

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Kristi L. Harrington, Circuit Court Judge

Appellate Case No.: 2013-000332

The State,

Respondent,

v.

Norris T. Steplight,

Appellant.

RECORD ON APPEAL

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DEC 30 2013

SC Court of Appeals

INDEX

Volume I (pp. 1 - 97)

Official Record Pg.
Nos. – Bottom Left

I. PLEADINGS & RELATED MATTERS

Indictment	1 - 2
Bail Proceeding Form	3 - 4
Verdict Form	5
Sentencing Sheet	6

II. TRIAL TRANSCRIPT

1. Pretrial Matters

Discussion regarding Appellant's absence	7 – 10, 12 – 13
Trial Court's Ruling	11

2. Pretrial Testimony & Motions

Motion to Suppress	11 – 12, 14 - 45
Testimony of Sean Engles	14 - 45
Direct Examination by Stephanie Linder, Counsel for Respondent	15 - 27
Cross Examination by Jim Smiley, Counsel for Appellant	27 - 45
Motion for Continuance	46
Trial Court's Ruling	46
Jury Selection	47 - 76
Jurors Excused	52 - 54, 58 - 60, 63, 64, 67, 71
Motion to Suppress (continued)	77 – 86
Appellant appears	78

Testimony of Jeffery Harrison.....	78 - 86
Direct Examination by Randell Stoney, Counsel for Respondent.....	79 - 85
Cross Examination by Jim Smiley, Counsel for Appellant	85
3. Trial Testimony	
Testimony of Jeffery Harrison	
Direct Examination by Randell Stoney, Counsel for Respondent	86
Testimony of Anita Marie Moore	
Direct Examination by Randell Stoney, Counsel for Respondent.....	87 - 93
4. Verdict	
Verdict.....	94
Sentencing.....	95 - 97
Appellant's Statement.....	96

SLB20110503340

WITNESSES

Officer Engles
Charleston City Police Department

AGENCY CASE NUMBER

1108747

ARREST WARRANT NUMBER

M611575

DATE OF ARREST

May 28, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury Date: OCT 03 2011

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2011GS1006501

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

October Term 2011

THE STATE

vs.

NORRIS T STEPLIGHT
DOB: 1983-06-13
B/M

Indictment for
Trafficking in Cocaine Base

FILED

10/19/2011 10:30:53 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

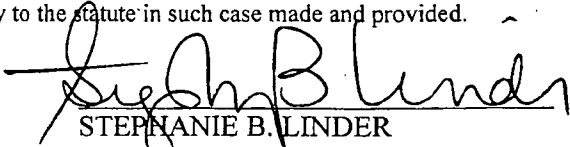
INDICTMENT

At a Court of General Sessions, convened on October 3, 2011 the Grand Jurors of Charleston County present upon their oath:

Trafficking in Cocaine Base

That in Charleston County, South Carolina, on or about May 27, 2011, the Defendant, NORRIS T STEPLIGHT, knowingly did sell, manufacture, deliver, purchase, or bring into this State; or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State; or did possess or attempt to possess a controlled substance or a controlled substance analogue, to wit: Cocaine Base, in excess of 10 grams; in violation of 44-53-375 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


STEPHANIE B. LINDER
ASSISTANT SOLICITOR

M611575

71706FQ

CRIMINAL CHARGING DOCUMENT NO

BAIL PROCEEDING
FORM II

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

NORRIS STEPLIGHT
NAME OF DEFENDANT

Offense Charged TRAFFICKING COCAINE, DUS 1ST

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- ☐ The release of the defendant on recognizance will not reasonably assure his appearance as required.
- ☐ The release of the defendant on recognizance will result in an unreasonable danger to the community

This determination was based upon the following findings of fact

(Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.)

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior

2. That the above named defendant be released from custody provided as follows:

CASH IN LIEU OF BOND

☐ The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

☐ The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$50,562.00.

3. That the defendant shall appear at (check one).

☒ the term of COURT OF GENERAL SESSIONS beginning on Friday, July 29, 2011 at 2:00 o'clock, P.M. at CHARLESTON COUNTY JUDICIAL CENTER, 100 BROAD STREET, CHARLESTON and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☒ the session of MUNICIPAL COURT OF CHARLESTON beginning on Thursday, June 23, 2011 at 9:30 o'clock, A.M., at 180 Lockwood Blvd, Charleston. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT N.S.

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order

SIGNATURE OF JUDGE BaldwinMay 28, 2011
DATE

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ADDRESS _____
CITY/STATE/ZIP _____ TELEPHONE _____
SOCIAL SECURITY NUMBER _____ DRIVER'S LICENSE OR ID NUMBER _____
SIGNATURE OF DEFENDANT NORRIS STEPLIGHT
DATE May 28, 2011
ATTORNEY REPRESENTING ACCUSED (IF KNOWN) _____

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of: _____

NAME OF PERSON OR ORGANIZATION _____

ADDRESS _____ CITY/STATE _____ ZIP _____ TELEPHONE _____
who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED) _____

DATE _____

b. ☐ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions.

c. ☐ Part-time Release. The defendant will be released from custody from _____ o'clock, _____ to _____ o'clock, _____
on _____ on condition that he return to the custody of _____
DATE(S) _____ TIME _____ AM/PM _____ TIME _____ AM/PM _____

at _____ as designated.
LOCATION _____ NAME OF PERSON OR ORGANIZATION _____

d. ☒ Other Conditions. The defendant will comply with the following other conditions of release. You are required to appear for your 2nd Court Appearance on Friday, October 21, 2011 at 9:00 A.M. at the Court of General Sessions located at 100 Broad Street, Charleston.

APPEARANCE RECOGNIZANCE WITH SURETY

On the _____ day of _____, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of _____, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

NAME OF SURETY BONDSMAN _____ TELEPHONE _____
ADDRESS OF SURETY BONDSMAN _____
CITY/STATE/ZIP _____
NAME OF INSURANCE COMPANY _____
ADDRESS OF INSURANCE COMPANY _____
CITY/STATE/ZIP _____
SIGNATURE OF SURETY BONDSMAN _____
SIGNATURE OF JUDGE Baldwin
DATE May 28, 2011

COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2011-GS-10-6501

STATE OF SOUTH CAROLINA

 γ

NORRIS TYRONE STEPLIGHT,

Defendant.

VERDICT FORM

VERDICT

1. We the Jury find the Defendant NOT GUILTY. _____

OR

2. We the Jury find the Defendant GUILTY of Trafficking in Cocaine Base X

I certify that this decision is the unanimous decision of the Jury.

Gail M. Yarborough, Foreperson
February 2, 2013

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, P. G. S. & F.C.
By *Julie J. Armstrong*
DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
 STATE VS.
Norris T Steplight

AKA:

Race: BLACK Sex: M Age: 29

DOB: 06-13-1983 SS#: 248-55-5477

Address: 709 W Sherwood Dr

City, State, Zip: Charleston, SC 29407-6626

DL#: 090438706 SID#: SC01283223

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Trafficking in Cocaine Base/Meth, 10 to 28 grams, 3rd offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS1006501

A/W#: M611575

Date of Offense: 5/27/2011

S.C. Code §: 44-53-0375(C)(1)(c)

CDR Code #: 0452

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 44-53-0375(C)(1)(c) of the S.C. Code of Laws, bearing CDR Code # 0452
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: ☒ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST: Stephanie B. Blum 72656
Blum, Stephanie B. SC Bar# 72656 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$ 500.00; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

PTUP

 days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK, C.F. & F.C.

By

DEPUTY CLERK

☐ Appointed PD or appointed other counsel.
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

Judge Code:

Sentence Date: 2/5/13

6

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

1 The above-styled cause came on for hearing on
2 the 4th day of February, 2013, at 12:00 p.m., before
3 Judge Kristi Lea Harrington, Resident Judge, presiding
4 over the General Sessions for the County of Charleston,
5 when the following proceedings were had and entered of
6 record, to wit:

7 PROCEEDINGS

8 THE COURT: Just for -- Mr. Wetmore, just for
9 scheduling, you can approach.

10 (A discussion is held off the record with
11 Mr. Wetmore.)

12 THE COURT: Can you pick a jury now?

13 MS. LINDER: Yes, Judge.

14 MR. SMILEY: I'm looking for my client, your
15 Honor. My client has always been available. He -- his
16 phone number wasn't working last week. I've left
17 messages. The bondsman is out to find him now.

18 THE COURT: All right. How long will this case
19 take to try?

20 MS. LINDER: I would think that it would take
21 about one to two hours for pretrial motions, and then I
22 don't see the case taking -- the -- my case in chief
23 wouldn't take more than, I don't think, about a half a
24 day or three-quarters of the day.

25 THE COURT: All right. Mr. Smiley?

1 MR. SMILEY: I think it's a little longer than
2 that, but it's not a terribly long case. A day and a
3 half, two days.

4 THE COURT: All right. So we could pick a jury
5 now and then start our pre-trial motions in the morning?

6 MR. SMILEY: I'll have to pick without a
7 client.

8 MS. LINDER: Your Honor --

9 THE COURT: He's been on my docket several
10 times, so I know that he's had --

11 MR. SMILEY: He's been here every time.
12 That's why I'm telling you, Judge, he's -- he changed
13 -- changed his phone number, I've left messages
14 everywhere I could. We got a text saying, You just got
15 moved up; you might be going first thing. I called the
16 bondsman at 8:30 this morning, who said, I'll go get
17 him. That's where I was.

18 THE COURT: All right.

19 MS. LINDER: Your Honor, I was just going to
20 say that -- I lost my train of thought. I'm fine to go
21 ahead and pick a jury. I would just ask, in an
22 abundance of caution, if the murder case does take too
23 long, that we don't swear the jury.

24 THE COURT: I'm not going to swear the jury.

25 Where are we with the jurors?

1 THE DEPUTY CLERK OF COURT: I can bring them
2 now.

3 THE COURT: Are you ready to pick?

4 MR. SMILEY: I've got to just go grab my file.
5 I don't have a client, but I -- yes, ma'am.

6 THE COURT: What time was he told to be here?

7 MS. LINDER: The letters all just have them
8 coming on Monday morning, and everything says nine
9 o'clock tomorrow.

10 MR. SMILEY: And he's gotten a dozen letters
11 over the last year and a half, I'm sure.

12 THE COURT: Okay.

13 MR. SMILEY: And, like I said, I've never had a
14 problem with him not showing. He's showed up every
15 time. The only reason he's not here, is the number that
16 he -- he's changed phones three or four times. The last
17 number I had, I called. It was disconnected. I called
18 every other number, left messages. Then this morning, I
19 contacted the bondsman --

20 THE COURT: Okay. Go get your file. Is there
21 a reason I shouldn't issue a bench warrant to assist in
22 picking him up?

23 MR. SMILEY: No, ma'am, I don't -- I think he
24 will be here. I'm just -- I don't think it will speed
25 up the process. I don't think he's intentionally

1 avoiding court. He's been anxious to have the case
2 tried.

3 THE COURT: All right.

4 MR. SMILEY: I'll go get my file, your Honor.
5 Thank you.

6 (Other matters/cases discussed off the record.)

7 THE COURT: All right. So you go get your
8 file.

9 MR. SMILEY: Yes, ma'am.

10 THE COURT: You want to get a bench warrant
11 prepared?

12 MS. LINDER: Yes. I will do that.

13 THE COURT: And your witnesses are ready to
14 testify?

15 MS. LINDER: I can have my investigator call
16 them and they can -- they're all police officers for
17 pretrial, so they should all be able to be here probably
18 within an hour.

19 THE COURT: All right. Can we -- so
20 scheduling-wise, Mr. Wetmore, is that okay with your
21 schedule?

22 MR. WETMORE: That works fine, your Honor. We
23 had this prioritized as the Williams thing first, if
24 it's possible. If it's not, then Steplight would be the
25 next. My understanding is that Simmons has already been

1 Ms. Linder off the record.)

2 (Other matters/cases discussed off the
3 record.)

4 (Back on the record with the Steplight case
5 at 12:31 p.m.)

6 THE COURT: All right. We're going to go ahead
7 and break for lunch. Be back at 1:30. I'll be in
8 chambers if anything transpires between the AT&T issue.
9 Let me know. I'll be here in chambers, but we're going
10 to start Mr. Steplight's motion at 1:30.

11 (The Judge resumes the bench at 1:30 p.m.)

12 (The Defendant is not present.)

13 THE COURT: So I'd like to go ahead and get
14 started before the jury gets --

15 MS. LINDER: Yes.

16 THE COURT: Your witnesses are here for the
17 pretrial?

18 MS. LINDER: Yes, I'll grab them.

19 THE COURT: I note your vehement objection to
20 continuing without your client's presence.

21 MR. SMILEY: Thank you, Judge.

22 THE COURT: Go ahead with your first witness.

23 MR. SMILEY: Your Honor, this is a Motion
24 to Suppress the evidence; simply being, the crack
25 cocaine that was found once he was taken to the jail.

1 Because -- Ms. Linder understands I'm challenging it
2 both on being initially an illegal stop, and then,
3 subsequently, being an illegal arrest. Once they're
4 past the arrest, the search at the jail is -- I'm not
5 complaining about.

