. And, again, I remind you  
11 and caution you not to begin any discussions about this  
12 case. And we'll get you back shortly. Okay.

13 (Whereupon the jury exited the courtroom at 2:27 pm)

14 THE COURT: Let me see the lawyers for just a minute.

15 (Whereupon a bench conference was held off the record)

16 (Whereupon the bench conference was ended)

17 THE COURT: Let's take a break and then we can deal  
18 with any pretrial, I mean, mid-trial motions.

19 MR. CHAMBERS: Yes, sir.

20 MR. HOLLOWAY: Thank you, Your Honor.

21 (Whereupon court was in recess at 2:29 pm)

22 (Whereupon court reconvened at 2:50 pm)

23 THE COURT: Okay. We're back on the record. Does the  
24 Defense have any motions to make at this time?

25 MR. CHAMBERS: Your Honor, I make a motion for directed

1 verdict.

2 **MR. HOLLOWAY:** Your Honor, I need to -- the State  
3 hasn't rested yet, but the State does rest ---

4 **THE COURT:** Right. And what we'll do is when we come  
5 out, you'll just rest on the record so we won't have to --  
6 go ahead.

7 **MR. CHAMBERS:** I make a motion for directed verdict,  
8 Your Honor.

9 **THE COURT:** Okay. Viewing the evidence in the light  
10 most favorable to the State, the Court is concerned with the  
11 existence of any evidence and not with its weight, and I  
12 respectfully deny your motion.

13 I'm going to pull up the script concerning your  
14 client's right to testify or not. So if you haven't had an  
15 opportunity, Mr. Chambers, to explain what I'm going to be  
16 doing in just a moment, if you would do that while I pull it  
17 up.

18 **MR. CHAMBERS:** We've discussed it, Your Honor. If you  
19 want to take care of that before the jury comes in, that  
20 would be okay with us.

21 **THE COURT:** Yeah, I'm going to do it now.

22 (Pause)

23 **THE COURT:** Okay, Madame Clerk, would you place Mr.  
24 Hellams under oath. And, Mr. Hellams, would you, please,  
25 stand, sir.

1           **MADAME CLERK:** Please raise your right hand. Do you  
2 swear or affirm to tell the truth, the whole truth and  
3 nothing but the truth so help you God?

4           **MR. HELLAMS:** Yes, ma'am.

5           **MADAME CLERK:** Thank you.

6           **THE COURT:** All right. Mr. Hellams, at this time I'm  
7 going to explain to you certain of your rights. If you'd  
8 just remain standing, I would very much appreciate it. If  
9 you do not understand anything I say, please let me know  
10 that, okay?

11          **MR. HELLAMS:** Okay.

12          **THE COURT:** If you want me to explain anything in more  
13 detail, please let me know that as well. You understand?

14          **MR. HELLAMS:** Yes, sir.

15          **THE COURT:** Okay. We've now reached the stage of the  
16 trial where you may present your defense. You have the  
17 right to claim the protections given to you by the Fifth  
18 Amendment to the Constitution of the United States.

19               This Amendment states in part; No person shall be  
20 compelled in any criminal case to be a witness against  
21 himself. This means that you cannot be required to testify  
22 in this case. You have the right to testify on your own  
23 behalf, however, no one can make you testify. This is a  
24 personal right. No one can waive this right except you,  
25 sir.

1           If you decide to testify, you'll be subject to the same  
2 rules that govern other witnesses and you may be examined  
3 and cross examined on any relevant issue in this case. In  
4 addition, if you have any convictions involving dishonesty,  
5 or false statement or for crimes punishable by imprisonment  
6 for more than one year and this Court determines that the  
7 probative value of admitting this evidence outweighs any  
8 prejudicial effect, the solicitor would be able to introduce  
9 your record to attack your credibility.

10           If you decide to testify this decision on your part  
11 must be freely, voluntarily and intelligently made with  
12 knowledge and protections given to you by the Fifth  
13 Amendment and the consequences of your decision to testify.  
14 If you decide not to testify, that decision also must be  
15 freely, voluntarily and intelligently made.

16           And if you decide not to testify, I will instruct the  
17 jurors that they cannot give the fact that you did not  
18 testify any consideration whatsoever and that there's to be  
19 absolutely no prejudice to you because you did not testify.  
20 This is left entirely up to you, sir, whether or not you  
21 testify. You certainly have the right to talk to Mr.  
22 Chambers, any family members, friends, anyone else, but the  
23 final decision will be left entirely up to you.

24           Have you understood what I've explained to you, sir?

25           **MR. HELLAMS:** Yes, sir.

1           **THE COURT:** Okay. Do you have any questions about what  
2 I've explained to you?

3           **MR. HELLAMS:** No, sir.

4           **THE COURT:** Are you prepared to tell the Court now  
5 whether or not you will testify?

6           **MR. HELLAMS:** Yes, sir.

7           **THE COURT:** Okay. And what is your decision?

8           **MR. HELLAMS:** I will not testify.

9           **THE COURT:** Okay. And your decision not to testify,  
10 has that been freely, voluntarily and intelligently made by  
11 you with the advice and counsel of your attorney?

12          **MR. HELLAMS:** Yes, sir.

13          **THE COURT:** Okay. Thank you very much. You can have a  
14 seat.

15                 Before we bring the jury out, Mr. Chambers, does the  
16 Defense plan to put up a case?

17          **MR. CHAMBERS:** No, Your Honor.

18          **THE COURT:** Okay. All right. Well, let's talk for a  
19 minute about closing and charge. I have a draft of a charge  
20 that I've not had an opportunity to look at yet. Even  
21 though my trusted law clerk does a pretty good job at  
22 drafting these, but I do need to take a look at it.

23                 And, of course, what I do is once I've got kind of my  
24 final draft, I give you a written copy. We can either email  
25 it to you, give you a hard copy, whatever your preference is

1 and have you -- giving you a chance to look at it. And then  
2 we can have an informal charge conference, put on the record  
3 -- certainly we need to -- whatever we need to put on the  
4 record concerning charge.

5 Now, my question is -- it's almost 3:00. Do you have a  
6 preference whether or not we argue and charge today or wait  
7 til first thing in the morning?

8 **MR. CHAMBERS:** Your Honor, I would prefer to do it  
9 first thing in the morning just from the standpoint that I  
10 don't -- I don't want the case to go to the jury and then  
11 either they go home for the evening and then come back to  
12 deliberate or they're in the position of having to stay  
13 late.

14 **THE COURT:** Okay. And, quite frankly, because it is  
15 3:00, my preference would be to argue and charge in the  
16 morning. I'd like to kind of spend a little bit of time  
17 this afternoon getting the charge -- even though the charge  
18 is pretty straightforward, but, solicitor, you have -- you  
19 have a position one way or the other?

20 **MR. HOLLOWAY:** I think it's fine. Let's just do it  
21 tomorrow morning.

22 **THE COURT:** Okay. All right. Well, here's what we'll  
23 do then. We'll bring the jury out, cut them loose and have  
24 them back in the morning, give me a chance to look at this  
25 draft. And then would you prefer email or a hard copy?

1           **MR. CHAMBERS:** Email would be fine with me, Your Honor.

2           **MR. HOLLOWAY:** Yes, sir, that's fine.

3           **THE COURT:** All right. Give you a chance to look at it  
4 and maybe we can get back in the office and chat about it,  
5 okay?

