

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Newberry County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

REGINALD RODEZERE SCURRY,

APPELLANT

APPELLATE CASE NO. 2018-000710

RECORD ON APPEAL

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State of South Carolina)
) Court of General Sessions
 County of Newberry)
 2018-GS-36-115
 2018-GS-36-116

State of South Carolina)
) vs.) Transcript of Record
)
 Reginald Rodezere Scurry)
)
) Defendant)

April 3-5, 2018

Newberry, South Carolina

B E F O R E:

Honorable Frank R. Addy, Jr., Judge

A P P E A R A N C E S:

Dale Scott, Deputy Solicitor
 Taylor Daniel, Assistant Solicitor
 Attorneys for the State

Charles Verner, Public Defender
 Attorney for the Defendant

Joy E. Holston
 Official Court Reporter

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(SW) - Denotes State's Witness

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THE COURT: Solicitor.

MR. SCOTT: Judge, this is Reginald Scurry. He is on trial docket and he was second up on the trial docket. Obviously the first trial has plead and so we had intended striking a jury tomorrow morning proceeding with his picking in crack, third offense trial. And I think he got an issue with us calling him to trial tomorrow.

THE COURT: Mr. Verner.

MR. VERNER: Judge, we are asking to continue just one month to call this case for trial. He has been in custody for over a year but that was in another county. He has only been back in Newberry for about three months. I met him, by my notes, on February 1st. The serious charge is a trafficking third offense charge. So there is a mandatory 25 year penalty. He had an attorney who represented him on another case in, I think, Cherokee County or Spartanburg, John Reckenbeil. And he wants to have Mr. Reckenbeil to represent him on this case. His bond was set up extremely high at \$200,000.00 dollars so he couldn't get out to settle up with the attorney. Now, I will represent, I did speak to Mr. Reckenbeil and he said that he would have to pay off the old case before he could talk to him about the new case. But did represent that at a trial in Spartanburg, Cherokee, there is an

1 ongoing representation. But he would be more comfortable
2 with the attorney of his choice. He believes he needs
3 just a little bit more time to get his family to finish up
4 paying. It is a big case, a lot on the line. We just,
5 out of fairness, just comfortable with representation of
6 who has represented him before.

7 THE COURT: Well, Solicitor, when did this allegation
8 arise?

9 MR. SCOTT: Your Honor, it was January 5th of 2017.

10 THE COURT: January 5th of 2017. And he was arrested
11 at the scene?

12 MR. SCOTT: No, sir. He eluded, Highway Patrol that
13 day. He was picked up in Cherokee County a few weeks
14 later and he has been in continuous confinement since
15 then. We just got him a few months ago but it is an older
16 case in that sense.

17 THE COURT: Right. Mr. Verner, let me ask you this.
18 I mean, have you received all of the discovery, are you
19 prepared to go to trial if the Court were to move forward
20 with this case and call it tomorrow?

21 MR. VERNER: I received everything the State tells me
22 they say they have, Your Honor, which would be, it is
23 basically a Highway Patrol car chase stop where the
24 officer testifies, you can't see it in the video or not,
25 but the officer testified that he saw him throw something

1 out the window. The Trooper briefly makes, probably five
2 seconds or so, contact with the guy before he drives off
3 in the video. But he has his drivers license or driver's
4 identification card. They don't arrest my client until
5 about a month later. But the fact pattern is fairly
6 straightforward. It is an identification issue for the
7 Trooper.

8 THE COURT: Understand that Court Administration,
9 Supreme Court has asked that we try to resolve cases
10 within one year if at all possible. I realize that Mr.
11 Scurry's case, he has been in custody in Cherokee for a
12 while but Newberry is the only County that is actually
13 pending the benchmark in terms of timely disposition of
14 the cases. Most importantly I am hearing, Mr. Verner,
15 that you are prepared to move forward and that Mr.
16 Reckenbeil, he is not on the case so this is not a
17 situation where it sounds like he has even paid off Mr.
18 Reckenbeil previously.

19 MR. SCURRY: My family is working on it, about a
20 thousand dollars. He will represent me. I have been here
21 for 60 days, Your Honor. I just spent \$17,000.00 dollars
22 on a lawyer and two lawyers from Cherokee County. And I
23 came out on trial and I want them. They had me for 60
24 days here. I didn't know anything about this, my first
25 time. I talked to him two times, you know what I am

1 saying. I talked to him two times on this trial. This is
2 my life, Your Honor. And I am asking for a continuance.
3 I asked for a bond, when I talked to him I said set me up
4 for a bond. I can get my family to pay for the lawyer,
5 that is the first time I talked to him. The second time,
6 he gave me a \$200,000.00 dollar bond. You can't get a
7 lawyer, you have got to do this. If you look at what they
8 got, this is a weak case, you know what I am saying. But
9 I just want a fair trial, Your Honor, this is my life. I
10 have kids in college, I have nine children. Can I get a
11 continuance and a reasonable bond, I have got to help my
12 family support, you know what I am saying.

13 THE COURT: Here is where we are, Mr. Scurry. I am
14 not inclined to continue the case. If you are not guilty
15 of these charges I have no doubt that A., Mr. Verner is
16 fully capable of representing you and winning an acquittal
17 if you are, in fact, not guilty of these charges.
18 Certainly if you are not guilty you need a jury trial, you
19 need it sooner rather than later and Mr. Verner is the man
20 that represents you in that particular case. And if this
21 case results in an acquittal and you are telling me you
22 are not guilty, when you are acquitted tomorrow, sometime
23 tomorrow afternoon you will be a free man, free to go
24 about your business and help your family at that point and
25 time. But I can't believe based on my life, my hoping to,

1 I intend to retain a new attorney. This might be a
2 separate situation. Mr. Reckenbeil was in here saying,
3 hey, I am on this case, I just need some more time. I
4 can't afford any additional time. I am not inclined to
5 continue the case. That's where I stand. I don't know if
6 there is an offer on the table that might be impalpable,
7 if you are looking at what you are looking at. Mr.
8 Scurry, I can't continue the case in hopes that you will
9 be able to retain this gentleman.

10 MR. SCURRY: If I go back and tell my family this and
11 they take him the money and hire him could he call
12 tomorrow and let them know what is going on. I am going
13 to have to sell something at my house or something. I
14 just want a fair trial.

15 THE COURT: You will get it tomorrow, Mr. Scurry. I
16 am hearing this attorney is owed additional money from
17 your previous representation. Until such time I get a
18 call from him saying I am willing to undertake
19 representation and try this case one month from now I am
20 not inclined to, I have got a jury calling back tonight.
21 So, the call needs to be made, that kind of call needs to
22 be made this afternoon. I have got a jury calling back at
23 6:00 o'clock. So this is not going to be the eleventh
24 hour continuance. Mr. Verner is representing you.

25 MR. SCURRY: This lawyer can't talk to my witness or

1 none of that.

2 THE COURT: I have seen Mr. Verner get up to speed
3 ASAP. If you have got a witness --

4 MR. VERNER: We have talked to her together, she is
5 not under subpoena.

6 THE COURT: I am certain that won't be a problem to
7 get her a subpoena and get her here. Very good, that's
8 where we are. Sorry, Mr. Scurry.

9 April 4, 2018

10 THE COURT: We are about to begin jury selection,
11 ladies and gentlemen, in the case of the State of South
12 Carolina versus Reginald Rodezere Scurry. And this case,
13 ladies and gentlemen, Mr. Scurry is charged with two
14 offenses. He is charged with the offenses of failure to
15 stop for a blue light and trafficking in crack cocaine. I
16 will inform you again, just like I said yesterday, the
17 fact that anyone is arrested or indicted, of course, is
18 not evidence. All right. These indictments are merely
19 the means by which this case is brought to court. In this
20 case Mr. Scurry has plead not guilty to these charges and
21 that plea puts the burden firmly on the State for each and
22 every element of these charges beyond a reasonable doubt.
23 Now, we are going to use the same process that we used the
24 other day in terms of selecting a jury. If I ask a
25 question and it applies to you simply stand and give me

1 that answer. Okay. First question, ladies and gentlemen,
2 well, let me introduce you to the parties first. The
3 State of South Carolina in this case is represented by
4 Dale Scott. Mr. Scott, you care to introduce and Mr.
5 Daniel and the gentleman also close to you.

6 MR. SCOTT: Good morning, I am Dale Scott, assisting
7 me in this trial is Taylor Daniel. One of my Laurens
8 Assistant Solicitor's, Coly Stancil is here to just kind
9 of observe. And Trooper Kevin Lazar is going to be here,
10 Mike Stribble is here. Thank you.

11 THE COURT: In this case, ladies and gentlemen, Mr.
12 Scurry is being represented by Charles Verner. Mr.
13 Verner, go ahead and introduce yourself.

14 MR. VERNER: May it please the Court, Your Honor. I
15 am Charles Verner, I practice law here in Newberry with my
16 father, Jay Verner. I am the Public Defender in Newberry
17 County by contract. And our office is right next door to
18 the Cabana across the street. And this is Reginald Scurry
19 from Cherokee County. He is the man that is charged with
20 these offenses today. Reginald Scurry and he is from
21 Cherokee County.

22 THE COURT: Thank you, Mr. Verner. The first
23 question, ladies and gentlemen, is there any member of the
24 jury panel who is related by blood or marriage or has any
25 close business or social relationships with the Defendant

1 in this case, Reginald Scurry. If so please stand.

2 (No response.)

3 THE COURT: No one is standing. Next question, is
4 there any member of the jury panel related by blood or
5 marriage or anyone has any close, business or social
6 relationships or has previously been represented by or is
7 currently being represented by any of the attorneys
8 involved in this case. If so please stand.

9 (No response.)

10 THE COURT: No one is standing. There is a list of
11 potential witnesses and when I am done I will ask the same
12 question I just asked, whether there is anyone related by
13 blood or marriage, if anyone knows any of these folks.
14 Here are the possible witnesses. Kevin Lazar with the
15 Highway Patrol; Michael Stribble with the Newberry
16 Sheriff's office; Lawrence Zivkovich, Z-I-V-K-O-V-I-C-H,
17 who I believe is an analyst at SLED; Courtney Burris;
18 Alvin Jennings with the Cherokee Sheriff's Department and
19 Walter Bentley who is an Investigator with the Eighth
20 Circuit Solicitor's Office. Any additional witnesses?

21 MR. VERNER: No, Your Honor.

22 THE COURT: Is there anyone on the jury panel related
23 by blood or marriage or anyone who has any close business
24 or social relationships with any of those possible
25 witnesses. If so please stand.

1 (No response.)

2 THE COURT: No one is standing. Ladies and
3 gentlemen, the State alleges that this incident took place
4 on or about January the 5th of 2017 at approximately 11:00
5 a.m., took place on Highway 56 over in Kinards. Is there
6 any member of the jury panel who thinks that they know
7 anything about this case or has formed or expressed any
8 opinion about the allegations involved in this case. If
9 so, please stand.

10 (No response.)

11 THE COURT: No one is standing. Is there any member
12 of the jury panel who knows of any reason whatsoever why
13 you cannot give both the State of South Carolina and the
14 Defendant in this case a fair trial based solely on the
15 evidence and the law as I instruct you at the close of
16 trial. If so please stand.

17 (No response.)

18 THE COURT: No one is standing. Any additional voir
19 dire from the State?

20 MR. SCOTT: No, Your Honor.

21 THE COURT: Any from the Defense?

22 MR. VERNER: Your Honor, if any member of the jury
23 panel is a member of SADD OR CAVE or any kind--

24 THE COURT: I think I asked that yesterday and there
25 were not any here.

1 MR. VERNER: And additionally, if anybody has such
2 strong opinions on drug laws that they can't be fair to
3 both sides.

4 THE COURT: All right. Ladies and gentlemen, is
5 there any member of the jury panel who is a member or has
6 a close family member whose a member of any organization,
7 primary purpose of the promotion of law enforcement or
8 something of that nature, may include Mother's Against
9 Drunk Driving, Students Against Drunk Driving, Citizens
10 Against Violent Crimes. Those types of organizations.
11 Any member of the jury panel or any member of the jury
12 panel's close family member who is a member of such
13 organizations. If so please stand.

14 (No response.)

15 THE COURT: No one is standing. Is there any member
16 of the jury panel who has any strong feelings, either pro
17 or con, concerning illegal narcotics that your ability to
18 be a fair and impartial juror could be affected. Any
19 member of the jury panel who feels so strongly about
20 either legalizing drugs or keeping drugs illegal, your
21 feelings being so strong that you feel you cannot serve on
22 this jury. If so please stand.

23 (No response.)

24 THE COURT: No one is standing.

25 MR. VERNER: Thank you, Your Honor.

1 THE COURT: Strikes will be five and five. Ladies
2 and gentlemen, we will use the same procedure we used
3 yesterday. If your name is called I need you to bring any
4 items you brought into the Court House, purse, whatever
5 the case may be, stand right there at the microphone and
6 turn around and the lawyers will indicate if they will
7 excuse or seat you. Madam Clerk.

8 CLERK OF COURT: Juror number 115, Melvin Raab, Jr.
9 What says the State?

10 MR. SCOTT: Please present the juror.

11 CLERK OF COURT: The Defense?

12 MR. VERNER: From today's case I am going to excuse
13 you, Mr. Raab.

14 CLERK OF COURT: Juror number 54, Kristen Graham.
15 What says the State?

16 MR. SCOTT: Please present the juror.

17 CLERK OF COURT: The Defense?

18 MR. VERNER: Please present Ms. Graham to the jury
19 box.

20 CLERK OF COURT: Juror number 40, Ethel Davis. What
21 says the State?

22 MR. SCOTT: Please present the juror.

23 CLERK OF COURT: The Defense?

24 MR. VERNER: Please seat Ms. Davis in the jury box,
25 please.

1 CLERK OF COURT: Juror number 116, April Redd. What
2 says the State?

3 MR. SCOTT: Present the juror.

4 CLERK OF COURT: The Defense?

5 MR. VERNER: Please seat Ms. Redd in the jury box.

6 CLERK OF COURT: Juror number 83, Joe Lake, Jr. What
7 says the State?

8 MR. SCOTT: Please present the juror.

9 CLERK OF COURT: The Defense?

10 MR. VERNER: From today's case I am going to excuse
11 Mr. Lake.

12 CLERK OF COURT: Juror number 90, Geoffrey Long.
13 What says the State?

14 MR. SCOTT: Please present the juror.

15 CLERK OF COURT: The Defense?

16 MR. VERNER: Please have a seat in the jury box, Mr.
17 Long.

18 CLERK OF COURT: Juror number 34, Cornelius Cromer.
19 What says the State?

20 MR. SCOTT: Please present the juror.

21 CLERK OF COURT: The Defense?

22 MR. VERNER: Please have a seat in the juror box, Mr.
23 Cromer.

24 CLERK OF COURT: Juror number 32, Peggy Corley. What
25 says the State?

1 MR. SCOTT: Please present the juror.

2 CLERK OF COURT: The Defense?

3 MR. VERNER: From today's case I am going to excuse

4 Ms. Corley.

5 CLERK OF COURT: Juror number 99, Bryan Mcleod. What
6 says the State?

7 MR. SCOTT: Please present the juror.

8 CLERK OF COURT: The Defense?

9 MR. VERNER: Please take a seat in the juror box.

10 CLERK OF COURT: Juror number 68, Terkysha Henderson.
11 What says the State?

12 MR. SCOTT: Please present the juror.

13 CLERK OF COURT: The Defense?

14 MR. VERNER: Please have a seat in the jury box.

15 CLERK OF COURT: Juror number 16, Timothy Bowling.
16 What says the State?

17 MR. SCOTT: Please excuse the juror from this trial.

18 CLERK OF COURT: Juror number 49, Andrea Gantt. What
19 says the State?

20 MR. SCOTT: Please present the juror.

21 CLERK OF COURT: What says the defense?

22 MR. VERNER: Please seat Ms. Gantt in the juror box.

23 CLERK OF COURT: Juror number 139, Robert Taylor.

24 What says the State?

25 MR. SCOTT: Please excuse this juror.

1 CLERK OF COURT: Juror number 50, Wondora Gary. What
2 says the State?

3 MR. SCOTT: Please present the juror.

4 CLERK OF COURT: The Defense?

5 MR. VERNER: Please seat Ms. Gary in the jury box.

6 CLERK OF COURT: Juror number 23, Wilbur Caldwell,

7 Jr. What says the State?

8 MR. SCOTT: Please present the juror.

9 CLERK OF COURT: The Defense?

10 MR. VERNER: Please seat Mr. Caldwell in the jury
11 box.

12 CLERK OF COURT: Juror 91, Justin Long. What says
13 the State?

14 MR. SCOTT: Please present the juror.

15 CLERK OF COURT: The Defense?

16 MR. VERNER: Please have a seat in the jury box.

17 CLERK OF COURT: Juror number 66, Melanie Hawkins.

18 What says the State?

19 MR. SCOTT: Please present the juror.

20 CLERK OF COURT: The Defense?

21 MR. VERNER: From today's case I am going to excuse
22 Ms. Hawkins.

23 CLERK OF COURT: Juror number 96, James McDaniel.

24 What says the State?

25 MR. SCOTT: Please excuse the juror from this trial.

1 CLERK OF COURT: Juror number 126, Benjamin
2 Schwoebel. What says the State?

3 MR. SCOTT: Please excuse the juror from this trial.

4 CLERK OF COURT: Juror number 36, Matthew Crowe.
5 What says the State?

6 MR. SCOTT: Please present the juror.

7 CLERK OF COURT: The Defense?

8 MR. VERNER: From today's case I am going to excuse
9 Mr. Crowe.

10 CLERK OF COURT: Juror number 153, Sandra Williams.
11 What says the State?

12 MR. SCOTT: Please excuse the juror from this trial.

13 CLERK OF COURT: Juror number 7, Analee Bannister.
14 Any challenge for cause by the State?

15 MR. SCOTT: Please present the juror.

16 CLERK OF COURT: Any challenge for cause by the
17 Defense?

18 MR. VERNER: Please seat Ms. Bannister.

19 THE COURT: We will have one alternate out of an
20 abundance of caution. Strikes are one and two.

21 CLERK OF COURT: Juror number 12, Jason Bouknight.
22 What says the State?

23 MR. SCOTT: Please present the juror.

24 CLERK OF COURT: The Defense?

25 MR. VERNER: Please seat Mr. Bouknight.

1 THE COURT: Any issues concerning the selection,
2 composition, from the State?

3 MR. SCOTT: No, Your Honor.

4 THE COURT: From the Defense?

5 MR. VERNER: No, Your Honor.

6 THE COURT: Ladies and gentlemen who are picked on
7 this trial, what I need you to do is adjourn to the back
8 for a few minutes. I will release the rest of the jury
9 panel and say a few words to them. I will let you know
10 that in talking with the attorneys involved in this case
11 this morning, I don't think that this is going to be a
12 terribly, we should have this case to you sometime later
13 on this afternoon or early evening. I don't think it is
14 going to last terribly long. If you would, adjourn to the
15 back, don't talk about the case yet.

16 (Whereupon, the jury was excused from open court.)

17 (Whereupon, the remaining jury panel was excused for
18 the week.)

19 THE COURT: In-chambers this morning Mr. Verner
20 indicated that there were a few matters that you want to
21 go ahead and put on the record. So, Mr. Verner, if you
22 want to make those motions, please.

23 MR. VERNER: May it please the Court, thank you Your
24 Honor. As I indicated, we had moved yesterday for a
25 continuance. Mr. Scurry has been trying to obtain his own

1 privately retained attorney through his family. He has
2 taken the time to give, formerly represented by Mr.
3 Reckenbeil or otherwise. But he has taken the time to
4 give specific reasons why he would like to hire a new
5 attorney, either relieve me or continue the case so he can
6 hire an attorney. But I would ask that to be a Court's
7 exhibit, Judge. Your Honor, he took the time yesterday to
8 make his specific objections to proceeding with this case
9 today.

10 THE COURT: Give me just a moment to review what he
11 has, hand that up, please. The Court has reviewed Mr.
12 Scurry's motion. Solicitor, did you need to see this?

13 MR. SCOTT: I read it, Your Honor.

14 THE COURT: You have read it?

15 MR. SCOTT: Yes, sir.

16 THE COURT: Any comment from the State concerning
17 this matter?

18 MR. SCOTT: No, Your Honor.

19 THE COURT: The gist of this is essentially that Mr.
20 Scurry does not have a great deal of faith, does not have
21 a great deal of faith in Mr. Verner. I recall distinctly
22 our hearing yesterday and we are still in the same
23 position as we were yesterday. I have gotten no
24 indication Mr. Verner is not prepared, Mr. Verner is
25 prepared to go forward. He has always been a zealous

1 advocate, I have seen him try many cases. Mr. Scurry, you
2 are in good hands, I am not inclined to relieve Mr. Verner
3 in the hopes that in some future point and time you and
4 your family will be able to retain counsel. So Mr. Verner
5 will remain your attorney for this trial. You have an
6 additional motion, Mr. Verner, concerning body cams?

7 MR. VERNER: I did, Your Honor. Bear with me for
8 just a second. Your Honor, this arrest, by my
9 recollection was June, I mean January 5th of 2017. On
10 June 10th of 2015 the South Carolina Legislature enacted
11 24-21-610 which is, I am sorry, well actually on the same
12 date, just coincidentally the Legislature enacted what is
13 typically called the body camera law. The effective date
14 of that act is June 10th. This act requires all law
15 enforcement agencies in South Carolina to use body worn
16 cameras, body cameras that requires agencies to create
17 guidelines, operational procedures for body camera use.
18 Set standards for who may request and obtain data
19 generated by the cameras. Under the act data recorded by
20 body camera does not subject to disclosure under the FOIA.

