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SC Court of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM UNION COUNTY

John C. Hayes, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CLARENCE PUCKETT, III,

APPELLANT

APPELLATE CASE NO. 2012-213517

RECORD ON APPEAL

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INDEX

INDEX.....	i
TRIAL TRANSCRIPT (dated November 13 – 15, 2012).....	1
OPENING STATEMENTS BY MR. ANTHONY.....	6
OPENING STATEMENTS BY MR. DELANEY.....	9
TESTIMONY	
JOHN SHERFIELD	
Direct examination by Mr. Anthony.....	12
Cross-examination by Mr. Delaney.....	35
Redirect examination by Mr. Anthony.....	80
Recross-examination by Mr. Delaney.....	85
JIMMY JONSHON	
Direct examination by Mr. Anthony.....	88
Cross-examination by Mr. Delaney.....	97
Redirect examination by Mr. Anthony.....	115
DEE HANEY	
Direct examination by Mr. Anthony.....	116
Cross-examination by Mr. Delaney.....	119
JEFF LAWSON	
Direct examination by Mr. Anthony.....	123
Cross-examination by Mr. Delaney.....	126
PERRY HANEY	
Direct examination by Mr. Anthony.....	127
CARMEN TUCKER	
Direct examination by Mr. Anthony.....	130
Cross-examination by Mr. Delaney.....	145
MOTION FOR A MISTRIAL BY MR. DELANEY.....	150
ROBERT HINES	
Direct examination by Mr. Anthony.....	153
Cross-examination by Mr. Delaney.....	164
Redirect examination by Mr. Anthony.....	167

RENEWAL OF MOTION FOR MISTRIAL AND MOTION FOR A DIRECTED VERDICT BY MR. DELANEY	168
TESTIMONY	
KAY LEA HEATHERLY	
Direct examination by Mr. Delaney.....	172
Cross-examination by Mr. Anthony	176
Redirect examination by Mr. Delaney	185
Recross-examination by Mr. Anthony.....	185
CLARENCE PUCKETT	
Direct examination by Mr. Delaney.....	186
Cross-examination by Mr. Anthony	216
Redirect examination by Mr. Delaney	244
CLOSING ARGUMENTS BY MR. DELANEY	253
CLOSING ARGUMENTS BY MR. ANTHONY	269
CHARGE ON THE LAW.....	284
JURY QUESTION.....	301
REPLAY OF JOHN SHERFIELD TESTIMONY.....	301
<u>ALLEN</u> CHARGE.....	306
VERDICT	308
SENTENCING	309
REQUESTED TESTIMONY OF MR. CLARENCE PUCKET (Heard May 12, 2010)	315
Direct examination by Ms. Butler.....	317
Cross-examination by Mr. Anthony.....	326
INDICTMENT	339
CERTIFICATE OF COUNSEL.....	341

State of South Carolina.,) In the General Sessions
) Court of Union
)
 County of Union.) Case No.: 2009-GS-46-01210

State of South Carolina.,)
)
 Plaintiff.,)
)
 -vs-) Transcript of Record
)
 Clarence Puckett, III.,)
)
 Defendant.)
)
 _____)

November 13-15, 2012
 Union, South Carolina

B E F O R E:

Honorable John C. Hayes, III, Judge and a jury.

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I-N-D-E-XE-X-A-M-I-N-A-T-I-O-NWITNESSBY:PAGE NO.

Lieutenant John Sherfield

Solicitor Anthony

P.44-49

P.71-94

P.135-144

Mr. Delaney

P.49-55

P.94-135

P.144-146

Sergeant Jimmy Johnson

Solicitor Anthony

P.147-155

P.173

Mr. Delaney

P.156-172

Sergeant Dee Haney Solicitor Anthony

P.174-177

Mr. Delaney

P.177-181

Deputy Jeff Lawson Solicitor Anthony

P.181-184

Mr. Delaney

P.184

Chief Deputy Perry Haney

Solicitor Anthony

P.185-187

Agent Carmen Tucker Solicitor Anthony

P.188-202

Mr. Delaney

P.203-207

Robert Hines

Solicitor Anthony

P.211-221

P.225

Mr. Delaney

P.222-225

I-N-D-E-X - CON'T

<u>WITNESS</u>	<u>BY</u>	<u>PAGE NO.</u>
Kay Lee Heatherly	Mr. Delaney	P.230-234
		P.243
	Solicitor Anthony	P.234-242
Clarence Puckett	Mr. Delaney	P.244-274
		P.302-307
	Solicitor Anthony	P.275-301
		P.308
Closing Arguments	Mr. Delaney	P.311-326
	Solicitor Anthony	P.327-342
Charge to the Jury		P.342-357
Allen Charge.		P.364-365
Verdict		P.366-367
Sentencing.		P.367-372
Certificate Page of Reporter.		P.373
Voir Dire/Batson Sheet.		P.374

E-X-H-I-B-I-T-S

NO.	DESCRIPTION	ID.	EVD.
ST.1	Digital Scales	P.59	P.94
ST.2	Photo	P.59	P.90
ST.3	SLED Best Bag	P.59	P.222
DEF.1	Photo	P.229	P.234
DEF.2	Photo	P.229	P.234
DEF.3	Photo	P.229	P.234
DEF.4	Photo	P.229	P.234
DEF.5	Photo	P.229	P.234
DEF.6	Photo	P.229	P.234
DEF.7	Photo	P.229	P.234
CT.1	Jury Note		P.366
CT.2	Jury Note		P.366

Reporter's Note: All Exhibits were filed with the
Union County Clerk of Court's office.

-22-

1 The State is represented by Mr. John Anthony, and
2 while he is standing I'm going to ask him to tell us what
3 the charges are regarding Mr. Puckett.

4 SOLICITOR ANTONY: Yes, sir.

5 Mr. Puckett is charged on 2009-GS-44-1210 with
6 trafficking in cocaine. And on 2010-44-774 for possession
7 of crack cocaine with the intent to distribute. These both
8 have been True Billed by the Grand Jury.

9 I'm handing the indictments up at this time.

10 (INDICTMENTS RECEIVED UP BY THE COURT.)

11 THE COURT: You've heard the charges against Mr.
12 Puckett, trafficking in cocaine and possessing with intent
13 to distribute crack cocaine. This allegedly occurred here
14 in Union County on August 21st, 2009 at Road
15 in Union.

16 First, are any of you related by blood or marriage, or
17 are you a close personal friend or acquaintance of Mr.
18 Puckett, if so, please stand?

19 (WHITE FEMALE STOOD.)

20 THE COURT: All, right, your name and number?

21 A. 184, my name is Thayda Mathis, he's my first cousin.

22 THE COURT: All right. Well don't leave but I'll
23 excuse you from sitting on this particular jury. You can
24 just stay, don't leave because I may have to give you some
25 more instructions later, but we will exclude you from the

1 attention if you're uncomfortable and need breaks. Let me
2 know and we'll take a break.

3 And I extend that to counsel and to Mr. Puckett also.

4 I now turn the case over to the attorneys for their
5 opening statements.

6 SOLICITOR ANTHONY: Thank you, Your Honor.

7 Good morning. My name is John Anthony, I'm the Deputy
8 Solicitor here in Union, and I'm the man who will be
9 representing the State in this trial.

10 One of the charges that Mr. Puckett has is called
11 trafficking cocaine. And that's kind of an odd word,
12 trafficking. You know when I think of trafficking I think
13 about being on the road, you know, being in traffic in a
14 traffic jam, something along those lines. And that is one
15 definition of trafficking, one idea, one definition of
16 trafficking involves movement. But when it comes to the
17 law and the drug law trafficking has a couple of
18 definitions. And one of the other ways to define
19 trafficking is simply possession. Either possessing, or
20 trying to possess, an amount of a drug that's above a
21 certain weight, and that is what Mr. Puckett is charged
22 with. He's charged with possession or attempting to
23 possess somewhere between twenty-eight grams and a hundred
24 grams of cocaine, and there's twenty-eight grams in an
25 ounce so basically we're talking about the crime would be

1 possessing somewhere over an ounce of cocaine.

2 Now, in this case the sheriff's office executed a
3 search warrant at Mr. Puckett's residence on Vanderford
4 Road back on August the 21st of 2009, and what happened was
5 it was really pretty simple. They went into his house, the
6 bathroom door - they had trouble getting in the bathroom
7 door but when they finally got in through the bathroom door
8 Mr. Puckett they found him standing over a commode trying
9 to flush marijuana or flush cocaine down the commode.
10 That's what happened. He was caught with a bag of cocaine
11 in the commode standing over it. And that cocaine they
12 were able to recover it, it didn't get flushed down the
13 commode. They were able to recover it, they sent it to the
14 State Law Enforcement Division in Columbia where they have
15 a analyst down there who test drugs, and that analyst
16 tested the drugs and said that it was cocaine and it
17 weighed out at fifty-five grams. And that's what
18 trafficking is, it's being in possession of more than
19 twenty-eight grams of the drug and in this case twenty-
20 eight grams of cocaine.

21 So there were some other drugs found there at the
22 residence too. They found some drugs in the living room,
23 and initially when they recovered those drugs they thought
24 that that was cocaine too, so they sent that to SLED and
25 that turned out instead of being cocaine it turned out to

1 be crack when it was analyzed. And it was a little over
2 four grams of crack. So the law says that if you have over
3 one gram of crack that that creates evidence that you're
4 holding that crack with an intent to distribute because of
5 how much you have. So in this case along side of being
6 charged with trafficking cocaine once it was determined
7 that there was also crack found in the house, Mr. Puckett
8 was charged with possession with the intent to distribute
9 crack. So he's charged with those two crimes.

10 There was also some marijuana found in the house but
11 it was a comparatively small amount of marijuana so he was
12 charged with that but we're not trying him for that. We're
13 just trying him for the trafficking cocaine and the
14 possession with the intent to distribute crack.

15 So as you hear this case, we're gonna call the people
16 who were involved in doing the search. You will hear from
17 two narcotics officers and one sheriff's deputy who were
18 there who participated in the search of the residence. You
19 will hear from a couple of people from the sheriff's office
20 who took care of the drugs and who sent the drugs down to
21 the State Law Enforcement Division. You will hear from the
22 analyst from the State Law Enforcement Division who tested
23 them. And then you'll hear from another witness from the
24 sheriff's department, who just kind of to make sure that
25 things were correct, who reweighed them. And so that will

1 be the evidence you hear and we believe that once you've
2 heard the evidence in this case that you'll agree that Mr.
3 Puckett is guilty of trafficking cocaine and that he's
4 guilty of possession with the intent to distribute crack.

5 Thank you very much.

6 THE COURT: Mr. Delaney.

7 MR. DELANEY: May it please the Court.

8 THE COURT: Yes, sir.

9 MR. DELANEY: Good morning. My name is Erik Delaney,
10 I'm with the Union Count Public Defender's Office.

11 When I hear the word trafficking I think of Tony
12 Montana from Scarface, Nino Brown from New Jack City,
13 Denzel Washington's character in American Gangster as Frank
14 Lucas, some documentaries. I've seen Pablo Escobar and
15 some of his associates.

16 Clarence Puckett, III, is not a drug trafficker.
17 You're going to hear he is a guy who lived in a small
18 single-wide mobile home that he purchased for fifteen
19 hundred dollars in 2008. You're going to hear that he had
20 One Thousand, One Hundred and Seventy-seven Dollars found
21 on him that was every last cent he had to his name.

22 You've already heard - You're gonna hear throughout
23 this trial CJ Puckett was located by officers in a bathroom
24 in his residence. In that bathroom in the toilet
25 approximately fifty some grams of cocaine were located in

1 the toilet. You're going to hear that throughout the
2 trial. You're also going to hear throughout this trial
3 something that the Solicitor did not mention in his opening
4 statement to you is that somebody, somebody else was in the
5 house that day when narcotic's officers came.

6 Two different kinds, two different ways somebody can
7 possess something. You're going to hear from Judge Hayes
8 at the end of this trial talking to you about possession
9 and these types of possessions. One way to possess
10 something obviously have it on you, have it in your pocket,
11 have it on your person. It's called actual possession.
12 The other type of possession is what they call constructive
13 possession. That's when you have dominion and control over
14 something.

15 The State has the burden in this case to prove to you
16 beyond a reasonable doubt that CJ Puckett had dominion and
17 control over this cocaine. They have the burden in this
18 case to prove each and every element of what Mr. Puckett is
19 charged with beyond a reasonable doubt. CJ Puckett comes
20 into this courtroom presumed innocent. He is veiled in a
21 cloak of innocence until that cloak is taken off by you
22 twelve collectively at the end of this trial. CJ Puckett
23 has a constitutional right not to say a word, not to
24 testify. Why? Because the State has the burden, the
25 burden to prove this case beyond a reasonable doubt.

-70-

1 Reasonable doubt is defined as the kind of doubt that
2 would leave a reasonable person not firmly convinced. The
3 kind of doubt that would leave a reasonable person hesitant
4 to act. This burden, this standard is so important to this
5 process, ladies and gentlemen, because if you are hesitant
6 to act, if you are not firmly convinced, you must find my
7 client not guilty.

8 An example I can use is the picture of an old set of
9 scales. Old fashion set of scales where you put something
10 on one side and something on the other and you balance an
11 old set of chains. Some of you may have been in civil
12 court before. The standard is much different in civil
13 court. Civil court it's the mere preponderance of the
14 evidence, what is more likely than not. If one party puts
15 their evidence on those scales in civil court and those
16 scales tip ever so slightly in favor of that party they've
17 met their burden. Here in criminal court the burden is
18 much higher, ladies and gentlemen. These scales have to
19 tip and they have to tip substantially. Hold the State to
20 their burden. And what you're going to have to ask
21 yourself at the end of this trial is that are you firmly
22 convinced, firmly convinced of CJ PUCKETT's guilt. Firmly
23 convinced.

24 You're going to hear a lot from this witness stand
25 throughout this trial. A lot of things are going to be

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-71-

1 said. But what I want you to focus on and think about is
2 what evidence is going to be brought to you that you can
3 see, you can hear, that is going to back up what's being
4 said from that witness stand? Thank you for your time.

5 THE COURT: Call your first witness.

6 SOLICITOR ANTHONY: The first witness will be
7 Detective Sherfield.

8 (WHEREUPON: LIEUTENANT JOHN
9 SHERFIELD, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
10 FOLLOWS:)

11 THE COURT: All right, please come up and have a seat.

12 DIRECT EXAMINATION

13 LIEUTENANT JOHN SHERFIELD BY SOLICITOR ANTHONY:

14 Q. Would you state your name please?

15 A. My name is John Sherfield.

16 Q. And, Mr. Sherfield, how are you employed?

17 A. I'm employed by the Union County Sheriff's Office as a
18 lieutenant in the Narcotic's Investigation Division.

19 Q. How long have you worked for the sheriff's office?

20 A. Approximately twenty-three years.

21 Q. And how long have you been a narcotics investigator?

22 A. A little over twelve years.

23 Q. I want to take you back now to August the 21st, 2009.

24 Did you have occasion that day, late that afternoon to
25 go out to Road?

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-72-

1 A. Yes, sir.

2 Q. And is that in Union County?

3 A. Yes it is.

4 Q. All right. And what occurred to lead you to go to -
5 Or what circumstances arose to cause you to go to
6 Vanderford Road?

7 A. On August the 21st, 2009 I received information from
8 a reliable confidential informant that provided me with
9 useful reliable information in the past. This operative
10 stated that - -

11 MR. DELANEY: Your Honor, I object -

12 SOLICITOR ANTHONY: Without going -

13 MR. DELANEY: --- to the testimony at this time.

14 SOLICITOR ANTHONY: I can ask another question.

15 THE COURT: All right. Go ahead.

16 Objection sustained. Move on.

17 BY SOLICITOR ANTHONY:

18 Q. Without going into the specific information you were
19 given, based on your conversation with the informant, what
20 did you do?

21 A. I went to that address and set up surveillance on the
22 defendant's residence at . Road.

23 Q. Okay. And that would be Mr. Puckett?

24 A. Yes.

25 Q. All right. And did you ask anybody else that you

1 worked with to do anything?

2 A. Yes I did. Sergeant Jimmy Johnson also works
3 narcotics, I gave him a phone call, advised him I was at
4 that location, that I received information there would be
5 narcotics there and ask him to get a search warrant and I
6 gave him the description of the residence.

7 Q. Okay. And what did you do while Sergeant Johnson was
8 getting the warrant?

9 A. I did surveillance on the trailer while I was waiting
10 for them to return with the search warrant.

11 Q. Okay. During the time that you were doing
12 surveillance on the residence, did anybody come to it?

13 A. Yes.

14 Q. And who was that?

15 A. Travis Anderson.

16 Q. Okay. And what did you observed Mr. Anderson do?

17 A. Drive up in the drive way, get out of the car and go
18 inside the house.

19 Q. Were you able to tell if he was carrying anything when
20 he went in the house?

21 A. He had nothing in his hand.

22 Q. After you maintained surveillance for a while, did you
23 hear anything back from the other, - from Sergeant Johnson
24 or from any other deputies?

25 A. Yes around 5:30 or fifteen till six, approximately,

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-74-

1 I was contacted by Sergeant Johnson, he said he was leaving
2 Union County jail where he had met with a magistrate and he
3 obtained a search warrant for the residence.

4 Q. And so where did you meet?

5 A. We agreed to meet at the intersection of Vanderford
6 Road and Brown's Creek Church Road.

7 Q. And who did you meet with?

8 A. It was myself, Sergeant James Johnson, Dee Haney a
9 uniform division of the sheriff's office, and Deputy Scott
10 Coffey.

11 Q. And once you got - once you met there, what was the
12 next thing that the four of you did?

13 A. We went to the defendant's trailer and executed the
14 search warrant.

15 Q. And how did the execution of the warrant proceed?

16 A. We drove up in the drive way, one got out, Sergeant
17 Johnson went to the front door, myself and Deputy Haney
18 went to the rear of the trailer, covered the back door.
19 Deputy Coffey as I recall it went to the corner on the far
20 side to watch any windows and stuff.

21 Q. What did you find when you went to the back of the
22 residence?

23 A. I found that the back door of the mobile home swung
24 out, it opened to the outside instead of to the inside and
25 it had a pad lock on it.

1 Q. Okay. So once you determined there was a pad lock on
2 the outside of the back door, what did you do?

3 A. I knew nobody could come out of that door so I went
4 around, back around to the front door. Jimmy Johnson was
5 trying to gain entry inside the mobile home.

6 Q. And what were you able to observe Sergeant Johnson do?

7 A. He was - The front door which is unusual also swang
8 outward so it's very hard to kick in a door, kick it in
9 when the door actually swings outward. So he's having a
10 hard time getting - making entry into the door. It was
11 locked, he was jerking on the door and then he began
12 kicking at the door.

13 Q. And what did you observe happen as he did that?

14 A. The door finally came open.

15 Q. And while you were there waiting for him to be able
16 to get into the house, were you able to hear anything?

17 A. Yes you could hear somebody running through the
18 trailer.

19 Q. And so what happened after he was able - after
20 Sergeant Johnson was able to get the door to open?

21 A. When the door opened he went in and I went in
22 immediately behind him.

23 Q. And what did you see when you entered the trailer?

24 A. Found Travis Anderson standing in the living room
25 which was right inside this front door. He was standing

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-76-

1 beside the couch, told Travis Anderson to lay down on the
2 floor and put his hands behind his back. He stated laying
3 down on the floor, myself and Jimmy Johnson then began to
4 try to find out who was running down the hall. We could
5 hear the toilet being flushed in the bathroom so we went to
6 the bathroom door. That door was locked. Mr. Johnson
7 again was having a hard time getting in that door.

8 Q. And what did you do in an attempt to get into the
9 bathroom?

10 A. This mobile home had sheet rock walls. I went into
11 the kitchen area which adjoins the bathroom, moved the
12 microwave out of the way and started knocking a hole
13 through the walls so I could go through the wall and get in
14 the bathroom.

15 Q. What were you able to do eventually to the wall?

16 A. I knocked a big hole in it.

17 Q. Okay.

18 A. I was, you know, probably two and a half, three foot
19 hole through the interior and the exterior wall.

20 Q. And after you got the hole, what were you able to see?

21 A. While I was hitting on the - knocking the sheet rock
22 out and trying to go between the joist to get into the
23 bathroom, the door, Mr. Johnson got the door open some how,
24 he went in the bathroom and the same time Mr. Puckett seen
25 me coming through the wall and Mr. Johnson coming in

1 through the door, he began screaming don't hurt me I give
2 up and threw his hands up in the air.

3 Q. Did you - Were you able to get the hole where you
4 could see through it in the bathroom?

5 A. Yes.

6 Q. Okay. What were you able to see through the hole?

7 A. I could see Clarence Puckett leaning over the toilet.

8 Q. All right. So how did you enter the bathroom?

9 A. I went around through the door.

10 Q. And when you got into the bathroom, what did you see?

11 A. I seen Sergeant Johnson had Mr. Puckett and was
12 leading him out and we recovered some - a plastic bag with
13 a white powder substance we believed to be cocaine in the
14 rim of the commode. The bag had been torn open.

15 Q. And where did Sergeant Johnson place the bag?

16 A. He took the bag out of the rim of the toilet and
17 placed it on top of the toilet on the tank.

18 Q. And did you see him do this?

19 A. Yes.

20 Q. Okay. And then were you able to look at the bag
21 yourself after he set it on top of the tank?

22 A. Yes I collected all of the evidence.

23 Q. Okay. And based on your experience when you saw the
24 substance, did you have an opinion of what it was?

25 A. I believed it to be cocaine.

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-78-

1 Q. Okay. All right. And so what did you do with the
2 cocaine in regards to the cocaine after Sergeant Johnson
3 got Mr. Puckett out of the bathroom?

4 A. I collected the evidence and brought it out to the
5 kitchen counter.

6 Q. Was there anything else collected from the bathroom?

7 A. Yes it was a small plastic bag which contained
8 approximately fourteen grams or half an ounce of marijuana
9 was in the wastebasket next to the commode.

10 Q. Okay. And where was Mr. Puckett taken in the
11 residence by Sergeant Johnson?

12 A. Kind of in an area between where the kitchen ends and
13 the living room starts just in the floor there.

14 Q. And where was Mr. Anderson at, at that time once you
15 got Mr. Puckett in the kitchen area?

16 A. Deputy Haney had handcuffed Mr. Anderson and he was
17 lying on his stomach in the living room floor.

18 Q. So once you retrieved the cocaine and walked out of
19 the bathroom and you're there in the kitchen/living room
20 area of the mobile home, do you - What did you do in
21 regards to speaking to Mr. Anderson and Mr. Puckett?

22 A. I advised both of them that they were under arrest
23 and advised them of their Miranda warnings.

24 Q. And could you just tell the jury the warnings you
25 gave the two of them?

1 A. Sure. I have a card that I keep all the time usually
2 in my wallet but I have it in my shirt pocket today because
3 I figured I would be using it, and I read them these
4 warnings just as its written on this card.

5 "You have the right to remain silent. Anything you
6 say can and would be used against you in a court of law.
7 You have the right to talk to an attorney and have him or
8 her present with you while you are being questioned. If
9 you cannot afford to hire an attorney, one will be
10 appointed to represent you before any questioning if you
11 wish. You can decide at any time to exercise these rights
12 and not answer any questions or make any statements."

13 Then I ask them "Do you understand each of these
14 rights that I have explained them to you?" Both of them
15 answered in the affirmative.

16 And I ask, "Having these rights in mind, do you wish
17 to talk to me about the case?"

18 Q. And how did they respond?

19 A. As soon as I read that the defendant Clarence Puckett,
20 who was laying on his stomach, said that Travis Anderson
21 didn't know anything about the drugs.

22 Q. And did you after giving the warnings did you attempt
23 to start to search Mr. Puckett?

24 A. Yeah. I began to search him and I took One Thousand,
25 One Hundred and Seventy-seven Dollars cash from his pocket.

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-80-

1 And while I was searching him I ask him if there was any
2 other drugs inside the residence. He told me there was
3 some scales in the kitchen cabinet.

4 Q. Okay. And did he tell you anything that had happened
5 in regards to any other drugs in the residence? Or what he
6 done before you made it into the residence?

7 A. Yes. He had told me that he was able to flush some
8 of the drugs but he would not elaborate on how much that he
9 had actually been able to flush down the toilet.

10 Q. And after he said - After he told you about the
11 scales, did you do anything to attempt to recover them, or
12 recover the scales?

13 A. Yeah I went and opened the cabinet and got the scales
14 out just where he indicated they was at.

15 Q. All right. And did you make any observations about
16 the scales?

17 A. Yeah the scales were black and they were digital
18 scales. They had a white powder substance which I believed
19 was cocaine on the lid, the flat part where you actually
20 place items to weigh them.

21 Q. Okay. And in your experience what is the relation
22 between scales and the sale of drugs?

23 A. Well obviously if you're buying or selling drugs they
24 kind of go hand in hand. You want to make sure you're
25 getting what you pay for. If somebody says they gonna sell

1 you an ounce of cocaine you want to put it on the scale and
2 weigh it to make sure its one ounce or twenty-eight grams.
3 You want to make sure they're not short changing you. A
4 lot of times they will double bag it and a plastic bag
5 weighs about a gram so you'd at least be getting a gram
6 less so, you know, you just want to make sure that you get
7 what you pay for or what you're selling.

8 Q. And in your experience what's the relationship between
9 dealing drugs and having a large sum of cash on your
10 person?

11 A. Usually somebody selling drugs they have a large
12 amount of currency.

13 Q. And when Mr. Puckett made the statement about Mr..
14 Anderson not knowing anything you referenced, did he say
15 anything further about ownership of the drugs in the
16 residence?

17 A. He did but I think that he may have said that they
18 were his drugs then. I remember him saying inside while we
19 was at the residence that he was selling drugs because he
20 had fallen upon hard times and he had lost his job.

21 Q. Okay. And so after he told you, after you had this
22 conversation with Mr. Puckett and found the money and found
23 the scales, what was the next thing you did there at the
24 house?

25 A. Well there was some more, there was two more baggies

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-82-

1 of drugs that was in the floor. We collected those too.

2 Q. All right. And the baggies that were found, once
3 again where were they found?

4 A. One was in the floor and one was on the couch kind of
5 next to the couch cushion.

6 Q. Okay. And those bags, when you found those, what did
7 you initially think that was?

8 A. I thought it was cocaine. It was about the same
9 color as the cocaine that we recovered from the commode.

10 Q. All right. And then did you do anything else in
11 regards to making the search that evening?

12 A. Some of the officers went outside and searched Travis
13 Anderson's car. I stayed inside with the defendant Mr.
14 Anderson.

15 Q. Okay. Was Mr. Anderson searched?

16 A. Yes.

17 Q. And how much - How much cash approximately did he
18 have on him?

19 A. He had a Dollar and Thirty-one cent.

20 Q. Was there anything found in Mr. Anderson's car?

21 A. Yes.

22 Q. And what kind of substance was found in his car?

23 A. Approximately an ounce or twenty-eight grams of
24 marijuana and some prescription medication.

25 Q. Was there any crack or cocaine found in the car?

1 A. No, sir.

2 Q. So after the search of the residence was completed,
3 what did you do in regards to Mr. Puckett and Mr. Anderson?

4 A. We transported them to the jail.

5 Q. And what were they charged with at that time?

6 A. They were charged with trafficking cocaine and
7 possession with intent to distribute marijuana and a
8 possession of a scheduled four narcotic, prescription
9 medication.

10 Q. Okay. And that was in regards to Mr. Anderson and
11 what was found in his car?

12 A. Right.

13 Q. Okay. And what is the status right now on Mr.
14 Anderson's cases?

15 A. The case is still pending.

16 Q. All right. And then this happened on August 21st, did
17 you have any further contact with Mr. Puckett the next day?

18 A. I did.

19 Q. And where did you see him?

20 A. Myself and Deputy Randy Manus was at the Union County
21 Jail. We had the jail officers to bring Mr. Puckett from
22 his cell block up to an interview room that we use there at
23 the jail. It was also a magistrate's office that the
24 magistrate uses part time.

25 Q. And did you do anything as far as advising him of his

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-84-

1 rights on that day?

2 A. Yes. Again advised him of the same rights that I had
3 the day previously.

4 Q. And what did he tell you that day?

5 A. Again he said that the reason he was selling drugs he
6 had lost his job, didn't have any income. I interviewed
7 him about who he was getting his drugs from. He never
8 would say exactly who he was getting the cocaine from. The
9 reason I was doing that I also mentioned to him is that
10 we'd be interested in maybe getting his supplier. He named
11 several people that was involved in dirt track racing. He
12 also has a dirt track - I mean a dirt track race car, at
13 that time he did, and he was involved in that and he told
14 me at least three people that he knew was selling cocaine
15 and that he may be interested in helping me arrest those
16 people but that he wanted to think about it and I gave him
17 my number.

18 Q. And did you ever hear anything else from him?

19 A. No, sir.

20 Q. Did he tell you how much he could buy?

21 A. When we was talking he said that he would be able to
22 get up to nine ounces of cocaine which is a quarter kilo of
23 cocaine.

24 Q. And beside from the race car, were you aware of any
25 other vehicles being at his residence?

1 A. Just Mr. Anderson's.

2 Q. Okay.

3 A. The only one I can remember.

4 Q. And how much based on your experience in doing
5 narcotics were - How much would an ounce of cocaine cost,
6 like the, you know if you bought it, first of all you just
7 bought it in a whole sale or bulk form, how much would that

8 -

9 A. If an individual now went and bought just a lump sum
10 of an ounce of cocaine all at one time around One Thousand
11 or Eleven Hundred Dollars.

12 Q. And then how much would that be sold for in individual
13 quantities?

14 A. Well usually on the street here now a gram of cocaine
15 will go around a Hundred Dollars. Its twenty-eight grams
16 to an ounce so if you broke it down and sold it by the gram
17 you could get roughly Twenty-eight Hundred Dollars out of
18 an ounce of cocaine.

19 Q. All right. And as far as crack goes if you had four
20 grams of crack, what would that sell for?

21 A. Pretty much the same thing, around a Hundred Dollars
22 per gram.

23 Q. Okay. And then if that were broke down in individual
24 quantities what would you...

25 A. The usual dose of crack cocaine is one tenth of one

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-86-

1 gram, it sells for Twenty Dollars. One tenth of one gram,
2 you know that would be Two Hundred Dollars a gram if you
3 sold it by the --

4 Q. Individually?

5 A. By the Twenty Dollar rock.

6 Q. All right.

7 A. So it really just depends on how you sell it.

8 Q. I'm going to show you what's been marked for
9 Identification as State's Exhibit Number Three. And this
10 is just a bag with a lot of other bags in it. What I will
11 do is - First of all I will call your attention to this bag
12 that's inside the big bag and ask if you can identify that
13 bag there?

14 A. This bag is a SLED Best Pak Bag, and what it is if we
15 collect drug evidence that we need to send to SLED to be
16 analyzed by the chemist in Columbia, they provide us with
17 these kits and called a Best Pak, that has this plastic in
18 it that you actually put your evidence in and put some
19 paper in about the evidence and the suspect information,
20 arrest date, case number, stuff like that. You put it in
21 this bag and then you seal it up top right here. And
22 that's what I did, I put the cocaine that we collected and
23 the pills in this Best Bag.

24 Q. Okay. Well first of all let's talk about the large
25 cocaine amount.

1 I'm showing a little envelop that's got a A on the
2 back and then a bag. Can you tell the jury what that is?

3 A. This is the cocaine that was recovered from the inside
4 of the rim of the commode. What I done, this cocaine was
5 in a plastic bag that was torn. I took this cocaine and
6 the plastic bag that was torn I placed it in this.

7 (WITNESS INDICATED.)

8 A. And I sealed this up. And the reason I did that is
9 because I wanted to contain each piece of evidence
10 individually and in a separate pak so that it would not
11 cross contaminate any other evidence that I put in this
12 Best Bag.

13 Q. Okay. So when you got the evidence after the search
14 warrant, the actual cocaine that you just pointed out was
15 not packaged up the way it is now?

16 A. No it was not. It was in a regular piece of plastic
17 bag. I'm sure it's here somewhere. It's torn.

18 Q. Okay.

19 A. And I put it - the whole thing in this piece of
20 plastic.

21 Q. Okay.

22 A. And sealed it up.

23 Q. Okay. All right. And then I'm going to show you now
24 this which is another plastic envelop that has a B on it.

25 And I'm showing you - I'm showing you two more little

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-88-

1 plastic wrappers and two more little bags with a substance
2 in them. Could you explain that to the jury?

3 A. Yes. First, this is the bag that was torn with the
4 large amount of cocaine that was actually put in this first
5 bag. This is the second bag that I had labeled as B, the
6 same kind of bag as the first one. I said that we found
7 two small bags of what we thought was cocaine, one being in
8 the floor and one at the couch, which was later identified
9 as crack. This is the crack that was in that bag.

10 And this is one of the bags that one of the small
11 packages on the floor was in.

12 And this is the other small bag that the package on
13 the couch as in. I took these two pieces of plastic which
14 contained what I thought at the time was cocaine, but later
15 identified as crack, and I sealed it in this plastic
16 container and then put it inside this same Best Pak.

17 Q. I'm showing you now what has been marked for
18 Identification as State's Exhibit Number Two, and I'd ask
19 if you can identify that photo?

20 A. I know you can't see it from over there but this is a
21 photo I took after I actually packaged this stuff and
22 before I put it in the Best Pak. On your left here is a
23 photo of where I took the large amount of cocaine and
24 sealed it up in one of these little brown envelops. And on
25 the right here is where I sealed up the two small packages

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-89-

1 that I found in the floor and on the couch, again, in one
2 of these brown envelopes.

3 Q. All right. And does that picture does that fairly and
4 accurately depict how the large quantity of drugs and then
5 the two smaller quantity of drugs were packaged up to go to
6 SLED?

7 A. Yes. This is the way I packaged it.

8 Q. Okay.

9 A. And then I put these two packages along with the pills
10 into this Best Pak right here.

11 Q. Okay.

12 A. And then sealed it up -

13 THE COURT: Excuse me a minute.

14 A. I'm sorry.

15 THE COURT: Is that distracting?

16 MADAME COURT REPORTER: Yes, sir, it is. I'm probably
17 picking her up on my backup.

18 THE COURT: Their having a ceremony and she's finished
19 the National Anthem so hopefully we won't be - if it gets
20 to be too distracting give me a signal.

21 BY SOLICITOR ANTHONY:

22 Q. As to the picture, without referencing the drugs, is
23 the picture a accurate depiction of how those drugs were
24 packaged up?

25 A. Yes.

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-90-

1 Q. Okay.

2 SOLICITOR ANTHONY: We move Number Two into evidence.

3 MR. DELANEY: No objection, Judge.

4 THE COURT: In without objection.

5 (WHEREUPON: STATE'S EXHIBIT NUMBER TWO IDENTIFIED AND
6 MARKED, RECEIVED INTO EVIDENCE.)

7 SOLICITOR ANTHONY: And I'd ask to publish those to
8 the jury at this time.

9 THE COURT: All right.

10 SOLICITOR ANTHONY: And while I set this on our
11 projector, can you all turn the lights off please.

12 (COURTROOM LIGHTS DIMMED.)

13 (STATE'S EXHIBIT NUMBER TWO PUBLISHED TO THE JURY AT
14 11:05 A.M..)

15 SOLICITOR ANTHONY: Okay.

16 Q. So, Lieutenant Sherfield, the bag on the left, which
17 bag is that?

18 A. That is the bag that contained the large quantity of
19 cocaine that we recovered from the rim of the commode.

20 Q. Okay. And then the bag on the right what is that?

21 A. The two small bags that we found in the living room,
22 one from the floor and one from the couch.

23 Q. All right. And that's - those were packaged up in
24 those envelops?

25 A. Right.

1 Q. Correct? All right. And then the photograph, how was
2 the photograph stamped by the camera?

3 A. 21st which was August the 21st and the time was 07:58
4 or 07:59 p.m.

5 Q. All right. Thank you.

6 You can go ahead and turn the lights back on.

7 (COURTROOM LIGHTS TURNED BACK UP.)

8 Q. Now after you took those - the two envelopes, you
9 testified you put them in a SLED bag; is that correct?

10 A. That's correct

11 Q. Okay. And then what did you do with the SLED bag?

12 A. The SLED bag, after I put the evidence inside, there
13 is a form that you have to fill out that also goes in here,
14 I completed that paperwork, filled it out in here, sealed
15 it up up here at the top with the tamper proof resistant
16 tape, put it back in a envelop, wrote the case number on
17 the front of the envelop. And that was done on the 21st.

18 Q. And then where was it placed and stored on the 21st/

19 A. The 21st was actually on a Friday evening. This was
20 later on in the evening, the actual sheriff's office had
21 done closed. The investigators and the evidence officer
22 goes home at five o'clock on Friday so we have a vault at
23 our office, the Task Force office, and this evidence was
24 placed in that vault until Monday which was the 24th.

25 Q. And then what happened to it on the 24th?

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-92-

1 A. It was turned into Jeff Lawson at the time who was one
2 of the evidence officers.

3 Q. And was the bag, what was the condition of the big
4 SLED bag when you turned it over?

5 A. The same condition.

6 Q. Still sealed?

7 A. Yes, sir

8 Q. Okay. And what was the purpose of giving it to Jeff
9 Lawson?

10 A. At that time the way we did it I would, if I collected
11 evidence, I would turn it over to Jeff Lawson who would put
12 it in the main evidence vault which is down stairs by the
13 drink machines, if you've even been down by the sheriff's
14 office where they keep all the evidence. And they store it
15 in there until they get several of these Best Pak's and
16 then someone makes a trip to Columbia, SLED headquarters,
17 and logs this evidence in where it is analyzed by the SLED
18 chemist.

19 Q. And after -

20 (PAUSE. LOUD APPLAUSE COMING FROM COURTHOUSE FIRST
21 FLOOR LOBBY.)

22 Q. Have you - After the drugs had been sent back from
23 SLED have you had possession of the bag and the drugs since
24 then, since they've been sent back from SLED?

25 A. They was actually put in a vault and they been opened

1 several times during the last three years for various
2 reasons. Attorneys wanting to see it, being reweighed.
3 Eventually I did get it back and I stored it at my office
4 in my vault.

5 Q. Okay. And is that where they were brought from today
6 from your office?

7 A. Yes.

8 Q. Okay. And has that been since January of last year
9 you kept them there?

10 A. Yes.

11 Q. Okay. All right. And I want to show you now - I want
12 to show you now what's been marked for identification as
13 State's Exhibit Number One.

14 Let me set this over here, get some of this stuff out
15 of your way.

16 (LOUD APPLAUSE COMING FROM COURTHOUSE FIRST FLOOR
17 LOBBY.)

18 Q. All right. Could you identify that item please?

19 A. These is the scales that I got out of the cabinet at
20 the defendant's residence on Vanderford Road.

21 Q. And where have the scales been kept?

22 A. Up in the cabinet, kitchen cabinet.

23 Q. Okay. But I mean since you - since you recovered them
24 on August 21st where were they kept?

25 A. In my office, the Task Force in a vault.

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY
BY MR. DELANEY

-94-

1 Q. Okay. And are those scales in the same condition they
2 were in when you recovered them on August 21st?

3 A. Yes, sir

4 Q. All right. We move the scales into evidence at this
5 time.

6 MR. DELANEY: No objection.

7 THE COURT: In without objection.

8 (WHEREUPON: STATE'S EXHIBIT NUMBER ONE IDENTIFIED AND
9 MARKED, RECEIVED INTO EVIDENCE.)

10 Q. And is Mr. Puckett here in the courtroom?

11 A Yes he is.

12 Q. And could you point him out please?

13 A. He's the individual seated next to Mr. Delaney.

14 SOLICITOR ANTHONY: I'd ask that the record reflect
15 Mr. Puckett's been identified.

16 (WITNESS, LIEUTENANT SHERFIELD, IDENTIFIED THE
17 DEFENDANT, MR. PUCKETT.)

18 SOLICITOR ANTHONY: That's all my questions on direct.

19 THE COURT: Cross?

20 MR. DELANEY: I'm gonna move this podium, Judge.

21 (MR. DELANEY MOVED PODIUM.)

22 CROSS EXAMINATION

23 LIEUTENANT JOHN SHERFIELD BY MR. DELANEY:

24 Q. Good morning.

25 A. Good morning.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-95-

1 Q. And, Lieutenant Sherfield, you were the case agent in
2 this case.

3 A. I was.

4 Q. And case agent is the lead investigator. Right?

5 A. Yes, sir.

6 Q. This was your case?

7 A. Yes, ma'am.

8 Q. This case was your responsibility?

9 A. Yes, sir.

10 Q. And you are a lieutenant in the Union County Drug Task
11 Force; is that right?

12 A. I am.

13 Q. And actually you are the head of the Union County Drug
14 Task Force. Correct?

15 A. Yes, sir.

16 Q. And you started as an officer about twenty years ago?

17 A. Yes, sir.

18 Q. And been in narcotics for about twelve years now?

19 A. Yes, sir.

20 Q. Okay. And now before becoming an officer you received
21 a lot of training through the Academy; is that right?

22 A. Yes, sir.

23 Q. Okay. And as an officer, now Lieutenant, who is the
24 head of the Narcotic's Office, you've received lots of law
25 enforcement training. Correct?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-96-

1 A. Yes, sir.

2 Q. Lots of training on how to solve crimes?

3 A. Drug crimes yes, sir.

4 Q. And through your years of extensive training and your
5 years of experience you've learned the importance of
6 physical evidence; is that right?

7 A. Yes, sir.

8 Q. Forensic evidence?

9 A. Yes, sir.

10 Q. Incident Reports?

11 A. Yes, sir.

12 Q. Written statements?

13 A. Yes, sir.

14 Q. Recording statements?

15 A. Yes, sir.

16 Q. Now by physical evidence we're talking about tangible
17 items. Right?

18 A. Yes, sir.

19 Q. Example, drugs?

20 A. Yes, sir.

21 Q. Baggies, scales. It's evidence that you can reach out
22 and touch; is that right?

23 A. Correct.

24 Q. And you've been trained and you've heard some
25 testimony of the importance of handling physical evidence;

1 is that right?

2 A. Yes.

3 Q. Okay. And training in the importance of preserving
4 that evidence; is that right?

5 A. Yes, sir.

6 Q. Okay. And you may order - As the case agent you may
7 order certain objects to be taken into evidence; is that
8 right?

9 A. If it's my case I will collect the evidence.

10 Q. Right. And as the case agent lead investigator it's
11 your case it is your call as to whether physical evidence
12 is tested or processed for forensic evidence; is that
13 right?

14 A. As long as it's within the sheriff's office policy.
15 You understand, I work for the sheriff, he makes some
16 policies of where the evidence is going to be kept, who is
17 designated as the evidence custodians, stuff of that
18 nature.

19 Q. But you - -

20 A. I have to work within his policy.

21 Q. But as the lead investigator you feel something needs
22 to be tested, some physical evidence you have needs to be
23 tested for forensic evidence, that's your call to make; is
24 that right?

25 A. It's my call to submit it to SLED, I cannot tell you

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-98-

1 that SLED will test it. For example, I've had firearms or
2 scales and stuff I've tried to get DNA off of it. DNA is -
3 cause it's so expensive to test for that they will not do
4 it for just normal drug cases.

5 Q. For DNA?

6 A. Right.

7 Q. Now you testified that you know the importance of
8 forensic evidence. Right?

9 A. Right.

10 Q. And forensic evidence refers to a wide variety of
11 evidence that can be obtained and analyzed scientifically;
12 is that right?

13 A. Yes.

14 Q. Okay. And an example would be fingerprints. Right?

15 A. Yes.

16 Q. And as you've already mentioned DNA, hair fibers?

17 A. Right.

18 Q. Clothing fibers, those type of things. Right?

19 A. Right.

20 Q. Fingerprints is one of the main things. Correct?

21 A. Yes, sir.

22 Q. I mean that's something you are familiar with in the
23 narcotics division. Correct?

24 A. Yes.

25 Q. Okay. And you may I guess at times order physical

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-99-

1 evidence to be tested, analyzed. Correct?

2 A. At times yes.

3 Q. Okay. And SLED, South Carolina Law Enforcement
4 Division, they're available to analyze this evidence.
5 Correct?

6 A. Yes.

7 Q. Okay. SLED's open for business twenty-four, seven,
8 three sixty-five?

9 A. Well you have to go to intake which is from 9:00 to
10 5:00 to actually give the intake people your evidence. Of
11 course if you have, you know, a murder or something like
12 that and you call the forensic team to come up here and
13 process they would keep it and they would submit it their
14 self.

15 Q. And they have specialized training in testing
16 evidence. Correct?

17 A. Yes, sir.

18 Q. Okay. And forensic and physical evidence is important
19 because it can corroborate or contradict what someone is
20 saying; is that right?

21 A. Yes.

22 Q. And if I say - I'm saying I didn't hold this note pad,
23 and I'm adding I didn't hold this note pad, its something
24 that potentially could be checked to corroborate or
25 contradict what I'm saying. Right?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-100-

1 A. Well I see you holding the note pad.

2 Q. Well -

3 (WITNESS LAUGHED.)

4 Q. --- you know what I'm saying though. Right?

5 A. Yes, sir.

6 Q. Okay. And you received training as to the importance
7 of getting a signed written statement. Right?

8 A. Yes.

9 Q. And that can be from witnesses, can be from subjects?

10 A. Yes.

11 Q. And you have - to get a written statement you have
12 somebody put their statement in writing; is that correct?

13 A. That's correct.

14 Q. And at some point they will sign as to that statement.
15 Correct?

16 A. Yes.

17 Q. Okay. And there are occasions where officers will for
18 various reasons write someone's statement for them; is that
19 correct?

20 A. Yes.

21 Q. And then review that statement with the person?

22 A. Yes, sir.

23 Q. Okay. And then that person will then sign their
24 statement. Correct?

25 A. That's right.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-101-

1 Q. And there are forms that you have that you use these
2 voluntary statement forms you use in these situations.
3 Correct?