6           **MR. CHAMBERS:** Look at it overnight and talk about it  
7 in the morning?

8           **THE COURT:** I'd like -- if we can, I'd like to have the  
9 charge ready to go before we leave this afternoon.

10          **MR. CHAMBERS:** All right. Well, if we're going to do  
11 that, I'll just take a hard copy.

12          **THE COURT:** Okay.

13          **MR. HOLLOWAY:** That's fine, too.

14          **THE COURT:** Okay. All right. We'll do that.

15          All right. Let's bring the jury out, please.

16          (Whereupon the jury entered the courtroom at 2:57 pm)

17          **THE COURT:** All right. Let the record reflect the jury  
18 is back in. Solicitor.

19          **MR. HOLLOWAY:** Your Honor, the State does rest at this  
20 time.

21          **THE COURT:** All right. Thank you very much. Defense.

22          **MR. CHAMBERS:** Your Honor, the Defense also rests.

23          **THE COURT:** Okay. Very good. The evidentiary record  
24 in this case is now closed.

25          Ladies and gentlemen of the jury, I've discussed this

1 with the lawyers, and what we have decided to do is go ahead  
2 and break for this afternoon. What we have left to do is  
3 the lawyers will make their closing arguments to you, and I  
4 will charge you the law applicable to this case.

5 And if we were to do it this afternoon, it probably  
6 would be after 4:00 before we gave you the case for  
7 deliberations. So we felt like it would be better to argue  
8 and charge in the morning.

9 So what I will need is for you to be back here at 9:30.  
10 And please allow yourselves enough time to take care of  
11 anything unexpected that may arise in the morning. And we  
12 will then do the closing arguments, and I will charge you  
13 the law and then instruct you to begin your deliberations.

14 I'll remind you once again, no discussion about  
15 anything related to this case among yourselves, anybody that  
16 you come into contact with, family, friends, whomever. And,  
17 again, no independent research into anything related to this  
18 case. And we'll see you bright and early at 9:30 in the  
19 morning. Okay. Have a good afternoon and evening.

20 (Whereupon the jury exited the courtroom at 2:59 pm)

21 **THE COURT:** All right. We'll get you a hard copy of  
22 the charge shortly if you can just hang around a little bit  
23 for me.

24 (Whereupon court was in recess at 3:00 pm)

1 Wednesday, May 9, 2018:

2           **THE COURT:** Thank you very much. Have a seat. Good  
3 morning everybody. All right, gentlemen, it's my  
4 understanding that you've had an opportunity to review the  
5 charge and there's no additions or corrections. Solicitor?

6           **MR. HOLLOWAY:** Yes, sir, that's ---

7           **THE COURT:** Defense?

8           **MR. CHAMBERS:** That's correct, Your Honor.

9           **THE COURT:** Certainly after or during my -- or after my  
10 charge, if something hits you, you certainly have every  
11 right to take exception to what I've charged. And just for  
12 your information, I give the jury a copy of the charge, just  
13 to let you know that.

14           We need to put anything on the record before we bring  
15 the jury out?

16           **MR. HOLLOWAY:** No, sir.

17           **THE COURT:** Okay.

18           **MR. CHAMBERS:** No, Your Honor.

19           **THE COURT:** And since the Defense did not put up a  
20 case, the State opens in full, the Defense opens in full, no  
21 rebuttal argument. Okay. Madame Bailiff, if you'll bring  
22 the jury in, please.

23           (Whereupon the jury entered the courtroom at 9:40 am)

24           **THE COURT:** Let the record reflect the jury is back in.  
25 Good morning, ladies and gentlemen.

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1           **THE JURY:** Good morning.

2           **THE COURT:** As I indicated to you yesterday afternoon  
3 when we broke, what we have left to do today is the lawyers  
4 will make their closing arguments to you, and then I will  
5 charge you the law applicable to this case, and then I will  
6 give you an instruction to begin your deliberations.

7           The State will argue first and then the Defense. And  
8 this is the last opportunity these good lawyers have to  
9 advocate to their respective side. So please give them your  
10 undivided attention. Solicitor, you ready?

11           **MR. HOLLOWAY:** Yes, sir.

12           **THE COURT:** You may proceed.

13           **MR. HOLLOWAY:** Thank you.

14           Make no mistake that Mr. Hellams was involved with the  
15 buy that occurred on 11/15/2015. Make no mistake that it  
16 was his cousin, Willis Weir, who brought a half an ounce of  
17 heroin, a lot of heroin, to that scene on that date. And  
18 but for the Defendant's actions, his cousin would not have  
19 even been there.

20           He is the one who brokered the deal with the informant,  
21 the informant, who yesterday under oath, he showed all his  
22 warts. He showed who he is to you. And it was not easy.

23           It is not easy to go in front of a jury, in front of a  
24 judge, in front of lawyers and show your dirty laundry, but  
25 he did that. He was on the stand.

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1           There's a code of honor amongst people who deal in  
2           drugs. And he sat on the witness stand kind of doing this,  
3           but he identified Mr. Hellams as "J". The CI, with the  
4           informant, Mr. Ponder, dealt with Mr. Hellams. Mr. Hellams  
5           relayed the order for half an ounce of heroin, fourteen  
6           hundred dollars' (\$1400.00) worth of heroin to this cousin,  
7           Mr. Weir.

8           Now, how do you get into the mind of someone who is  
9           dealing drugs or dealing heroin? How do you get inside that  
10          person's head and consider and know beyond a reasonable  
11          doubt that what he was thinking? Well, in this situation  
12          we've got his thoughts on a recording. You've got the CD of  
13          the calls between Mr. Ponder and Mr. Hellams. If you want  
14          to know what was going on in his head, you just listen to  
15          his words.

16          You have a copy of this CD to listen if you choose to.  
17          There are several calls. It is simply the informant, Mr.  
18          Ponder, they're setting up the location of the buy, they're  
19          negotiating. And, yes, Mr. Hellams is negotiating on behalf  
20          of his cousin of the volume of the heroin to be sold, the  
21          location, the price. He is knee deep in this conspiracy to  
22          trafficking heroin. Make no mistake about that. He can't  
23          hide from that.

24          Listen to his words. And I want to make sure I get it  
25          right. What you got for me? My cousin down here, he got

CLOSING ARGUMENTS - MR. HOLLOWAY

1 something good, too. Mr. Ponder: for real? Mr. Hellams:  
2 I can check real quick and see what the charge is for half  
3 way.

4 Half way, that's drug lingo, half an ounce. Fourteen  
5 (14) grams -- actually, they call it flexing, but they --  
6 sort of flexes the informant a little bit. It wasn't quite  
7 fourteen (14) grams. It was just shy of fourteen (14)  
8 grams, but we won't quibble over that.

9 You know I'm going to get as low as I can for you. In  
10 fact, he's saying sort of that I'm going to go to bat for  
11 you, Mr. Ponder, and I'm going to try to get the best deal  
12 possible for you.

13 Mr. Ponder asked, what color is she? Or what color she  
14 is? He says: she brown, like a tan, and she good. In  
15 fact, if you hear his words and how he says it, he's sort of  
16 -- it's almost like a connoisseur of heroin, unlike, you  
17 know, a fine wine. This is good heroin. I'm not going to  
18 flex you. I'm not going to cheat you. It's good heroin.

19 If he's not involved, if he's sort of collateral to  
20 this conspiracy, how does he know what the heroin looks  
21 like? He knows what it looks like. He knows what kind of  
22 product his cousin is wanting to sell and unload to him.  
23 It's good heroin.

