

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM OCONEE COUNTY

R. Lawton McIntosh, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

WALTER GOODINE,

APPELLANT

Appellate Case No. 2012-212261

RECORD ON APPEAL

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State of South	)	In the Court of General
Carolina	)	Sessions
	)	
County of Oconee	)	Indictments Nos:
	)	2012-GS-37-00005 and '00006

State of South	)	
Carolina	)	
	)	
Plaintiff,	)	Transcript of Record
	)	Trial
-vs-	)	
	)	
Walter Lee Goodine,	)	
Junior,	)	
	)	
Defendant.	)	

February 27 and 28, 2012
Walhalla, South Carolina

B e f o r e:

The Honorable R. Lawton McIntosh, Judge; and a jury.

A p p e a r a n c e s:

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Circuit Court Reporter

1 the same process you have gone through thus far and just
2 write it down, give it to the bailiff and let them know,
3 okay?

4 THE FORELADY: Okay.

5 THE COURT: All right. Is the State ready for
6 Opening Statements?

7 MS. SIMMONS: Yes, Your Honor.

8 THE COURT: All right. You may proceed.

9 MS. SIMMONS: Thank you, Your Honor, may it please
10 the Court.

11 THE COURT: Yes, ma'am.

12 MS. SIMMONS: Mr. Lavery.

13 Opening Statement on behalf of the State:

14 MS. SIMMONS: Good afternoon ladies and gentlemen,
15 my name is Lindsey Simmons and, as I told you earlier,
16 I'm an Assistant Solicitor here in Oconee County. I
17 grew up here in Walhalla, and about seven years ago I
18 was given the opportunity to come back home and work
19 where I grew up.

20 This is gonna be a pretty simple case I think for
21 you, and I will do my best to present it to you in as
22 simple terms as possible and hopefully not take up more
23 than two days of your time. The Defendant in this case
24 is charged with two counts of possession of cocaine.

25 This all arose from a traffic stop in the City of

1 Seneca back on November 8th of 2010. You're gonna hear
2 from Officer Crum and Officer Hunnicutt. They were
3 running surveillance in a particular area in the City of
4 Seneca. As a result of that surveillance they saw a
5 vehicle commit a couple of traffic violations.

6 They pulled that vehicle over and they found four
7 people in the car. It was the driver, Mr. Hunter; a
8 front seat passenger, Mr. Holden; and in the back seat
9 was the Defendant in this case, Walter Goodine, along
10 with Cynthia Lewis. So there's four people in the car.

11 Officer Hunnicutt and Officer Crum are going to
12 tell you as part of the normal course of business they
13 told everybody in the car they needed to get out. It
14 was dark. Fearful of their safety because it is dark,
15 they got everybody out for officers' safety. When they
16 were getting Ms. Lewis and Mr. Goodine out of the car in
17 the back seat, Officer Hunnicutt is going to tell you in
18 plain view on the back seat of the car he found a
19 quantity of cocaine. At that point in time everyone in
20 the car was arrested.

21 The Officers transported the Defendants to the Law
22 Enforcement Center. Officer Sorensen is going to tell
23 you that he was responsible for transporting
24 Mr. Goodine, the Defendant in this case. When
25 Mr. Goodine got to the Law Enforcement Center, in the

1 Detention Center he was searched as a matter of standard
2 protocol. The search by Officer Addis of the Detention
3 Center again revealed a quantity of cocaine in
4 Mr. Goodine's shoe. So those were the bases of both the
5 two charges. The charges that on the back seat, where
6 he was taken from in the car, and the drugs that were
7 found in his shoe when he was searched at the Detention
8 Center.

9 You will also hear from the officers that the drugs
10 from the car and the drugs from his shoe were similarly
11 packaged. And you will also hear from the evidence
12 custodian at Seneca Police who is gonna tell you that
13 both of these quantities of drugs were put into evidence
14 at the Seneca Police Department where they were later
15 transported to the Anderson/Oconee Forensics Lab for
16 analysis. The chemist that analyzed those drugs will be
17 here tomorrow to tell you what she found and she will
18 tell you that the substance in both of those packages of
19 drugs were cocaine.

20 I do have to prove these charges to you beyond a
21 reasonable doubt. I would ask that you remember
22 reasonable doubt is not beyond all doubt. It is the
23 kind of doubt that would cause a reasonable person to
24 hesitate to act. I simply ask that you use your common
25 sense over the next couple of days and over the next

1 couple of days I believe that I will be able to prove to
2 you that back in November of 2010 Mr. Walter Goodine,
3 the Defendant in this case, was guilty of two counts of
4 possession of cocaine. Thank you.

5 THE COURT: Counsel?

6 MR. LAVERY: Thank you, Your Honor. May it please
7 the Court.

8 THE COURT: Yes, sir.

9 Opening Statement on behalf of the Defendant:

10 MR. LAVERY: Ladies and gentlemen of the jury, my
11 name is Nick Lavery, and as I told you earlier, that I'm
12 an attorney in Clemson, and I'm here to represent Walter
13 Goodine today. Now, Walter is not here, but as the
14 Judge told you, you are not to hold that against him in
15 any way, shape, or form because he does not have to be
16 here. It's the State's burden to prove somebody guilty
17 beyond a reasonable doubt.

18 What I want to do, first of all, is to thank you
19 for being here. It's a very big day for Walter even
20 though he's not here. It's been a long time since he's
21 been charged with this, and he's been waiting for his
22 day in court, and he's finally got his day, so I just
23 want to thank you.

24 I am also gonna ask you to use your common sense.
25 Listen to everything that you hear, listen to everything

1 that you see carefully and just be very mindful of
2 what's going on in this setting.

3 There are a few things I want to tell you about our
4 criminal judicial system. The first thing is that each
5 person in this country when they're charged with a
6 crime, they are entitled to a trial by jury. That's
7 what we're having today. You have heard about this all
8 through school and, as the Judge mentioned to you
9 before, you watch TV and you know about cases.

10 You are a jury of his peers. That doesn't mean you
11 are just like Walter, that means you are part of the
12 same community. So it's gonna be very important for you
13 to just pay close attention.

14 The second thing is that every person is innocent
15 until proven guilty. When someone is charged with a
16 crime, that's all it is, just a charging document. It
17 doesn't mean that anybody is guilty just on that alone.
18 So you as the finders of facts have to determine guilt
19 or innocence. Not the police officers who make the
20 case. Not the prosecutor, that's not their job. They
21 bring a case, the charge, but that does not mean guilt
22 or innocence.

23 The third thing, as the Judge told you, is about
24 reasonable doubt and the State has the burden of proof.
25 It's up to them to put forth all the evidence that

1 proves somebody guilty. The Defense doesn't have to put
2 up one bit of evidence. As the Judge told you, we don't
3 have to put up anything. I don't have to be here
4 talking right now. We don't have to call any witnesses.
5 We don't have to put up any evidence at all. It's
6 completely and totally on the State, or the Solicitor's
7 Office, to come up with the evidence to prove somebody
8 guilty beyond a reasonable doubt. And earlier the Judge
9 gave you a charge of reasonable doubt, what that is.
10 Reasonable doubt is what causes a reasonable person to
11 hesitate to act. So, if you hesitate in your thinking,
12 if you got your thoughts and you hesitate, that's
13 reasonable doubt.

14 Reasonable doubt is not like the typical scales of
15 justice that you see; if they tip ever so slightly in
16 the favor of one party, then that's the prevailing
17 party. That's what we use in a civil case, not in a
18 criminal case. It's beyond a reasonable doubt. They've
19 got a much greater burden to overcome. Not slightly
20 tipping, but a much greater burden. So think about that
21 when you are listening to all the evidence and the
22 testimony.

23 I'm confident that when you listen to the trial
24 over the next couple days, when it's all said and done,
25 we are confident that you are gonna find Walter not

1 guilty. Thank you.

2 THE COURT: You may call your first witness.

3 MS. SIMMONS: Thank you, Judge. The State calls
4 Sergeant John Crum.

5 Whereupon,

6 John Crum,

7 having been first duly sworn, was examined and testified
8 as follows:

9 Direct Examination by Ms. Simmons:

10 Q. Sergeant Crum, where are you employed?

11 A. With the Seneca Police Department.

12 Q. And how long have you been employed in law
13 enforcement?

14 A. A little over seven years.

15 Q. And tell me in what capacity and where you have
16 worked during those seven years?

17 A. I started out on the road patrol, and then after
18 about two years I went and moved into narcotics where I
19 worked for four and a half years, and then I went back
20 to road patrol and am now supervisor on night shift.

21 Q. So you went back to the road as a promotion?

22 A. Correct.

23 Q. In 2010 were you still in narcotics?

24 A. Yes, ma'am, I was.

25 Q. What kind of specialized training did you have

1 regarding narcotics investigation cases?

2 A. I went through an 80-hour, two-week course in
3 Meridian, Mississippi, on basic narcotics
4 investigations, I've had specialized training in meth
5 labs, clandestine laboratories; and then various other
6 workshops throughout the four years I was in there.

7 Q. Back in November 2010 when you were in narcotics,
8 what kind of things did you do during the course of your
9 duties?

10 A. We investigated complaints that we received from
11 the citizens within the community. We also used the
12 confidential informants to make undercover drug buys on
13 drug dealers within the city.

14 Q. And did part of your work in narcotics sometimes
15 involve surveillance and traffic stops?

16 A. Yes, ma'am, it did.

17 Q. Did you have occasion to be on North Stribling
18 Street in the City of Seneca on November the 8th, 2010?

19 A. Yes, ma'am.

20 Q. Tell me about the traffic stop you made.

21 A. Investigator Hunnicutt and I received some
22 complaints about one of the apartments there on North
23 Stribling Street. We had pulled up to run surveillance
24 on it. It was, there was a, I believe it was just a
25 church that was right up the street from a little gravel

1 parking lot. We parked in that just so where we could
2 see in the parking lot.

3 We were only there five, ten minutes, and we
4 observed a car pulling into the apartments. The car, we
5 could tell that an individual got out of the car but not
6 who or anything like that. The car lights were on and
7 the car was only there three or four minutes and then it
8 left, and at that time we got behind it and initiated a
9 traffic stop.

10 Q. And what was the basis of that traffic stop when
11 you got behind that car?

12 A. As we got behind the car, the car came up to the
13 intersection of North Stribling Street and Lindsay Road.
14 The car did not come to a complete stop at that point,
15 it just rolled through and made a right turn. We
16 attempted to catch up to the car, and as we were, I was
17 able to, based on my patrol speed in that car determine
18 the vehicle was traveling above 35 miles an hour which
19 is the posted speed limit on Lindsay Road. And then we
20 initiated a traffic stop based on those two infractions.

21 Q. And those two infractions would be speeding and
22 failing to stop?

23 A. Correct.

24 Q. Was there a video of this traffic stop?

25 A. No, ma'am. My, my car that was acquisitioned to me

1 at the time did not have a camera system installed in
2 it.

3 Q. Tell me what happened with the occupants of the car
4 once you got them stopped and who was where?

5 A. As we were getting behind the vehicle on Lindsay
6 Road, the car suddenly turned onto Mauldin Drive which
7 is probably I'd say a tenth of a mile or so, it's a
8 short distance from where the stop sign was when they
9 turned on Lindsay Road. They turned onto Lindsay Road
10 in a hurry. I was already trying to notify dispatch of
11 our intent to do a traffic stop on the vehicle. As soon
12 as the car turned, it turned in a manner that was
13 consistent with somebody trying to run from us, like
14 somebody was gonna jump out of the car.

15 At that time, as soon as the car stopped, my
16 partner at that time, Investigator Hunnicutt, got out of
17 the car and was able to get up to the occupants. I told
18 dispatch where we were, requested other units, and then
19 I got out and assisted Investigator Hunnicutt.

20 Q. And did you ask everyone in the car to exit the
21 vehicle between you and your partner?

22 A. Yes, ma'am.

23 Q. Okay. And why did you do that?

24 A. While I was still notifying dispatch, I observed
25 Investigator Hunnicutt getting the driver out, which I

1 immediately recognized as Robert Lee Hunter; knew that
2 he did not have a driver's license from previous
3 dealings. And then I got out and assisted with him.

4 At that time Investigator Hunnicutt proceeded to
5 remove the other occupants out of the car based on the
6 actions that he observed.

7 Q. And tell me where everybody was located in the car?

8 A. Robert Lee Hunter was the driver. The back seat
9 passenger on the driver's side was Walter Goodine. The
10 back seat passenger on the passenger's side was Cynthia
11 Holden, and the front seat passenger was Antonio Holden.

12 Q. Is Cynthia also known as Lewis?

13 A. Yes, ma'am.

14 Q. Okay. How long do you believe the traffic stop was
15 to the point that Officer Hunnicutt found drugs in plain
16 view in the back seat of the car?

17 A. Less than five minutes.

18 Q. Okay. I'm gonna show --

19 Your Honor, may I approach the witness?

20 THE COURT: Yes, ma'am.

21 By Ms. Simmons:

22 Q. I am gonna show you what has been premarked for
23 identification as State's Exhibit 1.

24 MR. LAVERY: No objection, Your Honor.

25 THE COURT: No objection. It'll be admitted

1 without objection.

2 (State's Ex. # 1, photograph of Defendant, having
3 been previously marked for identification, was
4 received in evidence.)

5 By Ms. Simmons:

6 Q. Can you tell me what this is?

7 A. That's a picture of Walter Lee Goodine, Junior.

8 Q. Okay. And is Walter Lee Goodine the person that
9 was in the back seat of the car on November 8th, 2010?

10 A. Yes, ma'am.

11 MS. SIMMONS: Judge, we would move into evidence
12 State's Exhibit 1.

13 THE COURT: It'll be admitted without objection.

14 MS. SIMMONS: Judge, I would move to publish the
15 photo to the jury.

16 THE COURT: Yes, ma'am.

17 By Ms. Simmons:

18 Q. Is Mr. Goodine present here today?

19 A. No, ma'am, he's not.

20 Q. What charges resulted for Mr. Goodine based on the
21 traffic stop?

22 A. At the time he was charged with possession with
23 intent to distribute cocaine.

24 Q. How were all the occupants transported to the jail?

25 A. The, Cynthia Lewis and Walter Lee Goodine was

1 transported by Officer Sorensen. Ms. Lewis was placed
2 in the front seat of his car, Mr. Goodine was placed in
3 the back seat. Antonio Holden and Robert Lee Hunter
4 were both transported by NPO Blacklett (phonetic) at the
5 time.

6 Q. And did you personally have any interaction with
7 the drugs in question in this case or taking into
8 evidence the drugs in evidence and custody?

9 A. No, ma'am, I did not.

10 Q. And the traffic stop and all the events, the
11 surveillance, the traffic stop and everything you just
12 discussed, did it all occur within the city limits of
13 Seneca?

14 A. Yes, ma'am.

15 MS. SIMMONS: Beg the Court's indulgence for one
16 minute.

17 Please answer any questions Mr. Lavery may have.

18 THE COURT: Cross-Examination?

19 MR. LAVERY: Thank you, Your Honor.

20 Cross-Examination by Mr. Lavery:

21 Q. Officer Crum, you testified earlier you were on
22 road patrol at the time of the incident; is that
23 correct?

24 A. Yes, sir. I was in narcotics at the time.

25 Q. You were in narcotics, okay. What type of car did

1 you drive when you were with narcotics?

2 A. I was in a Tahoe.

3 Q. An unmarked Tahoe. Two door, four door?

4 A. Four door.

5 Q. What color was it?

6 A. Dark gray.

7 Q. Did it have "Police"?

8 A. No. It's just a street package.

9 Q. Okay. So it looked like any other Tahoe?

10 A. Correct.

11 Q. Okay. So it didn't look like a police car?

12 A. No, sir.

13 Q. Okay. And you testified earlier there was no
14 video; is that correct?

15 A. That's correct.

16 Q. And no audio; is that correct?

17 A. That's correct.

18 Q. All right. And I think you said you received a
19 call about something going on in the area?

20 A. No. We had just received complaints about drug
21 activity from residents in the apartment complex there
22 on North Stribling Street in previous days and we were
23 just running surveillance to see if they were
24 legitimate.

25 Q. All right. So you are running surveillance?

1 A. Correct.

2 Q. And why did you decide just to get behind some car
3 that was driving through?

4 A. We observed the car. Like I said, we couldn't
5 discern the individual getting out of the car, we
6 couldn't tell if it was a male or female or anything
7 from our distance, being nighttime. The vehicle lights
8 stayed on. That's the reason why we could see somebody
9 walking to the front of the car and then back to the car
10 and met with someone there for three or four minutes and
11 had left.