21 THE COURT: You are citing 21-610 but I think that
22 relates to the parole eligibility.

23 MR. VERNER: Yes sir, I gave the wrong statute
24 number.

25 THE COURT: I found it in the public laws last night,

1 I think it was codified.

2 MR. VERNER: It was decided by Governor Haley, took
3 effect June 10th, 2015.

4 THE COURT: Yes, sir.

5 MR. VERNER: I would note, Your Honor, and I will
6 make this a Court's exhibit that for the '16, '17 fiscal
7 year the Legislature appropriated \$5.8 million dollars,
8 just shy of \$6 million dollars to fund the body camera
9 program. The \$6 million dollars was distributed to the
10 South Carolina Department of Public Safety Highway Patrol
11 with directives that they should allocate it out to the
12 various law enforcement agencies including the Highway
13 Patrol for the '16, '17 calendar fiscal year. The South
14 Carolina Department of Public Safety which is the Highway
15 Patrol received \$240,900.00 dollars. I believe the
16 program was also funded for the '17, '18 year. The
17 Highway Patrol, this would be, if I can make just Court's
18 exhibit number 1, this is the WSPA television station,
19 internet printout of the funding.

20 (Whereupon, Court's Exhibit 1 was marked for
21 identification only.)

22 MR. VERNER: As Court's exhibit number 2 would be the
23 actual records of the Department of Public Safety for
24 fiscal year 2016, '17.

25

1 (Whereupon, Court's Exhibit 2 was marked for
2 identification only.)

3 MR. VERNER: Where the Highway Patrol issues that
4 they were funded for the body cam program. This is
5 exhibit 1 and 2.

6 MR. SCOTT: That is 23-1-240.

7 THE COURT: I did find it. Thank you.

8 MR. VERNER: 23-1-240?

9 THE COURT: Yes, 23-1-240, yes sir.

10 MR. VERNER: The second page I handed up comes from
11 the fiscal year 2016, '17 accountability report from the
12 Department of Public Safety. I guess the crux and we
13 spoke briefly about this in-chambers, are there remedies
14 for the failure of the Department to comply with the State
15 law. The close analogy with some differences would be the
16 DUI statutes that I understand have specific consequences.
17 Fairly recent law, new issue. The crux of this case, Your
18 Honor, would be a brief field identification of the State
19 Trooper of the Defendant, my client, for violation of that
20 statute. I would offer the highly Trooper's video which
21 would come into evidence in case-in-chief, if the case
22 does go forward or it would be a Court's exhibit, if the
23 Court agrees with my motion. The officer is clearly not
24 equipped with a body cam. I would move to suppress the
25 identification and I would move to dismiss the case, Your

1 Honor. Identification is the whole issue in this case,
2 essentially:

3 THE COURT: Solicitor, do you want to speak to that,
4 sir?

5 MR. SCOTT: Well, I guess what we mentioned earlier,
6 it doesn't provide for a remedy; it does provide for the
7 law that funding is required for State agencies to
8 eventually equip themselves. And I know our Sheriff's
9 Department here, just this November they were up and
10 running with body cams. Spoke with general Counsel at the
11 Highway Patrol yesterday, and a very small percentage of
12 their troopers are equipped with them, certain ones. Not
13 the general road troopers aren't equipped with one. Our
14 Trooper in this case is not assigned one. So I think, you
15 know, in the perfect world all of these officers are going
16 to be equipped one day with them but the funding just
17 isn't there yet. And, again, I think this statute, it
18 does provide for these body cameras, it certainly doesn't
19 call for dismissal of a case if one isn't used in a
20 particular case or doesn't rule it inadmissible, other
21 evidence, if body cams aren't use. We have the in-car
22 video.

23 THE COURT: The Court has had a chance to review the
24 exhibits which Mr. Verner passed up. And I will make
25 those, I suppose the best way to do it just a Court's

1 exhibit. I have also reviewed 23-1-240 and unlike DUI
2 provisions regarding mandatory taking of the field
3 sobriety tests, the breathalyzer results, Miranda rights,
4 et cetera, unlike the DUI section, this provision of law
5 requiring development of policies and procedures and
6 requiring that officers be equipped with body cameras does
7 not contain any remedy for the State's failure to equip
8 law enforcement or to otherwise record with body cameras,
9 the interactions of the officer and people who get stopped
10 by the Highway Patrol. Perhaps the Highway Patrol hasn't
11 gotten body cameras yet because I think all of them are
12 now equipped with car videos. So maybe the thinking was
13 that it is better to go ahead and at least they have got
14 videos in their cars, maybe it is better to go ahead and
15 equip other agencies or other political subdivisions with
16 body cameras. But candidly I would hope that the Highway
17 Patrol needs funding for body cameras because I mean they
18 are approaching strangers on dark deserted roads, late in
19 the night. I think they would prioritize a little bit
20 more. But that is neither here nor there. Under the
21 provision of law there is no remedy requiring suppression
22 for dismissal of the charge. So, your motion is noted,
23 you will not need to renew that motion, when the
24 identification, assuming the identification takes place
25 during the course of the trial. Mr. Verner, you are

1 protected on the record, you will not need to renew your
2 objection at that point and time but I will deny your
3 motion, sir.

4 MR. VERNER: I understand, Your Honor. Your Honor, I
5 need a quick break.

6 THE COURT: Yes, I was about to suggest that very
7 thing. We will take, let's make this a legitimate five
8 minute break so that we can start and get running.

9 (Whereupon, a short break was taken.)

10 THE COURT: Everybody ready?

11 MR. VERNER: Judge, I apologize but it just occurred
12 to me that the State has premarked their exhibits.

13 THE COURT: Yes, sir.

14 MR. VERNER: State's exhibit for identification is
15 number 7 which is a DMV printout of the driving record and
16 driver's license photograph of my client. If the Trooper
17 is going to use that photograph to say, hey, that's how I
18 identified the Defendant then I do have a Biggers issue.

19 THE COURT: Okay. What's the issue?

20 MR. VERNER: Obviously identification is the only
21 issue. The Trooper in this case had a brief opportunity
22 to observe the suspect in the field. If he is going to
23 identify him based on the photograph from the DMV driver's
24 license I would argue that that is unduly suggestive
25 identification. I understand it is not a photo lineup and

1 I understand it is not a lay witness. But I do have a
2 problem with an officer saying I looked at the DMV picture
3 to make my identification of the man.

4 MR. SCOTT: That is not how the testimony will go,
5 Your Honor. And I think, I know you don't know a lot
6 about the case but that ID card, those two pictures would
7 say, the Defendant actually hands the Trooper that ID card
8 during the interaction. And we are not going to use
9 either of those to identify him.

10 THE COURT: You will be using the driver's license
11 since the State's theory is that the Defendant physically
12 handed this to the officer and that is one of the basis
13 for why the State believes that the Defendant is, in fact,
14 the person.

15 MR. SCOTT: Yes, sir. The ID would come from a face
16 to face interaction between the Trooper and the Defendant.

17 THE COURT: All right. We will see how it goes.
18 And, Mr. Verner, if there is still an objection just let
19 me know at the appropriate time.

20 MR. VERNER: Thank you, Your Honor.

21 THE COURT: Let's have the jury in, please.

22 (Whereupon, the jury came into open court at
23 approximately 11:42 a.m.)

24 THE COURT: The record will reflect that the jury is
25 back and seated. Ladies and gentlemen, the first order of

1 business is for the Court to appoint a Foreperson of the
2 jury and if I am not mistaken you are Mr. Cromer, right?

3 MR. CROMER: Yes, sir.

4 THE COURT: You are actually sitting in the lucky
5 seat, Mr. Cromer, and my notes, I think you are a teacher,
6 is that right?

7 MR. CROMER: Yes, sir.

8 THE COURT: Okay.. Well, I am going to appoint you
9 then as a Foreperson of the jury. I will tell you, of
10 course, your vote counts no more, no less than any other
11 juror's vote. Your primary responsibility is to make sure
12 once the case is submitted everybody has a chance to have
13 their fair say. Okay. Sign the verdict form once you do,
14 in fact, read your verdict. Mr. Cromer will be our
15 Foreperson. Ms. Bouknight, typically the alternate I
16 think sits in the seat immediately next to the lady, yes,
17 right there. You can stay where you are for the time
18 being but you will need to move there. The Clerk
19 indicated to me we have no control whatsoever over the air
20 in here. Those two seats kind of towards the end, those
21 four seats that are clustered towards the end are
22 sometimes the colder seats. You guys have jackets on but
23 if you decide that you want to move down there is plenty
24 of space to move down. Now, ladies and gentlemen, before
25 we begin the case I want to let you know that, of course,

1 ladies and gentlemen, from what you have come to see from
2 trials on TV or in the movies we often get the impression
3 that these cases are filled with a lot of drama or intense
4 emotions. And sometimes in cases we do have that. I was
5 having lunch on Monday at the cafe on Main Street and I
6 happened to glance up and they had a soap opera that was
7 on that had a trial being depicted. And I was just
8 watching close captions of that trial depicted on the TV
9 and I just sort of grinned, I sort of smiled because
10 obviously I have been doing this since 1993 and the stuff
11 that I see on TV is, of course, nothing like what I see in
12 real life. I am sure you guys appreciate that. Of course
13 this case is not for entertainment, this case is very
14 important to the State and certainly extremely important
15 to Mr. Scurry. I want to thank you for your willingness
16 to come in here. I assure you the only way to resolve the
17 dispute in this case, to fix this problem or to address
18 this feud between the State and Mr. Scurry is for you, the
19 thirteen individuals to sit there and hear the testimony,
20 consider the law and the testimony, consider the evidence
21 and then render a verdict. That is the only way this case
22 will be resolved. So I want to thank you at the outset
23 for your willingness to participate in this process even
24 though none of you are volunteering for it. Thank you
25 very much. With that I am going to ask you to stand where

1 you are and raise your right hands and the Clerk will
2 administer the oath to you.

3 (WHEREUPON, the jury was sworn at 11:46 a.m.)

4 THE COURT: Ladies and gentlemen of the jury, we are
5 about to begin the trial of the case of Reginald Scurry in
6 earnest. And what I now say is intended to serve as an
7 introduction to the trial of this case. Understand that
8 these opening remarks are not instruction of the law, I
9 will instruct you on the law at the conclusion of the
10 trial and before you retire to deliberate your verdict.
11 Again, this is just an overview of the procedure that we
12 are going to use going forward so that you better
13 understand what is taking place. Two quick points, ladies
14 and gentlemen, if any of you wish to take notes during the
15 course of the trial it is perfectly fine, just let the
16 bailiff know and she will provide you with some notebooks
17 and a pen or pencil, something like that. Just a few
18 rules about note taking. First, please don't let the
19 taking of notes distract you from the testimony of the
20 witnesses. Additionally, any time that we take a break
21 like for lunch the notebooks will be gathered up and they
22 will be returned back to you when you return. Third,
23 those notes are kind of your personal private property so
24 feel free to take them with you at the conclusion of the
25 trial, just rip them out of the notebook if you decide to

1 take notes, you don't have to but if you want to you are
2 free to. Secondly, if you, during the course of the trial
3 you find it necessary that you need a comfort break just
4 raise your hand and get my attention and I will take a
5 brief break from the testimony at that time. Similarly,
6 if you have any difficulty hearing any of the witnesses
7 testimony or anything the lawyers say raise your hand and
8 we will ask them to speak up. Okay. So, hand goes up we
9 will take a break or ask the witness to speak up. Ladies
10 and gentlemen, in this case Mr. Scurry is charged by
11 indictments filed with this Court with the offenses of
12 failure to stop for a blue light and trafficking in crack
13 cocaine. I will explain the elements of these charges to
14 you later before you begin your deliberations. Again,
15 ladies and gentlemen, these indictments are merely the
16 means by which these charges in this case is brought
17 before you. Mr. Scurry has plead not guilty to these
18 charges and that plea puts the burden of proof on the
19 State to prove each and every element of these charges
20 beyond a reasonable doubt. It will be up to you to decide
21 whether the State has, in fact, met this burden. Now,
22 your purpose as jurors is to find and determine the facts.
23 Please understand that you are the sole Judges of the
24 facts so if at any time I make any comment concerning the
25 facts you have to disregard that comment, you determine

1 the facts from the testimony that you hear and the other
2 evidence which is introduced into the record. It is up to
3 you to determine the inferences that you think properly
4 will be drawn from the evidence presented. Now, ladies
5 and gentlemen, it is especially important that you perform
6 your duty of determining the facts diligently and
7 conscientiously because ordinarily there is no way to
8 correct an erroneous determination of facts by a trial
9 jury. The same law that makes you the judge of the facts
10 makes me the Judge of the law. The law that is given by
11 the Court is the only law that you are to consider. Under
12 your oath you have to accept and apply the law as I give
13 it to you at the conclusion of the trial. Again, I am not
14 permitted to tell you what the facts are and you are not
15 allowed to disagree with me about what the law is or what
16 the law should be. Your job would be to take the law as I
17 give it to you and apply it to the facts that you find
18 them to be and thus render your verdict under the oath
19 that you have just taken. Now, until I tell you you can
20 start your deliberations please don't discuss this case
21 with anyone, not friends, family members, certainly not
22 your fellow jurors. Once the case is submitted to you it
23 can only be discussed in the jury room in the presence of
24 all jurors. The lawyers and the parties have been told
25 they are not to have any contact with you while the case

1 is going on so understand if you see them coming or going
2 from the court house and they don't waive to you or say
3 hello it is not that they are being rude, they are just
4 following my instructions and have nothing to do with you
5 while the case is going on. I don't believe there will be
6 any media involved in this case but, of course, please
7 don't read anything, don't perform any kind of independent
8 internet research, don't perform any kind of independent
9 investigation of any of the facts involved in this case.
10 You have to consider only the evidence which is presented
11 in this courtroom. Additionally you must keep an open
12 mind in this case, do not decide any issue until all of
13 the evidence has been submitted, the attorneys have made
14 their closing arguments to you and you have received my
15 instruction on the law. Again, it is your solemn
16 responsibility to determine the guilt or the innocence of
17 the Defendant and your verdict will be based only on the
18 evidence during, presented during the trial under the law
19 as I instruct you at the end. Now, in a moment the
20 attorneys will make to you what is known as their opening
21 statements in which they will argue to you what the issues
22 are, what they contend the issues are in this particular
23 case. Understand that the attorneys openings and closings
24 are not evidence, it is merely their contention as to what
25 will be proven or won't be proven, even they are not

1 evidence, certainly you should pay attention to their
2 opening statements because it gives you kind of a roadmap
3 of what they anticipate being proved or not proved. Now,
4 from time to time during the trial we may have to take a
5 brief break. The lawyers may request a brief break while
6 I take up an issue of law. During those breaks I might
7 ask that you return to the jury room. The reason I am
8 asking that you leave the courtroom, ladies and gentlemen,
9 is that sometimes in ruling on an issue of law it is
10 necessary for me to make a comment about what testimony
11 has been presented. Since you are the sole judges of the
12 facts I don't want anything that I say about the testimony
13 or the evidence to have any effect on what you ultimately
14 find those facts to be. That is why I am asking you to
15 leave the courtroom so that I can be certain that what I
16 say doesn't have any effect or any impact on your ultimate
17 findings of facts. Now, in determining what the true
18 facts are you have to decide whether or not the witnesses,
19 the testimony of witnesses is believable. It is my
20 responsibility to rule whether certain testimony can be
21 admitted but once it is admitted, whether to choose to
22 believe it is up to you. In deciding whether to believe a
23 witness you have the right to consider the interest of any
24 witness, the biased of any witness, the prejudice of any
25 witness, the way the witness acts and behaves while on the

1 witness stand and the opportunity for the witness to have
2 seen the matters and things about which they testify. You
3 consider anything that is in the record in this case that
4 will help you evaluate the testimony of the witnesses,
5 that means that it is your duty to pay close attention to
6 them, listen to them, observe them and pay close attention
7 to the attorneys and the Court. Keep your thoughts from
8 wondering, at the conclusion of the trial will be in as
9 best a position possible to determine what the facts are
10 and thus render your verdict under the oath that you have
11 just taken. Now, in order to preserve everyone's rights I
12 will give the attorneys a chance to object to anything
13 that I have said during these opening remarks to you and
14 then we will begin the case in earnest. Any objections
15 from the State?

16 MR. SCOTT: No, Your Honor.

17 THE COURT: From the Defense?

18 MR. VERNER: No, Your Honor.

19 THE COURT: Very good. We will begin the case. Mr.
20 Daniel.

21 MR. DANIEL: Thank you, Your Honor. May it please
22 the Court?

23 THE COURT: Yes, sir.

24 MR. DANIEL: Mr. Foreman and ladies and gentlemen of
25 the jury, good morning. Thank you for your patience,

1 working with us this week. Coming off Easter Holiday, I
2 know it is Spring Break for the Public Schools but it is
3 kind of an inopportune time to be summoned for jury duty,
4 I get that. We don't decide when you have court, that is
5 Court officials down in Columbia. But jury service is
6 disruptive to your every day schedule, so we appreciate
7 your time. We are not going to waste your time, we really
8 are not, it is going to be a short case before you. Many
9 of you may have never been to court, you are not used to
10 being around lawyers, Judges, it can be an intimidating
11 atmosphere. I take that for granted, I have been doing
12 this for about five years, a Prosecutor. So you guys,
13 this is new. All of these court officials, they have
14 heard opening statements before, you know, it is a
15 routine. But for you guys, you are looking at everything
16 with fresh eyes. And that is all you can do. This case
17 is the State of South Carolina versus Reginald Scurry. So
18 what you are here to do today is really answer one
19 question. If you are wondering why I am here, what am I
20 doing. It is just to answer one question. Are you firmly
21 convinced that Mr. Scurry is guilty of the crimes he is
22 charged with. That is one question that you have to
23 answer. All of the evidence, all of the testimony is for
24 your benefit. You have to look at that, and then at the
25 conclusion of the case decide is that enough, if you are

1 not firmly convinced of his guilt. And if all twelve of
2 you go back there and say, yes, we are all in agreement,
3 we are firmly convinced he is guilty, the verdict is
4 guilty. If all of you are not firmly convinced it is not
5 guilty. It is very simple. So don't let that get lost
6 upon you, that is what you are here to do. And only you
7 guys can do that, that is all we need your help, because
8 under our constitution Mr. Reginald Scurry is entitled to
9 a jury trial. And I want to make sure Mr. Scurry is
10 treated fairly and has his day in court which he is
11 getting today. That is our system of government and our
12 criminal justice system. So I don't want my job to be
13 easy, I want you guys to make the determination because
14 only you guys can, it is your community, if someone
15 commits a crime in your community you guys can pass
16 judgment on that crime. That is the role of the jury.
17 His Honor cannot pass judgment on Mr. Scurry's guilty, I
18 can't pass judgment on it, only you can. So it is going
19 to be your verdict and I want your verdict to speak the
20 truth, I want your verdict to be consistent with the
21 evidence and speak the truth. This trial is not about
22 character assassination on Mr. Scurry, has nothing to do
23 with that. He might be a wonderful man, what we have
24 today is evidence that he committed a crime about fifteen
25 months ago, January the 5th of last year. So the evidence

1 in this case is going to take you back to January the 5th
2 of 2017. And it is a drug trafficking case. Okay. He is
3 charged with trafficking crack cocaine, the weight of the
4 crack cocaine is an issue here. He had more than 28 grams
5 but less than 100 grams, but crack cocaine in his
6 possession. And also he is charged with failure to stop
7 for a blue light. Okay. So how does this all come about.
8 So January the 5th of last year you have Trooper Kevin
9 Lazar with the Highway Patrol. He is on duty that day, it
10 is about 11:00 a.m. and Trooper Lazar is on Highway 56 in
11 the Kinards area of Newberry County. And it is kind of
12 towards the Laurens, Newberry County line area. And
13 Trooper Lazar is headed in the direction towards
14 Chappells. So I think he is going southbound on Highway
15 56. Trooper Lazar sees a white Kia Sudan, four-door white
16 Kia vehicle coming towards him going the opposite
17 direction. The Kia is going towards, I believe, Laurens
18 County, Clinton. Trooper Lazar, he has his radar
19 detector. Sees this car is going 70 miles an hour in a 55
20 zone. So at that point he got a speeding violation. I am
21 sure you have been pulled over for speeding, I have a lot
22 of times. So he turns around on the vehicle, initiates a
23 traffic stop, blue lights, siren, and as Trooper Lazar is
24 turning around to make his traffic stop, Trooper Lazar
25 sees with his own eyes something being discarded on

1 something being thrown out of the passenger side window.
2 He can see it and you will see the dash cam video, Trooper
3 Lazar's dash cam video. And he even says, something was
4 just thrown out the window. So at that point the vehicle
5 pulls over. So Trooper Lazar knows the area where he saw
6 the package or something being discarded, a bag of some
7 sort. He knows where that is, the car pulls over not far
8 from that location. So Trooper Lazar approaches the
9 vehicle on the passenger side, so they are on the shoulder
10 of the road. Trooper Lazar comes up to the vehicle, the
11 driver of that vehicle is Mr. Reginald Scurry. Trooper
12 Lazar's first question and you will see this on video,
13 what did you drop out of the window. Mr. Scurry denies
14 throwing anything out the window. Trooper Lazar says I
15 saw you, I have it on video, I saw you throw something out
16 the window. At that point he denies it, throwing
17 something out the window. And then the next question is,
18 do you have a license, a driver's license. And almost
19 immediately Mr. Scurry presents not a driver's license but
20 a South Carolina ID card, an identification card. It
21 looks like a driver's license but it is not. It is a form
22 of government issued ID and Trooper Lazar immediately,
23 Trooper Lazar takes that and asked Mr. Scurry at that
24 point to step out of the vehicle. So at that point Mr.
25 Scurry takes off, pedal to the metal and takes off.