24 Listen to all the calls. On the third call -- each  
25 file is separated -- I think it's about eight -- seven or

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1 eight files on that CD. On the third call he says he would  
2 do it -- he's telling Mr. Ponder he would do it for  
3 fourteen, fourteen hundred dollars (\$1400.00) for half an  
4 ounce. And he says, I've got to get him down here.

5 But for Mr. Hellams' actions, Mr. Weir would not have  
6 even been there. He would not have known -- he wouldn't  
7 have had a ready customer that day but for Mr. Hellams.

8 Now, the Defense doesn't have to put on a closing  
9 argument. They just -- assuming that they do, they are  
10 going to attack Mr. Ponder, but he's exactly the kind of  
11 informant they want. He's in the know. You're not going to  
12 get a girl scout, obviously, you're not going to get the  
13 average drug customer who's merely trying to get the next  
14 hit.

15 Mr. Ponder told you, admitted that he had sold -- he's  
16 in -- he was in trouble knee deep, no doubt about that, but  
17 he has sold less than a gram. So to save his own skin, he's  
18 getting someone who can bring a higher volume of heroin.  
19 That is an efficient use of State resources to get at  
20 someone who's selling more. That is why they conduct these  
21 controlled -- these controlled buys, to get at the heart of  
22 the drug trade in Greenville County. And that's exactly why  
23 Mr. Ponder was used.

24 If you can believe this, dealers are suspicious. They  
25 don't let a lot of people come in their zone unless they

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1 trust them. Mr. Weir, obviously, trusted Mr. Hellams to  
2 handle his business and kind of get the customers. And by  
3 the way, one of the names that popped into Mr. Ponder's head  
4 when he's knee deep in trouble is the name of "J". Who can  
5 get more heroin? He thinks of "J", Jonatha Hellams.

6 It is ironic that the Defense will cast stones at Mr.  
7 Ponder. Mr. Ponder was honest. He admitted his guilt. He  
8 admitted what he did. And, yes, to save his own skin he  
9 helped law enforcement. But this is the process. This is  
10 how you get at the people who sell the larger amounts of  
11 heroin.

12 So don't buy these slick explanations from the Defense  
13 that may come out on closing, that don't believe Mr. Ponder.  
14 Look at his demeanor on the stand. This is not an easy  
15 thing to do to take a stand. It really is not.

16 I've been doing this fifteen years. It is not an easy  
17 thing to come up here, especially for someone who is used to  
18 being in the shadows of drug trafficking. But to come in  
19 public in front of all you good people, in front of these  
20 officers, in front of the prosecutor and a judge and admit  
21 what you did. But, yes, he did rope in Mr. Hellams and he  
22 certainly roped in Mr. Weir.

23 The Defense brought up yesterday John Lentz as a  
24 possible person who is "J". That is -- that's utterly  
25 ridiculous. Do not believe that explanation.

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1           Consider what happened when the vehicles arrived. Both  
2 vehicles arrived and Mr. Lentz went into the restaurant with  
3 Mr. Weir. Why did they do that? Well, they were scoping  
4 the restaurant. They were casing the joint, if you will.  
5 They wanted to make sure the coast was clear.

6           Any kind of metaphor you can think of, any kind of  
7 trite phrase you've heard in Starsky and Hutch over the  
8 years, that's what they were doing. They wanted to make  
9 sure that they weren't going to walk into a public scene or  
10 with the officers there. Of course, the officers were  
11 undercover. They didn't make themselves known.

12           But I'll tell you this, too. Here's how I know, here's  
13 how you know beyond a reasonable doubt Lentz was not the  
14 person who set up the deal. First off, the Defendant's  
15 first words were -- after being arrested was my cousin set  
16 me up, not Mr. Lentz, his cousin, Jonatha Hellams. Mr. Weir  
17 says that.

18           Secondly, if you're going to do a drug deal with Lentz,  
19 why leave the restaurant and go back into public in the  
20 parking lot and do the exchange? No. You're in the  
21 restaurant. Go to the bathroom where all great drug deals  
22 go down, go into the bathroom, shut the stall door,  
23 something out of the public eye.

24           Yet Weir still had the drugs on him. Who was he going  
25 to talk to? He was talking to Mr. Hellams, waiting for

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1 their customer to show up. Who knew the customer? Mr.  
2 Hellams knew the customer.

3 That is why you can -- you know beyond a reasonable  
4 doubt Lentz was not the target. He was not the person.  
5 They would have done the deal inside the bathroom, under the  
6 table at the restaurant, something where they're not going  
7 to be seen.

8 Yet when Lentz comes out, Mr. Weir comes out, no  
9 exchange has occurred. How do we know that? Because the  
10 drugs were still on him. The drugs weighed in at just shy  
11 of a half an ounce. We know that. We know that for a fact.  
12 Don't believe any of these slick explanations from the  
13 Defense. It makes absolutely no sense.

14 The law of trafficking. Now, the Judge, his role here,  
15 I mentioned yesterday -- described the roles of everybody  
16 here. I advocate for the State. Mr. Chambers has zealously  
17 advocated for his client and done a great job, actually.  
18 But the law -- the Defense can't hide from what the law says  
19 in this State.

20 The law of trafficking is meant to cover every person  
21 who has a hand in the trafficking transaction. And in this  
22 situation with heroin is more than -- it's four (4) grams or  
23 more of heroin. Now with crack and cocaine, it's ten (10)  
24 grams. Methamphetamine, it's ten (10) grams. But heroin is  
25 so powerful, the law says four (4) grams. Now how much did

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1 he have? He had thirteen point seven eight (13.78) grams of  
2 heroin.

3 And I mentioned this in my opening, to put things in  
4 perspective, to get to possession with intent to distribute,  
5 that crime, all he needs to have is point one three (.13)  
6 grams. That just gets -- that gets you beyond possession  
7 weight, which is considered -- it's considered for personal  
8 use. You can infer and have PWID at point one three (.13).  
9 He had a hundred times that, a hundred times. That's --  
10 when you see the bag in here you think, well, is it really a  
11 lot? The law says, yes. Yes.

12 Now, the law says conspiring as a part of the  
13 trafficking transaction, delivering the drugs, transporting  
14 it through Greenville County, through the State, and  
15 specifically in this case, Greenville County, selling it,  
16 possessing it.

17 Now, Mr. Hellams was not in possession of it. His  
18 cousin was. But the law says you don't have to actually  
19 possess drugs. You can be a part of -- sort of a cog in the  
20 system in getting the heroin delivered, and then sold, and  
21 you're just as guilty as the person who had it in his  
22 pockets.

23 Conspiring, aiding and abetting, this is the language  
24 that no matter how much they try, they cannot get around  
25 that. Mr. Hellams is guilty of conspiring, and aiding and

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1 abetting in a drug transaction. You can't hide from it.

2 Now, how do we know it was -- that "J" was Jonatha  
3 Hellams? Think about what Investigator Gault said  
4 yesterday. Think about the identification of Mr. Ponder  
5 that this is -- that "J" is Jonatha Hellams. This was a  
6 methodical process of trying to identify the person.

7 The word target has been thrown around in this  
8 courtroom. And target can mean a lot of things from a store  
9 my wife shops at to, you know, to this malicious intent on  
10 the part of law enforcement to go after somebody. That is  
11 not the case here. That's not the case here. And I don't  
12 think Mr. Chambers has said that, and I don't think he will,  
13 but he was not a target. He was not targeted.