4 A. Sometimes yes, sir.

5 Q. Okay. And you have these forms I would imagine
6 available to you at the narcotics office. Correct?

7 A. I do.

8 Q. And if you're going out on an investigation that's
9 usually something you got it on you. Correct?

10 A. Usually yes, sir.

11 Q. Okay. And you normally have something to write with
12 on you. Correct?

13 A. Rights.

14 Q. Okay. And these forms will have an area where
15 obviously a space where that person can write their
16 statement. Correct?

17 A. That's right.

18 Q. It's got a spot down low where they sign their name.
19 Correct?

20 A. Yes, sir.

21 Q. And there's something in there they're swearing and
22 when they sign it their maintaining they're swearing that
23 that's the truth; is that right?

24 A. Yes, sir.

25 Q. Okay. And there is other information you put in this

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-102-

1 statement as far as when the statement was made and
2 documenting things; is that correct?

3 A. Yes, sir.

4 Q. In addition I guess an alternative to a written
5 statement - I'm sorry, having someone write out their
6 statement and signing it is someone's statement can be
7 recorded; is that correct?

8 A. Sometimes.

9 Q. Okay. And the narcotics office has all kinds of video
10 recording equipment. Correct?

11 A. Yes.

12 Q. You got big cameras. Right?

13 A. Yes.

14 Q. Little cameras?

15 A. Yes.

16 Q. And various video audio recording devices?

17 A. Yes.

18 Q. Use those - You use that equipment everyday. Right?

19 A. Right.

20 Q. And you have - As the head of the narcotics department
21 you have access to that equipment any time of the day.
22 Correct?

23 A. Right.

24 Q. Now also actually a little while ago when you
25 testified that you received training as to the importance

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-103-

1 of instant reports; is that correct?

2 A. Yes, sir.

3 Q. Okay. And you received training on how to write these
4 reports; is that right?

5 A. Yes, sir.

6 Q. And you had many years of experience writing these
7 reports?

8 A. Yes, sir.

9 Q. And incident reports they can include General Session
10 Case File Summaries. Right?

11 A. The old ones do but we don't do that any more.

12 Q. You don't do what anymore?

13 A. The General Sessions Case File Summary.

14 Q. You don't write those any more?

15 A. No.

16 Q. Just the regular Incident Report?

17 A. We have a new system at the sheriff's office called
18 Law Traction and we enter everything in that.

19 Q. I guess what I'm trying to get, there is other types
20 of supplemental reports that can be filed and those type
21 things. Correct?

22 A. Yes.

23 Q. Okay. And your training is essentially the same as
24 all of those; is that right?

25 A. Right.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-104-

1 Q. Okay. You were trained to be as accurate and detailed
2 as possible when you are filling out these reports..

3 Correct?

4 A. Yes, sir.

5 Q. You can't put every little thing during an
6 investigation into a report. Right?

7 A. I use the Incident Report to help refresh my memory on
8 the incident that happened like in this case three years
9 ago.

10 Q. Right. And that's one of the things that Incident
11 Reports are - keeping the report are to help you refresh
12 your memory. Correct?

13 A. Right.

14 Q. And you want to - You want to put in the big - the big
15 details and the important facts; is that right?

16 A. Yes, sir.

17 Q. And as you said it helps you when you're coming back
18 to court in cases and in this case years later; is that
19 right?

20 A. Right.

21 Q. It can also help if you have other officers who are
22 assisting you with the case and something that they can
23 refer to; is that right?

24 A. Yes, sir.

25 Q. And it helps you get it right. Correct?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-105-

1 A. Yes, sir.

2 Q. And you want to get it right.

3 A. Yes, sir.

4 Q. So I just want to go through for a minute what you
5 prepared. Do you have some of those documents up there
6 with you?

7 A. Yes, sir.

8 Q. Okay. You prepared the Incident Report dated August
9 the 21st, 2009; is that correct?

10 A. I did.

11 Q. And as we've heard obviously these charges were made
12 in the early evening hours or at least when Mr. Puckett and
13 Mr. Anderson were arrested on August the 21st, 2009.
14 Correct?

15 A. Around six o'clock we executed a search warrant.

16 Q. And this report here is dated August the 21st, 2009?

17 A. Yes, sir.

18 Q. And my assumption would be that this report then is
19 written on August 21st, 2009?

20 A. Yes, sir.

21 Q. Okay. You also compared the - I guess you said you
22 don't use them anymore but this time you prepared the
23 General Sessions Case File Summary; is that correct?

24 A. Yes, sir.

25 Q. Okay. And this report has no date on it. Correct?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-106-

1 A. No, sir. It has a case number, same case number but
2 no date.

3 Q. No date. Do you have any idea when you wrote this?

4 A. It was the same day as the date of the incident,
5 8/21/2009 in the narrative.

6 Q. Again, no date on it?

7 A. Only in the narrative.

8 Q. You say - In the narrative you say on 8/21/2009 but
9 you're describing your summary of what happened. Correct?

10 A. Right.

11 Q. So you're not saying you actually - In here for this
12 to be clear you're not saying that you wrote this on
13 8/21/2009?

14 A. Right.

15 Q. At least it was in here. And it looks like you would
16 have prepared a Union County Sheriff's Office Receipt for
17 Property Chain of Custody Report dated 8/21/2009?

18 A. Yes.

19 Q. All right now, Lieutenant Sherfield, I want to go -
20 let's go back to August the 21st, 2009. You had Sergeant
21 Johnson swear out a search warrant for the residence at
22 Va Road. Right?

23 A. Yes, sir.

24 Q. Okay. And gave him a - had given him a description of
25 the property; is that right?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-107-

1 A. I did. Over the phone I gave him a description of the
2 property.

3 Q. And that would have been a very small single-wide
4 mobile home?

5 A. Right.

6 Q. Had some white vinyl siding?

7 A. Seems like it did.

8 Q. Okay. Covered wooden front porch?

9 A. Yes, sir.

10 Q. Front door, back door?

11 A. Right.

12 Q. Okay. There was a drive way?

13 A. Yes, sir.

14 Q. And that drive way pretty short drive way. This
15 residence is located just off of Vanderford. I mean it's
16 pretty close to Vanderford; is that correct?

17 A. Yes.

18 Q. Okay. And we've heard already that you got this
19 search warrant based upon information concerning particular
20 activities going on there; is that right?

21 A. That's correct

22 Q. And after calling Sergeant Johnson to get the search
23 warrant you set up surveillance on the residence?

24 A. I did yes, while he was getting the search warrant.

25 Q. Right.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-108-

1 A. Yes.

2 Q. Okay. And when you were conducting the surveillance,
3 where were you at?

4 A. Several different locations.

5 Q. Where - I guess were you across the ---

6 A. I was ---

7 Q. --- street, in a field?

8 A. --- driving in an unmarked vehicle.

9 Q. Okay. So you were driving up and down Vanderford?

10 A. Right.

11 Q. Okay. And where you were at in the car and driving
12 you were able to keep - have a visual on ?

13 A. Yes pretty much the whole time. When I would go up
14 the road if I met a car I would, you know, give it a second
15 and turn around and go back.

16 Q. Okay. And those times you had a good view of the
17 residence?

18 A. There was a couple of times where I didn't have it in
19 my sight yes.

20 Q. And you were in an area where you could see if anybody
21 was coming, going from the residence. Correct?

22 A. Yes.

23 Q. Okay. And one of the things you look for when doing
24 surveillance is traffic; is that right?

25 A. Right.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-109-

1 Q. And when you say traffic, cars coming and going.

2 A. Correct.

3 Q. And that can also include -- traffic can also include
4 people coming and going; is that right?

5 A. Yes.

6 Q. Okay. Now you didn't see this during your
7 surveillance cars coming and going, people coming and
8 going; is that right?

9 A. The only one I saw was Travis Anderson.

10 Q. Because you saw no one going. Right?

11 A. No, sir.

12 Q. But as you just said you saw someone coming to the
13 residence. Right?

14 A. I saw Travis Anderson in a Maxima.

15 Q. Single car ride while you're conducting your
16 surveillance. Right?

17 A. Yes.

18 Q. And that would be as you said a Maxima?

19 A. Uh-huh.

20 Q. Okay. And a guy gets out of this car and enters the
21 single wide mobile home. Right?

22 A. Right.

23 Q. And as you said you knew who this guy was at the time?

24 A. Yes.

25 Q. Travis Anderson?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-110-

1 A. yes.

2 Q. Recognized the vehicle as well?

3 A. Yes, sir.

4 Q. And, Lieutenant Sherfield, you were familiar with
5 Travis Anderson prior to August the 21st, 2009. Correct?

6 A. Yes.

7 Q. And during your surveillance did you see Travis
8 Anderson go back out to the car and come back in the mobile
9 home?

10 A. No I did not.

11 Q. Now that could have occurred when you were either
12 driving up and down the road or when you went and met with
13 officers down at the end of Vanderford; is that correct?

14 A. That's correct

15 Q. Possible?

16 A. Possible.

17 Q. But you're saying you didn't see that, but you saw him
18 get there, go into the residence?

19 A. Right.

20 Q. Okay. And the end of Vanderford at Bryant Creek
21 Church Road is where you met with Sergeant Johnson,
22 Sergeant Haney and Deputy Coffey?

23 A. It was actually Brown's Creek Church Road.

24 Q. Okay. I'm sorry. Brown's Creek?

25 A. Yeah Brown's Creek.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-111-

1 Q. And that's a mile, two miles down from where
2 is?

3 A. Probably a mile maybe.

4 Q. Not --

5 A. Not really. Probably not even a mile actually.

6 Q. Okay. So you met up with them down there; is that
7 correct?

8 A. Yes, sir.

9 Q. Okay. And the reason you were meeting up with other
10 officers at that time is you're executing a search warrant
11 and you want some back up with you; is that right?

12 A. You kind of want to have a plan whose going where.

13 Q. Okay. Makes sense. And these situations you also
14 want someone there to watch your back. Correct?

15 A. Right.

16 Q. These situations can be chaotic; is that right?

17 A. Yes.

18 Q. A lot of times you are surprising people; is that
19 right?

20 A. Yes.

21 Q. And I'm sure you witnessed seeing people when their
22 surprised, scared. They do some crazy things. Right?

23 A. Yes, sir.

24 Q. Okay. And people inside these places they can - they
25 can panic; they will panic; is that right?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-112-

1 A. Sometimes.

2 Q. Now, the four of you then proceeded down Vanderford to
3 go to the residence; is that right?

4 A. That's right.

5 Q. And, Lieutenant, you and Sergeant Haney initially go
6 to the rear of the residence?

7 A. Yes.

8 Q. Okay. And Sergeant Johnson is at the front door?

9 A. Yes, sir.

10 Q. Okay. And I imagine Deputy Coffey is doing something
11 around the residence as well. He's watching some window or
12 something like that.

13 A. Right.

14 Q. Is that right?

15 A. Yes, sir.

16 Q. And you testified when you got around back you noticed
17 that the back door had some type of pad lock on it; is that
18 right?

19 A. It had a pad lock on the outside yes, sir.

20 Q. Okay. And that in your mind I guess at that time you
21 didn't think anybody was coming out that door; is that
22 right?

23 A. That door was secure, nobody was coming out of it.

24 Q. So that's why you, Sergeant Haney went around to the
25 front?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-113-

1 A. Right.

2 Q. Okay. And you had testified that the front door, back
3 door were I guess I think you said they were kind of
4 unusual doors as far as they came, they swung open to the
5 outside, swung out instead of coming in; is that right?

6 A. Usually on a mobile home the door swings outward and
7 the other door swings inward. This door had two swinging
8 outward doors.

9 Q. Two swinging outward. Okay. And at some point when
10 you get back around - Now when you were around back of the
11 mobile home did you hear anything at that time?

12 A. Yes you could hear movement inside yes.

13 Q. You were at the back, you were hearing movement in the
14 mobile home at that time?

15 A. Yes.

16 Q. Okay. And that continues and you come around to the
17 front, you're still hearing movement in the mobile home; is
18 that right?

19 A. Right.

20 Q. Okay. And you could hear somebody or somebodies
21 running through the mobile home. Correct?

22 A. Yes.

23 Q. Okay. And don't know - You don't know who was running
24 inside that residence; is that correct?

25 A. That's correct

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-114-

1 Q. Don't know if it was Travis Anderson. Right?

2 A. All I can tell you Travis Anderson was in the living
3 room, the defendant was in the bathroom.

4 Q. Okay.

5 A. I don't know who ran where. I could hear a lot of
6 movement inside the mobile home.

7 Q. But prior to you - Prior to your entry into that
8 mobile home my question is you don't know who was running
9 in that mobile home. Correct?

10 A. Correct.

11 Q. And Travis Anderson in your Incident Report is listed
12 as six, six foot one, two hundred and twenty pounds; is
13 that right?

14 A. Yes, sir.

15 Q. Okay. And then CJ Puckett is listed as five feet six,
16 a hundred and thirty pounds; is that right?

17 A. Yes, sir.

18 Q. Travis Anderson is much bigger man than CJ Puckett.
19 Correct?

20 A. Correct.

21 Q. Now you testified that Sergeant Johnson was not able
22 to make entry immediately through the front door; is that
23 right?

24 A. Yes, sir..

25 Q. It took him a couple of tries?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-115-

1 A. Yes, sir.

2 Q. Okay. And you had put in your Incident Report that -
3 I mean put in your Incident Report that forceful entry was
4 made by Johnson through the front door; is that correct?

5 A. Yes. By force I mean the door was locked. We got it
6 open without any help.

7 Q. Now I think you testified - Let me ask you. These
8 doors had deadbolt locks on them. Correct?

9 A. Yes.

10 Q. Okay. And the door opened to the outside. Correct?

11 A. Correct.

12 Q. Okay. And I think your testimony some how this door
13 opened. Correct?

14 A. Somehow Sergeant Johnson got it open.

15 Q. Now possible that door was opened from the inside?

16 A. I don't know. When I was coming upon the porch
17 Sergeant Johnson was still kicking on the door, pulling on
18 the door, and it just came open. I couldn't see what
19 happened on the inside --

20 Q. Well I ask that because no damage to the door.
21 Correct?

22 A. If there was any damage it was very little.

23 Q. And no damage to the door frame?

24 A. No, sir, not that I recall.

25 Q. No damage to the deadbolt?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-116-

1 A. No, sir.

2 Q. And you testified that you locate somebody standing
3 just inside the door. Correct?

4 A. Travis Anderson.

5 Q. Right. So again my question would be possible that
6 that door was opened from the inside?

7 A. I can't tell you it was or wasn't. I don't know. I
8 know the door came open.

9 Q. And Sergeant Johnson he is the first in the mobile
10 home. Correct?

11 A. Correct.

12 Q. You were a couple of steps behind him?

13 A. Yes, sir.

14 Q. Okay. And you locate Travis Anderson in a living room
15 area, in the living area standing beside a couch; is that
16 right?

17 A. Yes, sir.

18 Q. Okay. And this couch was just inside the front door;
19 is that correct?

20 A. Yes, sir.

21 Q. Okay. And drugs were found on the couch. Right?

22 A. One small baggie was on the couch and one in the
23 floor.

24 Q. Okay. And the one on the floor, was the baggie empty
25 on the floor?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-117-

1 A. No both of them had drugs in them.

2 Q. Both of them had drugs in them? Okay. And where in
3 the floor?

4 A. Next to the wall near where Travis was.

5 Q. Okay. And then another bag found we just talked about
6 on the couch. Do you recall was it down in the couch, up
7 on top of the couch?

8 A. The way that I recall it, it was near the back part of
9 the cushion where the cushion slides up, butts up to the
10 couch. It was on top of the cushion but it was next to the
11 crack in the back.

12 Q. Okay. And who found the drugs on the couch?

13 A. I think Sergeant Johnson did.

14 Q. And --

15 A. I collected all of the evidence but I think he found
16 it.

17 Q. And this ultimately was - it was more specifically
18 these were two baggies that ultimately the weight was about
19 four grams of cocaine. I guess more specifically later it
20 was determined to be about four grams of crack cocaine?

21 A. Yes, sir.

22 Q. Okay. Now you quickly secure, cuff Mr. Anderson and
23 put him on the ground; is that right?

24 A. Deputy Haney did that.

25 Q. Okay.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-118-

1 A. She cuffed the defendant.

2 Q. She cuffed him. She got him on the ground. You're
3 going through the place at that point. Right?

4 A. We go in I'm hollering at him to get down on the
5 ground, get down on the ground, I proceed on with Sergeant
6 Johnson to the bathroom when she comes in and she cuffs
7 him.

8 Q. Okay. So once you're in behind Johnson you're yelling
9 at Anderson to get down, once he complies and gets down,
10 you see that he's down, you're going forward, Haney cuffs
11 him at that point?

12 A. Actually we never even stopped, just ran on by him.
13 He was starting to get down, she was right behind me she
14 stopped at him.

15 Q. Okay. So you never stopped. So it's moving fast, you
16 guys are moving fast ---

17 A. Right.

18 Q. --- in there. Okay. And you head towards the
19 bathroom?

20 A. Yes, sir.

21 Q. Okay. And Sergeant Johnson had trouble getting in
22 the bathroom door?

23 A. Yes.

24 Q. Okay. And this bathroom door was another one of these
25 doors that swung out as well; is that correct?

1 A. Yes. Very unusual. It swung out too.

2 Q. And ultimately he's having trouble getting in the
3 door, you're - you begin to knock a hole in the wall at
4 that point; is that correct?

5 A. Yes.

6 Q. And did you knock a hole in the wall with your fist?
7 What were you using?

8 A. My hand.

9 Q. Your hand? Okay. Now you had testified previously
10 under oath that this was a hole that was big enough to walk
11 through the joist. That hole really wasn't that big though
12 was it?

13 A. It was my intention was to knock the hole between the
14 joist and go through there to get to him if we didn't get
15 the door open.

16 Q. Okay.

17 A. I had started knocking a hole out between the joist
18 and I knocked the inside part of the sheet rock on the
19 kitchen side and the outside part of the sheet rock which
20 is on the bathroom side I had knocked it through on both
21 sides of the wall and I could see your defendant at the
22 toilet.

23 Q. Hole was basically big enough for you to at that point
24 look in; is that correct?

25 A. Yes.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-120-

- 1 Q. Okay. Was it big enough to put your gun through?
- 2 A. Yes.
- 3 Q. Okay. Did you put your gun through it?
- 4 A. No.
- 5 Q. You never put your gun through the hole?
- 6 A. I don't remember pulling my gun on him.
- 7 Q. Say again?
- 8 A. I don't remember pulling my gun on him.
- 9 Q. And at some point does Mr. Puckett put his hands up
- 10 and start moving towards the door?
- 11 A. No he puts his hands up screaming "I give up, I give
- 12 up, don't hurt me".
- 13 Q. And some how this door opens again; is that right?
- 14 A. Yes.
- 15 Q. Because there is no damage to the bathroom door is
- 16 there?
- 17 A. I don't think there was.
- 18 Q. And a bag of cocaine found in the toilet?
- 19 A. Yes.
- 20 Q. Six - About little over six grams of marijuana found
- 21 beside the toilet; is that right?
- 22 A. Fourteen grams.
- 23 Q. Fourteen grams? You sure about that?
- 24 A. I believe that's what --
- 25 Q. Okay.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-121-

1 A. Yes fourteen grams. Approximately a half ounce what
2 it was, what I thought at that time. I'm not exactly sure
3 what the weight came out to be.

4 Q. Yeah. and - -

5 A. I was just estimating it as - -

6 Q. Did the weight come back quite a bit less than that?

7 A. It could have been. I mean that was just an estimate.
8 I don't know. I didn't weigh it at the time.

9 Q. Would you be surprised if it came back six, seven
10 grams?

11 A. Could have.

12 Q. Okay. Because about - We'll talk about this in a
13 minute. Strike that. Six, seven grams of marijuana, would
14 that equate to about Twenty Dollars worth of marijuana if
15 it came down to quality?

16 A. Yes it could, you know, about four grams, maybe Twenty
17 Dollars for it.

18 Q. Okay. And you said you found it in the waste basket
19 next to the toilet?

20 A. Yes.

21 Q. Okay. Now before we go into anything else I just want
22 to go through the interior of this mobile home.

23 So you had the front door, you come in the front door
24 and this is a small mobile home. Correct?

25 A. This is a single wide mobile home.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-122-

1 Q. Single wide. You go in the front door you have -
2 You're basically in the living room at that point, is that
3 right?

4 A. Right.

5 Q. And you have a couch to your right?

6 A. Correct.

7 Q. Okay. There's a couple of - You turn around at the
8 front door there's a couple of windows at that point ---

9 A. Yes.

10 Q. --- that face out towards Vanderford? Okay.

11 And you come into your left there is a bar area; is
12 that correct?

13 A. Yes.

14 Q. And that's where the kitchen is?

15 A. Yes.

16 Q. Okay. And if you go past the bar area that's towards
17 the bathroom over near the hallway area; is that right?

18 A. Yes.

19 Q. And right at the beginning of that hallway is to your
20 left is where the bathroom is; is that right?

21 A. Right.

22 Q. And you - Essentially you take a step out of the
23 bathroom you're in the living room/kitchen area; is that
24 right?

25 A. Yes.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-123-

1 Q. Okay. Now, Lieutenant, going back to the couch that's
2 located right when you come in the mobile home to your
3 right. Travis Anderson is located right next to the couch;
4 is that right?

5 A. Yes he was standing right next to the couch.

6 Q. And this is the same Travis Anderson you saw drive up
7 to Mr. Puckett's place while you were conducting
8 surveillance. Right?

9 A. Right.

10 Q. Same Travis Anderson you have testified you were aware
11 of, familiar with prior to August 21st, 2009. Correct?

12 A. Yes.

13 Q. Now according to your report in your testimony here
14 today clearly hear someone running through the trailer.
15 Correct?

16 A. Right.

17 Q. Don't know who that was. Right?

18 A. No, sir.

19 Q. Could have been as we talked about Travis Anderson
20 running through that mobile home. Correct?

21 A. Yes.

22 Q. Don't know what Travis Anderson brought into Mr.
23 Puckett's residence August 21st, 2009. Correct?

24 A. When I seen him he didn't have anything going in
25 inside.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-124-

1 Q. Right. And that's why you were driving up and down -
2 up and down Vanderford. Correct?

3 A. Right.

4 Q. And you also testified that you left that area to go
5 meet up with an officer down the road. Correct?

6 A. Yes I did..

7 Q. You also testified it's possible at that time that he
8 could have came back out to his car. Correct?

9 A. Yes.

10 Q. Okay. And we do know who was found right next to the
11 cocaine later determined to be crack on the couch. Right?

12 A. Right.

13 Q. Travis Anderson?

14 A. Yes.

15 Q. And we do know that almost twenty grams of marijuana
16 was found in Travis Anderson's vehicle?

17 A. Yes.

18 Q. Now being in your line of work you know a lot - a lot
19 about marijuana; is that right?

20 A. A little bit.

21 Q. When I say is there's many different kinds; is that
22 right?

23 A. Right.

24 Q. And at various times marijuana has certain
25 characteristics; is that right?

1 A. Yes, sir.

2 Q. Okay. And what I mean by that is texture, color,
3 smell. They all can be unique to a certain kind, type of
4 marijuana; is that correct?

5 A. Right.

6 Q. Okay. Now not just marijuana was found in Travis
7 Anderson's vehicle. Right?

8 A. Right.

9 Q. In addition to marijuana we know that there were forty
10 Xanax pills found in the car?

11 A. That's correct

12 Q. And you never discovered in your investigation that
13 Mr. Anderson had a valid prescription for those Xanax.
14 Correct?

15 A. He does not.

16 Q. Okay. And how much would you say I guess a single
17 pill or Xanax on the street would - -

18 A. Four or Five Dollars.

19 Q. How much?

20 A. Four or Five Dollars.

21 Q. Four or Five Dollars? Okay. So there was I guess
22 Two, Two Hundred and Fifty, Two Hundred Dollars worth of
23 Xanax pills in that bottle - -

24 A. If you sold them one at a time yes.

25 Q. Okay. And Xanax, that can be sold one at a time and

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-126-

1 be sold three, four, five at a time?

2 A. Right. Yeah.

3 Q. And also found - Excuse me. Also found in Travis
4 Anderson's vehicle was a set of scales. Correct?

5 A. Yes.

6 Q. And we have heard your testimony from earlier what
7 scales can be indicative of. Correct?

8 A. Right.

9 Q. And you - The car that pulled up you said was a 2003
10 Nissan; is that right?

11 A. Maxima, yes.

12 Q. Nissan, Maxima? Okay. And you pulled the title to
13 that vehicle ---

14 A. I did.

15 Q. --- in your investigation? You have that?

16 A. Yes, sir.

17 Q. Okay. Owners of that vehicle were Leslie and Nancy
18 Anderson. Correct?

19 A. That's correct

20 Q. Okay. You know Leslie Anderson as Judge Anderson - -

21 SOLICITOR ANTHONY: Objection. That's irrelevant.

22 THE COURT: I sustain the objection.

23 MR. DELANEY: Say again?

24 THE COURT: It's probably a good time to break.

25 I'll let the jury go out and we'll take a refresher

1 break.

2 (JURY EXITS COURTROOM AT 11:52 A. M..)

3 THE COURT: The question had to do with one of the
4 automobile owners and objected to?

5 SOLICITOR ANTHONY: Yes, sir. The objection would be
6 that the fact that the owner of the car is a magistrate
7 judge is irrelevant.

8 THE COURT: All right. What's the relevancy?

9 MR. DELANEY: That's his parents, they were the owners
10 of the car, the vehicle is there, they pull the title. I
11 can withdraw that question.

12 THE COURT: All right. Well I sustain the objection
13 and its withdrawn anyway so we'll take a break.

14 You can step down, use the restroom, get water.

15 (WITNESS LEFT WITNESS STAND.)

16 (COURT IN RECESS AT 11:52 A. M..)

17 (COURT BACK IN SESSION AT 12:04 P.M..)

18 (WITNESS RETURNED TO THE WITNESS STAND.)

19 THE COURT: Keep your seats.

20 Is the State ready?

21 SOLICITOR ANTHONY: Yes, sir.

22 THE COURT: Defense ready?

23 MR. DELANEY: Yes, Your Honor.

24 THE COURT: During the break Mr. Gentry came to us, he
25 was the last juror seated, Number 93. He indicated that

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-128-

1 because of his relationship through employment with the
2 gentleman he believes - the gentleman in the audience who
3 he believes to be Mr. Puckett's, the defendant's step-
4 father, he felt he could not sit in fair judgment so I have
5 relieved him and will seat Ms. Spears, the alternate, as
6 the - one of the twelve.

7 Any comments on that?

8 SOLICITOR ANTHONY: No, sir.

9 MR. DELANEY: No, Your Honor.

10 THE COURT: All right. Bring in the jury.

11 (JURY REENTERS COURTROOM AT 12:06 P.M..)

12 THE COURT: Over the break Mr. Gentry indicated that
13 he had some legitimate reason for asking to be let off of
14 the jury panel which I did. He didn't do anything wrong,
15 he did not get any special treatment, just things emerged,
16 I had to let him be removed.

17 So, Ms. Spears, you are now actually on the panel.
18 You can sit there for right now but whenever you come in
19 this afternoon just join the other twelve rather than - no
20 need to switch right now. So we are now down to you twelve
21 and I'm turning the matter back over to Mr. Delaney.

22 MR. DELANEY: Thanks, Judge.

23 CROSS EXAMINATION

24 LIEUTENANT JOHN SHERFIELD BY MR. DELANEY:

25 Q. Lieutenant, did you in your paperwork you have up

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-129-

1 there that you have, do you have warrants that you took out
2 in the case?

3 A. I have copies of ---

4 Q. Copy of the warrant?

5 A. --- of two warrants for Mr. Puckett..

6 Q. Two warrants for Mr. Puckett?

7 A. Yes.

8 Q. Okay. Any indictments in that?

9 A. No I don't have any indictments.

10 Q. Okay. And we heard you took out a warrant for - sworn
11 out a warrant before a magistrate judge on August the 22nd,
12 2009 for trafficking cocaine regarding CJ Puckett..

13 Correct?

14 A. Yes.

15 Q. And then sworn out a warrant looks like two days later
16 August the 24th, 2009 for possession with intent to
17 distribute marijuana; is that correct?

18 A. Yes, sir.

19 Q. Okay. And as we've heard later found some of the
20 cocaine in the residence, it was crack not powder. Right?

21 A. Right.

22 Q. Okay. And you never took a warrant out on Mr. Puckett
23 for possession with intent to distribute crack. Correct?

24 A. No, sir.

25 Q. He was indicted on that charge; is that right?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-130-

1 A. Mr. Solicitor directly indicted him for that yes, sir.

2 Q. And Travis Anderson and as you testified - In your
3 direct to Mr. Anthony you identified Mr. Puckett sitting
4 here today. Correct?

5 A. Yes.

6 Q. Okay. Mr. Anderson is charged with trafficking, took
7 out a warrant on him for trafficking cocaine. Correct?

8 A. Yes, sir.

9 Q. Okay. Took out a warrant on him for possession with
10 intent to distribute marijuana. Correct?

11 A. Yes.

12 Q. Okay. Took out a warrant for him for possession of
13 the forty Xanax pills found in the vehicle. Correct?

14 A. Yes, sir.

15 Q. Okay. And never took out a warrant for him regarding
16 possession with intent to distribute crack; is that right?

17 A. That's correct

18 Q. Okay. And do you have any idea if he was ever
19 indicted on that charge?

20 A. I do not know.

21 Q. And Mr. Anderson is not in the courtroom here today.
22 Correct?

23 A. No, sir.

24 Q. And I think it was your testimony from earlier that
25 his case was or cases are pending; is that correct?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-131-

1 A. That's what I've been informed by the Solicitor's
2 office yes, sir.

3 Q. Okay. Go back and talk about this forensic evidence a
4 little bit. One bag found you said on the ground area near
5 where Travis Anderson was. Correct?

6 A. In the floor yes, sir.

7 Q. In the floor? Okay. And one of these bags found on
8 the couch. Correct?

9 A. Right.

10 Q. Two bags. Correct?

11 A. Yes, sir.

12 Q. Never - You didn't request that these bags be analyzed
13 for fingerprints. Correct?

14 A. No, sir.

15 Q. Okay. Didn't request that they be processed by SLED.
16 Right?

17 A. I ask for drug analysis.

18 Q. Right. But not any type of analysis to see if there
19 were any fingerprints on the bags. Correct?

20 A. No, sir.

21 Q. Okay. You didn't try to. Right?

22 A. No, sir.

23 Q. And scales that we saw earlier, didn't request that
24 SLED do any type of analysis on the scales. Correct?

25 A. No, sir, never sent 'em to SLED.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-132-

1 Q. Okay. That was neither for fingerprints or for what
2 you described as what you believed to be these cocaine
3 residue on the scales. Correct?

4 A. Never had it analyzed.

5 Q. Okay. And didn't try. Right?

6 A. No, sir.

7 Q. And no photographs taken of those scales inside the
8 residence. Correct?

9 A. No, sir.

10 Q. Okay. No photographs taken from where these scales
11 were supposedly taken from inside the residence. Correct?

12 A. No, sir.

13 Q. And you have access to a camera, somebody had a camera
14 out there that day or that night. Correct?

15 A. Yes, sir.

16 Q. Okay. And that would include no photos taken of the
17 supposed cocaine residue that was on the scale. Right?

18 A. No, sir. It's still on there.

19 Q. And there is no forensic evidence in this case.
20 Correct?

21 A. You have a drug analysis from SLED.

22 Q. All right. No forensic interviews in this case to do
23 with any fingerprints; is that right?

24 A. That's correct

25 Q. Okay. You didn't request any forensic evidence to be

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-133-

1 done to analyze baggies and scales; is that right?

2 A. That's correct.

3 Q. And its your testimony that you didn't try; is that
4 right?

5 A. Right.

6 Q. Now you testified as to the importance that's placed
7 on these incident reports; is that right?

8 A. Repeat that please.

9 Q. You testified already I ask you questions as far as
10 the importance that's placed on writing an incident report.
11 Correct?

12 A. Yes.

13 Q. And as we went through training to be as accurate and
14 detailed as possible. Right?

15 A. Yes.

16 Q. Okay. Put in the important information. Right?

17 A. Correct.

18 Q. All right. And we talked about the incident report
19 dated August the 21st, 2009. Right?

20 A. Yes, sir.

21 Q. That is the incident report you prepared the night of
22 this incident. Right?

23 A. Yes.

24 Q. There is absolutely no mention anywhere in that report
25 of any statement CJ Puckett made at his residence.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-134-

1 Correct?

2 A. No, sir.

3 Q. That's pretty important information that's left out,
4 would you not agree?

5 A. Yes, sir, I probably should have wrote that in there.

6 Q. Now we talked about this other report that you wrote,
7 the General Sessions Case File Summary; is that right?

8 A. Yes, sir.

9 Q. And that's the one that doesn't have a date on it.
10 Correct?

11 A. Right.

12 Q. Okay. And I defer your attention to this report. In
13 this report there are two sentences that relate to what CJ
14 Parker supposedly said regarding this case; is that right?

15 A. You mean CJ Puckett?

16 Q. Right. CJ Puckett said in this case?

17 A. Yes, sir.

18 Q. Okay. And if you go to the second page of that
19 report, about half way down, you follow me where it says
20 one question about the drugs? Do you see what I'm talking
21 about?

22 A. Yes.

23 Q. And it goes on to say that "Puckett stated that all
24 the drugs were his and Anderson didn't have any
25 explanation." Is that right?

1 A. Yes, sir.

2 Q. Okay. So there's that sentence there and then if you
3 look to the last paragraph in - So that's the only sentence
4 in this report here that says what he said at the house
5 that day; is that correct?

6 A. Yes, sir.

7 Q. Okay. Now you testified earlier that Mr. Puckett
8 besides saying all the drugs in the house are mine and the
9 drugs aren't Mr. Anderson's, he went on to say some things
10 to the effect of times were hard for him that's why he was
11 - that's why he was selling something like that?

12 A. Right.

13 Q. I think he said - You think that's what he said
14 something like that?

15 A. Yes, sir.

16 Q. I think your testimony was you thought that's what he
17 said. And the other thing you said is that he had told you
18 at the house that he had flushed some of the cocaine but he
19 wouldn't elaborate on the amount; is that correct?

20 A. That's correct.

21 Q. Okay. That's no where in the General Sessions Report.
22 Correct?

23 A. No, sir.

24 Q. Okay. And that's no where in any report that you
25 prepared in this case; is that correct?

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-136-

1 A. That's correct.

2 Q. Okay. But it's your testimony here today over three
3 years later that's what he said or that's what you think he
4 said in the house; is that correct?

5 A. Absolutely.

6 Q. You heard the testimony that you had - you made
7 earlier to say how important it is to document things when
8 you come into court years later to refer to things.

9 Correct?

10 A. Yes.

11 Q. But you don't have noting to refer to regarding these
12 statements. Right?

13 A. That's correct.

14 Q. Okay. And the other thing you write in the General
15 Sessions Case File Summary is that on August the 22nd as
16 you testified the next day you went to the jail and spoke
17 with Mr. Puckett at the county jail; is that right?

18 A. That's correct.

19 Q. Okay. And there you say that - In your report you
20 write "at the county jail Mr. Puckett admit that times just
21 had been hard for him that he needed some money as to why
22 he was selling cocaine." Correct?

23 A. That's correct.

24 Q. Nothing in any report generated by you in this case
25 regarding anything that you testified to about Mr. Puckett

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-137-

1 having - giving you names or having connections with being
2 able to get a certain amount of cocaine into the area? No
3 documentation of that?

4 A. No, sir.

5 Q. That's some pretty important stuff isn't it?

6 A. I could tell you the names if you want. I remember
7 them.

8 Q. You remember the names?

9 A. Yes, sir.

10 Q. But you didn't happen to write any of these names down
11 did you?

12 A. No, sir.

13 Q. Three years ago - - -

14 A. No, sir.

15 Q. - - - as you're trained to do?

16 A. No, sir.

17 Q. And as I've ask you already the report that you
18 prepared on August 21st, 2009, did not have one single
19 mention of one statement Mr. Puckett made allegedly in this
20 case. Correct?

21 A. That's correct.

22 Q. Okay. I want to move on then to an incident report
23 and what wasn't in them to - the written statement, we
24 talked about a written statement already. Right?

25 A. Right.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-138-

- 1 Q. And how important these written statements can be?
- 2 A. Right.
- 3 Q. No written statements in the case from CJ Puckett?
- 4 A. No, sir.
- 5 Q. And it is your testimony that these voluntary
- 6 statement forms you carry these around with you every you
- 7 go. Right?
- 8 A. Usually yes. Their in the trunk of my car.
- 9 Q. Carry pens with you every where you go. Right?
- 10 A. Yes.
- 11 Q. But you never after he supposedly confessed to this
- 12 you never to any type of written statement from him?
- 13 A. No, sir.
- 14 Q. You never had him write out what he was saying and
- 15 sign his name to it that that's the truth?
- 16 A. No, sir.
- 17 Q. You didn't do that at the house. Right?
- 18 A. Right.
- 19 Q. No where in your statement. And a day later when you
- 20 visit him at the office, at the jail, you didn't do that as
- 21 well. Right?
- 22 A. No, sir.
- 23 Q. And again, at that time you would have had access to
- 24 voluntary statement forms. Right?
- 25 A. Yes, sir.

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY
BY SOLICITOR ANTHONY

-139-

1 Q. Access to a pen. Right?

2 A. Yes, sir.

3 Q. You take statements from people, you get statements
4 from people all the time don't you?

5 A. I do.

6 Q. But you didn't do it in this case did you?

7 A. No, sir.

8 Q. And we've also heard that the narcotics office has
9 access to all of this video equipment. Correct?

10 A. Yes.

11 Q. And you testified as to the importance of what a
12 recorded statement can mean in a case. Correct?

13 A. Yes.

14 Q. At the office at the jail no recorded statement was
15 made?

16 A. There's no recorded statement.

17 Q. You didn't try?

18 A. No, sir.

19 MR. DELANEY: No further questions.

20 Thank you.

21 THE COURT: Redirect?

22 SOLICITOR ANTHONY: Yes, sir.

23 REDIRECT EXAMINATION

24 LIEUTENANT JOHN SHERFIELD BY SOLICITOR ANTHONY:

25 Q. Back when this case was made you testified you would

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-140-

1 do essentially two kinds of reports; is that right?

2 A. That's correct.

3 Q. You do an Incident Report and then you do a General
4 Sessions Summary?

5 A. That's right.

6 Q. And what was the distinction between the two?

7 A. This report which looks like this---

8 (WITNESS HELD UP DOCUMENT.)

9 A. --- is actually handed over to the press. The press
10 has access to this. The General Sessions Case Summary
11 which looks like this.

12 (WITNESS HELD UP DOCUMENT.)

13 A. The press does not have access to. There's
14 information in the General Sessions Case Summary that will
15 not be listed in the Incident Report, such as the operative
16 that I used, the operatives number; that's not in here.
17 There are several things in here that is not going to be
18 listed on the Incident Report that the general public can
19 view or that I want printed in the newspaper.

20 Q. And so as far as the degrees of detail which one was
21 more detailed?

22 A. The General Sessions Case Summary.

23 Q. And how much time passed from the time of this search
24 to the time you wrote the General Sessions Summary in this
25 case?

1 A. I think the General Sessions Summary was written on
2 the 24th, probably on a Monday.

3 Q. So you would have written it three days later?

4 A. The weekend.

5 Q. The weekend at the next business day?

6 A. Right.

7 Q. Okay. And as far as what Mr. Puckett said that is
8 documented in the Summary; is that correct?

9 A. Yes.

10 Q. Okay. And its documented both as to what he said
11 on the 21st and what he said on the 22nd?

12 A. That's correct.

13 Q. Now as far as the conversation on the 22nd, when
14 you're talking to someone about potentially naming supplies
15 and things of that nature, is that something you would
16 normally include either in an Incident Report or a General
17 Sessions Summary?

18 A. No because somebody learns he's naming names if I
19 write that on a piece of paper which is passed through the
20 office the deputies, the clerks, other individuals will see
21 it. The solicitor's office gets copies, the public
22 defender's office gets a copy and it has their names on it,
23 information leaks out. You know if I - if he had a told me
24 I can buy drugs from John Smith and I write John Smith in
25 here somebody - You can bet somebody is gonna tell John

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY

-142-

1 Smith that Mr. Puckett is telling on them. I'm not going
2 to do that.

3 Q. So it wouldn't be - It wouldn't be - Your normal
4 practice would not be to write some of the things you were
5 told at the jail that night, in particular the names of
6 other supplies and how much he could buy at a time, that
7 type thing; would it be your normal course of business to
8 write that type thing down?

9 A. I would not write it in this file. At my office I
10 have a separate file cabinet that I have on individuals
11 that I may have received complaints from Crime Stoppers
12 tips, or other interest through other agencies about that I
13 would write this stuff down to keep in a locked file
14 cabinet at our drug office. It's not in the sheriff's
15 office or the solicitor's office or anywhere where
16 everybody can see it.

17 Q. As to the fingerprint and the forensic evidence
18 collection, why was it that you didn't ask SLED to try and
19 fingerprint the bags that the cocaine was in and the bags
20 that turned out to be the crack cocaine?

21 A. Well I've been doing this for twenty-three years,
22 you're just not gonna get a fingerprint off a small bag
23 that's all wrinkled up like that. The bags damaged at the
24 time it - The one in the toilet was wet, it's all wrinkled
25 up. You got to have a smooth surface to get a viable

1 fingerprint and that's not going to happen on a plastic
2 bag.

3 Q. And as far as finding something like a scale in
4 somebody's house, would you expect to find Mr. Puckett's
5 prints on a scale like that?

6 A. I probably should have fingerprinted the scale. I did
7 not. I guess I took for granted when he told me it was in
8 the cabinet. I opened the cabinet, there it is, it his.

9 Q. And as far as your surveillance of the residence that
10 day, now long were you actually there doing the
11 surveillance waiting on the other deputies to show up?

12 A. Probably forty minutes, forty-five minutes.

13 Q. And the actual exhibit except for the drugs that I
14 showed you, are they in the same condition now as they were
15 when you took them into your custody and started storing
16 them in the vault at the narcotics office?

17 A. Those drugs have been sent to SLED, opened up by a
18 chemist, analyzed, sent back to the sheriff's office,
19 removed from our vault on at least three different
20 occasions, they've been repackaged in some different
21 packages for various reasons, court purposes, officer
22 reweighed them.. The drugs themselves are still the same
23 drugs, the packages some of them are different.

24 Q. My question though is since you started keeping them
25 at the narcotics office in January of 2011, they have not

LIEUTENANT JOHN SHERFIELD: BY SOLICITOR ANTHONY
BY MR. DELANEY

-144-

1 been repackaged since then?

2 A. That's correct.

3 Q. Okay.

4 A. That was the reason I started keeping them at the
5 narcotics office, I felt like this is my case, they were
6 getting moved from the main evidence vault too often, too
7 many people's handling them, they are being opened and
8 weighted so I took them to my vault and I locked them up
9 and that's where they've been since then except for one
10 occasion where you all came and looked at them. They were
11 removed and replaced right back in by me.

12 Q. And by you all, do you mean Mr. Delaney and myself?

13 A. That's correct.

14 Q. Okay. So since January 11, the condition has been the
15 same since it's been in our custody?

16 A. Yes.

17 Q. All right. Thank you.

18 SOLICITOR ANTHONY: That's everything on redirect.

19 MR. DELANEY: Just a couple of quick ones, Judge.

20 RECROSS EXAMINATION

21 LIEUTENANT JOHN SHERFIELD BY MR. DELANEY:

22 Q. Again, trained to be as accurate and detailed as
23 possible as we heard in filling out these reports. Right?

24 A. Yes, sir.

25 Q. But your excuse a few minutes ago was the general

1 public views your incident Report; is that correct?

2 That's why you aren't as detailed - as accurate and

3 detailed as you're trained to be?

4 A. The newspapers in here pretty much print word for word
5 what's in a regular sheriff's office incident report. They
6 are given these every morning by the Clerk and the
7 sheriff's office. They are not given the General Sessions
8 Case File Summary.

9 Q. And you think you wrote that in considering that you
10 thought you had written it at the same day August the 21st,
11 2009. You testified a little bit ago you think it was
12 about three days later, three or four days later you wrote
13 it?

14 A. I'm not sure what I day I actually wrote the General
15 Sessions Case File.

16 Q. Okay. And you just testified that you wouldn't put
17 names in a General Sessions Case File because you didn't
18 want whoever seeing those names. Right?

19 A. Right.

20 Q. But that doesn't prevent you from putting something in
21 there about Mr. Puckett saying that he could get cocaine
22 and get a certain amount of cocaine; those type of things.
23 Correct?

24 A. I could put it in there, it's not wise to do that
25 because then people know that I'm talking to Mr. Puckett

LIEUTENANT JOHN SHERFIELD: BY MR. DELANEY

-146-

1 and he's talking to me.

2 Q. Who are these people?

3 A. You have leaks in the sheriff's office. I mean the
4 average deputy does not have access to our narcotics files.
5 They do not know when we're working or not working. I mean
6 you have clerks, you have people in your office that get
7 these reports, you have people in the solicitor's office
8 that get these reports.

9 Q. So you got concern for the general public seeing it
10 and then you got concern for the leaks that can occur; is
11 that correct?

12 A. Nobody needs to see it is my point.

13 Q. No one needs to see it? You don't think that's
14 pretty important information that you're getting up here
15 and testifying to that my client said three years ago?

16 A. I just told you that's what he said.

17 Q. That's what you're saying. Right?

18 A. Every time I talked with Mr. Puckett there was someone
19 there with me.

20 Q. No further - -

21 A. I was not by myself.

22 MR. DELANEY: No further questions.

23 THE COURT: All right. You can step down and be
24 excused.

25 Jury panel, even though we've been back for a few

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-147-

1 minutes, it's 12:30 so we're going to break for lunch until
2 1:45. That's an hour and fifteen minutes. Have a pleasant
3 lunch and we'll see you back at 1:45.

4 (JURY EXITS COURTROOM FOR LUNCH RECESS AT 12:30 P.M.)