1 Trooper Lazar runs back to his patrol car, vehicle chase
2 ensues. And you will see it, it last about three minutes,
3 high speeds, Mr. Scurry is driving recklessly at this
4 point. He has got his ID, Trooper Lazar has Mr. Scurry's
5 ID, it says Reginald Scurry. It says he lives in Gaffney.
6 Trooper Lazar has the tag number and that tag number comes
7 back to a Courtney Burris who lives in the house as Mr.
8 Scurry. This vehicle chase lasted about a few minutes.
9 Eventually the vehicle Mr. Scurry is driving goes into the
10 Belfast Plantation Wildlife area, it is like a wildlife
11 preserve. That is where the car eventually ends up.
12 Trooper Lazar comes up to a closed metal gate, Mr.
13 Scurry's car goes around that gate and causes significant
14 damage to this vehicle. And that is when Trooper Lazar
15 loses site of Mr. Scurry. So Trooper Lazar gets out of
16 the patrol car, Mr. Scurry's car goes around this metal
17 gate, this wildlife refuge. Eventually Trooper Lazar on
18 foot discovers the vehicle damaged and the vehicle is
19 abandoned. Mr. Scurry is no where on the scene and is
20 able to allude law enforcement that day. We don't know
21 how he got away that day but he got away on foot,
22 abandoned the vehicle. Trooper Lazar has the ID, Reginald
23 Scurry, he was certain that was Reginald Scurry driving
24 that vehicle. Runs the tag, knows that vehicle belongs to
25 a Courtney Burris who lives in the same address in Gaffney

1 up in Cherokee County, lives in the same address that Mr.
2 Scurry resides. That is the Department of Motor Vehicle
3 record. Trooper Lazar reviews his dash cam, he has GPS
4 coordinates. He goes back where he initially spotted Mr.
5 Scurry's vehicle on Highway 56 because he wants to see
6 what Mr. Scurry dropped out the window. He goes back
7 later on and discovers on the shoulder of the road a
8 baggie of, what turned out to be crack cocaine, about 82
9 grams of crack cocaine. That is a lot of crack cocaine,
10 that is trafficking amounts. This isn't personal
11 consumption amounts, this is a lot of crack cocaine. All
12 right.

13 MR. VERNER: Your Honor, I will object to that
14 remark, that trafficking is strictly a possession,
15 possessory case, it is not a distribution case.

16 THE COURT: Sustained. I will instruct the jury on
17 the law as it relates to that particular question of
18 quantity.

19 MR. DANIEL: That is what trafficking is all about,
20 quantity, exactly. This is a lot of drugs. So we are not
21 talking about a small amount of drugs. So two offenses,
22 failure to stop for a blue light and this crack cocaine
23 that was thrown out of the window. That is the issue
24 here. I don't know if Mr. Scurry is going to present a
25 defense, he doesn't have to. The burden is solely on us

1 to prove Mr. Scurry's guilt beyond a reasonable doubt. I
2 am going to ask you, Deputy Solicitor Dale Scott and I are
3 going to ask you to return a guilty verdict. And it is
4 not because we are great lawyers and all of that. Mr.
5 Verner is a great lawyer, this really shouldn't be about
6 arguments or anything, this should be about evidence and
7 facts. And that is all I am asking you guys. And then
8 that is what will become obvious. No matter how
9 overwhelming the evidence is against somebody, they have a
10 right to a jury trial. So I don't want you to think this
11 is a trick question. No matter how overwhelming the
12 evidence is people can demand a jury trial. If someone
13 gets shot in the middle of Time Square, one-hundred
14 witnesses, police come and find a guy with a gun in his
15 hand, you have a confession. That person gets to have a
16 jury trial. So we are not hiding anything from you, it is
17 not, don't think just because it is so straightforward
18 what is going on here, it is really that straightforward.
19 And you will get to see our witnesses. It is simple as
20 that, it is a drug case, it is a high speed vehicle chase
21 and that is all. And we are just asking you to look at
22 the evidence and to make the common sense determination
23 and render a verdict that speaks the truth. It is that
24 simple. I really appreciate you guys coming to serve on
25 this jury and we look forward to presenting this case to

1 you.. Thank you.

2 THE COURT: Thank you, Mr. Daniel. Mr. Verner, you
3 are recognized.

4 MR. VERNER: May it please the Court, Your Honor.

5 THE COURT: Yes.

6 MR. VERNER: Members of the jury, Mr. Foreman, I am
7 Charles Verner. I never thank the jury or say I
8 appreciate your service or thank you for coming because I
9 didn't call you out here, they make me come, they made you
10 come. It is mandatory, it is penalties. I have never in
11 my life and I have been here 20 years, thanked the jury
12 for the service, you have got to do it. I have got to do
13 it and you have got to do it. But I want to thank you
14 today just for this sole reason. You are doing your bit
15 to make me in a better place by coming here. Today is the
16 50th Anniversary years of Dr. Martin Luther King getting
17 killed. A day I always remember because it is also the
18 same day I was born. So, one man went out, one man came
19 in. It is the day I appreciate your service. The
20 question today, I am the Public Defender in this case and
21 my concern is this. I don't want people and I hope you
22 share this concern, this is a court of General Sessions
23 which is the highest criminal court. This is it, your
24 decision is final and in some ways the Judge is the least
25 important person in here today because he rules on

1 pretrial matters such as evidence. But the jury, what
2 happened, who the man was this day, that is entirely a
3 jury question. There is not a higher court that is going
4 to come to the rescue to overrule your decision on who
5 that man was that day. It ends with you and I hope you
6 get it right. And what is right. Here is the question.
7 We have got the jury system, I am going to mention this
8 just briefly because a lot of people think it is a recent
9 addition. We have had the right to jury trials for 300
10 years now. And what is a jury system, a jury system is
11 basically this, instead of the King or a Judge deciding
12 people's guilt or innocence, the, they didn't want to go
13 to England and go in front of the King on whether or not
14 they had broken the law. And so we put a jury system in
15 where you have to convince twelve people who are your
16 contemporary peers that without a doubt, without a
17 reasonable doubt you are the guilty man. This is the
18 State's part, this is their deal, they call cases. Of all
19 the cases in the circuit they say that they have enough
20 evidence to convict a man. And we understand, this is
21 what the consequences are today, this is an important
22 case. The Supreme Court didn't send a Judge from
23 Greenwood to Newberry for trivial matters. We know that.
24 It is not a lot, a lot of times the Solicitor will say,
25 well, let's just try to find, like when scientist or

1 technicians, let's just try to all come together and reach
2 a decision on what happened today like this is a exercise.
3 Well it ain't, this is a criminal proceeding. The jury
4 system is put in place against the State. The only way
5 you can take a man's liberty, property or life is to get
6 over the jury. It is not coming together to try to figure
7 out what is happening because I wasn't there, you weren't
8 there, we don't know what happened. So the State says we
9 have enough evidence without any reasonable possibility
10 that this was, couldn't have been somebody else. And that
11 is our defense, that it was somebody else. Because we
12 understand at the end of the day there are consequences.
13 There are trials and there are consequences. My problem
14 with this case is, you have got a highway Trooper who is a
15 very good man, no question about it, experienced highway
16 Trooper. How many cases in a day, how many cars are
17 stopped, how many accidents do highway troopers, how many
18 people in a day do a highway Trooper interact with. In
19 this case, about a year and a half ago, the sole evidence
20 in this case is the highway Trooper identified the man
21 from the side and we will watch the video tape for three,
22 five seconds. Never seen him before, never seen him
23 again, crossed racial identification of just a few seconds
24 but he has got his ID. And so he is sure this is the man
25 who was driving the car because he gave him his

1 identification. And I submit to you you are going to see
2 his car that Mr. Scurry would not have access to but used
3 to date the woman and would have kept the driver's license
4 which you will hear testimony to when they worked
5 together. Would a man or a black man who would have
6 borrowed that car or stolen that car, if he had another
7 identification, he got stopped for that car, would he
8 show, do people hand officers false identification cards.
9 I submit to you they do, we know it. That is the case.
10 There is a identification of three to five seconds, look
11 into the car window and that is it. You never saw him
12 before, never saw him again, we don't have fingerprints of
13 anything in the car, there is not, steering wheel, any
14 contents, the driver's license. There is nothing in the
15 car that has been fingerprinted. I am going to tell you,
16 you know, they still use fingerprints, but they have got
17 DNA which is easier to obtain and much more conclusive.
18 And this Q-tip test, you don't have, Q-tip, you don't have
19 any kind of corroborating evidence, you have got just a
20 few seconds identification and they want to convict a man
21 who has got, of a most serious charge who says I didn't do
22 it. And I am concerned that just, I understand it is a
23 short trial, that doesn't mean it is not an important
24 trial or a meaningful trial today. And I have tried a lot
25 of cases and my colleagues in the Solicitor's office try a

1 lot of cases, I respect your verdict. I have never
2 questioned a jury verdict. You are under oath. I try a
3 lot of cases, the State has a lot of clients or cases to
4 move too. We move on, we will deal with the consequences
5 of a good verdict or a bad verdict but I will respect it.
6 But you are not obligated, you don't have friends here,
7 you don't have enemies here. You can tell an officer,
8 listen, I thought you had a pretty good case, I am just
9 not highly convinced, firmly convinced, the standard of
10 reasonable doubt from the consequences of a trial is if
11 you have any hesitation that it possibly could have been
12 somebody else that is a reasonable doubt. Now the
13 Solicitor is going to argue that a reasonable doubt is not
14 a UFO is coming, and I am not arguing that a UFO is
15 coming. I am just saying is there a reasonable chance,
16 even a small chance that it could have been somebody else.
17 And there is in this case. We have got a very fleeting
18 identification of somebody he has never seen, never saw
19 again. But he has got a driver's license and he feels
20 sure in his heart, I guarantee you he feels sure that he
21 has got the right man. Even people who are sure in their
22 heart that they have the right man sometimes don't. And
23 if you have that feeling in your mind at the end of the
24 case then Reginald Scurry is entitled to a not guilty
25 verdict. The case is what it is, drugs and we understand

1 that. The question is, is there a reasonable possibility
2 that he was not the man driving the car, that it could
3 have been another black man who had the identification
4 which was already left in the car. If he gets stopped by
5 the cops would somebody just hand another identification
6 or keep them in their own wallet and I submit to you that
7 happens all the time. It is possible. If you think that
8 is true at the end of the day you can find him not guilty
9 of the verdict, he is entitled to any benefit of the
10 doubt. If you feel firmly convinced in your heart that he
11 is the man driving the car today then you have got a duty
12 to convict him. It is that simple. I appreciate your
13 service.

14 THE COURT: Thank you, Mr. Verner. Mr. Scott, call
15 your first witness, please.

16 MR. SCOTT: The State calls Kevin Lazar.

17 KEVIN LAZAR, being
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 By Mr. Scott:

21 Q You work for the Highway Patrol, how long have you
22 been with the Highway Patrol?

23 A I started back in 2005.

24 Q Kevin Lazar, how long have you been working with the
25 Highway Patrol?

1 A I started in 2005 in Fairfield County.

2 Q Okay. Corporal or Lance Corporal?

3 A I am still at the bottom of the totem pole, I am a
4 road man, just Lance Corporal.

5 Q Okay, Lance Corporal, since 2005 you say?

6 A Yes.

7 Q And what is that, 13 years now?

8 A Going on, yes sir.

9 Q January 5th of 2017, were you working that day?

10 A I was.

11 Q Approximately 11:00 a.m., do you remember where you
12 were at 11:00 a.m. that day?

13 A Yes sir, I was on Highway 56, Newberry County.

14 Q Just routine patrol?

15 A Yes, sir.

16 Q Describe the stretch of Highway 56 you were on?

17 A 56 runs between Clinton and Chappells, right there
18 just South of Highway 560. The next road you come to you
19 are at Laurens, Newberry line. You go on South you come
20 to Belfast Road. So in between Belfast Road and the next
21 road you would come down would be Davenport Farm Road.

22 Q How far away from here is that?

23 A Depending on which way you go, you are looking at
24 least fifteen miles, birdseye.

25 Q What kind of things are you looking for when you are

1 on routine patrol?

2 A Anything, traffic enforcement as far as, you know,
3 laws, abandoned cars, wrecks, a whole host of things.

4 Q Just motorist in need of help?

5 A Yes, sir. Anything dealing with a motor vehicle.

6 Q Speeding, stuff like that?

7 A That's one of the violations, yes sir.

8 Q Is your radar always running?

9 A Not always, no sir. Not always, no sir, not always
10 running.

11 Q Okay. Well, are you trained to visibly detect
12 speeders?

13 A Yes, I was certified by the County back in 2006 as a
14 speed bearing device operator.

15 Q Let me show you State's ID number 8. Do you
16 recognize that?

17 A I do, sir. It is a, we just briefly discussed
18 Highway 56, 560 in the area.

19 Q That depicts the area you were just describing on 56?

20 A Yes, sir. I guess East and South of the Belfast
21 Road.

22 MR. SCOTT: Your Honor, the State offers State's
23 number 8 for admission into evidence.

24 THE COURT: No objection?

25 MR. VERNER: Which number is it?

1 THE COURT: 8.

2 MR. VERNER: No, objection.

3 THE COURT: State's 8 is in evidence.

4 (Whereupon, State's Exhibit 8 was admitted into
5 evidence.)

6 Q Step down real quick. I just want to show the jury
7 kind of where we are talking about. There is 56, show
8 them, trace 56 on there with your hand.

9 A 56 runs all the way to Clinton here, Chappells will
10 be this way, Belfast Road as I indicated earlier, that is
11 the road that I was talking about, Davenport Farm Road is
12 here.

13 Q And Belfast Wildlife Management area down there?

14 A Yes sir, I think it is 40 something hundred acres.

15 Q Were you headed towards Kinards or headed towards
16 Chappells?

17 A I am going in Southeasterly direction towards
18 Chappells.

19 Q Okay. And show us, you see somebody speeding in a
20 white car?

21 A Yes, sir. I observed a white Sudan traveling in the
22 opposite direction.

23 Q And approximately where was it on here when you first
24 spotted him?

25 A This area right here.

1 Q Okay. And with radar and visual identification of
2 speeding, what is the speed limit on that stretch of 56?

3 A That stretch there is 55.

4 Q And you said you observed a white Sudan that was
5 speeding?

6 A Yes, sir.

7 Q How do you determine it was speeding?

8 A Well, I have been certified to run radar since 2006.
9 I operate a Golden Eagle II radar in my patrol unit that I
10 am certified--

11 Q So you were running radar at that point?

12 A When I observed the vehicle, yes sir.

13 Q And what speed did the radar show that the white
14 sedan was going?

15 A I locked the speed in at 70 in a 55, opposite
16 direction.

17 Q So 15 miles an hour over the speed limit. Did you
18 make a decision to pull the car over at that point?

19 A I did, yes sir.

20 Q So it is traveling opposite direction, it is
21 traveling towards Kinards, you are traveling towards
22 Chappells?

23 A Yes, sir.

24 Q So what did you do, do a U-turn in the road?

25 A Yes, to make sure no traffic was coming in the

1 opposite direction and subsequently turned around the
2 vehicle and travel back in the same direction the vehicle
3 was traveling.

4 Q Your car is equipped with radar, is it also equipped
5 with video recording equipment?

6 A It is, it has got a Watchguard system in it.

7 Q Tell the jury how that works. It is not always
8 recording, is it?

9 A No. How that Watchguard system works. It is always
10 recording but once upon activation of the blue lights it
11 goes back and records thirty seconds prior to the blue
12 lights turning on. And then once the blue lights turn on
13 all the audio and everything is functioning.

14 Q So when you hit the switch with the blue lights that
15 activates the camera as well?

16 A It does, yes sir.

17 Q So you did hit your blue lights on this occasion when
18 you did a U-turn?

19 A Yes, sir. More like a three point turn, turnaround,
20 opposite direction.

21 Q And did the car come to a stop shortly thereafter?

22 A It did, going back in the opposite direction there.

23 Q I mean, it didn't take too long to pull him over once
24 you had the blue lights on?

25 A No, sir.

1 Q Let me ask you this. That particular stretch of road
2 right there where you activate your blue lights, what
3 County is that in?

4 A It is in Newberry County.

5 Q Tell me what, if anything, did you observe while you
6 were activating your blue lights and trying to stop the
7 car?

8 A As I was turning around to proceed to catch up to the
9 vehicle, a certain object come out of the passenger side
10 and land onto the, if you are going back Northwest on that
11 roadway, off the right shoulder of the roadway.

12 Q Okay. And then the car pulled over you said. Did
13 you approach on the driver's side or passenger side?

14 A I approached on the passenger side, we try to do that
15 just to allow traffic to flow freely around us. A lot of
16 times shoulders aren't sufficient for us to pull
17 completely off the roadway.

18 Q Okay. And was the window down when you approached
19 the car?

20 A It was.

21 Q What did you observe in the car, who did you observe
22 in the car?

23 A The Defendant, Mr. Scurry, was the driver of the
24 vehicle.

25 Q And you see Mr. Scurry here today, the person who was

1 in the vehicle?

2 A I do.

3 Q Where is he?

4 A He is seated beside Defense Counsel.

5 Q Okay.

6 THE COURT: Let the record reflect that he has
7 identified the Defendant.

8 Q Anybody else in the car with Mr. Scurry at that
9 point?

10 A He was the driver.

11 MR. VERNER: Your Honor, I know the Court ruled on
12 that, but just, raised the issue I raised earlier.

13 THE COURT: Same ruling.

14 Q Approximately how far away from him were you when you
15 were observing him?

16 A I was standing at passenger side door.

17 Q A couple of feet?

18 A At the most.

19 Q What did you ask him, or what did you say to him?

20 A I initially asked him what he threw out of the
21 vehicle. And Mr. Scurry's response was, he didn't throw
22 anything out of the vehicle.

23 Q Okay. Did you ask for anything else from him?

24 A After that denial I asked him again and he reiterates
25 he didn't throw anything out of the vehicle and at that

1 point handed me a State issued ID card.

2 Q You see State's number 2, do you recognize this?

3 A Yes, sir. That is the ID card that Mr. Scurry,
4 himself, handed to me.

5 Q Okay.

6 MR. SCOTT: The State offers number 2 for admission
7 into evidence.

8 THE COURT: Without objection?

9 MR. VERNER: Without objection.

10 THE COURT: State's 2 is admitted into evidence.
11 (Whereupon, State's Exhibit 2 was admitted into
12 evidence.)

13 MR. VERNER: Is the State introducing in the same
14 number order as the premarked or--

15 THE COURT: I know 2 is in and the overview of the
16 map is in too.

17 MR. VERNER: But you are just using the same numbers
18 that you premarked?

19 COURT REPORTER: Yes.

20 MR. VERNER: Thank you.

21 Q Did you determine that the picture on the ID was the
22 same person that you were speaking with in the car?

23 A I did.

24 Q So he hands you the ID?

25 A He did, yes sir.

1 Q And then what happens next?

2 A At that point he told me he did not have a driver's
3 license. And at that point I asked him if he would step
4 out of the vehicle.

5 Q Okay. Did he step out of the vehicle?

6 A No, he did the opposite, he accelerated and pulled
7 away in his vehicle.

8 Q And did you give chase?

9 A I did.

10 Q And he is headed still towards Kinards, in that
11 direction?

12 A Yes, sir.

13 Q Where did he go?

14 A We traveled Northwesterly on Highway 56. And then
15 the next road you come to is Highway 560, took a right
16 onto 560. At that point, came down 560, made a U-turn in
17 somebody's, the resident's front yard there, went back up
18 560, crossed Highway 56, the road we just left into the
19 Belfast Plantation on a gravel road there.

20 Q Did you enter in the Belfast Planation?

21 A I did.

22 Q And that is a gravel road you say?

23 A It is.

24 Q He continued to flee and you continued to pursue him?

25 A Yes, sir.

1 Q At what point did you lose, did the chase end,
2 rather?

3 A Well the Belfast Plantation has gates. The first
4 gate was open, went through that one, no problem. When
5 you get down into Belfast there are other gates on that
6 property. At the point that we came upon another gate Mr.
7 Scurry decided to go around the gate and then continue on
8 down that gravel road.

9 Q Did you make the decision not to go around the gate?

10 A I did. Identified the driver and also if I were to
11 went around that gate my vehicle, like Mr. Scurry's
12 vehicle he was driving would have been severely damaged.

13 Q Did you ever find the car that he was driving?

14 A I did.

15 Q At what point, where was it, how far away from that
16 gate was it?

17 A I would say approximately, by the birdseye maybe
18 three quarters of a mile out in a clearcut.

19 Q What did you observe with the vehicle when you got to
20 it?

21 A Severely damaged and like I say, drove a good ways
22 after getting out of that gravel road through some wooded
23 area and through a clearcut.

24 Q Okay. Did you find anything inside of it?

25 A No, did not find anything inside of the vehicle other

1 than the owner's information.

2 Q Owner's information. Let me show you State's number

3 3. What is that?

4 A That is a registration for the Sedan that we found.

5 Q And who was it registered to?

6 A It looks like a Courtney Burris.

7 Q What address comes back on the registration?

8 A [REDACTED] Gaffney, South Carolina, 29341.

9 Q Is that the same ID that Mr. Scurry has on his, or
10 the same address that Mr. Scurry has on his ID card?

11 A It is.

12 Q Okay.

13 MR. SCOTT: State offers number 3 for admission into
14 evidence.

15 MR. VERNER: Without objection.

16 THE COURT: Without objection it is in evidence.

17 (Whereupon, State's Exhibit 3 was admitted into
18 evidence.)

19 Q So, the car was damaged you said?

20 A It was. I had to actually, after I got out of my
21 vehicle I was on foot is how I found the vehicle, I had to
22 actually run down the road on foot and finally caught up
23 to it.

24 Q Okay. Did you, the thing that you saw fly out the
25 window, did you try to go back and determine what that

1 was?