14 The evidence unfolded. This investigation is sort of  
15 what happens in undercover buys. Someone gets in trouble.  
16 Someone -- an informant either is a paid informant or they  
17 want -- they wanted to hopefully -- had hoped for the best  
18 with their charges. And he admitted what he got.

19 But as things unfolded, Mr. Ponder knew where "J" had  
20 lived. He took him -- Mr. Ponder took Investigator Gault to  
21 that location and said this is where "J" lives. There's a  
22 process of checking -- this software, I mean, these little  
23 devices that officers have to check our power records, water  
24 records to figure out who's tied to this location. And the  
25 person tied to that location is Jonatha Hellams.

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1           Based on that officers -- Investigator Gault did a  
2 photo line-up. And this is what a photo line-up is. Mr.  
3 Ponder signed it. See his signature there. And he's a  
4 hundred percent sure that "J" is Jonatha Hellams.

5           Now this is what Mr. Ponder saw. This is -- that was  
6 testified to yesterday. This is the process. Obviously  
7 you're not going to pen in the name of the person. This was  
8 conducted properly and there was no objections to this photo  
9 line-up or the process taken. The Defense didn't object to  
10 that. Picked out Jonathan -- Jonatha Hellams, sometimes his  
11 name appears -- it says Jonathan here, but it's actually  
12 Jonatha. Take a look at him. Is that him? Yes. Yes, it  
13 is. So any doubt that "J" is Jonatha Hellams, there is no  
14 -- there is no doubt.

15           I mentioned this yesterday. Yes, we have the burden of  
16 proof. We freely accept that. We wouldn't be here  
17 otherwise. There is no doubt that he is involved, that he  
18 set up this buy, that Mr. Weir showed up because his cousin  
19 set up the buy for Mr. Ponder. Listen to the recording.  
20 Listen to the conversations.

21           You know, just like lawyers, and doctors, and teachers,  
22 everybody who works in a particular trade, legal or not,  
23 have particular lingo, particular terminology that's used.  
24 Listen to what they're saying.

25           My cousin down here got some good to do. I can check

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1 and see real quick. I don't know how much he charge for  
2 half way. Half way means half an ounce of heroin. You know  
3 I'm going to get it for as low as you can. Ponder asked  
4 what color. She brown, like tan. She good. Let me see  
5 what's up with it. All right. I'll get right back.

6 Ultimately in the second -- third part, actually, he  
7 said I can do it for fourteen. That's fourteen hundred  
8 dollars (\$1400.00). This is all from his mouth. He can't  
9 hide from his words, he can't hide from his behavior. Don't  
10 let them blame Lentz. The evidence doesn't point to Lentz.  
11 They can throw stones at everybody they want, but ultimately  
12 the guilt is at Mr. Hellams' feet.

13 Thank you for your time. I know both sides appreciate  
14 your attention, you're away from your families and your  
15 work. We appreciate your time. This case is very serious  
16 for both parties. And we appreciate all the attention that  
17 you've given us. Thank you.

18 **THE COURT:** Thank you, solicitor. Mr. Chambers, you  
19 ready, sir?

20 **MR. CHAMBERS:** Yes, Your Honor. May it please the  
21 Court, ---

22 **THE COURT:** Yes, sir.

23 **MR. CHAMBERS:** --- solicitor?

24 Ladies and gentlemen, we've come to the end. It was a  
25 short case, but, obviously, a very important case. I think

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1 all of you know that based on the charge and what you've  
2 heard. And pretty soon you're going to get to go back and  
3 do what you came here for and decide what the facts are in  
4 this case.

5 And as the solicitor has said several times and you  
6 heard me say, the burden of proof is squarely on them, and  
7 it is beyond a reasonable doubt. And so when you go back  
8 there and deliberate, all of you, who come here from  
9 different walks of life, different ages with the common  
10 sense and wisdom that all of you brought from your life  
11 experiences, you're going to go back there and you're going  
12 to deliberate.

13 And you're going to ask yourselves, am I firmly  
14 convinced? Am I definitely sure? In other words, am I  
15 going to go home later and have some lingering doubts about  
16 this?

17 Now, the solicitor indicated that I was going to stand  
18 up here and make slick arguments. I learned a long time ago  
19 that you don't get away with slick arguments in front of  
20 juries. They kind of expect that. And they don't buy it.  
21 That's what I was talking about yesterday when I said you  
22 want to judge the demeanor and you want to judge the content  
23 of what anybody tells you and their demeanor when they're  
24 telling you about it.

25 So you're going to look at the facts, you're going to

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1 look at the evidence. And that's exactly what I want you to  
2 do in this case. I'm not here to make any slick arguments.  
3 And that's what you'll base your decision on. And it won't  
4 -- by the same token, you won't base your decision on  
5 coincidence, speculation, innuendo. You will base it on the  
6 evidence or the lack thereof in this case.

7 And, ladies and gentlemen, this whole case, as you  
8 could tell from the solicitor's argument, because he kept  
9 coming back to it, and coming back to it, and coming back to  
10 it, Roy Ponder. He realizes that Roy Ponder is the lynchpin  
11 of this whole case. And he realizes that he has a problem  
12 with Roy Ponder. And he also has a problem with the way  
13 that the investigation was conducted.

14 Now, you saw Roy Ponder's demeanor. And the solicitor  
15 said, well, it's hard to testify and it's hard to break this  
16 code that you have. But more importantly, folks, it's hard  
17 to go up here, put your hand on the Bible, swear to tell the  
18 truth and then sit there and lie.

19 And Mr. Ponder sat there the whole time, leaning away  
20 from Jonatha over there, not even looking at y'all, not  
21 looking at the solicitor, head down, reluctant to talk.  
22 Why? Because he knew what he was telling you was not the  
23 truth.

24 Now, he told you, and he didn't have any choice but to  
25 tell you this, that he was in trouble. That's when

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1 Investigator Gault -- they arrested him. They had him for  
2 distribution of heroin, two counts. And it was his second  
3 offense. And he admitted to you that he was a heroin  
4 dealer.

5 He even said, if you will recall, and this is how he  
6 knows Jonatha Hellams, he said, I sold some heroin to  
7 Jonatha. That's where he got it from in the past. So he  
8 knew him.

9 And so they're like, what can you do to help yourself?  
10 Well, he knows he's probably going to prison unless he comes  
11 up with something.

12 Now he testified yesterday, among other things, that he  
13 made several calls that day. He first said he only made one  
14 call to Jonatha, but he did say for sure that he made  
15 several calls to other people. And the solicitor, realizing  
16 that was a problem, he got up on redirect and he said, well,  
17 what about this CD? You know what's on this CD? Are there  
18 any calls to anybody else? There are more than one call to  
19 Jonatha Hellams? And he said, yes.

20 But here's the thing, they prepared that CD. We don't  
21 know if he called anybody else. But he settled on this  
22 person that he claimed to know as "J", somebody he said he'd  
23 sold heroin to before.

24 Now, he had a phone number and he made those calls.  
25 And he showed them where "J" lives. And they say they

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1 confirmed that that's where "J" lives. But they brought you  
2 no proof of any confirmation that "J" lived there. If they  
3 found utility bills or anything like that that linked him to  
4 that house, where are they? Why wouldn't they produce  
5 those?