12 And so we had just got behind the vehicle to see,
13 and only followed for a moment and observed the
14 infractions of the vehicle and made the traffic stop on
15 it.

16 Q. Why were you gonna follow for a few minutes?

17 A. Just to see, you know, if there were any vehicle
18 infractions, see if there was infractions made by the
19 driver at the time; and to basically to run tag numbers
20 to help our investigation.

21 Q. So you were gonna follow it to see if they
22 committed any type of driving infractions?

23 A. Yes, sir.

24 Q. Is that standard operating procedure for you to
25 follow a car to see if they commit some type of driving

1 infractions?

2 A. Yes, sir.

3 Q. Without any idea of what was going on, you happen
4 to see a car, suspicious activity and --

5 A. With it being suspicious, you don't typically see a
6 vehicle arrive and leave within three or four minutes.

7 You know, it took place, somebody arrives and they stay
8 at one location for some time. Doing, based on that and
9 the complaints, we were following it to see if the
10 vehicle came back to a registered occupant at that
11 apartment complex or anything of that nature.

12 Q. Okay. And then you pull up behind the car in an
13 unmarked car?

14 A. Correct.

15 Q. All right. And you began to follow them and they
16 didn't stop at a stop sign?

17 A. Correct. They rolled through it.

18 Q. And you have no way of knowing if they were
19 concerned about who you were that was following, do you?

20 A. No, sir.

21 Q. And then you said they were speeding; is that
22 correct?

23 A. Yes, sir.

24 Q. All right. And how exactly did you determine the
25 speed?

1 A. As the people turned on, as I attempted to catch up
2 to the vehicle, I maintained, once I got to 35 miles an
3 hour in my car, I let off to maintain that and the
4 vehicle was still moving away from me, which means they
5 were obviously moving above 35 miles an hour, which was
6 the posted speed limit.

7 Q. So you have no, you have no idea how fast that car
8 was going?

9 A. No, I do not know the actual speed of that car, no,
10 I do not.

11 Q. Okay. Was there a report about this stop that you
12 made?

13 A. Yes, there was.

14 Q. Okay. And in your report didn't you give a speed?

15 A. I estimated that speed at approximately 45 but I
16 could not put a definite to that, but it states that it
17 was approximately 45 miles per hour.

18 Q. Okay. And you pulled him over as a result of the
19 speeding and the running of the stop sign?

20 A. Yes, sir.

21 Q. All right. How exactly did this car run the stop
22 sign?

23 A. He just pulled up there and rolled through it, it
24 did not come to a complete stop.

25 Q. Did you, did you issue any type of citation for

1 this?

2 A. For the speeding infraction I did.

3 Q. Okay. But not for the rolling the stop sign?

4 A. No, sir.

5 Q. So the one charge that you are not so sure about,
6 not knowing what type of speed it was, you wrote that on
7 the citation?

8 A. Correct, a warning citation.

9 Q. A warning citation. Okay. And what type of area,
10 what type of neighborhood would you classify this? Was
11 this a good area of town, or would you classify this as
12 not such a good area of town?

13 A. I would say this was in a bad area, or not in the
14 best area but not the worst area of town.

15 Q. Okay. And at what point did you turn your blue
16 lights on? Does this vehicle have blue lights?

17 A. Yes, it does.

18 Q. Okay.

19 A. It's fully marked 360 degrees for blue lights.

20 Q. Okay. So at what point did you turn your blue
21 lights on?

22 A. At the time that it suddenly made a turn onto
23 Mauldin Drive, at that point we initiated the traffic
24 stop on it with blue lights.

25 Q. And the driver pulled over at that time?

- 1 A. Yes.
- 2 Q. Okay. So once the driver apparently saw your blue
- 3 lights, he knew you were law enforcement ---
- 4 A. Correct.
- 5 Q. --- and pulled him over?
- 6 A. Correct.
- 7 Q. He might not have known before?
- 8 A. Correct.
- 9 Q. And who was with you in your patrol car?
- 10 A. Investigator Hunnicutt.
- 11 Q. Just the two of you?
- 12 A. Yes, just the two of us.
- 13 Q. All right. And I think you testified there were
- 14 four people in the car that you pulled over?
- 15 A. Yes, sir.
- 16 Q. All right. Do you remember what type of car that
- 17 was?
- 18 A. It's a green Nissan Sentra, I believe a nineties
- 19 model if I'm not mistaken.
- 20 Q. Did you run the license plate?
- 21 A. I didn't have time. It was run that night, but
- 22 not, I didn't have the information back from dispatch at
- 23 the time of the initial traffic stop. I later received
- 24 the information.
- 25 Q. And who did the car belong to?

1 A. I believe it was a Copeland (phonetic) maybe was
2 the last name of the lady. It wasn't any parties in the
3 vehicle.

4 Q. Okay. So, of the four people in the car, that car
5 did not belong to any of them?

6 A. That's correct.

7 Q. Okay. So it was somebody else's car who was not
8 there?

9 A. Correct.

10 Q. And when you got out of the car, did Officer
11 Hunnicutt get out with you as well?

12 A. He was out prior to myself getting out of the car.

13 Q. Okay.

14 A. I was still notifying dispatch of our final stop,
15 giving them the information where we were.

16 Q. Okay. Did you do anything with the traffic stop
17 other than write the warning citation?

18 A. Primarily, I got out, and Investigator Hunnicutt
19 already had the driver, Mr. Hunter, out of the car. I
20 stood by with him. Within a minute or two Officer
21 Sorensen arrived. Upon him arriving, I went back to my
22 car where I attempted to have this -- Mr. Hunter did not
23 have an ID on him, but we you knew who he was and I had
24 dispatch run the status of his driver's license and
25 issued the citations for him properly at that time while

1 Investigator Hunnicutt continued his investigation of
2 his part of the traffic stop.

3 Q. Okay. And who got the individuals out of the car?

4 A. Investigator Hunnicutt.

5 Q. All right. So you didn't have anything to do with
6 that?

7 A. No, sir, I did not.

8 Q. Okay. So he got them out of the car, he got Hunter
9 out first?

10 A. Correct.

11 Q. Then he started getting other people out of the
12 car?

13 A. Yes, sir.

14 Q. Did he pat them down at all?

15 A. Yes.

16 Q. And why did he do that?

17 A. For weapons based on the, as we were coming to a
18 stop you could see the back seat passengers moving
19 around a good bit. That's why he exited the car.

20 Immediately, like we say, their actions seemed like
21 somebody just wanted to jump out and run. So he got out
22 to deal with them and I notified dispatch where our
23 final stopping location was.

24 Q. All right. And no weapons were found?

25 A. As far as my knowledge, no, sir.

1 Q. And so Officer Hunnicutt gets everyone out of the
2 car, multiple people, pats them down, and all this was
3 done within five minutes?

4 A. There about, yes, sir.

5 Q. Not a little bit longer?

6 A. I wouldn't think so.

7 Q. So you did not actually search anybody?

8 A. No, sir, I did not.

9 MR. LAVERY: That's all the questions I have, Your
10 Honor.

11 THE COURT: Redirect.

12 Redirect Examination by Ms. Simmons:

13 Q. Just for clarification, Sergeant Crum, who was the
14 driver of the car?

15 A. Robert Lee Hunter.

16 Q. And the Defendant, whose photograph we've moved
17 into evidence, was where in the vehicle?

18 A. He was in the back seat and on the driver's side.

19 MS. SIMMONS: Thank you.

20 THE COURT: Thank you, sir. You may step down.

21 THE WITNESS: Thank you.

22 (Witness leaves stand.)

23 THE COURT: Call your next witness.

24 MS. SIMMONS: May Sergeant Crum be excused?

25 THE COURT: Yes. Do you have any objection?

1 MR. LAVERY: No objection, Your Honor.

2 THE COURT: I'm sorry. Yes, he may.

3 (Whereupon, the Witness was excused.)

4 MS. SIMMONS: We call investigator Tim Hunnicutt.

5 Whereupon,

6 Tim Hunnicutt

7 Having been first duly sworn, was examined and testified
8 as follows:

9 Direct Examination by Ms. Simmons:

10 Q: Investigator Hunnicutt, where are you employed?

11 A. Seneca Police Department.

12 Q. And how long have you been employed in law
13 enforcement?

14 A. Almost 11 years.

15 Q. In what capacity were you working currently and
16 back in 2010?

17 A. Narcotics investigations.

18 Q. And do you have any specialized training regarding
19 narcotics investigations?

20 A. Yes. 80 hours, I had an 80-hour course in
21 Meridian, Mississippi, took place. Also a 40-hour
22 course in Columbia, several meth workshops.

23 Q. Do you also have in the course of your duties
24 occasion to do traffic stops, run surveillance in
25 certain areas of town?

1 A. Yes.

2 Q. Were you also in the area of North Stribling Street
3 within the city limits of Seneca on November 8th, 2010?

4 A. Yes, I was.

5 Q. And were you with now Sergeant Crum during the
6 traffic stop?

7 A. Yes.

8 Q. Tell me what happened.

9 A. I was conducting surveillance in the vicinity of a
10 church, a little small church on North Stribling where
11 we could see the apartment building where we had
12 received several complaints of drug activity. We
13 observed a car pull up. The, we could see someone get
14 out of the vehicle, and a short period later get back
15 in, and the vehicle left.

16 Due to it being kind of suspicious and the
17 complaints we had, we had got behind the vehicle,
18 observed the vehicle run the stop sign at North
19 Stribling and Lindsay Road, and then we also had to
20 catch up to the vehicle and the vehicle was speeding and
21 we performed a traffic stop.

22 Q. And why did you order that -- why did you get the
23 driver out initially?

24 A. When we first pulled up, we noticed the driver was
25 Robert Lee Hunter who I knew to be suspended, have a

1 suspended driver's license.

2 Q. And you asked him to exit the vehicle?

3 A. Yes.

4 Q. Okay. Subsequently did you ask everyone else in
5 the car to get, exit the vehicle?

6 A. Yes. After detaining or putting Hunter into
7 investigative detention and pat him down, he had a
8 Brillo pad in his back pocket, which is commonly used
9 for filters in crack pipes. And also I noticed a lot of
10 movement coming from the rear seat.

11 So I first had Walter Lee Goodine exit the vehicle,
12 patted him down for weapons; and next Antonio Holden,
13 patted him down also for weapons; and then as I was
14 fixing to get Cindy, Cynthia Lewis out of the vehicle,
15 that's when I noticed in the back seat between where she
16 and Walter Lee Goodine were sitting in plain view a
17 plastic bag containing a white powder substance.

18 Q. And did you tentatively identify that as cocaine?

19 A. Yes. I field-tested it out there and it tested
20 positive for cocaine.

21 Q. And when you say you patted people down for
22 weapons, it's not a thorough search?

23 A. It's not a search. It's just a pat, just feeling
24 them to make sure you don't feel any weapons in the
25 waistband, pockets and legs and so forth.

1 Q. And was it dark?

2 A. Yes.

3 Q. And in a not very good area?

4 A. Correct.

5 Q. Okay. So everyone in the vehicle was detained at
6 that point?

7 A. Yes.

8 Q. Okay.. Did anyone in the car attempt to claim the
9 drugs you found in the back seat?

10 A. After everybody was detained, Robert Lee Hunter was
11 in the back seat of the patrol car and he asked the
12 officer to have me come speak with him, said he wanted
13 to talk to me.. So I Mirandized him. And he said that
14 he wanted to claim the drugs. The way he was acting, I
15 didn't believe him that it was just his drugs. He asked
16 me a couple questions. I asked him what the drugs were,
17 what they were in, where they were at in the vehicle and
18 he couldn't tell me any of those, so I didn't believe
19 him on that.

20 Q. So the drugs were found in the back seat?

21 A. Correct.

22 Q. And I'm going to show you --

23 Your Honor, may I approach the witness?

24 THE COURT: Yes, ma'am.

25

1 By Ms. Simmons:

2 Q. I'd like to show you what has been premarked for
3 identification as State's Exhibit 2.

4 Investigator Hunnicutt, do you recognize what's
5 been premarked as State's Exhibit 2?

6 A. Yes.

7 Q. And how do you recognize that?

8 A. It's a BEST pack, is what we put the evidence in.

9 Q. And do you personally mark that when you collect
10 items of evidence?

11 A. Yes.

12 Q. What did you do with the items you took from the
13 back seat of the vehicle that night?

14 A. They were placed into this BEST pack and they were
15 actually turned in to an evidence locker at the Seneca
16 Police Department.

17 Q. So you put personal notations on that packaging?

18 A. Yes. All my handwriting, it was collected by me
19 and where I turned in to the evidence locker on the time
20 and date.

21 Q. And do you recognize that as the items at that
22 traffic stop?

23 A. Yes.

24 Q. Did you have care, custody, and control of item
25 number 2 from the point you seized it until the point it

1 was turned into evidence?

2 A. Yes, ma'am.

3 Q. Did you tamper or alter that in any way during your
4 custody?

5 A. No.

6 Q. Did -- where did you eventually turn it there for
7 testing?

8 A. It was turned into the evidence locker, our
9 evidence technician.

10 Q. Is that a secure facility?

11 A. Yes.

12 Q. Okay. And, Investigator Hunnicutt, did you later
13 come into possession of State's Exhibit 3?

14 A. Yes.

15 Q. And tell me who you got that from (handing).

16 A. This is the BEST pack. I received this cocaine
17 from Joe Sorensen, officer Joe Sorensen, who collected
18 it at the jail. It was found on Walter Lee Goodine.

19 Q. So you turned in both items of cocaine that were
20 seized in connection with this case?

21 A. Correct. He turned them over to me and I turned it
22 into the evidence locker.

23 Q. And are items, State's Number 2 and 3 similarly
24 packaged?

25 A. Yes.

1 Q. And could you describe their -- the items as
2 seized, were they similarly packaged?

3 A. Yes.

4 Q. Tell me about that.

5 A. They were both plastic, clear plastic bags, the
6 same way.

7 Q. And did you tamper with any of these items prior to
8 turning them in?

9 A. No.

10 Q. And the traffic stop in question, it all occurred
11 within the city limits of Seneca?

12 A. Yes.

13 Q. And the Defendant's transport to the jail, was that
14 a continuous transport or were any stops made along the
15 way to your knowledge?

16 A. Correct. No, no stops.

17 Q. Okay. And the Defendant was subsequently arrested
18 for possession of cocaine?

19 A. That's correct.

20 Q. And I'm also gonna show you what's been marked as
21 State's Exhibit 1. Do you recognize this photograph?

22 A. Yes.

23 Q. Okay. And who do you recognize that as?

24 A. Walter Lee Goodine, Junior.

25 Q. And again, where was he located in the -- was he

1 part of the traffic stop in question?

2 A. Yes. Back seat, driver's side.

3 MS. SIMMONS: Beg the Court's indulgence for one
4 moment.

5 Please answer any questions Mr. Lavery may have.

6 THE COURT: Cross-Examination.

7 MR. LAVERY: Thank you, Your Honor.

8 Cross-Examination by Mr. Lavery:

9 Q. Officer Hunnicutt, you were here earlier when we
10 were asking some questions to Officer J.M. Crum. And
11 you would agree with me that you were in a bad area of
12 town in an unmarked police car?

13 A. Correct.

14 Q. Okay. And you pulled up behind a vehicle with four
15 people in it?

16 A. Yes.

17 Q. All right. And you stopped the driver based on
18 speeding?

19 A. Speeding and the stop sign, running the stop sign.

20 Q. And you testified you had to catch up to the
21 vehicle; was that right?

22 A. Correct.

23 Q. All right. So, at what point did you start
24 pursuing or going, trying to catch up to that vehicle?

25 A. I mean, it was about the time when, after they ran

1 the stop sign, it was a short distance so it didn't take
2 long. They obviously took off kind of quick from there.

3 Q. Okay. And you heard Officer Crum testify that it's
4 I guess part of your procedure to follow cars and wait
5 for them to commit some type of traffic violation in
6 order to pull them over?

7 A. If it's a suspicious vehicle, which it was, yeah,
8 that would be right.

9 Q. Okay. All right. And I think you testified that
10 you at some point gave Mr. Hunter his Miranda warnings,
11 is that correct?

12 A. Yes.

13 Q. All right. And do you remember exactly what you
14 told him?

15 A. Yes, I read him his rights.

16 Q. All right. And which rights are those?

17 A. All of them. I had the card.

18 Q. Okay. Well, do you remember what you told Officer
19 [sic] Hunter since we don't have an audio and we don't
20 have a video?