6 THE COURT: All right.

7 MR. SMILEY: It's those two things. And,
8 again, thank you for noting the record. I surely wish
9 he was here, so he could hear this part because this is
10 what he has complained about the whole time. And just
11 for the record, he has shown up -- and Ms. Linder -- he
12 has shown up at least a half dozen times. This has been
13 on the docket for an excess of a year. One time --

14 THE COURT: I remember we were going to try to
15 try it in December, weren't we?

16 MS. LINDER: I believe it was December.

17 MR. SMILEY: It's been called several -- it's
18 been close to being called several -- it was actually
19 called once, when I got Rocky Mountain Spotted Fever on
20 Memorial Day, in front of Judge Nicholson, and we
21 weren't able to go forward. So it's had stops and
22 starts. And my client -- that's why I said, he's not
23 intentionally missing court. I feel like I've -- I've
24 done something wrong because he's not here, because I
25 know he wants to be present. I understand this Court's

1 position too. He has a letter and all. But I've
2 usually never had a problem reaching him.

3 THE COURT: Well, where's the bonds person?

4 MR. SMILEY: I've spoke to his -- it's Holiday
5 Bonding -- Thomas Holiday Bonding, has him out on bond.
6 I left a message at every number I had last week. And I
7 had several numbers for Norris. He's changed phones
8 several times. I never got him, but left messages
9 everywhere. I thought we were going to -- I thought we
10 were going to be second this week, your Honor. And
11 my -- never assume anything. -- is I contacted, when I
12 did not hear back from him, the bondsman, at 8:30 this
13 morning, and told them that I needed to get him here as
14 soon as possible. She contacted all the numbers she
15 had, and -- and sent someone, my understanding, to his
16 mother's house to find out where he is now.

17 THE COURT: Okay.

18 MR. SMILEY: As of one o'clock when I spoke to
19 the bondsman last, she still had not located him, but
20 that's where we are.

21 THE COURT: All right. All right.

22 MS. LINDER: And, your Honor, I had E-mailed
23 your law clerk earlier, and copied Mr. Smiley, with a
24 copy of my *voir dire*, and potential witness list.

25 THE COURT: Okay.

1 MS. LINDER: I have a copy if the Court needed
2 a copy.

3 THE COURT: Can we have a -- can you provide a
4 copy for my court reporter?

5 MS. LINDER: Yes. If I may approach the court
6 reporter?

7 THE COURT: You may.

8 MS. LINDER: And if I may pre-mark two exhibits
9 for identification purposes in this hearing?

10 (Other matters/cases discussed off the record.)

11 THE COURT: Ms. Linder, whenever you are ready.

12 MS. LINDER: Thank you, your Honor. The State
13 calls Investigator Sean Engles.

14 (The oath is administered by the Deputy Clerk
15 of Court, and the witness answers as follows:)

16 THE WITNESS: I do.

17 THE DEPUTY CLERK OF COURT: State your full
18 name and spell your last name.

19 THE WITNESS: My name is Sean Engles,
20 E-n-g-l-e-s.

21 SEAN ENGLES,
22 having been first duly sworn by the Deputy Clerk of
23 Court to tell the truth, the whole truth, and nothing
24 but the truth, was examined and testified upon his oath
25 as follows:

DIRECT EXAMINATION

2 BY MS. LINDER:

3 Q Good afternoon, Mr. Engles. How are you doing
4 today?

5 A Good. Thank you.

6 Q And what is your occupation?

7 A I'm a police officer with the City of
8 Charleston Police Department.

9 Q And what are your duties with CPD?

10 A Currently I'm assigned to Special
11 Investigations Unit as a narcotics investigator.

12 Q And can you just tell briefly, the Court, some
13 of your education and background.

14 A Yes. I have a bachelor's degree from the
15 University of Maryland in business and criminal justice.
16 After college, I joined the Charleston Police
17 Department. Criminal Justice Academy, I earned the
18 academic award. From there, I did my training in
19 Team 1. I stayed in Team 1 for approximately four
20 years. Two of the years was with the Power Shift, which
21 was a proactive patrol unit. I then did almost five
22 months in Team 1 Investigations. And, finally, I'm at
23 my current role as a narcotics detective.

24 Q And how long have you been employed by CPD?

25 A Five and a half years.

1 Q And did you have the occasion to be working
2 back on May 27 of 2011?

3 A Yes, I did.

4 Q Did you have the occasion to become involved in
5 the investigation of this case, the State versus
6 Norris Steplight, in any way on that date?

7 A Yes, I did.

8 Q How were you brought into this case, and can
9 you please tell the Court what happened.

10 A Yes. I was on patrol. I was the passenger in
11 the patrol vehicle with Officer Harrison, who was
12 driving. We were in the area of Rutledge Avenue and
13 Calhoun Street.

14 Q Is that in Charleston County?

15 A It is.

16 Q Did anything occur while you were on patrol in
17 the area involving the Defendant in this case?

18 A Yes. The Defendant was the driver of the
19 vehicle that we had pulled over for a traffic violation.

20 Q And what traffic violation did you pull the
21 vehicle over for?

22 A We were directly behind the vehicle as it was
23 south on Rutledge approaching Calhoun Street, and I
24 observed the car not come to a complete stop as it made
25 a right turn onto Calhoun Street, and there was a solid

1 red light, where he should have come to a complete stop.
2 Furthermore, when he turned, he turned into Lane 1,
3 which is not the most immediate lane, which is --
4 constitutes an un- -- or an improper turn.

5 Q So you stopped the vehicle for two different
6 traffic violations?

7 A Yes.

8 MS. LINDER: Your Honor, may I approach?

9 THE COURT: You may.

10 Q (By Ms. Linder) At this time, I show you
11 what's been marked as State's Exhibit 2 for
12 identification purposes. Do you recognize this?

13 A Yes.

14 Q And is it a fair and accurate representation?

15 A Yes, it is.

16 MS. LINDER: Judge, at this time, I would ask
17 for the limited purpose of this hearing for this exhibit
18 to be made a State's exhibit.

19 THE COURT: Any objection?

20 MR. SMILEY: I would agree that it is a map of
21 the downtown area and -- and -- for those purposes.

22 THE COURT: All right. Thank you.

23 (State's Exhibit Number 2 is admitted into
24 evidence.)

25 Q (By Ms. Linder) Can you please explain to us

1 where the Defendant was and for what reasons the traffic
2 stop was initiated. I will hold this the best I can.

3 A We have Rutledge Avenue right here. And the
4 Defendant's vehicle was a white pickup truck and
5 traveling south. We were behind it, also traveling
6 south. And when the Defendant's vehicle, who had a
7 solid red light, at the intersection here for southbound
8 traffic, the Defendant made a right-hand turn, which was
9 westbound, without coming to a complete stop at that red
10 light. It was -- it was in Lane 1, which, again, not
11 the most immediate lane. Ashley Avenue and Calhoun
12 Street is when we initiated the traffic stop with the
13 blue lights and siren. The vehicle continued down
14 Calhoun, made a right on Jonathan Lucas, and stopped in
15 the area of Sabin Street, which is an alley, right about
16 there.

17 Q And can you please explain -- what time of day
18 was this?

19 A This was about 8:00 p.m.

20 Q And what time of year was it, again?

21 A This was the month of May, summertime.

22 Q Okay. What were the -- what were the weather
23 conditions? Can you explain your ability to see that
24 day?

25 A At eight o'clock, even though it's at night,

1 during that time of the year, it's still perfectly light
2 out. We had ample daylight. There's no need for
3 streetlighting or anything. The weather was clear.
4 Nothing to obstruct our view.

5 Q And who was driving that vehicle?

6 A Detective Harrison.

7 Q No. I apologize. The vehicle that was pulled
8 over for the traffic infractions?

9 A That was Norris Steplight.

10 Q Was anybody else in the vehicle with
11 Mr. Steplight?

12 A No. He was alone.

13 Q And what did you do, or what did you and
14 Officer Harrison do, when you observed the traffic
15 infractions?

16 A Soon after observing the infractions, we
17 initiated blue lights and sirens and attempted to
18 conduct a traffic stop on the vehicle.

19 Q Did you have a video in your car?

20 A No.

21 Q Is this typical?

22 A Yeah, it's typical. We don't have a -- there
23 are plenty of cars that don't have video in them.

24 Q Did the Defendant ultimately pull over for the
25 traffic stop?

Jury Trial, State v Steplight
Volume I of II

1 A Yes.

2 Q And what did you do after the car was stopped?

3 A After the car was stopped, Detective Harrison
4 approached the driver, while I approached the passenger
5 side of the car.

6 Q And is that style of approach, is that
7 customary, or is that something specific that you and
8 Officer Harrison do only?

9 A No, it's not a specific thing. It's a usual
10 technique.

11 Q Did you notice anything upon your approach of
12 the vehicle?

13 A Yes. And even while we were still in motion in
14 the patrol vehicle, attempting to stop Mr. Steplight, we
15 saw him leaning forward and making some movements in the
16 car that raised our suspicion that he was attempting to
17 conceal something.

18 Q Okay. And when the two of you approached the
19 vehicle, what happened at that point?

20 A Detective Harrison had interaction at the
21 driver's side. He determined to ask Mr. Steplight to
22 exit the car. We all came to the tailgate area.

23 Q Who is "we all"?

24 A I'm sorry. This was Mr. Steplight, myself, and
25 Detective Harrison.

Jury Trial, State v Steplight
Volume I of II

1 Q And at that point did you learn anything about
2 the Defendant's driving privileges?

3 A Yes. That he had a route-restricted driver's
4 license.

5 MS. LINDER: Your Honor, if I may approach?

6 THE COURT: You may.

7 (Document is handed to the witness.)

8 Q (By Ms. Linder) At this time, I'm going to
9 hand you what's been marked for identification purposes
10 for the hearing as State's Exhibit 1. Do you recognize
11 this?

12 A Yes, I do.

13 Q And how do you recognize it?

14 A This is a copy of the document that
15 Mr. Steplight provided us at the traffic stop. This is
16 a copy of his license application for a route-restricted
17 driver's license.

18 Q And what are the restrictions on
19 Mr. Steplight's route-restricted license? Where was he
20 allowed to drive? For what purpose was he allowed to
21 drive?

22 A For work-related purposes, and he has a route
23 listed out here, if you'd like me to read that.

24 Q I'm fine with that. Thank you.

25 From the restrictions listed on his license and

Jury Trial, State v Steplight
Volume I of II

1 other events, did you believe that he was in violation
2 of his route-restricted driver's license?

3 A Yes, I did.

4 Q And what happened next? After you determined
5 he was in violation?

6 A Officer Harrison asked to Mr. Steplight to
7 search the car. I remained with Mr. Steplight at the
8 tailgate area. I was watching Mr. Steplight and noticed
9 that he was nervous, that he was -- his hands were
10 shaking, he had rapid breath -- rapid breathing, and he
11 was very curious when Officer Harrison asked for consent
12 to search the car, which he -- which Officer Harrison
13 was granted consent. And he was watching
14 Mr. Harrison -- Officer Harrison very closely as he was
15 searching the car. So due to that -- due to that
16 behavior and curiosity, in addition to the other --
17 couple of other elements, I asked for a pat down of
18 Mr. Steplight and a search, which he also consented
19 to. And I did execute a pat down and a search of
20 Mr. Steplight.

21 Q Let's go back briefly to before the traffic
22 stop that you did based upon those two violations.
23 Please tell us what, if any, information you had on this
24 vehicle and Defendant prior to pulling it over?

25 A The -- the patrol vehicle we were in was

Jury Trial, State v Steplight
Volume I of II

1 initially Officer Harrison, myself, and Officer Deming.
2 We had intelligence through some complaints that there
3 was a specific house that was involved in narcotics
4 activity. We deployed Officer Deming on foot to surveil
5 the location. Officer Deming was in radio contact with
6 us, and he advised us over the radio of a specific white
7 pickup truck that parked out front of the location, and
8 went into the -- the address that we were surveilling
9 for a short period of time, and conducted what appeared
10 to be a narcotics transaction. So then Officer Deming
11 advised us when that vehicle left, and we were able to
12 intercept it on Rutledge as it came southbound.

13 Q Thank you. Going back to the route-restricted
14 license, on Mr. Steplight's route-restricted license,
15 what dates is this license good for? What time period?

16 A The beginning date was October 15th, 2010, and
17 expires that same day in 2011.

18 Q And the traffic stop that you did, was
19 that within the time frame controlled by this
20 route-restricted license?

21 A Yes, it was.

22 Q And can someone still be charged with a driving
23 under suspension if they have a route-restricted
24 license?

25 A Yes, they can.

Jury Trial, State v Steplight
Volume I of II

1 Q And does it say anywhere on the
2 route-restricted license that information? If I can
3 direct you to the top third of the page, Item Number C.

4 A Yes. Would you like me to read it?

5 Q Please.

6 A The below information is true and correct. I
7 am also aware that any violation in the time or route
8 listed below may result in a charge of driving under
9 suspension, and upon conviction, suspension of my
10 driving privileges -- or any driving privileges.

11 Q When Mr. Steplight was pulled over, what
12 conversation, if any, was had regarding his route
13 restriction, and what he was driving -- doing that
14 evening?