2 A Yes. After clearing the scene there, spent a little
3 bit of time, I had to get a skidder to pull the car out
4 from where it was at. Fortunately on my vehicle I did
5 make notation that when I saw what I saw, the object come
6 out of the passenger side and land onto the right
7 shoulder, I made that notation on the vehicle taping
8 system. And fortunately on our vehicles taping systems we
9 have GPS and speed measure. I was able to go back and
10 stop the video where the GPS said that, pulled my vehicle
11 off the right side of the roadway and walked down the
12 right shoulder of the roadway and found the package.

13 Q So what you are saying is, if we watched that video
14 we are going to hear your voice say he threw something out
15 the window?

16 A That's when I saw it, yes sir.

17 Q So when you reviewed that, you looked at the video
18 when you said that and it shows the GPS, the latitude and
19 the longitude?

20 A Yes, sir.

21 Q And that is how you located the item that was thrown
22 out the window?

23 A What I did, once I said that, his car is in front of
24 me a little piece, I pulled my vehicle off, after
25 everything was clear I went back to the scene and pulled

1 my vehicle off the right shoulder roadway, got out of my
2 vehicle and started walking and continuing walking in the
3 direction that his vehicle was traveling when I said that.
4 And I found it in a short distance.

5 Q And in that location did you find anything?

6 A Yes, I found a plastic baggie on the right shoulder
7 there where they keep it bush-hogged directly. It was a
8 white plastic baggie, it had some white part substance in
9 it.

10 Q Let me show you State's number 5, what is that?

11 A That is the package that I found.

12 Q Did you take that picture?

13 A I did, I took a still picture of it.

14 Q That is how it appeared when you found it?

15 A Yes, sir.

16 MR. SCOTT: I offer State's number 5.

17 MR. VERNER: Without objection.

18 THE COURT: Number 5 is admitted.

19 (Whereupon, State's Exhibit 5 was admitted into
20 evidence.)

21 Q Did you secure that package?

22 A I did. I took a picture of it, put my rubber gloves
23 on and put a temporary evidence bag and got in touch with
24 the Newberry County Sheriffs Office and met them with that
25 package at the Magistrate's Court.

1 Q Who did you turn it over to?

2 A Investigator Stribble.

3 Q Mike Stribble?

4 A Yes, sir.

5 Q Let me show you State's number 4, do you recognize
6 this?

7 A Yes, sir.

8 Q What is that?

9 A That is the package that I retrieved on the right
10 shoulder of the road.

11 Q So State's number 4 is the physical evidence that is
12 depicted in the picture on State's number 5. Is that what
13 you are saying?

14 A Yes, sir. That's a picture of the substance there.

15 Q And you turned it over to Stribble?

16 A I did.

17 Q Let me show you State's number 1. What is this?

18 A That is a in-car video disc, DVD.

19 Q And how do you recognize this?

20 A It has got my initials on it, it is also labeled with
21 the incident and the disk number.

22 Q This is the actual video that was recorded by your
23 car that day?

24 A Yes, sir.

25 Q You and I just reviewed it earlier this morning,

1 didn't we?

2 A Yes, sir.

3 Q Okay.

4 MR. SCOTT: Your Honor, the State offers State's
5 number 1 into evidence.

6 MR. VERNER: Without objection.

7 THE COURT: Without objection State's 1 is admitted.
8 (Whereupon, State's Exhibit 1 was admitted into
9 evidence.)

10 MR. SCOTT: We are going to publish it now.

11 Q While he is gearing that up, this picture, where you
12 ultimately found the baggie on the side of the road, what
13 County was that in?

14 A Newberry County.

15 THE COURT: The video is about ten minutes?

16 MR. SCOTT: Yes.

17 THE COURT: If you want to step down while that is
18 being played.

19 MR. LAZAR: Yes, sir.

20 (Whereupon, a video was played starting at 12:30
21 p.m.)

22 Q Real quick, pause that, Walter. So you are talking
23 about some of the information that is displayed on your
24 camera. What is that, that is the speed limit you are
25 going?

1 A Yes, sir.

2 Q And then what do we have up here?

3 A You have got the GPS coordinates.

4 Q Those are what you were referring to, displayed, you
5 can see the exact location, the latitude, longitude,
6 coordinates?

7 A Yes, sir.

8 Q And it shows 11:04 a.m. at January 5th, 2017. That
9 is what you were testifying to earlier?

10 A Yes, sir.

11 Q And that was the car that just passed you there that
12 you were talking about that was speeding?

13 A Yes, sir.

14 Q This is you turning around?

15 A Yes, sir.

16 MR. SCOTT: We have got audio, I am not sure why the
17 audio is not playing.

18 THE COURT: You will have to back up and start over.

19 MR. VERNER: Your Honor, I am not opposed to take a
20 five minute break.

21 THE COURT: Okay. Let's get the audio working.
22 Ladies and gentlemen, step back and we will take a break.
23 We will take a lunch break at 1:00, I know you are getting
24 hungry, we will not work through lunch. Don't talk about
25 the case.

1 (Whereupon, the jury was excused from open court for
2 a break.)

3 (Whereupon, a short break was taken.)

4 THE COURT: Let's bring the jury in, please.

5 (Whereupon, the jury came into open court at
6 approximately 12:40 p.m.)

7 THE COURT: We will go back on the record. At this
8 point, Solicitor, I think you have got the video working.
9 So if you want to go ahead and play, kill the lights for
10 us, please.

11 (Whereupon, the video was started over to play for
12 the jury starting at 12:41 p.m.)

13 Q What was that that you just said then?

14 A He threw something out the window.

15 Q And that is the part where you observed something
16 being thrown out the window?

17 A Yes, sir.

18 Q And so earlier what you were explaining, you went
19 back and looked at the latitude and longitude to determine
20 where that item was thrown?

21 A Right when I said that, what I did, I viewed the
22 video for the exact point, pulled over at that point and
23 started walking.

24 Q That is how you located it later on that afternoon.

25 Okay.

1 (Whereupon, continued to play video. Video stops at
2 12:46 p.m.)

3 Q The jury is going to have that whole video. Does
4 that pretty much show the extent of the chase as far as
5 you are involved?

6 A Yes, as far as the chase itself, yes sir.

7 Q When you go around that curve do you lose sight of
8 him after a while?

9 A As I was running on foot I did.

10 Q Did you run the information on that car once you got
11 to it and had all of the description of it and
12 registration?

13 A I did.

14 Q Did it come back stolen or anything?

15 A No.

16 Q And it came back to that Courtney Burris' address in
17 Gaffney?

18 A Yes, sir, that is correct.

19 Q Same address that was on Mr. Scurry's identification
20 card?

21 A Yes, sir.

22 Q And talk about a general description of him on the
23 video, you can hear some audio where you are describing
24 him. Tell us about what you observed as far as the driver
25 of that car, general description?

1 A Basically it is depicted as on the ID card there that
2 I looked at. As he is seated next to Mr. Verner, it is a
3 black male subject; heavy than I am, larger subject; gold
4 teeth; basically the subject that is sitting right there
5 next to Mr. Verner.

6 Q What degree of certainty do you have that that was
7 Mr. Scurry driving the car that day?

8 A One-hundred percent. I am not going to deprive
9 somebody of their rights or anything like that unless I am
10 one-hundred percent, one-hundred percent positive that
11 that is who it is.

12 Q And this State's number 7, I think the most part it
13 has got the same ID or information as the ID card. What
14 is that?

15 A That is the driving record for Mr. Scurry, it has got
16 that picture as it is on the ID card.

17 Q And does it list, flip back on it. It list the
18 customers that are at the residence of that, the [REDACTED]
19 [REDACTED] in Gaffney?

20 A It does.

21 Q Who does it list besides Mr. Scurry. Does it list
22 that Courtney Burris?

23 A It does, Courtney Marie Burris.

24 Q She is who the car is registered to?

25 A That's correct, yes sir.

1 MR. SCOTT: Let me go ahead and admit that, that is
2 the driver's record.

3 MR. VERNER: Can I see it.

4 THE COURT: Any objection to State's 7? If it is
5 something that needs to be redacted we can do that later.

6 MR. VERNER: That's is my question. The black is
7 just personal information that is redacted?

8 THE COURT: I assume that's the case.

9 MR. SCOTT: Yes, sir.

10 MR. VERNER: I have no objection, Your Honor.

11 THE COURT: State's 7 is admitted into evidence.

12 (Whereupon, State's Exhibit 7 was admitted into
13 evidence.)

14 MR. SCOTT: Nothing further.

15 THE COURT: Mr. Verner.

16 CROSS-EXAMINATION

17 By Mr. Verner:

18 Q Trooper, I guess, to be a highway Trooper do you have
19 to attend the Criminal Justice Academy?

20 A Yes, sir.

21 Q Do you undergo required mandatory regular training
22 every year?

23 A In-service, yes sir.

24 Q And obviously you have to be generally aware of the
25 laws and the statutes that you are qualified to enforce?

1 A Yes, legal update every year, yes sir.

2 Q Okay. And you have been a Trooper for about thirteen
3 years, I believe you said?

4 A Starting in '05, so I think it will be 13 in June.

5 Q And primarily you are a patrol officer?

6 A Yes, sir.

7 Q So that's many hours of just daily on the road
8 looking for broken cars or accidents or violations?

9 A That and you also have to go to Clemson ballgames,
10 the beach, whatever, you know, where ever you, they direct
11 you to go.

12 Q Is it fair to say, how many people do you come in
13 contact with from traffic stops or traffic accidents or
14 cars broken on the side of the road on a typical day?

15 A It would be hard to put a number on that, sometimes
16 two wrecks might take my whole day. Of the times we don't
17 have any wrecks it might be, you know, 15 or 20 people.

18 Q Okay. On bad days when somebody is killed or
19 something like that you might just have a one bad wreck or
20 two bad wrecks. But on a typical day, whether it is
21 giving warnings or just giving help you might encounter 15
22 people a day?

23 A Possibly, that is a possibility.

24 Q And you continue to do that since January 5th of '17?

25 A Since January, yes sir.

1 Q And how many days of the week are you on patrol?

2 A We work a rotating 12-hour schedule. So in a
3 two-week period you will have a Monday, Tuesday, Friday,
4 Saturday, Sunday. The following week will be a Wednesday,
5 Thursday, to try to get around 84 hours.

6 Q On an average week, that ballpark, is that five days a
7 week you are working or four days?

8 A I guess on an average it, three to four on those
9 twelves.

10 Q So, every week it is possible you encounter a hundred
11 different people during the week, whether it is through
12 traffic citations or help or assisting or calls. But you
13 might come into contact with a hundred different people
14 every week?

15 A That is a possibility.

16 Q Have you ever seen Mr. Reginald Scurry prior to
17 January the 5th of '17?

18 A No, that was the first time.

19 Q Other than today have you ever encountered him again?

20 A I have.

21 Q When was that?

22 A The Newberry Magistrate Court.

23 Q Okay. At the bond hearing?

24 A No, this was at the Magistrate Court.

25 Q When was that, you can have a ballpark if you don't

1 have it.

2 A Maybe, I don't know if it was last month or maybe the
3 month before.

4 Q Okay. Was that to serve a warrant on him or was
5 that--

6 A No, he was brought up for Magistrate Court there.

7 Q Okay. And that is the only, other than this day
8 would be the third time that you have ever seen him?

9 A Yes sir.

10 Q Have you ever been presented an incorrect driver's
11 license report during a traffic stop?

12 A I have.

13 Q Have you ever had a driver that you stop gives you an
14 incorrect name or birthdate?

15 A I have.

16 Q Okay. So that is something that you are watchful
17 for?

18 A Yes, sir. Very aware of that.

19 Q Okay. Now the registration for this car, was that
20 found in the car or was that found just later when y'all
21 investigated the case?

22 A That was in the vehicle.

23 Q Okay. So you did locate the car on January the 5th?

24 A Yes, we looked in that clearcut, yes sir.

25 Q Okay. About how far past that gate do you think the

1 car was?

2 A I am going to say, I think three-quarters of a mile
3 maybe, in a straight line.

4 Q After we saw, when the video ends we see you kind of
5 running down the dirt road past the gate. Did you
6 continue on until you got to the car?

7 A No, I continued on a short piece. Once I lost sight
8 of the vehicle I started to turn to my car because also
9 the radio transmission there was a little bit sketchy as
10 well.

11 Q Okay. And then, later was the gate open, I guess,
12 and then y'all proceeded?

13 A No, they didn't open the gate until I finally came
14 out. I got back in my vehicle, got back to my car and I
15 decided I needed to continue on because I didn't know when
16 they were going to be able to open that gate, as far as
17 the wildlife. And I went back on foot and found the
18 vehicle.

19 Q Okay. And that was about how long after the chase
20 ended?

21 A It should still probably show it on the tape, I don't
22 know the exact time period. But I returned to the vehicle
23 there, I had some communication things going down and then
24 I called the Laurens County Sheriffs Department to see who
25 was over that Belfast Plantation and I decided at that

1 point to go back on foot.

2 Q Within about thirty minutes after the chase ended?

3 A Ballpark figure maybe, I am not sure the exact time.

4 Q Okay. And the vehicle is unoccupied, abandoned at
5 that time?

6 A Yes, sir.

7 Q Were the doors left open?

8 A It was actually wedged out in the middle of a
9 clearcut.

10 Q Wedged between two trees?

11 A It is not trees out there, it is just stumps and
12 debris, I guess it is like a old cutover that is starting
13 to grow back up.

14 Q Now, did you tell me that the DNR is, I mean that
15 Belfast Plantation where we are looking at, is that DNR
16 location?

17 A I think they own property.

18 Q Okay. Do you know or did you check to see whether
19 DNR has any game cameras or video cameras on the property
20 that they manage?

21 A I don't think, I didn't check with them about game
22 cameras out there, hunting season was over then.

23 Q And you are saying the man that you saw on January
24 the 5th had handed you that identification card?

25 A Say again?

1 Q When you stopped the vehicle and approached the
2 passenger side window, the man handed you the
3 identification card through the window?

4 A Yes sir, Mr. Scurry did, yes sir.

5 Q During the chase, on the radio I heard you say that
6 suspect is a black man in the car?

7 A A large black male, yes sir.

8 Q Okay. Why would you say that if you knew his name,
9 why would you have said suspect identified or believed to
10 be Reginald Scurry?

11 A Well, probably, if you were to tell me or to tell
12 another officer the subject is Reginald Scurry they might
13 think Reginald Scurry is you. I am sure they didn't know
14 him.

15 Q But did you anticipate arresting the man and then
16 verifying your identification or corroborating. Had you
17 arrested the man that day you would have double checked
18 that that was Reginald Scurry, wouldn't you?

19 A They would do that at the detention center.

20 Q Fingerprints or some way he would be positively
21 identified?

22 A Whatever they do at the detention center.

23 Q Okay. What was the man wearing who was driving the
24 car on January the 5th?

25 A I don't recall the attire.

1 Q Did he have a ball cap on?

2 A Not that I recall.

3 Q Did he have glasses?

4 A Not that I recall, no sir.

5 Q Was he wearing a t-shirt or a pullover shirt or a
6 collared shirt?

7 A Nothing out of the ordinary, I wasn't paying
8 attention to his, I guess his attire, I was paying
9 attention to his face.

10 Q Do you know whether he had blue jeans or khaki pants
11 or short pants?

12 A Not as far as what he was wearing.

13 Q Okay. Do you remember whether he had a watch on or
14 rings, do you remember anything other than just the face
15 that--

16 A He handed me, like I say, the ID card. As I was
17 looking at the ID card I was talking at him face-to-face
18 asking, you know, to step out of the vehicle at that
19 point. And he accelerated and took back off.

20 Q Right. You remember the face but you don't have any
21 recollection of any clothing or personal items that he
22 would have had on?

23 A I don't remember his clothing.

24 Q We will go with your recollection but how long do you
25 think your total interaction was with the man driving that

1 car that day?

2 A What we saw on the video there, long enough for me to
3 speak with him, for him to hand me his ID card and I asked
4 him a couple of times if he threw anything out of the car.
5 I asked him if he had a driver's license and he responded,
6 no, he didn't have a driver's license.

7 Q If I suggested to you or told you that I started a
8 stopwatch from the moment you approached the passenger
9 side and said, what did you throw out the window to the
10 moment the car drove off, that it was approximately,
11 depending on how fast my trigger finger is, about 16, 16
12 and a half seconds. Would that be a fair--

13 A That seems about right with me watching the video.

14 Q Okay. So if the jury hit the stopwatch from the very
15 first moment you approached the window until the very
16 moment that he, the man slammed on his gas and
17 accelerated, but the total interaction was about 15, 16
18 seconds.

19 A If that is what you did, it is on the video there.

20 Q But you would agree just from your memory?

21 A It sounds about right, yes sir, I am going to trust
22 you.

23 Q And that day, that is the only identification time
24 that you would have had with that man?

25 A He took off after that, yes sir.

1 Q During the chase were you able to identify the man
2 through the car?

3 A I did have another good look at him, you can see
4 where he took a U-turn in that driveway right there,
5 excuse me, in the people's front yard, he came right back
6 by my patrol vehicle.

7 Q Can the jury watch the video and see an
8 identification of the suspect on that day?

9 A Say again?

10 Q Can the video, can the jury watch the video in your
11 car and clearly identify the man involved in the chase?

12 A You have to look at the ID he handed me and the
13 gentleman in the courtroom.

14 Q Have you reviewed the video?

15 A Yes, sir.

16 Q Can you positively identify the man just based on
17 that video?

18 A No, sir.

19 Q Okay. Are you familiar with State law 23-1-240?

20 A Is that what you went to earlier, talking about the
21 body cams?

22 Q That's correct.

23 A Okay.

24 Q Were you equipped with a body cam on January 5th of
25 2017?

1 A No, sir. We hadn't been issued those.

2 Q So it is not a question I was voluntarily not wearing
3 it, you just have not been issued a body cam?

4 A Exactly. If I could have a Cam 360 it would make my
5 job a whole lot easier.

6 Q And because it would make identifications and
7 recollect of events a lot clearer?

8 A Exactly and crimes as well.

9 Q And that is partly the purpose of the video camera in
10 the car for the chase.

11 A With the interaction, yes sir.

12 Q Do you understand that it is State law for--

13 A I thought we already went over this in pretrial.

14 MR. SCOTT: Objection, I don't think that is a proper
15 question asking him what the State law is. I don't think
16 that is a State law.

17 THE COURT: Fair enough. He is a fact witness, not a
18 legal witness.

19 Q I am just asking if he is familiar with the statute.

20 THE COURT: You can ask him when he anticipates
21 getting a body camera, clearly they have appropriated
22 money for.

23 Q Do you know whether, the Highway Patrol is under the
24 Department of Public Safety, aren't they?

25 A That's correct.

1 Q Do you know if your department has been allocated
2 funds to purchase body cameras?

3 A Yes, sir. They have a few going out in the field, it
4 just takes time and a lot of money.

5 Q Well, were they given a lot of money?

6 A It depends on what you think is a lot of money to
7 outfit the whole State. You have to call somebody with
8 the, I guess, way over my head that deals with the camera
9 side of it.

10 Q And I understand this is not your decision to make.
11 But it is true that law enforcement agencies are required
12 to carry body cam's if they are funded. Is that not
13 correct?

14 A If you say so, sir.

15 Q Okay. Do you think if you were wearing a body camera
16 at that time that it would have clearly shown the man
17 driving that car?

18 A They have got some kinks on body cameras they are
19 trying to work out. But any video would take this, yes
20 sir.

21 Q Did you do anything or what did you do, what step did
22 you do to further corroborate the identification of the
23 driver of the car, did you take fingerprints?

24 A No sir, I didn't take any fingerprints.

25 Q Is the Highway Patrol trained to take fingerprints?

1 A No, sir.

2 Q That is more of an investigative type?

3 A Yes, sir.

4 Q Do you know if Newberry County Sheriffs Department,
5 did they assist in this arrest?

6 A Not in the arrest, no sir.

7 Q But in the case, the investigation of the car?

8 A Not the car, that was Laurens County, we actually
9 went into Laurens County so Laurens County would have
10 been, with the accident.

11 Q So the chase ended in Laurens County?

12 A Yes, sir.

13 Q So what we are looking at right now is in Laurens
14 County?

15 A That is correct. He went into Laurens County. Once
16 you pass Belfast Road and get up to 560 the line is right
17 there prior to Highway 560.

18 Q Okay. The County line is kind of at the intersection
19 of 56 and 560, in that general area?

20 A Yes, sir. Just back East, excuse me, back East,
21 Southeast to there.

22 Q So Belfast Farm, we are looking at Laurens County?

23 A Part of Belfast is in Newberry, part of Belfast is in
24 Laurens, yes sir.

25 Q What I am looking at--

1 A That's Laurens, like I said, yes sir that's Laurens
2 area.

3 Q Do you know if Laurens County Sheriffs Department is
4 capable of taking fingerprints?

5 A I am sure they are.

6 Q Do you know of any law enforcement agency that
7 doesn't do fingerprints?

8 A I can't speak for all law enforcement agencies. I am
9 sure some of the smaller municipalities might now have,
10 yes sir.

11 Q Do you know if any DNA was taken?

12 A I didn't take any DNA.

13 Q Do you know if anybody else did?

14 A I am not sure about DNA, no sir.

15 Q Other than your identification of the man at the time
16 of the arrest and your possession of the driver's
17 identification card, did you do anything else to
18 corroborate?