21 A. I can tell you.

22 Q. Sure.

23 A. I don't have it written, but I can just tell you.

24 Q. Okay.

25 A. You have the right to remain silent. Anything you

1 say can and will be used again you in a court of law.
2 You have the right to talk to a lawyer and have him
3 present with you when you are questioned. If you cannot
4 afford a lawyer, one will be appointed to represent you
5 for your questions if you wish. If you decide at any
6 time to answer any questions -- wait a minute -- or make
7 any statements...

8 Q. Okay. So you advised him at any point in time that
9 he was free to stop answering any questions?

10 A. Correct.

11 Q. So, when he came up and talked to you, you
12 Mirandized him, and he told you that all the drugs in
13 the car were his?

14 A. Correct.

15 Q. Okay. And you followed up with some questions and
16 he elected not to answer those questions?

17 A. No. He just couldn't.

18 Q. He couldn't or he didn't?

19 A. He said he doesn't know where.

20 Q. So it's your testimony now that he told you he
21 didn't know where?

22 A. Right. He didn't know, he didn't know any of the
23 questions. He didn't say "I'm not gonna answer." He
24 tried but he didn't know them.

25 Q. Well, you filled out a report as well, didn't you?

1 A. Right.

2 Q. An incident report. And I think that you said in
3 your report that, if I could find it on here, (reading):
4 Just before the subjects were transported Hunter
5 said that he would like to speak with me. I read Hunter
6 Miranda. He stated the drugs were his. I asked Hunter
7 what the drugs were and where the drugs were located in
8 the vehicle. Hunter could not answer the questions. He
9 just looked down.

10 Now, does that mean he couldn't answer or he didn't
11 answer?

12 A. I was saying he couldn't answer them right is what
13 I'm saying there. It's not like he just sat there and
14 didn't say anything.

15 Q. Okay. So he chose possibly to use the rights that
16 you gave him in order to stop answering questions at any
17 time, isn't that possible?

18 A. It wasn't that he stopped. He didn't stop
19 answering questions. He tried to answer them.

20 Q. Well, what did he say when he tried to answer them?

21 A. No. He couldn't, I just said he couldn't describe
22 the bag, he couldn't describe what it was in. He, he
23 didn't know where it was at in the vehicle.

24 Q. All right. So your testimony now is that he
25 attempted to answer them, but he didn't come up with any

1 words or he didn't answer them the way that -- I'm kind
2 of confused. Your report says you asked him where the
3 drugs were, where the drugs were located in the vehicle.

4 He could not answer, comma, he just looked down.

5 A. Okay. He could not answer the -- I was basically
6 saying he couldn't answer them right. I'm not saying he
7 didn't answer. That's not what I'm saying. He looked
8 down like he was mad at himself for not knowing where
9 they were at so he could...

10 Q. So it's your testimony now he attempted, he said
11 something; you just don't recall what that was?

12 A. Right. I just told you what he said, that he
13 didn't remember where they were at.

14 Q. Okay. So he actually said, "I don't know where the
15 drugs are"?

16 A. Right.

17 Q. Okay. Even though that's not what your report
18 says?

19 A. That's what, that's what I meant in the report.
20 That's what it's saying.

21 Q. Okay. But Officer Hunter -- I mean the driver,
22 Hunter, admitted that the drugs were his?

23 A. That's correct.

24 Q. Okay. And when you patted him down for weapons,
25 you found a Brillo pad in his back pocket?

1 A. Correct.

2 Q. All right. Now, does a Brillo pad feel like any
3 type of weapon?

4 A. No. It feels like drug paraphernalia.

5 Q. Well, a Brillo pad just feels like a Brillo pad,
6 doesn't it?

7 A. Right. It's a type of paraphernalia.

8 Q. It's also used to clean pots and pans, isn't it?

9 A. Yeah.

10 Q. And did you do any other investigation of these
11 bags, anything else other than just look at them and put
12 them up in an envelope? Did you take any prints off of
13 these bags?

14 A. No prints, no.

15 Q. Did you bring up anybody in your Police Department
16 to have them come in and look at the bags to see if
17 there were any fingerprints on them?

18 A. No.

19 Q. So you just put them in an envelope and charged
20 everybody in the car because there were some drugs in
21 the car?

22 A. That's correct.

23 Q. And none of the people in the car actually owned
24 that car?

25 A. Right.

1 Q. Okay. So they were just riding in a car that
2 didn't belong to them, my client didn't own that car,
3 and you charged everyone in there?

4 A. Right.

5 Q. Okay. Even though Officer Hunter -- even though
6 driver Hunter said that the drugs were his?

7 A. Correct. I didn't believe him.

8 Q. Okay.

9 MR. LAVERY: That's all the questions I have, Your
10 Honor.

11 THE COURT: Redirect?

12 MS. SIMMONS: Just briefly.

13 Redirect Examination by Ms. Simmons:

14 Q. Investigator Hunnicutt, are Brillo pads that you
15 found on the driver consistent with the use of crack
16 cocaine or powder cocaine?

17 A. Crack cocaine.

18 Q. And what's the difference? Why would you use a
19 Brillo pad for crack versus powder?

20 A. It goes inside the pipe where they can put the
21 crack inside to keep it from coming all the way through
22 when they're trying to smoke it.

23 Q. So your driver had a Brillo pad for crack cocaine?

24 A. Crack cocaine.

25 Q. And there was powder cocaine in the back seat with

1 the Defendant?

2 A. Correct.

3 MS. SIMMONS: Thank you.

4 MR. LAVERY: Briefly, Your Honor.

5 Recross-Examination by Mr. Lavery:

6 Q. When you got this Brillo pad, did you have your
7 Police Department, have them test the Brillo pad for
8 anything?

9 A. No. It wasn't used yet.

10 Q. So it was just a fresh clean Brillo pad?

11 A. Right. It looked like some had been broken off,
12 but it hadn't been used.

13 Q. Okay. So you didn't test it to see if there was
14 any ---

15 A. No, sir.

16 Q. --- soap on there, any detergent?

17 A. No.

18 Q. Nothing?

19 MR. LAVERY: No further questions, Your Honor.

20 THE COURT: Thank you, sir. You may step down.

21 (Witness leaves stand.)

22 THE COURT: How long is your next witness gonna be?

23 MS. SIMMONS: Brief, Your Honor.

24 THE COURT: Okay.

25 MS. SIMMONS: The State calls Cynthia Lewis.

1 Whereupon,

2 Cynthia Lewis

3 Having been first duly sworn, was examined and testified
4 as follows:

5 Direct Examination by Ms. Simmons:

6 Q. Good afternoon, Cynthia.

7 A. Hi.

8 Q. Do you know Walter Lee Goodine?

9 A. Yes, I do.

10 Q. Okay. And you see him present in court today?

11 A. No, I don't.

12 MS. SIMMONS: Judge, may I approach the witness?

13 THE COURT: Yes, ma'am.

14 By Ms. Simmons:

15 Q. I'm gonna show you what's been marked as State's
16 Exhibit 1. Do you know who this person is?

17 A. Yes, I do.

18 Q. Okay. And who is that?

19 A. It's Walter. We call him Spider Goodine.

20 Q. Okay. And were you involved in a traffic stop with
21 him back in November of 2010?

22 A. Yes, I was.

23 Q. Okay. And let's get this out of the way. You have
24 a bad criminal history.

25 A. Yeah. I have shoplifting and forgery and identity

1 fraud.

2 Q. And you have been involved in drug activity for a
3 while?

4 A. Yeah, but I wasn't -- no.

5 Q. And you were present at a traffic stop back on
6 November 8th, 2010?

7 A. Yes, I was.

8 Q. Okay. Where were you in the car?

9 A. In the back seat.

10 Q. Okay.

11 A. On the passenger's side.

12 Q. Okay. What was going on in the car once these
13 officers got behind y'all with blue lights?

14 A. Well, we started panicking and started taking drugs
15 out of his pocket and he was eating them. Then he told
16 me to, and I said I don't eat no drugs. When they
17 stopped us, I didn't even know the drugs was in the back
18 seat. I didn't know the powder was in the back seat
19 until he laid it down in the back seat. Until the
20 officer come and shined the flashlight, and he asked me
21 what I had beside me, and I looked and I gave the
22 plastic bag straight to him.

23 Q. Okay. You were in this back seat. Was there
24 anything in this back seat or located on your person
25 that was yours?

1 A. Yes. When I got to Ocone Law Enforcement Center I
2 had a pipe on me.

3 Q. Okay. And what do you mean, "a pipe"?

4 A. A crack pipe.

5 Q. Okay. And do you use that to smoke crack?

6 A. Yes, sir. I mean yes, ma'am.

7 Q. Okay. And just being honest, do you do powder
8 cocaine or do you do crack?

9 A. I do crack, I don't do powder.

10 Q. Okay. Why don't you do powder?

11 A. I got sinus problems real bad. When you got sinus
12 problems, you don't smoke powder.

13 Q. You smoke crack?

14 A. Uh-huh.

15 Q. And that paraphernalia charge that you got for that
16 crack pipe, did you plead guilty to that?

17 A. Yes, I plead guilty to that.

18 Q. Okay. And did you give a statement to law
19 enforcement regarding what was going on in that car
20 during this traffic stop?

21 A. Yes, I did.

22 Q. And what did you tell them?

23 A. I told him that it was his. They already knew it
24 was his. But he was trying to say he didn't want to go
25 back to jail, you know, and stuff like that, and told me

1 to plead guilty, and stand up plead guilty to it.

2 Q. Was there any -- did you tell law enforcement about
3 any drugs that would be located on the person of Walter
4 Goodine?

5 A. No. When we got to the Law Enforcement Center,
6 they was checking, getting us, you know, getting us
7 dressed out and stuff and they found some more powder in
8 his shoe.

9 Q. And you were there for that?

10 A. Uh-huh.

11 Q. Okay. So you were, you were part of this car ride
12 from the City of Seneca to the Law Enforcement Center?

13 A. Uh-huh.

14 Q. Is it reasonable that if the drugs were found in
15 his shoe at the Law Enforcement Center, they would have
16 been in his shoe in the City of Seneca?

17 A. They didn't search his shoe at Seneca.

18 Q. Right. But is there anywhere else that he could
19 have gotten drugs between that traffic stop and ---

20 A. No. We was all in the car together.

21 Q. Okay.

22 A. Yeah.

23 Q. And were you honest with law enforcement today and
24 you have been honest in your testimony?

25 A. Yes. I am. I'm honest.

1 Q. So there were drugs found in the back seat?

2 A. Uh-huh.

3 Q. And there were drugs found in his shoe and you were
4 there for that?

5 A. Yeah, up at the Law Enforcement Center.

6 Q. Okay. But none of the powder cocaine in this case
7 belongs to you?

8 A. No, ma'am.

9 MS. SIMMONS: Beg the Court's indulgence for one
10 moment.

11 Please answer any questions Mr. Lavery may have for
12 you.

13 THE COURT: Cross-Examination.

14 MR. LAVERY: Thank you, Your Honor, may it please
15 the Court.

16 THE COURT: Yes, sir.

17 Cross-Examination by Mr. Lavery:

18 Q. Ms. Lewis, you were also charged in this case; is
19 that correct?

20 A. Uh-huh.

21 Q. So you were charged with cocaine --

22 A. Uh-huh.

23 Q. -- and with paraphernalia?

24 A. Yes.

25 Q. Okay. And your cocaine charge was dismissed; isn't

1 that correct?

2 A. Yes.

3 Q. It was dismissed because you are testifying today;
4 isn't that correct?

5 A. Yeah. When I signed the statement, yeah.

6 Q. Okay. So you signed a statement and got an
7 agreement that you were gonna come in here and they were
8 gonna dismiss your charges?

9 A. No. I had signed the statement before then. But I
10 mean -- I hadn't signed the statement. I told them I
11 was gonna sign the statement when I come up for my
12 preliminary hearing.

13 Q. Okay. And you have a, and you have a drug problem?

14 A. No, I don't have a drug problem. I haven't done
15 drugs in like six or seven months now.

16 Q. Okay. Well, at the time if you would have admitted
17 that the drugs were yours, you would have been
18 prosecuted for that, wouldn't you?

19 A. Uh-huh. If it was mine, I would have admitted to
20 them.

21 Q. Okay. So you come in here today though and you say
22 the drugs were not yours?

23 A. No, they wasn't.

24 Q. You are saying they were Walter Goodine's?

25 A. Uh-huh.

1 Q. Whose car was this you were in?

2 A. It was some car that he had rented, Cynthia
3 Robinson's car, I think that was her name.

4 Q. So Cynthia Robinson?

5 A. That was her car that they were driving.

6 Q. So they rented a car from a friend?

7 A. I guess. They just come and got me to baby-sit, to
8 sit there with his mama while they go somewhere.

9 Q. Okay. So they were picking you up to take you
10 somewhere?

11 A. They was picking me up to take me down to his
12 mother's house to watch her while they go out.

13 Q. Okay. And you testified earlier you have a
14 criminal record for fraud and for forgery?

15 A. Uh-huh.

16 Q. And you were not searched at the incident scene or
17 the incident site?

18 A. They searched us. They made me pull my pockets
19 out. They didn't search me. They made me pull pockets
20 out. You know, a male don't search a female. They
21 searched him, but didn't go in his shoe until they got
22 to the Law Enforcement Center.

23 Q. Okay. And there were also, was there any other
24 drugs found in the car?

25 A. I think there was a pill found in front of the seat

1 or something. I'm not for sure. But I think there was
2 a pill found.

3 Q. And whose pill was that?

4 A. They charged Crusher (phonetic) with, the one in
5 the front named Crusher, they charged him with the pill.

6 Q. So they charged someone else with the pill in the
7 front seat?

8 A. Uh-huh.

9 Q. Okay. And you gave your statement a couple of
10 months after this incident; isn't that correct?

11 A. It was my preliminary hearing like a couple weeks
12 after.

13 Q. Do you remember this statement (handing)?

14 A. Uh-huh. That's my handwriting.

15 Q. Okay. What's the date on that?

16 A. First 19 11.

17 Q. Okay. And when did this happen?

18 A. It happened in, I forgot when it happened. I can't
19 remember the dates. I can't remember the dates. But I
20 know in my preliminary hearing, it was two days after my
21 preliminary hearing that I filled out that report.

22 Q. Okay. So, you may have been confused and you may
23 have given this statement a few months after this
24 incident?

25 A. Well, I probably was a couple of weeks when we had

1 the preliminary hearing in ten days.

2 Q. Okay. So you might be confused about that?

3 A. Uh-huh.

4 Q. All right.

5 MR. LAVERY: That's all the questions I have, Your
6 Honor.

7 THE COURT: Redirect?

8 MS. SIMMONS: We have nothing further for this
9 witness.

10 THE COURT: May she be excused?

11 MS. SIMMONS: I do not object.

12 MR. LAVERY: No objection, Your Honor.

13 THE COURT: Thank you, ma'am. You may be excused.

14 (Whereupon, the witness was excused.)

15 THE COURT: Ms. Crowe, ladies and gentlemen of the
16 jury, I'm gonna take an afternoon break. We started
17 late in the afternoon which makes this break late. I
18 would normally do it a little bit sooner than this. But
19 let's take about a ten-minute break at this point. Go
20 back to the jury room, please.

21 (Whereupon, the Jury left the courtroom at
22 approximately 3:58 p.m.)

23 THE COURT: Let's be in recess for ten minutes,
24 please.

25 MS. SIMMONS: Thank you, Judge.

1 MR. LAVERY: Thank you, Your Honor.

2 (A recess was taken.)

3 THE COURT: Are you ready to proceed?

4 MS. SIMMONS: Yes, Your Honor.

5 THE COURT: Mr. Lavery, are you ready to proceed?

6 MR. LAVERY: Yes, Your Honor.

7 (Whereupon, the jury entered the courtroom at
8 approximately 4:13 p.m.)

9 THE COURT: Ms. Crowe, ladies and gentlemen of the
10 jury, if at any time you need additional time or you
11 need anything, please let us know, okay?

12 THE FORELADY: Okay.

13 THE COURT: Ready to proceed?

14 MS. SIMMONS: Yes, Your Honor. We call Officer
15 Jason Addis.

16 Whereupon,

17 Jason Addis

18 Having been first duly sworn, was examined and testified
19 as follows:

20 Direct Examination by Ms. Simmons:

21 Q. Officer Addis, could you give us your full name.

22 A. Christopher Jason Addis.

23 Q. And where are you employed?

24 A. Oconee County Detention Center.

25 Q. And how long have you been employed at the

1 Detention Center?

2 A. Two years.

3 Q. What did you do before that?

4 A. I was a correctional officer with the South
5 Carolina Department of Corrections.

6 Q. So how long have you been a correctional officer in
7 the State of South Carolina?

8 A. Almost five years.

9 Q. Is there any training or education that's necessary
10 to be a correctional officer for the State and for the
11 County?