15 A We obviously had some intelligence that
16 Mr. Steplight was coming from a specific address, and we
17 were curious as to whether or not he would be truthful
18 with us. So we were asking him where he was coming
19 from, to which he only divulged to us that he had gotten
20 off work earlier, and he -- he would not specify what
21 earlier meant, and, also, that he had dropped his
22 girlfriend off at church, which he could not specify
23 which church or where.

24 Q And is dropping his girlfriend off part of the
25 route-restricted license in the exhibit before you?

Jury Trial, State v Steplight
Volume I of II

1 A No. That would be a violation.

2 Q Did he appear to be working?

3 A No. To me, he did not. He appeared to be
4 freshly clean, wearing clean clothes, and there weren't
5 any tools or anything in his truck.

6 Q And why is that significant to you? What type
7 of work did Mr. Steplight indicate that he did?

8 A He was some kind of laborer.

9 Q Did you ever get consent to search
10 Mr. Steplight's person?

11 A Yes, I did.

12 Q And what was the result of that?

13 A During my search of Mr. Steplight, I noticed
14 that he had a large quantity of money on his person,
15 but, additionally, that there was some object between
16 his buttocks that was unnatural.

17 Q And what happens when someone consents to a
18 search, what do you as the police officer conducting the
19 search say to the person? Do you explain what you are
20 doing? Do you just silently search them?

21 A I specifically asked to search Mr. Steplight.

22 Q Are you ever concerned or do you ever ask about
23 any sort of medical issues that a person may have before
24 doing a search?

25 A If there was a visible condition, I may ask

Jury Trial, State v Steplight
Volume I of II

1 something like that; but, in this case, I did not ask
2 about anything specific, medically.

3 Q And did you attempt to confirm that driving
4 under suspension, that status, while you were out there
5 on the stop?

6 A Yes, I did. We conducted a check through the
7 DMV, via mobile computer, which stated that he was
8 suspended and route-restricted.

9 Q Ultimately, was the Defendant issued any
10 warning tickets, or any tickets for this stop?

11 A He was. The improper turn, and failing to come
12 to a complete stop at the red light, he was issued a
13 warning ticket for.

14 Q And, ultimately, was the Defendant placed under
15 arrest for this stop?

16 A Yes. For driving under suspension.

17 Q Is it within your discretion as a police
18 officer how to proceed in a driving-under-suspension
19 case?

20 A Yes, it is.

21 Q And what are your options?

22 A An option would be a custodial arrest, a
23 citation, and allow someone to remove the vehicle,
24 with -- with the owner's consent or get the vehicle
25 towed.

1 Q And in this case, do you attempt to get someone
2 else to pick up the vehicle, or have it towed?

3 A We had the vehicle towed in this case.

4 Q And did you call for any assistance in having
5 that vehicle towed, from any other officers?

6 A Yes. Officer Deming did respond to the scene
7 before the vehicle was towed. We needed his assistance
8 there.

9 MS. LINDER: Beg the Court's indulgence?

10 (Ms. Linder is speaking with co-counsel,
11 Mr. Stoney, off the record.)

12 MS. LINDER: I have no further questions at
13 this time. If you could, please answer any questions
14 that Mr. Smiley may have.

15 CROSS-EXAMINATION

16 BY MR. SMILEY:

17 Q Officer, Jim Smiley. So were you part of the
18 the narcotics unit on the date of this arrest?

19 A No. The date of this arrest, I was part of
20 a -- we call it a Power Shift.

21 Q What is a Power Shift?

22 A A Power Shift is a proactive patrol unit.
23 Typically, we wouldn't respond to traditional calls for
24 service. We would try to generate our own proactive
25 efforts and -- unless -- unless there was an in-progress

Jury Trial, State v Steplight
Volume I of II

1 significant call.

2 Q Okay. You were a proactive unit. So you're
3 out hunting for crimes?

4 A Yes.

5 Q Okay. And would it be fair to say that in
6 hunting for crime, your target was Norris Steplight that
7 day?

8 A It was unknown to us that specifically
9 Norris Steplight was going to come into the picture.

10 Q Okay. Y'all were hunting for a crime at a
11 particular address?

12 A That's accurate. That -- that we're expecting
13 criminal activity from a specific address.

14 Q Okay. So three officers and one marked car; is
15 that correct?

16 A We were --

17 Q Is that how it started off?

18 A This was an unmarked car.

19 Q Unmarked?

20 A Yes. This was a Chevy Tahoe.

21 Q Okay. And so three officers in an unmarked
22 car, and y'all go to the specific address to begin with?

23 A Yes.

24 Q Okay. What was that address?

25 MR. LINDER: Objection, your Honor. May we

Jury Trial, State v Steplight
Volume I of II

1 approach?

2 THE COURT: You may.

3 (Ms. Linder and Mr. Smiley approach the bench
4 for a side-bar.)

5 Q (By Mr. Smiley) All right. Officer Engles,
6 what street did your investigation begin on?

7 A I believe it was Morris Street.

8 Q Okay. And that's downtown?

9 A Yes.

10 Q And it's near Rutledge?

11 A Yes.

12 Q Okay. And when y'all were out hunting crime,
13 there was an address on Morris Street that had caught
14 your attention because of concerned citizens'
15 complaints?

16 A Yes.

17 Q Had these concerned citizens' complaints been
18 identified, or just basically anonymous tips?

19 A I didn't specifically verify anything with
20 the citizens, but I believe there -- there was other
21 intelligence, too, from our narcotics unit that this
22 could be a location of interest.

23 Q All right. So you had tips from citizens
24 about an address on Morris Street, and that, with
25 conversations with narcotics, had identified a

Jury Trial, State v Steplight
Volume I of II

1 particular address on Morris Street that you believe
2 there was criminal activity afoot?

3 A Yes.

4 Q Fair enough?

5 A Yes.

6 Q So had -- what --

7 How do I ask this?

8 What verification did the narcotics unit give
9 you about this address?

10 A It was just a general conversation. Like, you
11 guys might want to keep an eye on this address. We've
12 heard that there's some stuff going on.

13 Q All right. So you got the concerned citizens'
14 complaints coupled with, Hey, asked narcotics about it;
15 they said, Yeah, that address on Morris Street, we've
16 heard there might be some activity going on; correct?

17 A That's about right.

18 Q That's the extent of your verification; right?

19 A Right.

20 Q So about what time did you let -- is it
21 Detective Denning [sic]?

22 A Officer Deming.

23 Q Officer Deming. About what time did he get let
24 off from Morris Street?

25 A My best estimate would be 7:30.

Jury Trial, State v. Steplight
Volume I of II

1 Q Okay. About 30 minutes or so before this
2 stop --

3 A That's my best estimate.

4 Q -- give or take?

5 Okay. And then he was dropped off to watch
6 this residence on Morris Street, and you and the other
7 officers stayed mobile in the area?

8 A We were parked -- we knew that Rutledge Avenue
9 would probably be the best avenue of exit, so we were
10 parked on a -- a street south.

11 Q Okay. So you dropped the officer off in the
12 general area that you had had the -- the concerned
13 citizens' complaints, and then y'all pulled down
14 Rutledge and pulled to an off-street and parked?

15 A Yes.

16 Q Okay. And the purpose of that is you were
17 waiting for Officer Deming to tell you who was coming
18 from the address on Morris Street?

19 A Only if there was something that aroused his
20 suspicion, yes.

21 Q Okay. And I think your testimony was that
22 Officer Deming informed you that a white pickup truck
23 had stopped, the occupant had gone inside, and come back
24 out?

25 A I don't -- I don't know that he went inside. I

1 know that he went inside the yard. That was -- that was
2 given to us over the radio.

3 Q All right. So you had concerned citizens,
4 narcotics in general, yeah, there might be something
5 going on there, and then you received the information
6 from Officer Deming basically instructing you to pull
7 this white pickup; correct?

8 A His instructions were not to pull the white
9 pickup. It was -- he just relayed to us the activities
10 he had observed, and we got behind the pickup truck, and
11 we didn't pull it over for the observed reasons; we
12 pulled it over for the traffic violation.

13 Q Okay. So y'all weren't traffic that day?
14 You're proactive. You're hunting crime. But you got
15 behind this white car -- white truck, and it made a
16 traffic infraction, so you stopped it. Are you telling
17 the Court that it wasn't -- y'all weren't looking for
18 the narcotics in that white truck when you pulled it
19 over?

20 A I'm not telling the Court that.

21 Q I'm just asking is -- and maybe I -- I
22 apologize. I'll try to make it -- the purpose of
23 pulling the white truck was to lead [sic] in your hunt
24 for crime on the Morris Street location; correct?

25 MS. LINDER: Objection, your Honor. I believe

1 it's asked and answered. I believe he's asked Engles a
2 couple of times why he pulled the car over, and I
3 believe he stated that already.

4 THE COURT: Answer the question, and then we'll
5 move on.

6 THE WITNESS: We were aware that there was
7 suspected narcotics activity from that address, so that
8 vehicle was, in our minds, likely to be involved with
9 narcotics activity, and we waited for a traffic
10 violation to pull it over.

11 Q (By Mr. Smiley) Okay. So that white truck,
12 when it pulled out on Rutledge, it was your target?

13 A Yes.

14 Q Okay. And from where you were to the corner of
15 Rutledge and Calhoun, what, three or four blocks?

16 A That's right.

17 Q So y'all pull in behind the white pickup truck,
18 followed it to that corner, three or four blocks, and
19 then the traffic violations when he was trying to turn
20 right there that caused you to want to stop it?

21 A Correct.

22 Q Now, you were using a car, you said, that
23 didn't have video -- nobody has any video in this case;
24 correct?

25 A No video.

Jury Trial, State v Steplight
Volume I of II

1 Q All right. Now, it was approximately, you
2 said, eight o'clock. How was the traffic in the area?

3 A It was steady. It was not congested. But he
4 was not the only car on the road either.

5 Q And the -- it is legal to take a right on red
6 at that intersection; correct?

7 A After coming to a complete stop, yes.

8 Q I'm getting to that next. But if you came to a
9 complete stop, is it -- it would be legal to take a
10 right-hand turn after coming to a complete stop?

11 A Yes, it would, yeah.

12 Q Okay. And it's your testimony that he just
13 didn't come to a complete stop? Sort of like a
14 California stop; he rolled through it? Or did he yield
15 through it?

16 A He slowed, but did not come to a complete stop.

17 Q All right. And, now, I'm not good with Lanes 1
18 and 2, so let me ask you. There's two lanes heading
19 towards the Ashley River, which would be west on Calhoun
20 Street; right?

21 A Yes.

22 Q And the one -- the northerly -- the northerly
23 lane would be considered Lane 2?

24 A Yes. And Lane 1 would be the closest to the
25 double yellow line.

Jury Trial, State v Steplight
Volume I of II

1 Q Okay. And that's a pretty sharp turn, isn't
2 it?

3 A It's a 90-degree angle.

4 Q Yeah. Let me ask you this: When you -- when
5 Officer Harrison made that turn, did he pull into Lane 2
6 or into Lane 1?

7 A Officer Harrison -- I honestly don't remember
8 which lane we pulled into.

9 Q All righty. And so after that turn, you
10 immediately -- Officer Harrison immediately turned on
11 your blue lights?

12 A Right at about Ashley Avenue. So that --

13 Q So you went up a block or so, got behind him,
14 now you're in an unmarked car, and it has a blue light
15 inside on the dash? Where's the blue lights, I guess,
16 is what I'm asking?

17 A The blue light is in the -- it's mounted where
18 the rearview mirror would be.

19 Q Right. Okay.

20 A Objecting outward.

21 Q Behind the windshield, facing out?

22 A Yes.

23 Q Did you have a siren?

24 A Yes.

25 Q Was the siren on?

Jury Trial, State v Steplight
Volume I of II

1 A Yes, it was.

2 Q Okay. And then the truck pulled on to
3 Courtney; is that right?

4 A Jonathan Lucas.

5 Q Jonathan Lucas. Excuse me. Went down and then
6 pulled over at an alleyway?

7 A Right.

8 Q Were any backup called?

9 A Not initially. But later, yes, there was a
10 backup unit called.

11 Q Okay. When the car came to a stop, you came up
12 on the passenger side, Officer Harrison on the driver
13 side, and you immediately asked him to get out?

14 A No. I never asked him to get out.

15 Q Excuse me. Does Officer Harrison immediately
16 ask him to get out?

17 A No, not immediately.

18 Q Okay. He asked him for his driver's license,
19 registration, insurance information?

20 A Yes. And he presented that information to
21 Detective Harrison while in the car still.

22 Q Okay. At what point was he asked to get out of
23 the truck?

24 A It wasn't long after we pulled him over.

25 Q Okay.

Jury Trial, State v Steplight
Volume I of II

1 A I think Detective Harrison would best be able
2 to answer that.

3 Q All right. You were there, though; right?

4 A Yes.

5 Q Okay. And he provided his route-restricted
6 license and his registration and insurance information;
7 correct?

8 A It was a rental agreement.

9 Q Okay. Excuse me. The rental agreement, which
10 if --

11 A Would suffice for the registration.

12 Q Right. And -- and his route-restricted
13 license, he provided that to the officer?

14 A He did.

15 Q Okay. Since you don't know exactly when he was
16 taken out of the car, once he was taken out of the car,
17 he was brought back behind his truck?