5 THE COURT: We'll be at ease until 1:45.)

6 (COURT IN LUNCH RECESS AT 12:32 P.M.)

7 (COURT BACK IN SESSION AT 01:52 P.M..)

8 THE COURT: Is the State ready?

9 SOLICITOR ANTHONY: Yes, sir.

10 THE COURT: The Defense ready?

11 MR. DELANEY: Yes, Your Honor.

12 THE COURT: All right. Let's bring in the jury.

13 (JURY REENTERS COURTROOM AT 01:54 P.M..)

14 THE COURT: Call your next witness.

15 SOLICITOR ANTHONY: We call Sergeant Johnson.

16 (WHEREUPON: SERGEANT JIMMY

17 JOHNSON, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
18 FOLLOWS:)

19 DIRECT EXAMINATION

20 SERGEANT JIMMY JOHNSON BY SOLICITOR ANTHONY:

21 Q. Would you state your name please?

22 A. Yes. James Johnson.

23 Q. Mr. Johnson, how are you employed?

24 A. I'm a sergeant with the Narcotic's Division in the
25 sheriff's office.

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-148-

1 Q. How long have you worked for the sheriff's office?

2 A. It will be fifteen years next month.

3 Q. And how long have you been an investigator in the
4 narcotics section?

5 A. Almost four years.

6 Q. Were you working in that capacity on August 21st of
7 2009?

8 A. Yes, sir.

9 Q. And that day did you get communication from Lieutenant
10 Sherfield?

11 A. Yes, sir.

12 Q. And based on that communication with Lieutenant
13 Sherfield, what did you do?

14 A. Lieutenant Sherfield contacted me and advised me of
15 the situation that he had and the information that he had
16 received from the confidential informant in reference to
17 the defendant's location. He ask me at that time to type
18 up a warrant - search warrant affidavit and to find a
19 magistrate or a magistrate on call and try to get that
20 taken care of and get it signed.

21 Q. And what address were you wanting to search?

22 A. I think it was Road.

23 Q. Okay. And was that in Union County?

24 A. Yes, sir.

25 Q. Okay. And once you got the affidavit part of the

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-149-

1 warrant typed up, what did you do?

2 A. I went to the county jail where the magistrate was
3 located at that time and presented the warrant affidavit to
4 him and allowed him to read it and advised him of the
5 situation we had and at that time we signed it.

6 Q. And approximately what time would that happen?

7 A. It was somewhere around 5:30, 5:45 p.m. in the
8 afternoon.

9 Q. Okay. And after you had the search warrant signed by
10 the magistrate, did you contact anybody else about trying
11 to get some assistance in the execution of the warrant?

12 A. Yes, sir. At that time I contacted Deputy Haney and
13 Deputy Coffey, they were on the road at that time, advised
14 them that we had a search warrant that we needed their
15 assistance. And also contacted Lieutenant Sherfield
16 advising him that had the warrant in hand and that I was
17 heading in his direction.

18 Q. And did the four of you all, you and Lieutenant
19 Sherfield and the two patrol deputies, did you all get
20 together?

21 A. Yes. We all met up at the intersection of Brown's
22 Creek Church Road and Vanderford Road, and from there we
23 went together to the residence to serve the search warrant.

24 Q. When you went to the - to Mr. Puckett's residence,
25 what did you do particularly in regards to the execution of

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-150-

1 the warrant?

2 A. I went to the front door of the location. At that
3 time I knocked on the door and announced sheriff's office
4 and at that time we attempted to gain entry into the home
5 and the door was locked at that time.

6 Q. Could you hear anything once you started knocking?

7 A. Yes I could hear someone or something in the living
8 room of the mobile home from the front location near the
9 front door, in that area the front of the trailer towards
10 the rear of the trailer.

11 Q. And what did you do in regards to trying to gain
12 entry?

13 A. At the point when the door being locked I attempted to
14 force it open. Unfortunately at that time this door, the
15 door on the mobile home, the front door that I was trying
16 to enter, opened outward instead of inward which made it
17 extremely difficult to try to get into, which at that point
18 I started to kick at the door attempting to get it open,
19 and trying to pull it and kick and finally at some point
20 the door - I don't know if it jarred the lock or whatever -
21 it come open and I was able to get into the mobile home.

22 Q. And when you entered the mobile home what did you see?

23 A. The first thing I noticed was Travis Anderson
24 standing in the living room area, as soon as I entered the
25 mobile home he raised his hands and stepped back and I

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-151-

1 advised him to get on the floor as I went by him. I knew
2 that the other officers were coming in behind me.

3 Q. And so where did you go after that?

4 A. I went through the kitchen area to the hallway and the
5 first door that I came to that was closed was a bathroom
6 door and it was also locked at that time. As I was at the
7 door I could hear what sounded like the commode starting to
8 flush or flushing and I attempted to get into that door as
9 well. Unfortunately for me at that time it was something
10 that we're not used to seeing with a bathroom door, it was
11 an outward opening door and not an inward opening door
12 which I once again had to start kicking to try to get open
13 because no one would open it or whoever was inside wouldn't
14 open the door.

15 Q. I'm sorry. What?

16 A. Who ever was inside the bathroom at that time would
17 refuse to open the door so I had to try to force it open as
18 well. Once again I started to kick on the door trying to
19 get it open.

20 Q. And as a narcotics agent, when you serve a search
21 warrant and you located a bathroom and you can't get in it
22 and you hear a toilet flushing, what does that lead you to
23 think might be going on in there?

24 A. Somebody's trying to get rid of evidence. They have
25 contraband they're trying to flush down the toilet.

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-152-

1 Q. Okay. So you go to the door of the bathroom, what's
2 Lieutenant Sherfield doing at this point?

3 A. Lieutenant Sherfield came in behind me obviously at
4 that point. As I was starting to kick on the door
5 Lieutenant Sherfield actually moved to the wall that
6 separated the kitchen and the bathroom and started to knock
7 a hole into the wall to get into the bathroom at that
8 point. And as I was kicking the door the door came open.

9 Q. And once the door opened what did you do?

10 A. I immediately stepped into the bathroom at that point
11 and located the defendant, Mr. Puckett, he was initially
12 leaned down over the toilet and he stood up and turned
13 around and saw me and said "I give up" put his hands in the
14 air.

15 Q. And so after he said this how did you respond to that?
16 What did you do next?

17 A. I stepped up and at that time as I'm moving towards
18 him Lieutenant Sherfield came around into the bathroom with
19 me at that point and got him and got him out of the way and
20 moved to the toilet. And as I did so I looked down the
21 water had actually flushed out of the toilet and was slowly
22 starting to fill back up. That's when I noticed a plastic
23 bag with a little amount of white powder residue or powder
24 substance in the bottom of the toilet that it wouldn't go
25 down because there was no water in the toilet at that time.

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-153-

1 I reached in and picked it up and set it on the back of the
2 tank at the toilet.

3 Q. And did you see any other drugs in the bathroom?

4 A. Yes. Also while I was there the toilet - and I was
5 looking around the toilet to see if there was anything else
6 and I noticed a green plant material that appeared to be
7 marijuana in a baggie in the trash can next to the toilet.

8 Q. And so after you get the cocaine out of the toilet,
9 set it up on top of the tank, what is done with Mr.
10 Puckett?

11 A. He is taken into custody at that time and removed
12 from the bathroom into the living room/kitchen area inside
13 the mobile home.

14 Q. And what did Lieutenant Sherfield do once you got
15 Mr. Puckett into the living room/kitchen area?

16 A. At that time Lieutenant Sherfield advised Mr. Puckett
17 of his *Miranda* warnings, him and Mr. Anderson, and ask Mr.
18 Puckett if there was any other drugs inside the residence.
19 At that time Mr. Puckett stated there was a set of scales,
20 digital scales in a cabinet in the kitchen.

21 Q. All right. And did Mr. Puckett - Well after he
22 advised of that, what did you all - what happened in
23 regards to those scales?

24 A. They were at that time Lieutenant Sherfield located
25 the scales and seized them as evidence.

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-154-

1 Q. And then did Mr. Puckett say anything in regards to
2 the drugs in the house?

3 A. Yes he did. He advised Lieutenant Sherfield at that
4 time that all the drugs in the house was his, that they did
5 not belong to Mr. Anderson, that Mr. Anderson did not know
6 they were in the bathroom.

7 Q. Didn't - Mr. Anderson did what?

8 A. Did not know anything about them.

9 Q. All right. And after the scale was recovered and Mr.
10 Puckett had made this statement, what else was done in
11 regards to searching first of all the area around where Mr.
12 Puckett and Mr. Anderson were?

13 A. Once they were taken into custody and secured at that
14 time the continued search of the residence was made inside,
15 outside, in the yard, in the vehicles, in the yard; that
16 type of thing. During the search in the living room area
17 there was a baggie of a white - what appeared to be a
18 powdered or rock like substance and it was white powdery
19 looking substance located in the living room next to a
20 wall, the far wall. If you came in the front door across
21 that room next to the wall on the floor. A second baggie
22 was located on the couch in that area.

23 Q. And after those items were located, those two baggies
24 of drugs, how were they - who collected those?

25 A. After we located them we made Lieutenant Sherfield

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-155-

1 aware of it and he was the one that collected the evidence.

2 Q. Okay. And then what else did you do in regards to
3 searching around the residence?

4 A. After completing the search on the inside of the
5 residence, we moved outside. There was an out building out
6 there or a shed type building. There was a race car in the
7 yard that appeared to be like a dirt track type race car,
8 and Mr. Anderson's car was also located in the yard. Those
9 locations were searched and during the search of Mr.
10 Anderson's car additional contraband was located in the
11 car.

12 Q. And then were there any other vehicles there at the
13 residence?

14 A. No, sir. Not besides the race car or the dirt bike
15 in the building.

16 Q. Okay. And when you say in the building, what are you
17 referring to?

18 A. It's like a car shed in the front.

19 Q. Okay. An out building ---

20 A. Yes.

21 Q. --- or garage type building?

22 A. Yeah garage type building.

23 Q. Okay. All right.

24 SOLICITOR ANTHONY: If I can have one moment.

25 (PAUSE.)

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-156-

1 SOLICITOR ANTHONY: All right, thank you.

2 That's everything on direct.

3 CROSS EXAMINATION

4 SERGEANT JIMMY JOHNSON BY MR. DELANEY:

5 Q. Good afternoon, Sergeant. Testified fifteen years in
6 law enforcement?

7 A. Yes, sir.

8 Q. Okay. And how many years with narcotics?

9 A. It will be four years January 1st.

10 Q. Okay. And you familiar with voluntary statement form?

11 A. Yes.

12 Q. Okay. Carry those with you when you go out?

13 A. We try to keep them in the car.

14 Q. Yeah. So normally you got them in your car?

15 A. Yes, sir.

16 Q. Carry pens with you as well?

17 A. Yes, sir.

18 Q. Okay. Your I guess statement - voluntary statement
19 form you would have had in the car that day, that was never
20 used at the residence?

21 A. Not to my knowledge.

22 Q. Say again.

23 A. Not to my knowledge.

24 Q. Okay. And with your experience you know the
25 importance of written statements. Right?

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-157-

1 A. Yes, sir.

2 Q. Okay. You know the importance of a recorded
3 statement; is that right?

4 A. Yes, sir, I know the situation.

5 Q. And your office has the capability to record people
6 saying things; is that right?

7 A. Yes, sir.

8 Q. Okay. And you testified just a few minutes ago that
9 Mr. Puckett made the statement that I think it was to the
10 effect of "all the drugs" or everything in the mobile home
11 is mine, it's not Mr. Anderson's; is that ---

12 A. Correct.

13 Q. --- accurate? Okay. He didn't say anything else.

14 I guess the other thing he did was you testified he said
15 that there was some scales in his kitchen; is that right?

16 A. Yes, sir.

17 Q. Okay. He didn't say anything else other than that?

18 A. He did state that - He was doing some general
19 conversation with Lieutenant Sherfield during that time, I
20 think he did make comments on something about he was down
21 on his luck, that was the reason why he was selling dope.

22 Q. That's what he said as well?

23 A. Something along that line yes, sir.

24 Q. Okay. And then did he also say something along the
25 lines of he was talking to - Or he flushed some of the

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-158-

1 cocaine down the toilet but he wouldn't elaborate ---

2 A. Yes.

3 Q. --- on how much?

4 A. He did. He did say that.

5 Q. He did say that as well? Okay. And I want to go to
6 the point where you, before you get to the residence you
7 received a call, say that it was information and you were
8 going to use that information to go get a search warrant;
9 is that right?

10 A. Yes. Lieutenant Sherfield gave me a call advised me
11 that one of our confidential informants ---

12 Q. Right.

13 A. --- that we had used had been to Mr. Puckett's
14 location ---

15 Q. Right.

16 A. --- and witnessed him sell --

17 MR. DELANEY: Your Honor.

18 THE COURT: Just - Go on to your next question.

19 BY MR. DELANEY:

20 Q. Again, my question to you is, and if you - just wait.

21 A. Okay.

22 Q. Listen to what my question is. You received
23 information; is that right?

24 A. Right.

25 Q. From Officer Sherfield?

1. A. Correct.

2. Q. Okay. And your job at that point was to take that
3. information to somebody and to get a warrant; is that
4. right, search warrant?

5. A. Correct.

6. Q. Okay.

7. A. Yes, sir.

8. Q. At that point to get the search warrant, you go up
9. and meet with - take some of the other officers with you -
10. and you meet with Lieutenant Sherfield. Correct?

11. A. Yes, sir.

12. Q. Okay. And you are the officer who gets to the
13. resident, you are the officer to go towards the front door;
14. is that right?

15. A. Yes, sir.

16. Q. Okay. And when you get to the front door you heard
17. someone inside the mobile home moving around; is that
18. right?

19. A. It sounded like someone ran towards the rear of the
20. mobile home or away from the front area of the mobile home
21. yes, sir.

22. Q. Okay. And because you said you heard them, it sounded
23. like they were moving from I guess the front near the door
24. area; is that right?

25. A. Yes, sir.

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-160-

1 Q. Okay. Back towards the rear of the mobile home; is
2 that right?

3 A. Somewhere in that direction yes, sir.

4 Q. Okay. And the bathroom is located back toward the
5 rear of that mobile home; is that right?

6 A. If you leave the living room/kitchen area the mobile
7 home starts down the hall, its right as you start into the
8 hallway.

9 Q. All right.

10 A. To the left. That would be adjacent to where the
11 kitchenette area was.

12 Q. Okay. And at that point you say that the door is
13 locked; is that correct?

14 A. Yes, sir.

15 Q. Okay. You're knocking announcing search warrant; is
16 that right?

17 A. Yes, sir.

18 Q. Police? Okay. And you're trying to open the door,
19 the door was locked?

20 A. Correct.

21 Q. Locked by a dead bolt; is that correct?

22 A. Well it's just the door was not just locked, you
23 cannot turn it and just open it up. There's no dead bolt
24 to my knowledge on the bathroom door.

25 Q. No I'm not talking about the bathroom door.

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-161-

1 A. Okay.

2 Q. I'm talking about the -

3 A. Front door.

4 Q. The front door. Yeah. We were talking about right
5 before you went into the place you were hearing this
6 movement ---

7 A. Oh yes.

8 Q. --- from the front to the back. Right?

9 A. Correct.

10 Q. Okay. And at that point your not search warrant
11 police okay. You weren't able to get in the front door;
12 its locked. Right?

13 A. Yes, sir.

14 Q. That door has a dead bolt on it. Correct?

15 A. I don't recall if it does or not but it may have.
16 Now whether that dead bolt was locked I do not know.

17 Q. Okay. And what you've testified to is that you
18 started I guess kicking on the door?

19 A. Yes, sir.

20 Q. Okay. And somehow that door pops open at that point;
21 is that correct?

22 A. Correct.

23 Q. Okay. But you're not sure how; is that right?

24 A. No. Not sure. All I know is that the door opens
25 outward.

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-162-

1 Q. Right.

2 A. And at that point for me to enter that door I've
3 got to do something either damage the door or cause the
4 bolt to jar or something ---

5 Q. Right.

6 A. --- to cause the door to open.

7 Q. Right. Right. Cause you said after you're pounding
8 on it, kicking on it, yelling, that door opens up. Right?

9 A. Correct.

10 Q. Okay. There was no damage done to that front door.
11 Right?

12 A. That I don't recall. I mean the way I was kicking it
13 there should be some dents on it at least.

14 Q. There should be some dents in it?

15 A. I would think so. Like I say, I was trying to get it
16 open. My concern at that time wasn't the condition of what
17 it looked like and was just to try to get it open any way I
18 could.

19 Q. Right. Right, right, right. But you guys have
20 cameras there and things like that where you can go back
21 later and look and take pictures and stuff like that.
22 Right?

23 A. Yes, sir. The fact that the door come open that was
24 our concern at that time.

25 Q. Okay. I understand. But you're saying to your

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-163-

1 recollection don't know, if not you think there should be
2 some dents in the door?

3 A. At least dents. I would think that, you know, like I
4 said, I don't recall.

5 Q. Okay.

6 A. I didn't go back and inspect the door once we, you
7 know, secured the area and left..

8 Q. And you don't recall any damage to the door frame?

9 A. Like I said I don't recall that because I didn't go
10 back and inspect it afterwards.

11 Q. Okay. Or the dead bolt?

12 A. Once again, I don't recall, sir.

13 Q. Okay. Possible that door was opened from the inside?

14 A. It could be.

15 Q. Okay. And you come inside Travis Anderson is standing
16 right there at the door; is that correct?

17 A. Well when I came in he was back away from the front
18 door. He was probably three quarters away across the room
19 at least. I mean when I came in the door opens when I come
20 in. He's the first person I see as he's standing - he's
21 not right on top of me, he's standing back away from me
22 with his hands in the air.

23 Q. Right. He's standing next to the couch. Right?

24 A. He was just back into the room. He was away from me
25 which of course now once I got to him I told him to get on

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-164-

1 the floor.

2 Q. Uh-huh.

3 A. And went by him because I knew that there was somebody
4 else supposed to be in the residence and that was my job to
5 secure it, whatever else I could once I got inside. So
6 once I passed him I told him he had to get down, I never
7 looked back.

8 Q. Okay. And so you're moving fast in there at that
9 point, you're fast?

10 A. Tried to - -

11 Q. Towards that bathroom there?

12 A. Right. Towards the hall area where - -

13 Q. The hall. And right where that hallway begins that's
14 where the bathroom is. Right?

15 A. Correct. And that door actually being closed was the
16 first threat that I would come to so that's initially when
17 I stopped at it because I didn't want to pass it, you know
18 put myself in a dangerous situation with having somebody
19 come out behind me.

20 Q. Okay. So that door when you get to it, it's your
21 testimony that you start - You can't get in that door; is
22 that right?

23 A. No, sir. I can't open it because it's locked and you
24 can't force it in like most doors which makes it also
25 difficult so it has to come back away from me or completely

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-165-

1 break the handle.

2 Q. Right. Because you testified from just a little bit
3 ago that this door was an unusual door. I mean a rear door
4 as far as because you're assumption is you're going to that
5 door and you're pushing in on it and that door is coming
6 open one way or the other.

7 A. It's just like the front door of mobile homes that you
8 go into, whether it be a house or a mobile home, most of
9 the time the front door's gonna open inward.

10 Q. Uh-huh.

11 A. And also the bathroom doors, the bedroom doors,
12 they're gonna open in. This is different. These doors
13 opened out ---

14 Q. Right.

15 A. --- which would make me have to step where anyone
16 going into it to step back away from it going in this way.

17 Q. Right. You weren't expecting that type door?

18 A. No, sir.

19 Q. Okay. And going back to so at that point you couldn't
20 get in, you start kicking, pounding on that door; is that
21 right?

22 A. Correct.

23 Q. Okay. And little and behold that door opens up again;
24 is that right?

25 A. Correct.

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-166-

1 Q. Okay. No damage done to that bathroom door. Right?

2 A. Once again, I don't know. There could have been
3 some damage to that one because I was pounding on it pretty
4 good too.

5 Q. You were pounding on that one pretty good too?

6 A. Yes, sir.

7 Q. But then and that one should be some damage on the
8 door?

9 A. I don't recall. I didn't go back and inspect it
10 either. But like I said, you know, they both got beat on
11 pretty hard.

12 Q. Now possible that door was opened up from the inside
13 as well?

14 A. I don't - At the point where that door came open and I
15 opened the door there was no one standing even remotely
16 close to it. The defendant was already crouched down at
17 the toilet and I was standing at the door, behind the door.
18 Unless he's really fast.

19 Q. CJ wasn't - When you got in that door CJ wasn't
20 standing there in the doorway?

21 A. No, sir. He was crouched down at the toilet and
22 stood up as I come in the door.

23 Q. Lieutenant Sherfield didn't have a hole in the wall
24 at that time?

25 A. He was putting a hole in the wall and as when I come

1 into the bathroom he looked into the hole as I did at the
2 defendant. But when I come into the bathroom the defendant
3 crouched down and was getting up off the toilet and turned
4 around and said "I give up don't hurt me" and put his
5 hands up.

6 Q. So when that door came open Lieutenant Sherfield
7 didn't have his gun through that hole and CJ wasn't over
8 there by the entrance of the door; that's your testimony?

9 A. No. He was not at the door, he was already at the
10 toilet. He was still at the toilet. Now whether I beat
11 Lieutenant Sherfield into or what he could see into the
12 room or not I do not know because he's coming through the
13 kitchen wall and I'm coming through the door but the first
14 thing that I noticed when I hit the door was the defendant
15 crouching over the toilet and was coming up from the toilet
16 standing up and he turned around. He was not at the door,
17 he was over the toilet.

18 Q. And its your testimony that the toilet at that
19 point was starting to fill up; is that right?

20 A. No.. It was slowly starting to like you could see
21 water starting to run back into it but when I got to it the
22 contraband was actually setting down across the top of the
23 hole that goes out the bottom of the toilet and that's
24 where I retrieved it from. I reached down and grabbed it
25 from over the top of the hole and picked it up and set it

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-168-

1 on the back of the tank because the water was starting to
2 recede back into it and I didn't want it to get wet or
3 loose any more than what we already - what we had there.

4 Q. So that toilet wasn't filled up and starting to fill
5 up with water at that point?

6 A. When I got there the water was starting to come back
7 in. At that second it was starting to flow back down the
8 sides and I reached down and actually picked the contraband
9 up from over the top of the hole. It wasn't at the back
10 where you drop something in that toilet its gonna go down
11 to the bottom and that's where it was at, and there was no
12 water in the toilet, it was starting to seep back in
13 slowly.

14 Q. So you're saying there wasn't any - Let me ask you
15 this. Did you see - What you're describing you didn't see
16 any marijuana sitting on top of the water as far as any
17 marijuana --

18 A. No there was no marijuana or water in the bowl when I
19 got to the bowl. When I looked down the water was starting
20 to come back into the toilet and the white powder substance
21 in the plastic bag was sitting there over the top of the
22 hole. That's when I reached down and grabbed it and set it
23 on the back of the toilet because I didn't want to loose
24 any more than what had already been lost apparently. The
25 only marijuana I located was in the trash can in the

1 bathroom.

2 Q. So you located some marijuana inside the trash can?

3 A. Yes.

4 Q. Just on top of the trash can?

5 A. It was - I don't recall a lid on it, it was just
6 sitting on top of the trash can.

7 Q. Okay. All right. And you were the officer who did
8 a search of the rest of residence; is that correct?

9 A. Yes, sir..

10 Q. Okay. And you found two baggies throughout the house;
11 is that right?

12 A. Yes, sir.

13 Q. Okay. Then at least one of these baggies was found
14 on the couch?

15 A. Yes, sir.

16 Q. Okay. The other baggie was found on the ground, couch
17 living room area?

18 A. The floor of the living room area yes, sir.

19 Q. Okay. And that's where Travis Anderson was located.
20 Correct?

21 A. Yes, sir.

22 Q. Okay. And you searched the cars that were - the car
23 that was out in the driveway; is that right?

24 A. Correct.

25 Q. Okay. And you found in that car I guess about

SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-170-

1 twenty grams of marijuana; is that right?

2 A. That sounds approximate yes, sir.

3 Q. Okay. A smaller amount was found in the bathroom in
4 the waste basket; is that right?

5 A. Yes, sir.

6 Q. Okay. Would I guess estimate six, seven grams found
7 in the - -

8 A. From what I recall it was approximately six grams in
9 the bathroom.

10 Q. That's about Twenty Dollars worth of marijuana; is
11 that right?

12 A. Probably close maybe, maybe a little more.

13 Q. Okay. In Travis Anderson's vehicle you find about
14 twenty grams of marijuana. Right?

15 A. Yes, sir.

16 Q. Okay. You find some pills; is that right?

17 A. Yes, sir.

18 Q. Okay. You find forty Xanax pills?

19 A. Yes, sir. Alprazolam yes, sir, schedule IV.

20 Q. Okay. And I don't know if you mentioned this on
21 your direct examination but you also found a set of digital
22 scales in the car; is that correct?

23 A. I think so. I don't recall to be honest with you
24 about the scales in the car but I do recall the other stuff
25 but very possible there were scales with the marijuana in

1 the car.

2 Q. And you said there was a shed. I think you described
3 it as a shed on the property?

4 A. Yes, sir.

5 Q. You searched that as well?

6 A. Yes, sir.

7 Q. Okay. And there was a dirt track race car ---

8 A. Correct.

9 Q. --- on the property as well and searched that too?

10 A. Yes, sir.

11 Q. Okay. You didn't locate any drugs in the shed, race
12 car, anything like that. Correct?

13 A. No, sir.

14 Q. Okay. Would you locate - After you left the bathroom
15 was two bags of cocaine located near Mr. Anderson.

16 Correct?

17 A. From what I recall it was crack cocaine.

18 Q. Crack cocaine?

19 A. Yes, sir.

20 Q. And then --

21 A. I mean where did you say I located? I'm sorry.

22 Q. Near Mr. Anderson, near where Mr. Anderson was
23 located when you came in the place.

24 A. One bag was near where Mr. Anderson was located on
25 the floor. And the other bag was on the couch which was the

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SERGEANT JIMMY JOHNSON: BY MR. DELANEY

-172-

1 opposite side of the room.

2 Q. Okay. Because you're saying - It's your testimony
3 that he wasn't by the couch when you came in that
4 residence?

5 A. No. No he was probably mid ways of the room a little
6 further back. Like I said when I got in I was the first
7 one through the door, I advised him to get on the ground
8 and I went by him and never looked back once I went by him.
9 So where, you know, if he moved back to the front of the
10 entrance or back towards that couch, he very well could
11 have. I didn't look back because when I went by him I kept
12 going.

13 Q. And then you searched - took the outside where Mr.
14 Anderson's vehicle you found different types of drugs,
15 digital scales you believe; is that correct?

16 A. Yes, sir. Definitely the marijuana and pills and
17 possibly the digital scales. The scales I don't recall
18 but right off the top of my head but I know the other stuff
19 was.

20 MR. DELANEY: The Court's indulgence, Your Honor.

21 (PAUSE AT 02:23 P.M..)

22 MR. DELANEY: That's all the questions I have,
23 Sergeant. Thank you.

24 SOLICITOR ANTHONY: Just briefly, Your Honor.

25 REDIRECT EXAMINATION

SERGEANT JIMMY JOHNSON: BY SOLICITOR ANTHONY

-173-

1 SERGEANT JIMMY JOHNSON BY SOLICITOR ANTHONY:

2 Q. The bathroom, where is the bathroom located in
3 relation to the rear wall of the trailer, to the back wall
4 of the trailer?

5 A. I'm sorry. You mean what would be considered if I
6 come in the front door the back far wall?

7 Q. Yeah.

8 A. When you first enter the door you have the kitchen
9 area on your left, living room area you actually walk into
10 it and it would be back to your right and would go back to
11 the back wall. You have to turn and go in through the
12 kitchen area, corner of the kitchen area, toe enter the
13 hallway and then the bathroom is immediately on your left.

14 Q. Okay. So the bathroom is over on the other side of
15 the back wall of the trailer?

16 A. Yes.

17 Q. Okay. Thank you.

18 SOLICITOR ANTHONY: That's all on redirect.

19 MR. DELANEY: No questions, Judge.

20 THE COURT: You can step down. Appreciate your time
21 and you can be excused.

22 (WITNESS LEAVING WITNESS STAND.)

23 THE COURT: Call your next witness.

24 SOLICITOR ANTHONY: The next witness is Deputy Haney.

25 (WHEREUPON: DEE HANEY, BEING

DEPUTY DEE HANEY: BY SOLICITOR ANTHONY

-174-

1 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

2 THE COURT: Come on up and have a seat please, ma'am.

3 DIRECT EXAMINATION

4 DEPUTY DEE HANEY BY SOLICITOR ANTHONY

5 Q. Would you state your name please?

6 A. April Dee Haney.

7 Q. And, Ms. Haney, how are you employed?

8 A. I'm employed with the Union County Sheriff's Office.

9 Q. What's your current position there?

10 A. Now I - Right now I'm courtroom security.

11 Q. And how long have you worked for the sheriff's office?

12 A. Since 1997.

13 Q. And back were you working in that capacity back in on
14 August 21st, or were you working for the sheriff's office
15 back on August 21st of 2009?

16 A. Yes, sir, I was on the road patrolling.

17 Q. All right. And in that capacity on August 21st, 2009,
18 did you go to Road?

19 A. Yes, sir.

20 Q. And what was your purpose in going there on August
21 21st?

22 A. Assisting with a search warrant.

23 Q. And who did you go there with?

24 A. Lieutenant Sherfield and Sergeant Jimmy Johnson.

25 Q. And was there anybody else?

DEPUTY DEE HANEY: BY SOLICITOR ANTHONY

-175-

1 A. Yes, sir. Deputy Coffey.

2 Q. All right. When you arrived there at the mobile home,
3 what did - Where did you go specifically?

4 A. I went to the back door.

5 Q. And what did you find when you got to the back door?

6 A. I found that the back door was pad locked.

7 Q. So as you were there at the back door and you found
8 the pad lock, could you hear anything?

9 A. Yes, sir, I could hear Sergeant Johnson at the front.
10 door knocking on the door announcing the sheriff's office.
11 And you could also hear what sound like someone running the
12 length of the trailer.

13 Q. And after you realized you couldn't get in through
14 the back door, what did you do?

15 A. Went around to the front door.

16 Q. Okay. And did you enter the trailer when - once
17 entrance was made by Sergeant Johnson?

18 A. Yes, sir.

19 Q. Okay. What order did you all go in?

20 A. I went in behind Sergeant Johnson.

21 Q. Okay. And what about Lieutenant Sherfield?

22 A. I think he - I'm not sure when he came in. He was
23 ahead of me.

24 Q. Okay. So Sergeant Johnson and Lieutenant Sherfield
25 came in ahead of you?

DEPUTY DEE HANEY: BY SOLICITOR ANTHONY

-176-

1 A. Yes, sir.

2 Q. All right. And when you got in there what did you do?
3 What was your immediate role in the execution of the
4 warrant?

5 A. One of the suspects was laying prong in the living
6 room floor. I handcuffed him.

7 Q. Okay. Was that Mr. Anderson?

8 A. Yes, sir.

9 Q. Okay. And while you were doing that, what did
10 Sergeant Johnson, what was he doing?

11 A. They were trying to get into the - There was a
12 hallway, there was a door there to the bathroom, they were
13 trying to get into that door.

14 Q. Okay. And what was Lieutenant Sherfield doing?

15 A. He was trying to break through some sheet rock going
16 into that room.

17 Q. And so and while they were doing that what were
18 you doing?

19 A. I was keeping my eye on the suspect, the subject that
20 was handcuffed in the floor.

21 Q. Okay. And so what did you observe Lieutenant
22 Sherfield and Sergeant Johnson eventually be able to do in
23 regards to the bathroom?

24 A. They eventually got into the bathroom.

25 Q. Okay. And did you see them bring anyone out of the

DEPUTY DEE HANEY: BY SOLICITOR ANTHONY
BY MR. DELANEY

-177-

1 bathroom?

2 A. Yes, sir.

3 Q. And who was that? Mr. Puckett?

4 A. Mr. Puckett yes, sir.

5 Q. All right. And where they bring Mr. Puckett?

6 A. They brought him into the kitchen/living room area.

7 Q. Okay. And when Mr. Puckett was brought into the
8 kitchen/living room area along with Mr. Anderson, did you
9 hear Mr. Puckett make any comments to Lieutenant Sherfield?

10 A. Yes, sir.

11 Q. And what did he say?

12 A. He made the comment that the drugs was his and Mr.
13 Anderson knew nothing about it.

14 Q. And what was your role after Mr. Anderson and Mr.
15 Puckett were apprehended? What was your further role in
16 the execution of the warrant?

17 A. I assisted - After they were secured I assisted
18 searching the bedroom area then I went outside to search
19 the out buildings and any vehicles outside.

20 Q. All right. Thank you.

21 SOLICITOR ANTHONY: That's everything on direct.

22 CROSS EXAMINATION

23 DEPUTY DEE HANEY BY MR. DELANEY:

24 Q. Good afternoon. Did you take your car to the
25 residence?

DEPUTY DEE HANEY: BY MR. DELANEY

-178-

1 A. Yes, sir.

2 Q. Okay. And that was your police cruiser at that time?

3 A. Yes, sir.

4 Q. Okay. And in that cruiser you have a voluntary
5 statement forms. You keep some of those in your cruiser?

6 A. Yes, sir.

7 Q. Okay. You keep pens, pencils in your cruiser as well?

8 A. Yes, sir.

9 Q. Okay. And it's your testimony that you heard CJ
10 Parker say - CJ Puckett say these are my drugs, none of
11 these drugs are Mr. Anderson's. Correct?

12 A. Yes..

13 Q. Okay. And then you also heard him say that he flushed
14 something, something went down the toilet?

15 A. No, sir, I didn't hear him say that.

16 Q. Okay. You never heard him say that he flushed some
17 of it down the toilet and he wouldn't elaborate how much?

18 A. I never heard him say any of that.

19 Q. And you never heard him - Let me ask you. Did you
20 hear him say that he was having - he was on hard times and
21 that's why he was selling cocaine?

22 A. No, sir.

23 Q. You never heard him say that as well?

24 A. No, sir.

25 Q. And you never heard him say I have some scales up

DEPUTY DEE HANEY: BY MR. DELANEY

-179-

1 in the cupboard did you?

2 A. I did hear him tell Lieutenant Sherfield where the
3 scales were.

4 Q. You did hear him say that?

5 A. Yes, sir.

6 Q. But you didn't testify to that a few minutes ago; is
7 that right?

8 A. Right.

9 Q. And you testified that you heard someone running the
10 - I think it was your testimony, the length of the trailer
11 ---

12 A. Yes, sir.

13 Q. --- when you were outside?

14 A. Yes, sir..

15 Q. And you don't know who that was?

16 A. No, sir, I did not.

17 Q. Okay. And this is a small mobile home; is that
18 correct?

19 A. Yes, sir.

20 Q. Okay. You have the kitchen and then right at the
21 edge of the kitchen/living room you have a hallway; is that
22 right?

23 A. Yes, sir.

24 Q. Okay. And that hallway - that hallway starts you
25 have the bathroom. Correct?

DEPUTY DEE HANEY: BY MR. DELANEY

-180-

1 A. Yes, sir.

2 Q. Okay. And then right next to the bathroom you have
3 the bedroom; is that right?

4 A. The bedroom is at the end of that trailer yes, sir.

5 Q. And that's the end of the trailer. Correct?

6 A. Yes, sir.

7 Q. So the bathroom is back in that area; is that correct,
8 where the bedroom is?

9 A. The bathroom is right behind the kitchen wall there.

10 Q. Okay. And you - You searched the - Mr. Puckett's
11 bedroom; is that right?

12 A. Yes, sir.

13 Q. Okay. And you didn't locate, find anything in the
14 bedroom regarding the drugs, drug paraphernalia, or
15 anything like that; is that correct?

16 A. No, sir, I didn't.

17 Q. Okay. And you then assisted with the search of the
18 vehicle outside?

19 A. Yes, sir.

20 Q. Okay. And you found some drugs in the vehicle; is
21 that right?

22 A. Yes, sir.

23 Q. And you found some additional scales in the video;
24 is that right? I mean in the vehicle; is that right?

25 A. I found a clear baggie with marijuana and some pills.

DEPUTY DEE HANEY: BY MR. DELANEY
INVESTIGATOR JEFF LAWSON: BY SOLICITOR ANTHONY

-181-

1 Q. Okay. You didn't locate a set of digital scales?

2 A. I didn't.

3 Q. Okay. All right. Thank you.

4 MR. DELANEY: No further questions.

5 SOLICITOR ANTHONY: I don't have any redirect.

6 THE COURT: You can step down and be excused.

7 Appreciate your time.

8 (WITNESS LEAVING WITNESS STAND.)

9 THE COURT: Call your next witness.

10 SOLICITOR ANTHONY: The next witness is Investigator
11 Lawson.

12 (WHEREUPON: INVESTIGATOR
13 JEFF LAWSON, BEING FIRST CALLED AND DULY SWORN, TESTIFIED
14 AS FOLLOWS:)

15 DIRECT EXAMINATION

16 INVESTIGATOR JEFF LAWSON BY SOLICITOR ANTHONY

17 Q. Would you state your name please?

18 A. Jeff R. Lawson.

19 Q. And, Mr. Lawson, how are you employed?

20 A. As an investigator with the Union County Sheriff's
21 Office.

22 Q. And how long have you worked for the sheriff's office?

23 A. Twenty-seven years.

24 Q. And I want to take you back now to August of 2009.

25 What was your position with the sheriff's office at that

INVESTIGATOR JEFF LAWSON: BY SOLICITOR ANTHONY

-182-

1 time?

2 A. At that time it was evidence custodian.

3 Q. Okay. I'm gonna show you what's been marked for
4 identification as State's Exhibit Number One. And I'm
5 gonna show you a bag that's part of that exhibit, I'm
6 handing up to you right now. And I'd ask if you have seen
7 that bag before?

8 A. Yes, sir.

9 Q. Okay. And what has been your dealings with that bag?

10 A. Received it from the investigating officer who would
11 be Lieutenant John Sherfield and would place it in the
12 evidence vault until safe keeping to transport to SLED in
13 Columbia for analysis.

14 Q. And when did you receive it?

15 A. I believe the date was August the 24, 2009.

16 Q. Okay. And what was the condition of that bag in so
17 far if it was secured when you received it?

18 A. When I received it and when I sent it off it was
19 sealed.

20 Q. Okay. And when you received it, where did you put it?
21 When you got it from Lieutenant Sherfield, where did you
22 put it?

23 A. I put it in the evidence vault.

24 Q. All right. And is that where you all keep or where
25 the sheriff's office keeps drugs that are waiting to go to

INVESTIGATOR JEFF LAWSON: BY SOLICITOR ANTHONY

-183-

1 SLED?

2 A. That's correct.

3 Q. All right. And how was the evidence room secured?

4 A. By two locks, one a combination and the other a key.

5 Q. Okay. And how long did the bag stay there in the
6 evidence vault?

7 A. To I think September the 16th is when we transported
8 it.

9 Q. All right. And who did you give them to to make the
10 transport?

11 A. Chief Deputy Perry Haney.

12 Q. And when you transferred the bag to Chief Deputy
13 Haney, what was it's condition as far as being secured?

14 A. It was a sealed bag.

15 Q. And did you recover any of the drugs from this case?

16 A. I don't - -

17 Q. I mean did you - Were those after they were sent to
18 SLED and Chief Deputy Haney took them to SLED did you
19 receive them from SLED to come back ---

20 A. To bring back - -

21 Q. --- to the sheriff's office?

22 A. Yes, sir.

23 Q. Okay. And when was that?

24 A. I do not recall the date.

25 Q. Okay. But once you got them back, where did you take

INVESTIGATOR JEFF LAWSON: BY SOLICITOR ANTHONY
BY MR. DELANEY

-184-

1 them?

2 A. I took them and placed them back into the evidence
3 vault.

4 Q. Okay. And when you get a bag back like a SLED bag
5 like this and you get it back from SLED, what has - What
6 did the SLED people do to secure this bag?

7 A. They put it in another plastic bag along with the
8 other evidence from previous cases and that's when we
9 transport it back that way.

10 Q. Okay. So that bag when you brought that bag back
11 to the sheriff's office, it had actually been placed in
12 another bag?

13 A. That's correct yes, sir.

14 Q. Okay. All right. Okay.

15 SOLICITOR ANTHONY: That's everything on direct.

16 CROSS EXAMINATION

17 INVESTIGATOR JEFF LAWSON BY MR. DELANEY:

18 Q. Sergeant Lawson, you were not out at
19 Road on August the 24th, 21st, 2009.. Right?

20 A. No, sir.

21 Q. And you weren't involved with that investigation;
22 is that right?

23 A. No, sir, I was not.

24 Q. Okay.

25 MR. DELANEY: No further questions.. Thank you.

CHIEF DEPUTY PERRY HANEY: BY SOLICITOR ANTHONY

-185-

1 THE COURT: You can step down and be excused. We
2 appreciate your time.

3 INVESTIGATOR LAWSON: Thank you, Judge.

4 THE COURT: Thank you.

5 (WITNESS LEAVING WITNESS STAND.)

6 SOLICITOR ANTHONY: The next witness would be Chief
7 Deputy Haney.

8 (WHEREUPON: CHIEF DEPUTY
9 PERRY HANEY, BEING FIRST CALLED AND DULY SWORN, TESTIFIED
10 AS FOLLOWS:)

11 DIRECT EXAMINATION

12 CHIEF DEPUTY PERRY HANEY BY SOLICITOR ANTHONY

13 Q. Would you state your name please?

14 A. Yes, sir. Chief Deputy Perry Haney.

15 Q. And how are you employed, Mr. Haney?

16 A. I'm Chief Deputy with the Union County Sheriff's
17 Office.

18 Q. Okay. How long have you had that job?

19 A. Four years.

20 Q. And how long have you been in law enforcement?

21 A. I'm in my thirty-ninth year.

22 Q. All right. I'm going to show you a bag that's
23 identified on the top as a SLED Drug Analysis Security
24 Envelop, and I'm going to ask you if you've seen that bag
25 which is part of State's Exhibit Number One and Four?

CHIEF DEPUTY PERRY HANEY: BY SOLICITOR ANTHONY

-186-

1 A. Yes, sir, I have.

2 Q. Okay. And when did you receive that bag?

3 A. I believe it was only that I received to take to the
4 SLED. I'm thinking it was September the 16th of 2009.

5 Q. Okay. And who gave you that bag?

6 A. Jeff Lawson.

7 Q. All right. And what was the condition of the bag when
8 you received it?

9 A. It was sealed and clean and in good shape.

10 Q. Okay. And so what did you do with that bag once he
11 transferred it over to you?

12 A. We signed the chain of evidence to keep it intact and
13 then I took it to SLED Headquarters in Columbia for
14 analysis.

15 Q. Okay. And when you take a bag to SLED and submit it
16 for an analysis, what kind of process do you go through
17 down there?

18 A. You go in and sign in and tell them you're bringing
19 evidence in, they send you to an evidence technician in
20 their receiving area where you continue to sign another
21 chain and check it in.

22 Q. Okay.

23 A. Fill out the paperwork.

24 Q. And is that what you did in regards to that - the bag
25 that's part of Exhibit Number One?

CHIEF DEPUTY PERRY HANEY: BY SOLICITOR ANTHONY

-187-

1 A. Yes, sir.

2 Q. And what did you take it down there?

3 A. The same day.

4 Q. On September 16th?

5 A. Yes, sir.

6 Q. And who did you transfer it to?

7 A. The lady's name was Amy. I believe it was Amy
8 Stevens, or Stevenson, or something like that.

9 Q. Okay. All right.

10 Q. I deal with her regularly and I know her. I believe
11 that's her name.

12 Q. Okay. All right. Thank you very much.

13 SOLICITOR ANTHONY: That's everything on direct.

14 MR. DELANEY: I have no questions for the Chief.

15 THE COURT: You can step down and be excused. Thank
16 you.

17 DEPUTY HANEY: Thank you, Judge.

18 THE COURT: Call your next witness.

19 SOLICITOR ANTHONY: The next witness is Agent Tucker.
20 She's probably back there in our office.

21 (WHEREUPON: AGENT CARMEN
22 TUCKER, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
23 FOLLOWS:)

24 DIRECT EXAMINATION

25 AGENT CARMEN TUCKER BY SOLICITOR ANTHONY:

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-188-

1 Q. Would you state your name please?

2 A. Carmen Janine Tucker.

3 Q. And, Ms. Tucker, how are you employed?

4 A. I work for the South Carolina Law Enforcement
5 Division.

6 Q. And how long have you worked for SLED?

7 A. How long?

8 Q. How long?

9 A. I have worked for SLED for six years, five months.

10 Q. And what's your current position at SLED?

11 A. My current position with SLED is a forensic
12 toxicologist.

13 Q. And back in October of 2009, what was your job at
14 SLED?

15 A. I worked in the Drug Analysis Department as a drug
16 analyst.

17 Q. And what did you do in that capacity?

18 A. As a drug analyst we would analyze potential
19 evidence for the presence of controlled substances.

20 Q. Would you tell the jury what your education and
21 training is in the field of drug analysis?

22 A. I will. I received my training in the field of drug
23 analysis at SLED. They trained me in chemical analysis to
24 include marijuana. I also did law and legals at the SLED-
25 at the South Carolina Academy. And we attended a week long

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-189-

1 conference at DEA, Drug Enforcement Administration and then
2 we had several conferences, training conferences that we
3 attended as well.

4 Q. Okay. And could you tell the jury just what your
5 general educational background is?

6 A. Sure. I have a chemistry degree, a masters, a
7 bachelor's degree in chemistry and a master's degree in
8 chemistry. And then I also have several years of
9 experience working synthesizing and characterizing and
10 purifying drug compounds for drug trials.