12 A. Yes.

13 Q. Tell me about that.

14 A. For the State they have their own academy, and for,
15 to work at the Oconee County Detention Center you have
16 to go to the South Carolina Criminal Justice Academy.

17 Q. And during the course of your duties at the Oconee
18 County Detention Center, what kind of things do
19 correctional officers there do?

20 A. We intake all inmates, we safe house them and keep
21 them safe.

22 Q. Tell me how an intake process works.

23 A. When an officer brings a detainee in, we first pat
24 them down, we do what's called a frisk search, and we
25 take any kind of weapons, anything off of them that they

1 have, their car keys, their money, wallets, because they
2 have to enter the secure part of the facility.

3 Q. And do you work nights or days?

4 A. Nights.

5 Q. Did you work last night?

6 A. Yep.

7 Q. Been to bed today?

8 A. No.

9 Q. Okay. So were you working the night of November
10 8th, 2010?

11 A. Yes.

12 Q. I guess it went over to November 9th?

13 A. Yes, ma'am.

14 Q. Did you have an opportunity to deal with someone
15 named Walter Goodine that night?

16 A. Yes, ma'am.

17 MS. SIMMONS: Judge, may I approach the witness?

18 THE COURT: Yes, ma'am.

19 By Ms. Simmons:

20 Q. I'm going to show you what has been premarked and
21 admitted as State's Exhibit 1. Do you recognize this
22 person?

23 A. Yes, ma'am.

24 Q. And who is that?

25 A. That's Walter Goodine.

1 Q. Okay. And is that the person you dealt with the
2 night of November 8th/November 9th, 2010?

3 A. Yes.

4 Q. Tell me about your search of Mr. Goodine.

5 A. Well, when they first come in, we start at their
6 upper body and work our way down all the way to their
7 feet, taking everything out of their pockets, jewelry
8 and everything; and when we get to their shoes, we take
9 their shoes off and turn them upside down to make sure
10 they don't have any kind of weapons or anything like
11 that in there. We go all the way from head to toe.

12 Q. Tell me what did you find on Mr. Goodine that
13 night?

14 A. In his shoe there was a bag of, there was some
15 white powder in his shoe.

16 Q. And I'm gonna show you what's been marked as
17 State's Exhibit Number 3. Did you make any notations on
18 what you turned in that night?

19 A. Yes. I wrote a report.

20 Q. You wrote a report?

21 A. Yes.

22 Q. Okay. And did you turn in an item to Officer
23 Sorensen that night?

24 A. Yes.

25 Q. Okay. And he took an item from you. Did he notate

1 that on this evidence sheet that it was received from
2 you?

3 A. Yes. Okay, he did, yes. Okay.

4 Q. So he notated that item was received at the Oconee
5 County Detention Center?

6 A. Yes.

7 Q. And you gave it to Officer Sorensen?

8 A. Yes.

9 Q. Okay. And is the Detention Center obviously in
10 Oconee County?

11 A. Yes, ma'am.

12 Q. So the drugs that were found in Mr. Goodine's shoe,
13 were they clearly in his care, custody, and control?

14 A. Oh, yes.

15 Q. And when you say in the shoe, were they in the shoe
16 or in the sock?

17 A. They were in the shoe.

18 Q. And when you gave that item that you took off of
19 him, what was it in, do you remember?

20 A. It was, it looked like a bag of white powder, and
21 we have to wear surgical gloves in case we come in
22 contact with any blood or anything, and what we do is
23 when we find something like that, we pull glove inside
24 out and leave it in the glove and I passed it off to
25 Officer Sorensen.

1 Q. Did you tamper with the item or alter it in any
2 way?

3 A. No, ma'am.

4 Q. And did you follow the standard procedure of your
5 employment?

6 A. Yes.

7 Q. And did you subsequently memorialize what you told
8 us today in an incident report?

9 A. Yes.

10 Q. And you are testifying consistent with that report?

11 A. Yes.

12 MS. SIMMONS: Please answer any questions

13 Mr. Lavery may have.

14 THE COURT: Mr. Lavery?

15 MR. LAVERY: Thank you, Your Honor.

16 Cross-Examination by Mr. Lavery:

17 Q. Officer Sorensen, do you remember what kind of shoe
18 Mr. Goodine was wearing?

19 A. Tennis shoes.

20 Q. Okay. Do you remember which foot?

21 A. No, sir.

22 Q. And you have no knowledge of anything that happened
23 prior to your dealing with Mr. Goodine at the Law
24 Enforcement Center?

25 A. No, I don't.

1 Q. So you have no knowledge of anything that
2 transpired up until he was in the Law Enforcement
3 Center?

4 A. No.

5 Q. And where exactly is the Law Enforcement Center?

6 A. It's right down here on South Church Street.

7 Q. Is it in Walhalla?

8 A. Yes, it's in Walhalla.

9 Q. Okay. And, when you found these drugs or this,
10 whatever this packet was, why did you give it to Officer
11 Sorensen?

12 A. Because that's our procedure when we find anything
13 that we find suspicious or anything, we give it to the
14 arresting officer.

15 Q. Okay. Even though you are not in the City of
16 Seneca?

17 A. No.

18 Q. Okay. So you don't know anything about
19 jurisdiction or anything, you just, that's part of your
20 procedure?

21 A. Yes, it is.

22 Q. Okay. And you don't have any, anything written
23 that tells you anything about that or...

24 A. Yeah. We have policies that say we hand it to the
25 arresting officer or the transporting officer that

1 brings somebody in.

2 Q. Okay. And the Law Enforcement Center is not in the
3 City of Seneca; isn't that correct?

4 A. That's correct.

5 Q. Okay. And it's well outside of three miles from
6 the City of Seneca, is that correct, corporate limits?

7 A. Yes.

8 MR. LAVERY: No further questions.

9 THE COURT: Redirect?

10 MS. SIMMONS: Nothing further. We would ask the
11 officer be excused.

12 THE COURT: Any objection to him being excused?

13 MR. LAVERY: No, sir.

14 THE COURT: You may be excused.

15 (Whereupon, the witness was excused.)

16 Call your next witness.

17 MS. SIMMONS: The State calls Officer Joe Sorensen.
18 Whereupon,

19 Joe Sorenson

20 Having been first duly sworn, was examined and testified
21 as follows:

22 Direct Examination by Ms. Simmons:

23 Q. Officer Sorensen, where are you employed?

24 A. Seneca Police Department.

25 Q. How long have you been in law enforcement?

- 1 A. Since 2003.
- 2 Q. And how long have you been in Seneca?
- 3 A. Since June of 2005.
- 4 Q. What do you do at Seneca Police Department?
- 5 A. I'm currently assigned to road patrol division
- 6 working day shift.
- 7 Q. Back on November 8th of 2010, into the morning of
- 8 November 9th, 2010, were you working nights?
- 9 A. Yes, ma'am, I was.
- 10 Q. Okay. Did you have occasion to assist in a traffic
- 11 stop with Officer Crum and Hunnicutt?
- 12 A. Yes, ma'am, I did.
- 13 Q. And where was that traffic stop?
- 14 A. It was in the City of Seneca.
- 15 Q. And what did you -- were you backup officer on that
- 16 stop?
- 17 A. Yes, ma'am, I was.
- 18 Q. Did you transport the inmates regarding that stop?
- 19 A. Yes, ma'am, I did.
- 20 Q. Who did you transport?
- 21 A. Excuse me?
- 22 Q. Who did you transport that night?
- 23 A. Mr. Holden and Mrs. Lewis.
- 24 Q. Did you transport Mr. Holden or Mr. Goodine?
- 25 A. Mr. Goodine, excuse me.

1 Q. Okay. I know it's confusing, there's a lot of
2 people involved.

3 I show you what's been premarked as State's Exhibit

4 1. Do you recognize that person?

5 A. Yes, ma'am.

6 Q. And who is that?

7 A. That is Mr. Goodine.

8 Q. And did you transport him the night of November
9 8th?

10 A. Yes, ma'am, I did.

11 Q. Okay. So you had Ms. Lewis and Mr. Goodine in your
12 car?

13 A. Yes, ma'am.

14 Q. Who did you put where?

15 A. Mr. Goodine was in the back seat and the female, we
16 had to separate them, so we put her in the front
17 passenger seat.

18 Q. Is there a cage in between there?

19 A. Yes, ma'am.

20 Q. Would they have any interaction during the drive?

21 A. No, ma'am, they did not.

22 Q. Did you make any stops between the City of Seneca
23 and the Oconee County Detention Center?

24 A. No, ma'am, I did not.

25 Q. So would it be reasonable to believe anything found

1 on someone at the Oconee County Detention Center, it was
2 on them in the City of Seneca?

3 A. Yes, ma'am.

4 Q. Were you present during the booking process at the
5 Oconee County Detention Center?

6 A. Yes, ma'am, I was.

7 Q. Okay. What did you see going on there?

8 A. Just standard booking procedure. I was doing
9 paperwork at the front desk trying to get both of the,
10 both of the people booked in.

11 Q. Okay. Were you actually physically there for the
12 search of the Defendant?

13 A. No, ma'am, I was not. I was in a different room.

14 Q. Did you end up receiving any items of evidence that
15 night?

16 A. Yes, ma'am, I did.

17 Q. What did you receive?

18 A. I took a plastic baggie with a white powder-like
19 substance and a, I believe a glass pipe.

20 Q. And who did you take that from?

21 A. From the detentions officer.

22 Q. What was his name?

23 A. Addis.

24 Q. Did you see him here today?

25 A. Yeah, I did earlier, yes, ma'am.

1 MS. SIMMONS: Judge, may I approach the witness?

2 THE COURT: Yes, ma'am.

3 By Ms. Simmons:

4 Q. I'm gonna show you what has been premarked for
5 identification purposes as State's Exhibit 3. Do you
6 recognize the writing on the outside of State's Exhibit
7 3?

8 A. Yes, ma'am.

9 Q. Okay. And does it notate that you turned in
10 State's Exhibit 3?

11 A. Yes, ma'am, it does.

12 Q. And when did you turn it in?

13 A. It looks like at 0020 hours on 11-9-2010.

14 Q. And who did you give it to?

15 A. Investigator Hunnicutt.

16 Q. Okay. When State's Exhibit 3 was in your care,
17 custody, and control, did you alter it, tamper it, or
18 otherwise disturb it in any way?

19 A. No, ma'am, I did not.

20 Q. Okay. And once that item came in to your
21 possession, what was your purpose in dealing with that
22 item?

23 A. To get it back to the arresting officer.

24 Q. Okay. And you delivered it to him?

25 A. Yes, ma'am, I did.

1 Q. And the, when you were in the City of Walhalla
2 obtaining evidence from your prisoner, is it standard
3 procedure that you would receive that evidence and turn
4 it in in Seneca?

5 A. Yes, ma'am, it is.

6 MS. SIMMONS: Beg the Court's indulgence for one
7 moment.

8 Please answer any questions Mr. Lavery may have.

9 THE COURT: Cross-Examination.

10 MR. LAVERY: Thank you, Your Honor, may it please
11 the Court.

12 THE COURT: Yes, sir.

13 Cross-Examination by Mr. Lavery:

14 Q. Officer Sorensen, you did not have anything to do
15 with the stop in Seneca, did you, as far as the
16 detaining of the vehicle in which ---

17 A. No, sir, I did not. I was just providing backup.

18 Q. Okay. And at what point did you arrive at this
19 incident location?

20 A. Very shortly after the stop originated.

21 Q. And you were on road patrol?

22 A. Yes, sir, I was.

23 Q. And your vehicle was equipped with an audio video
24 camera?

25 A. I'm not aware. I don't remember which vehicle I

1 was in that night, sir. I've swapped out vehicles
2 pretty frequent since being back on road patrol.

3 Q. Okay. So you don't remember if this particular car
4 had a --

5 A. I can't remember for a hundred percent sure.

6 Q. Okay. And so you did not take part in any of the
7 pat-down of any of the individuals in the car?

8 A. No, sir, I did not.

9 Q. And basically you just put Mr. Goodine in the back
10 seat, my client, Walter Goodine, in the back seat and
11 you put Ms. Lewis in the front seat?

12 A. That's correct.

13 Q. So they were not together in the vehicle?

14 A. No, sir, they were not.

15 Q. Okay. So you don't know what may or may not have
16 happened in the back seat as far as anything? I mean,
17 you got a cage. You can't see back in the back seat,
18 can you?

19 A. Correct.

20 Q. And you took him to the Law Enforcement Center; is
21 that correct?

22 A. That is correct.

23 Q. All right. And I think you said they were
24 separated because you don't put a male and a female
25 together?

1 A. Correct.

2 Q. So you don't know why Ms. Goodine -- I mean
3 Ms. Lewis would have testified that she was with him in
4 the patrol car in the seat together, would you?

5 A. No, sir.

6 Q. Okay. And, when you got to the Law Enforcement
7 Center, you did not actually participate in any type of
8 seizure of anything that may have been illegal, did you?
9 Search?

10 A. No, sir, I did not.

11 Q. Okay. So, if you didn't search it, you didn't
12 seize anything from anybody, did you?

13 A. That's correct.

14 Q. Okay. And it's your testimony Mr. Addis handed you
15 whatever he retrieved from Mr. Goodine and from
16 Ms. Lewis; is that correct?

17 A. That's correct.

18 Q. And then what did you do once you received those
19 items?

20 A. Once I received the items, at the completion of my
21 paperwork, I respond back to the Seneca Police
22 Department where I met with Investigator Hunnicutt and
23 turned over the evidence to him.

24 Q. Okay. Now, as part of your job duties go, I guess
25 if you are involved with some, some potentially illegal

1 drugs that have been seized and there is some type of
2 testing that's gonna be done, are you part of the chain
3 of custody? Are you familiar with that term?

4 A. Yes. I am familiar with chain of custody.

5 Q. And were you part of this particular chain of
6 custody?

7 A. Yes, I was.

8 Q. All right. Now, are you familiar with the
9 different forms that are required of you to fill out
10 pursuant to Rule 6 of our South Carolina Rules of
11 Criminal Procedure?

12 A. I am not.

13 Q. Okay. I'm gonna ask you if this looks like your
14 signature and tell me if you recognize this form
15 (handing).

16 A. That is my signature, and yes, I do.

17 Q. Okay. And you are familiar with this form?

18 A. Yes, sir.

19 Q. Okay. And this form is a Form B, a Rule 6
20 certificate of proof of chain of physical custody or
21 control; is that correct?

22 A. That's correct.

23 Q. All right. I'm gonna ask you, though, if you
24 recognize this. Did you fill this out?

25 A. Can I see it again?

1 Q. (Hanging.)

2 A. It was -- I really, I can't tell you a hundred
3 percent sure if I filled it out, sir.

4 Q. Okay. But it is not correct, though, is it?

5 A. I'm not sure, sir.

6 Q. All right. Well, I want you to take a look at it
7 and I want you to read it and see if that's correct or
8 not.

9 A. (Complies.) It looks correct, sir.

10 Q. Well, in this form that you signed it certifies
11 that you, Jay Sorensen, are employed with the Seneca
12 Police Department and that on November the 8th, 2010,
13 you seized from Walter Lee Goodine pursuant to a lawful
14 arrest and lawful search at or near the Oconee Detention
15 Center at Walhalla, South Carolina, a Ziploc bag
16 containing a white powder substance?

17 A. That is correct.

18 Q. Okay. But you didn't seize it from Walter Goodine?

19 A. No, sir, I did not.

20 Q. Okay. So this form is incorrect?

21 A. Yes.

22 Q. Okay. It could be someone else who signed on these
23 forms and said I, Officer Addis, seized from Walter
24 Goodine and gave it to you?

25 A. That's correct.

1 Q. Okay. So this form is invalid?

2 A. That's correct.

3 Q. All right. And actually, did you receive a Ziploc
4 bag from Officer Addis, or did you receive something
5 else?

6 A. I believe it was a torn Ziploc bag, but I don't
7 remember.

8 Q. Do you remember what was in the -- I mean, do you
9 remember -- tell me about the torn Ziploc bag.

10 A. It's customary that they take a corner off the
11 Ziploc bag and they'll tear it off and tie it in a knot.

12 Q. Okay. And was there anything else in there?

13 A. Not to my recollection, no.

14 Q. I'm gonna show you what's previously been marked as
15 State's Exhibit Number 3. I believe you were asked
16 about this earlier.