19 A I did.

20 Q What was that?

21 A I actually spoke to Ms. Burris, I can go into detail
22 on that if you want to.

23 MR. VERNER: I believe she is going to testify, Your
24 Honor.

25 A Yes, I corroborated with Ms. Burris.

1 Q What did you corroborate with Ms. Burris?

2 A Who is the driver of her car.

3 Q And, in fact, Ms. Burris spoke to the Spartanburg,
4 the Cherokee Police Department, right?

5 A Yes, the Cherokee County Sheriffs Office in Cherokee.

6 Q You are familiar with the Cherokee County Sheriff's
7 report?

8 A Yes sir, I spoke with that deputy there.

9 Q Ms. Burris indicated that the car was taken without
10 her permission, right?

11 A That is what this report reflects.

12 Q How did you speak to Ms. Burris?

13 A On the telephone at the incident scene.

14 Q Did she provide you any kind of statements, written
15 statements or come in to meet with you?

16 A No, she didn't. She didn't come in to meet with me,
17 just told her if she was aware of the situation.

18 Q Did she indicate to you that he didn't live at that
19 residence?

20 A I don't remember whether she said exactly where he
21 was living at the time, like I say, it was still reflected
22 on his ID card. She just knew that he had the vehicle.

23 And she was very distraught.

24 Q Thank you, Trooper, if the State has any more
25 questions for you.

REDIRECT EXAMINATION

By Mr. Scott:

Q So Courtney Burris indicated to you that the car was taken without her permission?

A That is correct.

Q And who did she indicate it without permission?

A Mr. Scurry.

Q Okay. And you mentioned, said something earlier, you said a large black male, those were the descriptions you gave him, but you mentioned something as you were talking with him that you noticed and it was a fairly unique feature when you were speaking with him. What was that you said, description wise?

A Well, I noticed the teeth as well.

Q What about the teeth?

A Had some gold in them.

Q The driver of the car had some gold in his teeth?

A Yes, sir.

Q With the Court's permission and Mr. Scurry's permission I would like to see his teeth. I don't know what his teeth look like. Will you open your mouth for the jury.

(Whereupon, Mr. Scurry opened his mouth.)

Q Can you see from there?

A Yes.

1 Q Is that what you were describing?

2 A Yes, sir.

3 Q Those gold teeth?

4 A Yes, pretty clear.

5 Q I think that is all I have. Thank you.

6 THE COURT: You can step down. Thank you very much.
7 You are free to leave, you are free to stay. Either way,
8 if the Solicitor needs to recall you just stay in touch
9 with them.

10 MR. LAZAR: I will stay if you don't mind, Judge.

11 THE COURT: That's fine. Ladies and gentlemen, we
12 are going to go ahead and take our lunch break at this
13 particular point and time. If you would, be back here at
14 the Court House at about a quarter after. That should
15 give us about an hour to grab a bite and get back here.
16 If you happen to go to lunch with one of your fellow
17 jurors or friend or family member, that is find, just
18 don't talk about the case. Okay. Leave the tablets with
19 the bailiff as you exit and have a great lunch.

20 (Whereupon, the jury was excused from open court for
21 a lunch break.

22 (Whereupon, a lunch break was taken.)

23 THE COURT: We are back on the record on Mr. Scurry's
24 case. Mr. Scurry is present with counsel, the jury is
25 here. You have your next witness here?

1 MR. DANIEL: Yes sir, we do.

2 THE COURT: Let's get the jury in, please.

3 (Whereupon, the jury came into open court at
4 approximately 2:35 p.m.)

5 THE COURT: The jury is back and seated. Ladies and
6 gentlemen of the jury, I apologize for keeping you waiting
7 back there.. I had forgotten that yesterday or earlier
8 this week sometime I had deferred sentencing on an
9 individual until today at 2:00 o'clock and so I had to
10 address that. That is why I was keeping you waiting. Of
11 course, we are still in the State's case-in-chief in the
12 matter of the State versus Scurry.. Solicitor, you want to
13 call your next witness, please.

14 MR. DANIEL: Yes, Your Honor. The State calls
15 Detective Michael Stribble.

16 MICHAEL STRIBBLE, being
17 first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 By Mr. Daniel:

20 Q Detective Michael Stribble of the Newberry Sheriffs
21 Office, correct?

22 A Yes.

23 Q And you are a Narcotics Investigator with the
24 Sheriffs Office, is that right?

25 A Yes, sir.

1 Q How long have you been with the Sheriffs Office?

2 A 17 years.

3 Q And just generally speaking what is your duties as a,
4 and you are the Chief Investigator of the Narcotics Unit?

5 A Yes, sir.

6 Q And what are your primary responsibilities in
7 narcotics?

8 A To investigate narcotic related crimes.

9 Q You do, conduct undercover operations?

10 A You want me to go in more depth?

11 Q Yes, go into a little more depth, please.

12 A I also do undercover or confidential informants type
13 buys, work CI's, confidential informant. More proactive
14 type cases than just a regular crime scene type
15 investigator that maybe you guys know. I also do alcohol
16 vise stuff, prostitution, but the majority what I deal
17 with is narcotic related.

18 Q So you handle a lot of drug evidence?

19 A Yes. I handle every drug case evidence from the
20 Sheriffs Office.

21 Q And handling drug evidence, I guess, what does that
22 consist of specifically?

23 A Basically what that means is whether another deputy
24 or investigator, whomever within the sheriffs office makes
25 a drug case other than marijuana, and I actually do

1 analyze the marijuana myself. But any other type drug has
2 to go to SLED to be analyzed. So I actually have to
3 complete what is called a Best Kit. And basically what
4 the Kit is, is where you fill out the paperwork of the
5 subject's information, and in this case the Defendant's
6 information. The results go back to me so my name is on
7 there. And then you put it, I will show you the form I am
8 talking about. It is this form right here. And you
9 describe what was actually in the bag that you receive for
10 that case. And in this case it was a quantity of a white
11 rock-like substance.

12 Q We will get into this case in one second.

13 A Okay.

14 Q So you handle drug evidence, you log it into
15 evidence, correct?

16 A That's correct.

17 Q And also you said you take drug evidence down to
18 SLED, South Carolina Law Enforcement Division?

19 A That's correct.

20 Q Down in Columbia?

21 A That's correct.

22 Q And why do you take it down there, drug evidence?

23 A They have chemists that are able to analyze the
24 narcotic.

25 Q Okay. Now, you work for the Newberry Sheriffs

1 Office. But at times do you receive drug evidence from
2 other law enforcement agencies?

3 A That's correct.

4 Q Okay. And say if the Highway Patrol were involved in
5 a drug case and they recover drug evidence would you
6 sometimes handle that?

7 A Yes, sir. Especially anything that is going to SLED.

8 Q Okay. So even though Highway Patrol may initially
9 seize drug evidence in a case, they might turn it over to
10 you?

11 A That's correct.

12 Q And at that time it becomes a Newberry Sheriffs
13 Office drug case?

14 A That's correct.

15 Q So in this particular, this case we are here today
16 for, did you become involved, I want to go back to January
17 5th, 2017, in a drug case involving one Reginald Scurry?

18 A That's correct.

19 Q And did that case involve the South Carolina Highway
20 Patrol initially?

21 A Yes, sir.

22 Q Tell us how you became involved in the case of
23 Reginal Scurry on January the 5th of last year?

24 A Yes, sir. I will refer back to this report. On
25 January the 5th of 2017 I was notified by Trooper Lazar

1 and he stated that he first initiated the traffic stop on
2 Highway 56 near Belfast Road. He observed Mr. Scurry
3 throw something from the vehicle out of the passenger
4 side--

5 MR. VERNER: Your Honor, on two grounds I am going to
6 object. One, I would note that the Officer needs to
7 testify from memory. If he can't remember he is entitled
8 to review his notes but he has to testify from his
9 personal memory and he can only use notes, he can't just
10 read the prior notes, he has to use them to refresh his
11 recollection. And, secondly, he is testifying by hearsay.

12 THE COURT: On that first point, that one is
13 sustained. If he needs to refresh his memory, using the
14 notes that's fine. Ask him what he can recall. I think
15 he can probably, in all likelihood, merely showed up and
16 took possession of the drugs.

17 Q Detective Stribble, so you received a notification
18 from Trooper Lazar of the Highway Patrol, correct?

19 A That's right.

20 Q And he informed you that he had recovered drug
21 evidence?

22 A That's correct.

23 Q Okay. Did you make contact with Trooper Lazar on
24 January 5th?

25 A I did, yes.

1 Q Tell us what happened next?

2 A Okay. Trooper Lazar met me at the Magistrate's
3 office. He then turned the evidence over to me. I then
4 completed the Best Kit.

5 Q What evidence are we talking about?

6 A It is a plastic bag containing a quantity of white
7 rock-like substance believed to be crack cocaine.

8 Q I am going to hand you what has been marked for ID
9 purposes as State's number 4. Do you recognize that?

10 A Yes.

11 Q What is that?

12 A It is the Best Kit that I completed in, it is the
13 crack cocaine.

14 Q So that is the drug evidence that Trooper Lazar
15 handed over to you?

16 A Yes.

17 Q And he handed that evidence over to you at the
18 Newberry Magistrate's Office?

19 A That's correct.

20 Q Is that also where the jail is located?

21 A That's correct.

22 Q Okay. And approximately when was that handed over to
23 you?

24 A On January the 5th of 2017 at approximately 2:45 p.m.

25 Q Okay. And what kind of packaging was it in on that

1 particular date?

2 A Like a sandwich, plastic sandwich baggie.

3 Q All right. Tell us what you do next with the drug
4 evidence at that point?

5 A In this particular case I, we have field test kits
6 and we are able to test a portion of it right there to get
7 a presumptive test. And I tested a portion of it, it
8 tested positive for crack cocaine. I then completed the
9 Best Kit and sealed it and sent it to SLED.

10 Q Did you weigh this drug evidence?

11 A Oh, yes sir, yes sir.

12 Q What weight did you come up with?

13 A Approximately 84 grams.

14 Q Okay.

15 A That is in the bag and everything. I mean I don't
16 take it out of the bag and weigh it, I just put the bag on
17 the scale.

18 Q So that 84 grams and that included the weight of the
19 bag?

20 A That's correct.

21 Q You didn't take it out of the bag?

22 A No, sir.

23 Q At that point you logged the drugs into evidence?

24 A That's correct.

25 Q And where do you log the drugs into evidence, how do

1 you do that?

2 A We have a evidence room at the sheriffs office, it is
3 evidence lockers. You complete the evidence form and the
4 Best Kit, put it back in the evidence and it shuts and no
5 one can get in it but the evidence custodian.

6 Q And what is a Best Kit bag?

7 A It is this bag right there.

8 Q So that is like a tamper proof bag?

9 A That's correct.

10 Q It's heat sealed I guess?

11 A That's correct.

12 Q Okay.

13 A In other words, when I completed, when I seal it, if
14 anyone messes with it or tampers with the seal the analyst
15 that gets the case can tell if it has been messed with or
16 tampered with.

17 Q Was there a case number associated with this drug
18 evidence?

19 A As far as the sheriffs office case number?

20 Q Yes, sir.

21 A 17-00104.

22 Q And that's how you keep track of the drug evidence?

23 A That's correct.

24 Q And I am going to hand you what has been marked for
25 ID purposes as State's number 9. Do you recognize that?

1 A I do.

2 Q What is that?

3 A That is the control form, the chain of custody form
4 that I complete. It has got the control at the top left
5 hand corner and then the information pertaining to the
6 Best Kit, it also goes with the Best Kit.

7 MR. DANIEL: Your Honor, I offer State's number 9,
8 chain of custody form for admission into evidence.

9 THE COURT: Without objection?

10 MR. VERNER: Without objection.

11 THE COURT: It's in evidence.

12 (Whereupon, State's Exhibit number 9 was admitted
13 into evidence.)

14 Q Detective Stribble, you filled out this form?

15 A Yes, I did.

16 Q And it just tells you who initially seized the drugs,
17 correct?

18 A That's correct.

19 Q And that would be Kevin Lazar of the Highway Patrol,
20 correct?

21 A That's correct.

22 Q And it says where he seized the drugs from?

23 A That's correct.

24 Q And that would be South Carolina Highway 56 near
25 Belfast Road, Kinards, South Carolina?

1 A That's correct.

2 Q And it was a quantity of white rock-like substance?

3 A Yes, sir.

4 Q Which did field test positive for crack cocaine?

5 A That's correct.

6 Q And then at the bottom half of the form, what is
7 that?

8 A The bottom half of the form is the subsequent chain
9 of custody following the seizure. The top line is where
10 Kevin Lazar from the Highway Patrol turned it over to me.
11 The second line is where I turned it into evidence. The
12 third line is where I turned from evidence back to me to
13 take it back to SLED basically.

14 Q So you logged it into evidence at the sheriffs office
15 according to that form initially?

16 A That's correct.

17 Q On January 5th?

18 A That's correct.

19 Q So it stayed in Newberry Sheriffs Office evidence
20 until when?

21 A January 19th, 2017 is when I dropped it off at SLED.

22 Q Down in Columbia?

23 A In Columbia, Broad River Road.

24 Q And who did you give it to at SLED?

25 A The, it's the pre-log tech, I am not sure. I will

1 have to look at my paper to tell you her name but it is
2 the log tech.

3 Q Would it have been a Doris Yarborough?

4 A Yes.

5 Q Okay. And so she does intake at SLED, drug evidence?

6 A Yes.

7 Q And so that's for the purpose of a SLED analyst to
8 test the drugs to see if it really is crack cocaine?

9 A That's correct.

10 Q And did you receive a report from a drug analyst who
11 tested this substance?

12 A I did.

13 Q I am going to hand you what has been marked as ID
14 purposes as State's number 6, do you recognize that?

15 A I do.

16 Q What is that?

17 A That's the SLED analysis report.

18 Q Does it have the same case number that you just
19 provided to us?

20 A It does, it says your case number is 1700104.

21 Q And that way you can identify that is the drug you
22 submitted to SLED?

23 A That's correct.

24 Q And it was tested at SLED, correct?

25 A Yes.

1 Q Did you pick the drugs back up?

2 A I did.

3 Q What date did you pick them back up at SLED?

4 A May the 5th of 2017.

5 Q So you pick it up in Columbia and you drive straight
6 back to the sheriffs office with it?

7 A And place it in evidence, yes sir.

8 Q So it has been in evidence at the sheriffs office up
9 until--

10 A This morning at 8:00 when I signed it out to bring it
11 to court.

12 Q And you brought the drug evidence to court?

13 A That's correct.

14 Q And what did you say the field weigh of this drug
15 was?

16 A Approximately 84 grams.

17 Q And you are a narcotics investigator, what is the
18 street value of 84 grams of crack--

19 MR. VERNER: Your Honor, I don't know how that is
20 relevant to, it is either possession of drugs or it is
21 not.

22 THE COURT: Come on up.

23 (Whereupon, a bench conference was held in the
24 presence of the jury but out of the hearing of the
25 jury.)

1 THE COURT: The objection is noted, overruled. Ask
2 the question of value or--

3 MR. VERNER: Your Honor, it would be on 403,
4 relevance and also it is inflammatory.

5 THE COURT: I appreciate your position. I think it
6 is relevant.

7 Q Investigator Stribble, you weighed it, you weighed
8 the drug evidence and it was about 84 grams, correct?

9 A That's correct.

10 Q Of crack cocaine?

11 A That's correct.

12 Q And you do a lot in crack cocaine investigations?

13 A That's correct.

14 Q And you are familiar about the going rate for crack
15 cocaine on the street?

16 A That's correct.

17 Q Typically how much does one gram of cocaine go for?

18 A Typically around \$60.00 dollars.

19 Q \$60.00 dollars a gram?

20 A Yeah, \$40 to \$60, depending on who you are getting it
21 from and it is some different variables but depending.

22 Q Okay. So, you have over 80 grams of crack cocaine at
23 \$60.00 dollars a gram. Isn't that close to \$5,000.00
24 dollars?

25 A That's correct.

1 Q Worth of crack cocaine?

2 A That's correct.

3 Q And do you typically just find that lying on the
4 roadside randomly?

5 A No, sir.

6 Q Okay.

7 A No, sir.

8 Q That is a valuable commodity?

9 A Very valuable commodity, yes sir.

10 Q Please answer any questions Mr. Verner has for you.

11 CROSS-EXAMINATION

12 By Mr. Verner:

13 Q Investigator, you are what they call a chain of
14 custody witness?

15 A Yes, sir.

16 Q Is that correct?

17 A Yes, sir.

18 Q And the purpose of a chain of custody witness is just
19 to, when somebody goes to trial so there is no question
20 about the evidence being brought in is the evidence that
21 was found at the time, that it should be maintained
22 securely?

23 A Yes, sir.

24 Q And that is your entire role in the case?

25 A Entire role, yes sir.

1 Q I am kind of interested, did you do any kind of
2 investigation on who was driving the car?

3 A No, sir.

4 Q So you are kind of, your thirty minutes of questions
5 but the point is just that law enforcement has maintained
6 custody of the drugs the whole time?

7 A Yes, sir.

8 Q In your seventeen years as an investigator or deputy,
9 I suppose you started at the lowest one and kind of worked
10 up?

11 A Unfortunately.

12 Q Have you ever investigated a grand larceny case?

13 A No, sir.

14 Q Are you aware whether the sheriffs department has
15 ever investigated a grand larceny of a motor vehicle case?

16 A I am sure they have, yes sir.

17 Q Probably many?

18 A I would assume so, yes sir.

19 Q Is the sheriffs department equipped to take
20 fingerprints from a car?

21 A Yes, sir.

22 Q And in fact they have deputies and investigators who
23 train specifically or in detail on fingerprints?

24 A Yes, sir.

25 Q Do you know whether the car that was recovered was

1 fingerprinted?

2 A No, sir. I don't know is what I am saying, yes sir.

3 Q But this was a Newberry County, once it became, once
4 the drugs were turned over to the sheriffs department it
5 becomes a sheriffs department case?

6 A The car was located in Laurens County, the drugs was
7 in Newberry.

8 Q Now Laurens borders Newberry County, right?

9 A Yes, sir.

10 Q Are you familiar with, do you ever have any dealings
11 with Laurens officers?

12 A Yes, sir.

13 Q Any reason in your years to think that Laurens County
14 would not be equipped to fingerprint a car?

15 A They should be able to, yes sir.

16 Q And sometimes when a crime happens and a car is found
17 out of County the car can be, if it is recovered it can be
18 brought back to Newberry County and processed, right?

19 A Yes, sir.

20 Q And there are investigators who are trained to
21 process cars from crime scenes?

22 A That's correct.

23 Q Does the sheriffs department also have people
24 proficient with DNA?

25 A Yes, Sir.

1 Q Analysis?

2 A Yes, sir.

3 Q Not just, I am sure like testing drugs you have to
4 send DNA away for positive results. But there are
5 investigators who are specifically trained on how to
6 obtain DNA from locations?

7 A Like a vehicle, yes sir.

8 Q Now, when the Trooper testified, if the Trooper wore
9 gloves to pick up the contraband, the drugs, I guess one
10 reason could be if you touch something you don't want to
11 get germs or, you know, blood type, any kind of
12 communicable infection from touching tainted evidence,
13 right?

14 A Yes, sir.

15 Q Like if you saw a used syringe that somebody had been
16 using at a drug house you wouldn't want to just pick up
17 with your hands, right?

18 A No, sir.

19 Q And part of that would also be not to contaminate the
20 evidence for fingerprints. You wouldn't want to get your
21 fingerprints on evidence from a crime scene, would you?

22 A No, sir.

23 Q Thank you, Investigator.

24 REDIRECT EXAMINATION

25 By Mr. Daniel:

1 Q Correct me if I am wrong, Investigator Stribble, but
2 isn't fingerprint and DNA evidence only useful when a
3 suspect is unknown?

4 A That's correct.

5 Q But here we have a known suspect, correct?

6 A Known suspect.

7 Q And that was Reginald Scurry?

8 A That's correct.

9 Q Thank you.

10 RE CROSS-EXAMINATION

11 By Mr. Verner:

12 Q Then why do you fingerprint everybody that you
13 arrest? Fingerprinting is done to confirm a person's
14 identity, right?

15 A I guess that is what the jail does, yes. I have
16 never worked at the jail. Why they fingerprint them is
17 part of their job, part of protocol, I don't know.

18 Q But if you arrested somebody and you were sure who
19 the person was you wouldn't say there is no need to
20 fingerprint him, would you?

21 A We wouldn't make that call anyways, the protocol to
22 fingerprint them all.

23 Q Thank you.

24 A Yes, sir.

25 THE COURT: You can step down. Thank you. Call your

1 next witness.

2 MR. DANIEL: The State calls Lawrence Zivkovich.

3 DIRECT EXAMINATION

4 By Mr. Daniel:

5 Q Mr. Zivkovich, you are employed at the South Carolina
6 Law Enforcement Division, SLED?

7 A That's correct.

8 Q What is your job at SLED?

9 A I am a forensic scientist, I work in the drug
10 identification department.

11 Q And what is your job working in the drug
12 identification department?

13 A We analyze submitted evidence for the presence of
14 controlled substances.

15 Q So you are a drug analyst?

16 A Yes, sir.

17 Q Okay. And what is your background?

18 A I have got a degree from the University of South
19 Carolina in chemistry and I received a six-month training
20 course when I was hired at SLED for forensic chemistry
21 also. And I received courses from the Drug Enforcement
22 Administration and also the University of West Virginia.

23 Q And you have a Masters Degrees, certain
24 certifications, things like that?

25 A No sir, just a Bachelor in Science and Chemistry.

1 Q You received continuing educational training?

2 A That's correct.

3 Q So you have a background in chemistry?

4 A Yes, sir.

5 Q And how long have you been working at SLED in that
6 capacity as a drug analyst?

7 A A little over 11 years.

8 Q Okay. And have you ever testified in court before?

9 A I have.

10 Q As an expert witness?

11 A Yes, sir.

12 Q In what particular field?

13 A Drug chemistry.

14 Q And you have testified for us as well in drug cases?

15 A I have.

16 Q And so your job is to analyze drugs that are
17 submitted to your agency?

18 A Yes, sir.

19 Q And you are to determine if they are chemically, in
20 fact drugs, they meet that chemical criteria for being a
21 certain drug?