18 A Yes.

19 Q Okay. And had he been questioned about his
20 route-restricted license at that point?

21 A We did ask him questions, yes.

22 Q Was that before he got out of the car, or
23 after?

24 A I know that we asked him after he got out of
25 the car.

Jury Trial, State v Steplight
Volume I of II

1 Q All right.

2 A Detective Harrison might have more insight.

3 Q Okay. When he was brought to the back of the
4 car, was he under arrest at that point in time?

5 A No, he was not.

6 Q Did yourself or Detective Harrison make the
7 determination that he was beyond the scope of his
8 route-restricted license?

9 A We both were able to do that.

10 Q Okay. So you were able to view it -- view his
11 route-restricted license?

12 A Yes. And we talked about it with him at the
13 back of the truck.

14 Q Okay. And what part of his route-restricted
15 license was he violating?

16 A In the route restrictions, it doesn't say
17 anything about transporting a girlfriend to church,
18 which is what he claimed. On top of that, it's -- we
19 had known information that he was at a specific address
20 that he did not admit to, and he was being deceptive
21 with us about that, when we gave him ample opportunity
22 to explain himself. Not to mention, it was not a work
23 function.

24 Q Well, you only saw him from when he got on
25 Rutledge; right? Until when you pulled him over;

Jury Trial, State v Steplight
Volume I of II

1 correct?

2 A Yes.

3 Q So you don't know where he originated and where
4 he was heading, other than he said he dropped off his
5 wife for church; right? -- or girlfriend, excuse me.

6 A And the transmissions that Officer Deming gave
7 us with the contact at Morris Street.

8 Q Would the contact at Morris Street have been
9 out beyond the scope of his driver's license?

10 A If it was for a work-related reason, then
11 -- then possibly it could.

12 Q Within the -- with the scope.

13 Did you -- so you got information from
14 Detective Denning [sic], and you had some information
15 about Mr. Steplight beforehand; correct?

16 A We had information about the house beforehand.

17 Q Okay. Okay. Well, you said that you had some
18 information about a known address for Mr. Steplight?

19 No?

20 A That's not what I said.

21 Q Then I misunderstood you. Okay. So the only
22 thing you knew about this white truck, is that it had
23 come from the address on Morris Street, you had been
24 told that over the radio, and y'all had pulled it based
25 on the traffic violations, the civil traffic violation,

Jury Trial, State v Steplight.
Volume I of II

1 and then when it got to there, you determined that it
2 was beyond the scope of his driving privilege, the
3 route-restricted; correct?

4 A Well, you -- you said that we just know that it
5 was coming from there. We -- Officer Deming advised us
6 that he had seen it pull up.

7 Q Okay.

8 A And then was briefly there, for a period of
9 time, which was consistent with narcotics activity.

10 Q Okay. So you were pulling him for the
11 narcotics activity?

12 A We pulled him over for the traffic violations.

13 Q Okay. I gotcha. So on the traffic violations,
14 who determined that he was driving beyond the scope of
15 his route-restricted driver's license?

16 A Myself and Officer Harrison.

17 Q Okay. What part of his route-restricted
18 driver's license was he exceeding the scope of?

19 MS. LINDER: Objection, your Honor. I believe
20 that if -- I believe that Mr. Engles has already stated
21 the number of reasons why they determined it, and he --

22 THE COURT: Sustained. Sustained.

23 Q (By Mr. Smiley) Okay. So based on the stop at
24 Morris Street, you didn't believe that he was coming or
25 going to work?

Jury Trial, State v Steplight
Volume I of II

1 A At that point in time, first of all, we had no
2 idea that he had a route-restricted license that was
3 supposed to be for work-related purposes. But the
4 information we got from Officer Deming was consistent
5 with a narcotics transaction that -- there is not a stay
6 or any type of duration that work could -- physical work
7 was able to be completed.

8 Q Okay. I understand what you are saying, but
9 that's not the question I'm asking. Let me back up
10 again.

11 You arrested him for driving beyond
12 the -- being outside the scope of his route-restricted
13 license; correct? That was the basis for the arrest?

14 A Yes. And driving under suspension was the
15 charge.

16 Q If you're outside the scope of your
17 route-restricted, then you're driving under suspension?

18 A Yes.

19 Q And that was the basis of your arrest; correct?

20 A Yes.

21 Q And --

22 Pardon me, your Honor, I'm not trying to be
23 duplicatus. I'm just trying to get clear on what part
24 of his route-restricted license they said he was
25 violating, and -- because it's important.

Jury Trial, State v Steplight
Volume I of II

1 So I'm asking one more time. Is the basis of
2 being outside the scope of his route-restricted license
3 was that it appeared he was involved in narcotics
4 activity? Is that correct?

5 A No. It appeared that he was not at work or
6 coming from a work function.

7 Q Okay.

8 A Which was -- which is the basis of his route
9 restriction.

10 Q All right. So if he, in fact, was coming
11 from work and was within the borders of the route
12 restriction, there's nothing to prohibit him from
13 stopping along that route, is there?

14 A If it's not a work-related reason, then I would
15 expect that he still wouldn't be able to stop at that
16 address.

17 Q All right. So at the point that the officer
18 -- excuse me. -- Detective Harrison, that you and he
19 had detained him at the rear, he asked for permission to
20 search the truck; correct?

21 A When you say "detained," what are you speaking
22 about?

23 Q Okay. I'll make it in simpler terms. That the
24 point that Mr. Steplight was at the rear of the truck
25 with yourself and Detective Harrison, at that point, did

Jury Trial, State v Steplight
Volume I of II

1 Detective Harrison ask for permission to search for
2 -- before or after he was placed under arrest?

3 A Officer Harrison asked to search before he was
4 placed under arrest.

5 Q Okay. Y'all were standing at the back of the
6 truck; right?

7 A Yes.

8 Q And so, then, Mr. Steplight gave permission to
9 search the truck; correct?

10 A Yes.

11 Q All right. And nothing illegal was found in
12 the truck; correct?

13 A Yes, that's correct.

14 Q And at that point in time, you asked for
15 permission to search Mr. Steplight; correct?

16 A I did.

17 Q And he consented to that?

18 A He did.

19 Q And you did an out -- an exterior pat of his
20 clothing?

21 A Yes. And I did search his pockets.

22 Q So you went in his pockets?

23 A With his consent.

24 Q Went inside his pockets, did the exterior pat
25 down; correct?

Jury Trial, State v Steplight
Volume I of II

1 A Yes.

2 Q At that point in time, you found nothing
3 illegal; correct?

4 A Correct.

5 Q So he was placed, then, under arrest for
6 driving under suspension; correct?

7 A Yes.

8 MR. SMILEY: Beg the Court's indulgence?

9 THE COURT: Take your time.

10 Q (By Mr. Smiley) Were you present with him at
11 the Charleston County jail?

12 A Yes, I was.

13 MS. LINDER: Objection, your Honor.

14 MR. SMILEY: Well, I was getting ready to --

15 THE COURT: All right. What's the objection?

16 MS. LINDER: I believe it's beyond of the scope
17 of this hearing. The hearing is about the unlawfulness
18 of the stop, the unlawfulness of the arrest. I don't
19 believe that going into what occurred at the jail --

20 MR. SMILEY: I'll withdraw my question.

21 THE COURT: All right. Thank you.

22 MR. SMILEY: I agree.

23 Q (By Mr. Smiley) Other than not doing -- not
24 conducting -- trying to find the right word. The reason
25 for the arrest for DUS is because he wasn't coming or

Jury Trial, State v Steplight
Volume I of II

1 going to work?

2 A Yes, being outside the scope of his route
3 restriction.

4 Q And it was the fact that he wasn't, in your
5 opinion, coming or going to work; correct?

6 A Yes.

7 MR. SMILEY: That's all I have.

8 THE COURT: Ms. Linder?

9 MS. LINDER: No further questions.

10 THE COURT: All right. You may step down.
11 Is this witness excused?

12 MS. LINDER: I'm happy -- I'm fine if he's
13 excused. I would ask that he be able to stay in the
14 courtroom since he's the main person on the case.

15 THE COURT: All right. I'm getting ready to
16 pick Williams' jury, and then we'll continue this
17 hearing.

18 MR. SMILEY: Yes, ma'am.

19 THE COURT: All right. Thank you.

20 So you need to stay in touch with the
21 Solicitor, accordingly.

22 THE WITNESS: Thank you, ma'am.

23 (A break is taken from 2:33 p.m. until
24 2:50 p.m; at which time, the proceedings continue as
25 follows:)

Jury Trial, State v Steplight
Volume I of II

1 (The Defendant is not present.)

2 THE COURT: All right.

3 MR. SMILEY: I do need to put on the record
4 that I've asked you for a continuance because my client
5 is not present, and that you've ruled against me and
6 that we're going forward.

7 THE COURT: All right. At this stage and at
8 every stage from now on, Mr. Smiley, I'm going to give
9 you a continuing objection.

10 MR. SMILEY: Thank you.

11 THE COURT: We are continuing without your
12 client, but I have heard nothing that indicates to me
13 that Mr. Steplight was not given notice of today. So we
14 are going to -- here's what we're going to do. We're
15 going to pick the jury, let the jury go, and we'll start
16 in the morning. We're going to finish our pretrial
17 motions and then give you a chance to e-mail your
18 client.

19 MR. SMILEY: Okay. So we're to finish
20 pretrials this afternoon, or in the morning?

21 THE COURT: Tonight. This afternoon.

22 MR. SMILEY: Okay.

23 THE COURT: Thank you. All right. I have the
24 jury outside. Anything before we bring them in?
25 Ms. Linder?

Jury Trial, State v Steplight
Volume I of II

1 MS. LINDER: Nothing from the State, your
2 Honor.

3 THE COURT: Mr. Smiley?

4 MR. SMILEY: Nothing, your Honor.

5 THE COURT: All right. Thank you.

6 Let's bring them in.

7 (The prospective jurors are escorted into the
8 courtroom at 2:54 p.m.)

9 THE COURT: All right. Thank you.

10 Good afternoon, ladies and gentlemen. I am
11 Judge Kristi Harrington. I am a resident judge for the
12 Ninth Circuit, which is Charleston and Berkeley County.
13 I have the pleasure this week of presiding over a term
14 of General Sessions, which is otherwise known as
15 criminal court. Ladies and gentlemen, I have a series
16 of questions to ask you to determine your general
17 eligibility to serve in the case of the State versus
18 Norris Steplight. I will ask you a series of questions.
19 If you need to respond to those questions, I will need
20 you to stand, give me your juror number, and your name.

21 There may be some questions that you feel, or I
22 determined, are a bit personal in nature, so I will give
23 you an opportunity to come forward and speak with me in
24 private. As you may have realized by now, we are a
25 court of record, so "in private" means it will be me and

Jury Trial, State v Steplight
Volume I of II

1 you in front of my court reporter, and so -- but I will
2 give you an opportunity so you don't have to stand up
3 and state your answers in front of your 48 new best
4 friends. So, please remember, if you need to answer a
5 question, please come forward at the appropriate time.

6 Ladies and gentlemen, as I indicated to you,
7 the case that we are about to begin is the case of the
8 State versus Norris Steplight. Mr. Steplight is charged
9 with an Indictment, which is simply a piece of paper.
10 It is what brings us to court here today. It is not in
11 any sense evidence of any of the allegations contained.
12 It's simply a piece of paper which contains the charge
13 against Mr. Steplight.

14 Mr. Steplight has been indicted for trafficking
15 in cocaine base. The State alleges that in Charleston
16 County, on or about May 27th of 2011, the Defendant did
17 knowingly sell, manufacture, deliver, purchase, or bring
18 into the State, or did provide financial assistance or,
19 otherwise, aid, abet, attempt, or conspire to sell,
20 manufacture, deliver, purchase, or bring into the State,
21 or did possess or attempt to possess a controlled
22 substance or a controlled substance analogue; to wit,
23 cocaine base in excess of 10 grams in violation of
24 44-53-375 of the South Carolina Code of Laws as amended.
25 Mr. Steplight has pled not guilty to that Indictment.

Jury Trial, State v Steplight
Volume I of II

1 Ladies and gentlemen, is there any member of
2 the jury panel that knows anything about the case other
3 than what I have just read to you? If so, please stand.

4 Thank you. There are none.

5 Mr. Smiley, if you would please stand,
6 introduce yourself, tell us a little bit about your
7 client and anything else, any persons, who may be
8 assisting you throughout this trial.

9 MR. SMILEY: Thank you, your Honor. I'm
10 Jim Smiley. I'm a member of the Charleston County Bar.
11 I've been practicing in the Charleston area since 1993.
12 I represent Norris Steplight, he's a Charleston native,
13 and it's my honor to represent him. When the trial
14 starts, Ms. Hensley, Laree Hensley, also of the
15 Charleston County Bar will be my second chair, assisting
16 in this case. She is originally from Tennessee. She's
17 been in the Charleston area for about an excess of 20
18 years. She has been practicing off of Remount Road for
19 the last decade, I believe. My office is here on King
20 Street.

21 And I think that covered it, your Honor.

22 THE COURT: All right. Thank you.

23 Is there any member of the jury panel related
24 by blood, marriage, close personal friend, ever have
25 any business, personal/ professional, dealings with

Jury Trial, State v Steplight
Volume I of II

1 Mr. Norris Steplight? If so, please stand.

2 Thank you. There are none.

3 Is there any member of the jury panel related
4 by blood, marriage, close personal friend, ever have any
5 business, personal or professional, dealings or ever
6 been represented by Mr. Smiley or Ms. Hensley? If so,
7 please stand.