17 A. Yes, sir.

18 Q. And that's the evidence property log, is that
19 right, or the chain of custody log?

20 A. That's correct. It looks like a BEST pack.

21 Q. Okay. And it's actually missing a name, a very
22 important name on that, isn't it?

23 A. Yes, sir, it is.

24 Q. Okay. And what name is it missing?

25 A. Mr. Addis.

1 Q. So this chain wouldn't be complete, isn't that
2 correct?

3 A. That's correct.

4 MR. LAVERY: No further questions, Your Honor.

5 THE COURT: Redirect?

6 Redirect Examination by Ms. Simmons:

7 Q. Officer Sorensen, you are here in court testifying
8 today that you received that item from Officer Addis?

9 A. Yes, ma'am, I did.

10 Q. Who was here in court today?

11 A. Yes, ma'am, he was.

12 Q. And you filled out the paperwork on State's Exhibit
13 3?

14 A. Yes, ma'am.

15 Q. And any, any items that you put that you received
16 it from Walter Goodine would be in error?

17 A. Yes, ma'am.

18 Q. The drugs were received from Walter Goodine by
19 Officer Addis?

20 A. Yes, ma'am, they were.

21 Q. Okay. Let me talk about the actual transportation
22 of the Defendant to the Detention Center. Estimate how
23 big he is.

24 A. He's a very large individual, ma'am.

25 Q. 250, 300 pounds?

1 A. Yes, ma'am.

2 Q. And was he handcuffed in your patrol car?

3 A. Yes, ma'am, he was.

4 Q. In your training and experience with people who
5 have been handcuffed, would it have been logistically
6 possible for him to have gotten something out of your
7 patrol car and put it in his sock or his shoe?

8 A. No, ma'am.

9 Q. Is your patrol car searched thoroughly after every
10 stop?

11 A. Before and after. Anytime anybody is in the back I
12 check it before they get in and I check it after they're
13 out.

14 Q. And just to be clear, the items that were at the
15 Detention Center you received them from Officer Addis
16 and turned them over to Officer Hunnicutt?

17 A. That is correct.

18 MR. LAVERY: Briefly, Your Honor.

19 Recross-Examination by Mr. Lavery:

20 Q. Officer Sorensen, have you heard of anybody ever
21 getting out of handcuffs before?

22 A. I have.

23 Q. And, regardless of his size, you don't know what he
24 was doing in the back seat; is that correct?

25 A. That's correct.

- 1 Q. Okay.
- 2 MR. LAVERY: Just a second, Your Honor, I'm sorry.
- 3 Nothing further, Your Honor. I'm sorry.
- 4 THE COURT: May this witness be excused?
- 5 MS. SIMMONS: No objection.
- 6 MR. LAVERY: No objection.
- 7 THE COURT: Thank you, sir. You may be excused.
- 8 (Whereupon, the witness was excused.)
- 9 THE COURT: Do you have any other shorter
- 10 witnesses?
- 11 MS. SIMMONS: Judge, Sergeant Nicholson remains
- 12 today and I believe she would be 20 minutes or less.
- 13 Mr. Lavery, do you agree with that?
- 14 MR. LAVERY: Possibly.
- 15 MS. SIMMONS: Melinda Nicholson.
- 16 Whereupon,
- 17 Melinda Nicholson,
- 18 having been first duly sworn, was examined and testified
- 19 as follows:
- 20 Direct Examination by Ms. Simmons:
- 21 Q. Sergeant Nicholson, where are you employed?
- 22 A. I'm employed at the Seneca Police Department.
- 23 Q. And how long have you been in law enforcement?
- 24 A. Almost 15 years.
- 25 Q. What are your current duties and what were your

1 duties in 2010 at the Seneca Police Department?

2 A. My current duties, as well as my duties in 2010, I
3 am the evidence custodian for the Seneca Police
4 Department.

5 Q. And what does evidence custodian mean?

6 A. I go each morning, and the evidence that the patrol
7 officers or the detectives submit as evidence in their
8 cases, they locked them up in a temporary holding
9 locker. And normally the first thing I do in the
10 morning is to go to those lockers and retrieve the
11 evidence, and sign it in, enter it into the computer,
12 log it into the computer.

13 And each piece of evidence is assigned a particular,
14 tag number to identify that piece of evidence. And then
15 I place it in our evidence storage room at the Police
16 Department.

17 Q. During the course of your employment did you
18 receive two items of evidence from Officer Hunnicutt on
19 November 9th, 2010?

20 A. Yes, I did.

21 MS. SIMMONS: May I approach the witness, Your
22 Honor?

23 THE COURT: Yes, ma'am.

24 By Ms. Simmons:

25 Q. I'm gonna show you what has been premarked as

1 State's Exhibit 2 and 3. Do you recognize these items?

2 A. Yes, I do.

3 Q. And you received them from Officer Hunnicutt?

4 A. Yes, I received them from the evidence locker from
5 Officer Hunnicutt, yes.

6 Q. And the evidence locker is secure at Seneca Police
7 Department?

8 A. Yes, they are.

9 Q. And what do you do once you get something out of
10 the evidence locker?

11 A. Once I retrieve it out of the evidence locker, I
12 note the date and the time that I take it from the
13 locker, and then I take it from the locker down to
14 evidence storage, which is my office, my area downstairs
15 in the basement.

16 Q. Okay. Did you maintain property logs on both of
17 the items, items 2 and 3?

18 A. Yes, I did.

19 Q. Can you briefly go over the property logs you
20 maintained on each one of these items?

21 A. Yes. On the sealed evidence BEST pack, C12633, I
22 received it from the evidence locker on November the
23 9th, 2010, at 11:31, which at that point I took it down
24 to evidence storage. I signed it in. And then I
25 entered it into the computer system. And then I placed

1 it back into the drug lockup room into evidence storage.

2 On 11-24 of 2010, at 9:45 a.m. I checked it out of
3 the drug room and out of the computer, and I took it to
4 the Anderson/Oconeel Forensics Lab and turned it over to
5 Meredith Lanford for analysis, and she actually took it
6 from me at 1121 hours.

7 On September the 16th, 2011, I retrieved, I went
8 back to the Anderson/Oconeel Forensics Lab and actually
9 picked the drugs up because the analysis was completed,
10 and I brought them back to Seneca Police Department and
11 put them back in drug evidence storage on 9-16-2011 at
12 1600 hours.

13 Q. And would the chain of custody be the same for
14 State's Exhibit 3?

15 A. Yes, it would be.

16 Q. With the exception of I guess Sorensen giving items
17 to Hunnicutt?

18 A. Yes. That would be the exception. But everything
19 else is the same. I retrieved them both at the same
20 time and went through the process.

21 Q. And your logs reflect that Sorensen gave item 3 to
22 Hunnicutt on what date and time?

23 A. It reflects that he gave it to Officer Hunnicutt on
24 November the 9th, 2010, at 0020 hours, and Officer
25 Hunnicutt submitted it to the evidence locker on

1 November the 9th, 2010, at 0315 hours.

2 Q. Has anyone else had access to these items, with the
3 exception of you, with the exception of Meredith Lanford
4 who conducted testing on these items, since they were
5 turned in on November the 10th, 2010?

6 A. No. Only I have.

7 Q. And they have been in your care, custody, and
8 control with the exception of the time for testing since
9 that date?

10 A. Yes, that's correct.

11 Q. And have you had occasion to examine State's
12 Exhibits 2 and 3?

13 A. Yes.

14 Q. And are they in substantially the same condition as
15 when they were turned in to you on November the 8th,
16 2010, with the exception, I guess, of having some
17 testing done?

18 A. Yes, they are.

19 Q. And these items were returned to you on what date?

20 A. I picked them up from the Anderson/Ocone Forensics
21 Lab on September the 16th, 2011, and entered them back
22 into evidence storage at 1600 hours.

23 Q. And they've been in your care custody or control
24 since they were returned?

25 A. They have been.

1 Q. Until they came to court today?

2 A. Yes.

3 MS. SIMMONS: Beg the Court's indulgence for one
4 moment.

5 THE COURT: Yes, ma'am.

6 By Ms. Simmons:

7 Q. And you have nothing to do with chemical testing of
8 these items?

9 A. No, I don't.

10 Q. That's Agent Lanford?

11 A. Yes, that's Meredith Lanford.

12 MS. SIMMONS: Please answer any questions that
13 Mr. Lavery may have.

14 THE COURT: Mr. Lavery?

15 MR. LAVERY: Thank you, Your Honor, may it please
16 the Court.

17 THE COURT: Yes, sir.

18 Cross-Examination by Mr. Lavery:

19 Q. Officer Nicholson, so again, your involvement in
20 this case just began with you picking up the drugs or
21 the contraband, whatever you call it, from your evidence
22 locker?

23 A. Yes, sir.

24 Q. Okay. And that's how you get involved in this?

25 A. Yes, sir.

1 Q. Okay. Now, you are in charge of the evidence
2 department of the Seneca Police Department?

3 A. That's correct.

4 Q. All right. So you are familiar with all the forms
5 and the paperwork and everything that goes along with
6 that?

7 A. Yes, sir, uh-huh.

8 Q. If you don't mind, I'd like to ask you a couple
9 questions about these two different envelopes.

10 A. Sure.

11 Q. Okay. Now, this one, C12633, which, which incident
12 did this packet of stuff come from?

13 A. Um, where was it, where did the officer collect it
14 from, is that --

15 Q. Yes. Does it give you any indication of that?

16 A. Yes. C12633 says that it was Officer Hunnicutt
17 collected at, on Lindsay Road at Mauldin Drive in the
18 city limits of Seneca.

19 Q. Okay. All right. And how about this one
20 (handing)?

21 A. This one says that Officer Sorensen collected it at
22 Oconee County Detention Center, which is in Walhalla,
23 South Carolina, and then he turned it over -- he
24 collected it on November the 8th, 2010, at 2340 hours at
25 the Detention Center in Walhalla, and then he turned it

1 over to Officer Hunnicutt on November the 9th, 2010, at
2 0020 hours.

3 Q. Okay. And who -- what's the initiating name on
4 that chain of custody or that property log?

5 A. Um, Officer Sorensen.

6 Q. Okay. And would that lead you to believe that
7 Officer Sorensen was the first person in the chain of
8 custody?

9 A. Yes.

10 Q. Okay. Now, if I told you he was not the first
11 person in the chain of custody, would you say there was
12 a problem with that particular form the way it's filled
13 out?

14 A. According to the, according to what I have here,
15 it's showing that he is the first officer.

16 Q. Okay. And I'm gonna ask you, if you don't mind
17 taking a look at this and ask you if you recognize what
18 this is (handing).

19 A. Yes, sir. This particular form is a Form B, which
20 shows that it is the initial officer, the first officer
21 that takes possession of the drugs.

22 Q. And, if I told you that Officer Addis with the Law
23 Enforcement Center was the one who actually seized the
24 drugs from Walter Goodine, that form is not filled out
25 correctly; isn't that correct?

1 A. (Reads documents.) Well, according to this,
2 Officer Sorenson was the first officer that, that took
3 possession of the drugs.

4 Q. And it says he seized it?

5 A. With our Police Department, yes, sir, with the
6 Seneca Police Department.

7 Q. But it says he seized it directly from Walter
8 Goodine, doesn't it?

9 A. It does say that Officer Sorensen from the Seneca
10 Police Department on November the 8th, 2010, seized from
11 Walter Goodine, pursuant to lawful arrest, lawful search
12 at or near the Oconee County Detention Center in
13 Walhalla. That's what this says.

14 Q. Okay. And that would lead you to believe that
15 Officer Sorensen seized it and/or searched Walter
16 Goodine; isn't that correct?

17 A. Yes, sir.

18 Q. And then on, back to C12633 on this particular
19 case, this is the case that Mr. Hunter pled guilty to
20 possession of those drugs, isn't that correct?

21 A. I believe so, yes.

22 Q. Okay. And one more question. When you take your,
23 when you take the drugs that's in evidence and you
24 deliver them to the lab in Anderson, there's a
25 particular amount of time you are supposed to deliver

1 those drugs and have those delivered for analysis; isn't
2 that correct?

3 A. I, I don't know the answer to that. But what I
4 normally do is once, once I receive the drugs, I try to
5 do it in, in a timely manner.

6 Q. Well, if I were to tell you that the Department of
7 Public Safety policy directives on evidence in section
8 9, the directives also require all controlled substances
9 to be transported for analysis within 72 hours of
10 seizure, what would you say about that?

11 A. I would say that you're probably correct. One
12 thing, if we don't have -- I do know one thing. If we
13 don't have a named suspect, sometimes the, it's later on
14 when I get the report, and then a BEST pack has to be
15 done, but I don't believe it was that in this particular
16 case.

17 Q. Okay. So we've got named suspects in this case?

18 A. We do.

19 Q. Okay. So we're not dealing with that type of
20 situation?

21 A. No, sir, I don't believe we are.

22 Q. Okay. And this arrest was made on November the
23 8th, 2010; is that correct? With the initial reporting
24 being to the Seneca Police Department on November the
25 9th, 2010, or when you, when they were placed into

1 evidence according to that log?

2 A. They were placed into evidence on November -- they
3 seized them on November the 8th, 2010, and it was put
4 into the evidence locker on November the 9th, 2010, yes,
5 sir.

6 Q. Okay. And then you delivered those packets from
7 the evidence storage to the Anderson/Oconee Forensics
8 Lab on November the 24th, 2010?

9 A. Yes, sir, that's correct.

10 Q. Okay. So 15 days after you received them, you took
11 them over there to the lab for analysis?

12 A. Yes, sir, that's correct.

13 Q. And it should have been done in 72 hours; isn't
14 that correct?

15 A. I am the only evidence custodian for the
16 department. I am the evidence custodian and I am also
17 the crime scene investigator, that's another part of my
18 duties, and sometimes I can't get things to where they
19 need to go because I'm only one person and I get them
20 there as quickly as I can.

21 Q. Fair enough. Thank you.

22 MS. SIMMONS: No further questions, Your Honor.

23 THE COURT: Redirect?

24 Redirect Examination by Ms. Simmons:

25 Q. Sergeant Nicholson, in those 60 days the drugs were

1 in your care, custody, and control -- before they got to
2 the lab, were they in your care, custody, and control?

3 A. They were in my care, custody, and control in
4 evidence storage under lock at the Seneca Police
5 Department.

6 Q. And you had some defense questions regarding the
7 chain of custody and your custody logs as far as the
8 officers. Do generally you have officers from Seneca
9 completing those forms?

10 A. Yes, ma'am.

11 Q. And if there were officers outside your agency that
12 were involved, you wouldn't necessarily have them
13 complete those forms?

14 A. I have not had that happen since I have been over
15 evidence in that Police Department. I have not seen
16 that come through, no, ma'am.

17 Q. Okay. Do you generally work with Seneca police
18 officers?

19 A. Yes, ma'am.

20 MS. SIMMONS: Thank you.

21 MR. LAVERY: Just briefly, Your Honor.

22 Recross-Examination by Mr. Lavery:

23 Q. The items in your care, custody, and control, are
24 you aware as evidence technician there are different
25 classifications of evidence that may be collected? And

1 when I ask that, I mean are you aware of the difference
2 between a fungible item and a non fungible item?

3 A. Yes, sir.

4 Q. Okay. And this would be classified as a fungible
5 item; isn't that correct?

6 A. A fungible item, you are talking about that it
7 would break down.

8 Q. It could. Non fungible means something -- I'm
9 asking if you understand -- it means something that has
10 a definite item, like a dollar bill has a serial code or
11 a revolver or pistol might have a serial code. You can
12 tell what it is. In a non fungible item they teach you
13 in the Academy it could be something else. It could be
14 some type of illegal narcotics that had to be weighed or
15 different, made up of different substances; isn't that
16 correct?

17 A. Yes. Well, this one definitely would not have a
18 Serial Number or a code or anything like that.

19 Q. Okay. You agree that it's a fungible item?

20 A. Yes.

21 MR. LAVERY: No further questions, Your Honor.

22 THE COURT: May this witness be excused?

23 MS. SIMMONS: Yes, Your Honor.

24 MR. LAVERY: Without objection, Your Honor.

25 THE COURT: Thank you, ma'am.

1 THE WITNESS: Thank you.

2 (Whereupon, the witness was excused.)