6 And you may say, well, that's not important. You know,  
7 the police say it, it must be true. But, folks, they  
8 realize they've got to prove to you beyond a reasonable  
9 doubt. They realize it's important. They realize that you  
10 twelve people are going to go back there and deliberate.  
11 You want to nail down -- when you're talking about  
12 identifying somebody, it's important to get it right.

13 So we don't have any proof that he lived at that house.  
14 And even if he did, maybe he knew where he lived. We don't  
15 know that that's the person he called. And why don't we  
16 know that that's the person he called? Because there's no  
17 identification of any names or anything on there. You don't  
18 even hear them say the word "J", like, hey, "J". You don't  
19 know who he's talking to.

20 And when I asked Investigator Gault, I said, did you do  
21 some sort of reverse look-up? I mean, I would imagine law  
22 enforcement has access to tools that most of us don't in our  
23 daily life, but I can do a reverse look-up of a number. And  
24 he said, well, we didn't do that because it doesn't always  
25 work, and it's not important.

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1 Well, why isn't it important? Wouldn't it be important  
2 to know who was on the other end of that phone? And it's  
3 like I said to him, well, we know for sure that if you don't  
4 try it you're not going to be able to confirm who was on  
5 that phone. So when you listen to those conversations, you  
6 don't really know who they were talking to. You don't know.

7 So the whole case comes down to Roy Ponder. And you  
8 get to consider his demeanor and you get to consider what he  
9 said, but you also get to consider the problems with this  
10 investigation and what they didn't do, okay?

11 So they -- this person "J" says, yeah, I think my  
12 cousin's got some, and they did that. And they were all  
13 going to meet at some point. And, yeah, Jonatha Hellams was  
14 there in the car along with some other people. And,  
15 remember, they were only expecting one car. One car.

16 And Jonatha Hellams, based on what the police said, was  
17 the target. That's who they were waiting for. They had no  
18 expectation that Mr. Weir was coming in another vehicle.

19 But remember this, there were several people in each  
20 car. And it is important. And there's a diagram here  
21 somewhere. Here we go. And you can look at it. The Lexus  
22 that Mr. Hellams was driving had two other passengers, a  
23 John -- he was there, there was a John Lentz and there was  
24 Evelyn Alvarez. And John Lentz's, of course, first name  
25 does start with "J".

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1           Now, the solicitor said I would point the finger at  
2 John Lentz. I'm not necessarily pointing the finger at John  
3 Lentz, but I would point out to you that we don't know  
4 anything about him. But he was in that car. And he's the  
5 person that when they pulled in got out and went into the  
6 Burger King with Willis Weir. Willis Weir's the one that  
7 had all the dope and all the money.

8           And, of course, the solicitor engages in conjecture and  
9 speculation about what they went in there for, but he  
10 doesn't know. Nobody saw any kind of drug transaction go  
11 down. And the police moved in and they didn't even have Roy  
12 Ponder out there. So there was never going to be a drug  
13 transaction.

14           But it's funny that you would think that if Mr. Hellams  
15 was there to meet with Willis Weir that when he got out of  
16 the car, Hellams would have gotten out of the car. I mean,  
17 you didn't hear the police say that there was any  
18 conversation, that there was any direction back and forth.  
19 They just knew, hey -- so basically John Lentz was clearly  
20 there to see Mr. Weir and Mr. Weir was clearly there to see  
21 John Lentz. And they went into the Burger King together and  
22 then they came out. And it wasn't til then that Jonatha  
23 went over to talk to Willis Weir because presumably he knew  
24 him.

25           Now everybody keeps saying he's his cousin. But,

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1 again, where's the proof that they're cousins? We do know  
2 that Willis Weir had a cousin in the car with him because  
3 there was testimony to that. And that was Timothy Davis.  
4 You heard -- I forget which one of the police officers it  
5 was. I think it was Conroy. Or it might have been Farrar.  
6 But one of those who said that the girl who was driving the  
7 car identified Timothy Davis as being Willis' cousin. So  
8 any references to cousin, the only one we know for sure is  
9 Timothy Davis is his cousin.

10 And the other thing, you didn't hear the solicitor  
11 mention this in his closing argument, but it's important.  
12 Several times in earshot of several officers, and you heard  
13 testimony from the officers on this, Weir adamantly said,  
14 all that shit is mine, all that shit is mine. So all the  
15 drugs were his. The money was his.

16 I could go on and on about inconsistencies. I could go  
17 on and on about lack of investigation in this case, but I  
18 don't want to keep y'all here any longer than I have to.  
19 You know, my tendency is to keep trying to go, maybe even  
20 beat a dead horse because I am Mr. Hellams' advocate, you  
21 know? It is -- the responsibility lies on me to try to make  
22 sure that his defense is properly presented to you.

23 And it's a worrisome thing. It's -- and this is the  
24 kind of case that really causes me to lose sleep at night  
25 because this is a very broad statute, and it does encompass

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1 a lot of behavior. And it is a serious charge.

2 But that is why, that is why when we set up this system  
3 that you heard His Honor, and I agree with, it is the  
4 greatest justice system in the world, the fairest justice  
5 system in the world. And it is because it is anchored by  
6 trial by jury where you have to be left firmly convinced,  
7 where you have to be left definitely sure of somebody's  
8 guilt.

9 Probability is not enough. To think somebody might be  
10 guilty or is probably guilty is not enough. You have to be  
11 free from any doubt. And I'm not going to stand here and  
12 tell you based on what we've heard in this case that I know  
13 exactly what happened or why all those people were out there  
14 at the Burger King. And you may not know either. But if  
15 you don't know, you have reasonable doubt. And reasonable  
16 doubt means a not guilty verdict in this case.

17 So, folks, when you go back there and deliberate in a  
18 few minutes, I want you to ask yourselves, do I -- am I  
19 satisfied with the way they conducted that investigation?  
20 Am I happy about the fact that they didn't do more to try to  
21 identify who "J" was?

22 Am I going to convict somebody based on the testimony  
23 of Roy Ponder? Somebody who couldn't even look up at the  
24 jury or the man that he's accusing, or the solicitor? Do I  
25 feel comfortable doing that? Or am I going to go home at

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1     sometime tonight, or tomorrow, or next week and say, you  
2     know, I just don't feel good about that? That's what  
3     reasonable doubt's all about.

4             And here's the thing that gives me solace. I said this  
5     is the kind of case that keeps me up at night. But I know  
6     that all of y'all listened. And I know that all of y'all  
7     are going to go back there and you're going to discuss the  
8     evidence in this case.

9             And there's a record. And you have these exhibits in  
10    front of you. And you have this CD to listen to. And you  
11    have everything that you need at this point to make your  
12    decision. If you want to hear more testimony, and I'm not  
13    necessarily encouraging this, but that can be arranged, if  
14    there's something you're not sure about.

15            So I'm going to go sit down now, and I'm going to leave  
16    this in your good hands. And His Honor is going to charge  
17    you on the law. And one of the things he's going to tell  
18    you about is what I've already talked about, what the  
19    solicitor's already talked about, and that is reasonable  
20    doubt. And I want you to keep that with you throughout this  
21    process.

22            And when you go back there and deliberate, some of you  
23    have very strong personalities, some of you are more  
24    passive, that's just how life is, but none of you is more  
25    important or less important than the other. So make sure

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1 that you're heard. Make sure you pose questions to one  
2 another. Make sure you probe this evidence.