22 A Yes, sir. We just analyze unknown substances to see
23 if there is a presence of controlled substances in them.

24 Q Something suspected to be crack or cocaine you are
25 able to either confirm or basically say, negative?

1 A That's correct.

2 Q So if something is baby powder it would test
3 negative?

4 A Yes, sir.

5 Q And if it is truly drugs it will test positive?

6 A Yes, sir.

7 Q Okay. And how do you test these substances, what is
8 your method?

9 A There is different means, we have a gas
10 chromatograph, we also have an instrument called a FTIR
11 which is a fourier transformer. And then we also spot
12 test for an indicative test before we use our
13 instrumentation.

14 Q And are these instruments you use frequently tested
15 for accuracy and reliability?

16 A Yes, sir.

17 MR. DANIEL: Your Honor, at this time I would offer
18 Mr. Zivkovich as an expert witness in the field of
19 chemistry as it pertains to the testing and analysis of
20 controlled substances.

21 THE COURT: No objection to his qualifications, Mr.
22 Verner?

23 MR. VERNER: No objection.

24 THE COURT: Ladies and gentlemen, in this case the
25 parties agree that Mr. Zivkovich is qualified as an expert

1 in the field of chemical analysis of narcotics. And so he
2 is permitted to give opinion testimony. Normally a
3 witness is only limited to something that they may have
4 observed or heard or smelled, et cetera. Mr. Zivkovich is
5 stipulated to be an expert in the field of chemical
6 analysis and can give opinion testimony that you may use
7 as you deem appropriate.

8 MR. VERNER: Your Honor,--

9 THE COURT: Yes.

10 MR. VERNER: I didn't stipulate.

11 THE COURT: Because there is no objection to Mr.
12 Zivkovich being an expert in this field he can give
13 opinion testimony. You can continue, Mr. Daniel.

14 Q All right, Mr. Zivkovich, so when another law
15 enforcement agency in this State sees drug evidence they
16 will send it down to SLED so you can test it, right?

17 A That's correct.

18 Q To see if, in fact, it is the substance that is
19 afforded to be, is that right?

20 A Yes, sir.

21 Q All right. I am going to hand you what has been
22 marked for ID purposes as State's number 6. Do you
23 recognize this?

24 MR. VERNER: What number was that?

25 MR. DANIEL: Six.

1 A Yes sir, this is a drug report that I issued for case
2 lab number L17-01095.

3 Q Okay. And so you issued a report and you just gave
4 the SLED lab number. Is there also a specific number as
5 it pertains to the law enforcement agency that submitted
6 the drugs?

7 A We have a submitting agency's case number.

8 Q What case number is that?

9 A It is 1700104.

10 Q And what agency submitted these drugs to you guys for
11 testing?

12 A The Newberry County Sheriffs Office.

13 Q And who submitted it from the Newberry Sheriffs
14 Office?

15 A Michael Stribble.

16 Q Okay. And is there a suspect identified or
17 associated with this drug evidence on your report?

18 A Yes, sir.

19 Q Who is that?

20 A It is Reginald Scurry.

21 Q And then I am going to hand you what has been marked
22 for ID purposes as State's number 4. Do you recognize
23 that?

24 A It is a Best Kit with my initials on it and I can
25 read the lab number on the inside but I can't see the

1 front of it to identify it.

2 Q Is that lab number on that packaging match the lab
3 number that is on that report?

4 A It does.

5 MR. DANIEL: Your Honor, at this time I would offer
6 the drug analysis report, number 6, for admission in
7 evidence.

8 MR. VERNER: No objection.

9 THE COURT: Without objection 6 is in evidence.

10 (Whereupon, State's Exhibit 6 was admitted into
11 evidence.)

12 Q And that is the drug evidence in this case, correct,
13 State's number 4 that I handed you?

14 A Yes, sir.

15 Q And that has your initials on it?

16 A That's correct.

17 Q And you tested this drug evidence, correct?

18 A That's correct.

19 Q What were your results?

20 A I found it contained cocaine base, commonly known as
21 crack with a net weight of 82.44 grams.

22 Q So you took the drug evidence out of the packaging
23 and weighed the drug evidence itself?

24 A Yes, sir.

25 Q So the weight you have there is just the drug

1 evidence itself, no packaging?

2 A That's correct.

3 Q And so that weight you came up with, lab weight,
4 would be 82.44 grams?

5 A Yes, sir.

6 Q And it did test positive for being crack cocaine?

7 A That's correct.

8 Q And is your scale at SLED that you weigh drugs, is it
9 properly calibrated?

10 A Yes, sir.

11 Q For accuracy and all of that?

12 A It is.

13 Q And all the instrumentation that you used, did you
14 believe it to be in working order?

15 A Yes, sir.

16 Q So in your expert opinion is the drug evidence,
17 State's number 4 I handed you is crack cocaine, in your
18 expert opinion?

19 A Yes, sir.

20 MR. DANIEL: Your Honor, at this time I would offer
21 State's number 4, the drug evidence, for admission into
22 evidence.

23 THE COURT: No objection?

24 MR. VERNER: I thought he did through Mr. Stribble
25 but if he didn't I don't object now.

1 THE COURT: State's 4 will be in evidence.

2 (Whereupon, State's Exhibit 4 was admitted into
3 evidence.)

4 Q What date did you test this drug evidence?

5 A I actually tested the evidence on January 25th of
6 2017.

7 Q What date did you issue this report?

8 A The report was peer reviewed and finalized on
9 February 3rd, 2017.

10 Q And this report that is published on the TV screen,
11 that is your report that you generated, correct?

12 A Yes, sir.

13 Q You stand by all of those findings?

14 A I do.

15 Q Thank you, Mr. Zivkovich.

16 THE COURT: Cross?

17 CROSS-EXAMINATION

18 By Mr. Verner:

19 Q Agent Zivkovich, SLED is a large State Agency,
20 relatively large State Agency?

21 A Relative, yes sir.

22 Q Large enough there would be people there working that
23 you would have never met?

24 A Yes, sir.

25 Q Okay. Beyond chemistry what are some other things

1 that SLED can do for local enforcement agencies?

2 A They do gunshot, toxicology, fingerprinting, DNA,
3 firearms.

4 Q So it is just not drugs that SLED can help law
5 enforcement make chemical or scientific analysis of?

6 A That's correct.

7 Q They can do gunshot residue?

8 A That's correct.

9 Q And I would assume that there is somebody specially
10 trained with a college degree that does just that
11 particular field or related type incident?

12 A Yes, sir.

13 Q The same with fingerprints?

14 A Yes, sir.

15 Q If law enforcement has fingerprints then there is a
16 large, isn't there like a large data base of fingerprints
17 that SLED has or maintains or uses?

18 A I honestly couldn't speak to any of the other
19 departments.

20 Q You haven't heard of the NCIS?

21 A I mean, I am familiar but I can't basically say what
22 they do or don't have only because I don't work with them.

23 Q What about DNA, does SLED also have scientists who
24 specialize in testing DNA samples?

25 A Yes, sir.

1 Q That is pretty common, isn't it?

2 A To my opinion, yes.

3 Q We are not talking science fiction, we are talking
4 things that SLED does on a day-to-day basis?

5 A That's correct.

6 Q All the time?

7 A Yes, sir.

8 Q Now the fact that you have got a suspect on your Best
9 Kit that is sent to you, that is not something that you
10 have anything in determining, is it?

11 A That's correct.

12 Q That is something they give you for their records but
13 the fact that anybody's name on it, it has absolutely no
14 bearing on your test, right?

15 A That's correct.

16 Q In fact you wouldn't know from Adam anybody's name?

17 A I mean sometimes we work them with no name on them.

18 Q Okay. But just the point of my question is, the fact
19 that a suspect's name is on a test result has nothing to
20 do with the SLED analysis?

21 A That's correct.

22 Q Thank you, Agent.

23 REDIRECT EXAMINATION

24 By Mr. Daniel:

25 Q You have your chain of custody on this drug evidence

1 with you?

2 A I do.

3 Q Go through the date the evidence was first received
4 by SLED.

5 A Michael Stribble of the Newberry County Sheriffs
6 Office brought the drugs into SLED on January 19th, 2017.
7 And they were received by Doris Yarborough who placed them
8 into the storage intake holding area. And then on January
9 20th Doris Yarborough took the drugs out of the intake
10 storage and gave them to myself. After I completed the
11 analysis I sent them back downstairs and gave them to
12 Doris Yarborough on February 7th, 2017 who then put them
13 back into the holding area for agency pickup. And it was
14 picked up on May 5th, 2017 by Michael Stribble of the
15 Newberry County Sheriffs Office.

16 Q Any indication that this drug, this drug evidence was
17 tampered with in any way?

18 MR. VERNER: Your Honor, one, I haven't raised that
19 inference. And, two, that is beyond the scope. They had
20 a chance to question the witness, my turn, and they can't
21 just open up the subject. I never even raised that
22 allegation.

23 THE COURT: Sustained.

24 MR. DANIEL: Thank you, Your Honor.

25 MR. VERNER: Thank you, Your Honor.

1 THE COURT: You can step down. Call your next
2 witness.

3 MR. DANIEL: Your Honor, the State rest at this time.

4 THE COURT: Ladies and gentlemen, there are a few
5 matters that the Court needs to take up with the attorneys
6 before you receive anything further. Go ahead and adjourn
7 to the back, I hope to not keep you very long and get you
8 back out here ASAP. But not time to discuss the case so
9 don't. Adjourn to the jury room and I'll have you back as
10 soon as possible.

11 (Whereupon, the jury was excused from open court.)

12 THE COURT: Mr. Verner, I assume that the defense
13 moves for a directed verdict, renews all prior motions and
14 would argue that the State has failed to present
15 sufficient direct or circumstantial evidence of the
16 Defendant's possession of the narcotics. Is that correct?

17 MR. VERNER: It is, Your Honor. And just brief but
18 more specificity. I also move to renew my motion for
19 directed verdict for the failure of the officer to wear
20 what I submit is a body cam, legally required body camera
21 on the identification issue case. And finally on the, not
22 on all fours, but kind of a Biggers issue, Neil v. Biggers
23 issue with the, we understand that the Court is willing to
24 tell me that it is a weight question. But we would, the
25 identification is unduly suggestive, demands on using

1 driver's license and driving photo. That is the only
2 photograph that the officer had to compare against the
3 suspect. And I would suggest that that could be unduly
4 suggestive even to the Trooper.

5 THE COURT: I do understand your position. In the
6 light most favorable to the State there is sufficient
7 evidence from which the jury could reasonably conclude
8 that the Defendant was the person driving the car and he
9 was the one that threw the narcotics out the passenger
10 window of the car. So your motion for directed verdict is
11 denied. All other motions, same rulings as before. Does
12 the Defense intend to offer a case?

13 MR. VERNER: Your Honor, we have got Ms. Courtney
14 Burris outside the courtroom and I would definitely call
15 her. And then we haven't made a final decision on my
16 client. If the Court wants to admonish him. I don't know
17 if the Court, I typically like the admonishment, the
18 rights.

19 THE COURT: Sure. I think I will just review it with
20 him briefly. Mr. Scurry, I just have to ask you a few
21 questions, they won't be meris type questions about the
22 facts of the case. I just got to put you under oath,
23 okay.

24 REGINALD SCURRY, being
25 first duly sworn, testified as follows:

1 THE COURT: Sir, you are Reginald Scurry, correct?

2 MR. SCURRY: Yes, sir.

3 THE COURT: Mr. Scurry, understand that we have
4 gotten to that point in the trial where Mr. Verner and
5 you, Mr. Verner tells me that basically he has one witness
6 he intends to call here in a few moments. And once that
7 witness testifies, before that witness testifies, if you
8 wanted to you understand you could testify yourself?

9 MR. SCURRY: Yes, sir.

10 THE COURT: Do you understand, sir?

11 MR. SCURRY: Yes, sir.

12 THE COURT: Now, I haven't really discussed with the
13 Solicitor or your attorney the potential for impeachment
14 for prior crimes. I am not quite sure what your criminal
15 history is, they mentioned to me that you do have perhaps
16 a few prior narcotics offenses. But, again, I haven't
17 made any particular ruling on that, whether they would be
18 or ask you about those prior convictions that you have.
19 Do you understand?

20 MR. SCURRY: Yes, sir.

21 THE COURT: If you have any prior convictions for
22 crimes involving dishonesty, like shoplifting or larceny,
23 things of that nature then the State would probably ask
24 you about those. But understand that if you choose to
25 testify you will have to answer any relevant questions put

1 to you and perhaps portions of your criminal history could
2 be admitted or you could be asked about those to the
3 effect of as it relates to your credibility. Do you
4 understand, sir?

5 MR. SCURRY: Yes, sir.

6 THE COURT: Mr. Scurry, whether or not you choose to
7 testify is entirely up to you. If you decide you want to
8 testify you are free to do that. If you decide, however,
9 you don't want to testify understand I will explain to the
10 jury they can't discuss your failure to testify, they
11 can't use that as evidence of guilt in any way, shape or
12 form, they can't even talk about it in the jury room. Do
13 you understand that, Mr. Scurry?

14 MR. SCURRY: Yes, sir.

15 THE COURT: Now this Fifth Amendment right is your
16 right. Understand that only you can waive it. You are
17 free to talk to whoever you want to about it and candidly
18 Mr. Verner has such great trial experience I would discuss
19 whether or not he thinks it is appropriate, you testify or
20 not. But ultimately whether you choose to testify is your
21 decision to make one-hundred percent. Do you understand,
22 sir?

23 MR. SCURRY: Yes, sir.

24 THE COURT: Now the way I usually leave it, and if
25 you are comfortable with me doing it this way, but the way

1 I usually leave it is if Mr. Verner, at some point during
2 your defense, calls you as a witness to testify I will
3 simply assume that you have directed him, yeah, I want to
4 waive my constitutional rights and then you will be
5 comfortable taking the witness stand. And we will leave
6 it like that or you want me to specifically ask you at
7 some later point and time after this next witness?

8 MR. SCURRY: Whatever you want.

9 THE COURT: We will do it the first way then. Okay.

10 MR. SCURRY: Yes, sir.

11 THE COURT: So you can talk to him about that in a
12 few moments. What kind of record does he have, Solicitor,
13 do we need to address that or do we need to go into that.

14 MR. VERNER: He has got PWID cocaine from Georgia
15 from 2006. But the period of confinement would be within,
16 I guess, the ten year and I believe it goes from the end
17 of the period of confinement. I would say, and then, it
18 is a little bit difficult because it is an out-of-state--

19 THE COURT: And, Mr. Scurry, if you want to have a
20 seat.

21 MR. SCURRY: Okay, thank you.

22 MR. VERNER: That is what I had. Distribution of
23 cocaine and an unlawful use of phone. The State is
24 showing me, Your Honor, a possession of cocaine from
25 November, with intent to distribute from November of 2010.

1 And then a sell of cocaine and then unlawful use of
2 communication, basically unlawful use of telephone type
3 charge from July of 2010.

4 MR. SCOTT: It is the use of communication facility
5 in the commission of a felony. It is a Georgia charge.

6 THE COURT: I have no idea what the elements of that
7 are. And unlawful use of telephone, I don't think
8 necessarily would be a crime of moral turpitude or
9 dishonesty.

10 MR. VERNER: With the charges, Your Honor, I would
11 think that that is kind of, it reads to me as kind of
12 conspiracy to set up a drug deal using the phone. And the
13 only reason I am saying that is because it is with this
14 drug charge. It is using a phone to facilitate a felony
15 coupled with a sell of cocaine. I just, but I am
16 concerned about the prior drug charges being used in a
17 drug case, Your Honor. The State may disagree with me.

18 THE COURT: Solicitor, where are y'all as far as the,
19 if you were to seek to impeach Mr. Scurry, what defenses
20 do you think are germane.

21 MR. SCOTT: The possession of cocaine with intent to
22 distribute and two counts of possession of marijuana from
23 November of 2010 conviction. And then I would probably, I
24 like you, a little bit unclear on the telephone charge, I
25 would stay away from that. But in July a PWID marijuana

1 again and the sell of cocaine from a July of 2010
2 conviction.

3 THE COURT: This being a narcotics trial, Solicitor,
4 point me to some authority that would permit these
5 convictions to be introduced.

6 MR. SCOTT: Just they carry over a year and I don't
7 know what he is going to testify to. Certainly we see how
8 doors can be opened sometimes. I don't know, you know, he
9 gets up there, I hate to put words in his mouth.

10 THE COURT: I understand your position.

11 MR. SCOTT: It could be something potentially I could
12 impeach him with.

13 THE COURT: We are going to take a brief break and
14 you will have my decision on that in a moment.

15 MR. VERNER: Respectfully, the Court's ruling would
16 make a substantial decision on how we proceed.

17 THE COURT: I understand that.

18 MR. SCOTT: Let me say this, I wasn't clear. I
19 probably, I don't foresee a way, just in general
20 cross-examination that I could bring that out and I don't
21 want to reveal. But, again, I could foresee him opening
22 the door to becoming relevant. At that time I would
23 approach sidebar.

24 THE COURT: Is it your position then that you do not
25 intend to, for purposes of credibility, ask him to bring

1 the question of the prior drug record.

2 MR. SCOTT: I don't think I can, Judge, I mean.

3 THE COURT: That is kind of what I was thinking.

4 MR. VERNER: On credibility, I understand the State's
5 abomination that if he talks about the character then--

6 MR. SCOTT: What I would do, again, just so I won't
7 cross any line, I would approach and we can get on the
8 same page and at that point I would use it.

9 THE COURT: My understanding of the case law is that,
10 because it is a crime similar to the one that he is on
11 trial for, the issue of credibility has to be pretty
12 significant and the relevancy of the convictions as they
13 relate to credibility have to substantially outweigh the
14 unfair prejudice. I think that is the way the rule is, am
15 I correct?

16 MR. SCOTT: Yes sir, as I understand.

17 THE COURT: I think we are on the same sheet of
18 music. If he opens the door that is one thing, maybe they
19 can talk or ask him about those prior instances. But
20 otherwise just as it relates to credibility, I am hearing
21 from the Solicitor, he is not going to try to impeach with
22 the 2010, November possession charge or the '06 PWID thing
23 out of Georgia.

24 MR. SCOTT: And the other issue, just to make sure we
25 are all on the same page, we have never been given any

1 notice of an alibi.

2 MR. VERNER: We are not going to offer an alibi.

3 THE COURT: Based upon the speed with which Mr.
4 Verner has gotten prepared on this case I am not sure I
5 would necessarily hold him--

6 MR. VERNER: -- well, we have got the general, it
7 wasn't me alibi, but I am not offering any evidence of a
8 specific alibi.

9 THE COURT: Okay. Fair enough. Five minute break.
10 My Clerk is going to go ahead, well, we are going to make
11 you some copies of what we have in way of instructions.

12 (Whereupon, a short break was taken.)

13 THE COURT: We are back on the record. Have y'all
14 had a chance to look at the instructions.

15 MR. SCOTT: I will pull them up.

16 THE COURT: Let's get the jury in.

17 (Whereupon, the jury came into open court at
18 approximately 3:36 p.m.)

19 THE COURT: Mr. Verner, your case.

20 MR. VERNER: Your Honor, we would call Ms. Courtney
21 Burris.

22 COURTNEY BURRIS, being
23 first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 By Mr. Verner:

1 Q Ms. Burris, I am going to ask you questions over here
2 just so people who need to hear you can hear you, okay.

3 A Yes, sir.

4 Q And, Ms. Burris, where do you live?

5 A I live in Cherokee County.

6 Q Have you always lived in Cherokee?

7 A Yes.

8 Q You ever been to Newberry before?

9 A No.

10 Q This is your first day ever in Newberry?

11 A Yes.

12 Q Welcome to Newberry. What is your relationship with
13 Reginald Scurry?

14 A We are just friends, I am just morally supporting
15 right now.

16 Q Did you use to have a relationship with him?

17 A Yes.

18 Q What was your former relationship?

19 A He was my boyfriend.

20 Q How long were you seeing each other?

21 A About two years.

22 Q Did you ever live together?

23 A Yes.

24 Q Do you have any children together?

25 A No.

1 Q Are you still seeing him or involved romantically
2 with Mr. Scurry?

3 A No.

4 Q Do you believe that the relationship is irretrievably
5 over?

6 A Pretty much, yes.

7 Q If I can ask a little bit personally, are you
8 employed in Cherokee?

9 A No, I am employed in Spartanburg County.

10 Q Oh, in Spartanburg County?

11 A Yes.

12 Q Who do you work for?

13 A Charles Lea.

14 Q I am sorry?

15 A Charles Lea Center.

16 Q What is that?

17 A It is a center for people with disabilities, special
18 needs.

19 Q Okay. Who is your employer?

20 A Charles Lea Center.

21 Q But I mean is that a private group, is that a State
22 group?

23 A It is Department of DDSN, Department of Disabilities
24 and special Needs.

25 Q That is a State agency?

1 A Yes.

2 Q And how long have you been with--

3 A I have only been there six months.

4 Q Did you say the Charles Lea, like a man's name?

5 A L-E-A, yes.

6 Q Okay. And what is your position at the Department of
7 Special Needs and Disabilities?

8 A I am Lead of Director Staff.

9 Q And how long have you been doing that?

10 A Six months.

11 Q What type of work did you do prior?

12 A I was house manager at the Cherokee County
13 Disabilities and Special Needs.

14 Q So how long have you been at the Department of
15 Special Needs and Disabilities?

16 A Roughly two years.

17 Q Okay. At some point did you live with Reginald
18 Scurry?

19 A Yes.

20 Q Where were you living, was this in Cherokee County?

21 A Yes.

22 Q What was the address of that house?

23 A [REDACTED]

24 Q Do you remember January 5th of 2017?

25 A I don't remember the date but I vaguely remember the

1 phone call I received.