8 Thank you. There are none.

9 Ms. Linder, if you would please stand,
10 introduce yourself, any persons who will be assisting
11 you throughout this trial, a little bit about your
12 office.

13 MS. LINDER: Thank you, Judge.

14 My name is Stephanie Linder. I am an Assistant
15 Solicitor for Scarlett Wilson, you're elected Solicitor.
16 I've been in the Solicitor's Office for seven and a half
17 years now. I'm also a Special Assistant United States
18 Attorney and have been for two and a half years. And
19 assisting me with this trial will be Ran Stoney.

20 MR. STONEY: And I'm an Assistant Solicitor.
21 I've been with Solicitor Wilson's Office for about a
22 year and a half now.

23 MS. LINDER: And also seated at the table with
24 us will be Detective Sean Engles. He is from the
25 Charleston Police Department. And also assisting us

Jury Trial, State v Steplight
Volume I of II

1 with this trial will be Investigator Kenny Barfield, and
2 he is an investigator with the Solicitor's Office.

3 THE COURT: Thank you.

4 Is there any member of the jury panel related
5 by blood, marriage, close personal friend, ever have any
6 business, personal/professional, dealings with anyone in
7 the Solicitor's Office, specifically Ms. Linder,
8 Mr. Stoney, or Mr. Barfield? If so, please stand.

9 THE JUROR: I've know Investigator Barfield for
10 about 30 years.

11 THE COURT: All right. I need your name and
12 your juror number.

13 THE JUROR: My name is Wesley Ropp, and my
14 number is 283, I think.

15 THE COURT: Is that correct?

16 THE DEPUTY CLERK OF COURT: Yes.

17 THE COURT: And how long have you known
18 Mr. Barfield?

19 THE JUROR: For about -- since 1979.

20 THE COURT: All right. And is it a
21 professional or personal relationship?

22 THE JUROR: Personal. He went to my father's
23 church.

24 THE COURT: All right. Is there anything about
25 that relationship that will affect your ability to be

Jury Trial, State v Steplight
Volume I of II

1 fair and impartial in this case?

2 THE JUROR: No, ma'am.

3 THE COURT: All right. Thank you.

4 Is there anyone else?

5 Thank you. There are none.

6 Is there any member of the jury panel related
7 by blood, marriage, close personal friend, ever have any
8 business, personal/professional, dealings with -- with
9 Detective Engles? If so, please stand.

10 Thank you. There are none.

11 Ladies and gentlemen -- yes.

12 THE JUROR: Your Honor, Stephanie represented
13 a man who stole my mother-in-law's credit card.

14 THE COURT: All right. And, once again, I
15 need -- the reason I need to know is, one, we're a court
16 of record. But Mr. Smiley and Ms. Linder are writing
17 down your responses to these questions, and -- because
18 some jurors are more suitable to serve on certain cases
19 than others. I need your juror number and your name.

20 THE JUROR: 149, Tracy Groom.

21 THE COURT: All right. And so what I gathered
22 from what you had said, was that in her personal
23 capacity Ms. Linder had assisted you as a victim of a
24 crime; is that correct?

25 MS. LINDER: I'm sorry. No, I'm -- I believe

Jury Trial, State v Steplight
Volume I of II

1 she's saying that I prosecuted someone, and her family
2 member was a victim of that crime.

3 THE JUROR: Correct.

4 THE COURT: All right. Same thing. I just
5 said it in a different way.

6 Is there anything about Ms. Linder handling a
7 matter for you or your family member that would affect
8 your ability to be fair and impartial in this case?

9 THE JUROR: Probably.

10 THE COURT: All right. And I need -- I do it
11 all the time. I say, I guess so, maybe so -- I just
12 need a yes or no.

13 THE JUROR: Yes.

14 THE COURT: It will affect your ability --

15 THE JUROR: Yes.

16 THE COURT: -- to be fair --

17 THE JUROR: Yes.

18 THE COURT: And here's another -- I'm picking
19 on you. I'm sorry.

20 THE JUROR: That's fine.

21 THE COURT: My court reporter, as wonderful as
22 she is, it is very difficult for her to write down two
23 people talking at the same time. So I need to make
24 sure, because this is the magic question. I need to
25 have very clear on the record: Is there anything about

Jury Trial, State v Steplight
Volume I of II

1 your relationship with Ms. Linder that will affect your
2 ability to be fair and impartial in this case?

3 THE JUROR: Yes.

4 THE COURT: Thank you. I'm going to excuse you
5 from the trial of this case. I need you to stay with
6 us. I'll give you further instructions regarding your
7 service for the remainder of the week. You do not have
8 to answer any more questions concerning this case.
9 Thank you.

10 Is there anyone else?

11 Thank you. There are none.

12 Is there -- I'm now going to call a list of
13 potential witnesses who may testify in this case. If
14 you are related by blood, marriage, close personal
15 friend, ever have any business, personal/professional,
16 dealings with any of these individuals, please stand
17 when I call their name. Jeff Harrison, Anita Moore,
18 Linda Wilson, Susan Moody, Noel Ragos, Adam Deming. If
19 you are related by blood, marriage, close personal
20 friend, please stand.

21 Thank you. There are none.

22 Is there any member of the jury panel who
23 currently is or has a family member who is or close
24 personal friend or you were ever employed by Charleston
25 County Detention Center, or Charleston Police

Jury Trial, State v Steplight
Volume I of II

1 Department, City of Charleston Police Department? If
2 so, please stand.

3 Thank you. There are none.

4 Is there any member of the jury panel that
5 knows anyone that works in the City of Charleston Police
6 Department in any capacity? If so, please stand.

7 Your juror number and name?

8 THE JUROR: Christopher Allen, Number 3. I
9 know a couple of the detectives.

10 THE COURT: All right. Any of the detectives
11 that I called out their names?

12 THE JUROR: (Moves head from side to side.)

13 THE COURT: Is that a no?

14 THE JUROR: No.

15 THE COURT: Is there anything about you having
16 some acquaintances or friends at the City of Charleston
17 Police Department that would affect your ability to be
18 fair and impartial in this case?

19 THE JUROR: No.

20 THE COURT: And Juror Number 3; is that
21 correct?

22 THE JUROR: Number 3.

23 THE COURT: And your name, for the record?

24 THE JUROR: Christopher Allen.

25 THE COURT: All right. Thank you.

Jury Trial, State v Steplight.
Volume I of II

1 Yes, sir?

2 THE JUROR: Marcus Googer, 141.

3 THE COURT: Yes, sir.

4 THE JUROR: I know Fred Bouie (phonetic).

5 THE COURT: All right. And I don't know

6 Mr. Bouie. Does he work for the City of Charleston?

7 THE JUROR: Yes.

8 THE COURT: And is there anything about your

9 relationship that will affect your ability to be fair

10 and impartial in this case?

11 THE JUROR: No.

12 THE COURT: All right. And your juror number,

13 before you sit down?

14 THE JUROR: 141.

15 THE COURT: Thank you, sir.

16 Yes, sir?

17 THE JUROR: Joseph Geglio, 135. I have a

18 friend that's a police officer.

19 THE COURT: You're friends with a police

20 officer?

21 THE JUROR: (Moves head up and down.)

22 THE COURT: And any of the officers that I have

23 called out their names?

24 THE JUROR: No.

25 THE COURT: Is there anything about your

Jury Trial, State v Steplight
Volume I of II

1 relationship with a city of Charleston police officer
2 that will affect your ability to be fair and impartial
3 in this case?

4 THE JUROR: No.

5 THE COURT: And your juror number?

6 THE JUROR: 135.

7 THE COURT: Thank you, sir.

8 Yes, sir?

9 THE JUROR: My number is 302. I'm William
10 Shipley. I work for the City of Charleston Housing
11 Authority. I work with the officers every day.

12 THE COURT: All right.

13 THE JUROR: In our area.

14 THE COURT: All right. Anything about that,
15 sir, that will affect your ability to be fair and
16 impartial in this case?

17 THE JUROR: No.

18 THE COURT: Mr. Shipley, your juror number?

19 THE JUROR: 302.

20 THE COURT: Thank you, sir.

21 Yes, ma'am?

22 THE JUROR: Glenys Tucker, 344. And I'm
23 acquainted with a police officer in the Charleston
24 County Department.

25 THE COURT: All right. Any of the -- I've read

Jury Trial, State v Steplight
Volume I of II

1 out a list of officers, anyone that you know?

2 THE JUROR: No, ma'am.

3 THE COURT: All right. Anything about your
4 relationship with that police officer that would affect
5 your ability to be fair and impartial in this case?

6 THE JUROR: No, ma'am.

7 THE COURT: All right. Thank you.

8 Is there anyone else?

9 Is there any member of the jury panel that is a
10 member, or one of your family members is a member, of a
11 victim's rights or law enforcement organizations such as
12 Darkness to Light, Citizens Against Violent Crime,
13 People Against Rape, Mothers Against Drunk Driving,
14 anything of that nature? If so, please stand.

15 Thank you. There are none.

16 Ladies and gentlemen, I now have a series of
17 questions to ask. I have determined that these are
18 personal in nature, so if you would please listen to all
19 of my questions, and come forward at the appropriate
20 time.

21 Is there any member of the jury panel that has
22 ever been arrested for a drug charge, regardless of the
23 outcome?

24 Is there any member of the jury panel that has
25 a very close friend or a family member who has been

Jury Trial, State v Steplight
Volume I of II

1 arrested for a drug charge, regardless of the outcome?

2 Ladies and gentlemen, if you need to answer
3 either of those questions, or if based upon something
4 that I have indicated to you, by reading the Indictment,
5 or any of my previous questions, that you feel you would
6 be unable to listen to the facts as presented from the
7 witness stand, apply the law as the Court gives it, and
8 render a verdict based only upon those things, free from
9 any personal, moral, religious belief that you may have;
10 if you feel that for whatever reason you cannot be a
11 fair and impartial juror, I need you to come forward at
12 this time. If you need to answer any of those previous
13 questions, please come forward at this time.

14 Thank you. If you will move to the center, the
15 bailiffs will assist you.

16 THE BAILIFF: Number 44.

17 THE COURT: Do you have any additional
18 questions?

19 MS. LINDER: Do you think drugs --

20 (Juror approaches.)

21 THE COURT: Yes, sir.

22 THE JUROR: Yes, ma'am, Judge. My oldest
23 brother and I got numerous friends on the waterfront
24 that actually been arrested -- and then my religious
25 belief also.

Jury Trial, State v Steplight
Volume I of II

1 THE COURT: Okay. First, so you have a lot of
2 friends and family members that have been arrested for
3 drugs?

4 THE JUROR: Yes.

5 THE COURT: All right. Would that affect your
6 ability to be fair and impartial in this case?

7 THE JUROR: Yes, ma'am.

8 THE COURT: All right. I'm going to excuse you
9 from the trial of this case. But I need you to stay
10 with us. You don't have to answer any more questions.
11 Your juror number?

12 THE JUROR: 44.

13 THE COURT: Juror 44 is excused from the trial
14 of this case.

15 THE BAILIFF: Juror 283.

16 (The next juror approaches.)

17 THE JUROR: My son had a minor in possession
18 charge.

19 THE COURT: All right. Is there anything about
20 that, sir, that will affect your ability to be fair and
21 impartial in this case?

22 THE JUROR: Yes.

23 THE COURT: Was that charge in Charleston?

24 THE JUROR: Yes.

25 THE COURT: And how was that handled?

Jury Trial, State v Steplight
Volume I of II

1 THE JUROR: It was a juvenile, and it's in drug
2 of court now.

3 THE COURT: Currently in the drug court?

4 THE JUROR: Correct.

5 THE COURT: With the Solicitor's Office?

6 THE JUROR: That's correct.

7 THE COURT: All right. And, again, Solicitor's
8 Office is prosecuting this case. Is there anything that
9 will affect your ability to be fair and impartial in
10 this case?

11 THE JUROR: No.

12 THE COURT: Thank you.

13 THE BAILIFF: Number 329.

14 (The next juror approaches.)

15 THE COURT: Good afternoon.

16 THE JUROR: Good afternoon. I have a brother,
17 he took to probate court.

18 THE COURT: Okay.

19 THE JUROR: I don't know if he has any arrest
20 record or not, but he is an abuser of cocaine.

21 THE COURT: Was that here in Charleston County?

22 THE JUROR: Yes.

23 THE COURT: And short time ago? long time ago?
24 How Long?

25 THE JUROR: Two years, three years.

Jury Trial, State v Steplight
Volume I of II

1 THE COURT: What drug was he using?

2 THE JUROR: Cocaine.

3 THE COURT: Anything about that, sir, that
4 would affect your ability to be fair and impartial in
5 this case?

6 THE JUROR: No.

7 THE COURT: And your juror number and name?

8 THE JUROR: 329, Robert Stewart.

9 THE COURT: Thank you, Mr. Stewart.
10 329 will remain.

11 THE BAILIFF: Number 305.

12 (The next juror approaches.)