11 Q. All right. And have you testified in court before as
12 an expert witness?

13 A. Yes I have.

14 Q. And approximately how many times have you been
15 qualified as an expert in the field of drug analysis?

16 A. Fifteen.

17 SOLICITOR ANTHONY: Your Honor, at this time we submit
18 Agent Tucker as an expert in the field of drug analysis.

19 MR. DELANEY: No objection.

20 THE COURT: All right, I find she is qualified to
21 testify as to drugs analysis.

22 BY SOLICITOR ANTHONY:

23 Q. Okay. I'll tell you it might be easier if you step
24 down because we'll have to take this stuff out of the bag.

25 A. Okay.

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-190-

1 Q. And rather than just setting it up there on that shelf

2 --

3 MADAME COURT REPORTER: Mr. Anthony, she's gonna have
4 to keep her voice up so I can hear her.

5 SOLICITOR ANTHONY: Okay.

6 AGENT TUCKER: I can do that.

7 SOLICITOR ANTHONY: All right.

8 Q. I'm gonna show you this State's Exhibit Number One.

9 And the first thing I will show you is this bag that
10 has on the top of it SLED Drug Analysis Security Envelop.

11 And I would ask if you've seen that before?

12 A. Yes I have. This is the evidence bag that is
13 submitted.

14 Q. Okay. And when did you have that bag come into your
15 possession?

16 A. May I refer to my notes?

17 Q. Sure.

18 A. This evidence came into my possession on September 16h
19 of 2009. I received it from Ms. Patricia Crooks in our
20 Evidence Control Department.

21 Q. And could you just tell the jury how drugs wind up
22 coming to you when they're submitted by a law enforcement
23 agency to SLED?

24 A. Typically the different agencies will have a custodian
25 or someone bring the evidence into SLED. It's usually

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-191-

1 already sealed in these bags here, this evidence resistance
2 bag, tamper resistant bag, tamper evidence bag is what we
3 call it, and they bring them in. Now usually this is in a
4 manila envelop, okay, but that we keep with the paperwork
5 for the case, and then these are returned back downstairs.
6 They bring these bags in and the paperwork and usually come
7 into our evidence control department where it is then
8 entered into the system, the case is entered into the
9 system, and then they hold it until such time as we go down
10 and pick them up from them.

11 Q. Okay. And is that what happened in regards to our
12 bag, here as part of State's Exhibit Number One?

13 A. That's correct.

14 Q. Okay. And so you got that bag from Ms. Crooks; is
15 that correct?

16 A. Patricia Crooks that's correct.

17 Q. And Ms. Crooks works in Drug ID?

18 A. She works in ---

19 Q. Or not Drug ID.

20 A. --- evidence control.

21 Q. She works in Evidence Control.

22 A. Right.

23 Q. So she works in the department where the bag would
24 have been submitted?

25 A. That's correct.

1 Q. All right. And when you recovered that bag from
2 Ms. Crooks, what was it's condition in regards to being
3 secure?

4 A. Okay, the first thing I do when I receive evidence
5 like this is I look all around the bag and check it for any
6 tears, cuts, any obvious signs of tampering. We call this
7 a tamper evident bag. Obviously its not resistant, you can
8 tear it open but that would be noticeable. Tamper evidence
9 simply means that this green goo you see here, this is a
10 seal, if you try to pull that it's going to start
11 stretching the bag essentially. There is no way to get
12 that open without it being obvious. And so after I check
13 the bag completely I will then mark okay on the front of it
14 with a marker, the date and my initials, and then I cut the
15 opposite end of the bag to retrieve the evidence out of it.

16 Q. Now once you receive that bag before you started
17 actually working on it, where did you put it?

18 A. Okay. When we go down to pick it up evidence we
19 usually pick up a crate that the case is assigned. Like I
20 said these bags are inside an envelop that doesn't have the
21 same label. We take that upstairs - When we pick it up
22 from evidence control it's important to note that it is
23 transferred electronically into our custody okay. So then
24 I take that upstairs. Inside of our lab we have a vault
25 and we lock it in the vault until such times we pull up X

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-193-

1 amounts of cases to process.

2 Q. Okay. And is that what happened in regards to this
3 bag?

4 A. That's correct.

5 Q. Okay. And then after you got it on the 16th when did
6 you actually pull it out and work on it?

7 A. This bag was actually processed on the 17th, you would
8 see the things marked on the bag itself.

9 Q. Okay. And was the bag sealed up and secured when you
10 got it back out on the 17th?

11 A. That's correct.

12 Q. Okay. And so once you got the bag on the 17th and
13 determined it was still secured and in good shape, what did
14 you do in regards to analyzing the items that were inside
15 it?

16 A. Like I said once I've insured that the bag is intact
17 I cut the opposite end of the seal, then we retrieve the
18 evidence and begin processing which simply means if there
19 is more than one item in there we use some of it because
20 that allows us the opportunity to give individual items a
21 description, some descriptive wording. And then we weigh
22 the evidence without the packaging okay. Each item is
23 weighed certainly without the packaging that's reported and
24 then we move on into our chemical testing.

25 Q. Okay. Well the first thing I'll ask you about, we got

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-194-

1 two - two envelopes here, and were these inside of the bag?

2 A. Yeah. Both of these envelopes here were inside this
3 bag.

4 (WITNESS HELD UP EVIDENCE.)

5 Q. Okay. And I'll first ask you about the bag that's
6 got the A on it. And ask you if you can tell the jury
7 who these two items, this substance here in this bag, and
8 then this other bag that you got a 1.1 marked off, how that
9 might be associated with that envelop?

10 A. Okay. The Number 8 on the back of this bag in this
11 plastic sleeve is what we call it, and the Number B on this
12 one, that is the designation given by the officer or
13 whoever collected this evidence - a designation. This bag
14 is labeled with the lab number for the case, the item
15 number which in this case this one is 1.1 which is the
16 first item we tested. This rock substance that you see
17 here was inside this zip lock bag and this zip lock bag was
18 inside of that plastic sleeve and that's how those are
19 related.

20 Q. Okay. All right. So when you got the - these drugs
21 here out, what did you do in regards to analyzing them?

22 A. Well like I said, I removed this plastic bag from this
23 sleeve and then I emptied the contents of this plastic bag
24 onto a waiver that's been preteared which just means you
25 put the waiver on the balance and you tear it out to zero

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-195-

1 so that what you're weighing is now reading the weight of
2 the substance. So a weight was taken and recorded.

3 Q. And what weight did you get?

4 A. For this particular item was 55.9 - I'm sorry. Yeah
5 55.95 grams.

6 Q. Okay. Now did you make any kind of observations
7 about the condition of the substance?

8 A. Absolutely.

9 Q. And what were they?

10 A. For this particular item we designated the description
11 is a pressed powder substance.

12 Q. Okay. And in so far as whether the substance was
13 dry or moist or anything along those lines, did you make
14 any observations?

15 A. I did. This one was damp.

16 Q. All right. And did you of course after you weighed
17 it you made observations about it but obviously one of the
18 primary purposes of an analysis is testing, so could you
19 tell the jury what you did in regards to testing it to
20 determine what it was?

21 A. Absolutely. A sample of this is taken and then we
22 use chemical agents to test it. We're looking for specific
23 color change, this is specific for each class of compounds,
24 a family of compounds. So this item is tested it gave me a
25 specific reaction. I use a separate agent and I get a

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-196-

1 different reaction. Depending on what I'm seeing then I
2 know which way to proceed as far as this is the presumptive
3 test when we do this spot test to the agents. To confirm
4 that that is in fact what we're seeing we take it on to the
5 instrumentation.

6 Q. Okay. And how does that work?

7 A. Okay. For this particular item since it gave me a
8 reaction that indicated it's possibly cocaine, cocaine in
9 the hydrochloride form, or the salt form, the kind you
10 would typically snort. That would tell me that this case
11 needed to be extracted and then put on our Gas
12 Chromatography Mass Spectrometer, which is what I did, and
13 it confirms cocaine.

14 Q. And so based on that did you have an opinion as to
15 what the substance in the 1.1 bag was?

16 A. Yes I did.

17 Q. And what was that then?

18 A. Cocaine found.

19 Q. Okay. All right. We'll move on now.

20 And I will show you these items associated with the
21 bag which had your number 1.2 on it. And I've got a
22 plastic bag - two plastic bags or two pieces of plastic and
23 then two bags. And if you could just explain to the jury
24 how you found the Item 1.2 bag and what you did with it.

25 A. Okay. This rock like substance you see here was in

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-197-

1 these two plastic bags separately okay. And tied up in
2 little knots. Those two plastic bags were inside this
3 plastic sleeve. Its like the Number B by the officer.
4 That is the condition it was when I got it.

5 Q. Okay. And then once you took the substances out what
6 kind of work did you do with them and what kind of
7 determination did you make in regards to them?

8 A. The same process. We start, there is obviously more
9 than one item there. They are taken out, if they look,
10 appear to be the same by testing by chemical testing, then
11 they are left as Item 1.2 but they are designated as it
12 shows on the bag 1 and that one's given it's own weight too
13 and that one's given it's own weight.

14 Q. Okay. And then did you - the weight you reported was
15 that the combined weight?

16 A. The weight is reported on the report is a combined
17 weight.

18 Q. Okay. All right.

19 A. Once the - I'm sorry.

20 Q. Go ahead.

21 A. Once its confirmed that those two items are in fact
22 the same compound.

23 Q. Okay. Well just - I'll go ahead and just ask you now.
24 What was the combined weight of the two items?

25 A. The combined weight of the two items for Item 1.2 was

1 4.22 grams.

2 Q. Okay. And did you make any kind of observations
3 about the condition of those two substances?

4 A. I did.

5 Q. Okay.

6 A. Those two substances were also listed as a compressed
7 powder substance, however, they were wet which is not damp
8 but a little wetter.

9 Q. A little wetter than damp is that you're
10 characterizing wet?

11 A. Right.

12 Q. Okay. And then did you perform any kind of procedure
13 to try and make a determination what substance those two -
14 those two items in those two bags were?

15 A. I did in the same manner as the Item 1.1. We just
16 tested it separately, we test them with chemical
17 agents and that tells us how we get ---- into distraction
18 for the instrumentation.

19 Q. And so when you did those test what determination did
20 you make as to what those items were?

21 A. Cocaine base crack found.

22 Q. Okay. And what is the difference between powder
23 cocaine and crack?

24 A. Okay. Powder cocaine is essentially cocaine
25 hydrochloride. It's cocaine in a salt form. Crack is

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-199-

1 cocaine in a base form. Cocaine in the salt form
2 traditionally a powder but it can be compressed hard and it
3 can look like crack. But in salt form it can be snorted in
4 the crack form. It can be smoked or it can be main line

5 -----
6 Q. And you said that - Well one item was damp. One item
7 in a plastic bag was wet. What would be the effect of
8 dampness or wetness on the weight of a substance?

9 A. It would -----

10 Q. And just so I - I think you've already said this,
11 but I'll just ask you just in a little different way.

12 The Item 1.2 substance is after performing a test,
13 did you form an opinion as to what those substances were?

14 A. I did.

15 Q. And in your opinion what were the Item 1.2 substances?

16 A. Cocaine base crack.

17 Q. Okay. All right. So once you performed the analysis
18 first of all we'll talk about the Item 1.1, the cocaine.

19 What did you do in regards to packaging that up to
20 be returned to the sheriff's office?

21 A. Okay. Typically if we receive the item, the evidence,
22 in a bag it cannot be repacked and obviously this zip lock
23 bag basically what happens is the grains get in the zip
24 lock so you can't reseal that, it's gonna leak out. So we
25 repack it in a zip lock bag from our lab which is the red

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-200-

1 line, the zip lock bag with the red line, and I put on here
2 bag add which tells me that that's a bag I added to this.

3 Q. Okay. So this bag right here.

4 A. That outer bag.

5 Q. The top, the outer bag, that's your bag?

6 A. That's mine.

7 Q. Okay. And then where did you put it? Where did you
8 put that outer bag?

9 A. The outer bag goes back into this plastic sleeve, this
10 is a heat sealable sleeve. This bag will also go in there.
11 Any packaging that the items came in once they are labeled
12 and any evidence that is resealed its placed into a
13 sealable bag, basically a bag that we have, heat seals it,
14 heat seals it in. And what we'll traditionally do is on
15 the inside of that bag before we heat seal it, we'll put
16 our initials and date it.

17 Q. Okay. All right. And is that what you did in regards
18 to this item?

19 A. That's correct.

20 Q. Okay. And then the two other bags, your - What you
21 labeled 1.12, how did you package them up for return to the
22 sheriff's office?

23 A. The same way. This little bag here, this little lock
24 bag in the middle and across the top that says bag add,
25 that's my bag as well.

AGENT CARMEN TUCKER: BY SOLICITOR ANTHONY

-201-

1 Q. Okay. And then the - in regards to this item which
2 is your --

3 A. There's one inside.

4 Q. Yeah this is your 1.2. You actually - Your bag is
5 actually inside this; is that correct?

6 A. That's correct.

7 Q. Okay. All right. And so that went back into this bag;
8 is that correct?

9 A. That's correct.

10 Q. To go back to the sheriff's office?

11 A. Yes, sir.

12 Q. And when you return it to the sheriff's office its
13 heat sealed and --

14 A. I actually return it to evidence control downstairs.

15 Q. Okay. Well when you give it back to evidence control,
16 its heat sealed and ---

17 A. That's correct.

18 Q. --- and secured? Okay. All right. And so once
19 you're done with it and you put it into this bag and seal
20 that bag up, what do you do with the final bag that you had
21 and put everything into it where does it go?

22 A. You mean this heat sealed envelop?

23 Q. Yes. Where do you - -

24 A. Okay. Once this is heat sealed and enroll that we put
25 it back in our vault. It's locked up in the vault and so

1 we have other cases to take back down. Usually we don't
2 take anything down until after we've put the report, we get
3 all the data back, we know it's going on - the actual case
4 has been reviewed, the report has been reviewed by the
5 review partner, and everything is inside and the case has
6 been closed out then we will take our evidence back
7 downstairs.

8 Q. Okay. And when did you do that in regards to this
9 evidence?

10 A. This evidence was returned back to the evidence
11 control department on October the 6th of 2009 to Nikki - I
12 don't know her last name, she got married.

13 Q. She was a Perry back then though. Right?

14 A. Perry, Nikki Perry.

15 Q. All right. And so at that point in time you're done
16 with the drugs and it's just a matter of somebody from the
17 sheriff's office picking them up and bringing them back to
18 Union; is that correct?

19 A. That's correct.

20 Q. Okay. All right.

21 SOLICITOR ANTHONY: If I can have one moment.

22 (PAUSE.)

23 SOLICITOR ANTHONY: All right. Thank you.
24 That's everything on direct.

25 MR. DELANEY: I got a couple of questions.

AGENT CARMEN TUCKER: BY MR. DELANEY

-203-

1 MS. TUCKER: Do you want me to stand?

2 MR. DELANEY: You can have a seat.

3 (WITNESS RETURNED TO WITNESS STAND.)

4 CROSS EXAMINATION

5 AGENT CARMEN TUCKER BY MR. DELANEY

6 Q. Ms. Tucker, you are a forensic toxicologist; is that
7 correct?

8 A. Currently yes.

9 Q. At the South Carolina Law Enforcement Division?

10 A. Yes, sir.

11 Q. Okay. And during the, I guess the department where
12 it's more chemistry; is that - -

13 A. Analytical chemistry yeah.

14 Q. Because other departments in SLED as far as there is
15 a department there that deals with analyzing and testing
16 for forensic evidence; is that correct?

17 A. We all test for forensic - Are you talking about crime
18 scene?

19 Q. Yeah I'm talking about things that would be sent to
20 you, physical evidence, tangible objects sent to you. You
21 also will do testing on that looking for a fingerprint,
22 stuff like that?

23 A. I do not do fingerprints. That's a different
24 department.

25 Q. Okay. There's a department in SLED ---

1 A. Yes.

2 Q. --- that does that?

3 A. Yes.

4 Q. Okay. So any of that were to be done and one had
5 been done in this case that request wouldn't come to you,
6 that would come to somebody else?

7 A. That's correct. Actually on the front end. It would
8 be requested on the front end.

9 Q. Okay. And you are - had gotten some specific training
10 regarding marijuana; is that correct?

11 A. I have.

12 Q. Okay. Marijuana: There is different kinds of
13 marijuana; is that accurate?

14 A. Different species.

15 Q. Okay. And these species can be unique as far as the
16 way they appear; is that correct? As far as texture,
17 color?

18 A. Color can - I've seen varieties in color but in my
19 experience the way the leafs look, the characteristics that
20 are on the leaves are all the same. The testing is the
21 same as well.

22 Q. Okay. But you can - You said there's different
23 species of marijuana. You can look at marijuana and it has
24 some obvious signs as far as saying is this a specific
25 species or not. Would you agree with that?

AGENT CARMEN TUCKER: BY MR. DELANEY

-205-

1 A. I'm not an expert on the species. I'm an expert on
2 testing it.

3 Q. Okay.

4 A. So I know what to look for under the microscope and I
5 know what to look for when I put it on the instrument or do
6 chemical testing.

7 Q. Okay. You're looking for certain components and all
8 marijuana is gonna have those components in there; is that
9 right?

10 A. Right.

11 Q. Okay. But you would - You would agree that when
12 getting marijuana to test, you - it's not always gonna
13 look the same as far as like I said texture, color, those
14 type things. Some are stronger, some smell stronger ---

15 A. That's correct.

16 Q. --- than others? Okay.

17 A. That's correct.

18 Q. Okay. And you tested - You testified to and you
19 tested and the results came back it was powder cocaine.

20 A. Compressed powder substance.

21 Q. Compressed powder substance. A little over fifty
22 grams was determined to be powder cocaine. Correct?

23 A. It's determined to be cocaine hydrochloride or cocaine
24 in the salt form yes.

25 Q. Okay in the salt form. Then there was a small amount

AGENT CARMEN TUCKER: BY MR. DELANEY

-206-

1 about four grams found I guess that being the base form, is
2 that ---

3 A. That's correct.

4 Q. --- correct? And determined from the salt powder
5 to the base that usually involved - that involved cooking
6 something. Right? Cooking something with the powder?

7 A. You mean processing it to make crack ---

8 Q. Yeah ---

9 A. --- from cocaine?

10 Q. --- to make crack.

11 A. Yes.

12 Q. Yeah. Because you're using the powder to alter - you
13 need the powder ---

14 A. Yeah.

15 Q. --- to make the crack. Right?

16 A. You're altering the cocaine in the salt form to get
17 crack.

18 Q. Okay. The powder in the crack and you testified
19 they can look - by looking at them sometimes you can't
20 necessarily tell them apart. They can look the same, you
21 have to do some more testing.

22 A. That's correct.

23 Q. Okay. And both of these I think you had described it
24 as being slightly tan in color. Would you say that with
25 these?

AGENT CARMEN TUCKER: BY MR. DELANEY

-207-

1 A. Maybe a off white.

2 Q. Off white? Okay. And both on the drug report that
3 you did in this case, both of these items are described as
4 tan or slightly tan, they're both compressed substances; is
5 that correct?

6 A. Right. We don't actually put a color on here because
7 color can change and it can change over time as it dries.
8 Or if it's really dry or whatever it might be to extend it.
9 We actually just put some physical description like powder
10 substance, compressed powder substance, rock like
11 substance.

12 Q. Okay. All right.

13 MR. DELANEY: Thank you.

14 SOLICITOR ANTHONY: No redirect.

15 THE COURT: Thank you. You can be excused we
16 appreciate your time.

17 AGENT TUCKER: Thank you.

18 (WITNESS LEAVING WITNESS STAND.)

19 MR. DELANEY: Your Honor, at this time could we
20 request a short - -

21 THE COURT: Sure. We'll take our afternoon break.
22 Go to the jury room, we'll send for you in just a
23 few minutes.

24 (JURY EXITS COURTROOM AT 03:06 P.M..)

25 (COURT BACK IN SESSION AT 03:20 P.M..)

1 THE COURT: Take your seats.

2 During the break Mr. Delaney indicated he had a
3 matter he wanted to take up.

4 Mr. Delaney.

5 MR. DELANEY: Thank you, Your Honor.

6 When Sergeant Johnson was testifying earlier there
7 was a mention made of my client being observed by a
8 confidential informant selling an amount or selling
9 something, selling cocaine. I do not feel that the
10 question I ask the officer should have elicited that
11 response. The officer testified he had fifteen years
12 experience. I'm sure he's testified in numerous trials
13 like this, should the solicitor inform him, you know, that
14 obviously he knows better than to go into that. That's
15 something that's prejudicial to the jury. I'd like to
16 bring that to the court's attention. What would be the
17 remedy? I ask the court to consider a mistrial in the
18 case. It's prejudicial. I don't know what the remedy
19 would be as far as an instruction to the jury that could
20 take back what ultimately was said.

21 THE COURT: All right. Let me -

22 You think you can find that?

23 MADAME COURT REPORTER: Yes, sir.

24 THE COURT: Okay. Find the question and the answer.

25 MADAME COURT REPORTER: It was on cross to Mr.
26 Johnson, correct?

-209-

1 MR. DELANEY: It was at like the very beginning of my
2 cross of Sergeant Johnson.

3 MADAME COURT REPORTER: Yes, sir.

4 That was 13.22 minutes into his testimony.

5 Oh, recross? Wait just a minute.

6 MR. DELANEY: Just on cross.

7 MADAME COURT REPORTER: Yes, just on cross.

8 Thirteen minutes and twenty-four seconds into his
9 testimony when you started.

10 Q. He did say that as well? Okay. And I want to
11 go to the point where you, before you get to the
12 residence you received a call, say that it was
13 information and you were going to use that
14 information to go get a search warrant; is that
15 right?

16 A. Yes. Lieutenant Sherfield gave me a call advised
17 me that one of our confidential informants ---

18 Q. Right.

19 A. --- that we had used had been to Mr. Puckett's
20 location -

21 Q. Right.

22 A. --- and witnessed him sell --

23 MR. DELANEY: Your Honor.

24 THE COURT: Just - Go on to your next question.

25 THE COURT: All right. What's the State's position?

26 SOLICITOR ANTHONY: We don't think the comment was

1 so prejudicial to require a mistrial.

2 MR. DELANEY: How prejudicial does it need to be?
3 That's just something that shouldn't have been said as far
4 as that being said to this jury that's - -

5 THE COURT: That was not necessary and it was not
6 responsive to - It was not a necessary to respond to the
7 question. It was gratuitous information and it of course
8 was hearsay and hearsay on hearsay basically. I'm not
9 going to grant a mistrial. I do not find that there is any
10 manifest necessity to grant a mistrial although this kind
11 of interjections disturb me particularly Officer Johnson
12 having been around for a long time and we shouldn't have to
13 get into these situations. I will give a curative
14 instruction if requested by the defense. Well I'm not
15 going to give a curative instruction, I think that would
16 highlight it and I'm not going to put the burden on the
17 defense to have to ask for a curative instruction so I deny
18 the motion for a mistrial and I'm not going to give any
19 kind of curative instruction. But I am going to request
20 the solicitor to have some similar or some sort of training
21 with the officers who appear as the solicitor's witnesses
22 and try to make sure they understand where they can go with
23 their testimony and where they can't go with their
24 testimony. We've already tried this case one time, don't
25 want to have to try it a third time based on some
26 extraneous interjection by a State's witness.

CAPTAIN ROBERT HINES: BY SOLICITOR ANTHONY

-211-

1 Do you understand, Mr. Anthony?

2 SOLICITOR ANTHONY: Yes, sir, I do.

3 THE COURT: All right. Anything else before we get
4 the jury in?

5 MR. DELANEY: No, Your Honor.

6 THE COURT: All right. Bring in the jury.

7 (JURY REENTERS COURTROOM AT 03:38 P.M..)

8 THE COURT: Call your next witness.

9 SOLICITOR ANTHONY: Your Honor, the next witness is
10 Captain Hines.

11 (WHEREUPON: ROBERT HINES,
12 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

13 DIRECT EXAMINATION

14 CAPTAIN ROBERT HINES BY SOLICITOR ANTHONY

15 Q. Would you state your name please?

16 A. Yes, sir. It's Captain Robert Hines.

17 Q. And, Mr. Hines, how are you employed?

18 A. Employed with the Union County Sheriff's Office.

19 Q. All right. And what's your current position there?

20 A. My position? Rank of a captain. I'm the director
21 over Union County 911, Union County Emergency Services, and
22 also the director over Union County Jail.

23 Q. I want to take you back to May of 2010. Were you -
24 What were your responsibilities in May of 2010 in regards
25 to the evidence room?

1 A. May of 2010 I was evidence custodian over the evidence
2 that was brought in to be secured by deputies.

3 Q. All right. And were you also responsible in regards
4 to doing testing on marijuana?

5 A. Yes, sir. I am certified through the State of South
6 Carolina through State Law Enforcement Division to test
7 marijuana.

8 Q. And as part of that testing did it include weighing
9 ---

10 A. Correct.

11 Q. --- items? Okay. And you have or did you at the
12 time still do - have a set of scales you used to weigh ---

13 A. Yes, sir.

14 Q. --- marijuana?

15 A. Yes, sir.

16 Q. Okay. I want to refer you - if you would just step
17 on down please.

18 (WITNESS LEFT WITNESS STAND.)

19 Q. And just be sure to speak up so that the court
20 reporter can hear you.

21 A. Yes, sir.

22 Q. I'm going to refer you to the items here on the table
23 which have been labeled State's Exhibit Number - Number
24 Three, which we've taken a number of items out of the bag
25 as Number Three and placed them all here in front of the

CAPTAIN ROBERT HINES: BY SOLICITOR ANTHONY

-213-

1 jury.

2 Do you recognize these items?

3 A. Yes, sir.

4 Q. Okay. And back in May of 2010 in your job as the
5 evidence custodian, did you have occasion to get these
6 items out of evidence?

7 A. Yes, sir, I did.

8 Q. Okay. And what - What were the purposes at least as
9 far as people viewing the evidence for which you got the
10 bag out of evidence?

11 A. You actually contacted me explaining that a case was
12 coming to court and you wanted to use some evidence, and
13 you provided me with the information, specifically the case
14 number I was able to go into the log book there inside of
15 the box look up the case number and find out what section
16 of the vault the evidence was located. The evidence was
17 located in V 94 which stands for Vault 94.

18 Q. And that bag you're holding right there, at the time
19 that you first showed the drugs in that bag to me, what was
20 the condition of it?

21 A. The condition of the bag was sealed completely with
22 tape and intact.

23 Q. And so obviously when you showed it to me what did we
24 do with the bag?

25 A. We took it into a room next to the vault, you looked

1 at it, examined it, stated that you wanted to open up the
2 bag and examine the contents of the - what was inside of
3 the bag. At that time I took - I had a knife and I cut
4 open the bag, opened it up, and pulled the contents of the
5 bag out and placed them on the table where you examined
6 them.

7 Q. And then aside from myself, did you go through that
8 same process with Mr. Puckett's attorney at the time?

9 A. Yes, sir. I was contacted by Mr. Puckett's attorney
10 at the time basically making the same request that she
11 wanted to look at the evidence and so I went and retrieved
12 this bag from the vault out of Vault 94. I went into the
13 same room, this was at a later time, and I presented this
14 bag to her and she ask why the bag had been opened. I
15 explained to her that Solicitor Anthony had wanted to
16 examine the contents of the bag. She says well I want to
17 see the contents of the bag. I took my knife out and
18 reopened the bag again and I took the contents out of the
19 bag and placed it on the table just as I did with Mr.
20 Anthony.

21 Q. Now once you open that bag there up in your hand a
22 couple of times, what did you decide to do in regards to
23 trying to find a place to - or a means of keeping all of
24 this?

25 A. After several times of opening it up and placing

CAPTAIN ROBERT HINES: BY SOLICITOR ANTHONY

-215-

1 .scotch tape on it, initials on top of dates on top of
2 initials on top of dates, I decided just to take this bag
3 with the original contents in it and place it into a more
4 secured evidence bag. So basically I went and retrieved a
5 clean, fresh bag and just placed this bag that had been
6 opened and sealed several times inside this clean fresh bag
7 and then I sealed it up.

8 Q. All right.

9 A. Its another way of protecting the contents.

10 Q. Now on May 7th, did I make any request, any specific
11 request to you as far as asking you to do something
12 concerning the drugs ---

13 A. Yes, sir.

14 Q. --- in question?

15 A. Yes, sir. Mr. Anthony contacted me explaining the
16 fact there was some concern that the - the white substance
17 believed to be cocaine, crack cocaine, inside the evidence
18 bag could be holding moisture or possibly wet. He
19 requested that I go into the vault and take out the
20 contents of the bag that was in a plastic bag that prevents
21 the contents from breathing; take the contents out of the
22 plastic bag and basically allow the bag to stay open to air
23 dry. This was on a Friday. After he and I spoke he
24 explained to me what he wanted. I went and found my chief
25 deputy, Chief Deputy Perry Haney. I explained to Chief

CAPTAIN ROBERT HINES: BY SOLICITOR ANTHONY

-216-

1 Deputy what Mr. Anthony requested because I'm actually
2 opening a bag - I'm actually physically able to touch
3 evidence, and in this case it was cocaine. I don't do that
4 by myself so I went and found Chief Deputy Haney where
5 Chief Deputy Haney accompanied me to the vault. I had the
6 combination and the key the door as there was only two of
7 us and I opened up the door and I opened up a second door,
8 went into the vault retrieved this - - -

9 (WITNESS HELD UP EVIDENCE.)

10 A. - - - from Vault 94, opened it up and basically took
11 the evidence bag and held it open and this was mid Friday.
12 It stayed like that and when we got through we went out of
13 the vault; I secured both doors, it stayed like this all
14 day Friday, the rest of Friday and all day Saturday, all
15 day Sunday, Monday morning I come back to work.

16 Q. And what did you do on Monday morning in regards to
17 the drugs after you let them air out all weekend?

18 A. Yes, sir. I was contacted by you and you explained to
19 me that you - the purpose of letting them air dry, you
20 wanted me to re-weigh the contents after three days of
21 airing out. Again, I don't do this by myself so I
22 contacted Sergeant Jimmy Johnson, requested Sergeant Jimmy
23 Johnson meet with me at the vault. When he got to the
24 vault he said pretty much ha what's up, I explained to him
25 what I had done Friday with Chief Deputy Perry Haney.

CAPTAIN ROBERT HINES: BY SOLICITOR ANTHONY

-217-

1 I explained to him that we would be going into the
2 vault and we were going to get the evidence that had been
3 air drying and take the evidence and go to my scale and re-
4 weigh at the request of the solicitor.

5 Q. So first of all I've talked to you I ask you about the
6 cocaine which is this item that I have in my hand here
7 that's got the 1.1 on the exterior bag.

8 And what did you determine when you re-weighed the
9 cocaine?

10 A. I'm not understanding.

11 Q. What - When you re-weighed it what did it weigh?

12 A. Uh - I need to look at my chain of --

13 Q. Okay.

14 (WITNESS LEFT WITNESS STAND AND RETURNED.)

15 Q. Do you need the report?

16 A. I prefer the Evidence Chain.

17 Q. Sure.

18 A. Day No. I was weighed by me on my scale and it weighed
19 53.5 grams.

20 Q. Okay. All right. And then once you had weighed that
21 it weighed 53.5 grams. What did you do with the cocaine?
22 How did you repackage it?

23 A. Yes, sir. After I took it out of this package here.

24 (WITNESS HELD UP PACKAGE.)

25 A. I placed it into another evidence bag which is here

1 with the blue bag, blue writing on the bag here, I placed
2 the cocaine into this bag and sealed it. There is a gummy
3 substance at the top that once it's sealed it's sealed.
4 There is no way to reopen the bag or penetrate the bag
5 without causing damage obviously to the bag. So I placed
6 the cocaine back into this bag, folded it and placed it
7 back into this bag where it was sealed.

8 Q. Okay. And then when it says here "RH 5/10/10 9:24
9 a.m.; who wrote that?

10 A. RH is Robbie Hines. It's my initials on 5/10/2010 at
11 9:24 a.m., that's the day and the time that it was resealed
12 by me. I always initial and sign the note and I did that.

13 Q. Okay. And is that in the same condition as it was in
14 when you did the additional weighing on May 10th?

15 A. It appears to be yes, sir.

16 Q. Okay. All right. So I'll ask you now about the -
17 First of all I'll ask you about this bag right here which
18 is labeled Bag No.3. What did you do in regards to it?

19 A. Okay. This bag here - I had to kind of do this one
20 backwards. This bag here, this clear bag inside here,
21 similar to this bag here except it's smaller, it contained
22 or held white rock like substance. I took the white rock
23 like substance out of this bag, placed it onto the scale,
24 indicated this as Bag No. 3, and Bag No. 3 weighed at 2.4
25 grams. Bag No. 3 ---

CAPTAIN ROBERT HINES: BY SOLICITOR ANTHONY

-219-

1 Q. All right.

2 A. --- 2.4.

3 Q. All right. And then how did you repackage it so we
4 can go ahead and have that covered?

5 A. As you can see this clear bag inside here, it had
6 basically had already been compromised. There was a
7 cocaine matter that had breached the seal. I wasn't going
8 to reseal it like that so I placed the white rock like
9 substance as well as the original packaging into this
10 evidence bag.

11 (WITNESS HELD UP EVIDENCE BAG.)

12 A. And then I resealed this evidence bag and it's still
13 sealed. It was initialed by me, RH, Robbie Hines on
14 5/10/2010 at 9:36 a.m..

15 Q. Okay. All right. And then we'll talk now about this
16 bag which is the bag that you labeled No. 2, and what
17 happened after you dried it out and weighed it?

18 A. Yes, sir. After this bag was opened and dried, I took
19 the contents of this bag here.

20 (WITNESS INDICATED TO BAG.)

21 A. This bag here had contents in it, I took the contents
22 from this bag, I weighed it and it did not weigh on my
23 scale so I printed a receipt, there is manipulating or
24 anything like that, I print the receipt as it shows and
25 when it shows 0.0 I pushed print like I normally would and

CAPTAIN ROBERT HINES: BY SOLICITOR ANTHONY

-220-

1 that's Bag No. 2 and it weighed 0.0 grams.

2 Q. Okay. Now obviously there's something in there so it
3 had to weight something.

4 A. Yes, sir.

5 Q. What's the least amount of weight your scale will
6 register?

7 A. It goes - It starts at 0.0 grams. It weighs in grams,
8 my machine does not pick up on grains.

9 Q. Okay. So it has to be at least a gram?

10 A. That's correct yes, sir.

11 Q. Okay. And if something is less than a gram your
12 machine, your scale just show it as a zero.

13 A. Yes, sir.

14 Q. Okay.

15 A. And I just took this white - -

16 Q. Yeah it could have been - It could be up to what, 9
17 grams and your machine would still show zero.

18 A. That's correct.

19 Q. Correct? Okay. And then just explain to the jury
20 what you did to repackage that bag of crack you weighed?

21 A. Yes, sir. Again this bag - heat bag in here from SLED
22 would be compromised allowing this white fine powder stuff
23 to leak through the seal, the white seal here, so what I
24 did is I took the white sample off of the scales and I
25 placed it into another evidence bag which was mine, I

CAPTAIN ROBERT HINES: BY SOLICITOR ANTHONY

-221-

1 sealed it and it's still sealed.. I at that point I
2 indicated Bag No. 2. at 0.0 grams on 5/10/2010 at 9:36
3 a.m.. I took this bag and I rolled from the bottom to the
4 top, not top to the bottom, I rolled it from the bottom to
5 the top to make sure nothing escapes. I then rolled it and
6 I placed it into the original baggie, as such, where it was
7 sealed by me.

8 Q. And then what did you do after you had finished
9 packing everything back up what did you do with it?

10 A. I had the original chain of custody form, I placed
11 the three tags with the stamps from Day No. I to Day No. II
12 to Day No. III on this piece of paper here, this is all
13 original, myself and Sergeant Jimmy Johnson who was present
14 with me who was my witness basically, I repackaged all this
15 back up, placed it all back into this bag here and I took
16 it back to the vault where it was secured and I contacted
17 Mr. Anthony.

18 Q. And those bags, the crack - the bags the crack cocaine
19 are in, are they still in the same - Do they still appear
20 the same, do they still appear to be secured the same way
21 you secured them back on May the 10th of 2010?

22 A. Yes, sir.

23 Q. Okay. All right.

24 SOLICITOR ANTHONY: Your Honor, at this time we move
25 Exhibit One into evidence.

CAPTAIN ROBERT HINES: BY MR. DELANEY

-222-

1 I'm sorry, it's Exhibit Three. We move Three into
2 evidence.

3 MR. DELANEY: No objection.

4 THE COURT: In without objection.

5 (WHEREUPON: STATE'S EXHIBIT NUMBER THREE IDENTIFIED
6 AND MARKED, RECEIVED INTO EVIDENCE.)

7 SOLICITOR ANTHONY: Thank you.

8 That's everything on direct.

9 CROSS EXAMINATION

10 CAPTAIN ROBERT HINES BY MR. DELANEY:

11 Q. Captain, you are a marijuana analyst employed by
12 the Union County Sheriff's Office; is that right?

13 A. Yes, sir.

14 Q. And you had an opportunity to look at and test some
15 marijuana that was associated with this case; is that
16 right?

17 A. Yes, sir.

18 Q. Okay. Did you bring that marijuana with you to
19 court today?

20 A. I did yes, sir.

21 MR. DELANEY: May I approach, Your Honor?

22 THE COURT: Yes, sir.

23 MR. DELANEY: Thank you.

24 Q. What you tested - You have your report with you?

25 A. I do not no, sir.

CAPTAIN ROBERT HINES: BY MR. DELANEY

-223-

1 Q. I'll give you a copy of mine.

2 A. Thank you.

3 Q. It appears that you weighed three baggies that had
4 marijuana in it. Or I guess two specifically, two baggies
5 that had some marijuana in it; is that right?

6 A. I'm sorry.

7 Q. You analyzed two baggies that had some marijuana in
8 it; is that right?

9 A. Yes, sir. You're referring to Item No.5?

10 A. Yeah I think so. Well let me - One baggie that you
11 got contained - the weight on there is 18.4 grams; is that
12 right?

13 A. Yes, sir. Item No. 4.

14 Q. Okay. And this one would be Item No. 4; is that
15 right?

16 A. Yes, sir.

17 Q. Okay. And this would be Item No.3; is that right?

18 A. Yes, sir.

19 Q. Okay. And this bag contains 6.8 grams; is that
20 correct?

21 A. That's correct yes, sir.

22 Q. Okay. And then you also tested two that are described
23 as blunts; is that right?

24 A. Yes, sir. Item No. 5 with notes inside, a blunt in
25 each yes, sir.

CAPTAIN ROBERT HINES: BY MR. DELANEY

-224-

1 Q. Okay. And blunt or blunts equivalent I guess is to a
2 joint or just rolled with something different. Is
3 that accurate?

4 A. That's - Yes, sir, street slang for joint is blunt,
5 usually wrapped up in like a cigar.

6 Q. Right.

7 A. Yes, sir.

8 Q. And that's what we have here in Item No. 5; is that
9 right?

10 A. Yes, sir.

11 Q. And a little bit of marijuana was taken out of each
12 one of those rolled up ---

13 A. Yes, sir.

14 Q. --- cigar wrappers; is that right?

15 A. Yes, sir.

16 Q. Okay. And one of the cigar wrappers looks like
17 burnt to about half way down. Is that accurate?

18 A. I got two of them, Mr. Delaney. I guess one of 'em
19 is about an inch long and the other one is about maybe two
20 inches long.

21 Q. Right. One's about half the size of the other; is
22 that right?

23 A. Yes, sir.

24 Q. The last question I got for you, Captain, is to look
25 at this right here. Those two bags look - -

CAPTAIN ROBERT HINES: BY MR. DELANEY
BY SOLICITOR ANTHONY

-225-

1 THE COURT: For the record you might want to put on
2 what number bag. You got numbers all over the place.

3 MR. DELANEY: I'm sorry.

4 Q. Item No. 3 and 4. And that's what you had there in
5 your hands; is that correct?

6 A. Item No. 4 would be this one, 18.4 grams.

7 Q. Right.

8 A. Item No. 3 would be this one at 6.8 grams.

9 Q. Okay. And looking at Item No. 3 and Item No. 4, these
10 two bags of marijuana, they look the same as far as color,
11 characteristics. Fair to say?

12 A. Yes, sir. Color, characteristics yes, sir.

13 Q. All right. Thank you.

14 MR. DELANEY: No further questions.

15 THE COURT: Redirect?

16 SOLICITOR ANTHONY: If I could have one moment.

17 THE COURT: All right.

18 (PAUSE AT 04:01 P.M..)

19 REDIRECT EXAMINATION

20 CAPTAIN ROBERT HINES BY SOLICITOR ANTHONY:

21 Q. It would be fair to say that a lot of marijuana would
22 look consistent with the two items you just saw, ---

23 A. Yes, sir.

24 Q. --- Items 3 and 4?

25 A. Yes, sir.

1 Q. All right. Thank you.

2 SOLICITOR ANTHONY: That's everything.

3 MR. DELANEY: Nothing, Judge.

4 THE COURT: You can step down and be excused. We
5 appreciate your time. Thank you.

6 CAPTAIN HINES: Yes, sir, Judge, thank you.

7 (WITNESS LEAVING WITNESS STAND.)

8 SOLICITOR ANTHONY: That would be the State's
9 evidence.

10 THE COURT: All right.

11 Members of the jury panel, the State is resting, that
12 means that the State has presented it's case. It could
13 under certain circumstances present other testimony but
14 you've heard it's case. So we have to take up some matters
15 of law outside your presence so we'll take a break, and
16 after we take up what we have to take up, we'll bring you
17 back in and proceed.

18 (JURY EXITS COURTROOM AT 04:02 P.M..)

19 THE COURT: The jury is dismissed.

20 Anything from the State at this point?

21 SOLICITOR ANTHONY: No, sir.

22 THE COURT: Mr. Delaney.

23 MR. DELANEY: Judge, we just renew the motion we had
24 made regarding a mistrial. We renew that motion. We also
25 make - -

26 THE COURT: Well as to a mistrial I of course have

-227-

1 ruled and continue to rule there is no manifest necessity
2 and again, I'm not going to put you to the burden of
3 requesting a charge, corrective charge, but I'm not going
4 to give one because I think that would just be highlighting
5 something that may have just gone over the jury's head and
6 may not have, but since I do not find that this rises to
7 the level of manifest necessity to grant a mistrial I'm not
8 going to give a charge. All right.

9 MR. DELANEY: And also at this time, Judge, we make a
10 motion for a directed verdict at this time taking the
11 evidence in the most favorable light to the State.

12 THE COURT: All right. I deny that motion. I find
13 that the evidence is sufficient from which the jury could
14 make a determination that Mr. Puckett was involved in the
15 possession of these particular drugs, crack and the
16 cocaine, and that the trafficking weight of the cocaine is
17 certainly within - above that required for trafficking.
18 The weight on the - The testimony of the weight on the
19 crack puts it in presumptive range so I find that there is
20 sufficient direct and substantial - circumstantial evidence
21 from which the jury could find Mr. Puckett guilty.

22 Mr. Puckett, can you hear me?

23 MR. PUCKETT: Yes, sir.

24 THE COURT: At this time the State has rested so you
25 have a right to present a defense if you wish, but you do
26 not have to. You are presumed innocent of this charge and

1 the State must prove your guilty beyond a reasonable doubt.
2 You do not have to present any evidence, you do not have to
3 prove your innocence. But you can call witnesses if you
4 wish to testify on your behalf, and you can testify if you
5 wish.

6 Does he have any prior - I think we've already went
7 over - -

8 SOLICITOR ANTHONY: No, sir.

9 THE COURT: There are no impeachable offenses. If you
10 testify of course you will be under oath and be required
11 therefore to give truthful answers. If you choose to
12 exercise your constitutional right to remain silent I will
13 tell the jury that you have done that. I will remind them
14 that you do not have to prove your innocence but the State
15 has to prove your guilt beyond a reasonable doubt. I will
16 tell them that they cannot in any way hold against you or
17 discuss among themselves or factor into their own mind that
18 you exercised your constitutional right to remain silent.

19 Do you understand all of that?

20 MR. PUCKETT: Yes, sir.

21 THE COURT: Do you have any questions about it?

22 MR. PUCKETT: No, sir.

23 THE COURT: I advise you that this is your right, it's
24 not your attorneys or your family's or anybody else but you
25 get such information as you, Mr. Puckett, deem necessary
26 before making a decision. Have you reached a decision as

1 to whether to testify or not?

2 MR. PUCKETT: Yes, sir.

3 THE COURT: And are you going to testify?

4 MR. PUCKETT: Yes, sir.

5 THE COURT: All right. And do you have one other
6 witness listed, is she gonna testify?

7 MR. DELANEY: Yeah, Your Honor. We would call a
8 fairly brief witness before Mr. Puckett and then at that
9 time we need to call Mr. Puckett.

10 THE COURT: All right. Are you ready to go forward?

11 MR. DELANEY: I got to find my witness. I think she's
12 upstairs in my office.

13 THE COURT: All right. We'll take about --

14 They're refreshing, we'll refresh and take about a
15 five minute break.

16 (COURT IN RECESS AT 04:07 P.M..)

17 (WHEREUPON: DEFENDANT'S EXHIBITS NUMBER ONE THROUGH
18 SEVEN PREMARKED FOR IDENTIFICATION.)

19 (COURT BACK IN SESSION AT 04:15 P.M..)

20 THE COURT: Is the State ready?

21 SOLICITOR ANTHONY: Yes, sir.

22 THE COURT: Let's get Mr. Puckett in.

23 (DEFENDANT REENTERS COURTROOM.)

24 SOLICITOR ANTHONY: Mr Delaney.

25 I guess I do need to find out...

26 They're running a NCIC on his witness but I'm okay

KAY LEA HEATHERLY: BY MR. DELANEY

-230-

1 with just starting and if she has anything impeachable I'll
2 just approach the bench.

3 THE COURT: Okay. All right.

4 Bring in the jury.

5 (JURY REENTERS COURTROOM AT 04:18 P.M..)