3 THE COURT: Ms. Crowe, ladies and gentlemen of the
4 jury, I'm going to go ahead and cut off testimony for
5 today. It's close to 5:00. I'm going to go ahead and
6 let you be excused. But let me remind you please that
7 you are not to speak with anyone about this case,
8 directly or indirectly. And I ask that you return back
9 to your jury room by 9:25 tomorrow and we will resume
10 testimony then. Hope you have a nice evening.

11 THE BAILIFF: Leave your notes in the chair and
12 we're gonna lock them up tonight.

13 THE COURT: Thank you, Mr. Bibb.

14 (Whereupon, the Jury left the courtroom at
15 approximately 4:52 p.m.)

16 THE COURT: Anything from the State before we break
17 down for the night?

18 MS. SIMMONS: No, Your Honor.

19 THE COURT: From the Defense?

20 MR. LAVERY: None, Your Honor.

21 THE COURT: See you in the morning at 9:30 in the
22 morning, guys.

23 MR. LAVERY: 9:30, Your Honor?

24 (Court adjourned for the day at 4:53 p.m.)

25

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1 February 28, 2012

2 9:35 a.m.

3 (Whereupon, the trial of the State of South
4 Carolina v. Walter Lee Goodine, Junior, resumed on
5 Tuesday, February 28, 2012, at approximately 9:35
6 a.m., with all parties being present except for the
7 Defendant.)

8 THE COURT: Ms. Simmons, is the State ready to
9 proceed?

10 MS. SIMMONS: Yes, Your Honor.

11 THE COURT: Mr. Lavery, are you ready to proceed?

12 MR. LAVERY: Yes, Your Honor.

13 THE COURT: Anything from either side before I
14 bring the jury in?

15 MS. SIMMONS: Nothing at this time, Your Honor.

16 MR. LAVERY: Nothing, Your Honor.

17 (The Jury entered the courtroom at approximately
18 9:40 a.m.)

19 THE COURT: Good morning, Madam Forelady, ladies
20 and gentlemen of the jury. I hope you had a nice
21 evening. Are you ready to resume the testimony today?

22 THE FORELADY: Yes.

23 THE COURT: Good.

24 Call your next witness, please.

25 MS. SIMMONS: The State calls Agent Meredith

1 Lanford.

2 Whereupon,

3 Meredith Lanford

4 Having been first duly sworn, was examined and testified
5 as follows:

6 Direct Examination by Ms. Simmons:

7 Q. Good morning, Agent Lanford.

8 A. Good morning.

9 Q. Where are you employed?

10 A. I'm employed with the Anderson/Oconee Regional
11 Forensics Laboratory.

12 Q. How long have you been employed there?

13 A. Almost six years.

14 Q. What do you do for the lab?

15 A. I am a forensic chemist. My primary job function
16 is to analyze evidence that's brought to our laboratory
17 for any suspected controlled substances.

18 Q. What kind of training and education background do
19 you have?

20 A. I graduated from Clemson University with a
21 Bachelors of Science degree in chemistry. I then went
22 on to complete the Forensic Science Certificate Program
23 at Greenville Technical College. I was certified and
24 trained as a forensic chemist with my current
25 laboratory. I received training in the area of forensic

1 drug chemistry with the Drug Enforcement Administration.

2 I am a member of the American Chemical Society as
3 well as a clandestine laboratory investigating chemist,
4 and I usually complete continuing education or workshop
5 training on a yearly basis.

6 Q. And how often do you have occasion to analyze
7 substances for the presence of cocaine or any other
8 controlled substance in a given year?

9 A. On a daily basis.

10 Q. And how many times over the course of your career?

11 A. Over two thousand times.

12 Q. How many times have you testified in court as an
13 expert?

14 A. Nine times.

15 MS. SIMMONS: Judge, at this time we would move
16 Agent Lanford in as an expert in forensic drug
17 chemistry.

18 THE COURT: Mr. Lavery, do you want to Voir Dire
19 this witness?

20 MR. LAVERY: No objection, Your Honor.

21 THE COURT: Ladies and gentlemen --

22 What is the field you are asking her to be
23 certified in, please?

24 MS. SIMMONS: Forensic drug chemistry.

25 THE COURT: All right.

1 Ladies and gentlemen of the jury, usually the
2 witness is limited in their ability to testify to what
3 they've seen, what they heard, what they felt, generally
4 what you consider your senses. They are not allowed to
5 give their testimony. However -- excuse me -- not
6 allowed to give their opinion.

7 However, because of their experience or education
8 or both, a witness may be qualified to testify and give
9 their opinion in the field of their expertise. In this
10 case Ms. Lanford has been qualified and stipulated to be
11 an expert in the field of forensic drug chemistry and
12 she will be allowed to give her opinion in that regard.
13 Her opinion is like any other testimony in this case:
14 You can accept it, you can reject it, or do with it what
15 you would like. Thank you very much.

16 Go ahead.

17 MS. SIMMONS: Thank you, Judge.

18 By Ms. Simmons:

19 Q. Agent Lanford, how does the Anderson/Ocone
20 Forensics Lab deal with evidence submission?

21 A. Usually what happens is an evidence technician from
22 the submitting agency will call, make an appointment to
23 come to the lab on a certain day, and I myself or either
24 our lab director will actually take evidence from them
25 and log it in. That's how it works.

1 Q. And do you have a policy or procedure manual at
2 your lab?

3 A. Yes, we do.

4 Q. And who maintains that?

5 A. The lab director maintains that.

6 Q. Is there a set number of days or hours in your lab
7 manual that agencies have to turn over evidence once
8 it's been seized?

9 A. No, there is not.

10 Q. Would your lab and the agency and submitting to
11 your lab be bound by the South Carolina procedures of
12 the Department of Public Safety?

13 A. No, they would not. The South Carolina Department
14 of Public Safety deals with Highway Patrol, not other
15 sheriffs' agencies or anything like that or other labs.

16 Q. And your lab standards and protocols are based upon
17 SLED's?

18 A. Yes.

19 Q. Being the South Carolina State Law Enforcement
20 Division?

21 A. Right. Our lab director worked for SLED and a lot
22 of the policies and procedures we follow are just like
23 SLED.

24 Q. How are items sent to the lab, such as packaging,
25 BEST packs, that sort of thing?

1 A. We require that our agencies use our specific BEST,
2 what we call a BEST kit, and that is an evidence bag
3 that they put their drugs in; and it seals at the top.
4 We make sure that that seal is not compromised in any
5 way. If it is, we will not take that particular item
6 into the lab.

7 MS. SIMMONS: Your Honor, may I approach the
8 witness?

9 THE COURT: Yes, ma'am.

10 By Ms. Simmons:

11 Q. Agent Lanford, I'm gonna show you what has been
12 premarked as State's Exhibits 2 and 3 -- this is 2 and
13 this is 3 -- in the course of my documentations. Do you
14 recognize those as BEST kits?

15 A. Yes.

16 Q. So the BEST kits, you would know if they had been
17 tampered with once they are submitted?

18 A. Right. This seal at the top here, you can tell if
19 that's tampered with. It will not reseal if it's been
20 tampered with.

21 Q. And are there case numbers or markings on the bags
22 generally?

23 A. Yeah. We have a control number right here on every
24 one of these bags and it matches with the envelope that
25 the agencies keep, so that's one way we identify and

1. also we have the, whoever sealed the kit, we have them
2. write their name and -- print and write their name, and
3. put the date that they sealed this actual kit up.

4. Q. Tell me about the composition of cocaine.

5. A. Cocaine is usually a white, off-white powdered
6. substance.

7. Q. And referring specifically to State's Exhibit 2
8. now --

9. A. Okay.

10. Q. -- tell me, can you identify State's Exhibit 2?

11. A. Yes. This was a BEST kit bag. Right here I put
12. the lab number. That's what, whenever they come to the
13. laboratory, we assign it a laboratory number, and I
14. write it on the bag with my initials and the date that I
15. received it.

16. Q. When did you receive State's item, State's Exhibit
17. 2?

18. A. On November 24th, 2010.

19. Q. And who was it received from?

20. A. From Melinda Nicholson of the Seneca Police
21. Department.

22. Q. Where did you receive it?

23. A. We receive it in our laboratory.

24. Q. And was Agent Nicholson the person who originally
25. sealed that or...

1 A. No. It has on here T. Hunnicutt.

2 Q. So had it been tampered or altered with in any way
3 by her?

4 A. No.

5 Q. Looking at State's Exhibit 3, also in front of you,
6 do you recognize that item?

7 A. Yes.

8 Q. And when did you receive it?

9 A. On the same day, November 24th, 2010.

10 Q. And from whom did you receive that?

11 A. Melinda Nicholson.

12 Q. And where?

13 A. At the, at our laboratory.

14 Q. Okay. What markings were on the BEST pack of
15 State's 2 and 3 when you received them?

16 A. When we received them, all that's on here is the
17 officer or whoever sealed it, their name with the print,
18 and then the date that they sealed it.

19 Q. When you open up the BEST kit, are there smaller
20 bags inside it? In these particular cases how did that
21 work?

22 A. Yes. Most of the time, with the Seneca Police
23 Department they usually put their drug evidence in
24 smaller Ziploc bags with their initials and their case
25 number on it, and then they'll put the item inside that

1 plastic bag.

2 Q. And was that the case in the procedure as far as
3 State's Exhibit 2 and 3?

4 A. Yes, it was.

5 Q. And those smaller Ziploc bags, what do they say on
6 them?

7 A. Um, they have the date of November 8th, 2010, and
8 the case number of, their case number, 10-001728.

9 Q. Are there any officer identifications on those?

10 A. Yes. They have their initials on there.

11 Q. As far as State's Exhibit 2, what lab number is
12 associated with State's Exhibit 2?

13 A. It would be L 10-000602.

14 Q. And what is the corresponding Seneca City case
15 number?

16 A. 10-001728.

17 Q. And is there a suspect name or date associated with
18 this case number and lab number?

19 A. Walter Goodine; and the date was, incident date was
20 November 8th, 2010.

21 Q. Okay. And as far as State's Exhibit 3, is there a
22 lab number associated with it?

23 A. Yes. L 10-000601.

24 Q. And the corresponding case number with the
25 respective agency?

1 A. Their case number was 10-001728 with Walter
2 Goodine, and incident date of November 8th, 2010.

3 Q. Did either item once they got to you appear to be
4 tampered or altered in any way after they were sealed by
5 Officer Hunnicutt?

6 A. No.

7 Q. Did the items remain in your care, custody, and
8 control during your period when you had them for
9 analysis?

10 A. Yes.

11 Q. Are the items in substantially the same condition
12 as when you received them except for your testing?

13 A. Right. And then I always package them in this
14 outer bag and seal it with my initials.

15 Q. Have they been tampered with in any way since you
16 returned them to the Seneca Police Department?

17 A. No. My initials and the seal and the date are
18 still on there.

19 Q. And when were they returned to the Seneca Police
20 Department?

21 A. I returned them on September 16, 2011.

22 Q. And what date did you analyze these?

23 A. I analyzed both of these on September 1st, 2011.

24 Q. And explain how the chemical analysis works.

25 A. Okay. The first thing I do is I remove the

1 substance from any kind of packaging and take a weight
2 of just the substance. We don't weigh the, any kind of
3 packaging with it. Then I perform two screening tests
4 on the substance just to narrow down what kind of
5 controlled substance may or may not be present, and then
6 I perform two confirmatory tests on the instruments in
7 our laboratory to tell me exactly what kind of
8 controlled substance is present if there is one present.

9 Q. Do you have an expert opinion as to what State's 2
10 and 3 contain?

11 A. Yes. They both contain cocaine.

12 Q. And what is the weight of State's Exhibit 2?

13 A. Two is 0.91 grams.

14 Q. And what is the weight of State's Exhibit 3?

15 A. 0.49 grams.

16 MS. SIMMONS: Judge, at this time we would move
17 into evidence State's Exhibits 2 and 3.

18 MR. LAVERY: We would object, Your Honor.

19 THE COURT: It will be admitted without objection.

20 MR. LAVERY: No. We would object, Your Honor.

21 THE COURT: Ms. Crowe, would you take your jury
22 back to the jury room, please, ma'am.

23 (Whereupon, the Jury left the courtroom at
24 approximately 9:50 a.m.)

25 THE COURT: Would you state your objection, please,

1 vehicle to follow it around and wait for it to break the
2 law in order to pull it over. I think that's getting
3 into a little bit of a dangerous thing.

4 THE COURT: Well, and I don't disagree with you on
5 that. However, there was evidence in the record that
6 was presented of speed as well as running the stop sign
7 or rolling through a California stop, so to speak, both
8 of which would give probable cause regardless of what
9 their subjected intent would be to pull them over. So
10 that being the case, I deny that motion but I don't
11 necessarily disagree with your analysis.

12 MR. LAVERY: Thank you, Your Honor.

13 THE COURT: Yes, sir. Anything further?

14 MR. LAVERY: That's all I have, Your Honor, thank
15 you.

16 THE COURT: Anything from the State?

17 MS. SIMMONS: No, Your Honor.

18 THE COURT: All right. Would you bring the jury
19 in?

20 (The Jury entered the courtroom at approximately
21 10:05 a.m.)

22 THE COURT: All right, Ms. Simmons?

23 MS. SIMMONS: Thank you, Judge.

24 By Ms. Simmons:

25 Q. Just to rehash briefly, Agent Lanford, you analyzed

1 both of these items?

2 A. I did.

3 Q. And it is your expert opinion that they both
4 contain, State's Exhibits 2 and 3, contain cocaine?

5 A. Correct.

6 MS. SIMMONS: At this point in time the State moves
7 State's Exhibits 2 and 3 into evidence.

8 THE COURT: So admitted.

9 (State's Ex. # 2 was received in evidence.)

10 (State's Ex. # 3 was received in evidence.)

11 MS. SIMMONS: Please answer any questions
12 Mr. Lavery may have.

13 THE COURT: Cross-examine?

14 MR. LAVERY: Thank you, Your Honor.

15 THE COURT: Yes, sir.

16 Cross-Examination by Mr. Lavery:

17 Q. Is it Agent Lanford?

18 A. Yes.

19 Q. Okay. How do you test the drugs?

20 A. The first thing I do is perform two screening
21 tests, one of those tests being a color test, spot test,
22 chemical spot test, and then we also run a test in the
23 lab called an ultraviolet physical spectrometer, and
24 then the confirmatory tests are also run on instruments
25 in the lab, one being a gas chromatograph mass

1 spectrometer and the other one being an infrared
2 spectrometer.

3 Q. And how does that work?

4 A. The infrared, basically we just put a small amount
5 of the sample on the instrument, and what happens is
6 molecules absorb infrared energy at different
7 frequencies, so the infrared energy is hitting the
8 sample and it produces a spectrum that's specific to
9 that molecule.

10 Q. And that's the infrared, and that just determines
11 the spectrum from the molecule from that substance?

12 A. Right.

13 Q. Are any other, do any other molecules have a
14 similar spectrum?

15 A. No, they do not. That's why it's a confirmatory
16 test.

17 Q. All right. Well, how about the gas spectrometer,
18 how does that work?

19 A. What happens is we put a sample in a solution. It
20 is then injected on the gas chromatograph part of the
21 instrument which vaporizes the sample. And basically
22 what that does is separates the sample based on, it goes
23 through a column in the gas chromatograph, it separates
24 the samples; say if you have cocaine mixed with
25 caffeine, it would separate the cocaine and the

1 caffeine. It then goes through the mass spectrometer
2 part and that is where it is hit with an electron volt
3 which breaks the molecule down so it would break the
4 cocaine molecule down, and it comes out in a spectrum of
5 the different ions that make up cocaine.

6 Q. Well, what is cocaine made of?

7 A. Pardon?

8 Q. What is cocaine made of?

9 A. It's, the actual cocaine molecule breaks down into
10 particular ions that are only specific to cocaine.

11 Q. Well, what was this particular drug that you
12 tested?

13 A. This was, both of them were white powder
14 substances, and my finding concluded that this was
15 cocaine molecule substances.

16 Q. With anything else in it or just cocaine?

17 A. Um, I believe both of them had a cutting agent
18 called Levamisole. And what Levamisole is is they use
19 it by veterinarians to warm animals.

20 Q. Okay. And you don't know anything about the case
21 before, the arrests or the charge or anything?

22 A. No, I do not.

23 Q. Okay. So you just get some packets that are handed
24 to you from the evidence technician and you test them
25 and that's it?

1 A. Correct.

2 Q. Okay. And you assume that everything that's
3 written on these envelopes is correct when you receive
4 them?

5 A. Correct.

6 Q. And you wouldn't be able to testify whether what's
7 written on these envelopes is correct or incorrect,
8 would you?