2 Q What phone call do you remember receiving?

3 A I answered the phone, he said this is Trooper
4 somebody, I don't remember his name. He asked me did I
5 know Reginald Scurry. I stated, yes. He asked me how do
6 I know him. I said, he is my ex-boyfriend. He said,
7 well, your car has just been involved in a high speed
8 chase. I said, not my car. My car was home when I left
9 where it has been for the past two or three days because I
10 couldn't find the key. I had been catching a ride to work
11 for the past two or three days. He said he pulled him
12 over speeding and that he produced an ID or whatever. But
13 I don't know, I didn't know who is driving the car.

14 Q In those preceding two days had Reginald Scurry been
15 living with you?

16 A No.

17 Q Had he been in your home?

18 A No.

19 Q How long had y'all broken, that he had moved out?

20 A It had probably been roughly three weeks.

21 Q Well, did he have a key to your house?

22 A He did but he gave me the key back. But I still
23 wasn't sure if he had gotten another key made so I
24 actually had my locks changed so he still didn't have
25 access to my home.

1 Q So even if he had made a copy of the key to your
2 house, just because, it was clear that y'all had broken up
3 completely and you went ahead and he moved out and you
4 changed the locks?

5 A Right.

6 Q Did you have a car?

7 A Yes.

8 Q What was your car?

9 A A 2000, I think it was 2010 Kia.

10 Q After Mr. Scurry had moved out of your house, you
11 testified it was roughly three weeks prior to you getting
12 the call from the Trooper?

13 A Yes.

14 Q Had Mr. Scurry at all been in your home?

15 A No.

16 Q Is there anybody else in the home living with you?

17 A Yes. A four-year-old and then my, my
18 eighteen-year-old son.

19 Q Okay. Did you see any kind of evidence that your
20 home had been gone into?

21 A No.

22 Q And you are confident testifying that he had not been
23 in your home for at least three weeks prior to you getting
24 a call from the Trooper?

25 A Yes.

1 Q And when he left, did you use that Kia to get to work
2 yourself?

3 A Yes.

4 Q Did you have like, does a Kia use like a regular key
5 to operate it?

6 A No, it has a key fob to lock and unlock. It had a
7 special key with the magnetic chip in it.

8 Q I still need a actual key to turn the engine, right?

9 A Yes.

10 Q And to open the door?

11 A No, the key fob to lock and unlock. You need the key
12 to start the ignition.

13 Q But you actually, the fob has to be in the car or the
14 engine won't turn on?

15 A The key itself, you need a key to turn the ignition.
16 It didn't have automatic startup.

17 Q But you need the fob with the key to activate the
18 car?

19 A Yes.

20 Q How many fobs did you have to that car?

21 A One.

22 Q Did you ever have more and lose them?

23 A No.

24 Q So if they didn't have the fob they couldn't get your
25 car working?

1 A Right.

2 Q Well, tell me about you losing your fob or somebody
3 taking your fob?

4 A It was probably, it was two or three days prior to me
5 receiving the phone call I couldn't find the key. I know
6 that I did work through the day, I was working from 8:00
7 a.m. until, I never had a cutoff time, it was just
8 whenever because I was on call 24/7. So I, the second day
9 I got ready to go to work and I couldn't find my key. And
10 I was like, I know my key has got to be here. I couldn't
11 find the key anywhere. So I asked my son, I said, has
12 anybody been here while I was at work. He was like, no.
13 I said, are you sure nobody has been here while I was at
14 work. He said, no. I said, where is my key, I could not
15 find my key. So I did, I was like, have you been to my
16 house. He said, no, why. I said, because I can't find my
17 key. And I know my keys was here. I don't have any keys.
18 Okay, fine. So, I kept asking my son has he seen the
19 keys. No. We went all through the house, no keys. Went
20 back to my job, went in my office, looked, keys aren't
21 there. So it is funny to me that the keys disappeared
22 from the house.

23 Q What did you think had happened to your key or what
24 did you suspect?

25 A I really didn't know. I know he had some more stuff

1 that I was getting rid of. And I wasn't sure in the midst
2 of throwing that stuff away that he never came and got, if
3 I threw it away with that stuff or what. I know I threw
4 the stuff away. So if he had came and got the stuff and
5 the key was in there. I don't know. I was just uncertain
6 whether I threw it away with that stuff or not. I didn't
7 know where the key was.

8 Q Okay. So the stuff he had left over from the house
9 you were throwing away?

10 A Right.

11 Q And you had suspected that maybe by accident I had
12 thrown stuff away?

13 A That's what made me call him and ask him, do you have
14 my key.

15 Q After he moved out, you said he moved out about three
16 weeks prior to you getting involved with the Trooper?

17 A True.

18 Q Did he still come to the house to pick up personal
19 belongings?

20 A No, it was just some stuff there that he never came
21 back and got.

22 Q Okay. And you gave him three weeks to get it?

23 A Yes.

24 Q And he didn't come so I got rid of it?

25 A I am throwing it away.

1 Q Okay. But he never came like to the porch and picked
2 up boxes that you left out for him?

3 A No.

4 Q When he left he left?

5 A Yes.

6 Q Did he have a car?

7 A No.

8 Q What about a LeSabre?

9 A It was one parked over there where he stay at but he
10 told me it was his brother's or somebody.

11 Q But he had access, it wasn't in his name?

12 A As far as I know it wasn't, I don't know, that is
13 their personal business, I don't know.

14 Q Where did he live?

15 A Over on, it was in Cherokee County but I can't
16 remember the name of that road. It was off of West Buford
17 Street, a little side road.

18 Q Where was he working at that time?

19 A Brown's Packing.

20 Q The packing plant?

21 A Yes.

22 Q Do you know where he moved to when he left out?

23 A It is, there was a little road off of West Buford
24 Street, I don't know the name of the road but it ran off
25 of West Buford Street in Cherokee County, it was a little

1 side road, I can't remember the name of it.

2 Q How far away is that from your house?

3 A About three miles.

4 Q Okay. Ms. Burris, just one more time, as best you
5 recall. When you got the call from the Trooper, do you
6 remember what time of day it was? I don't need the exact
7 time but just--

8 A Probably, maybe close to noon maybe or a little after
9 noon. I remember I was standing in Walmart, I actually
10 was just going in the store because I had to go buy some
11 stuff for my individuals. So I remember I was walking
12 right through the doors.

13 Q Just one more time for me, as best you recall how did
14 the conversation go word for word?

15 A I answered the phone. He said this is Trooper
16 whatever his name was. Like I said, I don't remember. He
17 said, is this Courtney Burris. I said, yes. He said, do
18 you know Reginald Scurry. I said, yes. He said, how well
19 do you know him. I said he is my ex-boyfriend. He said,
20 do you own a Kia. I said, yes. He said, well your car
21 was involved in a high speed chase here in Newberry
22 County. I said, are you sure. He said, yes. He was
23 traveling at a high rate of speed. I turned around to
24 stop him. I actually think I seen something being thrown
25 out the window. He said, when I pulled him over and went

1 to the car I asked him for a driver's license. He said,
2 he didn't have one but produced an ID. When I was going
3 back to the car, walking away from the car or something,
4 said he sped off.

5 Q Okay. Did you tell him that it was Reginald Scurry
6 driving the car?

7 A I did not.

8 Q Who brought up the name, Reginald Scurry?

9 A The officer did on the phone.

10 Q In fact, that is really the first thing he had asked
11 you, do you know who Reginald Scurry is?

12 A Yes, sir.

13 Q Is it possible he might have gotten, he might have
14 misunderstood you when he said it was Reginald Scurry
15 driving--

16 A Is it possible that he might have misunderstood me?

17 Q Did you have any reason to doubt him when he said it
18 was Reginald Scurry driving?

19 A I did because I, that just didn't sound right to me,
20 for him to say that was him driving. So that is why I
21 said, are you sure.

22 Q Okay. Do you have a pretty clear recollection of the
23 conversation with the Officer?

24 A I do, he called me several times, several times that
25 day and the following days after that wanting me to meet

1 up and give a statement. I couldn't give a statement.
2 The reason I couldn't give a statement because I don't
3 know who was driving the car. So by when I write a
4 statement putting his name in the car when I went in.

5 Q Where were you, did you work that day?

6 A I did.

7 Q How did you get to work that day?

8 A That day my son took me to work.

9 Q And you had been during, somebody had to take you to
10 work about how long prior to this call from the Trooper?

11 A It was two or three days.

12 Q Okay. And when you left for work the car was still
13 in the home?

14 A Yes.

15 Q And where, do you normally keep your car unlocked or
16 locked in the yard?

17 A Locked.

18 Q Okay. And you only got one fob, right?

19 A Yes. I couldn't even get my work badge. I said, how
20 did you know to call this number. He said, your work
21 badge was hanging around the review mirror. So I didn't
22 know if maybe he had did something to hurt you and that
23 was the reason he sped off or not, is what he told me.

24 Q Okay. Trooper Lazar?

25 A Yes, whichever Trooper it was talking to me.

1 Q Did law enforcement ever come to your office or to
2 work or to your home to interview you?

3 A No. Yes, they sent an officer from Cherokee, they
4 sent an officer from Cherokee to get my statement about
5 the car being taken, yes.

6 Q Was anybody prosecuted for stealing your car?

7 A No.

8 Q Did you know, I will ask you under oath, do you know
9 who was driving your car on that day?

10 A I don't.

11 Q When you and Reggie were together, you and Mr. Scurry
12 together, had he ever been in your car before?

13 A With me driving.

14 Q Do you know if he ever used to keep a wallet in
15 there?

16 A He did.

17 Q And just, who was the lady you came to the Court
18 House with today?

19 A That's my sister.

20 Q Okay. You lived with Reginald or how long, with Mr.
21 Scurry for how long?

22 A Probably roughly a year.

23 Q And he had been in your car several times before?

24 A Yes, with me driving.

25 Q Had he ever driven the car, is my question?

1 A No.

2 Q Ms. Burris, if the Prosecutor has any questions for
3 you.

4 CROSS-EXAMINATION

5 By Mr. Scott:

6 Q You said he lived with you about a year at the
7 Indiana Circle address?

8 A Yes.

9 Q Do you remember when he moved in?

10 A I don't. It was probably, maybe August of '16 or
11 '17.

12 Q And then he moved out three weeks before this
13 incident date. So if this was January of 2017, early
14 January of 2017 is when he moved out?

15 A Yes.

16 Q And how would y'all describe y'all's breakup?

17 A It was ugly.

18 Q Ugly. Okay. But you said you are here to morally
19 support him though, correct?

20 A I don't have any hard feelings against him.

21 Q Ugly breakup though. But you have been talking to
22 him the last couple of days, haven't you?

23 A I have.

24 Q And y'all have been discussing what you were going to
25 be here today?

1 A No, we haven't. I didn't even know I was going to be
2 here today until the lawyer called me.

3 Q Okay. And so, during that year, do y'all have kids
4 together?

5 A No.

6 Q But he lived in that home for a year and you said,
7 two or three weeks before this is when he moved out?

8 A Yes.

9 Q So he would have been familiar with the home, would
10 you agree, living there a year?

11 A Of course, he lived there.

12 Q And so tell me, you remember driving the car home
13 from work, is that what you are saying?

14 A On which day are you talking?

15 Q When the keys get lost?

16 A The date of the keys, yes.

17 Q Okay. And do you remember what you did with the keys
18 when you got home, do you usually just put them in your
19 purse or hang them on the wall?

20 A No, I usually just lay them just where ever. But
21 like I said, when I got home that day I was actually
22 packing up the rest of that stuff that I had asked him to
23 come and get and he never would come and get it. So, once
24 I packed it up I set it out there. He said he was going
25 to send his brother to get it or whatever so I wasn't sure

1 if I threw it in there when I was packing the stuff or
2 what. I was just trying to get it out of my house.

3 Q Okay.

4 A I was done with the situation, period.

5 Q And then where did you put the clothes?

6 A I put them outside of the trashcan, on the end of the
7 road on the curb.

8 Q So maybe he came by and got the clothes?

9 A Him, brother, somebody, I don't know.

10 Q And then you think the keys may have been in those
11 clothes, right?

12 A I can't say that they were.

13 Q You said that earlier though.

14 A No, I didn't say they were in there, I said it was a
15 possibility that I threw them away while packing that
16 stuff. I can't say that's what I done.

17 Q That is an explanation of how he could have gotten
18 the keys.

19 A But I am not saying that is what happened to the
20 keys.

21 Q You came up with the explanation earlier. I didn't
22 say it, I don't know anything about your clothes you put
23 out by the curb. But you said--

24 A There's a possibility that I placed the keys when I
25 was getting rid of the stuff. That's not saying that I

1 did, that's not a positive, that's a possibility. There's
2 a difference.

3 Q That's a good possibility, I agree with you. Because
4 what else would have happened to them. You remember
5 driving home, you had to have the key fob to operate the
6 car to get home, right?

7 A True.

8 Q And then probably sat them down in the same place
9 every night or general area so you will remember where to
10 find them in the morning, right?

11 A I actually don't, I just lay them where ever. It may
12 be the kitchen table, it may be on my nightstand. They
13 may be on the counter in the kitchen, just whatever room I
14 go to first.

15 Q We can probably safely say those keys aren't in your
16 house, right. You haven't found them and it has been over
17 a year and a half?

18 A Right, I haven't.

19 Q So they somehow left your house and we need to figure
20 out how they left your house, right?

21 A Correct.

22 Q You have got a four-year-old there?

23 A Right.

24 Q Did he admit to taking the keys and hiding them or
25 anything?

1 A Of course not.

2 Q You said a fifteen-year-old?

3 A He is now 19, he was 18 then, 17, 18.

4 Q Did he, do you know where his whereabouts were that
5 day, certainly you didn't have to go pick him out of
6 Laurens County, did you?

7 A No.

8 Q So we don't think it was him. Did he ever admit to
9 hiding them or anything?

10 A No.

11 Q Okay. So I think your explanation is a good one,
12 that maybe when you were putting all those clothes out by
13 the curb the keys were somehow in that pile of Mr.
14 Scurry's clothes that you left out there for him. And you
15 indicated to him that you were going to be getting rid of
16 them, you said, because you had been trying to tell him to
17 come over and pick them up. And he wouldn't do it, right?

18 A Correct.

19 Q And you guys, you had a ugly breakup. You said that,
20 you said something, you did not give a statement. You
21 said they asked you to give a statement but you didn't
22 give one?

23 A No, I didn't.

24 Q Okay. Wouldn't you have, did you not think it would
25 have been, at that point, something to tell them as far

1 as, hey, you know what, my keys are missing. That is
2 interesting that y'all found my car wrecked. My keys have
3 been missing. You didn't tell law enforcement that, did
4 you?

5 A Yes, I did. I told them over the phone that I
6 haven't been able to find my keys in several days, that I
7 had been catching a ride to work.

8 Q Let me show you something. You live in Cherokee
9 County. So if you report something you go to Cherokee
10 County Sheriffs Department, right?

11 A Correct.

12 Q Your birthdate is [REDACTED]?

13 A Yes.

14 Q Courtney Marie Burris, Maria?

15 A Maria, yes.

16 Q At some point did you have a [REDACTED] cell phone?

17 A It's the same number I have now.

18 Q Okay. Do you recall, recall filing a report with the
19 sheriffs department about the vehicle taken without
20 owner's consent?

21 A I did. Because that is what the insurance company
22 told me I had to do, that was after the officer called me
23 and told me my car had been totaled, was his words, I'm
24 sure your car is totaled.

25 Q And you remember speaking with a Deputy Alvin

1 Jennings?

2 A If he is the one that came out to my house.

3 Q Upon arriving on scene at [REDACTED] that's
4 where you live. Do you remember speaking with him?

5 A Briefly.

6 Q You remember telling him Reginald Scurry stole your
7 car and wrecked it in Laurens County?

8 A No. I told him that the officer stated that Reginald
9 Scurry was driving the car and wrecked into Laurens
10 County.

11 Q Well, read his narrative that he wrote after speaking
12 with you, down at the bottom.

13 A No, that's not correct. I didn't tell him that he
14 stole it. I told him that the officer stated that Reginal
15 Scurry was driving my car and wrecked it in Laurens
16 County.

17 Q That's not what he wrote in his report, is it?

18 A I can't help what he wrote.

19 Q And did he write anything about a missing key fob?

20 A No.

21 Q Okay. And it is safe to say, there is no document,
22 there is no law enforcement document that ever mentions
23 you talking about a missing key fob, does there?

24 A To the insurance company. Did y'all get the
25 paperwork from them?

1 Q Do you have it, that would be your document?

2 A No, I don't have it now.

3 Q Well, you didn't bring it with you?

4 A Of course not.

5 Q Okay. And you are here to morally support Reginald
6 Scurry, correct?

7 A Correct.

8 Q Okay. Thank you.

9 THE COURT: You can step down.

10 MR. VERNER: I have got, she is under my subpoena, I
11 need a second to make sure that she has got the paperwork
12 and released for work.

13 THE COURT: We can take a break. Ladies and
14 gentlemen, we will take a short break. Five minutes.
15 Don't discuss the case. We are coming up on 5:00 o'clock.
16 I don't know if maybe, I know it is Wednesday night, maybe
17 some of you have services at your church. I don't know if
18 you have any obligations that you absolutely have to
19 attend to or maybe it is a kid coming home from school or
20 something. Get a feel for what time of timeframe we are
21 operating on. It typically takes about 45 minutes in
22 terms of instructions. It may be that we have to break
23 for the night. Get a feel if there is any conflicts this
24 evening with prior obligations. And I will ask you about
25 that when you come back. Don't talk about the case.

1 (Whereupon, the jury was excused from open court for
2 a break.)

3 THE COURT: Charles, let me know where you are.

4 MR. VERNER: Yes sir, he is going to testify.

5 THE COURT: All right.

6 (Whereupon, a short break was taken.)

7 THE COURT: Are you ready to proceed everybody. Mr.
8 Verner, are you ready to go?

9 MR. VERNER: He is going to testify.

10 THE COURT: Let's bring the jury in, please.

11 (Whereupon, the jury came into open court at
12 approximately 4:15 p.m.)

13 THE COURT: The record will reflect that the jury is
14 back and seated. Mr. Verner, you may proceed, sir.

15 MR. VERNER: Your Honor, I would ask Mr. Reginald
16 Scurry to take the witness stand.

17 REGINALD SCURRY, being
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 By Mr. Verner:

21 Q Mr. Scurry, where do you live?

22 A I stay off of Brown Road.

23 Q In Cherokee County?

24 A Yes, in South Carolina.

25 Q How old are you, Mr. Scurry?

1 A I am 42 years old.

2 Q Were you working in Cherokee County?

3 A Yes, I was working at Brown Packing, slaughtering
4 cows.

5 Q I guess we all want to know, were you in Newberry
6 County on January 5th of 2017?

7 A No, I wasn't.

8 Q You remember your relationship with Ms. Burris?

9 A Yes, I do.

10 Q When you moved, do you know when you moved out?

11 A I don't know the date, I don't know the date.

12 Q When you moved out did you have a car?

13 A Yes. My mom had passed away in 2012 and she left me
14 and my brother her vehicle and we were taking good care of
15 it.

16 Q What kind of car was that?

17 A A Buick LeSabre, a gray Buick LeSabre.

18 Q Did you ever go back to Ms. Scurry's house to get the
19 rest of your belongings?

20 A Did I go where?

21 Q After you broke up with Ms. Scurry did you ever go
22 back to her home?

23 A No. To get my stuff?

24 Q Right.

25 A No, because she had said she had left it by the

1 dumpster and I was like, I am not going there by the
2 dumpster. I had got all the good stuff.

3 Q So she left stuff on the side of the road and you
4 didn't go back to her home and pick it up?

5 A No. At the time I ain't had no ride, I ain't had no
6 ride so I figured by in the morning the trash people had
7 got it.

8 Q Is it fair to say that you weren't arrested for
9 several weeks after this incident?

10 A Yes. I was at work, I was working. And an officer
11 come to my house, I got pulled over, you know.

12 Q Do you deny being the driver of that car?

13 A No, I wasn't the driver.

14 Q You deny that you were driving?

15 A I wasn't the driver.

16 Q Do you know who could have been the driver?

17 A I am thinking, like somebody she dealing with, you
18 know what I am saying or was dealing with, was driving the
19 car. You know, she had, like I said, I have two ID's.
20 She had my wallet because I left, I let her keep my check
21 card. She has to have my ID to keep my check card in the
22 car.

23 Q Tell me about, while you were living with her did you
24 ever keep a wallet in her car?

25 A Yes. She kept my wallet, she kept my wallet in the

1 car. Most man's, you know, give their girls, you know
2 what I am saying, their check card to pay bills. And when
3 she swipe the card, swipe my work card, because my check
4 goes stright to my card. And when she swipe my check card
5 they might ask for identification because they know us
6 around town, she will show them my identification. So
7 that is the reason why my wallet was in her car. I always
8 had another ID.

9 Q And we are not talking about having multiple
10 licenses, we are talking about having multiple,
11 identification cards?

12 A Yes, sir. Yes, sir. Because I keep, you know, when
13 I cut somebody's grass or something they are writing me a
14 check or something.

15 Q Are you sure you weren't the man in Newberry on this
16 day?

17 A No, I wasn't. That wasn't me.

18 Q I am sure the prosecutor wants to ask you some
19 questions.

20 CROSS-EXAMINATION

21 By Mr. Scott:

22 Q Tell me about the gray LeSabre?

23 A Sir?

24 Q Tell me about the gray LeSabre?

25 A My mom had passed in 2012 and she left it to me and

1. my brother.

2. Q And so that is how you would, that is the car you
3. would use?

4. A Yes, sir.

5. Q Why did you testify you didn't have a ride to go get
6. your clothes then?

7. A Because she left it to me and brother, at the time my
8. brother had it. And at the time I really didn't want to
9. go by her house. Like I said, we were seeing other people
10. and I just couldn't stand to see her with nobody else. So
11. that is why I didn't go around her house.