6 THE COURT: Call your witness, call your first
7 witness.

8 MR. DELANEY: Thank you, Your Honor.

9 The Defense would call Kay Lea Heatherly.

10 THE COURT: All right. Please come up and be sworn.

11 (WHEREUPON: KAY LEA

12 HEATHERLY, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
13 FOLLOWS:)

14 DIRECT EXAMINATION

15 KAY LEA HEATHERLY BY MR. DELANEY:

16 Q. Good afternoon. Could you state your name for the
17 jury please.

18 A. My name is Kay Lea Heatherly.

19 Q. And, Ms. Heatherly, do you know my client?

20 A. Yes I do.

21 Q. How long have you known CJ Puckett?

22 A. I have been friends with their family for over ten
23 years.

24 Q. Do you know anyone else in the courtroom?

25 A. I know his mother and step-father.

KAY LEA HEATHERLY: BY MR. DELANEY

-231-

1 Q. You know Lieutenant Sherfield?

2 A. I do.

3 Q. How do you know him?

4 A. He's my cousin.

5 Q. First cousin, second cousin?

6 A. First cousin.

7 Q. Now --

8 MR. DELANEY: Judge, may I approach?

9 Q. Kay Lea, I'm going to show you some photographs, okay.

10 And these photographs are marked Defendant's Exhibits
11 One through Seven. I'll give you a minute to look through
12 those photographs, okay.

13 A. Okay.

14 (DEFENDANT REVIEWING EXHIBITS.)

15 A. I took these photographs.

16 Q. All right. I'll ask you about that in just a minute.

17 A. Okay.

18 MR. DELANEY: May I approach?

19 THE COURT: Yes.

20 BY MR. DELANEY:

21 Q. Did you take these photographs that I showed to you?

22 A. Yes, sir.

23 Q. What are these photographs of?

24 A. Mr. Puckett's house.

25 Q. Okay. And more specifically what about Mr. Puckett's

1 house?

2 A. After the raid.

3 Q. Well what on - I guess -

4 A. The hat, the front door, the hole in the wall.

5 Q. Okay.

6 A. And the kitchen.

7 Q. Okay. And when did you take these photographs?

8 A. The day after Mr. Puckett was released from jail.

9 Q. And this is marked Defendant's Exhibit Number One.

10 What is this a photograph of?

11 A. That is a photograph of the front door of Mr.

12 Puckett's home.

13 Q. Okay. Does it have any numbers?

14 A. Well is on the picture.

15 Q. Okay.

16 A. And it's on Vanderford Road.

17 Q. Okay. And Defendant's Exhibit Number Two, what is
18 that a picture of?

19 A. That's a picture of the front door as well which was
20 not torn down in any way.

21 Q. Let me ask you another question. Defendant's Exhibit
22 Number Three, specifically what is that a picture of?

23 A. That is a picture of the lock on the front door.

24 Q. Okay. All right. And then I have what's been marked
25 as Defendant's Exhibit Numbers Four, Six and Seven. What

KAY LEA HEATHERLY: BY MR. DELANEY

-233-

1 are these a picture of?

2 A. That's the bathroom door. The bathroom door.

3 Q. And are those pictures a fair and accurate depiction
4 of what the bathroom door looked like when you took those
5 pictures?

6 A. Absolutely.

7 Q. Now the last picture I have for you is marked
8 Defendant's Exhibit Number Five. What is that a
9 picture of?

10 A. That is a picture of the - was a hole knocked in the
11 wall in the kitchen.

12 Q. Okay. And again, my question for you, are all of
13 those pictures that you've been showed here today are those
14 fair and accurate depiction of what the front door and the
15 back door looked like when you took those pictures?

16 A. Absolutely.

17 Q. Okay.

18 MR. DELANEY: At this time, Your Honor, I would move
19 these pictures, State's[sic] Exhibits Number One through
20 Seven into evidence and we ask that they be published to
21 the jury.

22 SOLICITOR ANTHONY: No objection.

23 THE COURT: In without objection. You may publish
24 them.

25 MR. DELANEY: Thank you.

KAY LEA HEATHERLY: BY MR. DELANEY
BY SOLICITOR ANTHONY

-234-

(DEFENDANT'S EXHIBIT ONE THROUGH SEVEN PREMARKED AND
IDENTIFIED, RECEIVED INTO THE RECORD. PUBLISHED TO THE JURY
AT 04:23 P.M..)

BY MR. DELANEY:

Q. I know you testified a few minutes ago knowing CJ's
family for a while?

A. Yes, sir.

Q. Been around his house in the past?

A. Yes, sir.

Q. Ever seen cocaine in his house?

A. No, sir.

Q. Ever seen CJ with cocaine?

A. No, sir.

MR. DELANEY: No further questions.

Thank you, Ms. Heatherly. Answer any questions Mr.
Anthony might have for you.

CROSS EXAMINATION

KAY LEA HEATHERLY BY SOLICITOR ANTHONY:

Q. I'm showing you Exhibit Number Five. That's the
picture of the hole in the kitchen wall; is that correct?

A. That's correct.

Q. Okay. Now when you took that picture, if you're
standing there where Mr. Puckett is looking through that
hole, can you see into the bathroom?

A. Yes, sir.

KAY LEA HEATHERLY: BY SOLICITOR ANTHONY

-235-

1 Q. Okay. So you're saying that the view through the
2 hole right now as that picture shows is unobstructed into
3 the bathroom? Or is there not something covering ---

4 A. I think --

5 Q. --- up the bathroom?

6 A. I think we have put something over that hole so that
7 I could use the bathroom.

8 Q. Uh-huh. Okay.

9 A. It is a - It was a complete hole through the wall yes
10 it was.

11 Q. Okay. So there was a complete hole through the wall.

12 A. Yes.

13 Q. But this picture is not - It shows the way the hole
14 looks from the kitchen but it does not show what you would
15 see like if the hole had just been freshly made?

16 A. The hole is freshly made.

17 Q. Well I guess my question is, you can't - If you took
18 the obstruction out from over the hole, you would see
19 something different than you see right now in the picture;
20 is that correct?

21 A. Correct.

22 Q. Okay. And there is no other picture, I just want to
23 make sure I'm not missing something, there is not another
24 picture is there, Ms. Heatherly, that would show the
25 interior of the bathroom?

KAY LEA HEATHERLY: BY SOLICITOR ANTHONY

-236-

1 A. No, sir.

2 Q. Okay. So you didn't take - You took pictures - some
3 pictures of the bathroom nor from the outside of the
4 bathroom but you didn't take any pictures of the inside of
5 the bathroom?

6 A. No, sir, I did not.

7 Q. Okay. And you say that he - Who called you about
8 going over there and taking a picture?

9 A. I think it was his mother. You know they was looking
10 for a camera.

11 Q. Uh-huh.

12 A. I'm a family friend, I had my camera in my vehicle and
13 I was ask if I would come for her and take pictures and I
14 did.

15 Q. And so when you went over there you said it was the
16 day he made bond?

17 A. The day after.

18 Q. The day after Mr. Puckett made bond?

19 A. Yes, sir.

20 Q. Okay. And are you aware of what went on in Mr.
21 Puckett's residence between the time of August the 21st and
22 the time he actually made bond?

23 A. Yes, sir.

24 Q. I mean were you over there at his house --

25 A. I was not there. I am aware of it.

KAY LEA HEATHERLY: BY SOLICITOR ANTHONY

-237-

1 Q. Okay. So you don't --

2 A. I was told.

3 Q. You were told? Okay.

4 A. That's all.

5 Q. But of your own personal knowledge you don't know
6 who might have gone to Mr. Puckett's house during that
7 period of time and what they might have done?

8 A. No, sir.

9 Q. And you say that you're friend with Mr. Puckett's mom?

10 A. And his entire family.

11 Q. Okay.

12 A. I practically raised his nephew.

13 Q. All right. And you said since you've known his
14 mom, did you say ten years; is that right?

15 A. Over ten years I've known his entire family.

16 Q. Okay. And do you have - aside from knowing Mr.
17 Puckett's mom, did you have any kind of social relationship
18 with him?

19 A. No, sir.

20 Q. So when you saw Mr. Puckett, where would you see him?

21 A. With the family.

22 Q. Okay. And would that be -

23 A. Around the family, at holidays.

24 Q. Okay. And would that be at his place or somewhere
25 else?

1 A. I've been to his place with his mom, I've been to his
2 mom's house.

3 Q. How many times would you say you've been to his place?

4 A. I've been to his place several times.

5 Q. Well I mean in the year before you took those pictures
6 how many times were you at his house?

7 A. In the what?

8 Q. In the year before you took those pictures how many
9 times were you at his house?

10 A. I - Many times.

11 Q. Well how would you define many?

12 A. I don't know. Ten, twenty.

13 Q. And when you would go over there would it be with
14 his mom?

15 A. Sometimes yeah.

16 Q. Okay. I mean were you ever over there just you and
17 Mr. Puckett?

18 A. No.

19 Q. Okay. So any time you'd be over there his mother would
20 be with you?

21 A. Most of the time yes, sir.

22 Q. Okay.

23 A. Or a friend.

24 Q. Or somebody else?

25 A. His family yeah.

KAY LEA HEATHERLY: BY SOLICITOR ANTHONY

-239-

1 Q. Somebody in his family would be there?

2 A. Yes.

3 Q. Okay. And that's what would lead you to go over there
4 would be a family occasion?

5 A. Right.

6 Q. With other people and his family over at his place?

7 A. Right.

8 Q. Okay. And that's not really the kind of situation
9 where you would expect somebody would be breaking out
10 cocaine or crack is it?

11 A. No I never seen any cocaine or crack.

12 Q. And you wouldn't expect ---

13 A. I did not ---

14 Q. --- you wouldn't expect ---

15 A. --- expect to -

16 Q. --- to see that in a situation with his family?

17 A. I wouldn't expect that out of Mr. Puckett.

18 Q. Okay. Did you know Mr. Puckett had a race car?

19 A. Yes I did.

20 Q. Okay. And did you ever - Did you have any kind of
21 dealings with him through the race car part of his life;
22 him having a car?

23 A. I did. I watched him race one time I did.

24 Q. And you said that his mom when she called you she
25 was looking for somebody with a camera?

KAY LEA HEATHERLY: BY SOLICITOR ANTHONY

-240-

1 A. Yes, sir.

2 Q. And she would know that you had a camera?

3 A. They did not know that I had a camera. They called
4 to see if her brother, her sister in law had a camera and I
5 was there and I had a camera and offered to go take the
6 pictures for them.

7 Q. I see. I see. So they were actually calling a family
8 member and you were with her brother in law - -

9 A. I'm a part of the family.

10 Q. Okay. And so you were there with her sister and her
11 brother in law and they were looking for a camera but you
12 volunteered to go there with a camera. Okay.

13 A. Exactly.

14 Q. Okay. And you took pictures of the bathroom door and
15 the front door?

16 A. And the hole in the wall.

17 Q. And the hole in the wall.

18 A. Yes, sir.

19 Q. Okay. All right. And did you do any kind of careful
20 inspection of them other than just taking pictures of them?

21 A. I looked them over very well yes, sir, I did because
22 I knew what it looked like before.

23 Q. All right.

24 SOLICITOR ANTHONY: If I can have one moment.

25 (PAUSE AT 04:32 P.M..)

KAY LEA HEATHERLY: BY SOLICITOR ANTHONY

-241-

1 Q. Were you aware of - Are you aware of how long Mr.
2 Puckett - how long it was from the time he was arrested and
3 the time he made bond?

4 A. Am I aware of how long it was?

5 Q. Yes.

6 Q. I was yeah but I couldn't tell you now because it's
7 been three years ago.

8 Q. Okay. I mean would three weeks sound about right from
9 the time he was arrested to the time he made bond?

10 A. I - To be honest I cannot remember.

11 Q. Okay. It would be fair to say it was more than just
12 a couple of days, it was a few weeks?

13 A. I don't think it was a few weeks' no.

14 Q. Okay.

15 A. It was the day after he made bond.

16 Q. And were you aware of Mr. Puckett's employment
17 situation when this happened and he was arrested?

18 A. Was I aware of what?

19 Q. Of his employment situation, did he have a job?

20 A. No.

21 Q. He didn't have a job?

22 A. Not to my knowledge.

23 Q. And how long had he been unemployed to your knowledge?

24 A. Wait a minute. He may have been doing racing just
25 then. He could have been doing the racing just then.

KAY LEA HEATHERLY: BY SOLICITOR ANTHONY
BY MR. DELANEY

-242-

1 Q. When you say doing the racing, what do you mean?

2 A. Working on engines for people, racing race cars.

3 Q. You're not sure?

4 A. I'm not sure.

5 Q. Okay. Did you ever see any marijuana over at Mr.

6 Puckett's house?

7 A. No, sir.

8 Q. The times you were over there?

9 A. No, sir.

10 Q. Okay. And just so I'm clear, on that picture that
11 has the hole in it, if you took that cover off the hole you
12 would be able to see all the way back to the commode?

13 A. Because see I could not use the bathroom without
14 covering this hole up.

15 Q. Okay.

16 A. Without somebody seeing me.

17 Q. Okay. Because if you stood there where Mr. Puckett's
18 standing in that picture --

19 A. You could see the commode.

20 Q. You can see the commode. Okay. All right.

21 Thank you.

22 SOLICITOR ANTHONY: That's everything on cross.

23 MR. DELANEY: A couple on redirect, Your Honor.

24 REDIRECT EXAMINATION

25 KAY LEA HEATHERLY BY MR. DELANEY:

KAY LEA HEATHERLY: BY MR. DELANEY
BY SOLICITOR ANTHONY

-243-

1 Q. Ms. Heatherly, as you heard you ----- - three years
2 ago; is that right?

3 A. That - Yeah over three years.

4 Q. And just to make sure we're clear, as far as whether
5 or not CJ was working, you said to your knowledge the best
6 that you can remember he may be doing some work on some
7 engines; something like that?

8 A. Race cars yes, sir.

9 Q. But you also said you weren't sure; is that correct?

10 A. I'm not sure that's correct.

11 Q. And if he would be doing other types of jobs are you
12 sure if you know or remember about that as well?

13 A. No I am not sure. That's why I said I am not sure.

14 MR. DELANEY: Thank you, Ms. Heatherly, that's all the
15 questions I have.

16 MS. HEATHERLY: Thank you.

17 RECROSS EXAMINATION

18 KAY LEA HEATHERLY BY SOLICITOR ANTHONY:

19 Q. And kind of under that same token he could have drugs
20 in his house and you wouldn't know about that either; isn't
21 that correct?

22 A. Correct.

23 THE COURT: You can step down and be excused. We
24 appreciate your time. Thank you.

25 MS. HEATHERLY: Thank you. Left these pictures.

CLARENCE PUCKETT: BY MR. DELANEY

-244-

1 THE COURT: Just leave the pictures. Thank you.

2 (WITNESS LEAVING WITNESS STAND.)

3 THE COURT: Call your next witness.

4 MR. DELANEY: Judge, may I approach.

5 THE COURT: Yes.

6 (SIDE BAR CONFERENCE OFF THE RECORD OUT OF THE HEARING
7 OF THE JURY AT 04:38 P.M..)

8 THE COURT: Call your next witness.

9 MR. DELANEY: Thank you, Judge.

10 Defense would call Clarence Puckett, III.

11 THE COURT: Come up and be sworn.

12 (WHEREUPON: CLARENCE

13 PUCKETT, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
14 FOLLOWS:)

15 DIRECT EXAMINATION :

16 CLARENCE PUCKETT BY MR. DELANEY:

17 Q. Please state your full name to the jury.

18 A. My name is Clarence Julius Puckett, III.

19 Q. What do you go by?

20 A. CJ.

21 Q. CJ, how old are you?

22 A. Right now I'm thirty-six years old.

23 Q. Were you born - Where were you born and raised?

24 A. Union, South Carolina.

25 Q. Did you go to high school here?

CLARENCE PUCKETT: BY MR. DELANEY

-245-

- 1 A. Yes I did.
- 2 Q. Where did you go to high school?
- 3 A. Union High School.
- 4 Q. And did your family still live here?
- 5 A. And any members of your family in the courtroom here
- 6 today?
- 7 A. Yes, sir.
- 8 Q. Who is that?
- 9 A. My mom and my stepdad.
- 10 Q. Okay. And have you some children, CJ?
- 11 A. No, sir.
- 12 Q. Are you married?
- 13 A. No, sir.
- 14 Q. Are you currently working any place right now?
- 15 A. Yes, sir.
- 16 Q. And where do you work?
- 17 A. I work at Coleman's Hardware and Grocery Store in
- 18 Pacelot, South Carolina.
- 19 Q. What do you do there at Coleman's?
- 20 A. I run the hardware and the meat department, help in
- 21 the meat department.
- 22 Q. Okay. How long have you worked there for?
- 23 A. Since April the 6th of this year.
- 24 Q. This year?
- 25 A. Yes, sir.

1 Q. And currently, CJ, what are your living arrangements?

2 A. My living arrangements are at my parents right now.

3 Q. Okay. Now I want to go back to August of 2009. As
4 we have heard you lived at Road?

5 A. Yes, sir.

6 Q. And as we've heard that is a single wide mobile home?

7 A. Yes, sir.

8 Q. Okay. Now big is that mobile home?

9 A. It's very small 10 by 45.

10 Q. You say 10 by 45. Ten feet wide?

11 A. Ten feet wide, forty-five --

12 Q. Forty-five feet long?

13 A. Yes, sir.

14 Q. How many bedrooms?

15 A. One. One single.

16 Q. How many bathrooms?

17 A. One.

18 Q. And did you own this mobile home?

19 A. Yes, sir.

20 Q. How much did you pay for it?

21 A. I paid Fifteen Hundred Dollars for it.

22 Q. And when did you pay Fifteen Hundred Dollars for the
23 mobile home?

24 A. In - I think February of - February or March of '08.
25 2008.

CLARENCE PUCKETT: BY MR. DELANEY

-247-

1 Q. Okay. Do you have - Did you ever get a receipt for,
2 that?

3 A. Yes, sir.

4 Q. Do you have that receipt?

5 A. Yes, sir.

6 Q. Do you have it with you?

7 A. Yes, sir.

8 Q. Can I see it?

9 A. Yes, sir. Right here, sir.

10 MR. DELANEY: May I approach, Your Honor?

11 THE COURT: Yes, sir.

12 A. There's Mr. Humphrey's name on it.

13 (MR. DELANEY REVIEWING DOCUMENT.)

14 Q. All right. I'll give it back to you. The writing is
15 kind of light on that, CJ. What - What is the dollar
16 amount on that receipt?

17 A. It has Fifteen Hundred Dollars.

18 Q. Okay. Whose name is down at the bottom?

19 A. Mr. James Humphrey's.

20 Q. Who is he?

21 A. He is the previous owner of the trailer.

22 Q. Okay. And does it say anything else on that piece of
23 paper?

24 A. It says trailer.

25 Q. Okay.

CLARENCE PUCKETT: BY MR. DELANEY

-248-

1 A. Fifteen Hundred Dollars.

2 Q. Did you - -

3 SOLICITOR ANTHONY: I object. I mean this is reading
4 off a receipt. It's just hearsay.

5 A. I - -

6 THE COURT: I sustain the objection.

7 Just go on to your next question.

8 MR. DELANEY: We'll move on.

9 Q. Now you testified you owned this mobile home since
10 sometime in 2008?

11 A. Yes, sir.

12 Q. Okay. And did you rent the property it was on?

13 A. Yes, sir, I did.

14 Q. How much did you rent the property for?

15 A. Eighty-five Dollars a month.

16 Q. You paid Eighty-five Dollars a month for the property?

17 A. Yes, sir.

18 Q. To have your mobile home on the property?

19 A. Yes, sir.

20 Q. Okay. And at that time you didn't have any type of
21 house payments or anything like that ---

22 A. No, sir.

23 Q. --- on the mobile home?

24 A. No, sir.

25 Q. Okay. And the mobile home that you bought for Fifteen

CLARENCE PUCKETT: BY MR. DELANEY

-249-

1 Hundred Dollars in 2008, how did you pay for that?

2 A. I paid cash for it.

3 Q. How did you get that cash?

4 A. I had to save for over many years.

5 Q. Where was it saved from?

6 A. From work.

7 Q. From work. Okay. And who - Tell me again, who owned
8 this property?

9 A. James Humphrey's.

10 Q. Okay. And at this time in 2009, CJ, were you working
11 at this time?

12 A. I was doing side jobs, odd jobs. My job recently
13 in June me and Mr. Bluford - I worked for Welliford
14 Electrical, they had slowed down and hadn't had no business
15 coming so I was doing odd jobs to catch up until business
16 picked up with them again so I could go back full time with
17 them.

18 Q. How - How long had you been at Welliford Electric?

19 A. I had been in - I had started with Welliford
20 Electrical when I was about seventeen and off and on
21 I started - I came back in - 1998 I started back working
22 with Mr. Welliford up until 2000 - June of 2009.

23 Q. And what was your position at Welliford Electric?

24 A. Electrical - Electric - Electrician helper. I'm
25 sorry.

CLARENCE PUCKETT: BY MR. DELANEY

-250-

1 Q. Okay. And when that stopped in June, what type of
2 work were you doing? You said you were doing some side
3 jobs?

4 A. Yes, sir.

5 Q. Tell us about what type of side jobs were you doing?

6 A. Well I would work on race cars for people. I was
7 doing a lot of work for Mr. James Humphrey's down there on
8 the land. I would clean trees for him, work on his
9 machinery for him, and stuff like that to help pay my rent
10 and stuff. And just odd jobs building the decks and
11 porches for people or just helping people out.

12 Q. So you - Even though your job at Welliford Electric
13 ended in June, you were still making money?

14 A. Yes, sir.

15 Q. And back in 2009 did you have a checking account?

16 A. No, sir.

17 Q. Savings account?

18 A. No, sir.

19 Q. Where did you keep your money that you made?

20 A. On myself in pocket, in my wallet.

21 Q. We've heard some testimony about a race car found at
22 your house.

23 A. Yes, sir, we did.

24 Q. Tell us about that race car. What kind of race car
25 was it?

CLARENCE PUCKETT: BY MR. DELANEY

-251-

1 A. This was a Five Hundred Dollar four cylinder race car.
2 Little mustang, it didn't even have a motor in it. It was
3 just a body of a race car sitting outside. It wasn't even
4 running, it wasn't even capable of going to the race track
5 to run.

6 Q. And --

7 A. So it was just a frame sitting outside basically.

8 Q. Did you - Did you have an automobile at that time
9 that you were regularly drove?

10 A. I had - I had one. I had an old truck but it recently
11 had been tore up. The motor had been - A girl put sugar in
12 the motor and ruined the motor in the truck. Yeah kind of
13 bad.

14 Q. Is there any plans to have work done on that truck?

15 A. Yes, sir. I was trying to save more money and it was
16 gonna cost about Fifteen Hundred Dollars to redo that
17 motor. And I was trying to save money and pay bills at the
18 same time without a job and doing odd jobs to try to
19 collect money.

20 Q. Now, CJ, do the owner - Were you ever - Did you ever
21 have to leave the property that you were renting after your
22 arrest after the charges in 2009?

23 A. No, sir.

24 Q. Did Mr. Humphrey's know about the charges?

25 A. Yes, sir.

CLARENCE PUCKETT: BY MR. DELANEY

-252-

1 Q. And how much longer did you continue to reside at
2 Road?

3 A. I sold the trailer and moved back in with my parents
4 July of last year, so up until July of last year I had the
5 trailer. So July 2011.

6 Q. The money that was found on you by the police officers
7 back in August of 2009, was that money - Did that money
8 have anything to do with drugs?

9 A. No, sir.

10 Q. Where did that money come from?

11 A. From work.

12 Q. That's where all that money came from?

13 A. Yes, sir.

14 Q. Every cent?

15 A. Every cent.

16 Q. CJ, have you ever been convicted of any type of
17 cocaine charge?

18 A. No, sir.

19 SOLICITOR ANTHONY: Objection. Bolstering.

20 THE COURT: I sustain the objection.

21 BY MR. DELANEY:

22 Q. Have you ever been arrested on any type of cocaine
23 charge?

24 SOLICITOR ANTHONY: Objection.

25 THE COURT: I'll sustain the objection. He's on trial

CLARENCE PUCKETT: BY MR. DELANEY

-253-

1 for these particular charges.

2 BY MR. DELANEY:

3 Q. Have you ever sold cocaine?

4 A. No, sir.

5 Q. Have you ever used cocaine?

6 A. I've tried cocaine in my younger days but I didn't
7 like cocaine. I'm not the type person - I like marijuana
8 back when I did do marijuana, smoke marijuana before all
9 this happened. I was the type of person that smoked
10 marijuana. I wasn't the type person that did cocaine or
11 drugs like that. Any kind of high drug no, sir.

12 Q. Okay. Now prior to August the 21st, 2009, CJ, how
13 long had you known Travis Anderson?

14 A. For approximately years. Eighteen to twenty years.

15 Q. So friends for I guess - Would it be fair to say
16 friends for twenty years?

17 A. No, sir. Actually more acquaintances. When we see
18 each other we speak, you know, we may hang out for the
19 night but we might not see each other for two or three
20 months or something. It's just when we ran across each
21 other we was friendly. No hard animosity toward each
22 other. We wasn't every day buddies.

23 Q. Okay. At times would you hang out with him on some
24 occasions?

25 A. Yes, sir.

1 Q. And been to his house before?

2 A. Yes, sir.

3 Q. And he had been to your place before?

4 A. Yes, sir.

5 Q. Okay. And had you all ever been to the races before?

6 A. Yes, sir.

7 Q. Okay. Is that something that you had in common?

8 A. Kind of did. Just opened the drag strip and he was
9 kind of into it and he wanted me to ride with it and I
10 wanted to see it myself. I had never seen it so we just
11 got a - We lived a mile from each other so he just picked
12 me up because I didn't have no ride and we was just gonna
13 ride to the drag strip together.

14 Q. Okay. All right.

15 A. Yes, sir.

16 Q. Get to that in just a minute. But just going back,
17 you said that you - And describing this friendship or
18 relationship with Travis Anderson you said that you had
19 known him about twenty years?

20 A. Yes, sir.

21 Q. And I think that you said that you were never real
22 close; is that right?

23 A. Yes, sir.

24 Q. Okay. Anything else about the relationship,
25 friendship that you had with Travis Anderson?

CLARENCE PUCKETT: BY MR. DELANEY

-255-

1 A. Well Travis was the type of person if I needed
2 marijuana I could get it from Travis.

3 Q. Okay. Now besides getting marijuana from Travis, did
4 you - Did you know Travis was messing with cocaine?

5 A. No, sir.

6 Q. In the past had Travis ever brought cocaine to your
7 place?

8 A. No, sir.

9 Q. Ever seen cocaine at his place?

10 A. No, sir. I had heard like other people that people do
11 stuff but he didn't do it around me. I'm not the type
12 person that done it cocaine so he didn't do cocaine around
13 me.

14 Q. Okay. But you said that back at that time marijuana,
15 that was your thing?

16 A. Yes, sir.

17 Q. Okay.

18 A. Yes, sir.

19 Q. Now on August 21, 2009, did you know that Travis was
20 coming over to your place that day?

21 A. Yes, sir.

22 Q. Why was he coming over?

23 A. We was scheduled to go to the drag strip together that
24 night.

25 Q. Okay. This drag strip, is that close to your place?

1 A. Its approximately maybe eight to ten miles.

2 Q. Okay. And you were going to go with him there?

3 A. Yes, sir.

4 Q. And I assume that's to like watch the races?

5 A. Yes, sir.

6 Q. Okay. And were there any drugs in this case before
7 Travis Anderson came by your residence?

8 A. No, sir.

9 Q. Any powder cocaine?

10 A. No, sir.

11 Q. Any crack cocaine?

12 A. No, sir.

13 Q. Any marijuana?

14 A. No, sir.

15 Q. Any Xanax?

16 A. No, sir.

17 Q. Any scales?

18 A. No, sir.

19 Q. Did you think there was a possibility he would bring
20 some marijuana into your place?

21 A. Yes, sir.

22 Q. And when Travis Anderson gets to your place, does he
23 come inside?

24 A. Yes, sir.

25 Q. What happens, what do you all do at the point that he

CLARENCE PUCKETT: BY MR. DELANEY

-257-

1 comes, comes inside?

2 A. Well he opens the door just as he had every time he
3 had been there we'd strike up a conversation and he heads
4 toward the bar and he just hands me the marijuana onto the
5 scale that he had and he never put it in a bag, he just
6 laid it on top of the scales and raked it off and that was
7 it. And he said I'll be right back, let me put my
8 cigarettes into the car and he walked outside and put his
9 cigarettes in the car and returned right back into the
10 home.

11 Q. Okay. Now you said you got some marijuana from him?

12 A. Yes, sir.

13 Q. All right. How much did you get from him?

14 A. Twenty, Twenty Dollar pack.

15 Q. Okay.

16 A. Yes, sir.

17 Q. And did you pay him at that time?

18 A. No, sir.

19 Q. Were you going to pay him?

20 A. Yes, sir.

21 Q. When were you going to pay him?

22 A. Well eventually if we would stop by the store when
23 we eventually got to the drag strip ourselves, you know, I
24 would have handed him his money at any time yes, sir.

25 Q. And, CJ, CJ, did you get any cocaine from Travis?

CLARENCE PUCKETT: BY MR. DELANEY

-258-

1 A. No, sir.

2 Q. Crack cocaine?

3 A. No, sir.

4 Q. Any type of pills?

5 A. No, sir.

6 Q. Xanax?

7 A. No, sir.

8 Q. Did you have any knowledge that Travis had any of
9 these things in his possession when he came to your place
10 that Friday evening?

11 A. No, sir.

12 Q. So, CJ, when you got what you said is Twenty Dollars
13 worth of marijuana, what do you do at that point?

14 A. At that point I began to roll a blunt as we call up
15 into a - I started to separate the stems and the seeds and
16 separate the marijuana ---

17 Q. Okay.

18 A. ---- and roll --

19 Q. Where --

20 A. Yes, sir.

21 Q. When you start to do that, where are you at at this
22 point?

23 A. I'm at the bar.

24 Q. Okay. And the bar that's in the - The bar, that's in
25 the kitchen area?

CLARENCE PUCKETT: BY MR. DELANEY.

-259-

1 A. Yes, sir.

2 Q. Right there in the kitchen/living room; is that right?

3 A. Well more of the kitchen than the living room. It had
4 the little bar in the space in between the kitchen. It
5 kind of separated the kitchen and the living room.

6 Q. Okay. So while you're doing this at the bar, what
7 was Travis doing at this time?

8 A. Travis was setting on my couch.

9 Q. Had he - You had mentioned he at some point went back
10 outside; is that right?

11 A. Yes, sir. He had to get his cigarettes out of his car
12 and returned.

13 Q. All right. And you didn't go to the car with him?

14 A. No, sir.

15 Q. And at that point is Travis back inside the mobile
16 home at this point?

17 A. Yes, sir.

18 Q. Okay. And where does he go when he comes back inside?

19 A. He comes in and sets down by the couch. Sets right
20 on the couch.

21 Q. Okay. And did you ultimately get this blunt or blunts
22 rolled up?

23 A. Yes, sir.

24 Q. Okay.

25 A. Yes, sir.

1 Q. And do you actually start to smoke one?

2 A. Yes, sir. I'd just lite it and hadn't even really
3 started to smoke it maybe a minute.

4 Q. Okay.

5 A. And - -

6 Q. And at this point where are you at?

7 A. I'm still standing at the bar.

8 Q. Okay.

9 A. On the other side of the bar from the living room.

10 Q. Okay. And where is Travis at?

11 A. On the couch.

12 Q. Okay. And at this point do you hear something?

13 A. Yes, sir.

14 Q. What do you hear?

15 A. I hear a loud banging on my door.

16 Q. Okay. And do you - When you hear this loud banging,
17 what is - what is Travis doing at that point?

18 A. Travis initially jumped up first. He was closest to
19 the door, he jumped up first and looked out the edge of the
20 window and told me that there was police out there.

21 Q. Okay. And what -What do you do at that point?

22 A. At that point I come out from around the bar myself
23 and look out the edge of the blind and look, the slit down
24 the side of my blind, and I see the police out there myself
25 at that point.

CLARENCE PUCKETT: BY MR. DELANEY

-261-

1 Q. And that's what you see outside?

2 A. Yes, sir.

3 Q. Okay. And at this point what is Travis doing?

4 A. Travis is done run by me down through the trailer.
5 He's kind of freaking out.

6 Q. Okay. Is he doing anything? Do you recall is he
7 doing anything with his pockets or anything like that?

8 A. He was fumbling with his pockets and trying to - like
9 he was trying to dig something out of his pocket but at the
10 same time he was running by me and I was going back. At
11 this time I started back toward the bar.

12 Q. Okay. And I want to ask you, so at this point what
13 do you do after looking out the window and see the police?

14 A. Okay. At this point I walked back around the bar and
15 where I had separated the seeds and the stems in the
16 marijuana and stuff and the marijuana was never in a bag,
17 so I just raked it together and put it all - the seeds and
18 the stems was not in the bag. I'm sorry.

19 Q. Okay.

20 A. I raked them into my hand and had a blunt still in my
21 mouth.

22 Q. Okay.

23 A. And I held them. I went to the bathroom first.

24 Q. Okay. Before - Stop right there. Where did you have
25 the bag of marijuana? Where did you have the bag of

1 marijuana at that point?

2 A. The bag of marijuana once I had broken the seeds and
3 split the seeds and the stems and all, I tied the bag of
4 marijuana up and stuck it into my pocket.

5 Q. Okay. And you just said that you go to the counter,
6 you get what's off the counter; is that right?

7 A. Yes, sir.

8 Q. Okay. And you have the bag in your pocket?

9 A. Yes, sir.

10 Q. Okay. And when you get back there and you get this
11 stuff loaded up, what is Travis Anderson doing?

12 A. Well by the time I rake everything into my hands and
13 I'm holding my hands like this -

14 (WITNESS DEMONSTRATED.)

15 A. --- I turn and Travis is coming from the back toward
16 the bathroom. So at this time we kind of bump into each
17 other and we have to dodge each other - --

18 Q. Well let me ask you this. Let me stop you there.

19 After getting the marijuana off the counter, where do
20 you head towards, where do you go at that point?

21 A. I head toward the bathroom.

22 Q. Okay.

23 A. Yes, sir.

24 Q. And does anything happen as you were getting in the
25 hallway where the bathroom is located?

CLARENCE PUCKETT: BY MR. DELANEY

-263-

1 A. Yes, sir. Me and Mr. Anderson that's where we had
2 kind of bumped into each other and had to get out of each
3 other's way so I could get to the bathroom.

4 Q. Now where is - Where is coming from at this point?

5 A. He's coming from the bathroom in the back of the
6 trailer.

7 Q. Okay.

8 A. Just way - He's coming my way just stepped into the
9 kitchen, I'm in the kitchen and I'm ready to turn around
10 and he's there right at the edge in the hallway.

11 Q. Okay. Now at that time does Travis try to - try to
12 hand you anything?

13 A. At one time he did. He had this little bag of - and
14 it wasn't no bigger than this and he handed it up with both
15 hands in his hand and he was like here, here, take this,
16 take this. And I had my hands full with the seeds and the
17 stems that I was --

18 Q. Okay. And let me ask you this. At this point things
19 are moving fast; is that right?

20 A. Yes, sir, very fast.

21 Q. Okay. Are you scared at that point?

22 A. Very. Very, sir, yes, sir.

23 Q. All right. Now, CJ, I want to talk to you about at a
24 prior court proceeding you said that right before you went
25 into the bathroom Travis handed you cocaine and told you to

1 flush.

2 A. Yes, sir..

3 Q. Okay. And you said that at a prior court proceeding
4 am I right?

5 A. Yes, sir, I did.

6 Q. Is that what happened?

7 A. No, sir. Actually it was misunderstood but I
8 misunderstood it myself. Saying it myself I apologized
9 now. What had happened is he had tried to hand me the
10 cocaine, the little bag of whatever he had but I couldn't
11 take it and I refused to take it first but I also had my
12 hands full ---

13 Q. Okay.

14 A. --- so there's no way that I could have taken it.

15 Q. All right. Now did you also testify under oath at
16 this same court proceeding numerous times that Travis did
17 not give you anything when he was leaving the bathroom?

18 A. Yes, sir.

19 Q. And you had just testified that you had said that?

20 A. Yes, sir.

21 Q. But you said that you were nervous?

22 A. Yes, sir.

23 Q. And it didn't come out right?

24 A. It just completely didn't come out right. I had no
25 hand or association ---

CLARENCE PUCKETT: BY MR. DELANEY

-265-

1 Q. Okay.

2 A. --- or associated with no cocaine.

3 Q. Now as you headed to the bathroom where is Mr.
4 Anderson headed?

5 A. Mr. Anderson when I'm headed toward the bathroom as we
6 meet in the hallway at the end of the hallway right there,
7 he's running back toward the door, toward the couch and
8 everything in the living room area.

9 Q. Okay. Do you - And at that point you're heading into
10 the bathroom; is that right?

11 A. Yes, sir.

12 Q. Okay.

13 A. Yes, sir.

14 Q. And do you see or hear anything at that point as far
15 as Travis Anderson what he's doing up there?

16 A. No, sir, not really. Everything's happening so fast,
17 I was so scared, and I'm trying to get rid of the seeds and
18 stems out of my hand and I - I particularly don't remember
19 hearing anything at the time.

20 Q. Okay. Possible that CJ opened that door? I mean it's
21 possible that Travis opened that door?

22 A. Yes, sir. Yeah without a doubt.

23 Q. Now when you get into the bathroom ---

24 A. Yes, sir.

25 Q. --- what are you doing?

CLARENCE PUCKETT: BY MR. DELANEY

-266-

1 A. I take the seeds and the stems first and throwed them
2 toward the toilet, into the toilet, and as I do that I hear
3 a big bang behind, and as I turn around and look I see a
4 fist coming through the sheet rock. And I'm like what's
5 going on and so I took the marijuana that was in my pocket
6 and I just throwed it like that ---

7 (WITNESS DEMONSTRATED.)

8 A. --- as I was looking at them busting the hole in the
9 wall at the same time. So when I threw it I don't know
10 where the marijuana went. It could have went into the
11 waste basket, it could be beside it. I did throw the
12 marijuana. I claimed the marijuana.

13 Q. Okay.

14 A. I did throw it down.

15 Q. Okay. Now did you try to flush the toilet?

16 A. No, sir.

17 Q. When you got in there did you see anything in the
18 toilet?

19 A. No, sir.

20 Q. And it's your testimony, CJ, that you brought
21 marijuana into that bathroom?

22 A. Yes, sir.

23 Q. Did you bring any cocaine into that bathroom?

24 A. No, sir.

25 Q. And when you're in the bathroom, do you recall - Did

CLARENCE PUCKETT: BY MR. DELANEY

-267-

1 you - Did you shut the door? Is the door open or shut?

2 A. I recall pulling the door and it probably shut behind
3 me. The door was probably shut behind me.

4 Q. Okay. Now you had testified under oath previously
5 that it was your belief that the door was open; is that
6 right?

7 A. Yes, sir.

8 Q. Okay. Now I'm asking you today ---

9 A. Yes, sir.

10 Q. --- the best that you can remember, that door
11 open or shut?

12 A. Shut.

13 Q. Did you lock that door?

14 A. Yes, sir.

15 Q. The bathroom door?

16 A. No not the bathroom door. No, sir, the front door.

17 Q. You --

18 A. The front door was locked, the bathroom door was not
19 locked no, sir.

20 Q. And the front door has a dead bolt on it?

21 A. Yes, sir.

22 Q. Okay. And the dead bolt was locked on the front
23 door?

24 A. Yes, sir.

25 Q. But your testimony that - Your testimony here today

1 is ---

2 A. Yes, sir.

3 Q. --- that the bathroom door was closed.

4 A. Yes, sir.

5 Q. And you did not lock it?

6 A. It was not locked.

7 Q. Okay.

8 A. No, sir.

9 Q. How did the door open?

10 A. I have no idea. When he hit the hole in the wall I
11 threw my hands up automatically and I opened the door
12 myself and Mr. Sherfield was standing right there and they
13 laid me right there in the floor. My feet was congested -
14 My feet was laying in the bathroom doorway, hallway
15 doorway, into the kitchen. My whole body was actually
16 laying in the kitchen. I was not arrested in the bathroom
17 near the toilet, near no cocaine or had nothing to do with
18 it. I didn't even see no cocaine in the bathroom. The
19 only thing that they got me - The only place that they
20 arrested me at was in my kitchen floor. That was after I
21 came out of the bathroom on my own. The bathroom door was
22 not busted in. There were no --

23 Q. Okay. Now you went in that bathroom. Did you go in
24 that bathroom to try to flush the marijuana?

25 A. Yes, sir.

CLARENCE PUCKETT: BY MR. DELANEY

-269-

1 Q. Okay. And you were stopped by something going
2 through the hole in the wall?

3 A. Yes, sir..

4 Q. Okay. And did you ever see a gun?

5 A. Yes, sir.

6 Q. Okay. What did you see through the hole?

7 A. When - The first I seen a fist come through - I heard
8 the big bang and I seen that they was busting a hole
9 through it and by the time I threw the marijuana I turned
10 back around at the same time and there was the gun and I
11 just throwed my hands up. I just opened the door real
12 quick and I said I give up.

13 Q. We heard that some crack cocaine was found under your
14 couch.

15 A. Yes, sir.

16 Q. And also on your floor?

17 A. Yes, sir.

18 Q. Did that crack cocaine that was found on your couch
19 and on your floor did that crack cocaine belong to you?

20 A. No, sir.

21 Q. Did you have any knowledge that the crack cocaine
22 was inside your house?

23 A. No, sir.

24 Q. Any knowledge that powder cocaine is inside your
25 toilet?

1 A. No, sir.

2 Q. And who was coming out of your bathroom when you
3 were going in to flush the marijuana?

4 A. Mr. Anderson.

5 Q. Now, CJ, when you were out in the kitchen and cuffed
6 on the floor you were at some point read your *Miranda*
7 rights; is that correct?

8 A. Yes, sir.

9 Q. Okay. And after that did anybody ask you to write
10 anything down?

11 A. No, sir.

12 Q. Anybody ask you to sign any statements?

13 A. No, sir..

14 Q. To your knowledge when you were talking with police
15 was anything recorded?

16 A. No, sir.

17 Q. Okay. What did you say, what did you tell the
18 narcotics officers when you were in the kitchen of the
19 mobile home on August 21st, 2009?

20 A. I told them that the marijuana was mine. I claimed
21 the marijuana, Mr. Anderson sole me the marijuana it was
22 mine and I took full responsibility for it.

23 Q. Okay.

24 A. Twenty Dollars.

25 Q. Did you claim anything else that was found?

CLARENCE PUCKETT: BY MR. DELANEY

-271-

1 A. No, sir. No, sir. I had my hands cuffed behind my
2 back. I acknowledged toward the marijuana saying it was
3 mine. I did not claim no cocaine or crack cocaine or
4 scales or any kind of - anything to do with cocaine I did
5 not have nothing to do with.

6 Q. Okay. And now did you say anything additionally that
7 you recall to narcotics officers at your residence that
8 evening?

9 A. No, sir.

10 Q. Now the next day at the jail, do narcotics officers,
11 more specifically Lieutenant Sherfield, came and talked to
12 you?

13 A. Yes, sir.

14 Q. Okay. And did someone else come with him?

15 A. Yes, sir. There was a deputy, a uniform deputy.

16 Q. Okay. That's fine. There was one other person with
17 him?

18 A. Yes, sir.

19 Q. Okay. And where did they take you to talk?

20 A. Into a little concrete, just a little concrete room.
21 I'm not sure.

22 Q. Okay. And what is the conversation about at the jail?

23 A. From Mr. Sherfield's side?

24 Q. Well first let me ask you, did you when Lieutenant
25 Sherfield and this other officer came and saw you at the

1 detention center, did you claim, say that any of the
2 cocaine ---

3 A. No, sir.

4 Q. --- that was found in your house was yours?

5 A. No, sir. No, sir.

6 Q. Did you say anything to Lieutenant Sherfield and this
7 other officer about times being hard for you and that's why
8 you were resorting to selling cocaine?

9 A. No, sir.

10 Q. You say anything about times being hard?

11 A. The only thing that was mentioned about times being
12 hard was that my truck being broke down and stuff. The
13 sugar inside the truck, we had laughed because I told him
14 my girl put sugar in my truck. That was the only thing
15 that was mentioned.

16 Q. And did you tell Lieutenant SHERfield and this other
17 officer that you could get up to nine ounces of cocaine?

18 A. No, sir.

19 Q. Did you ever tell him or give him names of people I
20 guess you were getting it from?

21 A. I wouldn't be here now is how I feel about it. If you
22 tell on somebody in Union you don't go to court. And
23 that's God's mighty --

24 Q. My question is to you now you said you - So its
25 your testimony you didn't say any --

CLARENCE PUCKETT: BY MR. DELANEY

-273-

1 A. No, sir. No, sir.

2 Q. And that's what you're telling this jury here today?

3 A. I'll tell each and everyone no, sir, I did not give no
4 one no name or no kind of account of cocaine, of crack
5 cocaine of any kind no way. No way possible. He can't
6 name no names that I give.

7 Q. Okay. Did they have you record anything - Sorry,
8 strike that. Did they have you write down anything when
9 you were in this room?

10 A. No, sir.

11 Q. Did they have you sign anything when you were in
12 this room?

13 A. They did have me sign something.

14 Q. Well my question is specifically, did they have you
15 sign any type of a statement that you gave?

16 A. Oh, no, sir. No, sir.

17 Q. And to your knowledge were you being recorded at that
18 time when you were talking with the Lieutenant and this
19 other officer?