9 A. No, I would not.

10 Q. Okay.

11 MR. LAVERY: No further questions, Your Honor.

12 THE COURT: Redirect.

13 Redirect Examination by Ms. Simmons:

14 Q. Agent Lanford, the fact that this cocaine was cut
15 with Levamisole, an animal warmer, does that change your
16 opinion as to the makeup or the weight?

17 A. No, it does not.

18 Q. So you are not able to break down this cutting
19 agent?

20 A. No. We do not quantify. I can't tell you how much
21 of the substance was actually cocaine or was actually
22 Levamisole. I can only tell you that, what was actually
23 contained in the sample.

24 MS. SIMMONS: Thank you.

25 MR. LAVERY: No further questions, Your Honor.

1 THE COURT: May this witness be excused?

2 MS. SIMMONS: Yes, Your Honor.

3 THE COURT: Thank you, ma'am.

4 (Whereupon, the witness was excused.)

5 THE COURT: Would you call your next witness,
6 please.

7 MS. SIMMONS: May I have a moment to confer with
8 the court reporter?

9 THE COURT: Yes, ma'am.

10 (Discussion off the record between Ms. Simmons and
11 the court reporter.)

12 MS. SIMMONS: Judge, at this time the State would
13 rest.

14 THE COURT: Madam Forelady, ladies and gentlemen of
15 the jury, at this point I have a few administrative
16 matters I need to take up. If you would go back and
17 just relax in your jury room, I'll get you back out here
18 as soon as I can, okay?

19 (Whereupon, the jury left the courtroom at
20 approximately 10:12 a.m.)

21 THE COURT: Mr. Lavery, do you have any motions?
22 Defense Motion for Directed Verdict:

23 MR. LAVERY: May it please the Court. At this time
24 I would like to make a motion for a directed verdict on
25 both indictments in that the Solicitor's Office, the

1 State has not proved all the elements of the charges
2 against my client. I understand it's Your Honor's, I
3 guess, ability to decide whether there is the existence
4 or non-existence of evidence and not the weight, and we
5 would just say there is not enough evidence in this case
6 to go forward based on the fact of inconsistencies in
7 what testimony there has been. The state has not proven
8 their case.

9 In addition, we would like to renew our objection
10 in that we do not believe that dealing with the
11 indictment concerning Exhibit Number 3 that the, that
12 particular case the jurisdiction is just not met. And I
13 would also like to put on the record that
14 *State v. Burgess* as well as *State v. Harris*, I pass this
15 up, Your Honor, deal with the necessity of having some
16 type of multi-jurisdictional agreement between
17 municipalities and counties, and we don't have that
18 here, and we just do not believe that they had
19 jurisdiction to handle that case.

20 Court's Ruling on Defense Motion for Directed Verdict:

21 THE COURT: All right. For the purposes of the
22 record, I'm assuming for purposes of my ruling that
23 there is no multi-jurisdictional agreement. My ruling
24 is based on the fact that the stop occurred within the
25 municipality, and the substantial evidence that was

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1 presented, though somewhat conflicting, was that there
2 was no ability for the Defendant to get cocaine within
3 his shoe in between the time he was detained and taken
4 to the Detention Center. Therefore, there is at least
5 substantial circumstantial evidence in the record that
6 the Jury could find he was in possession of that
7 cocaine, Exhibit Number 3, in his shoe at the time of
8 the stop within the municipality.

9 Also I would like to note on the record with regard
10 to your Constitutional argument, that, number one, there
11 is no evidence that the stop lasted beyond necessary for
12 a normal traffic stop before the officers had an
13 articulable suspicion or a reasonable suspicion that
14 there may be drug activity, that being plain view drugs
15 in the back seat, and, therefore, that gave them
16 probable cause to the officer a right to remove the
17 passengers for safety purposes to inspect at the time of
18 the stop.

19 That being said, anything further from the Defense?
20 I'm gonna deny your motion.

21 MR. LAVERY: Nothing further, Your Honor.

22 THE COURT: From the State?

23 MS. SIMMONS: No, Your Honor.

24 THE COURT: Okay. Do you anticipate calling any
25 witnesses?

1 Ms. Simmons?

2 MR. LAVERY: Your Honor, briefly, I would just like
3 to say the Defense rests.

4 THE COURT: Thank you. I appreciate you pointing
5 that out.

6 Go ahead.

7 MS. SIMMONS: Thank you, Judge, may it please the
8 Court, Mr. Lavery.

9 Closing Argument on behalf of the State:

10 MS. SIMMONS: Ladies and gentlemen, as I told you,
11 this would be pretty brief. I want to thank you for
12 your service. I do pay attention to you guys and I know
13 you have been paying very close attention and I
14 appreciate it.

15 This case is about two counts of possession of
16 cocaine. The judge is gonna charge you on the law of
17 possession of cocaine. There is actual possession of
18 cocaine and constructive possession of cocaine. An
19 example of actual possession of cocaine is you find
20 cocaine in my shoe, I actually possessed that.

21 Possession can also be proven by constructive
22 possession meaning I exercised dominion or control over
23 that drug, being that if I had it in the seat beside me,
24 I'm exercising dominion and control over that drug. You
25 can make that decision.

1 You are required to prove that the Defendant
2 knowingly or intentionally possessed the drugs. That
3 can be proven by direct or by circumstantial evidence.
4 You have direct evidence in this case in that he had
5 drugs in his shoe. It was found by the person and
6 testified to. Circumstantial evidence is someone being
7 present, like the drugs on the seat, other people saying
8 it's not theirs, and circumstantial evidence it being
9 similarly packaged to the drugs that are found in my
10 shoe. That's an example of circumstantial evidence.

11 I do want to remind you of one other legal
12 principle that Judge McIntosh will be discussing with
13 you in your charge. Mr. Hunter was a passenger in this
14 car and a driver of this car as well. He did plead
15 guilty to possession related to this case. The Judge is
16 gonna tell you possession is not an exclusive thing.
17 Possession can be dominion, control, or ownership. So
18 possession can be by two people. You can have a person
19 who actually possesses a drug because they know that
20 it's in the car they are driving, that they had dominion
21 and control over it because it's in their car, but they
22 may not actually own the drugs. The owner of the drugs
23 may be sitting in the back seat with the drugs. I urge
24 you to understand that concept and not get caught up on
25 that issue. Two people can be charged and can be

1 convicted of possession of cocaine.

2 Reasonable doubt. The Judge is gonna talk to you
3 about that. Again I remind you that reasonable doubt is
4 not beyond all doubt. It's not a hundred percent. It
5 is what -- reasonable doubt is making a reasonable
6 person hesitate to act. It's not a hundred percent, so
7 keep that in mind during your deliberations.

8 The Defense has put up some arguments in this case
9 that you have been present for. I believe that they are
10 what the prosecutors call a smoke and mirrors defense.
11 They throw up some smoke, flash up some shiny mirrors to
12 get you off track to forget we are dealing with someone
13 who possessed cocaine two times on November 8th, 2010.
14 Any arguments about the chain of custody and the
15 Department of Public Safety's policy and innocent
16 paperwork mistakes are all designed to throw you off.

17 The same thing with this jurisdictional argument
18 that he couldn't have possessed the drugs in the City of
19 Seneca because they were found at the jail, but the
20 officer told you they didn't make stops along the way.
21 All of those things are smoke and mirrors designed to
22 throw you off track and make you lose sight of your
23 purpose and focus of this case, that Walter Lee Goodine
24 is guilty of two counts of possession of cocaine.

25 I want to briefly go over what the State has

1 presented to you. We first of all presented to you
2 Officer Crum. He told you that he and Officer Hunnicutt
3 were running surveillance in a bad area of town, it was
4 dark, they observed this car stop in this bad area they
5 were running surveillance in and they observed it make
6 two traffic violations.

7 Officer Hunnicutt told you that when they pulled
8 the car over, he found Mr. Goodine and Ms. Lewis in the
9 back seat. In the back seat. Mr. Hunter is in the back
10 seat? Ms. Lewis and Mr. Goodine are in the back seat.

11 He's gonna tell you that the drugs were sitting
12 there when he got them out of the car less than five
13 minutes into the stop.

14 You heard Officer Sorensen testify. He told you he
15 transported Mr. Goodine to the Detention Center,
16 Mr. Goodine was in the back seat, Ms. Lewis was in the
17 front seat. He told you that Mr. Goodine is a big man,
18 six feet five, 300 pounds, that he was in handcuffs.
19 It's not reasonable to believe that he got those drugs
20 anywhere between the City of Seneca and the Detention
21 Center. The only reasonable belief is they were on him
22 during this traffic stop.

23 Cynthia Lewis came and testified. Cynthia is a
24 piece of work, and, but you be the judge of her
25 credibility. She came in here and she was honest with

1 you. She told you, I took responsibility for the part
2 of this crime that was mine because I smoke crack and I
3 pled guilty to the crack pipe, and she told you she
4 doesn't do powder cocaine. Albeit it is a bizarre
5 excuse that she has bad sinuses and she only smokes
6 crack, she only snorts powder cocaine.

7 So, ladies and gentlemen, use your common sense.
8 You can't make an excuse like that up. You be the judge
9 of her credibility. I submit to you she came here, she
10 sat on that stand and she told you the truth.

11 You also heard from the Detention Center Officer,
12 Officer Addis. He told you at the Oconee County
13 Detention Center the standard search of the Defendant,
14 Walter Lee Goodine, when he was booked into the
15 Detention Center, and on this man in his shoe he
16 actually possessed cocaine.

17 Sergeant Nicholson and Agent Lanford were necessary
18 witnesses, probably not the most exciting part of this
19 case for you, but they did tell you the drugs were not
20 tampered with, sealed, they were transported according
21 to evidentiary standards, and that Agent Lanford found
22 both of these packages, State's Exhibits 2 and 3, do
23 contain cocaine point 49 grams and point 41 grams. You
24 will have the opportunity to look at these when you are
25 in the jury room. They are not that exciting. It's not

1 kilos and kilos of cocaine. But you can look at these.
2 You can look at this cocaine. You're gonna see that
3 these bags are remarkably similar. The bags that are
4 inside the Ziploc bags are what was actually taken off
5 the back seat and what was actually taken out of the
6 shoe of the Defendant. You're gonna see that both of
7 these quantities of cocaine are in the corners of the
8 Ziploc baggie wadded up.

9 I submit to you that they are like this because the
10 owner of both of these items is the same person. It's
11 Walter Lee Goodine.

12 Ladies and gentlemen, use your common sense. I
13 told you at the beginning of this case that it is the
14 most important tool that you have as a juror. You
15 didn't leave it in your car when you got here today.
16 Use your common sense.

17 The cocaine fairy does not exist, the cocaine fairy
18 did not magically put cocaine inside the shoe of Walter
19 Lee Goodine. Walter Lee Goodine put cocaine inside the
20 shoe of Walter Lee Goodine.

21 Furthermore, the cocaine fairy didn't just drop
22 cocaine into the seat beside Walter Goodine that looks
23 just like the cocaine that was found in his shoe. This
24 is not a mystery, this is not a fairy tale, this is not
25 a set-up. This is Walter Lee Goodine and this is the

1 fact that he is guilty of two counts of possession of
2 cocaine. Thank you.

3 THE COURT: Mr. Lavery?

4 MR. LAVERY: May it please the Court?

5 THE COURT: Yes, sir.

6 MR. LAVERY: Ms. Simmons.

7 Closing Statement on behalf of the Defendant:

8 MR. LAVERY: Ladies and gentlemen of the jury,
9 first of all I want to thank you for being here and
10 paying close attention to this trial. As the Solicitor
11 has noted, this is not some kind of a big fancy trial
12 like you've heard of on TV, but it is a very important
13 trial nonetheless.

14 As I told you, I thank you for being here, Walter
15 appreciates you being here, he'd waited a long time for
16 his day in court. The Judge is gonna instruct you that
17 you cannot use his absence against him. He has a
18 Constitutional right to be here or not to be here. It
19 cannot and should not weigh in any way, shape, or form
20 in your deliberation.

21 Now, the Solicitor mentioned something to you
22 earlier about how the Defense likes to use something
23 called smoke and mirrors. Well, to use a similar sports
24 analogy, I like to call that a trick play or an end
25 around on her part. Because pointing out deficiencies

1 in the State's case is not smoke and mirrors, those are
2 problems with their case. Those are not something that
3 I'm coming up with just off my cuff to throw up smoke
4 and mirrors. These are real legitimate problems they
5 got with their case. And when you got problems with
6 your case, you can't prove your case. And they've got
7 to prove someone guilty beyond a reasonable doubt and
8 they have real problems with their case.

9 I told you when we first got here we were gonna
10 have a trial by jury. That's what we've had. I told
11 you we were also going to have, the State is going to
12 have the burden of proof and it's their responsibility
13 to prove somebody guilty beyond a reasonable doubt. I
14 also told you that Walter Goodine is innocent, innocent
15 throughout this entire process, and if and only if he is
16 proven guilty. That innocence remains with him even as
17 we sit here right now and we go over this summation.

18 If I can point out a few of the problems with the
19 case that they have, and they were numerous problems if
20 you recall. From the very beginning from the first
21 witness who came in, Officer Crum came in and testified
22 that they got a call about a suspicious area in a bad
23 part of town and they see a car.

24 All that car did was be in that area of town, it
25 didn't do anything else. He had no real suspicion, or,

1 as we like to say, any reasonable articulable suspicion.
2 He couldn't articulate any reason as to why he needed to
3 follow that car. He testified that he pulled up behind
4 that car in an unmarked Tahoe, which looks nothing like
5 a police car, came up behind him, and he told you, he
6 testified from that stand, that he followed that car and
7 waited for them to break the law, waited for them to
8 commit some type of traffic violation so that he could
9 pull them over. Does that sound right? That was the
10 basis of all of this.

11 Then we had, Officer Hunnicutt comes, and he tells
12 you that he gets the driver out of the car, Robert
13 Hunter, and then they get everyone else out of the car.
14 They find some illegal drugs in the car that were seen
15 in what we call plain view, it was in plain view, but
16 Robert Hunter came up to him after being told his
17 *Miranda* rights. You have the right to remain silent.
18 Anything you say can and will be used against you in a
19 court of law. You have the right to have an attorney
20 present. If you can't afford an attorney, one will be
21 provided for you. You have the right to stop answering
22 questions at any time.

23 His report; I asked him about it. After he gave
24 Mr. Hunter those rights, Mr. Hunter told him, Those
25 drugs in the car are mine. He said, Those drugs are

1 mine. And he later pled guilty. He owned up to all the
2 drugs in the car.

3 I asked the Officer in his report, what he meant by
4 saying when Mr. Hunter said the drugs are mine and he
5 followed up with, What kind of drugs? His report said
6 he couldn't answer and he just put his head down. Now,
7 that doesn't mean when you read it or hear his testimony
8 that means that he tried to come up with the words to
9 tell you he couldn't answer. He said he couldn't answer
10 and he put his head down. He exercised his right to
11 remain silent. He exercised his right not to answer any
12 more questions if he didn't want to without having an
13 attorney present. All he said was, Those drugs are
14 mine, he didn't answer anything else.

15 Those drugs in the car are Robert Hunter's, he
16 admitted to it, he came to court and pled guilty on
17 those charges.

18 Furthermore, I would like to also point out that
19 when they got these drugs out of the car, Officer
20 Hunnicutt testified they never took the bag in for any
21 DNA, they never took that bag in for any fingerprints,
22 never tried to connect those bags to my client other
23 than my client happened to be in the car where some
24 drugs were. That's it.

25 And the Judge is gonna instruct you on the law.

1 He's also gonna tell you about part of our law called
2 mere presence. And that means just because you are
3 basically in the presence of something does not mean you
4 possess it. And he's gonna explain that to you in just
5 a few minutes.

6 Then we had Cynthia Lewis come in. She was the
7 lady who was in the car with him. I'd like to point out
8 she did not plead guilty to her crack pipe charge. She
9 pled guilty in the past to other type things, forgeries,
10 fraudulent card theft, identity theft, things like that.
11 But she told you from that stand she had a drug problem.
12 She said she doesn't anymore. But she had a drug
13 problem at the time of this incident. She admitted that
14 to you. She said she smoked crack.

15 She also told you that she didn't use cocaine
16 because of something with her sinus condition. That's
17 not believable. That's not correct. She's with people
18 in this car and she's sitting right next to the drugs.
19 The drugs could have been hers.