3 I welcome you doing that because I believe that when  
4 you do that you're going to find that this case is lacking.  
5 You're going to find that this case is built on lies, and  
6 speculation and innuendo. And the fact that they believe  
7 that Mr. Hellams is guilty is not enough to carry the day.  
8 If that were true, then we could dispense with this trial.

9 I can tell you that Mr. Hellams has been looking  
10 forward to this day with trepidation, but still looking  
11 forward to it because he has lived with this for a year and  
12 a half now. So I'll join the solicitor in thanking you for  
13 your time, thanking you for your attention.

14 And I look forward to you really going through this  
15 evidence. And I believe that when you do you're going to  
16 come back with a not guilty verdict in this case. Thank you  
17 very much.

18 **THE COURT:** Thank you, Mr. Chambers. Ladies and  
19 gentlemen, does anybody need a break? My charge will take  
20 about twenty minutes. Anybody need to take a break?  
21 Everybody good?

22 **THE JURY:** (Affirmative nods).

23 **THE COURT:** All right.

24 Madame Forelady and ladies and gentlemen of the jury, I  
25 now will charge you the law applicable to this case. And

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1 you must consider the charge as a whole and not focus on  
2 some portions to the exclusion of other portions.

3 The indictment charges the Defendant with trafficking  
4 heroin. I remind you, once again, that the fact the  
5 Defendant was arrested, charged and indicted in this case is  
6 not evidence in this case and cannot be considered by you as  
7 evidence of guilt in this case, nor does it create any  
8 presumption or inference of guilt. This document is simply  
9 the formal written instrument which contains the charge made  
10 against the Defendant. This is the formal document by which  
11 this case is brought into this court.

12 The Defendant has pled not guilty to this indictment,  
13 and that plea puts the burden on the State to prove the  
14 Defendant guilty. A person charged with committing a  
15 criminal offense in South Carolina is never required to  
16 prove himself innocent.

17 I charge you that it is an important rule of the law  
18 that the defendant in a criminal trial, no matter what the  
19 seriousness of the charge may be, will always be presumed to  
20 be innocent of the crime for which the indictment was issued  
21 unless guilt has been proven by evidence satisfying you of  
22 that guilt beyond a reasonable doubt. The presumption of  
23 innocence does not end when you begin your deliberations,  
24 but it accompanies the Defendant throughout the trial unless  
25 you reach a verdict of guilt based on evidence satisfying

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1 you of that guilt beyond a reasonable doubt.

2 The presumption of innocence is like a robe of  
3 righteousness placed about the shoulders of the Defendant  
4 which remains with the Defendant unless it has been stripped  
5 from the Defendant by evidence satisfying you of the  
6 Defendant's guilt beyond a reasonable doubt.

7 Now the presumption of innocence is not mere legal  
8 theory. It's not just a legal phrase that we use. It is a  
9 substantial right to which every defendant is entitled  
10 unless you, the jury, are satisfied from the evidence of the  
11 Defendant's guilt beyond a reasonable doubt.

12 Now concerning reasonable doubt, some of you may have  
13 served as jurors in civil cases where you were told that it  
14 is only necessary to prove that a fact is more likely true  
15 than not true, such as by the greater weight or the  
16 preponderance of the evidence. However, in criminal cases,  
17 the State's proof must be more powerful than that. It must  
18 be beyond a reasonable doubt.

19 Proof beyond a reasonable doubt is proof that leaves  
20 you firmly convinced of the Defendant's guilt. Now there  
21 are very few things in this world that we know with absolute  
22 certainty, and in criminal cases the law does not require  
23 proof that overcomes every possible doubt.

24 If, based on your consideration of the evidence, you  
25 are firmly convinced that the Defendant is guilty of the

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1 crime charged, then you must find the Defendant guilty. If,  
2 on the other hand, you think there is a real possibility  
3 that the Defendant is not guilty, you must give the  
4 Defendant the benefit of the doubt and find him not guilty.

5 Now, Madame Forelady and ladies and gentlemen of the  
6 jury, I'll remind you once again that you and I have had  
7 certain duties to perform. As the trial judge it has been  
8 my responsibility to preside over the trial of this case.  
9 And I also have had the duty to rule on the admissibility of  
10 the evidence offered during this trial.

11 You are to consider only the competent evidence before  
12 you. You are to consider only the testimony which has been  
13 presented from this witness stand, any exhibits which have  
14 been made a part of the record in this case and any  
15 stipulations of counsel.

16 I have the additional duty to charge you the law  
17 applicable to this case. As the presiding judge I am the  
18 sole judge of the law in this case. And it is your duty as  
19 jurors to accept and apply the law as I now state it to you.  
20 If you already have any idea as to what the law is or what  
21 the law ought to be, and it does not agree with what I now  
22 tell you the law is, you must abandon your idea because you  
23 are sworn to accept the law and apply the law exactly as I  
24 state it to you.

25 In every case tried in this court before a jury, the

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1 jury becomes the sole and exclusive judge of the facts in  
2 the case. A trial judge cannot intimate, state, comment on  
3 or make any statement to a trial judge -- to a trial jury  
4 about the facts in the case.

5 Since you, the jury, are the sole judge of the facts in  
6 this case, you are not to infer from what I have said during  
7 the progress of this trial in ruling upon the admissibility  
8 of evidence, or otherwise, or anything that I say now during  
9 the course of this instruction to you that I have any  
10 opinion about the facts in this case. The law does not  
11 allow me to have an opinion about the facts in this case.

12 This is a matter solely for you, the jury, to  
13 determine. As jurors it is your duty to determine the  
14 effect, value and weight of the evidence presented during  
15 this trial.

16 Now, ladies and gentlemen, there are two types of  
17 evidence which are generally presented during a trial, that  
18 being direct evidence and being circumstantial evidence.  
19 Direct evidence directly proves the existence of a fact and  
20 does not require deduction. Circumstantial evidence is  
21 proof of a chain of facts and circumstances indicating the  
22 existence of a fact. Crimes may be proven by circumstantial  
23 evidence.

24 The law makes no distinction between the weight or  
25 value to be given to either direct or circumstantial

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1 evidence, however, to the extent the State relies on  
2 circumstantial evidence, all of the circumstances must be  
3 consistent with each other, and when taken together, point  
4 conclusively to the guilt of the accused beyond a reasonable  
5 doubt. If these circumstances merely portray the  
6 Defendant's behavior as suspicious, the proof has failed.

7       Once again, the State has the burden of proving the  
8 Defendant guilty beyond a reasonable doubt. And this burden  
9 rests with the State regardless of whether the State relies  
10 on direct evidence, circumstantial evidence or some  
11 combination of the two.

12       Necessarily, ladies and gentlemen, you must determine  
13 the credibility of witnesses who have testified in this case  
14 and the evidence presented. Credibility simply means  
15 believability. It becomes your duty as jurors to analyze  
16 and to evaluate the witnesses and the evidence and determine  
17 the credibility of the witnesses and the evidence.

18       In determining the credibility of witnesses who have  
19 testified in this case, you may believe one witness over  
20 several witnesses or several witnesses over one witness.  
21 You may believe a part of the testimony of a witness and  
22 reject the remaining part of the testimony of that same  
23 witness.

24       You may believe the testimony of a witness in its  
25 entirety or reject the testimony of a witness in its

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1 entirety.. You may consider whether any witness has  
2 exhibited to you any interest, bias, prejudice, or other  
3 motive in this case. You may also consider the appearance  
4 and manner of a witness while on the witness stand.