20 A. No, sir.

21 Q. CJ.

22 A. Yes, sir.

23 Q. What belonged to you in that house?

24 A. A Twenty Dollar bag of marijuana that I had just
25 purchased from Mr. Anderson.

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-274-

1 MR. DELANEY: Thank you, CJ. Answer any questions the
2 Solicitor has.

3 A. Yes, sir.

4 CROSS EXAMINATION

5 CLARENCE PUCKETT BY SOLICITOR ANTHONY:

6 Q. Mr. Puckett, you said that you had testified about
7 this incident before?

8 A. Yes, sir.

9 Q. Is that correct?

10 A. Yes, sir.

11 Q. And that was a little over two years ago in ---

12 A. About three, almost three years ago.

13 Q. --- in May of 2010?

14 A. May of 2010 yes, sir.

15 Q. Okay. And that was here in this courtroom?

16 A. Right here.

17 Q. As a matter of fact it was in that same chair you're
18 sitting in right now?

19 A. Talking to you yes, sir.

20 Q. Talking - That's right, talking to me and the attorney
21 you had at that time.

22 Q. Yes, sir.

23 Q. Okay. And at that time you did pretty much the same
24 thing you just did a few minutes ago as far as swearing
25 to tell the truth. Right?

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-275-

1 A. Yes, sir.

2 Q. I mean you came up and you put your hand on that Bible
3 and you said you'd tell the truth?

4 A. I sure did yes, sir.

5 Q. Okay. And have you read back over what you said that
6 day?

7 A. Yes, sir.

8 Q. So you've seen what we call the transcript where you
9 seen the questions you were asked ---

10 A. Yes, sir.

11 Q. --- and the answers you gave?

12 A. Yes, sir.

13 Q. Okay. And on that day you testified under oath that
14 before you ran into the bathroom Mr. Anderson handed you
15 cocaine and told you to flush it?

16 A. Yes, sir.

17 Q. Okay.

18 A. I tell you that I made that up to Mr. Erik that was a
19 mistake and I went through the rest of the testimony
20 numerous times saying that they got me not giving me no
21 cocaine. That was a mistake on my behalf.

22 Q. Well --

23 A. Just the word was mistaken that's all.

24 Q. You never in the testimony actually turned around and
25 said it was a mistake though did you?

1 A. At the time I didn't but further more went on into the
2 rest of the testimony claiming that no he did not give me
3 no drugs. Right?

4 Q. But when you testified - When you testified you never
5 stopped and said Oh I was mistaken about that?

6 A. Well I was so nervous at the time, sir, I do apologize
7 and I openly admit to you all that I apologize I was being
8 nervous but further through the testimony that I gave I
9 over a hand full of times said that he did not give me no
10 drugs.

11 Q. And then towards the end you made the statement - Well
12 you had initially said that when he gave you the drugs he
13 threatened you; is that correct? Do you remember saying
14 that?

15 A. He did. He looked at me with a threat. He didn't
16 verbally threaten me.

17 Q. Okay. And then towards the end of the testimony I
18 ask you how he threatened you. Do you remember that?

19 A. Not right off.

20 Q. Well do you remember giving the answer "to get rid of
21 my drugs" and then I ask you "What was the threat?" And
22 you said "He said go ahead and rid of these drugs and not
23 to blame them on me."

24 A. And, sir, this is a guy that is six foot seven.

25 Q. Well my question was just did you say that?

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-277-

1 A. I'm saying your answer. It's got -

2 THE COURT: No. No. No you got to answer his
3 question and then you can give an explanation.

4 A. Oh.

5 THE COURT: He's asking is that in fact what you
6 testified to at an earlier time under oath?

7 A. Yes, sir.

8 Can you ask the question again?

9 Q. Did you not - Did you not say he, referring to Travis
10 Anderson said "to go ahead and rid of these drugs and not
11 to blame them on me?"

12 A. No, sir.

13 Q. Isn't that - You didn't say that?

14 A. No, sir.

15 Q. All right. Well I'm gonna give you, hand up a copy
16 of the transcript. I'd ask that you turn over to Page 42.
17 I'm gonna show you Page 42 and I'd ask you - Hold on and
18 let me get over here to my copy.

19 And I'm going to take you down, ask you to go down to
20 Page 19. Or I'm sorry, Number 19, Line Number 19 on Page
21 42; do you see that? And I say "What was the threat" is my
22 question. You see that?

23 A. Yes, sir.

24 Q. Okay. And what was your answer?

25 A. "He says get rid of the drugs and not to blame it on

1 me."

2 Q. Okay.

3 A. It's exactly what it says yes, sir.

4 Q. Okay. And that's what he said.

5 A. Yes, sir.

6 Q. Get rid of the drugs and don't blame it on me?

7 A. Yes, sir.

8 Q. Okay.

9 A. Right here in this testimony right here yes, sir,
10 that's what it said.

11 Q. And - -

12 A. This is your transcript. Right?

13 Q. I'm just asking a question. Is that what it says?

14 A. It's your transcript.

15 THE COURT: Answer his questions okay, Mr. Puckett?

16 A. Yes, sir.

17 Q. Okay. And then if you would just how did you respond
18 going down to Lines 22 through 25?

19 A. It says "not to blame it on me. He didn't come out
20 and say I'll shoot you or blame it on me - don't blame it
21 on me or something like that." Like I said he never did
22 threaten me, it was just the look that he gave me while he
23 was trying to hand it to me. It says right here that he
24 did not say that he would shoot me or to blame these on me
25 or anything like that.

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-279-

1 Q. Well I'll read - Let me read it for you.

2 A. Line 24.

3 Q. You just tell me if this is correct. Did you say "He
4 didn't come out and say I'll shoot you if you blame them on
5 me or something like that. But he made the statement and
6 it was very verbally stated for me to get rid of my drugs
7 and not to blame them on him."

8 A. Yes, sir..

9 Q. Is that what you said?

10 A. But it says to get - -

11 THE COURT: Answer the question. You can read can you
12 not?

13 A. Yes, sir.

14 THE COURT: You can read?

15 Q. Okay.

16 THE COURT: He's asking - He's asking is that what it
17 says.

18 A. Yes, sir.

19 BY SOLICITOR ANTHONY:

20 Q. All right. And that's what you testified that he
21 told you and this is on Page 42. Correct?

22 A. Yes, sir.

23 Q. What we just looked at?

24 A. Yes, sir.

25 Q. Okay. All right. And then if you turn over to Page

1 7 which Page 7 was way before Page 42. Correct?

2 A. Yes, ---

3 Q. Okay.

4 A. --- sir.

5 Q. And when you get to Page 7 this is when you're lawyer
6 is asking you questions. Correct?

7 A. I'm sorry, I'm not there yet.

8 Q. Okay.

9 A. Just a second, sir. Please excuse me.

10 Okay. What line?

11 THE COURT: Which line, Mr. Anthony?

12 Q. I'd ask you to go look down to Page 15, Page 7.

13 THE COURT: Line?

14 Q. I'm sorry.

15 A. Page 15?

16 Q. Line 15. I'm sorry.

17 A. Page 7, Line 15?

18 Q. Line 15, Page 7. And isn't this - This is in response
19 and you can look back at Page 6 if you'd like, Mr. Puckett.
20 Isn't this in response to a question from your lawyer where
21 you're testifying and your lawyer is asking you questions?

22 A. On my 15 it says "Yes, sir."

23 Q. No my question is, when you're making this answer it
24 is in response to a question from your lawyer; isn't that
25 right?

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-281-

1 A. I have no idea.

2 Q. Well why don't you look back - -

3 A. It doesn't say that.

4 Q. Look back at Page 5 and Page 6 and see if you can
5 recall who's asking you that question.

6 A. Right here on Page 6, Line 11 it says Ms. Butler.

7 Q. Okay.

8 A. You can ask some more questions and Ms. Butler said
9 "Yes, sir."

10 Q. All right. Ms. Butler on Line 19 on Page 6 Ms. Butler
11 says "Well you just continue to tell us what happened on
12 that day." Isn't that right?

13 A. Yes, sir.

14 Q. Okay. And so then when you go over to Page 7 when you
15 get down to Line 15 you say "Is it correct you said I heard
16 Mr. Anderson run through the home, okay. When I was in the
17 bathroom I took the little bit of marijuana I had I threw
18 it on top of the water, it was in the toilet itself. All
19 right. Mr. Anderson had a thing of cocaine right before I
20 run into the bathroom Mr. Anderson handed me the cocaine
21 and threatened me to run into the bathroom and flush it or
22 he was going to" and then there's an objection. Isn't that
23 right?

24 A. Yes, sir.

25 Q. That's what it says. Okay.

1 A. Yes, sir.

2 Q. And that's on Page 7?

3 A. Yes, sir.

4 Q. And that's what Ms. Butler ask you?

5 A. That's what Ms. Butler ask.

6 Q. So when I was asking you questions way over on Page
7 42 and ask you what the threat was, you gave that answer
8 that you just read.

9 A. Yes, sir.

10 Q. Okay.

11 A. Yes, sir.

12 Q. All right. And your testimony is today that you went
13 in the bathroom. Correct?

14 A. Sir? Excuse me.

15 Q. When the police came in you went in the bathroom; is
16 that correct?

17 A. Yes, sir. After I got the evidence off the counter.

18 Q. After you picked up the marijuana. The stems ---

19 A. And the seeds.

20 Q. --- and the seeds.

21 A. The seeds and stuff yes, sir.

22 Q. Okay. And you went into the bathroom. Correct?

23 A. Yes, sir.

24 Q. All right. And Mr. Anderson was coming out of the
25 bathroom?

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-283-

1 A. Yes, sir.

2 Q. All right. And you - You claim today that Mr.
3 Anderson didn't hand you the drugs?

4 A. He didn't.

5 Q. All right. You went on in the bathroom; is that
6 right?

7 A. Yes, sir.

8 Q. Did you shut the door?

9 A. Yes, sir.

10 Q. Did you lock the door?

11 A. I - No, sir.

12 Q. You didn't lock the door?

13 A. No, sir.

14 Q. Okay. So by your testimony today anybody who was
15 with the sheriff's office could have just opened up that
16 bathroom door and walked on in on you?

17 A. I don't know. The front door miraculously opened and
18 the bathroom door did too.

19 Q. Okay. Well my question was, you didn't lock it? You
20 just said you didn't lock the bathroom door. Right?

21 A. Right.

22 Q. All right I'm not asking you about the front door.
23 Just the bathroom door.

24 A. Okay. But it miraculously opened too. Right?

25 Q. Well the bathroom door wasn't locked.

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-284-

1 A. Right.

2 Q. Is that right?

3 A. I opened the bathroom door.

4 Q. Okay. Well that's my question. My question is just
5 simply, your testimony is you didn't lock the bathroom
6 door?

7 A. Right.

8 Q. Okay. So anybody who was executing that - Who was
9 there from the sheriff's office who wanted to go to that
10 bathroom door and walk in on you, all they had to do was
11 get to the door, open it up and walk in?

12 A. Yes, sir.

13 Q. That's your testimony?

14 A. Yes, sir.

15 Q. Okay. And so there would have been no need for
16 anybody to have to try to kick at the door and there would
17 have been no need for nobody to try and knock a hole in the
18 wall?

19 A. Right.

20 Q. Okay. All right. And your testimony is that you
21 never tried to flush the commode?

22 A. Right.

23 Q. Okay. Did - And your testimony is that you didn't
24 even know that there was cocaine in the commode; is that
25 correct?

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-285-

1 A. That's right.

2 Q. Okay. Okay. And when the police came they didn't
3 have to do anything to try to get in on your on that
4 bathroom - In that bathroom you just walked on out and gave
5 yourself up?

6 A. Yes, sir, that's right. After they hit the hole in
7 the wall I opened the door and came right out and
8 surrendered myself.

9 Q. Okay.

10 A. With no problem.

11 Q. All right.

12 A. Generally walked through and everything.

13 Q. But your testimony was there was no need for them to
14 knock a hole in the wall. Correct?

15 A. Correct.

16 Q. Because the door wasn't locked.

17 A. How would they know where I was at?

18 Q. Well I'm just asking.

19 A. Why didn't nobody check the bedroom?

20 Q. I'm asking you questions, Mr. Puckett.

21 You didn't have - They didn't have any reason to
22 knock the hole in the wall. Correct?

23 A. Correct.

24 Q. Okay. Because the bathroom door was open.

25 A. Correct.

1 Q. And they didn't even have to - -

2 A. The door was shut.

3 Q. I'm sorry. The bathroom door was unlocked.

4 A. It was unlocked.

5 Q. Okay.

6 A. It was definitely shut.

7 Q. Okay.

8 A. Now what if they tried to push the door forward and
9 the door don't go forward?

10 THE COURT: Well just answer questions would you
11 please.

12 A. Yes, sir.

13 Q. But the bathroom door was opened by you.

14 A. Yes, sir.

15 Q. Okay. And you just gave yourself up to them?

16 A. Yes, sir.

17 Q. Okay. Okay. And even though you had gone into the
18 bathroom with the intention of getting rid of your
19 marijuana. Correct?

20 A. Correct.

21 Q. Okay. But your testimony is that even though you
22 would have had time to flush that marijuana down the
23 commode wouldn't you say?

24 A. No, sir.

25 Q. Well you gave --

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-287-

1 A. I said when they - I told you when they hit the wall
2 I throwed - I looked and I throwed the marijuana, looking
3 at the same time back and forth at them hitting the wall,
4 and I surrendered right then.

5 Q. Okay.

6 A. So there's no way I even said that I had time to
7 flush it.

8 Q. And your back door, is your back door locked?

9 A. No, sir.

10 Q. Okay. So there was no pad lock on your back door?

11 A. There is no pad lock. It was sheet rock, it was
12 actually sheet metal screwed all the way around it. It had
13 forty some screws all the way around the door.

14 Q. Okay. But not a pad lock?

15 A. No.

16 Q. Not a pad lock?

17 A. It didn't have no pad lock. Still don't have no pad
18 lock on it.

19 Q. Okay. And you had Eleven Hundred and Seventy-seven

20 ---

21 A. Yes, sir.

22 Q. --- Thousand Dollars cash on you?

23 A. Yes, sir.

24 Q. Okay.

25 A. And some change.

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-288-

1 Q. Okay. And your testimony is when they brought you
2 into the living room, did you - You're saying you did not
3 tell them where that scale was?

4 A. Exactly.

5 Q. You ---

6 A. There was no scale in my home.

7 Q. You didn't tell them there was a scale in your
8 kitchen cabinet?

9 A. No, sir.

10 Q. And you're testimony is that to your knowledge there
11 wasn't a scale in your kitchen cabinet?

12 A. There was no scales in my home. I just answered that.

13 Q. Okay. Well had Mr. Anderson brought a scale in?

14 A. He had had some scales yes, sir. He had walked back
15 out to his car too and there was scales found in his car.

16 Q. Well I guess my question is, first question would be,
17 did he bring a scale in?

18 A. Yeah he brought a scale in.

19 Q. Okay. Did he --

20 A. But they was found in his car.

21 Q. Did he weigh out the marijuana?

22 A. Yes, sir.

23 Q. Okay. He weighed out the marijuana.

24 A. Yes, sir.

25 Q. Gave you the marijuana?

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-289-

1 A. Yes, sir.

2 Q. Okay. And then your testimony is he took the
3 scale back out to his car?

4 A. I don't know what he did with it.

5 Q. Okay.

6 A. We walked back out to his car I testified to that
7 previously in another trial.

8 Q. Well he walked back out to his car?

9 A. Yes, sir.

10 Q. And did you see the scale any more after he walked
11 back out to his car?

12 A. I was busy at the bar rolling a blunt. I'm sorry.

13 Q. Okay. So the - Well did you see the scale that was
14 recovered from that the sheriff's office says they got from
15 your kitchen?

16 A. I've seen the scales that they've shown that they
17 said that was mine and I told them they couldn't get no
18 fingerprints off of it.

19 Q. Is that Mr. Anderson's scale?

20 A. Its in the picture in the back seat of his car.

21 Q. So you're --

22 A. And its in the Union Times that they found - -

23 Q. Well my question was, is that the scale that Mr.
24 Anderson brought in your house?

25 A. It could be yes, sir.

1 Q. Okay.

2 A. But I didn't examine them fully.

3 Q. Okay.

4 A. Sorry.

5 Q. Okay. But you never told them there was a scale in
6 your kitchen cabinet?

7 A. No, sir, there was no scales in my -

8 Q. You never told them that none of the dope was Mr.
9 Anderson's?

10 A. Sir?

11 Q. You never told them that none of the dope in the
12 house belonged to Mr. Anderson? You never said that?

13 A. I never said what?

14 Q. That none of the drugs in the house belonged to Mr.
15 Anderson?

16 A. Uh - I didn't say that they did belong to Mr. Anderson
17 but I did not claim them. I claimed the marijuana.

18 Q. But you didn't say they didn't belong to him either?

19 A. But I claimed - I claimed mine.

20 Q. Uh -

21 A. That's what I claimed. I did not say that Mr.
22 Anderson - these are Mr. Anderson's or nothing no, sir.

23 Q. Okay.

24 A. That's the question.

25 Q. Okay. And you're testimony about Mr. Anderson is

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-291-

1 that he came to your house and brought a scale and so
2 weighed you out some marijuana?

3 A. Yes, sir.

4 Q. And gave you the marijuana?

5 A. Yes, sir.

6 Q. Okay. And you were there in the living room or
7 there at the bar at your kitchen, and you were rolling that
8 marijuana preparing to smoke it?

9 A. Yeah and separating it and getting it ready to roll
10 and roll it up yes, sir.

11 Q. And he had provided this to you and you had no paid
12 him?

13 A. Not yet no, sir.

14 Q. Okay. He went to all --

15 A. From the time he sold it to the time I went to - To
16 the time he sold me the pot to the time the police got
17 there the blunt hadn't even been rolled and partially
18 hadn't even been lit. It happened in the two minutes,
19 three minutes time, maybe five minutes at most. It was
20 that fast.

21 (WITNESS SNAPPED FINGERS.)

22 Q. Okay. But he had weighed it for you, gone back out
23 to his car and you were - was in the room while you were
24 sitting there rolling it and he hadn't ask for his money?

25 A. Right.

1 Q. Okay.

2 A. Correct.

3 Q. All right.

4 A. And --

5 Q. And your testimony is the day after that when
6 Lieutenant Sherfield came out to the jail to talk to you,
7 you never told him that you were - you could buy up to nine
8 ounces?

9 A. No, sir. He told me that a guy got caught with
10 nine ounces of cocaine and I hadn't heard nothing about it
11 or it hadn't been in the paper and I could do the same
12 thing to help myself.

13 Correct?

14 Q. Well you - Once again I'm asking you questions.

15 You're not asking him questions, Mr. Puckett?

16 A. Well that's what was told.

17 Q. My question was did you ever tell him that you
18 could get ---

19 A. No, sir.

20 Q. --- nine ounces of cocaine? Okay. And did you have
21 a motor bike at your house?

22 A. Yes, sir.

23 Q. Okay. And how old was that?

24 A. How old was it?

25 Q. Yeah.

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-293-

1 A. The dirt bike that I had?

2 Q. Yeah.

3 A. In '09 it was five, four; five years old. Something
4 like that. But that was a Christmas present from someone.
5 That wasn't even purchased by me.

6 Q. Okay. And were you aware - I take it you were aware
7 Ms. Heatherly coming to your house to take those pictures?

8 A. Yes, sir.

9 Q. Okay. And that - Was it correct that she came to
10 your house the day you got out of jail and made bond?

11 A. It was - No I didn't get out of jail that evening
12 until after seven o'clock the evening. So it was the
13 following morning.

14 Q. It was the next day?

15 A. It was the next day after I got out of jail.

16 Q. Okay. And you were in jail until ---

17 A. The 25th.

18 Q. --- the 25th of October; isn't that right?

19 A. It was on the 26th is when we took the pictures.

20 Q. Okay. You took the pictures on the 26th?

21 A. I would say ---

22 Q. Okay.

23 A. --- the day after I got out of jail.

24 Q. All right. So you were in jail from August 21st to
25 October 25th?

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-294-

1 A. Yes, sir.

2 Q. All right.

3 SOLICITOR ANTHONY: If I could just have a couple of
4 moments, Your Honor.

5 (PAUSE AT 05:32 P.M..)

6 Q. And, Mr. Puckett, just a few more questions.

7 When you testified back in 2010, and talked about
8 going into the bathroom and throwing your marijuana in the
9 toilet.

10 A. Uh-huh.

11 Q. You actually said that you put it - You tossed it in
12 the toilet; isn't that correct?

13 A. I tossed it toward the toilet.

14 Q. Okay. You still got the transcript? Look over at
15 Page --

16 A. Yes I do.

17 Q. Look over at Page 21 and go down to Line 21.

18 A. Okay. And start at which line, sir? Page 21, what
19 line?

20 Q. Yeah. Look at Line 21. And my question to you on
21 Line 21 was "And you put your marijuana in the commode;
22 isn't that correct?"

23 A. It says the next one - My answer is "I just tossed it
24 yes, sir."

25 Q. And then you said I tossed it from here to there

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-295-

1 into the toilet?"

2 A. "From here to there into the toilet, toward the
3 toilet."

4 Q. Well Line 22 says "I tossed it from here to there into
5 the toilet." Correct?

6 A. Yes, sir.

7 Q. Okay. And then going a little further if you go up
8 that page to Line 5 you say on Line 5 is not correct you
9 say "I noticed that it was the police out there so I took
10 off running to the bathroom myself and I throwed what
11 little bit of marijuana that I had it wasn't 6.8 grams, I
12 threw it into the toilet myself." That's what you say.

13 A. Okay. You saying -

14 THE COURT: No he's just asking you is that what's
15 printed on that piece of paper.

16 A. It says that it wasn't 6.8 grams I throwed it into
17 the toilet myself. "And it wasn't 6.8 grams but I throwed
18 it into the toilet myself."

19 Q. And that was your answer?

20 A. That's what's on this piece of paper.

21 Q. Okay. Well that's what you said isn't it?

22 A. Uh.

23 Q. That's what you said isn't it, Mr. Puckett?

24 A. I - yes, sir.

25 Q. Okay. And were you aware like when you went in the

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-296-

1 bathroom after Mr. Anderson walked out, were you aware that
2 the toilet had been flushed?

3 A. No, sir.

4 Q. You weren't? And that it never was - You couldn't
5 tell that the toilet had been flushed?

6 A. No, sir.

7 Q. And you didn't flush the toilet?

8 A. No, sir.

9 Q. Okay. And you said that at some point you saw a gun?

10 A. Yes, sir.

11 Q. Okay. And when was that exactly?

12 A. Through the hole in the wall.

13 Q. Okay. All right.

14 A. Uh-huh.

15 Q. And could you actually see Lieutenant Sherfield on -

16 A. All you could see was the gun. You couldn't see on
17 through the wall. Its just a hole this big about five feet
18 off the ground. The hole is not this big.

19 Q. Uh-huh.

20 A. So that's all you could see was a gun. You couldn't
21 see who had the gun. All you could see was the gun.

22 Q. All right. So your testimony is you just looked
23 around and there was a gun pointed at you?

24 A. Well I heard a bang. I seen them breaking through
25 the wall.

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-297-

1 Q. Uh-huh.

2 A. And when I turned around I seen the gun coming
3 through the - you could see the hole and the gun coming
4 through the wall yes, sir.

5 Q. Okay.

6 A. Anything?

7 Q. And did you - Did you hear anybody saying open up
8 the door or anything along those lines?

9 A. Oh you could hear. I could hear a bunch of mumbling
10 and stuff like that and rumbling and people's feet stomping
11 and stuff but I didn't - I can't make out what nobody was
12 saying no, sir.

13 Q. But you --

14 A. I was so scared at the time I really - All I could
15 hear was my heart beating at the time. I didn't even hear
16 nothing else.

17 Q. And you were never aware of anybody trying to knock
18 in the bathroom door?

19 A. Trying to knock - -

20 Q. Trying to knock in the bathroom door yeah.

21 A. You may from the sound of him busting the hole into
22 the sheet rock it completely covered and destroyed all
23 other sounds. I mean this was loud.

24 Q. Okay.

25 A. Banging through sheet rock and pointing a gun at you

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-298-

1 is loud. Two layers of sheet rock that's loud.

2 Q. But your testimony is that you walked out of the
3 bathroom door.

4 A. I did.

5 Q. Okay. So nobody would have had to try to knock it
6 open. Correct?

7 A. Well what if they tried to open it in the opposite
8 way, Mr. Anthony?

9 Q. Well my question is just, nobody would have had to try
10 to open it up because you opened it up and walked out
11 yourself; isn't that correct?

12 A. After I seen the gun yes, sir.

13 Q. Okay.

14 SOLICITOR ANTHONY: If I can have one moment.

15 (PAUSE AT 05:44 P.M..)

16 Q. One other thing. When you testified before, when
17 you reread that transcript, Mr. Puckett, is it fair to say
18 you didn't say anything the first time you testified about
19 having your hands full seeds and the stems?

20 A. Uh I'm not sure if I did or not, sir. I know I did
21 say that I raked the stuff off of the counter.

22 Q. You did?

23 A. In the first testimony?

24 Q. Uh-huh.

25 A. I'm pretty sure I thought I did. I may be mistaken

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-299-

1 but I thought I did yes, sir.

2 Q. All right. I mean would you like a minute to try
3 and find that?

4 A. No, sir.

5 Q. Where you -

6 A. If there is no where you can point it out right?

7 Q. Well ---

8 A. That's what I'm asking.

9 Q. --- Mr. Puckett, I'm not able to point out something

10 A. What question are you trying to ask me?

11 Q. My question is when you testified the first time did
12 you tell the jury in that case about collecting the seeds
13 and the stems and your hands being full?

14 A. Uh not absolutely positive. It's been three years
15 ago, sir. I'm not absolutely positive. If I could look
16 through maybe --

17 Q. Well you've read through it lately haven't you?

18 A. No, sir.

19 Q. You hadn't read - When was the last time you read it?

20 A. Don't need to.

21 Q. Okay. Well my question is just did you tell the jury
22 then about having to put the seeds and the stems in your
23 hands and your hands being full?

24 A. Like I said ---

25 Q. And if you need to --

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-300-

1 A. --- I don't recall. If I need to look through it
2 can I look through it myself?

3 Q. That would be fine.

4 A. All it is.

5 Q. Well I mean that would be fine if you want a chance to
6 look for it.

7 MR. DELANEY: Your Honor, I would say at this time he
8 said he doesn't recall. If Mr. Anthony wants to direct him
9 to a certain portion of this transcript --

10 SOLICITOR ANTHONY: Well I can't direct him to what's
11 not there.

12 THE COURT: If that's an objection its over ruled.

13 BY SOLICITOR ANTHONY:

14 Q. But if you want to look for it look for it.

15 A. Okay. I just a - Okay. Sure will. Because its -

16 (PAUSE 05:47 P.M..)

17 A. Okay. Page 4 right here, Mr. Anthony, it says that
18 "when they came and knocked on the door and as David said
19 my door opens opposite way."

20 Who is David? Page 4, Line 12.

21 Q. You would have to answer that, Mr. Puckett.

22 THE COURT: Its your answer.

23 SOLICITOR ANTHONY: Yeah it's your answer.

24 THE COURT: Its your answer so if you don't know who
25 David is they don't know who David is. It's your answer,

CLARENCE PUCKETT: BY SOLICITOR ANTHONY

-301-

1 Mr. Puckett.

2 A. "David says" --

3 (PAUSE.)

4 MR. DELANEY: Judge, may I approach?

5 (SIDE BAR OFF THE RECORD OUT OF THE HEARING OF THE
6 JURY AT 05:49.)

7 BY SOLICITOR ANTHONY:

8 A. Yes, sir, you ready?

9 Q. Sure.

10 A. Okay. It says right here that -

11 THE COURT: Tell him the page and the line.

12 A. Yes, sir.

13 It says right here on Page 7, Line 4, "I stepped from
14 the bathroom" - now this is from the kitchen into the
15 bathroom - "I stepped from the kitchen to the bathroom." It
16 doesn't say I had my hands full, it doesn't say I didn't
17 have my hands full.

18 Q. Okay. Well I --

19 A. But I did step from the bathroom - from the kitchen
20 into the bathroom.

21 Q. Well, Mr. Puckett, I understand you said that you
22 stepped from the kitchen.

23 A. I basically say - I don't say that I have my hands
24 full no, sir.

25 Q. Okay. You don't say that?

CLARENCE PUCKETT: BY MR. DELANEY

-302-

1 A. No, sir.

2 Q. In the transcript?

3 A. No, sir.

4 Q. Okay. All right.

5 SOLICITOR ANTHONY: Thank you, Your Honor. That's all
6 my cross.

7 THE COURT: Any redirect?

8 MR. DELANEY: That's it?

9 THE COURT: Yeah.

10 MR. DELANEY: A few on redirect, Judge.

11 REDIRECT EXAMINATION

12 CLARENCE PUCKETT BY MR. DELANEY:

13 Q. You still have that transcript up there, CJ?

14 A. Yes, sir.

15 Q. Okay. I want you to grab that transcript, Page - go
16 to Page 19. Page 19, Line - look down on Line 8 there is a
17 question posed by Solicitor Anthony states "Okay. And when
18 he came out the bathroom is when you say he handed you the
19 cocaine?"

20 SOLICITOR ANTHONY: Well I object. That's not --

21 A. No this is -

22 SOLICITOR ANTHONY: That's hearsay.

23 A. Huh-huh, that's spoken by him. That's ask by him his
24 self. That's ask by him.

25 SOLICITOR ANTHONY: Well I object.

CLARENCE PUCKETT: BY MR. DELANEY

-303-

1 THE COURT: Let me let the jury go to the jury room
2 just for a minute.

3 (JURY EXITS COURTROOM AT 05:52 P.M..)

4 THE COURT: Mr. Puckett, I am not going to be too
5 harsh

6 on you but you can't be your own attorney. Let your
7 attorney take care of those kind of things.

8 A. Yes, sir.

9 THE COURT: You just answer the questions.

10 A. Yes, sir. I apologize for any frustration.

11 THE COURT: I just don't feel it's gonna help you to
12 take that tact.

13 A. Yes, sir.

14 THE COURT: But I'm instructing you just answer the
15 questions and let your attorney take care of the legal part
16 of it.

17 A. Yes, sir.

18 THE COURT: All right, Page 19, Line what?

19 MR. DELANEY: Page 19, Line 8 he's ask "When you came
20 out of the bathroom is when you say he handed you the
21 cocaine?" Mr. Puckett answers "No, sir."

22 THE COURT: This is Mr. Anthony's question?

23 MR. DELANEY: Mr. Anthony's question.

24 SOLICITOR ANTHONY: My objection is that's hearsay.

25 MR. DELANEY: Mr. Anthony objected - Mr. Anthony in

CLARENCE PUCKETT: BY MR. DELANEY

-304-

1 his direct he was asking questions about what Melinda
2 Butler ask my client and he's relying on the transcript -

3 SOLICITOR ANTHONY: Well I'm entitled to impeach him
4 of a prior inconsistent statement which is what I did in
5 cross examination but that does not mean that you can turn
6 around and ask him about things that are supported with
7 what he testified to. That's - There is nothing in the
8 rule that encompasses that.

9 MR. DELANEY: Well he - He testified on direct that he
10 was never handed cocaine. It was acknowledged on direct
11 that he had said otherwise in previous testimony. He also
12 testified on direct that he had said numerous times that
13 this previous prior trial that he said no Travis Anderson
14 didn't give me any cocaine. I just want to bring out the
15 fact that he did say on numerous occasions Travis Anderson
16 didn't give me cocaine.

17 SOLICITOR ANTHONY: And that's just self serving
18 hearsay.

19 THE COURT: So your position is this is not a prior
20 inconsistent statement but prior consistent statement.

21 SOLICITOR ANTHONY: It - What he said - What he's
22 wanting to put in is consistent to what he just testified
23 to, and so it would not fall under any kind of rule that
24 would allow for it's submission.

25 THE COURT: Well I'm still a little confused because

CLARENCE PUCKETT: BY MR. DELANEY

-305-

1 the question is "Okay, when he came out of the bathroom is
2 when you say he handed you the cocaine?"

3 And the answer is "Most certainly."

4 MR. DELANEY: Right. I mean that's just a little. It
5 goes on to say about five minutes after that "No, sir, no
6 he didn't give me any cocaine." That was the start of
7 saying no. Because on his direct is where he testified to
8 that and John -

9 THE COURT: Well this is a timing question here. See
10 when he came out of the bathroom is when you say he handed
11 you the cocaine. This has to do with - This is not
12 confirmatory - neither confirms or dis-affirms that it was
13 handed. This is a timing question. "When he came out of
14 the bathroom is when he said he handed me the cocaine?"

15 "No, sir." All right for the record -

16 MR. DELANEY: Yeah better -

17 THE COURT: I sustain.

18 MR. DELANEY: I'm sorry.

19 THE COURT: I sustain the objection as to that.

20 MR. DELANEY: Okay. Page 20, Lines - Essentially
21 Lines
22 9 through 22.

23 THE COURT: He does say that he never got the cocaine.

24 SOLICITOR ANTHONY: Yes, sir. My position is there
25 is no rule that no exception to the hearsay rule that

CLARENCE PUCKETT: BY MR. DELANEY

-306-

1 allows it to come in. I can ask him questions about things
2 he said was inconsistent with his testimony today from the
3 transcript but I don't think that allows him to be ask
4 about things that are inconsistent to his testimony today.

5 THE COURT: What rule, Mr. Delaney, what rule are you
6 relying on?

7 MR. DELANEY: I don't have a rule at this time, Judge.
8 This is a statement made by the defendant in the case.

9 SOLICITOR ANTHONY: Well the defendant's statements
10 are - They are only admissible if they are admissions and
11 this isn't him admitting to anything, this is him denying
12 something.

13 (PAUSE AT 05:58 P.M..)

14 THE COURT: Look at 801(d).

15 (PAUSE.)

16 THE COURT: What do you have to say?

17 MR. DELANEY: Judge, we're waiting. I don't have a
18 rule book over here. I'm sorry.

19 THE COURT: Come to court without a rule book?

20 MR. DELANEY: What's that?

21 THE COURT: You come into court without a rule book?

22 MR. DELANEY: Yeah I know. I left it upstairs in my
23 office. I had it here earlier.

24 THE COURT: Turn to Rule 801 Rules of Evidence.

25 C defines hearsay "as a statement other than one made

CLARENCE PUCKETT: BY MR. DELANEY

-307-

1 by the declarant while testifying at the trial or hearing
2 offered into evidence to prove the truth of the matter
3 asserted."

4 Then it goes down "and statements are not hearsay
5 prior statement by the witness but he doesn't fall into
6 those categories and it's not an admission by a party
7 opponent."

8 You're trying to come in under basically A, a prior
9 statement which is, or reversely you're trying to use a
10 prior statement to show consistency with his testimony
11 today.

12 MR. DELANEY: Yes, Judge.

13 THE COURT: Not inconsistency.

14 MR. DELANEY: Yes, Your Honor.

15 THE COURT: All right. I sustain the objection.

16 MR. DELANEY: May I have -- I probably just have one,
17 Judge.

18 THE COURT: Okay. Bring the jury back in.

19 (JURY REENTERS COURTROOM AT 06:04 P.M..)

20 THE COURT: All right, you may proceed.

21 REDIRECT EXAMINATION - CON'T

22 CLARENCE PUCKETT BY MR. DELANEY:

23 Q. CJ, the time that you got arrested, to the time you
24 bonded out as we heard on this charge, to your knowledge
25 was there any work done on you - at your place?

1 A. Sir?

2 Q. Was there any work done at your place from the time
3 you got arrested to the time you bonded out?

4 A. No, sir.

5 Q. Okay.. Thank you. No further questions.

6 MR. DELANEY: That's all the questions I have at this
7 time, Your Honor.

8 THE COURT: Recross?

9 SOLICITOR ANTHONY: No. No recross.

10 THE COURT: Okay. You can step down, have a seat with
11 your attorney.

12 A. Papers.

13 THE COURT: Just hand that to your attorney.

14 (WITNESS LEAVING WITNESS STAND.)

15 THE COURT: Defense?

16 MR. DELANEY: Your Honor, at this time Defense rest.

17 THE COURT: Anything in reply?

18 SOLICITOR ANTHONY: Your Honor, I don't believe we
19 will

20 have anything. I would like to have over night to make my
21 decision.

22 THE COURT: We will wait until in the morning anyway.

23 We're going to stop for the day. I see some relief.

24 Be back at 10:00 a m., and we'll start as promptly at
25 10:00 am as we can. So please keep in mind that you are

-309-

1 not in a position yet to make up your mind because you
2 haven't heard my charge on the law and you haven't heard
3 the attorneys sum up and tell you why your verdict should
4 be a certain verdict. And you of course are not to let
5 anyone discuss the case with you or do any research or go
6 on line. Just keep in mind the things I advised you against
7 two days ago. So we'll see you at 10:00 in the morning and
8 have a pleasant evening.

9 (JURY EXITS COURTROOM AT 06:05 P.M..)

10 THE COURT: All right. We'll have a quick conference
11 on the charge. I know it's late but so we can when we get
12 in in the morning we can start working on it. And also you
13 can be thinking about another over night is anything you
14 may have otherwise we'll start back at 10:00 in the
15 morning. I'll ask the lawyers to be here at 9:30. Both
16 lawyers come on back and let's take a look at the charge
17 and the verdict form and all.

18 (COURT IN EVENING RECESS AT 06:06 P.M.)

19 (COURT BACK IN SESSION THURSDAY, NOVEMBER 15, 2013 AT
20 10:06 A.M..)

21 THE COURT: Thank you. Take your seats. Good
22 morning.

23 Is the State ready?

24 SOLICITOR ANTHONY: Yes, sir.

25 THE COURT: Defense ready?

1 MR. DELANEY: Yes, Your Honor.

2 THE COURT: Does the State waive opening?

3 SOLICITOR ANTHONY: Yes, sir, we do.

4 THE COURT: We've had a charge conference and I
5 believe

6 we are squared away with the charge. There is no lesser
7 included on the trafficking based on State versus Raffaldt,
8 R-a-f-f-a-l-d-t. Will be a lesser included on the crack
9 with intent to distribute. Simple possession we'll do a
10 verdict form on that. I believe we're squared away on the
11 charge, so unless there's anything else we'll get the jury
12 in.

13 SOLICITOR ANTHONY: The State's ready.

14 MR. DELANEY: The Defense is ready.

15 THE COURT: All right. Bring in the jury.

16 (JURY REENTERS COURTROOM AT 10:07 A.M.)

17 THE COURT: Good morning. You all a little chilly?

18 I should have told you but I usually tell jury's and
19 of course we're all in a public courthouse and it's hard to
20 regulate the temperatures and what I sometimes tell jurors
21 is around this time of the year its best to wear short
22 sleeves and bring a sweater because it may be hot and then
23 cold. I didn't think of that so it's too late now.

24 But we finished with the presentation of the evidence.
25 The attorneys will now come before you and make their

CLOSING ARGUMENT: BY MR. DELANEY

-311-

1 summations, that is what I told you earlier that they would
2 be taking evidence presented and arguing as the law applies
3 why your verdict should be a certain verdict, then I will
4 charge you the law.

5 Mr. Delaney, you ready to proceed?

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

8 Good morning.

9 (ALL JURORS AFFIRMED GOOD MORNING.)

10 MR. DELANEY: And I know although yesterday everyone
11 was paying attention, we heard two, two different sides
12 yesterday. We heard two different versions. Now there
13 were two people inside Road on August 21st,
14 2009 around 6:00, 7:00 in the evening. Two people. You
15 heard from one of them. Two people that know what happened
16 inside that residence. You heard from Clarence Puckett,
17 III, yesterday afternoon late in the day into the early
18 evening. And you heard when I got up asking questions,
19 asking questions about a little bit about his background, a
20 little bit about what he was doing at the time as these
21 charges came out. Most importantly I ask him some
22 questions about that day and what happened, what he did,
23 what he didn't do.

24 When I finished Solicitor Anthony got up and ask Mr.
25 Puckett questions, cross examined him. Mr. Puckett he got

CLOSING ARGUMENT: BY MR. DELANEY

-312-

1 frustrated. I submit he got stressed out on the stand.
2 Got a little bit of an attitude. So Mr. Anthony he's good
3 at what he does. But what I submit to you - Before I go
4 there, let's remember this a man that's on trial for
5 trafficking cocaine. It's a serious drug charge. It's
6 stressful. And I would submit to have an attitude, to get
7 a little combative, that's not that unusual when people are
8 coming at you saying these are your drugs and you're trying
9 to say no their not.

10 But what I want you - to point out and to have you
11 focus on his testimony is this. It didn't change
12 yesterday. It was consistent. The truth, and I submit to
13 you he told you the truth yesterday and actually it didn't
14 change. Now did you hear and will you hear in a little
15 bit, that well two years ago under oath Mr. Puckett said
16 that - Mr. Puckett said Mr. Anderson gave you the drugs and
17 before he went to the bathroom. That's what he said two
18 years ago. And I ask Mr. Puckett about that and he said
19 yeah that was said but that's not the truth, that's not
20 what I meant. And you heard right after that what did he
21 say? He said I said on numerous times during that same
22 proceeding what he told you yesterday that the way he told
23 you yesterday is that Travis Anderson tried to hand him
24 something. Didn't hand him anything, he tried. And he
25 told you that yesterday, he told Mr. Anthony that

CLOSING ARGUMENT: BY MR. DELANEY

-313-

1 yesterday. That didn't change. He told Mr. Anthony back
2 in this proceeding that everybody's referring to. That
3 hasn't changed.

4 And what did he tell you yesterday? He told you that
5 on August the 21st Travis Anderson was coming over to his
6 place. They at some point that evening were going to head
7 to a race track or a drag strip that's over in that area.
8 And you heard that CJ's car wasn't running at that time.
9 And you also heard that CJ's car wasn't running at that
10 time and you also heard CJ describe their relationship for
11 I guess you could say their friendship say even for twenty
12 years. CJ told you they weren't the closest of friends.
13 They were more acquaintances. They would go to the race
14 track sometimes but the main thing he told you is, that was
15 the guy that he'd get his weed from. That was CJ Puckett's
16 main connection to Travis Anderson, that was the guy he
17 would get his marijuana from. And I would submit to you
18 that is what he got that day. That is what he got before
19 the officers came into that place. He got Twenty Dollars
20 worth of marijuana.

21 What was found in the bathroom? Twenty Dollars worth
22 of marijuana. I ask a few different people who were
23 testifying yesterday, the Lieutenant, Captain Hines, I ask
24 Lieutenant Sherfield first about the marijuana and being
25 able to look at marijuana and see that there is different -

CLOSING ARGUMENT: BY MR. DELANEY

-314-

1 different types. Marijuana has different colors, different
2 textures. Lieutenant Sherfield agreed with that.

3 The chemist, the toxicologist, said she was more into
4 looking and breaking down the components to test if it's
5 marijuana and THC but she did say that there's different
6 species. And you saw me give both bags of marijuana, the
7 bag of marijuana that was found in Travis Anderson's
8 vehicle, the bag of marijuana that was found in the toilet,
9 had both of those bags gave them to Captain Hines. I ask
10 Captain Hines to look at those two bags and I ask him do
11 those two bags look alike, look similar? Are they the same
12 bag essentially? And you heard what his answer was.

13 I say that's important because the marijuana that was
14 found in the bathroom is the marijuana that came from that
15 bag in Travis Anderson's vehicle. And I say that's
16 important because and you may say well no one's charged
17 with marijuana here today. What's important? Because it's
18 something that corroborates what Mr. Puckett is saying,
19 that's why it's important. And I'll talk about some more
20 things that corroborate what he's saying in a minute.

21 But let's go back to what Mr. Puckett says. He goes
22 down to his house and the narcotics officers are knocking
23 on the door and trying to get in. You heard he's at the
24 bar area of this ten by forty-five foot mobile home.
25 That's a small, that's a small mobile home. Ten feet wide,

CLOSING ARGUMENT: BY MR. DELANEY

-315-

1 forty-five feet long. It's small. You heard what the
2 interior lay out was. When you went in the door you had
3 basically the living room. You had the couch just to your
4 right and you had a bar area just to your left. The
5 kitchen was right there and then you have a hallway.
6 Right off the kitchen and the living room a small hallway
7 where right there at the beginning of the hallway a
8 bathroom entrance and then further down into it.

9 So you hear CJ tell you that he's at the bar, Travis
10 Anderson who when he comes in the house at some point he
11 goes back out to his car and then comes back in. And you
12 heard that Lieutenant Sherfield had the house under
13 surveillance, and what he saw, and when he was there, and
14 when he wasn't. And you heard there was a time when he
15 wasn't there when Travis Anderson was there. Travis
16 Anderson is on the couch when the banging on the door
17 starts. You heard Mr. Puckett say at that point Mr.
18 Anderson was closest to the window and looks out the window
19 and says the cops are out there. And Mr. Puckett starts
20 freaking out which I submit is pretty normal. You got
21 drugs on you, the police are outside banging on the door,
22 you're probably gonna be freaking out inside the house.
23 And as CJ describes Travis Anderson he's doing something
24 with his pockets and starting to move in the mobile home,
25 to run back towards the back, and I would submit the

CLOSING ARGUMENT: BY MR. DELANEY

-316-

1 bathroom of the mobile home for the first time.

2 At that point Mr. Puckett says he goes and looks out,
3 the window and sees what's out there as well. Now you
4 heard testimony from three different officers that this
5 trailer was moving, they were hearing movement in this
6 trailer before they got in. Someone it was described was
7 running around, running from - I think the testimony was
8 running from the front of the trailer which would be the
9 couch area, the front door area, the front of the trailer
10 to the back of the trailer where I submit is where the
11 bathroom is at. Running from the front to the back. And
12 that is something that I would argue with you corroborates
13 what Mr. Puckett is telling you. Mr. Puckett says at that
14 point he goes to the bar area and he then is taking apart
15 marijuana, rolling it up, and he had actually started to
16 lite one. At that point after he rolled it up and looked
17 out the window he had some stuff on the counter, went to
18 the counter and tried to get it off the counter, and he had
19 it in his pocket so he goes back to the counter and he gets
20 that. I ask him at that point what is Travis Anderson
21 doing. Travis Anderson is moving back and forth in that
22 trailer because he has him coming out of the bathroom and
23 then going back in that bathroom. And as Mr. Puckett is
24 going in that bathroom that's when Mr. Anderson is going
25 out and that's when he tries to give him something. CJ

CLOSING ARGUMENT: BY MR. DELANEY

-317-

1 says his hands he's got stuff in his hands.