20 She also gave a statement to the police about six
21 weeks to seven weeks after this incident. She told you
22 at first that she thought she made the statement within
23 a day or two after the incident. How much crack had she
24 been smoking to not know that? That's a pretty
25 significant time period. She couldn't remember when she

1 gave a statement.

2 She also testified part of her giving that
3 statement and coming to court was that her charges would
4 be dropped, which they were.

5 And we think that maybe she had a little bit of
6 some motivation to give a statement, to get out of the
7 trouble that she was in.

8 The next witness we have was Officer Addis. He
9 just came in and said that he found some drugs. He
10 didn't know anything about the case other than that.
11 Didn't know what happened in the car ride up from the
12 City of Seneca to outside the City's jurisdiction all
13 the way up here. He had no idea what transpired. All
14 he did was just deal with, help people that the City
15 brought in.

16 Then we had Officer Sorensen. He admitted he never
17 searched anybody at the scene in the City, he never
18 patted anybody down in the City. All he did was
19 transport some people. Except that he put Ms. Lewis in
20 the front seat and Mr. Goodine in the back seat. And he
21 had no idea what transpired in the back seat. He also
22 admitted people get out of handcuffs all the time. He
23 had no idea of anything other than he got up there and
24 dropped some people off, and a packet was given to him,
25 and he didn't even acknowledge on his packet who gave

1 him the stuff that was found at the scene. He didn't
2 mention that in this log, in this evidence log. He
3 didn't mention any of that on here. You will see this.
4 He doesn't mention it.

5 And that's a pretty important person to leave out
6 of all this. That's not smoke and mirrors. That's a
7 problem with the case. It's called chain of custody.
8 They are required to keep that chain and that's
9 problematic for them.

10 Then we had Ms. Nicholson come in here. She's with
11 the City. And she brought the drugs to the lab and
12 that's all she did. They sat in her box for a long
13 time, 14 days before she brought them in, and that's all
14 she did.

15 Then we had Ms. Lanford and she said she didn't
16 know anything about anything to do with the case. She
17 just tested the stuff and that's all she did. She said
18 she didn't know what happened at the scene. She didn't
19 know if any of this was correct or incorrect. She just
20 knows she got a packet and she tested it.

21 And that's what we've got in this case is we've got
22 some problems, they're not smoke and mirrors. They've
23 got problems with the stop, and they got problems at the
24 jail. They got problems with the chain of custody and
25 they got problems with the basis for stopping somebody.

1 I just want you to think about these problems. And
2 when you do, we're confident you're gonna find Walter
3 not guilty. Thank you.

4 THE COURT: Any reply, Ms. Simmons?

5 MS. SIMMONS: No, Your Honor.

6 THE COURT: All right. Ladies and gentlemen, that
7 concludes the closing argument phase in this case.
8 Madam Forelady, I can continue on and my charge will
9 probably be in the neighborhood of around 25 to 30
10 minutes. I'll let you have a break or we could go
11 forward. Would you poll the jury to see what they
12 prefer, please, ma'am.

13 (Jury confer in jury-box.)

14 THE FORELADY: Go forward.

15 THE COURT: A good Oconee County jury. All right.
16 The Court's Charge:

17 THE COURT: Now, ladies and gentlemen, my charge is
18 required at the end of all the evidence in this matter
19 and the arguments of the attorneys. It will be in three
20 parts. The first part will be the general rules that
21 define and control your obligations as jurors. The
22 second will be the substantive law in this case, ie,
23 what the State must prove in order to make out its case
24 against the Defendant, and third will be some thoughts
25 and considerations about your deliberations.

1 (Whereupon, a verdict was reached at approximately
2 1:04 p.m.)

3 (The Jury entered the courtroom at approximately
4 1:05 p.m.)

5 Verdict of the Jury:

6 THE COURT: Madam Forelady, my understanding is the
7 jury has reached a verdict; is that correct?

8 THE FORELADY: Yes, sir.

9 THE COURT: Is it unanimous?

10 THE FORELADY: Yes, sir.

11 THE COURT: Would you pass it to the bailiff,
12 please, ma'am.

13 THE FORELADY: (Complies.)

14 THE CLERK: In the matter of the State of South
15 Carolina versus Walter Lee Goodine, Junior, We, the
16 jury, unanimously find that the Defendant, Walter Lee
17 Goodine, Junior, under Indictment Number 2012-GS-37-5 is
18 guilty of possession of cocaine.

19 We, the jury, unanimously find that the Defendant,
20 Walter Lee Goodine, Junior, under Indictment Number
21 2012-GS-37-6 is guilty of possession of cocaine.

22 Ladies and gentlemen of the jury, if this was your
23 verdict and remains your verdict, please indicate so by
24 raising your right hand.

25 Let the record reflect that all members of the jury

1 have raised their right hand.

2 THE COURT: Thank you very much.

3 All right. Ladies and gentlemen, first, as I told
4 you, the Court is never concerned about your verdict and
5 I'm not in this case, but I am concerned that the
6 process was followed. And although this was a fairly
7 short trial, you stayed engaged and watched throughout
8 the process, and so we thank you for that. And I repeat
9 that without citizens such as yourself who are willing
10 to come forward and take time away from their homes and
11 their jobs, our fundamental rights cannot be protected
12 without folks such as yourself. We thank you from
13 Oconee County and the State of South Carolina for your
14 service.

15 I would like to tell you that you are excused for
16 the remainder of the week, but I'll have to ask you to
17 come back at 2:30.

18 Madam Clerk, do we have anything for them in the
19 meantime?

20 THE CLERK: Yes. We will give you certificates for
21 lunch. And at the top you can see where you can use
22 this for several restaurants here in town. That way you
23 can stay local for when you come back at 2:30.

24 THE COURT: Right. It may be that may not be
25 necessary. But I'll tell you what. The threat of

1 having juries out there and being called together, as
2 was the rest of them, has a tendency to make cases be
3 resolved.

4 So that being said, I'd like to go back in the jury
5 room and say hey to you in a more personal basis back in
6 the jury room for about five minutes and ask you a
7 couple of questions, but I'll excuse you back to the
8 jury room. I need to have you, Madam Forelady, sign the
9 indictments and then we'll pass out the lunch vouchers.

10 (Whereupon, the Jury left the courtroom at
11 approximately 1:08 p.m.)

12 THE COURT: Counsel, I wrote on the indictments
13 guilty that were signed by the Forelady, and also the
14 verdict form to show that it's the 28th of February,
15 okay, sir? I'll be right back.

16 (The Court leaves courtroom and returns.)

17 THE COURT: Do you have any sentencing sheets?

18 MS. SIMMONS: I do, Judge.

19 THE COURT: Very good. Would you pass those
20 forward. My understanding in a TIA situation I am to
21 sentence this gentleman and I then have it sealed and
22 signed and when he's caught, he is to be brought back
23 before the Court for sentencing.

24 Is that your understanding.

25 MS. SIMMONS: Yes, Your Honor.

1 will not be read out until he gets here. If and when he
2 gets here, he will be brought before a Circuit Court
3 Judge, me, I believe, and we will impose sentence at
4 that point, okay? Thank you very much.

5 We are in recess.

6 Oh, go ahead, Mr. Lavery.

7 MR. LAVERY: Thank you, Your Honor.

8 We ask for a motion for a new trial at this time
9 based on the fact there was no evidence to support
10 either one of the convictions.

11 THE COURT: You are going to one of the
12 convictions, you are talking about the cocaine in the
13 shoe?

14 MR. LAVERY: Either one, Your Honor.

15 THE COURT: Oh, either one.

16 MR. LAVERY: Or both. On 2012-GS-37-5 and '6.

17 THE COURT: I assume that you are also renewing
18 your basis for your motion that you raised in your
19 directed verdict?

20 MR. LAVERY: I am.

21 THE COURT: I deny those motions, but you are
22 protected on the record.

23 MR. LAVERY: Thank you.

24 THE COURT: You did a good job. I thank the
25 attorneys.

State of South	)	In the Court of General
Carolina	)	Sessions
	)	
	)	Indictments Nos:
	)	2012-GS-37-00005 and
County of Oconee	)	2012-GS-37-00006

State of South	)	
Carolina	)	
	)	
Plaintiff,	)	Transcript of Record
	)	
-vs-	)	Unsealing and Publishing of
	)	Sentence
Walter Goodine,	)	
Junior,	)	
	)	
Defendant.	)	

June 12, 2012
Walhalla, South Carolina

B E F O R E:

The Honorable J. Lawton McIntosh, Judge.

A P P E A R A N C E S:

Lindsey S. Simmons, ESQ.
Assistant 10th Circuit Solicitor
Attorney for the State

C. Nicholas Lavery, Esq.
Attorney for the Defendant

Robin Sue Hild, FCRR, RPR
Circuit Court Reporter

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INDEX

Witnesses

Page

No witnesses were called.

Sentence of the Court

4

Certificate of Court Reporter

5

EXHIBITS

No.

Description

Id./Ev.

No exhibits were introduced.

1 ** Start of Requested Certified Transcript of Record **

2 (Whereupon, the unsealing of sentence in the case
3 of the State of South Carolina v. Walter Goodine
4 commenced, with all parties being present, at
5 approximately 2:00 p.m.)

6 THE COURT: Now, this is the State versus Walter
7 Lee Goodine, Junior; is that correct?

8 MS. SIMMONS: Yes, Your Honor. He was tried on
9 2012-00005 and '00006.

10 THE COURT: Okay. I'm looking in the file. There
11 is a verdict form that's signed by the foreman on
12 February 28th, 2012, in which the Defendant was found
13 guilty of possession of cocaine and guilty of possession
14 of cocaine; is that correct?

15 MS. SIMMONS: Yes, Your Honor.

16 THE COURT: Okay, sir.

17 You are Walter Lee Goodine, Junior?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You understand you were previously
20 tried in your absence here in Oconee County? Do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You also understand that the jury found
24 you guilty of the crime under Indictment Number
25 2012-GS-37-00005, possession of cocaine, and also under

1 2012-GS-37-00006 of possession of cocaine? Do you
2 understand that?

3 THE DEFENDANT: Yes, sir. I'm just now finding out
4 because I haven't talked to nobody about ---

5 THE COURT: Let me tell you. You may appeal the
6 sentence. You have ten days to do that. At this stage
7 your bond provided if you would not return to trial, you
8 would be tried in your absence. You will have to
9 correct that error through the appeals process.

10 I've signed and sealed the sentence. The purpose
11 today is solely for the purposes of sentencing.

12 Sentence of the Court:

13 THE COURT: Under Indictment 2012-GS-37-00005 the
14 sentence is ten years, the charge is actually possession
15 of cocaine, second offense; and 2012-GS-37-00006 the
16 sentence is five years; both sentences to be run
17 concurrent with one another. That is the sentence of
18 the Court.

19 Again, sir, you have ten days to appeal that
20 sentence. Okay?

21 THE DEFENDANT: Yes, sir.

22 MS. SIMMONS: Thank you, Judge.

23 MR. LAVERY: Thank you, Your Honor.

24 (Whereupon, the unsealing and publishing of the
25 sentence of the Court was concluded at

1 approximately 2:03 p.m.)

2 ** End of Requested Certified Transcript of Record **

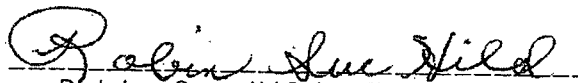
3

Certificate of Court Reporter

I, the undersigned, Robin Sue Hild, FCRR, RPR,
Official Court Reporter for the Tenth Judicial Circuit
of the State of South Carolina, do hereby certify that
the foregoing is a true, accurate and complete
Transcript of Record of the proceedings had and the
evidence introduced in the hearing of the captioned
case, relative to appeal, in the Court of General
Sessions for Oconee County, South Carolina, on the 12th
day of June, 2012.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

August 11, 2012


Robin Sue Hild, FCRR, RPR
Circuit Court Reporter

WITNESSES

Tim Hunnicutt, Seneca Police Dept.

Thomas H. Williams
Alan H. Williams

ARREST WARRANT NUMBER

J453591

ACTION OF GRAND JURY

True Bill

Michael Blunt
Foreperson of Grand Jury
Date: JAN 10 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS37 00005

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

JAN 10 2012

Term

THE STATE

vs.

Walter Lee, Jr Goodine

LSS

Indictment for

Possession of Cocaine - 2nd Offense

SC Code: 44-53-0370 (d)(3)
CDR Code: 3012

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

2012 JAN 11 P 3:07

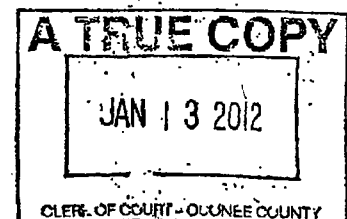
STATE OF SOUTH CAROLINA)
COUNTY OF Oconee)

INDICTMENT

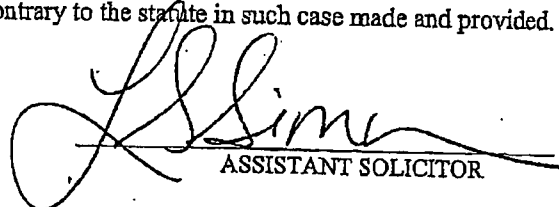
At a Court of General Sessions, convened on JAN 10 2012, the Grand Jurors of Oconee County present upon their oath:

Possession Of Cocaine - 2nd Offense

That on or about **November 8, 2010**, in Oconee County, South Carolina, the Defendant, **Walter Lee, Jr Goodine**, did knowingly or intentionally possess or otherwise aid, abet, attempt, or conspire to possess a quantity of Cocaine, a schedule II controlled substance under provisions of Section 44-53-110, et seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law, all in violation of Section 44-53-370, Code of Laws of South Carolina (1976), as amended.



Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

Tim Hunnicutt, Seneca Police Dept.

Thomas H. Williams
Chris H. Wang

ARREST WARRANT NUMBER

DIRECT

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: JAN 10 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS37 00006

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

JAN 10 2012

Term

THE STATE

VS.

Walter Lee, Jr Goodine

LSS

Indictment for

Possession Of Cocaine - 2nd Offense

SC Code: 44-53-0370 (d)(3)
CDR Code: 3012

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

2012 JAN 11 P 3:07

JB

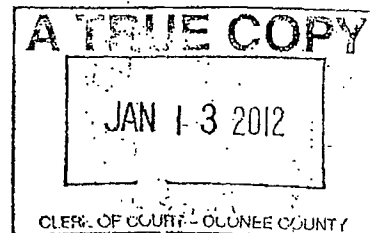
STATE OF SOUTH CAROLINA)
COUNTY OF Oconee)

INDICTMENT

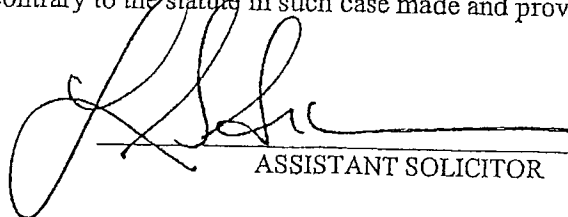
At a Court of General Sessions, convened on JAN 10 2012, the Grand Jurors of Oconee County present upon their oath:

Possession of Cocaine - 2nd Offense

That on or about **November 8, 2010**, in Oconee County, South Carolina, the Defendant, **Walter Lee, Jr Goodine**, did knowingly or intentionally possess or otherwise aid, abet, attempt, or conspire to possess a quantity of Cocaine, a schedule II controlled substance under provisions of Section 44-53-110, et seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law, all in violation of Section 44-53-370, Code of Laws of South Carolina (1976), as amended.



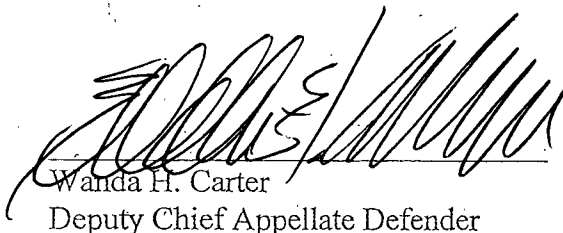
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

July 12th, 2013



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Oconee County

R. Lawton McIntosh, Circuit Court Judge

RECEIVED

JUL 12 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

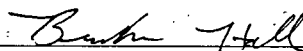
WALTER GOODINE,

APPELLANT

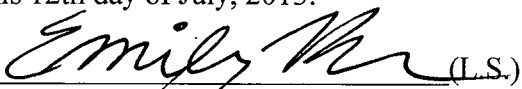
Appellate Case No. 2012-212261

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Gregory P. Jones, Jr., Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 12th day of July, 2013.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 12th day of July, 2013.


Notary Public for South Carolina.

My Commission Expires: November 16, 2022.