5 Now, ladies and gentlemen, in order to establish  
6 criminal liability, criminal intent is required. For  
7 example, the mental state required to be proven by the State  
8 for a particular crime might be purpose, intent, knowledge,  
9 recklessness or criminal negligence.

10 Criminal intent must be proven by the State beyond a  
11 reasonable doubt. Criminal intent is always a matter that  
12 must be determined by a jury from the circumstances  
13 surrounding the situation.

14 Now there's no way to prove intent to a mathematical  
15 certainty. There's no way medical science can dissect a  
16 person's brain and determine what the person had in mind.  
17 So the law says that criminal intent may be inferred from  
18 the circumstances shown to have existed. This is how you  
19 make a determination of whether or not the element requiring  
20 intent was present.

21 It is not necessary to establish intent by direct and  
22 positive evidence, but intent may be established by  
23 inference in the same way as any other fact by taking into  
24 consideration the acts of the parties and all of the facts  
25 and circumstances in this case.

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1 Criminal intent is a mental state, a conscious  
2 wrongdoing. It is up to you to determine what the Defendant  
3 intended to do based on the circumstances shown to have  
4 existed.

5 Now, as I told you yesterday, the rules of evidence  
6 ordinarily do not permit witnesses to testify to opinions or  
7 conclusions. An exception to this rule exists for witnesses  
8 we call expert witnesses. A witness who by education and  
9 experience has become an expert in some art, science,  
10 profession or calling may state an opinion as to relevant  
11 and material matter, in which the witness claims to be an  
12 expert, and may also state the reasons for that opinion.

13 You should consider any expert opinion received in  
14 evidence in this case and, like any other evidence, give it  
15 the weight you think it deserves. If you decide that the  
16 opinion of an expert witness is not based on sufficient  
17 education and experience, or if you conclude that the  
18 reasons given in support of the opinion are not sound, or  
19 that the opinion is outweighed by other evidence, you may  
20 disregard the opinion entirely.

21 An expert witness' testimony is to be given no greater  
22 weight than that of other witnesses simply because the  
23 witness is an expert. Further, you are not required to  
24 accept an expert's opinion, even though it is not  
25 contradicted.

CHARGE OF THE COURT

1 Madame Forelady, and ladies and gentlemen of the jury,  
2 I instruct you and emphasize that the fact the Defendant did  
3 not testify is not a factor to be considered by you in any  
4 way in your deliberations and in your consideration on the  
5 question of the guilt or the innocence of the Defendant. It  
6 must not be considered by you in any manner whatsoever.

7 A defendant has the constitutional right to remain  
8 silent, and the assertion of this right must not be  
9 considered by you in your deliberations. I repeat, under  
10 your oath, you are to draw no conclusion whatsoever from the  
11 fact that the Defendant elected in this case not to testify.

12 The fact that this Defendant did not testify should not  
13 even be discussed in the jury room. The burden of proof, as  
14 I have stated to you several times, is on the State. The  
15 Defendant is not required to prove his innocence. The  
16 burden of proof remains on the State to prove guilt beyond a  
17 reasonable doubt.

18 Now let me explain to you the charge of trafficking in  
19 heroin. The State must prove beyond a reasonable doubt that  
20 the Defendant knowingly sold, manufactured, cultivated,  
21 delivered, purchased, brought into this State, provided  
22 financial assistance, or otherwise, aided, abetted,  
23 attempted, or conspired to sell, manufacture, cultivate,  
24 deliver, purchase, or bring into this State, was knowingly  
25 in actual or constructive possession, knowingly attempted to

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1 become in actual or constructive possession of heroin.

2 The State must also prove beyond a reasonable doubt  
3 that the amount of heroin, or any mixture containing heroin,  
4 four (4) grams or more, but less than fourteen (14) grams.

5 Now, ladies and gentlemen, there are two verdicts in  
6 this case, either not guilty or guilty. And I'm going to  
7 come down and show you a verdict form that you will need to  
8 complete, Madame Forelady.

9 The verdict in this case must be unanimous among the  
10 twelve of you. And when you have reached a verdict -- you  
11 go back to the jury room and to begin your deliberations,  
12 the bailiff can explain to you how you will notify us when a  
13 verdict is reached. I believe that there's a light that  
14 comes on. Is that correct, Madame Bailiff?

15 **THE BAILIFF:** Correct.

16 **THE COURT:** I know what I've just read to you these  
17 last -- well, I said twenty minutes, probably a few minutes  
18 less than twenty minutes, but it was a lot. Therefore, I'm  
19 going to give you a copy to take back to the jury room of  
20 what I have just read for your use in any way that you feel  
21 like you need to use it, if any.

22 Now I'm going to come down and show you the verdict  
23 form, Madame Forelady. It's very simple to complete. Your  
24 verdict that you reach, either guilty or not guilty, you  
25 will put your initials on the line representing your

CHARGE OF THE COURT

1 unanimous verdict. You will sign it and you will put  
2 today's date, which is the 9th of May, okay?

3 Now, I'm going to send all thirteen of you back to the  
4 jury room. Do not begin your deliberations yet. I just  
5 need to talk with the lawyers to make sure that we need to  
6 make no further changes, or additions or subtractions to the  
7 Court's charge. I do not anticipate that will happen, but I  
8 need to talk with them about that.

9 So if there are no additions or corrections to the  
10 charge, when the bailiff brings to you all of the exhibits,  
11 the verdict form, and a copy of my charge, that will be your  
12 cue for two things to happen; One, I need the alternate to  
13 exit the jury room and come back into court, and, secondly,  
14 your deliberations are to begin. And, remember, your  
15 verdict must be unanimous among the twelve of you.

16 So all of you, go back to the jury room. Don't start  
17 yet. And hopefully you'll be able to start in a few  
18 minutes.

19 (Whereupon the jury exited the courtroom at 10:26 am)

20 **THE COURT:** State have any objections or exceptions to  
21 the Court's charge?

22 **MR. HOLLOWAY:** No, sir.

23 **THE COURT:** Defense?

24 **MR. CHAMBERS:** No, Your Honor.

25 **THE COURT:** Okay. Thank you very much. The court

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1 reporter informs me that all of the exhibits are here on the  
2 table. If you want to just double check, Mr. Chambers, just  
3 make sure.

4 (Pause)

5 **THE COURT:** Very good. Everybody be at ease.

6 (Whereupon court was in recess at 10:28 am).

7 (Whereupon court reconvened at 11:25 am)

8 **THE COURT:** All right. Gentlemen, it's my  
9 understanding that the jury has reached a verdict. Anything  
10 we need to put on the record before we bring the jury out to  
11 receive the verdict?

12 **MR. HOLLOWAY:** No, sir.

13 **MR. CHAMBERS:** No, Your Honor.

14 **THE COURT:** Okay. Thank you very much. You can bring  
15 the jury out, please.

16 (Whereupon the jury entered the courtroom at 11:27 am)

17 **THE COURT:** Mr. Hellams, if you'd, please, stand, sir.  
18 Madame Forelady, it's my understanding that you have reached  
19 a verdict, is that correct?

20 **MADAME FORELADY:** Yes, sir.

21 **THE COURT:** Okay. And without telling me what the  
22 verdict is, is the verdict unanimous among the twelve of  
23 you?

24 **MADAME FORELADY:** Yes.