2 And you heard yesterday as CJ sat up here for a while
3 yesterday and he maintained well I thought I said that, I
4 said that before. He didn't say that. He told you that
5 yesterday. And that's the truth.

6 What was found in this mobile home? We have a bag of
7 cocaine, a bag of what was ultimately determined to be
8 crack found on the floor of the mobile home in the living
9 room area. Ultimately where Travis Anderson was located.
10 We had a bag later determined to be crack cocaine found on
11 the couch right by where Lieutenant Sherfield said Travis
12 Anderson was standing. I would submit, ladies and
13 gentlemen, it's a crumb trail throughout that mobile home.
14 A crumb trail everywhere he went; cocaine, crack,
15 marijuana, pills, digital scales, followed. We had
16 testimony about doors yesterday. And that there was some
17 unusual doors to this mobile home that opened to the out.
18 They opened outwards, swung outward. The back door and the
19 bathroom door as well. And we heard testimony that the
20 officer, Sergeant Johnson, I would submit was not sure how
21 that door came open but he did testify when I ask him is it
22 possible Travis Anderson opened up that door when you were
23 pounding and kicking? Yeah it's possible. Why would he
24 open up the door?

25 You heard Lieutenant Sherfield's testimony was when I

CLOSING ARGUMENT: BY MR. DELANEY

-318-

1 ask him about - He's kind of experienced going into the
2 house serving search warrants - people start freaking out,
3 people do crazy things - because there is no damage - and
4 you will have those pictures to look at back in the jury
5 deliberation room - there is no damage to the doors, to the
6 front door there is no damage. To the frame of the door no
7 damage, to the deadbolt no damage. And if you're kicking
8 and beating on the door and the deadbolt is shut, swings to
9 the outside, there's going to be some damage to that door
10 unless someone opened it up.

11 And CJ says when he goes into the back room he shuts
12 the door. He has said that a couple of years ago, he said
13 the door may have been cracked, may have been open, but he
14 told you yesterday the best he can recall from a few years
15 ago that door was shut. And Sergeant Johnson testified to
16 you the door was shut. CJ said he didn't lock the door.
17 Sergeant Johnson says it was locked. And then again he
18 started kicking on the door, pounding on the door. And
19 again we got these doors that just pop, popped open. This
20 door again, the bathroom door pops open and you will have
21 the pictures to look at. The bathroom door, no damage to
22 the door. I ask Sergeant Johnson if there was any damage
23 to the door and whether there should have been some dents
24 in the door, something like that.

25 You will have the pictures to look at. And I expect

CLOSING ARGUMENT: BY MR. DELANEY

-319-

1 that you will hear well these pictures were taken in
2 October. You heard CJ testify that when he got out - the
3 day after he got out of jail, you heard Ms. Heatherly
4 testify that it was the day after he got out of jail she
5 was contacted and went over and took the pictures and no
6 repairs were done on the doors or anything like that. The
7 only thing she had said with the pictures was that she
8 recalled she put up something, something was put up in the
9 bathroom so someone could use the bathroom and have privacy
10 without a hole in the wall.

11 In speaking of the hole in the wall, and I expect
12 you're going to hear in a few minutes again, CJ Puckett
13 said this two years ago. Well if you recall, I was asking
14 Lieutenant Sherfield questions, I had ask him something
15 about him testifying to prior under oath, he testified
16 about knocking a hole in the wall big enough where he could
17 almost walk into. Now I ask him about that. He said well
18 that's not what I meant. That was my intent. But you will
19 see the pictures and how big that hole was, and what you -
20 what that hole is knocked all the way through. What you
21 can see and what you can put through that hole well CJ says
22 he's in that bathroom, he hears the loud pounding on the
23 wall, and he's got a fist coming through - a gun coming
24 through that wall. That's when he backs away from the
25 toilet and he goes towards the door of the bathroom.

CLOSING ARGUMENT: BY MR. DELANEY

-320-

1 And he tells you that what he has in his possession
2 when he's in that bathroom and when he's by that toilet,
3 when he's ultimately backing away from that toilet, what he
4 got rid of was a bag of marijuana and he says he threw - He
5 says it was toward the toilet. It was found in the waste
6 bucket. But I submit if you're in a panic you're going to
7 try to get rid of stuff and it's not that unusual. He said
8 he had dumped what he had had in the toilet. And then he
9 said he had no knowledge of what was in that toilet because
10 CJ Puckett being found in that bathroom by a toilet that
11 contained cocaine that is not possession. There needs to
12 be more. There needs to be knowledge, there needs to be
13 criminal intent. There to needs to be dominion and
14 control. And you are going to hear about these things from
15 Judge Hayes in a little bit who is going to instruct you as
16 to the law you must apply. He being there he is present in
17 that bathroom. Those drugs being in the bottom of the
18 toilet that's not possession. I would submit to you that's
19 mere presence and mere presence is not possession.

20 Now I believe the State will contend that well we have
21 more. We have Twelve Hundred Dollars, close to Twelve
22 Hundred Dollars, One thousand, One Hundred and Seventy-
23 seven Dollars found on Mr. Puckett. We've got that. We
24 have some scales. And because of that we feel he's a drug
25 dealer. He sells drugs to people. I told you at the

CLOSING ARGUMENT: BY MR. DELANEY

-321-

1 beginning of the trial you're going to hear - I suspect
2 that you're going to hear a lot of things being said up
3 here. But what I'm going to ask you to do is what evidence
4 backs up what you hear? What evidence corroborates what
5 you hear up there? Because I just talked to you about what
6 I feel corroborates what Mr. Puckett told you. The fact
7 that we have literally a crumb trail following Travis
8 Anderson. We have the doors, we have the movement in the
9 trailer, and we have the marijuana. We have those things
10 that corroborate what CJ is telling you.

11 But then what evidence do we have to corroborate what
12 the State wants you to believe? The scales. You heard
13 there was supposedly two set of scales found. One set came
14 out of, you heard, CJ's kitchen. No pictures. No pictures
15 of this scale in the house. No pictures. I showed you the
16 pictures of the drugs and the pictures of the scales. We
17 have one set of scales in the courtroom. Where's the other
18 set of scales? Two set of scales found. Supposedly we
19 have one set of scales in the courtroom. And then no
20 pictures of these scales. We have no forensics done on
21 these scales. And you heard the Lieutenant. I think his
22 words were he probably should have did it. Well probably.
23 But it wasn't done and you heard they didn't try.

24 And you heard CJ Puckett's testimony yesterday. He
25 didn't have any scales in his kitchen. He testified to you

CLOSING ARGUMENT: BY MR. DELANEY

-322-

1 he saw scales that day. Travis Anderson brought a set of
2 digital scales in the house. The marijuana was weighed on
3 the scales, he believed were taken back out. He said he
4 assumed to the car, he didn't go out there, he assumed to
5 the car.

6 One Thousand, One Hundred and Seventy-seven Dollars.
7 There is no evidence that that money is connected to drugs.
8 None. You have a man in 2009 that had worked a job, a
9 steady job until June of that year. From that time he was
10 doing various odd jobs working on engines and carpentry
11 work. He didn't have a checking account, he didn't have a
12 savings account. That house, his wallet was his bank.
13 That was every cent he had. And there is no evidence to
14 contradict that. No evidence that this is money related to
15 him selling drugs. And again there is no evidence he's
16 selling drugs.

17 Well we heard about information. We've got
18 information. Okay. We've got information from a reliable
19 informant. Okay. That's what we heard. We heard a lot of
20 talk. I would submit to you that informant is not that
21 reliable. Where is the evidence? Where is the
22 information? Its not there. And remember I told you at
23 the beginning they have the burden, they have the burden of
24 proof in this case. He doesn't have the burden. He
25 doesn't have to say a word. He had a constitutional right

CLOSING ARGUMENT: BY MR. DELANEY

-323-

1 to remain silent. He got up here and he told you his
2 version, he told you.

3 Now you're gonna hear I expect in a few minutes he
4 tells us he's a drug dealer, why you should send a message
5 to him that he shouldn't deal drugs in your community is
6 because he admitted to this. He admitted to this. He took
7 that stand yesterday, he didn't admit to anything. Let me
8 correct myself. He admitted to possessing marijuana that's
9 what he admitted to. Now in front of you here today, angry
10 aside, but I submit to you he's guilty of possession of
11 marijuana. That's what he admitted. He didn't admit
12 anything else. And what - What evidence do they have to
13 support that? Well we have some testimony, we have some
14 people talking. We have three officers that came in and
15 said he said this. And I'll submit to you three officers
16 that were not consistent with what they said. There was
17 Lieutenant Sherfield and we had Sergeant Johnson. Between
18 them the two experienced officers who have close to thirty-
19 five years of experience between them, and you heard me
20 yesterday ask Lieutenant Sherfield a lot of questions about
21 his training that he's received over the years starting
22 before he became a police officer at the academy. And what
23 you talk about in Incident Reports and written statements
24 and recorded statements, forensic evidence and the
25 importance of those things when you conduct an

CLOSING ARGUMENT: BY MR. DELANEY

-324-

1 investigation.

2 And what did we hear ultimately yesterday? We heard a
3 lot of excuses is what we heard. We heard that why we
4 don't fill out, why we don't put in important information -
5 because you heard the testimony. In an Incident Report you
6 put in the important information. You are trained to be as
7 accurate and detailed as possible. Not every little thing,
8 the important information. If someone is confessing to
9 trafficking cocaine, and making multiple statements and
10 confessing to that, that's pretty important information.
11 That's not confidential information that's gonna affect an
12 ongoing narcotics investigation or endangers some
13 information or some informant they have. You got some
14 excuses yesterday of well the media, the newspapers will
15 get it and they can run a copy of it, or there's leaks in
16 the sheriff's department. Those are excuses.

17 There is no written statements. Everyone of these
18 officers testified they had these forms with them. They
19 have pens with them. If some people write down - They
20 confess something they write it down and they assign to it.
21 That's what these statements are for, these voluntary
22 statement forms. You heard all of the capabilities that
23 they have and they do record people, record statements.
24 They didn't try and I'll submit it should have been done.
25 There were a lot of things that should have been done in

CLOSING ARGUMENT: BY MR. DELANEY

-325-

1 this investigation. They just weren't. Two experienced
2 capable officers, they just didn't do it.

3 Your time - This has been not a long trial but this is
4 an important trial. I'll submit this is the most important
5 day in Mr. Puckett's life. Your service in what you're
6 doing here is important. This is something that takes you
7 away from your life, away from your family, away from your
8 job. It's a burden on you, it's a service you're providing
9 here today. This is so important this system that we have.
10 It's not always perfect, it's got its flaws, but it is the
11 best system in the world. There is not a system like this.
12 You have an important job. And as I said when I got up at
13 here at the beginning, I know you all have taken this
14 serious in listening, in listening to what has been said, I
15 know you have. But also, asking yourselves what has been
16 presented, what have I heard to corroborate what the State
17 has presented? This system demands more. CJ Parker - CJ
18 Puckett deserves better.

19 At the beginning of this case I told you at the end of
20 this trial you're gonna have to ask yourselves are you
21 firmly convinced, firmly convinced of CJ Puckett's guilt?
22 Firmly convinced. That is the standard. They have the
23 burden, that is the standard. Are you firmly convinced?
24 Are you hesitant to act? And what you've heard, the two
25 sides that you've heard, ladies and gentlemen, I would

CLOSING ARGUMENT: BY MR. DELANEY

-326-

1 submit to you cannot be firmly convinced in what you heard
2 here today. As I mentioned to you in the opening in a
3 civil case you picture these old set of scales. In a civil
4 court has to deal with money, usually financial. And in a
5 civil case you take all that evidence presented by one
6 side, all of the evidence taken and presented by the other
7 side, and if those scales tip ever so slightly in one or
8 the other sides favor, then they met their burden. Well as
9 you know this isn't civil court. You got a much different
10 burden. But I would submit if you take what you heard in
11 this case from the State and what evidence they have, and
12 what they're saying versus what you heard from CJ Puckett
13 yesterday, and how what he told you makes sense, what
14 corroborates what he's saying, you weigh that out. I'm
15 saying, ladies and gentlemen, those scales will tip in the
16 favor of Mr. Puckett. He doesn't have the burden. There
17 were two sides, two people; two people inside

18 Road on August the 21st, 2009. Two people. You
19 heard from one person, you heard from one. Two people that
20 know what happened; you heard from one. Where's the other?
21 Thank you.

22 THE COURT: All right. We'll take a short refresher
23 break before we do the next argument. If you'll follow the
24 bailiff to the jury room.

25 We'll be at ease for about ten minutes.

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-327-

1 SOLICITOR ANTHONY: Thank you, Judge.

2 (COURT IN RECESS AT 10:49 A. M..)

3 (COURT BACK IN SESSION AT 11:05 A. M..)

4 THE COURT: Thank you. Take your seats.

5 State ready?

6 SOLICITOR ANTHONY: Yes, sir.

7 THE COURT: All right.

8 Bring in the jury. We're ready for them.

9 (JURY REENTERS COURTROOM AT 11:06 A.M..)

10 THE COURT: Mr. Anthony.

11 SOLICITOR ANTHONY: Thank you, Your Honor.

12 The key thing that you all are probably gonna be
13 talking about in the jury room is this idea of possession.
14 And the judge will tell you that there's two types of
15 possession. There's what's called actual possession which
16 basically means that an item is in your custody, it's in
17 your physical control and possession. And then there's
18 what's called constructive possession which means that
19 drugs are in the dominion and control of the person
20 charged.

21 Now for the cocaine charge, the trafficking cocaine
22 charge, all you have to find to convict Mr. Puckett of
23 trafficking cocaine is that Mr. Puckett was either in
24 possession of cocaine, or attempting to be in possession of
25 cocaine and the cocaine weighed over a certain amount; that

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-328-

1 it weighed over twenty-eight grams. And if you find that,
2 then he's guilty of trafficking cocaine. So what you have
3 in this case, in this situation where there was the police
4 see Mr. Puckett, he's leaned over a commode, he's in a
5 locked bathroom all by himself, leaned over the commode
6 with cocaine in the commode. And I will disagree with Mr.
7 Delaney. I will tell you that you can say that that is
8 possession, the actual possession. He has possession of
9 that cocaine in that commode just like I got possession of
10 these papers. You know I'm standing over these papers; he
11 was bent over that cocaine, it was in his physical control.
12 And you don't even have to really talk about this idea of
13 constructive possession when you're dealing with the
14 cocaine because it's not a question of whether he has
15 dominion or control because he has actual, physical custody
16 of the cocaine. He has possession of it that way.

17 Now of course Mr. Puckett he says he didn't put the
18 cocaine in the toilet. He says that basically - if you
19 take his testimony what he's saying in his testimony is
20 that the deputies are lying. You know he's saying that
21 Lieutenant Sherfield and Sergeant Johnson were just lying.
22 They never saw him over that toilet because he never was
23 over the toilet. And they didn't have to come in the
24 bathroom and get him because he came out of the bathroom
25 himself. He never locked the door. You know they never

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-329-

1 had to come in and get him. That's what he says. So what
2 you have to do as jurors is you have to decide who's
3 telling the truth. That's what the finders of the fact
4 does.

5 So I want to just give you something to think about
6 when you're trying to make that decision because I think
7 there's one common sense way that you can know that
8 Lieutenant Sherfield and Sergeant Johnson are telling you
9 the truth about what they saw. And it really has to do
10 with probably the one thing that everybody involved on
11 either side of the case can agree on, and that is the hole
12 in the wall. You know everybody agrees that Lieutenant
13 Sherfield knocked a hole in the kitchen wall leading - the
14 kitchen wall shared with the bathroom or that the wall that
15 the kitchen and the bathroom shared. Everybody agrees with
16 that. As a matter of fact Mr. Puckett he had a picture
17 made of it, put into evidence.

18 Now just think about this. There would have been no
19 reason for Lieutenant Sherfield to knock a hole in the wall
20 if Mr. Puckett hadn't a locked that door. And if Mr.
21 Puckett had just come out of that bathroom like he said he
22 did. If Mr. Puckett had done what he says he did, that
23 hole would have never been put in that wall, because it's
24 just a matter of common sense you don't go knocking a hole
25 in the wall when you can just walk through a door. But Mr.

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-330-

1 Puckett did lock the door. You know he locked the door
2 because he wanted to get rid of the cocaine. And
3 Lieutenant Sherfield put a hole in the wall because of
4 that. And that's just one common sense way you can know
5 that the way Lieutenant Sherfield and Sergeant Johnson
6 describe this is true. You can know that Mr. Puckett was
7 bent over that commode trying to get rid of that cocaine,
8 that he was in possession of the cocaine.

9 And I know we talked about the doors not being
10 damaged. But Sergeant Johnson didn't say, he testified, he
11 didn't say that he would have done anything to those doors
12 to damage them other than put some dents in them where he
13 kicked them. It is quite possible that Travis Anderson
14 opened up the front door. We're not denying that that can
15 happened.. He might a opened up from the door.

16 And Sergeant Johnson got the bathroom door to open
17 without breaking it. But that doesn't mean that it wasn't
18 secured by Mr. Puckett. And just like I said, if it hadn't
19 been locked, why would Lieutenant Sherfield then felt
20 compelled to put that big ole hole in Mr. Puckett's wall?
21 There's just no reason why that they could a walked in that
22 bathroom and got him if he'd a walked out that bathroom to
23 them like he says he did. They would a had to knock a hole
24 in the wall.

25 Now it is very important as well that when Mr. Puckett

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-331-

1 testified last time he admitted under oath, he admitted
2 under oath when he testified before that he possessed that
3 cocaine. He claimed that Travis Anderson gave it to him
4 and that he went to flush it, and that's what he said when
5 he testified the first time. You know that's not true
6 obviously because he told the deputies that night that it
7 was all his and Travis Anderson didn't know anything about
8 it. But that just shows you how much you can trust Mr.
9 Puckett's testimony because now he wants to back off this
10 and talk about how he was nervous and confused and
11 everything. But when he testified a couple of years ago
12 about this and when he said yeah Travis Anderson gave me
13 that cocaine and I went in the bathroom and tried to flush
14 it he was under oath. He was sworn to tell the truth just
15 like he did yesterday and it was his lawyer who ask him the
16 question. It wasn't me up here trying to confuse him, it
17 was his own lawyer and that's what he says.

18 So just from that, from the fact that he said
19 something under oath so different from what he said
20 yesterday how much stock do you put in anything he said
21 yesterday. How much stock can you put in what CJ Puckett
22 said.

23 But taken that, even if that were all he did, even if
24 all he did was take that crack from Travis Anderson and try
25 to flush it down the commode; well that's actual

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-332-

1 possession, that's been in his physical custody, that's
2 actual possession of crack - I'm sorry, that's cocaine,
3 that's actual possession of cocaine and that would make him
4 guilty of trafficking.

5 Now the other type of possession is constructive
6 possession. And constructive possession requires - the
7 words you will hear from the judge are dominion and
8 control. And that comes into play with the crack that was
9 found because that crack wasn't found in Mr. Puckett's
10 possession. It wasn't found on his person, he wasn't
11 standing right above it; it was found in his living room.
12 And that's the place that he controls is his living room.
13 Think about the TV remote in your house. You probably keep
14 a TC remote in your house, your living room TV you probably
15 keep it in your living room. But even when you're not in
16 the living room it's still there in your house. It's still
17 under your dominion and control. Even if someone might
18 come to your house to see you, and you leave the living
19 room, and the TV changer is still there with your guest,
20 well the remote is still there in your house. It's still
21 under your dominion and control.

22 But there's some other important evidence in this case
23 that proves Mr. Puckett had possession of that crack in
24 addition to it just being in his living room. And first of
25 all the most importantly you have to remember that Mr.

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-333-

1 Puckett admitted the night that they came in on him and got
2 him out of that bathroom, he admitted that all the drugs
3 were his. That's what he said. He said all of them are
4 mine and not Travis Anderson's. And that's owning up to
5 possession of cocaine and possession of crack. And if you
6 find him not guilty, you're saying that three sheriff's
7 deputies just plainly lied to you. You know that they just
8 came in here and took an oath to tell the truth and got up
9 on the stand and they just lied. They just made up that
10 Mr. Puckett said that all the drugs were his and they made
11 up that he said Mr. Anderson didn't know anything about
12 them and they made up what he said about the scales, you
13 know, because they all sworn an oath to tell the truth and
14 they all three said that he said that. And if he said that
15 then he's guilty, he's in possession.

16 Now Mr. Puckett he's not going to admit that he said
17 that. You know he's not going to get up here on the stand
18 yesterday and admit that he said that. But what would we
19 expect him to do? He's trying to get out of it, so sure,
20 he's not going to admit he said that. But you have to
21 decide who you believe, you know, you believe three
22 sheriff's deputies who all told you that he admitted that
23 it was his. Or you believe Mr. Puckett who had to admit
24 yesterday that he lied under oath. Who's more credible to
25 you?

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-334-

1 And one other thing, Mr. Puckett testified yesterday
2 that he had been out of work. But he denied saying that to
3 the deputies. You know he testified it was true he was out
4 of work but he denied that he said that to the deputies.
5 Well just ask yourself, how would the deputies know that he
6 was having a hard time financially if he hadn't told them?
7 You know how would they have known to say that Mr. Puckett
8 told this if he hadn't told them? How else would they have
9 found that? And he admitted yesterday that that was the
10 case. Yeah I was out of work, I was having an awful bad
11 time financially. So even though he denies saying that,
12 he had to say it because that's how the deputies would know
13 it was true. And if he said that the times had gotten
14 tough and the deputies knew that, well there's no reason to
15 think that he didn't say the other things the deputies said
16 that he didn't own up to having possession of those drugs,
17 that he'd own up to those drugs being his.

18 Now when you look at the crack charge, in addition to
19 finding that he was in possession of the crack to have
20 dominion and control over it like he admitted he did, you
21 also have to find he had it with the intent to distribute
22 it. That's the other part of the crack charge. So the
23 trafficking is just possession and weight. For the
24 possession with intent to distribute is possession and then
25 the intent to distribute.

CLOSING ARGUMENT: BY SOLICITOR ANTHONY.

-335-

1 Now you can find intent to distribute first of all
2 based on how much Mr. Puckett had because the judge will
3 tell you that you can find and you can use as evidence the
4 fact that somebody has over a gram of crack as intent, as
5 evidence of their intent to distribute it because of the
6 amount that they have. But there are a couple of other
7 things that you can look at too.

8 First of all look at the scales. You know Mr. Puckett
9 had a scale with cocaine on it which to a drug dealer
10 that's like a hammer to a carpet. You know that's a tool
11 of the trade, that's something a drug dealer is gonna have
12 with them is a scale to measure out orders, so he had a
13 scale. And then just look at some of the things he said.
14 He told Lieutenant Sherfield that he could get up to nine
15 ounces at a time. Well that's almost Ten Thousand Dollars
16 worth of cocaine. You're not - obviously you're not
17 getting that kind of cocaine if you're not out selling it.
18 And then look at what he had in his pocket. He had Twelve
19 Hundred Dollars, almost Twelve Hundred Dollars in his
20 pocket. Well that's another sign that he's dealing, he's
21 running a cash business, he's running a drug operation so
22 he's gonna have a lot of cash. And you know one of the
23 most telling things about this case is that Mr. Puckett had
24 Eleven Thousand and Seventy-seven Dollars on him. And Mr.
25 Anderson - -

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-336-

1 THE COURT: Wait a minute. Excuse me. I hate to
2 interrupt you, it wasn't Eleven Thousand.

3 SOLICITOR ANTHONY: I'm sorry. You're right, its
4 Eleven Hundred. I'm sorry. I misspoke. It's Eleven
5 Hundred and Seventy-seven Dollars.

6 And Mr. Anderson had a whopping Dollar and Thirty
7 cents. Okay. You got one guy with almost Twelve Thousand
8 Dollars, you got another guy with a Dollar bill. Now who
9 sounds more like the drug dealer to you? Who do you
10 think's gonna be the drug dealer between those two? Are
11 you gonna believe the guy that's got almost Twelve Hundred
12 Dollars on him or the guy who's got a Dollar? And there
13 was over Two Thousand Dollars of cocaine in that commode.
14 There was almost two ounces at a Thousand Dollars an ounce,
15 or Eleven Hundred Dollars an ounce, so it was around Two
16 Thousand Dollars worth of cocaine in the commode. There
17 was over Four Hundred Dollars worth of crack in the living
18 room. So just ask yourself, you know, who's more likely to
19 be possessing Twenty-four Hundred Dollars worth of drugs,
20 Two Thousand in cocaine and approximately Four Hundred in
21 crack approximately? Who're more likely to be possessing
22 that? Is it the guy with the Twelve Hundred Dollars in his
23 pocket gonna be the one possessing that? Or the guy with
24 the Dollar in his pocket gonna be the one who's possessing
25 that?

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-337-

1 One other thing Mr. Puckett says that doesn't make any
2 sense. He claims Mr. Anderson weighed out some marijuana
3 for him on a scale and he said that he had already started
4 rolling that marijuana up into a cigarette but Mr. Anderson
5 never ask to get paid. That's what he said. Well I
6 already got it from him he weighed it out for me, I was
7 rolling it up, but he never ask to get paid. Now Mr.
8 Anderson had a Dollar and Mr. Puckett wants you to believe
9 that he never ask him to pay for marijuana that he sold Mr.
10 Puckett. Does that make any sense? You know that sounds
11 like an awful generous drug dealer to me. Somebody who's
12 got a Dollar on him and he'll weigh out some marijuana and
13 just gives it to you and let you start rolling it up and
14 won't even mention for paying. That's awful generous. But
15 when you look at who has the money wouldn't it make more
16 sense and be more likely that Mr. Puckett had sold the
17 marijuana to Mr. Anderson and maybe Mr. Anderson had taken
18 what he bought from Mr. Puckett back out to his car
19 already?

20 The other thing that's interesting is Mr. Puckett said
21 that he had rolled up the marijuana and had it on the
22 counter. But you know he never took that marijuana
23 cigarette he was rolling to the bathroom. He just left
24 that on the counter. That was what he claimed that he was
25 actually physically possessing when the police started

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-338-

1 knocking on the door. He was rolling up that marijuana
2 cigarette, but that marijuana cigarette stayed there on the
3 kitchen cabinet. And why do you think that might be? You
4 think it might be because Mr. Puckett knew there was
5 something a whole lot more important in that house that he
6 needed to get rid of? Because really if you got Two
7 Thousand Dollars worth of cocaine somewhere in your house,
8 and you know the police are getting ready to come in on
9 you, that's what you're gonna be thinking about. You're
10 not going to be thinking about that joint you're sitting
11 there rolling up. You're going to be thinking about that
12 cocaine. I got to get rid of that cocaine. That cocaine's
13 what's gonna get me in trouble. So sure enough, he left
14 the marijuana in the kitchen. He gets the cocaine and he
15 heads to the bathroom with what's really gonna get him in
16 trouble. Now that's what you can draw from those facts.

17 They want to talk about Mr. Anderson. I will just
18 say, Mr. Anderson still has a pending case okay. There
19 were drugs found in his car, he's gonna have his day in
20 court on those drugs and he's not going to get out of this.
21 But when you have a situation where you catch somebody red
22 handed flushing drugs down the commode and then they tell
23 you right after you catch them, ha yeah, it's all mine,
24 this other guy he didn't know anything about it. Well
25 we're going to take that guy to court first. That's the

CLOSING ARGUMENT: BY SOLICITOR ANTHONY.

-339-

1 guy we're gonna be most concerned with. That's the guy
2 who's flushing the Two Thousand Dollar's worth of cocaine
3 down the toilet. That's the guy who admits its all his.
4 So that's why we're here with Mr. Puckett. But Mr.
5 Anderson's not getting out of this, his case is still
6 pending.

7 And just to clear up one other thing, you know, Mr.
8 Puckett had a right to remain silent. He didn't have to
9 testify yesterday, he decided to. Well Mr. Anderson has
10 the right to remain silent too, so we can't just make Mr.
11 Anderson come in here and testify. That's not something
12 that we can do. And we don't have to because when you look
13 at what the deputies saw, when you look at what Mr. Puckett
14 admitted to, when you look at all the evidence in this case
15 we've proven our case. And you can look at the things Mr.
16 Puckett said about having access to these drugs and buying
17 these drugs. And look at the money he had on his person
18 and the scales. All of those things indicate that Mr.
19 Puckett is a drug dealer.

20 But one thing I want to make sure you all understand
21 is that on this trafficking charge, you don't have to find
22 that Mr. Puckett's a drug dealer to find him guilty of
23 trafficking in cocaine. All you have to find is that he
24 possessed over twenty-eight grams for whatever reason.
25 Whatever was going on in that house when the police came if

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-340-

1 he's in possession of twenty-eight grams of cocaine, then
2 he's guilty of trafficking cocaine. And when you have a
3 situation where a man is in a locked bathroom, bent over a
4 commode trying to flush cocaine down it, that's possession
5 of cocaine. You know especially when right after they get
6 caught they tell you that it's theirs. That's being in
7 possession of cocaine and that makes him guilty of
8 trafficking cocaine.

9 As to the PWID charge, if you find that - Obviously if
10 you find that he possessed the crack in the living room and
11 the intent to distribute it, then he's guilty of that. You
12 will have a choice though if for some reason you think that
13 he possessed that crack but he didn't intend to sell it,
14 then you'll have a choice of finding him guilty of what's
15 called simple possession of crack. Basically it's just
16 possession but not necessarily having the intent to
17 distribute it. You all will have both charges in the jury
18 room to decide on the trafficking cocaine and the PWID
19 crack. Your verdict has to be unanimous, that's as to each
20 indictment. But if you go back there and you can't agree
21 on a verdict to either indictment or you agree on a verdict
22 to one indictment and you can't agree on a verdict to the
23 other, that doesn't mean that you have to find Mr. Puckett
24 not guilty. Okay. If you can't agree all you need to do
25 is just let the judge know and you'll get some more

CLOSING ARGUMENT: BY SOLICITOR ANTHONY

-341-

1 instructions. But if you don't reach an agreement that
2 doesn't require you to render a not guilty verdict.

3 A little while from now you're gonna go back in that
4 jury room, provided the judge gives you these instructions,
5 and you get started talking about this case, and you're
6 gonna be ask to give a verdict. And the word verdict comes
7 from this Latin word that means to speak the truth. And
8 that's what a verdict is. It's you saying what you decided
9 happened in this case. And there's this old song some of
10 you all may have heard it, it's called the Trouble With the
11 Truth, and it has a line from it that goes "The trouble
12 with the truth is it's just what I need to hear. It rings
13 so right deep down inside my ear." And the truth needs to
14 be heard. You know people at the sheriff's office need to
15 hear the truth from you all in this case. They need to
16 know that when they do their job and they execute a search
17 warrant, they go in and they catch somebody bent over a
18 toilet with a large quantity of drugs that a jury is gonna
19 care about that and the jury is gonna apply the law and
20 convict somebody. And the people in Union County, they
21 need to hear the truth. They need to know that a jury is
22 gonna follow the law and when somebody's proven guilty of
23 trafficking drugs in Union County that they're gonna be
24 convicted of it.

25 But the thing about the truth is, the trouble with the

CLOSING ARGUMENT: BY SOLICITOR ANTHONY
CHARGE TO THE JURY:

-342-

1 truth is, the people who really need to hear it a lot of
2 time they don't even hear it. And that's the case here
3 because the person who really needs to hear the truth in
4 this case more than anybody is CJ Puckett. Because Mr.
5 Puckett needs to know that you can't be in the drug
6 business. You know even if you're just having a hard time
7 and you need some money, you just can't make money that
8 way. There is a right way to make money and there is a
9 wrong way to make money. And buying and selling cocaine
10 and crack was the wrong way to make money. But the thing
11 is there is only twelve people who can do anything about
12 what CJ Puckett did. There is only twelve people who can
13 tell CJ Puckett what he needs to hear, and just give him a
14 tap on the shoulder and say, CJ, you just can't do this.
15 You just can't be messing with cocaine and crack like this.
16 When you go back to the jury room I'd ask that you consider
17 all the evidence and that you return a verdict that speaks
18 the truth. Speaks the truth to Union County and it speaks
19 the truth to CJ Puckett. Find him guilty of trafficking
20 cocaine and possession with intent to distribute crack.

21 Thank you all.

22 THE COURT: Thank you, ladies and gentlemen, for your
23 attention you've given to the witnesses and the attorneys.
24 I am now going to ask you to give me your attention for a
25 few more minutes and I'm going to charge you the law that

CHARGE TO THE JURY:

-343-

1 you are to apply in this case.

2 Mr. Puckett is charged with the two offenses that
3 we've been talking about, the possession of crack cocaine
4 with the intent to distribute it and the trafficking in
5 cocaine. And I will tell you more about those in just a
6 moment. Now each of these indictments contains a separate
7 charge and each stands on it's own. By that I mean what
8 you find on one does not dictate what you have to find on
9 the other. I will tell you more about the State's
10 obligation to prove an offense beyond a reasonable doubt in
11 just a moment, but before you could find Mr. Puckett guilty
12 on either of these indictments, you will have to find as to
13 the charge on that indictment that the State has proven
14 their case, proven Mr. Puckett's guilt beyond a reasonable
15 doubt.

16 Now the fact that Mr. Puckett has been charged, the
17 fact that he was arrested, the fact that he is on trial is
18 not evidence he committed these offenses. That's just the
19 way our system works. When law enforcement believes that
20 someone has violated the laws of our state that's what
21 happens. They are arrested they are charged their case is
22 processed through our court system and they are ultimately
23 brought to trial. But that does not mean they are guilty.
24 It is up to you the trial jury in this case to determine
25 whether or not the State has proven that person, here Mr.

CHARGE TO THE JURY:

-344-

1 Puckett, guilt beyond a reasonable doubt.

2 Now in the jury room with you you will have these two
3 indictments, one charging trafficking in cocaine and the
4 other possession of crack cocaine with the intent to
5 distribute it. They are not evidence. They are the
6 paperwork by way of which this case is - these cases have
7 been processed through our court system, and they contain
8 the charges, what the State says Mr. Puckett did in
9 violation of the law. They are not evidence of anything.
10 Mr. Puckett as I have told you earlier is presumed innocent
11 of both of these charges. Now this presumption of
12 innocence in Mr. Puckett's favor is a very strong legal
13 theory. It is not just a legal phrase or a mere legal
14 theory, it is a substantial right. The presumption of
15 innocence in an individual favor, here Mr. Puckett,
16 attaches at the time they are arrested, remains with them
17 as their case is processed through our court system.

18 The presumption of innocence in Mr. Puckett's favor
19 exist at this moment, and even exist as you deliberate.
20 The presumption of innocence adheres to Mr. Puckett's
21 benefit until such time as you determine that the State has
22 proven his guilt beyond a reasonable doubt.

23 Now the State does not need to prove his guilty beyond
24 all or beyond every doubt but beyond a reasonable doubt.
25 Our courts have described a reasonable doubt as the kind of

CHARGE TO THE JURY:

-345-

1 doubt that would cause a reasonable person to hesitate to
2 act. Reasonable doubt - Proof beyond a reasonable doubt is
3 proof that leaves you firmly convinced of someone's guilt.
4 In our world there are very few things of course that we
5 can know with absolute certainty and our law doesn't
6 require that. If based on your consideration of the
7 evidence you are firmly convinced that Mr. Puckett is
8 guilty of one or both of these charges, you would find him
9 guilty. On the other hand if you find there is a real
10 possibility that he is not guilty, you would give him the
11 benefit of that doubt and find him not guilty. He is
12 entitled to the benefit of any reasonable doubt you have as
13 to any issue in this case.

14 I remind you that I am the sole judge of the law in
15 this case and that you must take, accept and apply the law
16 as I charge it. I remind you that this is true even if you
17 think I charge the law in error, or, even if you think the
18 law should be different. Your oath requires you to take
19 and accept and apply the law as I charge it.

20 You are not to have inferred or to infer from anything
21 I say or do as indicating an opinion of mine on the facts.
22 Our law does not allow a trial judge to formulate or
23 express to a jury any opinion on the facts. It is solely
24 your job to examine the evidence, to give to the evidence
25 the effect the value the weight and the truth you believe

CHARGE TO THE JURY:

-346-

1 it should have. In doing this you may believe one witness
2 as opposed to several; several witnesses as opposed to one.
3 You may believe all, part, or none of a witnesses
4 testimony.

5 Use your common sense, your sense of logic, your sense
6 of reason, use your experiences in life as you analyze the
7 evidence. As judges of the facts you necessarily must
8 judge the credibility that is the believability of the
9 witnesses who have testified. In assessing believability,
10 credibility, use the things I already talked about. Use
11 those things that you find in your day to day life as
12 indicating to you truthfulness in an individual. And you
13 can use certain evaluators. A witness's demeanor, are they
14 hesitant or straightforward in responding to questions.
15 Look at consistencies and inconsistencies in a witness's
16 testimony when they're testimony is given at trial or
17 compared with statements earlier made. You can look at any
18 bias or prejudice, that is whether a witness wished to help
19 or hurt one side or the other. And you can also look at
20 the opportunity a witness had to know those things to which
21 they testified. Consider all these things determine the
22 true facts, apply the law and you will be in a position to
23 return a verdict that speaks the truth.

24 Now in cases such as this we usually have as we have
25 in this case we have two types of evidence. Direct and

CHARGE TO THE JURY

-347-

1 circumstantial evidence. Direct evidence is the testimony
2 of someone who claims to have actual knowledge of a fact
3 such as an eye witness. Direct evidence immediately
4 establishes the main fact which is sought to be proven.
5 Circumstantial evidence is proof of a chain of facts and
6 circumstances which indicate the existence of a fact.
7 Circumstantial evidence is evidence which immediately
8 establishes collateral facts from which the main fact may
9 be inferred. Circumstantial evidence is based on
10 inference and not on personal knowledge or observation.

11 Our law makes absolutely no distinction between the
12 weight or value to be given either direct or circumstantial
13 evidence. Nor is a greater degree of certainty required of
14 circumstantial evidence as opposed to direct evidence.
15 What you should do in this case is weigh all of the
16 evidence. If after weighing all of the evidence you are
17 not convinced of Mr. Puckett's guilt as to one or both of
18 these charges, you would give him - beyond a reasonable
19 doubt you would find him not guilty.

20 Now in this case we've had an expert testify about
21 chemistry and about the analysis and her opinion as to what
22 those substances presented and put into evidence what they
23 are. Generally individuals cannot give opinions, they can
24 only testify as to something they observed, something
25 they've seen, heard, or it could be taste, touch or smell.

1 But generally one cannot take facts and take those facts
2 and from those reach an opinion. However where someone has
3 certain training, knowledge, experience or education in a
4 certain area, the law allows that person to express an
5 opinion and give an opinion for the jury's consideration.
6 Now the opinions of experts are given only to assist you.
7 They are not binding on you. Just like any other witness
8 you can accept in whole or in part or not at all the
9 opinion of an expert. Expert testimony is allowed to
10 assist you; as I said, it is not binding on you.

11 Now when you analyze and look at the experts
12 testimony, and here it was chemist, you not only look at
13 the same things you look at in regard to the testimony of
14 other witnesses which I've already gone over, but as to an
15 expert you also look at whether or not you, even though I
16 qualified them as an expert, you determine whether they had
17 the expertise to reach the opinion they reached. You also
18 determine whether or not they have - I'm sorry - whether or
19 not they have the credentials so to speak or whether or not
20 you find that they are worthy of an expert - rendering an
21 expert opinion. And also you look at and examine the
22 reasons they gave the opinion they reached. Again, these
23 witnesses are allowed to test you - to assist you, they are
24 not binding on you, and you may accept or reject in whole
25 or in part an expert's testimony.

CHARGE TO THE JURY

-349-

1 Now in this case there have been statements allegedly
2 made - testimony regarding statements allegedly made by Mr.
3 Puckett. At an earlier time I ruled that those statements
4 were admissible, but it is up to you to determine whether
5 or not he, Mr. Puckett, actually made the statements and
6 whether he did them freely voluntarily and knowingly and
7 intelligently. If you find that he did not make the
8 statement, then you of course would reject it entirely.
9 But you if you determine he did make the statement you must
10 determine whether or not he made the statement of his own
11 free will; that is, freely voluntarily knowingly and
12 intelligently. This means that any statement before you
13 could consider it must have been given without pressure,
14 force, fear, threats, coercion, intimidation, promises of
15 reward or hope of a reward of any kind. In determining
16 whether a statement was given voluntarily you could
17 consider the characteristics of the person giving it. That
18 is, the characteristics of Mr. Puckett. And look at and
19 consider the details of what questioning, if any, elicited
20 the statement. Some of the factors you may consider are
21 the defendant, Mr. Puckett's, age; his mental ability or
22 capacity, his intelligence, his background and environment,
23 where and how long the questioning took place, the nature
24 of the questioning, and the advice or the lack of advice as
25 to his constitutional rights. These rights include but are

CHARGE TO THE JURY

-350-

1 not limited to the right to remain silent, being advised
2 that any statement he made could be used against him in a
3 trial, that he had the right to have an attorney present
4 and that if he could not afford one the State would appoint
5 an attorney to represent him at no expense to him, and
6 advice that he could stop making the statement at any time.
7 You must carefully consider all of the circumstances
8 surrounding the giving of the alleged statement.

9 If the State has proved beyond a reasonable doubt that
10 the statement is given voluntarily, you then must consider
11 what consideration you deem proper to give it. You must
12 decide what weight if any should be given and whether or
13 not it was - if the statement was given truly freely and
14 voluntarily. Again, the State must prove that the
15 statement was made by Mr. Puckett, and that it was made of
16 his own free will and they must prove that beyond a
17 reasonable doubt.

18 The first charge I'm going to go over is the charge of
19 trafficking. Both of these charges are statutory offenses.
20 That is, our legislature has made this the law of our
21 state. Mr. Puckett is charged with trafficking in cocaine.
22 Here the State must prove beyond a reasonable doubt that
23 Mr. Puckett knowingly sold, manufactured, cultivated,
24 delivered, purchased, brought into the state, provided
25 financial assistance or otherwise aided, abetted,

CHARGE TO THE JURY

-351-

1 attempted, or conspired to sell, manufacture, cultivate,
2 deliver, purchase, or bring into this state, or was
3 knowingly in actual or constructive possession, or
4 knowingly attempted to become in actual or constructive
5 possession of cocaine.

6 The State must prove beyond a reasonable doubt that
7 the substance at issue was in fact cocaine, and they must
8 prove that the amount of cocaine or any mixture containing
9 cocaine was twenty-eight grams or more but less than one
10 hundred grams.

11 I'm going to define for you the terms possession,
12 constructive and - actual and constructive. I'm going to
13 also use those terms in addition to the trafficking
14 indictment I'm going to use them as to the other charge
15 which is possession of crack cocaine with the intent to
16 distribute it. I'm not going to redefine them, I'm not
17 going to define them for you twice, but the definition I
18 give as to trafficking is the same definition that applies
19 as to the indictment for possession of crack cocaine with
20 intent to distribute it.

21 To have possession under the law, the State must prove
22 beyond a reasonable doubt that Mr. Puckett had both the
23 power and intent to control the disposition or use of the
24 cocaine. The State of course must prove that the substance
25 was cocaine as I've already said. Possession of a

CHARGE TO THE JURY

-352-

1 substance may be either actual or constructive. Actual
2 possession means the cocaine was in Mr. Puckett's actual
3 physical custody. Constructive possession means that Mr.
4 Puckett had dominion and control or the right to exercise
5 dominion and control either over the cocaine itself, or the
6 property on which it was found.

7 The mere presence by an individual, of course Mr.
8 Puckett here, at the scene where the drugs were found is
9 alone not enough to prove possession. Actual knowledge of
10 the presence of a drug, here cocaine, is strong evidence of
11 a defendant's intent to control it's disposition or use. A
12 defendant's knowledge and possession may be inferred when a
13 substance such as cocaine is found on the property under
14 his or her control. However this inference is simply an
15 evidentiary fact to be taken into consideration by you
16 along with other facts and evidence in the case, and you
17 are to give this inference such weight if any you decide it
18 should have.

19 I charge you that two or more persons may have joint
20 possession of a drug. As to both the trafficking charge
21 and the possession with intent to distribute crack cocaine
22 charge that I'm going over in just a moment, I charge you
23 that the weight of any controlled substance is the weight
24 of that substance in pure form or any compound or mixture
25 thereof.

CHARGE TO THE JURY

-353-

1 The second charge in the indictment, another law
2 passed by our legislature, and it makes it a crime to
3 possession with intent to distribute crack cocaine. Crack
4 cocaine is cocaine which has been chemically altered into a
5 form suitable for smoking. Here the State must prove
6 beyond a reasonable doubt that Mr. Puckett possessed crack
7 cocaine with the intent to distribute it. I have already
8 defined for you both actual and constructive possession.
9 The term distribute means to deliver, other than by
10 administering or dispensing, a drug.

11 I remind you that two or more persons may have joint
12 possession of a drug and that the State must prove beyond a
13 reasonable doubt that Mr. Puckett, if you find he had
14 possession of the crack cocaine, intended to distribute the
15 crack cocaine. Again, distribution means to deliver, other
16 than by administering. Intent may be shown by acts or
17 conducts of the defendant and other circumstances from
18 which you may naturally and reasonably infer intent. In
19 determining whether a defendant had the intent to
20 distribute a drug, here crack cocaine, you may consider the
21 circumstances surrounding that person's alleged possession
22 of the drug. You may consider the amount of the substance
23 alleged to have been possessed, you may consider the manner
24 in which it was allegedly possessed, you can consider the
25 place where it was allegedly possessed and such other

1 factors as you consider to be important. You must find
2 that Mr. Puckett, if he did possess the crack cocaine, did
3 not possess it solely for his own use.

4 Possession of more than one or more grams of crack
5 cocaine creates an inference that the crack cocaine was
6 possessed with the intent to distribute it. This inference
7 does not relieve the State from proving beyond a reasonable
8 doubt that a defendant had the intent to distribute it.
9 This inference is simply an evidentiary fact to be taken
10 into consideration by you, along with other evidence in
11 this case, and you may give it such weight as you decide it
12 should have.