13 THE JUROR: Hi. I have a cousin that was
14 arrested. I don't know what was going on.

15 THE COURT: All right. Arrested for drugs,
16 you're just not sure which drugs?

17 THE JUROR: I don't know. He is incarcerated
18 currently.

19 THE COURT: Is there anything about that that
20 would affect your ability to be fair and impartial in
21 this case?

22 THE JUROR: No.

23 THE COURT: Oh, okay. I'm going to have you
24 stay with us. Thank you.

25 Is there anyone else?

Jury Trial, State v Steplight
Volume I of II

1 MS. LINDER: Just the question about the -- if
2 you think drugs should be illegal.

3 THE COURT: I asked that. Any additional
4 questions?

5 MR. SMILEY: Just my Question Number 10, was
6 the same thing.

7 THE COURT: I think -- I think it's covered.
8 Anything else?

9 MS. LINDER: Nothing further.

10 MR. SMILEY: No, ma'am.

11 THE COURT: Okay. Strikes are five and five.

12 Madam Clerk, strikes are five and five. Thank
13 you.

14 THE COURTROOM DEPUTY CLERK: Ladies and
15 gentlemen, when I call your name and juror number,
16 please come forward to the podium, turn, and face the
17 audience.

18 Juror Number 167, Kimberly Heck.

19 (White female approaches the podium.)

20 THE DEPUTY CLERK OF COURT: What say you for
21 the State?

22 MS. LINDER: Please present the juror.

23 THE DEPUTY CLERK OF COURT: What say you for
24 the Defendant?

25 MR. SMILEY: Please excuse the juror.

Jury Trial, State v Steplight
Volume I of II

1 THE COURTROOM DEPUTY CLERK: Please have a seat
2 back in the gallery.

3 Juror 141, Marcus Googer.

4 (White male approaches the podium.)

5 THE DEPUTY CLERK OF COURT: What say you for
6 the State?

7 MS. LINDER: Please present this juror.

8 THE COURT: What say you for the Defendant?

9 MR. SMILEY: Please excuse the juror.

10 THE COURT: Mr. Googer, you can go back to the
11 gallery.

12 Juror Number 126, Richard Foster.

13 (White male approaches the podium.)

14 THE DEPUTY CLERK OF COURT: What say you for
15 the State?

16 MS. LINDER: Please present the juror.

17 THE DEPUTY CLERK OF COURT: What say you for
18 the Defendant?

19 MR. SMILEY: Please seat the juror.

20 THE DEPUTY CLERK OF COURT: Mr. Foster, please
21 have a seat in the jury box.

22 Juror 275, David Rettew.

23 (White male approaches the podium.)

24 THE DEPUTY CLERK OF COURT: What say you for
25 the State?

Jury Trial, State v Steplight
Volume I of II

1 MS. LINDER: Beg the Court's indulgence?
2 THE COURT: Take your time.
3 (Respite.)
4 MS. LINDER: Please excuse this juror.
5 THE DEPUTY CLERK OF COURT: Have a seat back in
6 the gallery.
7 Juror 254, Willis Murray.
8 (Black male approaches the podium.)
9 THE DEPUTY CLERK OF COURT: What say you for
10 the State?
11 THE JUROR: Beg your pardon?
12 MS. LINDER: Beg the Court's indulgence?
13 THE COURT: Take your time.
14 MS. LINDER: Please present this juror.
15 THE DEPUTY CLERK OF COURT: What say you for
16 the Defendant?
17 MR. SMILEY: Please seat the juror.
18 THE DEPUTY CLERK OF COURT: Mr. Murray, please
19 have a seat in the jury box.
20 Juror Number 56, Jennifer Burke.
21 (White female approaches the podium.)
22 THE DEPUTY CLERK OF COURT: What say you for
23 the State?
24 MS. LINDER: Please present this juror.
25 THE COURT: What say you for the Defendant?

Jury Trial, State v Steplight
Volume I of II

1 MR. SMILEY: Please seat the juror.
2 THE DEPUTY CLERK OF COURT: Have a seat in the
3 jury box.
4 Juror Number 100, Tana Dursse.
5 (White female approaches the podium.)
6 THE DEPUTY CLERK OF COURT: What say you for
7 the State?
8 MS. LINDER: Please present this juror.
9 THE DEPUTY CLERK OF COURT: What say you for
10 the Defendant?
11 MR. SMILEY: Please seat the juror.
12 THE DEPUTY CLERK OF COURT: Please have a seat
13 in the jury box.
14 Juror Number 4, Joshua Amstutz.
15 (White male approaches the podium.)
16 THE DEPUTY CLERK OF COURT: What say you for
17 the State?
18 MS. LINDER: Please present the juror.
19 THE DEPUTY CLERK OF COURT: What say you for
20 the Defendant?
21 MR. SMILEY: Please seat the juror.
22 THE DEPUTY CLERK OF COURT: Please have a seat
23 in the jury box.
24 Juror Number 368, Yolanda Wilson.
25 (White female approaches the podium.)

Jury Trial, State v Steplight
Volume I of II

1 THE DEPUTY CLERK OF COURT: What say you for
2 the State?

3 MS. LINDER: Please present this juror.

4 THE DEPUTY CLERK OF COURT: What say you for
5 the Defendant?

6 MR. SMILEY: Please seat the juror.

7 THE DEPUTY CLERK OF COURT: Have a seat in the
8 jury box.

9 Juror Number 189, Karen Jackson.

10 (White female approaches the podium.)

11 THE DEPUTY CLERK OF COURT: What say you for
12 the State?

13 MS. LINDER: Please present this juror.

14 THE DEPUTY CLERK OF COURT: What say you for
15 the Defendant?

16 MR. SMILEY: Please excuse the juror.

17 THE DEPUTY CLERK OF COURT: Have a seat back in
18 the gallery.

19 Juror Number 101, Robert Dustman.

20 (White male approaches the podium.)

21 THE DEPUTY CLERK OF COURT: What say you for
22 the State?

23 MS. LINDER: Please present this juror.

24 THE DEPUTY CLERK OF COURT: What say you for
25 the Defendant?

Jury Trial, State v Steplight
Volume I of II

1 MR. SMILEY: Please excuse the juror.

2 THE DEPUTY CLERK OF COURT: Have a seat back in
3 the gallery.

4 Juror Number 282, Jennifer Rolland.
5 (White female approaches the podium.)

6 THE DEPUTY CLERK OF COURT: What say you for
7 the State?

8 MS. LINDER: Please present this juror.

9 THE DEPUTY CLERK OF COURT: What say you for
10 the Defendant?

11 MR. SMILEY: Please seat the juror.

12 THE DEPUTY CLERK OF COURT: Have a seat in the
13 jury box.

14 Juror Number 170, Naomi Henderson.
15 (Black female approaches the podium.)

16 THE DEPUTY CLERK OF COURT: What say you for
17 the State?

18 MS. LINDER: Beg the Court's indulgence?

19 THE COURT: Yes, ma'am.

20 (Respite.)

21 MS. LINDER: Please excuse this juror.

22 THE DEPUTY CLERK OF COURT: Have a seat back in
23 the gallery.

24 Juror Number 130, Donna Freeman.
25 (Black female approaches the podium.)

Jury Trial, State v Steplight
Volume I of II

1 THE DEPUTY CLERK OF COURT: What say you for
2 the State?

3 MS. LINDER: Please present this juror.

4 THE DEPUTY CLERK OF COURT: What say you for
5 the Defendant?

6 MR. SMILEY: Please seat the juror.

7 THE DEPUTY CLERK OF COURT: Have a seat in the
8 jury box.

9 Juror Number 223, David Marshall.

10 (White male approaches the podium.)

11 THE DEPUTY CLERK OF COURT: What say you for
12 the State?

13 MS. LINDER: Please present this juror.

14 THE DEPUTY CLERK OF COURT: What say you for
15 the Defendant?

16 MR. SMILEY: Please seat the juror.

17 THE DEPUTY CLERK OF COURT: Mr. Marshall,
18 please have a seat in the jury box.

19 Juror Number 373, Shalanda Wright.

20 (Black female approaches the podium.)

21 THE DEPUTY CLERK OF COURT: What say you for
22 the State?

23 MS. LINDER: Please present this juror.

24 THE DEPUTY CLERK OF COURT: What say you for
25 the Defendant?

Jury Trial, State v Steplight
Volume I of II

1 MR. SMILEY: Please seat the juror.
2 THE DEPUTY CLERK OF COURT: Have a seat in the
3 jury box.
4 Juror number 323, Alfredel Spann.
5 (Black female approaches the podium.)
6 THE DEPUTY CLERK OF COURT: What say you for
7 the State?
8 MS. LINDER: Please excuse this juror.
9 THE DEPUTY CLERK OF COURT: Have a seat back in
10 the gallery.
11 Three strikes for the State.
12 Juror Number 217, Danielle Lopez.
13 (Hispanic female approaches the podium.)
14 THE DEPUTY CLERK OF COURT: What say you for
15 the State?
16 MS. LINDER: Please present this juror.
17 THE DEPUTY CLERK OF COURT: What say you for
18 the Defendant?
19 MR. SMILEY: Please seat the juror.
20 THE DEPUTY CLERK OF COURT: Juror Number 340,
21 Tony Taylor.
22 (White male approaches the podium.)
23 THE DEPUTY CLERK OF COURT: What say you for
24 the State?
25 MS. LINDER: Beg the Court's indulgence?

Jury Trial, State v Steplight
Volume I of II

1 THE COURT: Take your time.

2 (Respite.)

3 MS. LINDER: Please excuse this juror.

4 THE DEPUTY CLERK OF COURT: Have a seat back in
5 the gallery.

6 Juror Number 136, William Gelwicks.

7 (White male approaches the podium.)

8 THE DEPUTY CLERK OF COURT: What say you for
9 the State?

10 MS. LINDER: Please present this juror.

11 THE DEPUTY CLERK OF COURT: What say you for
12 the Defendant?

13 MR. SMILEY: Please excuse this juror.

14 THE DEPUTY CLERK OF COURT: Mr. Gelwicks, have
15 a seat back in the gallery.

16 Defense has exhausted its strikes.

17 Juror 374, Gail Yarborough.

18 (White female approaches the podium.)

19 THE DEPUTY CLERK OF COURT: What say you for
20 the State?

21 MS. LINDER: Please present this juror.

22 THE DEPUTY CLERK OF COURT: Any challenges from
23 the Defendant?

24 MR. SMILEY: No challenge. Please seat the
25 juror.

Jury Trial, State v Steplight
Volume I of II

1 THE DEPUTY CLERK OF COURT: Now striking for
2 alternate.
3 Juror Number 32, Robert Stewart.
4 (White male approaches the podium.)
5 MR. SMILEY: One and two, correct, your Honor?
6 THE COURT: Correct.
7 THE DEPUTY CLERK OF COURT: What say you for
8 the State?
9 MS. LINDER: Please present this juror.
10 THE DEPUTY CLERK OF COURT: What say you for
11 the Defendant.
12 MR. SMILEY: Please excuse the juror.
13 THE DEPUTY CLERK OF COURT: Juror Number 236,
14 Bertha Middleton.
15 (Black female approaches the podium.)
16 THE DEPUTY CLERK OF COURT: What say you for
17 the State?
18 MS. LINDER: Please present this juror.
19 THE COURT: What say you for the Defendant?
20 MR. SMILEY: Please seat the juror.
21 THE DEPUTY CLERK OF COURT: Have a seat in the
22 jury box. You will serve as an alternate.
23 THE COURT: All right. Any motions or matters
24 pertaining to the jury as selected? From the State?
25 MS. LINDER: No, your Honor.

Jury Trial, State v Steplight
Volume I of II

1 THE COURT: From the Defendant?

2 MR. SMILEY: No, ma'am, your Honor.

3 THE COURT: Whitney, they're to call back after
4 6:00?

5 THE DEPUTY CLERK OF COURT: Yes.

6 THE COURT: Ladies and gentlemen, you were not
7 selected as the jurors in this case. You will need to
8 call back after 6:00 p.m. to get your instructions for
9 the remainder of the week. Please remember that you are
10 on jury duty for the entirety of the week, so you will
11 need to call back after 6:00 p.m. to get further
12 instructions. Thank you again for your service to
13 Charleston County, and I will likely see some of you
14 later in the week. Thank you. You are excused for the
15 afternoon.

16 (The remainder of jurors from the jury panel
17 are excused at 3:28 p.m.)

18 THE COURT: All right. Ms. Yarborough, you
19 have been selected as the foreperson in this case, so
20 what that means is you are the jury spokesperson here in
21 court. So if at any time any of you need any extra
22 breaks or are having difficulty hearing or for whatever
23 reason, the way that we communicate in court, is you let
24 your foreperson know, she will alert the bailiff, and we
25 will handle the matter accordingly. Ms. Yarborough, you

Jury Trial, State v Steplight
Volume I of II

1 will also be responsible for writing the verdict, but
2 I'll give you further instructions regarding that matter
3 as well.

4 Ladies and gentlemen, we are going to break for
5 the evening and begin the trial of this case in the
6 morning. Please remember -- and I will give you, it's
7 simply -- it will be -- when we just take short breaks
8 in the afternoons or in the mornings, I'll say, please
9 remember my admonitions. But this is my full
10 admonitions, so please listen very carefully.