25 **THE COURT:** Okay. Would you hand the verdict form to

VERDICT OF THE JURY

1 Madame Bailiff, please. Okay. And, Madame Clerk, if you  
2 would publish the verdict, please.

3 **MADAME CLERK:** Your Honor, in the case of 2016-GS-23-  
4 2219, the State versus Jonatha Dashon Hellams, the verdict  
5 is guilty.

6 **THE COURT:** Okay. Madame Forelady, and ladies and  
7 gentlemen of the jury, if that verdict is correct, would you  
8 please show by raising your right hand.

9 (Whereupon all jurors raised their right hand)

10 **THE COURT:** All right. Let the record indicate that  
11 all five -- all twelve hands were raised. Mr. Chambers, do  
12 you want individual poling of this jury?

13 **MR. CHAMBERS:** No, Your Honor.

14 **THE COURT:** All right. Thank you very much.

15 Ladies and gentlemen, let me thank you for your jury  
16 service. The verdict that you've reached in the case does  
17 not matter to the Court. What matters to the Court is that  
18 you performed your duties conscientiously and efficiently.  
19 And I believe that you have done that.

20 For those of you who have -- y'all can have a seat, Mr.  
21 Chambers, Mr. Hellams. For those of you who this is your  
22 first time serving on a jury, I hope that you have found it  
23 to be a good experience in that you have learned some things  
24 that maybe you did not otherwise know, and hopefully that  
25 sometime in the future you'll have an opportunity to serve

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1 on a jury again, whether it's in the criminal arena or in  
2 the civil arena.

3 Since you have reached a verdict of guilty in this  
4 case, there will be a sentencing process that we will go  
5 through in about ten or fifteen minutes. You are more than  
6 welcome to be in the courtroom and observe the sentencing  
7 phase of this case if you like, however, you're not required  
8 to. And if you -- is there a way to bring them around to  
9 the back door ---

10 **THE BAILIFF:** Yes, sir.

11 **THE COURT:** --- of the -- for those who want to stay  
12 for the sentencing, when you go out to the hallway, just let  
13 the bailiffs know that you want to stay, and they'll bring  
14 you around to that door.

15 I typically like to go down and shake the hands of my  
16 jury, so I'm going to do that. And you would not be  
17 required to come back for the remainder of the week. And,  
18 Madame Forelady, if you will just stay for just a moment  
19 because you will need to sign the back of the indictment  
20 indicating the verdict of guilty, okay?

21 So the rest of you are free to go. And, again, just  
22 let the bailiffs know if you want to come in the courtroom  
23 for the sentencing.

24 (Whereupon the jury exited the courtroom at 11:30 am)

25 **THE COURT:** Mr. Chambers, if there are any post trial

SENTENCE OF THE COURT

1 motions that you'd wish to make, I'll be glad to give you  
2 ten days in order to make those.

3 **MR. CHAMBERS:** Your Honor, I would just go ahead, and  
4 for the record, make a motion for a new trial.

5 **THE COURT:** Okay. All right. I respectfully deny it.

6 Let's take about a ten or fifteen minute break so you  
7 can get the sentencing sheet prepared, and we'll proceed  
8 forward, okay?

9 **MR. CHAMBERS:** Yes, sir.

10 (Whereupon court was in recess at 11:32 am)

11 (Whereupon court reconvened at 11:46 am)

12 **THE COURT:** Okay. Mr. Chambers, if you and your client  
13 would come up, please. All right. We're on the record.  
14 This is the sentencing phase of the case of the State of  
15 South Carolina versus Jonatha Dashon Hellams. The sentence  
16 is a mandatory minimum of twenty-five years plus a hundred  
17 thousand dollar fine. There's not really a whole lot that  
18 can be said. But, Mr. Chambers, I'll be glad to hear  
19 anything that you may have to say and certainly from the  
20 solicitor as well.

21 **MR. CHAMBERS:** We ---

22 **MR. HOLLOWAY:** Yes, sir. I'm sorry. Just for the  
23 record, I do have certified copies of his priors. This is,  
24 obviously, his second offense.

25 **THE COURT:** Right. You had indicated that to me in

SENTENCE OF THE COURT

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1 chambers ---

2 MR. HOLLOWAY: Yes, sir.

3 THE COURT: --- yesterday.

4 MR. CHAMBERS: And I'd just say for the record that I  
5 did confirm with the solicitor because I've had this come up  
6 on PCRs before that he does have certified copies of the  
7 priors.

8 And you're exactly right, Judge, I mean, there's really  
9 a lot of good things I can say about Mr. Hellams. It's  
10 unfortunate that he got caught up in this sort of life that  
11 he was in and that it came to this.

12 And, you know, in my opinion, which I think is shared  
13 by a lot of people, there's just something unfair about a  
14 mandatory minimum sentence is twenty-five years, but the law  
15 is what it is, ---

16 THE COURT: It is.

17 MR. CHAMBERS: --- and there's nothing I can do about  
18 it.

19 THE COURT: That's right. Okay. How much credit is  
20 Mr. Hellams entitled to?

21 MR. HOLLOWAY: I believe two hundred days as of today.  
22 Two hundred.

23 MR. CHAMBERS: I think that's accurate.

24 THE COURT: Two hundred?

25 MR. HOLLOWAY: Yes, sir.

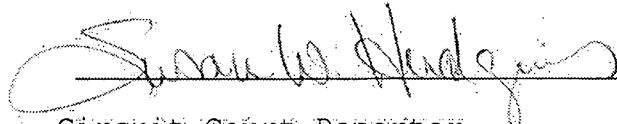


## Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenville County, South Carolina, on the 8th - 9th day of May 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 13, 2018

  
\_\_\_\_\_  
Circuit Court Reporter

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
TRAFFICKING HEROIN

At a Court of General Sessions, convened on **FEB 21 2017** the Grand Jurors of Greenville County present upon their oath:

That JONATHA DASHON HELLAMS did in Greenville County, on or about the 12th day of November, 2015, knowingly sell, manufacture, deliver or bring into the State of South Carolina, or did knowingly provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than ~~14.22~~ <sup>13.78</sup> grams of Heroin. This is in violation of §44-53-370 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Just Howard  
SOLICITOR BAR # 73639

WITNESSES

M Farrar

Greenville Police Department

11/13/2015

*Muk*  
*2-21-17*

ARREST WARRANT NUMBER

2015A2320602672

ACTION OF GRAND JURY

TRUE BILL

*[Signature]*

Foreperson of GRAND JURY

VERDICT

*[Signature]*

Foreperson of Petit Jury

Date: *5/1/18*

DOCKET NO. 2016-GS-23-

KB

002219

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

TERM 2016

*2017*

THE STATE

vs.

JONATHA DASHON HELLAMS

Indictment for

0287

TRAFFICKING HEROIN

VIOLATION § 44-53-0370

FILED

MAR 11 2016

Clerk of Court  
Greenville County

## 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,



---

Taylor D Gilliam  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 13th day of February, 2019.

## CERTIFICATE OF COUNSEL FOR APPELLANT

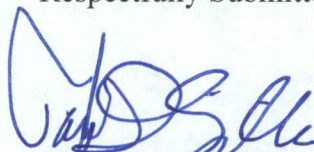
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**RECEIVED**

FEB 13 2019

**SC Court of Appeals**

Respectfully Submitted,



---

Taylor D Gilliam  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 13th day of February, 2019.