13 Now if you find as to the crack indictment that the
14 State has failed to prove beyond a reasonable doubt Mr.
15 Puckett guilty of possessing that substance with intent to
16 distribute it you may consider whether the State has proven
17 beyond a reasonable doubt that Mr. Puckett was guilty of
18 simply possessing crack cocaine. Simple possession of
19 crack cocaine does not require an intent to distribute it.

20 As to this lesser included charge of simple possession
21 the State must prove beyond a reasonable doubt that Mr.
22 Puckett knowingly or intentionally possessed the crack
23 cocaine. Knowingly means that it was done with knowledge,
24 consciously, and not by accident. Intentionally means
25 willful.

CHARGE TO THE JURY

-355-

1 Now the State must prove any offense, the trafficking,
2 the possessing the crack cocaine with intent to distribute
3 or the lesser included simple possession of crack cocaine
4 beyond a reasonable doubt before you can convict Mr.
5 Puckett as to any.

6 Your verdict must be unanimous, all twelve jurors must
7 agree. Once all twelve jurors are agreed, Madame Forelady,
8 you - of course you will preside over the deliberation and
9 you will ultimately sign on the verdict form which I will
10 go over with you in just a moment, indicating the jury's
11 unanimous verdict. Your verdict cannot be based on
12 sympathy, passion, public opinion, matters outside the
13 record. While you're deliberating if you have any
14 questions please write them down; the bailiff will make
15 sure you have paper and pen, or pencil, knock on the door
16 and give them to the bailiff. The bailiff will bring your
17 note to me and I will go over any questions with the
18 attorneys. It may be that I can write an answer to any
19 question on the note itself. If I do that and they send
20 the note back in, Madame Forelady, don't throw it away,
21 keep it and return it with the evidence because it has to
22 be part of the record.

23 I may have to bring you back in and answer your
24 question here in open court. In South Carolina we do not
25 send a written charge on the law in with the jury but if

CHARGE TO THE JURY

-356-

1 you wish for me to go over any part or all of my charge,
2 let me know and I will bring you back out and here in open
3 court recharge any part or all of my charge on the law.

4 We can have testimony replayed if you wish, just let
5 us know about that and we will bring you back in and do
6 that. When you have reached a verdict knock on the door
7 tell the bailiff. We may be doing some other work but we
8 will send for you as promptly as we can. When you first go
9 into the jury room do not start deliberating because I must
10 go over my charge with the attorneys just to make sure I
11 have made no error. If I have made an error I will bring
12 you back in and correct it. If I have not made any errors
13 I will send in the indictments with the verdict forms and
14 the exhibits and the bailiff will tell you to start
15 deliberating. It's close to noon so if you decide that
16 you're deliberations will take such time as you want us to
17 order lunch let us know. Just send out a note; got one
18 note from the jury that just said send food. We understand
19 if you get a note that says send food. It takes about an
20 hour for us to get it so if you'll just - if you need for
21 us to order a meal please let us know.

22 Now as to these indictments I have verdict forms
23 attached. There are only two options on the trafficking
24 charge. Now the order their in is of no importance. I
25 have to put them in some order so I always put them in this

CHARGE TO THE JURY

-357-

1 order. Madame Forelady, I don't know if you can see that
2 far, but on the verdict forms on the first line it says we
3 find the defendant guilty of trafficking cocaine. If you
4 find, that is if the jury unanimously finds that the State
5 has proven beyond a reasonable doubt Mr. Puckett guilty of
6 trafficking cocaine, as indicted, you simply put an X or a
7 check mark in front of that line.

8 If you find the State has failed to do so, that is
9 failed to prove Mr. Puckett guilty of trafficking cocaine,
10 you will put an X or a check on the second line that says
11 we find the defendant not guilty. There is a place for you
12 to date, the date is the 15th. And a place for you to
13 sign.

14 Now the possession of crack cocaine with intent to
15 distribute is a little different because there is that
16 lesser included simple possession which you may consider if
17 you determine that is appropriate. Again the order these
18 are in is of no importance. The first simply says - the
19 first line simply says we find the defendant guilty of
20 possessing crack cocaine with intent to distribute it. If
21 you find the State has not proven that then you - but you
22 find the State has proven Mr. Puckett guilty of simple
23 possession of crack cocaine, the lesser included, you would
24 put a check or an X in front of which ever of these. If
25 you choose either of these. If you find the State has

1 failed to prove Mr. Puckett guilty of either of these
2 offenses beyond a reasonable doubt you would check the
3 third line where it says we find Mr. Puckett, the
4 defendant, not guilty.

5 Now I'm going to let you go into the jury room. Like
6 I say don't get too comfortable and don't start
7 deliberating, we may have to send for you. If that is the
8 case it will be very prompt. If not, we will send in to
9 you the indictments the verdict form and the exhibits.
10 Follow the bailiff to the jury room.

11 (JURY EXITS COURTROOM TO DELIBERATE AT 11:54 A.M..)

12 THE COURT: Any exceptions or additions from the
13 State?

14 SOLICITOR ANTHONY: No, sir.

15 THE COURT: Any from the Defense?

16 MR. DELANEY: No, Your Honor.

17 THE COURT: All right. Check out the verdict forms
18 and the indictments and the exhibits and we will send them
19 in and tell them to start deliberating.

20 And then when you've done that the Solicitor can let
21 me know where we are on the schedule.

22 And of course Mr. Puckett is to remain.

23 Mr. Delaney, Mr. Puckett is to remain on the premises
24 now that the jury is deliberating.

25 MR. DELANEY: Okay. All right.

LIEUTENANT JOHN SHERFIELD TESTIMONY REPLAYED

-359-

1 (COURT IN RECESS AT 11:55 A.M..)

2 (COURT BACK IN SESSION AT 12:13 P.M. IN STATE V. CHAD
3 MURPHY WITH ATTORNEY LAUREN TAYLOR, BOND REDUCTION MATTER.)

4 (COURT IN RECESS AT 12:20 P.M..)

5 (COURT BACK IN SESSION AT 01:25 P.M..)

6 THE COURT: Madame Forelady, I have received your note
7 sort of in reverse order, we've ordered food.

8 The second question about the form of the cocaine. I
9 can't answer that question. You have to rely on the
10 testimony as you recall it. I can't - I cannot answer what
11 form anything was in. That's what the testimony was for
12 and we have to rely on it. We're a little unclear exactly
13 what your first question, wants to hear. We are going to
14 play the testimony where Officer Sherfield is involved in
15 putting a hole in the wall. We think it covers what you're
16 asking. We're not real sure but that's what we're gonna
17 play. Okay.

18 Q. And what were you able to observe Sergeant
19 Johnson do?

20 A. He was - The front door which is unusual
21 also swang outward so it's very hard to kick in a
22 door, kick it in when the door actually swings
23 outward. So he's having a hard time getting -
24 making entry into the door. It was locked, he
25 was jerking on the door and then he began kicking

1 at the door.

2 Q. And what did you observe happen as he did
3 that?

4 A. The door finally came open.

5 Q. And while you were there waiting for him to
6 be able to get into the house, were you able to
7 hear anything?

8 A. Yes you could hear somebody running through
9 the trailer.

10 Q. And so what happened after he was able -
11 after Sergeant Johnson was able to get the door
12 to open?

13 A. When the door opened he went in and I went
14 in immediately behind him.

15 Q. And what did you see when you entered the
16 trailer?

17 A. Found Travis Anderson standing in the living
18 room which was right inside this front door. He
19 was standing beside the couch, told Travis
20 Anderson to lay down on the floor and put his
21 hands behind his back. He stated laying down on
22 the floor, myself and Jimmy Johnson then began to
23 try to find out who was running down the hall.
24 We could hear the toilet being flushed in the
25 bathroom so we went to the bathroom door. That

LIEUTENANT JOHN SHERFIELD TESTIMONY REPLAYED

-361-

1 door was locked. Mr. Johnson again was having a
2 hard time getting in that door.

3 Q. And what did you do in an attempt to get
4 into the bathroom?

5 A. This mobile home had sheet rock walls. I
6 went into the kitchen area which adjoins the
7 bathroom, moved the microwave out of the way and
8 started knocking a hole through the walls so I
9 could go through the wall and get in the
10 bathroom.

11 Q. What were you able to do eventually to the
12 wall?

13 A. I knocked a big hole in it.

14 Q. Okay.

15 A. I was, you know, probably two and a half,
16 three foot hole through the interior and the
17 exterior wall.

18 Q. And after you got the hole, what were you
19 able to see?

20 A. While I was hitting on the - knocking the
21 sheet rock out and trying to go between the joist
22 to get into the bathroom, the door, Mr. Johnson
23 got the door open some how, he went in the
24 bathroom and the same time Mr. Puckett seen me
25 coming through the wall and Mr. Johnson coming in

1 through the door, he began screaming don't hurt
2 me I give up and threw his hands up in the air.

3 Q. Did you - Were you able to get the hole
4 where you could see through it in the bathroom?

5 A. Yes.

6 Q. Okay. What were you able to see through the
7 hole?

8 A. I could see Clarence Puckett leaning over
9 the toilet.

10 Q. All right. So how did you enter the
11 bathroom?

12 A. I went around through the door.

13 Q. And when you got into the bathroom, what did
14 you see?

15 A. I seen Sergeant Johnson had Mr. Puckett and
16 was leading him out and we recovered some - a
17 plastic bag with a white powder substance we
18 believed to be cocaine in the rim of the commode.
19 The bag had been torn open.

20 Q. And where did Sergeant Johnson place the
21 bag?

22 A. He took the bag out of the rim of the toilet
23 and placed it on top of the toilet on the tank.

24 Q. And did you see him do this?

25 A. Yes.

LIEUTENANT JOHN SHERFIELD TESTIMONY REPLAYED

-363-

1 Q. Okay. And then were you able to look at the
2 bag yourself after he set it on top of the tank?

3 A. Yes I collected all of the evidence.

4 Q. Okay. And based on your experience when you
5 saw the substance, did you have an opinion of
6 what it was?

7 A. I believed it to be cocaine.

8 Q. Okay. All right. And so what did you do
9 with the cocaine in regards to the cocaine after
10 Sergeant Johnson got Mr. Puckett out of the
11 bathroom?

12 A. I collected the evidence and brought it out
13 to the kitchen counter.

14 THE COURT: Stop there.

15 That covers his testimony about what happened when he
16 punched the hole in the wall. If that doesn't cover it let
17 us know through another note and I'm going to let you go
18 back to the jury room.

19 (JURY OUT TO CONTINUE DELIBERATING AT 01:30 P.M..)

20 THE COURT: Anything from the State?

21 SOLICITOR ANTHONY: No, sir.

22 THE COURT: Anything from the Defense?

23 MR. DELANEY: No, Your Honor.

24 THE COURT: Okay. Here's a Court Exhibit.

25 (WHEREUPON: COURT EXHIBIT NUMBER ONE IDENTIFIED AND

ALLEN CHARGE TO THE JURY

-364-

1 MARKED, RECEIVED INTO EVIDENCE.)

2 THE COURT: We'll be at ease for a few minutes.

3 (COURT IN RECESS IN THE MATTER OF STATE V. CLARENCE
4 PUCKETT AT 01:31 P.M..)

5 (STATE V. JOEY BLACKWELL AND STATE VERSUS MELISSA
6 MILLWOOD PLEAS WITH ERIK DELANEY HEARD AT 01:31 P.M..)

7 (COURT IN RECESS AT 01:43 P.M..)

8 (COURT BACK IN SESSION IN THE MATTER OF STATE V.
9 CLARENCE PUCKETT AT 02:33 P.M..)

10 THE COURT: All right, we have received a note from
11 the jury. They have been unable to reach a unanimous
12 decision on either charge, either indictment, so I am going
13 to bring the jury in and give them a Allen charge.

14 Anything before the jury comes in from the State?

15 SOLICITOR ANTHONY: I just realized, I think
16 Lieutenant Sherfield is right back there. If I can just
17 get him.

18 MR. DELANEY: Nothing from the Defense.

19 (LIEUTENANT SHERFIELD REENTERING COURTROOM.)

20 THE COURT: All right, bring in the jury.

21 (JURY REENTERS COURTROOM AT 02:37 P.M..)

22 THE COURT: Madame Forelady, I have received your note
23 that you are unable to reach a unanimous decision. That's
24 understandable that twelve people have trouble reaching a
25 unanimous decision. It's hard sometimes when two or three,

ALLEN CHARGE TO THE JURY

-365-

1 or four people to agree particularly on something very
2 important. However I am going to ask you to continue to
3 deliberate and see if you cannot reach a unanimous
4 decision. Now I am not asking anyone to give up any of
5 their firmly held positions. I'm not asking anyone to cave
6 in but what I am asking is that each of you listen to each
7 other and when I say listen, try to listen attentively and
8 digest what each has to say without giving up like I say
9 any firmly held beliefs. If this case is not resolved
10 today I will simply have to be tried at another time before
11 another jury and I do not know that any other twelve in
12 Union County individuals would be any better equipped to
13 resolve this. So without giving up your firm held beliefs,
14 but listening to one another, I'm going to ask you to
15 continue to deliberate for a while. Thank you.

16 (JURY EXITS COURTROOM TO CONTINUE DELIBERATING AT
17 02:39 P.M..)

18 THE COURT: Anything from the State?

19 SOLICITOR ANTHONY: No, sir.

20 THE COURT: The Defense?

21 MR. DELANEY: No.

22 THE COURT: All right, we'll be at ease.

23 (COURT AT EASE IN THE MATTER OF STATE V. CLARENCE
24 PUCKETT AT 02:39 P.M..)

25 (BACK ON THE RECORD AT 03:09 P.M..)

VERDICT

-366-

1 (STATE V. LEKAY ROGERS PLEA WITH SOLICITOR ANTHONY AND
2 ERIK DELANEY ENTERED.)

3 (STATE V. LASHAWN BRANNON, SCHMERBER HEARING WITH
4 SOLICITOR ANTHONY AND ERIK DELANEY.)

5 (COURT IN RECESS AT 03:25 P.M..)

6 (COURT BACK IN SESSION IN THE MATTER OF STATE V.
7 CLARENCE PUCKETT AT 04:19 P.M..)

8 THE COURT: Thank you, take your seats.

9 MR. DELANEY: My clients in route to the courtroom,
10 Judge. He should be here any second.

11 (PAUSE.)

12 (WHEREUPON: COURT'S EXHIBIT NUMBER ONE, TWO,
13 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

14 THE COURT: I've been advised we have a verdict in Mr.
15 Puckett's case.

16 Bring in the jury.

17 (JURY REENTERS COURTROOM AT 04:21 P.M..)

18 THE COURT: Madame Forelady, I understand the jury has
19 reached verdicts.

20 MADAME FORELADY: Yes we have.

21 THE COURT: If you will hand them to the bailiff he
22 will hand them up to me.

23 (VERDICTS RECEIVED UP BY THE COURT.)

24 THE CLERK: In the case of State of South Carolina
25 versus Clarence Puckett Indictment for Possession of Crack

SENTENCING

-367-

1 Cocaine, find the defendant not guilty.

2 In Indictment for the State of South Carolina versus
3 Clarence Puckett for indictment for trafficking cocaine, we
4 find the defendant guilty.

5 THE COURT: If this be your verdict so say you all by
6 raising your right hand.

7 All twelve jurors confirmed their verdict by raising
8 the right hand.

9 Anything from the State before the jury is dismissed?

10 SOLICITOR ANTHONY: No, sir.

11 THE COURT: Anything from the Defense?

12 MR. DELANEY: No, Your Honor.

13 THE COURT: All right. Members of the jury panel, we
14 appreciate your help and thank you. That of course
15 concludes this for the week.

16 Now, Ms. Scarborough, I need you to meet with Mr.
17 Gault just a minute to sign the back of the indictments.
18 The rest of you feel free to leave.

19 If you'll step down to the table he'll step down
20 there. And you will be mailed a check. Thank you so much.

21 You can go out the same way you been coming in and
22 out.

23 (PETIT JURY DISMISSED AT 04:23 P.M..)

24 THE COURT: Thank you.

25 Anything from the Defense?

SENTENCING

-368-

1 MR. DELANEY: Your Honor, we would just at this time
2 renew motions that we made previously in this trial.

3 THE COURT: The motions are denied. As I said earlier
4 I believe this case warranted being submitted to the jury
5 and I believe the evidence supports the jury's unanimous
6 verdict. Now bring around Mr. Puckett for sentencing.

7 And I'll be glad to hear from Mr. Puckett and anyone
8 on his behalf.

9 Does he have any record?

10 SOLICITOR ANTHONY: He was - He has a criminal
11 domestic violence conviction from 2002. A simple
12 possession of marijuana in 1999, DUS in 1998, and a driving
13 without a license in 1997.

14 THE COURT: All right... Be glad to hear from you, Mr.
15 Delaney, and then the mother and stepfather if they wish to
16 and then Mr. Puckett.

17 MR. DELANEY: Thank you, Your Honor.

18 CJ is thirty-six years old as Your Honor has heard.
19 From his prior record he's never had a General Sessions
20 charge before. As far as drug charges there is a
21 possession of marijuana charge on his record. He's never
22 done any time before. He's looking at mandatory minimum
23 seven years at eighty-five percent. I would ask Your Honor
24 for mercy, I ask Your Honor to consider that sentence in
25 this case. I think with that sentence he's doing some

SENTENCING

-369-

1 serious time, violent offenses. I think in this case a
2 message can be sent and I think the chances of you or
3 whoever seeing CJ Puckett again would be slim. So I would
4 ask Your Honor because obviously it's a wide discretion of
5 what can be given in this charge and I would ask you to
6 sentence him to the lower range of seven.

7 Mother, stepfather...

8 A. Yes, sir.

9 THE COURT: Your name?

10 A. My name is Kathy Parker, CJ's mother. CJ's not a bad
11 violent person and he told us where to go - no place where
12 all these murderers, please don't send him away. You won't
13 never see him again. He won't never - He's not a bad
14 person, he's a good person. All mother's say that but I'm
15 telling the truth. He's good hearted he'll do anything for
16 anybody. He's never been violent. He just got messed up
17 with the wrong person. Please I beg you, please don't take
18 him. Please don't. Please.

19 THE COURT: Thank you. All right.

20 Do you want to say anything? Your name?

21 A. Ronald Parker, CJ's stepfather. You know I just want
22 to say that he is a good person. You know he got messed up
23 and he's - we all suffer a lot in the last three years
24 waiting on you know this time to get here. He's lost
25 everything. I mean he is working now but he was. You know

SENTENCING

-370-

1 he's not a bad person.

2 THE COURT: What was your first name again?

3 MR. PARKER: Ronald.

4 MS. PARKER: He's raised him since he was a year and a
5 half old.

6 MR. PARKER: They call me Rusty. My name is Ronald.

7 THE COURT: Okay. Thank you.

8 Mr. Delaney, you through?

9 MR. DELANEY: I'm through, Judge.

10 THE COURT: Okay. Mr. Puckett, anything you want to
11 say?

12 MR. PUCKETT: Uh, yes, sir. I - Sir, I've never meant
13 no harm for a person to no one. I never bothered nobody.
14 I thank you for your time. I apologize for taking up the
15 court's time. I would like to say that I made a mistake
16 and messing with the marijuana and everything. This charge
17 that has been brought up on me, I see that they found me
18 guilty, sir, and I just ask mercy of the court, sir, as
19 much as I can because I - I don't know what to say.
20 Actually, sir, I've seen people get three years probation
21 on account of the same charge but I know -

22 THE COURT: Let me stop you just a minute. You
23 weren't - Your credibility is not very good with me to
24 begin with, and I'll be very honest with you, based on
25 your testimony yesterday. But what you're telling me is

SENTENCING

-371-

1 it's factually impossible because this carries mandatory
2 seven years. Are you saying somebody got seven years but
3 they reduced to probation? No probation --

4 MR. PUCKETT: His name is Carl Long.

5 THE COURT: Well, I'm just telling you, the law says
6 no probation on this charge.

7 MR. PUCKETT: I guess. Okay.

8 THE COURT: So some judge did that, they violated the
9 law.

10 MR. PUCKETT: Yes, sir. Yes, sir.

11 THE COURT: So I doubt that that happened which just
12 shows me the continuing pattern your not quite being honest
13 with - to yourself. Until you can get to where you can be
14 honest with yourself you're certainly not going to be
15 honest to other people. Anything else you want to say?

16 (PAUSE.)

17 THE COURT: I presume he does not.

18 All right, the sentence is ten years and I'll give you
19 credit --

20 How much time has he served in jail?

21 MR. DELANEY: I think we had those dates.

22 SOLICITOR ANTHONY: There was approximately six weeks.

23 MR. DELANEY: August 21st through October --

24 SOLICITOR ANTHONY: Well no, it was a little over two
25 months. He was arrested on August 21st and he made bond on

1 October 25th.

2 THE COURT: I can't do math.

3 SOLICITOR ANTHONY: August the 21st -

4 MS. PARKER: Please don't.

5 SOLICITOR ANTHONY: --- through October 25th. Sixty-
6 five days.

7 THE CLERK: Sixty-three days if I did it right.

8 THE COURT: I'll give you credit for sixty-three days.
9 Thank you.

10 THE CLERK: I got sixty-five.

11 THE COURT: Hand it back up.

12 (COURT ADJOURNED AT 04:30 P.M..)

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1 In the Court of General Sessions
2 Union County, South Carolina
3

4 The State of South Carolina

5 versus

6 Clarence Puckett, Defendant

7 Case Number: 2009-GS-44-1210-1211
8

9 Requested testimony of Mr. Clarence Puckett
10

11 Heard on May 12, 2010.

12 Before the Honorable John C. Hayes, III, and a jury.

13 Appearances:

14 John Anthony

15 Assistant Solicitor

16 Post Office Box 60

17 Union, SC 29379

18 Melinda Butler

19 Post Office Box 248

20 Union, SC 29379
21

22 Reported by: Janet M. Rich

23 Circuit Court Reporter

24 1992 Downey Street

25 Rock Hill, SC 29732

I N D E X

1	
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4	Clarence Puckett
5	Direct examination 3
6	Cross examination 12
7	
8	
9	
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1 The Court: Mr. Puckett, come up and
2 be sworn.

3 Clarence Puckett, being first duly
4 sworn, testified as follows:

5 Direct examination by Mrs. Butler:

6 Q Will you please state your full name for the
7 record?

8 A My name is Clarence Julius Puckett the third.

9 Q And how old are you, Mr. Puckett?

10 A I am 33.

11 Q And where are you currently employed?

12 A I am -- I've been self employed through Wiliford
13 Electrical Services and I do a lot of sheet rock work
14 and stuff like that on my own.

15 Q And have you always lived here in Union?

16 A Yes, ma'am.

17 Q And Mr. Puckett, on the date of the incident in
18 question, can you, let's start where the officers
19 first came into your house. What happened before the
20 officers got there? You were the only one there at a
21 certain time, is that correct?

22 A Yes, ma'am. Yes, ma'am. I was there and, and
23 approximately, I'd say 10, maybe 15 minutes, after
24 Mr. Anderson pulled up in my driveway that's when the
25 police came in.

1 Q So Mr. Anderson came to your home this
2 particular day?

3 A Yes, ma'am.

4 Q And did Mr. Anderson bring anything into your
5 home that day?

6 A Yes, ma'am. Mr. Anderson had a quantity of
7 drugs. He had different drugs.

8 Q And Mr. Puckett, when the officers came into
9 your home that day, can you explain to the jury what
10 happened then?

11 A When they came and they knocked on the door and
12 as David said, my door opens the opposite way, so
13 actually to kick that door in, they would have to
14 bust the whole frame out of the door and it would
15 tear the whole door down to actually kick the door
16 in. So when they knocked on the door, Mr. Anderson
17 got scared and stepped over there and unlocked the
18 door and opened the door for them.

19 Q Can I stop you for just one minute?

20 A Yes, ma'am.

21 Mrs. Butler: May I approach the witness,
22 Your Honor.

23 The Court: Yes, ma'am.

24 Q Is this a picture of your front door?

25 A Yes, ma'am.

1 Q And that's got the address 295 right there?

2 A Yes, ma'am.

3 Q And is this an accurate picture of what it was
4 like the day you took this?

5 A The same as it is now. Yes, ma'am.

6 Mrs. Butler: I would ask that the picture
7 be admitted into evidence as defense exhibit one.

8 Mr. Anthony: Well, I don't think it's
9 been authenticated. He said it looked like the day
10 he took the picture. That wouldn't be the proper
11 authentication.

12 The Court: Lay a better foundation.

13 Q Did you take this picture, Mr. Puckett?

14 A Yes, ma'am.

15 Q And did you take to it to have it developed at a
16 particular place?

17 A No, ma'am. Actually I had a friend of mine who
18 took it and she's a DNA executive of Union County,
19 and if you can look at the back of the photo, it's a
20 very legit machine that taken, the camera that took
21 it is a lab camera for the State.

22 Q So it came out instantly?

23 A Yes, ma'am, it's a Polaroid that came out
24 instantly, but that is a camera for the State of
25 South Carolina.

1 Q Were you there when the picture was developed?

2 A Yes, ma'am.

3 Q When it came out?

4 A Yes, ma'am.

5 Mr. Anthony: He's still hadn't said what
6 would authenticate the picture.

7 The Court: Okay.

8 Mrs. Butler: Can I just ask a question?

9 The Court: You can ask some more
10 questions.

11 Mrs. Butler: Thank you, sir.

12 Q Mr. Puckett, I think you established that the
13 door, the picture is your front door, is that
14 correct?

15 A Yes, ma'am.

16 Q And does the picture show that the door has been
17 busted?

18 A No, ma'am.

19 Q Okay. And will you just continue to tell us
20 what happened on that day?

21 A Okay. After they tried to initially get into
22 the door, okay, I had a small quantity of marijuana
23 in my pocket. It was for personal use only. Okay.
24 When they knocked on my door, I looked out the edge
25 of the window and I seen that it was the county

1 police, the sheriff. There was a sheriff car and
2 there was a undercover car and there was a suburban,
3 a Tahoe or something like that there, and when I did,
4 I stepped from the bathroom, now this is from the
5 kitchen to the bathroom, this is just walking around
6 this wall right here, and when I stepped in there, I
7 heard Mr. Anderson run through the house and he was
8 running and he looked like it, it sounded like he was
9 scared because of his job and you know his education.

10 Mr. Anthony: Objection to what it sounded
11 like.

12 The Court: I sustain the objection. He
13 can tell what he heard, but he can't interpret
14 whether somebody was scared or not.

15 A. Yes, sir. Well, pardon me. I heard Mr.
16 Anderson run through the home. Okay. When I was in
17 the bathroom, I took the little bit of marijuana I
18 had, I threw it on top of the water. It was in the
19 toilet itself. All right. Mr. Anderson had a thing
20 of cocaine. Right before I run into the bathroom Mr.
21 Anderson handed me the cocaine and threatened me to
22 run in the bathroom and flush it or he was or going
23 to --

24 Mr. Anthony: Objection, hearsay.

25 The Court: I sustain the objection. You

1 can't testify to what somebody else said. He can say
2 what he did, but can't testify to what somebody else
3 said. They'd have to come in and testify about that.

4 A Okay. At the time I took the drugs, run into
5 the bathroom, I flushed the drugs down in the toilet
6 because I did not have the drugs, so I took the drugs
7 that was told to me to flush, flush them, try to
8 flush them. My intention was to flush them, but as I
9 say, the bag of marijuana was still floating on top
10 of the water. And.

11 Q Mr. Puckett --

12 Mrs. Butler: May I approach the witness,
13 Your Honor.

14 The Court: Yes, ma'am.

15 Q These are the same pictures that I showed to the
16 officer earlier. Can you tell us what the picture is
17 right here?

18 A That's Mr. Anderson's car. That's the trunk of
19 Mr. Anderson's car. This is the back seat of Mr.
20 Anderson's car with drugs and paraphernalia and stuff
21 laid all through the back seat. Here's a closer up
22 picture of Mr. Anderson's car.

23 Q Could you hold this picture for a minute. Let
24 me ask you a couple questions about it. What's the
25 time on that picture where the drugs were taken out

- 1 of Mr. Anderson's car?
- 2 A In Mr. Anderson's car, ma'am?
- 3 Q Yes.
- 4 A They was taken at 6:46. It's got 21 6:46 p.m.
- 5 Q And that was from Mr. Anderson's car?
- 6 A Yes, ma'am.
- 7 Q Did you hear testimony earlier from Officer
- 8 Sherfield that those pictures were taken at the
- 9 scene?
- 10 A Yes, ma'am.
- 11 Q And was, the car was actually in your driveway,
- 12 is that correct?
- 13 A Yes, ma'am.
- 14 Q What are the pictures next to it?
- 15 A The pictures next to it are of drugs.
- 16 Q And what's the time on those pictures?
- 17 A It has 8 o'clock. 7:59 and 8 o'clock and at
- 18 that time I was in jail.
- 19 Mrs. Butler: Beg the court's indulgence,
- 20 Your Honor. I apologize, Your Honor. I'm missing
- 21 one of my documents.
- 22 Q Will you tell us what this document says at the
- 23 top of it?
- 24 Mr. Anthony: Objection, that's hearsay.
- 25 The Court: Well.

1 A Excuse me.

2 The Court: I'll let her ask it.

3 Mrs. Butler: This is the jail booking
4 sheet.

5 The Court: Okay. What's the question?

6 Mrs. Butler: Yes, Your Honor.

7 The Court: Just ask him a question.

8 Q What time does the, does the booking sheet say
9 that you were --

10 The Court: I sustain the objection.

11 Mrs. Butler: Okay.

12 A I can answer it?

13 The Court: No. She'll ask another
14 question.

15 Q Mr. Puckett, do you remember what time you were
16 booked into jail that evening?

17 A Yes, ma'am, about 7:15 - 7:20 that evening.

18 Q And what time does the picture state on that
19 sheet that you are holding that those pictures were
20 taken on the right hand side?

21 A At 8 o'clock. 7:59 and 8:00 on the dot.

22 Q You remember what time, what time your booking
23 sheet says that you were booked and the time you just
24 told us?

25 A Yes, ma'am, 7:20.

1 Q So it was before those picture were taken?

2 A I was already in jail, yes, ma'am.

3 Q So did anybody stay behind at your residence
4 after you left?

5 A No, ma'am. Me and Mr. Sherfield ourselves
6 locked the doors up and secured the area before we
7 left. He asked me to secure -- if I wanted to
8 secure, if I needed him, excuse me, to lock any doors
9 and to make sure everything was locked up, to make
10 sure my shop was locked up. I have a shop where race
11 cars and stuff, all my work tools up there in. He
12 asked to make sure that that was completely secured,
13 that my trailer was secured up, and then I was hauled
14 in. Me and Mr. Anderson was put into a car together
15 and we was hauled into jail by deputy, I don't know
16 the deputy's name. I'm sorry.

17 Q Would it have been another deputy at the scene?

18 A Yes, ma'am, the one that's not here.

19 Q So there was nobody else left at the residence?

20 A No, ma'am. No, ma'am.

21 Q But you heard Officer Sherfield's testimony
22 earlier say that those pictures were taken at the
23 scene?

24 A Yes, ma'am.

25 Mrs. Butler: I beg the court's

1 indulgence. That's all the questions I have at this
2 time.

3 The Court: Mr. Anthony.

4 Cross examination by Mr. Anthony:

5 Q Did you know Mr. Anderson was coming over there?

6 A He had called earlier and said that when he got
7 off work that he was coming by because we was going
8 to the race track together, sir. We were supposed to
9 be going to the drag strip down in, the new drag
10 strip down in Union.

11 Q And how do you know Mr. Anderson?

12 A I've known Mr. Anderson since -- I've known Mr.
13 Anderson for I'd say almost 20 years.

14 Q Okay. So that would be since you were 13?

15 A 13-14 years old, yes, sir.

16 Q All right. And I take it you and him are
17 friends?

18 A Yes, sir.

19 Q You have a social relationship?

20 A To an extent. When we see each other we speak
21 or I may go to his house or he may come to my house.

22 Q And he came to yours that night?

23 A Yes, ma'am.

24 Q You two go to the race track together?

25 A Yes, sir. We're friends, yes, sir.

1 Q Okay. And he called and told you he was coming?

2 A Well, he told me he would stop by there on his
3 way home from work, yes, sir. He called me and said
4 he may stop by on the way and for me to get ready to
5 go up to the race, yes, sir.

6 Q He'd told you he'd stop by?

7 A Yes, sir.

8 Q Okay. And what happened when he gets to your
9 house?

10 A When he comes to my home? He opens the door,
11 comes in, sits down, and has a chat and we actually
12 partake in smoking a marijuana cigarette together and
13 it wasn't within five minutes the police knocked on
14 my door and was trying to come through my front door.

15 Q Okay. So was it common for him to come to your
16 house to use drugs?

17 A Not necessarily. Not every time he come to my
18 house he used drugs, no, sir.

19 Q He come to your --

20 A When he did, sometimes he did, yes, sir.

21 Q Would he come to your house and use drugs more
22 than once?

23 A Yeah, a couple times. Yes, sir.

24 Q Okay.

25 A But it was more marijuana than a cocaine thing.

1 Q Okay. All right. Well, did the marijuana you
2 smoked that night, did you have it or did he bring
3 it?

4 A Actually he brought it for me.

5 Q Okay. All right. And --

6 A I didn't have a driver's license, sir. I didn't
7 have a way to work. I was just stuck at home,
8 actually. Well, I had a driver's license, but I
9 didn't have a vehicle, so I wasn't even, I didn't
10 have a way to get drugs.

11 Q I'm sorry. What now?

12 A I never had a way to go get drugs.

13 Q Oh, okay. So he was bringing you marijuana?

14 A No, not necessarily. He just had some with him.

15 Q Okay.

16 A When he got there, he said I got some, would you
17 like a little bit? I was like, yeah, of course.

18 Q All right. And were you going to pay him for it
19 or was he giving it to you for free?

20 A No -- I be, we exchange with each other.

21 Q You bought some from him?

22 A Yes, sir.

23 Q Okay. How much did he charge you for it?

24 A It was a quarter bag. It was \$20.

25 Q Okay.

1 A And that was for personal use only as I stated.

2 I did smoke pot. I don't now. I'm in a lot of
3 trouble. But that was for personal use only.

4 Q Okay. Now was he bringing, where did the
5 cocaine, how did the cocaine get in your house?

6 A I don't use cocaine, sir.

7 Q Okay. You don't use cocaine?

8 A No, sir.

9 Q So where did the cocaine -- how did the cocaine
10 get to your house?

11 A I'm not putting the blame on Mr. Anderson for
12 that, but Mr. Anderson had to be the one to bring it.
13 I didn't even have a way of transportation or nothing
14 so.

15 Q All right. So you are saying Mr. Anderson must
16 have brought it to your house?

17 A Yes, sir. Yes, sir.

18 Q And you didn't have any idea the cocaine was
19 there?

20 A No, sir.

21 Q Until the police started knocking?

22 A Well, actually when they knocked on the door, he
23 started panicking and emptying out everything out of
24 his pockets.

25 Q Okay.

- 1 A If I ain't mistaken, I don't even think he had a
2 dollar bill in his pocket when he did go get
3 arrested.
- 4 Q Well, did he give you his money?
- 5 A No, sir.
- 6 Q Okay. What happened to his money?
- 7 A That's his business. I don't know.
- 8 Q Well, it was your house. What happened to his
9 money?
- 10 A His money is his business.
- 11 Q But you were there, so I'm just asking what did
12 he do with his money?
- 13 A I been in a bunch of people houses, it don't
14 mean I know where their money is.
- 15 Q But you said he was doing it right in front of
16 you when the police came?
- 17 A I said he started emptying his pockets right
18 there, with drugs, no money, just drugs.
- 19 Q Okay. Did you see him get out any money?
- 20 A No, sir.
- 21 Q Okay. You didn't see him get out any money?
- 22 A No, sir.
- 23 Q And you two are standing in the living room when
24 the police came?
- 25 A Actually I was standing in my kitchen and Mr.

- 1 Anderson was sitting on my couch in the living room.
2 I was in the kitchen myself.
- 3 Q Okay. And Mr. Anderson, you said he'd been to
4 your house several times?
- 5 A Yes, sir. I've been to his.
- 6 Q And --
- 7 A And numerous times as he has been to mine, I've
8 been to his house.
- 9 Q Okay. He's been your house several times and
10 the cocaine is on his person?
- 11 A Yeah.
- 12 Q Okay. And I take it from the fact that he's
13 been to your house several times, he'd know where
14 your bathroom is?
- 15 A Yes, sir.
- 16 Q Okay. He's probably been in your bathroom
17 before?
- 18 A Yes, sir.
- 19 Q Okay.
- 20 A Without a doubt.
- 21 Q And he's on the couch, right?
- 22 A Yes, sir.
- 23 Q When y'all realize the police are knocking at
24 the door?
- 25 A Yes, sir. And I was standing exactly in the

1 kitchen up against my bar.

2 Q Okay. And it's a, I take it, a fairly small
3 area we're talking about here?

4 A Yes, sir. It's 10 by 10, maybe 15 by, maybe 15
5 by 10.

6 Q Okay.

7 A At the most.

8 Q So --

9 A It's little bitty.

10 Q ---You and him are about the same distance away
11 from the bathroom?

12 A No, actually I was a whole lot closer to the
13 bathroom than he was.

14 Q You were closer to the bathroom?

15 A Yes, sir.

16 Q All right. And then you hear the knock at the
17 door?

18 A Yes, sir.

19 Q And at that point in time you said you went, you
20 headed to the bathroom?

21 A After -- I said after I looked out the window.

22 Q Okay.

23 A And by the time I looked out the window, Mr.
24 Anderson done run through my trailer. He had looked
25 out two or three windows and headed to the bathroom

1 and then we followed each other coming in and out of
2 the bathroom and when he came out of the bathroom, I
3 went in the bathroom with my bag of pot, and I
4 throwed my bag of pot on top of the toilet.

5 Q Okay. So he went in the bathroom before you
6 did?

7 A Yes, sir.

8 Q Okay. And when he came out of the bathroom is
9 when you say he handed you the cocaine?

10 A No, sir.

11 Q Okay.

12 A I said I stepped in the bathroom and took my own
13 marijuana out of my pocket and throwed it into the
14 top of the toilet and the toilet was never flushed.

15 Q All right.

16 A It was still floating on top of the toilet when
17 the officers got it out of the toilet.

18 Q Okay. So what you are saying is you find out
19 the police are there and you head towards the
20 bathroom, is that right?

21 A I looked out the window to see the police first.

22 Q Yes.

23 A Travis had already seen the police. Travis was
24 sitting on my couch and looked just like that out the
25 window. I said, "What is that?" I asked him. I

1 said, "What is that? Who is that banging on my
2 door?" He said, "That's the cops." He got up and he
3 took up running toward the bathroom. I looked out
4 the window and seen the SUV and the unmarked car
5 sitting outside, so when I did, that's when I headed
6 towards the bathroom myself because I had a little
7 bit of marijuana in my pocket and I wanted to get rid
8 of it.

9 Q Okay. And then as you are walking in the
10 bathroom, he's walking out of the bathroom?

11 A Yes, sir.

12 Q Okay.

13 A Coincided. We kind of bumped each other just a
14 little bit to run in and out of the bathroom.

15 Q And, and it's at that point that he gave you the
16 cocaine as he was walking out of the bathroom?

17 A He did not never ever give me cocaine, sir. I
18 answered that awhile ago for you.

19 Q Oh, you never got it?

20 A No, sir.

21 Q You never got the cocaine?

22 A No, sir.

23 Q Okay. So when were you aware there was cocaine
24 in the house in the first place?

25 A Oh, I wasn't aware that there was any cocaine in

1 the house until they knocked on the door and the man
2 started emptying his pockets headed toward the
3 bathroom. He said I got drugs running to the
4 bathroom. I looked out the window, and by the time I
5 looked out the window, I noticed that it was the
6 police out there, so I took off running to the
7 bathroom myself and I throwed what little bit of
8 marijuana that I had, it wasn't 6.8 grams, I throwed
9 it into the toilet myself.

10 Q Okay. So, so he never, he never gave you the
11 cocaine?

12 A No.

13 Q Is that right?

14 A Right.

15 Q Okay. He just goes in the bathroom?

16 A To flush the drugs.

17 Q Okay. And then you go, he leaves the bathroom
18 and you go in the bathroom after he's walked out of
19 the bathroom?

20 A Yes, sir.

21 Q And you put your marijuana in the commode?

22 A I just tossed it, yes, sir. I tossed it from
23 here to there into the toilet.

24 Q And --

25 A Actually I couldn't even see in the toilet. I'm

1 looking, I ran to the toilet, but I threw it like
2 that and when, the next thing I know is Travis had
3 opened the door for them. That's how quick Travis
4 got scared because of his job and him being a DSS
5 worker. He opened the door.

6 Q He opens the door. He tells --

7 A He opens door for them.

8 Q He opens the door himself?

9 A Yes, sir.

10 Q He opened the door.

11 The Court: Let's keep it one person
12 talking at a time please.

13 Q All right. So Mr. Anderson opens the door and
14 you are in the bathroom and you've thrown your little
15 bit --

16 A I wasn't in the bathroom when Mr. Anderson was
17 in the bathroom with the drugs, sir.

18 Q Well, my question is, where were you when he
19 opened up the door?

20 A When he opened up what door?

21 Q The door to the residence?

22 A Oh, I was in the bathroom. I ran towards the
23 bathroom to get rid of my own drugs.

24 Q Okay. And you are in the bathroom and your
25 testimony is that you never noticed that there was a

1 bag of cocaine in the commode?

2 A I didn't even pay it no attention by the time I
3 did because he had opened the door and they was, a
4 hole busted in above, there was a hole busted this
5 big, four feet off of the ground, it's not like they
6 could have busted a hole in that wall to get me out
7 of the bathroom or to even see me in the bathroom. I
8 don't know why he busted a hole in the wall. My
9 bathroom door is not being bothered, it's not being
10 kicked in, or pried open and no kind, the front door
11 or the bathroom door.

12 Q Well, my question is, I mean, did you lock
13 yourself in the bathroom?

14 A No, sir.

15 Q You never locked yourself in the bathroom?

16 A No, sir, the bathroom door is not harmed. I
17 have pictures of it as well.

18 Q Well, my question, I mean, if you would just
19 please answer my question. My question was, did you
20 lock yourself in the bathroom?

21 A No, sir.

22 Q Were you in the bathroom while Lieutenant
23 Sherfield was knocking the hole in the wall?

24 A No, sir. When he had hit the door, I done
25 already opened the, the bathroom door was already

1 open. All he had to done, he just reached and
2 grabbed me. I wasn't even brought out of the
3 bathroom. I was in the hallway and placed under
4 arrest laying in the floor of the kitchen.

5 Q Okay. So you are --

6 A I was never placed under arrest in the bathroom,
7 nobody come, me and Mr. Sherfield was not in the
8 bathroom at the same time together or nothing.

9 Q So nobody, nobody had to get you out of the
10 bathroom?

11 A No, sir. I opened the door and came straight
12 out of the bathroom and I throwed my hands up and I
13 said, "Sir, you got me. You got me. I give."
14 That's what I said. And I laid in the kitchen floor,
15 from the hallway to the kitchen floor, I laid out
16 perfectly right there, and I was fully cooperated,
17 cooperative with them, and everything.

18 Q Okay. So you never, and were you ever aware, my
19 question was, were you ever aware that there was
20 cocaine in the commode?

21 A No, sir.

22 Q You never flushed the commode?

23 A No, sir. The toilet was still never flushed
24 when they got the drugs out of the toilet.

25 Q But you had marijuana?

DOCKET NO. 2009-GS-44-1210

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

WITNESSES

The State of South Carolina

County of Union

Defendant

COURT OF GENERAL SESSIONS

OCTOBER 12, TERM 2009

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

ARREST WARRANT NUMBER

K302214

Defendant

THE STATE

vs.

Witness:

C.C.C. PLS. AND G.S.

CLARENCE JULUIS PUCKETT, III

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date:

VERDICT

Guilty

Indictment for

TRAFFICKING IN COCAINE

SC Code: 44-53-370
CDR Code: 2359

Cherie Scarborough
Foreperson of Petit Jury
Date:

11-15-12

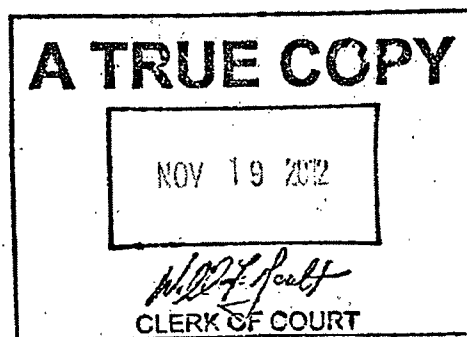
STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

INDICTMENT

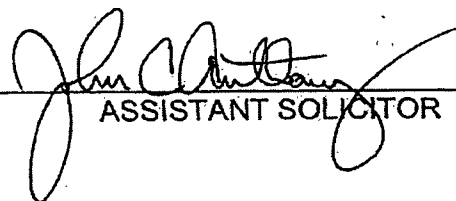
At a Court of General Sessions, convened on October 08, 2009, the Grand Jurors of Union County present upon their oath:

TRAFFICKING IN COCAINE

That Clarence Juluis Puckett, III, did in Union County, South Carolina, on or about August 21, 2009, traffic in Cocaine in that he did wilfully, unlawfully and knowingly 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 was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of a quantity of Cocaine or any mixtures containing Cocaine, as provided in Section 44-53-210, et.seq., Code of Laws of South Carolina (1976, as amended), in an amount being more than 28 grams but less than 100 grams, in violation of Section 44-53-370, Code of Laws of South Carolina (1976, as amended).



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


ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 7th, 2014

Susan B. Hackett for

Carmen V. Ganjehsani

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

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ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Union County

John C. Hayes, III, Circuit Court Judge

RECEIVED
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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CLARENCE PUCKETT, III,

APPELLANT

APPELLATE CASE NO. 2012-213517

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon David Spencer, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 7th day of February, 2014.

Brandon Hall

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 7th day of February, 2014.

Kara Meador (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.