11 Until you have been discharged from service in
12 this case, you may not discuss this case in any way.
13 Ladies and gentlemen, you may not discuss this case with
14 anyone. That includes your fellow jurors, your friends,
15 your family members, or anyone. You may not discuss
16 this case in any way. That includes face-to-face
17 discussions. You may not E-mail about this case, text
18 about this case, make any entry on Facebook or MySpace
19 or Twitter or whatever technological device, social
20 media that you use. You may not discuss this case in
21 any way with anyone until I tell you that you may do so.

22 You may not perform any investigation,
23 research, or experiment of any kind on your own, either
24 individually or as a group. You may not look up
25 anything on the Internet concerning this case. Ladies

Jury Trial, State v Steplight
Volume I of II

1 and gentlemen of the jury, that includes the State's
2 attorneys, the Defendant, the Defendant's attorneys, the
3 witnesses, anything about the subject of this case, or
4 the Judge.

5 You may not do any independent investigation.
6 You may not go to the scene where any of the events that
7 are the subject of this trial are alleged to take place.
8 You may not use Internet maps or Google Earth or any
9 other program to search for or review any place
10 discussed in this case.

11 You, again, may not have any discussions on any
12 social media site, but please remember that that
13 includes all forms of oral, written, or electronic
14 communications.

15 Ladies and gentlemen, please understand that
16 I'm giving these directions as part of my responsibility
17 to ensure fairness to all of the parties in this case.
18 That fairness would be compromised, and your actions
19 could jeopardize the results of this trial if you
20 violate my instructions. So my first question to you in
21 the morning will be: Did you follow my instructions?
22 Ladies and gentlemen, I know it's difficult. You'll go
23 home and your significant other is probably going to ask
24 you: What did you do today? You may not discuss
25 anything about this case. You may say, I'm on jury

Jury Trial, State v Steplight
Volume I of II

1 duty, but that's all you may say. You may not talk
2 about the nature of the case, what the charges are, or
3 anything of the nature.

4 Ladies and gentlemen, you may think why is she
5 saying this five times? I heard it. I understood it
6 the first time. It's because in the morning somebody
7 who inevitably will say, Yes, I did something I wasn't
8 supposed to do. Please, just go home. Have a wonderful
9 afternoon. Enjoy the early day that you're getting
10 today. And just forget that you're serving jury
11 service.

12 You may not do any independent investigation.
13 Do not read, watch, listen to any news accounts
14 regarding this case should there be any. It is
15 essential that all of the information that you have
16 concerning this case, comes only from the courtroom.

17 Any questions?

18 Thank you. Please be back in your jury room at
19 9:30. We will begin as promptly as we can at 9:30. The
20 bailiff will show you where you are to be escorted and
21 how to report in the morning. So please have a
22 wonderful afternoon. I'll see you back at 9:30.

23 (The jury is escorted from the courtroom
24 at 3:33 p.m.)

25 THE COURT: Thank you. Be seated. Anything

Jury Trial, State v Steplight
Volume I of II

1 regarding jury selection? From the State?

2 MS. LINDER: Nothing from the State, your
3 Honor.

4 MR. SMILEY: No, ma'am.

5 THE COURT: All right. Can we continue on into
6 our hearing?

7 MR. SMILEY: Before we begin, could I get a
8 quick restroom break?

9 THE COURT: You take all the time you need,
10 Mr. Smiley.

11 MR. SMILEY: Then I will be ready to knock it
12 out.

13 THE COURT: Okay. Thank you.

14 THE COURT: Take a few minutes.

15 Your second witness is here; is that correct?

16 MS. LINDER: Yes, your Honor. Are we at ease,
17 Judge?

18 THE COURT: We're at ease.

19 (A recess is taken from 3:33 p.m. until
20 3:42 p.m.; at which time, the proceedings continue as
21 follows:)

22 THE COURT: Who's your next witness,
23 Ms. Linder?

24 MS. LINDER: Jeff Harrison. He's in the
25 hallway.

Jury Trial, State v Steplight
Volume I of II

1 THE COURT: He can come on in.

2 If you'll have a seat, we'll wait for
3 Mr. Smiley. There's no need for you to be just out in
4 the hallway.

5 THE WITNESS: Thank you.

6 (Mr. Steplight enters at 3:51 p.m.)

7 (Mr. Smiley enters at 3:52 p.m.)

8 MR. SMILEY: Thank you for an extra couple of
9 minutes. Mr. Steplight arrived when I was downstairs,
10 and I had an opportunity to explain to him what has
11 happened so far and the details. He's now present. He
12 just didn't know. The bondsman found him; he came
13 immediately. He apologizes, even though, I guess,
14 technically, I needed to have gotten in touch with him.
15 He did get a letter from me. But he'd gotten so many of
16 them, he didn't realize this case would be first this
17 morning. We apologize, your Honor.

18 THE COURT: All right.

19 MR. SMILEY: We're ready to proceed.

20 THE COURT: Call your next witness.

21 MR. STONEY: The State calls Jeff Harrison.

22 (The oath is administered by the Deputy Clerk
23 of Court and the witness answers as follows:)

24 THE WITNESS: Yes.

25 THE DEPUTY CLERK OF COURT: State your full

1 name and spell your last.

2 THE WITNESS: Jeffery Harrison, H-a-r-r-i-
3 s-o-n.

4 JEFFERY HARRISON,
5 having been first duly sworn by the Courtroom Deputy
6 Clerk of the Court to tell the truth, the whole truth,
7 and nothing but the truth, was examined and testified
8 upon his oath as follows:

9 DIRECT EXAMINATION

10 BY MR. STONEY:

11 Q Good afternoon. Tell us what your occupation
12 is.

13 A Currently now, I'm a detective in the Burglary
14 Unit with Charleston Police Department.

15 Q In May of 2011, what was your title?

16 A I was attached to the Team 1 Power Shift, which
17 is a patrol squad to mainly target violent crime areas,
18 narcotic areas.

19 Q And how long have you been employed with the
20 City of Charleston Police Department?

21 A Little under eight years.

22 Q And did you have an occasion to become involved
23 in the case against Norris Steplight?

24 A Yes.

25 Q And when was that?

Jury Trial, State v Steplight
Volume I of II

1 A May 27th, 2011.

2 Q And how were you brought into this case?

3 A I was involved in the traffic stop. I was the
4 driver of the vehicle, myself with Officer Engles.

5 Q Can you tell us where that occurred?

6 A It occurred at -- the violations occurred at
7 Rutledge and Avenue -- Rutledge and Calhoun. The final
8 stop was at Jonathan Lucas and Sabin Street.

9 Q That's in the city and county of Charleston?

10 A Yes.

11 Q And after the stop -- so did you attempt to
12 initially -- initially attempt to do a lawful traffic
13 stop on this Defendant's vehicle?

14 A Yes. On the 27th of May, we observed a white
15 Dodge Ram pickup truck approach on Rutledge, approaching
16 Calhoun Street, came to a red traffic light; at which
17 time, he failed to come to a complete stop, rolled
18 through, turned right onto Calhoun Street. Calhoun is a
19 two-lane road. Instead of turning into Lane 2, he
20 completed and failed -- and proceeded to turn into
21 Lane 1, failing to turn into the immediate lane, so we
22 initiated a traffic stop at Rutledge and Ashley in
23 reference to disregarding a traffic signal and improper
24 turn.

25 Q When you say "disregarding a traffic signal,"

1 is that running a red light?

2 A Yes. Failed to come to a complete stop at the
3 light.

4 Q Did you have an unobstructed view of both of
5 these infractions?

6 A Yes.

7 Q And just for the record, how was the lighting
8 at that time?

9 A It was still light outside.

10 Q Just -- about what time of day was this?

11 A It was approximately eight o'clock -- 8:00 p.m.

12 Q And so on May 27th, you were able to see that
13 clearly?

14 A Yes.

15 Q Did you initiate your blue light and siren?

16 A Yeah. We initiated blue lights and siren, and
17 we were in an unmarked Chevy Tahoe at the time.

18 Q And where were -- where were you located?
19 Where were y'all located in reference to the Defendant's
20 vehicle at this time?

21 A We were behind the vehicle. Not directly
22 behind. Maybe 100 yards, 200 yards.

23 Q And can you just -- can you tell us where the
24 Defendant drove and where the actual location of the
25 stop -- where did you finally stopped?

Jury Trial, State v Steplight
Volume I of II

1 A The violation occurred at Rutledge and Calhoun.
2 We initiated the blue lights and sirens at Rutledge and
3 Ashley. Several times he could have safely pulled to
4 the side; however, he continued on Calhoun to Jonathan
5 Lucas where he made a right-hand turn and came to a
6 final stop at Sabin Street on Jonathan Lucas at Sabin
7 Street.

8 Q And once the Defendant did pull his vehicle
9 over, what happened at that point?

10 A I approached the driver, asked him for his
11 license, registration, insurance. He handed me a
12 route-restricted license, his paperwork, and the
13 insurance and paperwork for the vehicle. I asked him
14 what he was restricted for. He said his route was
15 restricted for work. He was able to travel to and from
16 work. I asked if he was going to work or coming from
17 work. He said he had gotten off work earlier, and he
18 had dropped his girlfriend off at church.

19 Q So he -- he said he was dropping his girlfriend
20 at church?

21 A Yes.

22 Q Not coming to and from work?

23 A Yes.

24 MR. STONEY: Your Honor, may I approach?

25 THE COURT: You may.

1 Q (By Mr. Stoney) I'm going to show you what has
2 been marked as State's Exhibit 1 for identification
3 purposes only. Can you please tell us what that is.

4 A This is his route-restricted explanation, his
5 paperwork, and it explains that he's able to drive to
6 and from work.

7 Q Okay. And for what dates does that --

8 A It began October 15, 2010, through October
9 15th, 2011.

10 Q And can someone be charged with driving under
11 suspension if they have a route-restricted driver's
12 license?

13 A Yes. If they're not following the guidelines
14 of their route restrictions.

15 Q And does it say that on the. . .
16 If I can direct you to Number 3.

17 A Number 3? Oh, yes.

18 Q Just -- can you tell us what that says? I
19 know it's kind of. . .

20 A I can't see 3.

21 Q I can -- from your knowledge, can somebody be
22 arrested for driving under suspension if they have a
23 route-restricted driver's license?

24 A Yes.

25 Q And so what conversation, if any, was had with

1 the Defendant as far as his route restriction goes, and
2 where he was -- where he was coming from?

3 A He said he was coming from dropping off his
4 girlfriend at church. He claimed he had gotten off work
5 earlier that day. We attempted to contact his boss to
6 find out where he was working. We were unable to
7 contact him.

8 Q And did he appear to be coming to or from work?

9 A No. He was -- he was clean. No tools or
10 anything in the vehicle.

11 Q Did he give any indication of what his
12 occupation was?

13 A I believe he said he helped with construction
14 and landscaping.

15 Q So he were -- if he were coming to or from
16 work, would have made sense for him to have tools or --

17 A Correct.

18 Q Yeah. And did y'all attempt to confirm status
19 that he was -- his DUS status?

20 A Yes. We checked with our CPD dispatch and
21 confirmed that he was route-restricted, came back
22 suspended.

23 Q So, ultimately, was this Defendant issued any
24 warning ticket for this stop?

25 A Yes. He was issued a warning citation for the

1 disregarding a stop sign -- or a traffic light, sorry,
2 and improper turn. And then was arrested for driving
3 under suspension for the route-restricted license.

4 Q And is it within your discretion -- or you
5 all's discretion as police officers as to whether or not
6 you --

7 A Yes.

8 Q You have the ability to place somebody
9 under arrest for deviating from their route-restricted
10 license?

11 A Correct.

12 MR. STONEY: Court's indulgence, please?

13 (Mr. Stoney speaks with Ms. Linder off the
14 record.)

15 MR. STONEY: No further questions. Please
16 answer anything that Mr. Smiley may have.

17 THE COURT: Mr. Smiley?

18 MR. SMILEY: Please the Court, your Honor?

19 CROSS-EXAMINATION

20 BY MR. SMILEY:

21 Q The name of your unit was Power Shift?

22 A Yes, sir.

23 Q What is Power Shift?

24 A It's a unit within each team. It's a -- it's
25 an entity of the patrol unit; however, you're tasked

1 THE COURT: It will.

2 Q (By Mr. Stoney) And so what was the outcome of
3 this lawful traffic stop?

4 A Once we conducted the stop, I approached the
5 driver side, asked for the vehicle information, driver's
6 license; at which time, he handed me a suspended
7 driver's license. Checked, cross-referenced, determined
8 that he was suspended, removed him from the vehicle, he
9 was placed under arrest for driving under suspension,
10 and he was transported to the county jail.

11 Q Okay. And what occurred at the county
12 jail?

13 A At county jail, he was booked, intake
14 procedure; at which time, a strip search was conducted.
15 Myself and Officer Engles accompanied the county
16 corrections officer in the strip room; at which time,
17 during the strip, it was noticed that Mr. -- the
18 Defendant was concealing two plastic bags in his
19 buttocks. Upon that, Officer Engles removed them,
20 discovered that they contained a white -- an off-white
21 rocklike substance in the two bags. Also, Engles
22 field-tested the items presumptive as cocaine base.

23 Q Do you remember the approximate weight of the
24 cocaine base?

25 A I believe it was approximately 12 grams.

1 name and spell your last name.

2 THE WITNESS: Anita Marie Moore, M-o-o-r-e.

3 ANITA MARIE MOORE,

4 having been first duly sworn by the Courtroom Deputy
5 Clerk of the Court to tell the truth, the whole truth,
6 and nothing but the truth, was examined and testified
7 upon her oath as follows:

8 DIRECT EXAMINATION

9 BY MR. STONEY:

10 Q Good afternoon, Ms. Moore. What is your
11 occupation?

12 A I'm a crime scene technician.

13 Q And who is your current employer?

14 A The City of North Charleston.

15 Q And at -- at any point, were you employed with
16 the City of Charleston?

17 A Yes. I was employed with the City of
18 Charleston for about 12 years.

19 Q And what position did you hold with the City of
20 Charleston?

21 A As a criminalist and as a crime scene
22 technician.

23 Q And what were your duties?

24 A As a criminalist, it was to analyze substances
25 that came into the lab to determine controlled

1 substances, fiber debris analysis.

2 Q And how long did you hold the position as --

3 And I apologize. What was the --

4 A Criminalist.

5 Q -- as a criminalist?

6 A Two years.

7 Q And what type of training, education, and
8 experience do you have?

9 A I have a bachelor's degree in chemistry from
10 the College of Charleston. Been certified through the
11 American Board of Criminalistics and the International
12 Association for Identification. We do a thorough
13 in-house training program where you shadow an
14 experienced criminalist. You stay under their purview
15 and do cases where they're technically reviewed for a
16 period of time before you're actually cut loose to do
17 your own casework, and then you have to complete a
18 competency sample training.

19 Q And during your time with the City of
20 Charleston Police Department, did you analyze substances
21 to determine whether or not they contained narcotic
22 drugs?

23 A Yes, I did.

24 Q And about how many times?

25 A Per samplewise, I couldn't tell you. Casewise,

1 over 800 cases.

2 Q And of those 800 cases, at any point did you
3 analyze substances to determine whether or not they
4 contained cocaine base?

5 A Yes, I did.

6 Q And did you make these analyses as a regular
7 part of your duties?

8 A Yes, most of them contained substances along
9 those lines.

10 Q What type of equipment do you all use at the
11 lab for testing drugs?

12 A We do wet chemical tests when we first receive
13 a sample, which gives us an idea of what it may be. And
14 then from that, we'll use several different types of
15 instruments. One is what we abbreviate as a FTIR,
16 which is a Fourier Transform Infrared Spectrometer, and
17 the other one is abbreviated GCMS, which is a Gas
18 Chromatography-Mass Spectrometer.

19 Q And is this instrument precise and accurate in
20 its testing?

21 A Yes, it is.

22 Q And can you tell us a little bit about more
23 your training that you had to become a drug analysis,
24 including any certification?

25 A Again, we went through in-house training,

1 which gives us a competency sample, and then near the
2 end of my two-year tenure there, I did become certified
3 as a criminalist through the American Board of
4 Criminalistics.

5 MR. STONEY: Your Honor, at this point the
6 State would move to have Anita Moore declared an expert
7 in the field of drug analysis.

8 THE COURT: Any objection, Mr. Smiley? Any
9 *voir dire*?

10 MR. SMILEY: No, ma'am.

11 THE COURT: And you're requesting her to be
12 qualified as an expert in --

13 MR. STONEY: Drug analysis.

14 THE COURT: Any objection as to drug analysis
15 only, Mr. Smiley?

16 MR. SMILEY: No, ma'am..

17 THE COURT: Ladies and gentlemen, normally a
18 person cannot testify and give an opinion. Normally,
19 they must testify as to either what they saw, or heard,
20 or sensed by smell, or something of that nature. There
21 is an exception in our law when someone is qualified
22 because of their education or experience. They are
23 permitted to give their opinion in certain areas if the
24 Court qualifies them in that way. Ms. Moore will be
25 qualified as an expert in the area of drug analysis to

Jury Trial, State v Steplight
Volume II of II

1 give opinion testimony in the area. That does not mean
2 that you must accept the opinion. It is simply evidence
3 for you to use in anyway that you see fit.

4 Mr. Stoney?

5 MR. STONEY: Your Honor, may I approach?

6 THE COURT: You may.

7 MR. SMILEY: Judge, at this time, if I can
8 renew my objection.

9 THE COURT: Pursuant to -- overruled, pursuant
10 to my previous rulings.

11 MR. SMILEY: Yes, ma'am.

12 THE COURT: Thank you.

13 Q (By Mr. Stoney) I'm going to show you what's
14 been marked as State's Exhibit 5 for identification
15 purposes. Can you identify that for me, please.

16 (Document is handed to the witness.)

17 A This is a report generated from our laboratory
18 in regards to analysis on this case.

19 Q And can you tell us who prepared it?

20 A It has my signature. I'm the one that signed
21 the report, stating that these are my findings.

22 Q And can you tell us when the report was
23 prepared?

24 A Shows May 31st, 2011.

25 Q And the report is signed by you?

1 A Yes, sir, it is.

2 Q And can you tell us who the subject of the drug
3 report is, please?

4 A State's the name of Norris Steplight.

5 MR. STONEY: Your Honor, at this point the
6 State would like to offer State's Exhibit 5 into
7 evidence.

8 THE COURT: Any objection?

9 MR. SMILEY: Yes. Objection. Foundation
10 hasn't been established.

11 THE COURT: Counsel, approach.

12 (Sidebar.)

13 MR. SMILEY: Withdrawn.

14 THE COURT: State's 5 is admitted. Objection
15 withdrawn --

16 MR. SMILEY: Well, the objection that I
17 previously made, not the --

18 THE COURT: As to -- as to the foundation, the
19 objection was withdrawn. But pursuant to the previous
20 rulings --

21 MR. SMILEY: Yes, ma'am.

22 (State's Exhibit Number 5 is admitted into
23 evidence.)

24 THE COURT: You may continue.

25 MR. STONEY: May I publish this?

Jury Trial, State v Steplight
Volume II of II

1 THE COURT: You may. We have it up here, or
2 you want to pass it around?

3 MR. STONEY: Put it on the Elmo.

4 THE COURT: Can we do that?

5 MR. STONEY: May I approach?

6 THE COURT: You may.

7 (Respite.)

8 (Exhibit displayed on the Elmo.)

9 Q (By Mr. Stoney) Can you read that?

10 A Yes, sir, I believe so.

11 Q Can you please tell the jury the findings of
12 that report?

13 A It stated that the items submitted, the first
14 one being a plastic bag with rocklike substance,
15 had a result of cocaine base of 5.2- -- I believe it
16 says -- -66 grams. The second item was a plastic bag
17 with rocklike substance with a finding of cocaine base
18 of 7.216 grams.

19 Q And so would that be a total of approximately
20 12 grams?

21 A Approximately. We don't -- I don't total them.

22 MR. STONEY: Your Honor, may I approach?

23 THE COURT: You may.

24 Q (By Mr. Stoney) I'm next going to show you
25 what has been marked as State's Exhibit 4 for

Jury Trial, State v Steplight
Volume II of II

1 his counsel.)

2 (The jury is escorted into the courtroom at
3 2:39 p.m.)

4 THE COURT: Thank you. Please be seated.

5 Madam Foreperson, I understand that you have
6 reached a verdict?

7 MADAM FOREPERSON: Yes, ma'am.

8 THE COURT: If you will hand the verdict form
9 to the bailiff.

10 (Document is handed to the Judge and then to
11 the Deputy Clerk of Court.)

12 THE COURT: Mr. Steplight, please rise.

13 VERDICT

14 THE DEPUTY CLERK OF COURT: In the Court of
15 General Sessions, Ninth Circuit Judicial Court, Case
16 Number 2011-GS-10-6501, State of South Carolina versus
17 Norris Steplight. We, the jury, find the Defendant
18 guilty of traffic in cocaine base. Signed, Foreperson,
19 Gail Yarborough.

20 Madam Forelady, ladies and gentlemen of the
21 jury, if this is your verdict, please raise your right
22 hand.

23 (Jury complies.)

24 THE DEPUTY CLERK OF COURT: Thank you.

25 THE COURT: Mr. Smiley, anything further

Jury Trial, State v Steplight
Volume II of II

1 penalty range?

2 MS. LINDER: The penalty range is 25 years.

3 THE COURT: All right. That's a mandatory?

4 MS. LINDER: Yes, your Honor.

5 THE COURT: All right. Anything further on
6 behalf of the State?

7 MS. LINDER: Nothing further, your Honor.

8 THE COURT: All right. Mr. Smiley?

9 MR. SMILEY: Your Honor, since there is but one
10 penalty for this crime, there's no reason to offer
11 mitigation at this point, so -- I mean, there's only one
12 thing you can do.

13 THE COURT: Okay.

14 MR. SMILEY: Only thing I will tell you is
15 that he's 30 years old. He's got all of his family here
16 in the courtroom. And -- and we understand that you are
17 bound by the law and that -- and, more importantly, I
18 guess, is we will renew our objections and follow
19 through with the procedure after this. But we
20 understand what you have to do, your Honor.

21 THE COURT: All right.

22 Mr. Steplight, please rise. Mr. Steplight, is
23 there anything that you wish to tell the Court? I
24 understand that your attorney has probably told you not
25 to speak to me due to -- for appellate concerns. Is

Jury Trial, State v Steplight
Volume II of II

1 there anything that you wish to say to the Court?

2 THE DEFENDANT: I just feel like I made a
3 mistake. And that mistake, you know, the roads were
4 rocky. It goes like this: I didn't get my suppression.
5 I didn't get to pick my jury. I don't even know half of
6 those people in this room. I don't even know who those
7 people was. My suppression was hold without me. I -- I
8 ain't even get to hear my whole suppression. I feel
9 like -- as an example, I had fired my attorney, and you
10 still give me him. And with that being said, I feel as
11 if I get -- I get railroaded -- I get treated unjustly
12 in this courtroom today. But I understand we have all
13 got to go through and how you got to do your job. But
14 understand that I got kids too. And with that, the
15 questions that I would need to ask, for the jury, to
16 hear my side, I didn't -- I didn't get that. And on top
17 of that, I got sodomized. But I can understand, and
18 pray for everybody, and everybody to do the same.

19 THE COURT: All right. Mr. Steplight, you
20 understand that there is -- that the sentence for this,
21 based upon your prior convictions, is 25 years?

22 THE DEFENDANT: Yes, ma'am, I understand.

23 THE COURT: You understand that you have the
24 right to appeal the jury's decision and the sentence
25 that I'm about to impose, but you or your attorney must

Jury Trial, State v Steplight
Volume II of II

1 do so within ten days?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Do you understand that, sir?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Anything further, Mr. Smiley?

6 MR. SMILEY: No, ma'am.

7 THE COURT: Mr. Steplight, it's the Order of
8 the Court on Indictment 2011-GS-10-6501 that you be
9 committed to the State Department of Corrections for a
10 term of 25 years. Give you credit for the time that you
11 have served. Good luck to you, sir.

12 MR. SMILEY: You want to leave him present for
13 post-trial motions?

14 THE COURT: Thank you.

15 MS. LINDER: Your Honor, I also want to state
16 for the record, as a result of this verdict, the State
17 will be *not* pressing two other pending general sessions
18 charges that stem from a separate arrest against
19 Mr. Steplight.

20 THE COURT: All right. And that's your
21 understanding?

22 MR. SMILEY: Yes, ma'am.

23 THE COURT: Anything further? I'm going to go
24 release the jury for the day. Anything further?

25 MS. LINDER: Nothing from the State, your

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Kristi L. Harrington, Circuit Court Judge

Appellate Case No.: 2013-000332
Case No. 2011-GS-10-06501

The State,

Respondent,

v.

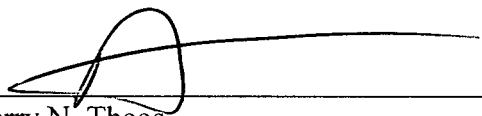
Norris T. Steplight,

Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

December 3, 2013



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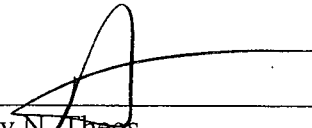
Norris T. Steplight,

Appellant.

PROOF OF SERVICE

I certify that I have served three (3) copies of Appellant's Final Brief and Appellant's Final Reply Brief on Jennifer Ellis Roberts and the original unbound and fourteen (14) spiral bound copies of the Record on Appeal, Appellant's Final Brief, and Appellant's Final Reply Brief on The Honorable Jenny Abbott Kitchings by depositing a copy of it in the United States Mail, postage prepaid, on December 21, 2013.

December 21, 2013


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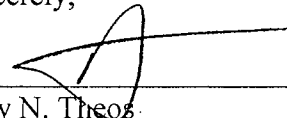
RE: The State v. Norris T. Steplight, Case No. 2011-GS-10-06501
Appellate Case No.: 2013-000332

Dear Jennifer:

Enclosed please find three (3) copies of Appellant's Final Brief and Appellant's Final Reply Brief along with the appropriate proof of service.

Should you have any questions, do not hesitate to contact us.

Sincerely,



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cc: The Honorable Jenny Abbott Kitchings (w/ the original unbound and fourteen (14) spiral bound copies of the Record on Appeal, Final Brief of Appellant and Final Reply Brief of Appellant along with the Proof of Service)