12. Q Okay. That is why you didn't go get your clothes?

13. A No, I felt like that was the last little bit of
14. stuff. Because she had gave me all of my good stuff.
15. That was like, little t-shirts that I used to work in and
16. stuff like that. So I was like the trash, people can get
17. it.

18. Q So you did have a ride to go there?

19. A No. My brother, at the time my brother was gone.

20. Q What other cars did you have then?

21. A I just had the Buick LeSabre.

22. Q You didn't drive any other cars?

23. A Who, me?

24. Q Yes.

25. A Rental cars and stuff like that occasionally.

1 Q You would rent cars sometimes too?

2 A Yes.

3 Q So you did have a ride to go over there?

4 A Not at the time I didn't have no rental car, not on
5 that day.

6 Q Tell us about, you said earlier, they arrested you
7 about a month later. You said an officer came to your
8 house but then you said you got pulled over?

9 A I had gotten for a signal light.

10 Q What?

11 A A signal light.

12 Q A signal light. What were you driving then?

13 A A rental car.

14 Q What kind?

15 A It was a chevy.

16 Q And how many identification cards do you have?

17 A I have two.

18 Q And tell us more about, you broke up with Courtney?

19 A Yes, sir. Well, she broke up with me. She kicks me
20 out, she kicked me out of the house, packed all of my
21 stuff and told me she wanted her key. I gave her her key
22 back because I didn't want anybody to have a key to my
23 house. So I gave her key back. And she changed the
24 locks, she said she had changed the locks and don't try to
25 come back.

1 Q But y'all are still talking to each other, right.
2 You have been calling her this week?

3 A Yes, I call her and check up on her. You know what I
4 am saying, she answers the phone but, you know, she don't
5 see me no more, you know what I am saying. I respect her
6 relationship.

7 Q Y'all moved on. After the breakup she changed the
8 locks on you, you said she kicked you out, threw all of
9 your clothes on the side of the road?

10 A Not all of my clothes. She just throwing like the
11 stuff I used to work in and stuff like that, work clothes
12 and stuff like that.

13 Q But she put them out by the dumpster?

14 A Yes, she told me they were by the dumpster.

15 Q Why is it that you let her keep your wallet and your
16 ID?

17 A Because when we was staying together, when we was
18 staying together I worked, you know, being a man and being
19 at work, she kept my check card. My check goes straight
20 to the card. And I know my light bill, my rent, all of
21 that going to get paid as long as she got the money. She
22 buy me everything that I need, my cigarettes, what I need
23 she buy them. And she have my ID. So I had gotten
24 another one, I had gotten another one, you know what I am
25 saying. She bought me the wallet, I don't tote no wallet

1 and I just left it in the car one day.

2 Q You didn't think after y'all broke up and she was
3 changing locks and everything you wanted your wallet and
4 your check card and your ID back?

5 A No because at my job, at my job she might had
6 mentioned it, you know what I am saying. By our breakup
7 she is telling me, I am not giving you that stuff back.
8 So I got another card, so that card she had, one active so
9 I ain't worried about the wallet or ID.

10 Q Okay. I thought you said you let her have it,
11 though, so she could use it?

12 A When we were together.

13 Q Tell me again, why didn't you want the check card and
14 the wallet and the ID back after y'all broke up. That
15 wasn't important to you?

16 A Listen, it was important to me. I asked for it back,
17 she told me she wasn't going to give it back to me. So, I
18 got my job to make another card, you know you can get
19 another card. And her card wasn't active no more.

20 Q Tell me though, why would she need your ID to use
21 your check card, how does that work?

22 A Because around Gaffney they know us, you know what I
23 am saying. They might say, this is Reginald's card, do
24 you have his ID. And some stores she will show my ID. I
25 done been with her before and you know what I am saying,

1 she showed them my ID and they let her use it.

2 Q Well, I don't understand that. I mean, if I have got
3 your debit card and I have got a picture of you, your ID,
4 why would anybody let me use your debit card because I
5 clearly don't look like you, do I?

6 A No. Like I told you, people in Gaffney know her.
7 She born and raised in Gaffney, you know what I am saying.
8 And I guess, they know we was together, you know what I am
9 saying. And she have my wallet and when she swiped the
10 card like Ms. Courtney Burris, this is not your card, this
11 is Reginald's, you know what I am saying, she showed her
12 ID. And some people let her swipe it, not all the stores
13 but some stores and I just let her keep my wallet and my,
14 I just make sure, I just make sure she pay my bills and
15 stuff like that.

16 Q This is the way I understand it. When I have my
17 debit card, it says Dale Scott and I try to pay or
18 something. And they say, well, I need your ID. They look
19 at the ID and they look at me and say, yeah, that's him.
20 And that name matches the debit card. How is that going
21 to help Courtney when she holds up a picture of you to use
22 your debit card?

23 A Like I said one-hundred times before. Some stores
24 asked her, you know what I am saying, is she got my debit
25 card and she swiped my debit card some stores might say,

1 they know her, you know what I am saying. Courtney, this
2 ain't your card. Well, this is Reginald's card. But
3 people in Gaffney know me as Meatloaf. You know what I am
4 saying, my face and stuff, they know me as Meatloaf. She,
5 she show them a picture of me. She shows a picture of me
6 and they know we are together so they let her use my card.
7 But she don't use my card all the time, but just like
8 paying bills on line and stuff like that to make sure my
9 bills are paid, make sure I don't run off with the money I
10 just give her my card and she have all of my
11 identification. And I had my own, it is just my wallet,
12 when I give her my card I just gave her my wallet but I
13 had another ID for my own so I don't know, the ID is just
14 in the wallet and I know she had it in the car.

15 Q So how many ID's do you have?

16 A I have two ID's and you can check in Cherokee,
17 driver's license place. Since I have moved to South
18 Carolina I have done printed two ID's.

19 Q Why do you need two ID's?

20 A Because she had one and I had one.

21 Q Are you finished explaining why she had your debit
22 card and your ID?

23 A Yes, sir.

24 Q You listened to that video or you watched that video
25 earlier?

1 A Yes, sir.

2 Q Did you hear the driver's voice in that video?

3 A Yes, sir.

4 Q Sound like your voice, didn't it?

5 A No.

6 Q It didn't?

7 A No, that did not sound like me.

8 Q Okay. How would you describe your build, are you
9 small or large build, what would you say you are?

10 A Well, I have been locked up 15 months. I am big, I
11 have ate so many honey buns I am big.

12 Q Okay. What were you before you got locked up?

13 A I was working, I was working at a slaughter house, I
14 had slimmed all the way down. I had slimmed all the way
15 down but I have been locked up almost 16 months doing
16 nothing.

17 Q Well, what would you describe the build of the person
18 who is 5 foot 11, 302 pounds?

19 A That is when I first moved, that is when I first
20 moved to Gaffney I had got that ID.

21 Q So you were large and then you got skinny and now you
22 are large again?

23 A Yeah, when I got my job, when I got my job, if y'all
24 want to do y'all's research, when I got my job
25 slaughtering cows, back then the room is real hot but you

1 will slim down. But by me locked up for 15 months I
2 gained my weight back.

3 Q Okay. How long have you had the gold teeth, is that
4 something that you had for a while?

5 A I had my gold, my mom bought me these gold teeth when
6 I was in high school. If you pay attention, if you pay
7 attention to my gold, they are so old, my teeth done
8 grew out of them. This ain't nothing new, you know what
9 I am saying. I had them in high school, I was a real pro
10 football player. And, you know, back in the '90's, '95,
11 '96, gold teeth was in style. And I wanted to be the
12 person with the gold teeth.

13 Q Okay. So you would have had them January 5th of
14 2017?

15 A Yes, I had them all my life.

16 Q Do you remember the Kia that Courtney had, the white
17 Kia?

18 A Yes, sir.

19 Q You have been in that car before?

20 A Yeah, I been in it before.

21 Q I think that is all the questions I have.

22 REDIRECT EXAMINATION

23 By Mr. Verner:

24 Q Do you know anybody, any other black men with gold
25 teeth?

1 A I know millions of people with gold teeth. I know
2 all of my friends, all of my, all, her friends, her son's
3 friends, her daughter's friends, you know what I am
4 saying.

5 Q It is unusual but it is not, you are not the only
6 person in South Carolina with gold teeth?

7 A It is ninety-percent of people in South Carolina got
8 gold teeth in their mouth. I am not the only black person
9 with gold in their mouth.

10 Q Thank you, Mr. Scurry.

11 THE COURT: Anything on recross?

12 MR. SCOTT: No, sir.

13 THE COURT: You can step down.

14 MR. VERNER: The Defense rests, Your Honor.

15 THE COURT: Does the State have anything in reply at
16 this point?

17 MR. SCOTT: No, sir.

18 THE COURT: Ladies and gentlemen, Mr. Foreman, y'all
19 have had a discussion about whether you want to break for
20 the evening or keep going. Fair warning, I have got to
21 have a discussion with the attorneys briefly on the law, a
22 charge conference. Under the rules I have got to talk to
23 them about the instructions. I will give you, y'all want
24 to call it a night and come back tomorrow morning. If we
25 kept going the soonest we would have this case to you

1 probably about 5:30, 5:45. What is your reference?

2 FORELADY: We want to break.

3 THE COURT: Break, all right. What we will do then
4 is we will go ahead and break for the evening. We will
5 resume tomorrow morning at 9:30, so when you come here to
6 the Court House come straight upstairs, up the stairs and
7 into the jury room. I need the alternate to come back
8 again tomorrow in the event that somebody, if something
9 happens but I am hoping all 13 of you will be here. I
10 really need you, we can't have a jury with less than 12.
11 So I need all of you here. Don't discuss the case with
12 anyone this evening but do please have a very pleasant
13 evening. Be back in the jury room at 9:30. At that point
14 and time you will hear closing arguments and we will have
15 the case to you shortly. Okay. Thank you for your
16 attention, leave the pads with the bailiff, have a great
17 night.

18 (Whereupon, the jury was excused from open court for
19 the day.)

20 THE COURT: The jury is out. Have you reviewed the
21 instructions, gentlemen, anything that jumps out at you
22 that I need to be aware of.

23 MR. SCOTT: On page 11, trafficking in crack cocaine,
24 the substance is crack. It says cocaine.

25 THE COURT: Okay.

1 MR. SCOTT: I think we need an explanation, I would
2 ask for an explanation of an actual, constructive
3 possession. On page 12, right before the failure to stop
4 for a blue light.

5 MR. VERNER: Your Honor, it is cocaine based by
6 statute as opposed to crack cocaine. I would prefer
7 cocaine based which is what the statute actually calls it.

8 THE COURT: We will change it to cocaine base then.
9 And we will add an actual and constructive instruction.

10 MR. VERNER: Your Honor, I do renew my motion for a
11 directed verdict.

12 THE COURT: Very good, same rulings, of course. If
13 after reviewing the instructions this evening, if anything
14 occurs just email me and my law clerk. I am hearing it
15 looks like it is pretty good to go. Okay. The video, my
16 notes from the video, there is about one hour and
17 fifty-six minutes total on it, you only played five
18 minutes. I assume that y'all have reviewed the other hour
19 and fifty minutes and there is nothing else on there
20 germane. So you want me to just explain that to the jury.
21 I assume you have looked at that.

22 MR. SCOTT: Yes sir, it is just kind of running while
23 Lazar goes and tries to find the car and then shows him
24 coming back and nothing relevant.

25 MR. VERNER: Although, the State, from my

1 understanding, has copies of the DVD, adjust this
2 particular, certainly the one I was given, just has this
3 particular stuff. And if they want to take it back there
4 I would certainly think that would be, I don't know if
5 that would run on the computer.

6 THE COURT: What I think we will do is, if they want
7 to see the video again, I am assuming may play it again in
8 their closing but if they choose to see it again during
9 their deliberations I will bring them out and let them
10 review it. I just wanted to make sure that they, what I
11 am saying, they may have noticed that there is an hour and
12 fifty minutes on there, I want to make sure y'all have
13 reviewed it, the entire thing from start to finish. So
14 that way I can tell them, hey, you don't need to look at
15 anything other than this five minutes and it is not a
16 situation where somebody is hiding something from you
17 after that five minute mark. That is what I intend to
18 tell them.

19 MR. SCOTT: Yes sir, we will re-review it. I can't
20 remember anything relevant that happens after that, that
21 is why I stopped where I did.

22 THE COURT: Right. We will see y'all tomorrow
23 morning around 9:30. Have a good evening.

24 (Whereupon, court will resume the next morning at
25 9:30 a.m.)

1 April 5, 2018.

2 THE COURT: The record will reflect that we are back
3 on the case of State versus Scurry. The record will
4 reflect that the Defense is present with counsel. I do
5 believe that we have the jury present. Mr. Verner has
6 handed up a request to charge that reads mere suspicion
7 that the accused perpetrator of the crime is insufficient
8 to support a verdict of guilt. You want to speak to that,
9 Mr. Verner.

10 MR. VERNER: I would ask you to, in the
11 circumstantial and direct evidence portion of the Court's
12 charge, the way it is worded in Your Honor's proposed
13 charge is that, it reflects, if it is actions are
14 suspicious. And in this case, because the facts of this
15 case are more of identity. I thought mine was more
16 tailored towards the facts of this particular case. We
17 are not, it is not an issue of whether his behavior at the
18 time was suspicious, the question is whether he was the
19 man identified. And so I thought that that was more
20 important with the facts of this case, Your Honor.

21 THE COURT: I am inclined to agree with you. Do you
22 have a problem with me switching it. It is really, mere
23 suspicion of the accused perpetrator of the crime is
24 insufficient to support a verdict of guilt. I would just
25 substitute that last sentence, next to the last paragraph

1 of reasonable doubt instruction.

2 MR. SCOTT: I was going to say, it seems like the
3 standard is laid out pretty fairly in your reasonable
4 doubt instructions. So, of course, mere suspicion won't
5 carry because beyond a reasonable doubt is the standard.

6 THE COURT: I think the way Mr. Verner has it written
7 might zero in more on the issue in this case as far as
8 identification is concerned. I will ask my Clerk to
9 change that, page seven, just reprint page seven.
10 Anything further from anyone before we proceed?

11 MR. SCOTT: Did you receive my email last night?

12 THE COURT: Withdrawing your request for instruction
13 of possession, I agree.

14 MR. SCOTT: Taylor sent me a couple of cases and that
15 would be inappropriate.

16 THE COURT: Yes. I think in this case you are right,
17 there is no need to charge that. Obviously identification
18 is the issue in this case. State still intends to not
19 present any testimony in reply, correct?

20 MR. SCOTT: Yes, sir.

21 THE COURT: And I think you renewed all prior motions
22 yesterday, right?

23 MR. VERNER: I did, Your Honor.

24 THE COURT: The order of arguing, are you going to
25 force the State to open on the law?

1 MR. VERNER: I am kind of unclear on what the status
2 of the law is. My preference would be to argue last. I
3 understand at the last court trial that Your Honor has
4 gone back to the traditional order of charges.

5 THE COURT: I think the State gets last arguments
6 since you presented testimony. The only question is
7 whether you want them to open fully and then simply reply
8 or whether you want them to simply, you go first and they
9 go last. That is your option really.

10 MR. VERNER: I just missed that honeymoon period when
11 the defense got to argue last regardless of whether we
12 presented evidence or not. I understand that that law is
13 not firmly settled yet. I would argue, Your Honor, and
14 move that the, regardless of whether we presented
15 evidence, should argue last.

16 THE COURT: I understand. Hopefully we will get
17 guidance, it's only been a year and a half, two years.
18 So, you want the State to open or just go last?

19 MR. VERNER: Your Honor, I will defer to the State.

20 MR. SCOTT: I will just close entirely last.

21 THE COURT: Let's have the jury. Mr. Verner will go
22 first.

23 MR. DANIEL: Your Honor, Mr. Verner has agreed,
24 State's number 7, we inadvertently attached a Title
25 history with the tag number, the vehicle in question. It

1 will confuse the jury, the tag has since been transferred
2 to another vehicle and we are just going to remove that as
3 part of this exhibit.

4 MR. VERNER: Without objection.

5 THE COURT: Very good. Just remove that. Let's have
6 the jury.

7 (Whereupon, the jury came into open court at
8 approximately 9:55 a.m.)

9 THE COURT: Ladies and gentlemen, thank you for your
10 continued patience. This morning I had a quick plea that
11 I needed to handle for a lawyer from Charleston. He came
12 up last night so I wanted to go ahead and get that squared
13 away and get him on the road. At this point and time,
14 ladies and gentlemen, you received all the testimony that
15 you are going to have in order to judge this case and now
16 is an opportunity for the attorneys to give you their
17 closing argument or their closing summations. I will
18 remind you, ladies and gentlemen, that of course what the
19 lawyers say in their closing is not evidence. It is
20 normal for them to refer to the facts and testimony and
21 evidence, that kind of thing during their closing
22 arguments. But, of course, anything that they say about
23 the facts differs from your recollection of the facts you
24 have to go to your recollection, you are the judges of the
25 facts. The order we will proceed is that Mr. Verner will

1 go first on behalf of Mr. Scurry and then Mr. Scott will
2 close or Mr. Daniel will close on behalf of the State.
3 Mr. Verner, you are recognized for your closing, sir.

4 MR. VERNER: May it please the Court, Your Honor.
5 Mr. Foreman and members of the jury. It is sixteen
6 seconds, I don't care how long the lawyer on the other
7 side argues, that that's the only issue that is really
8 before you. It is whether sixteen seconds identification
9 is enough to make a life changing decision. I googled
10 sixteen seconds just out of curiosity yesterday. If you
11 can ride a bull for the Professional Bull Rider's
12 Association for sixteen seconds they will qualify you as a
13 professional bull rider. It will be their bull but that
14 is sixteen seconds. Part of that is walking up, looking
15 at the car, looking at the tag, identification. Part of
16 that is the driver coming up. I am from Newberry, I don't
17 have a single friend in Newberry who would make a life
18 changing decision after seeing something for sixteen
19 seconds. Would you, would anybody in this courtroom buy a
20 house that you have seen for sixteen seconds. That is a
21 life changing decision. And you seen it for sixteen
22 seconds, you have never seen it before, you have never
23 seen it since. All you have got to go by is maybe one
24 picture and you have got that picture in your mind. But
25 you have seen it for sixteen, I wouldn't buy a car that I

1 seen for sixteen seconds. It is essentially and I am not
2 calling anybody any bad news or misleading, I don't have
3 any doubt in my mind that the Trooper genuinely believes
4 he has got the right man. I just question him and I have
5 been doing this for years, is whether that is enough. I
6 wouldn't make a life changing decision for me with sixteen
7 seconds to observe something that I have never seen
8 before, never seen again and saw during motion. I can
9 promise you, this is a life changing decision for Reginald
10 Scurry. And you will have the video and you can see but I
11 submit to you what I probably think happened. And I will
12 tell you, Reginald testified. He said I am not the man he
13 saw. And I will tell you, under our laws, a man or a
14 woman's testimony, that I am not the person in this crime
15 is in itself enough for you to base a not guilty verdict
16 on. But you have to look at the strength of the State's
17 case. I don't care how much they argue, that is it, there
18 is no fingerprints, they had the car, they could have done
19 fingerprints. You think they don't do fingerprints in
20 Newberry. You don't think there were any items they could
21 have taken a Qtip swab and gotten DNA. You don't think
22 they could have gone up to Cherokee County to confirm his
23 location. There is, I promise you, nothing to corroborate
24 whether or not that was the right identification. And I
25 would submit, what may have happened is when this Trooper

1 just handed the photograph, he's got this face in his
2 mind, he has had a chance after the scene to look at this
3 many times. And you can be well intentioned but when you
4 only see one picture and you look at it repeatedly that is
5 the face that you have in your mind. I don't know if
6 anybody has ever gotten a traffic ticket but have you ever
7 been to Magistrate's court and everybody walks up to the
8 Trooper or Deputy and says, you know, can you help me with
9 my ticket. And the Trooper or the Deputy says, well,
10 which case are you, which one are you. I am the guy you
11 stopped on Wilson Road next to the Food Lion. Oh, yeah,
12 yeah, I will help you, I will reduce the ticket. Just
13 countless people every month. The Troopers just encounter
14 a lot of people every month. Just like anybody else.
15 There is just a sea of faces in their mind. He has got
16 the memory of a good person, good training but he has got
17 the memory of just a normal person. And would you base a
18 decision or anybody reasonably base a life changing
19 decision after a brief moment of observation without any
20 corroboration whatsoever. And that is what we have here.
21 Really the only relevant evidence comes from Ms. Courtney
22 Burris who said that we had an unhappy or an ugly breakup.
23 He had been gone for several weeks. After he left I
24 changed the locks, I didn't want him back, it's permanent,
25 you are not coming back. I know I still have my car

1 because I continue to drive. It wasn't until two days
2 prior to me getting the call from Trooper Lazar that I
3 noticed that my key fob was missing. She says, possibly I
4 threw out the fob when I threw his stuff out at the
5 dumpster. She didn't say that's definitively what
6 happened and there is absolutely no proof that one, she
7 did throw out and I think it is highly unlikely and I
8 think the State is going to argue differently. But I
9 think it is highly unlikely that anybody including Ms.
10 Scurry would have accidentally thrown away her key fob. I
11 think somebody stole it, I think that is clearly where
12 they, it is possible she did, that it was in there and
13 somebody stole it. I understand, it is suspicious. If I
14 as an independent person, I would say this is awfully
15 suspicious, Reginald Scurry. The Judge is going to charge
16 you mere, he is entitled to the reasonable doubt standard
17 which means if you have any doubts on any issue every
18 doubt he gets the benefit of. If you have four doubts,
19 three of them you can find against him but just one is
20 slightly in his favor he is entitled to any benefit of the
21 doubt in a sixteen second identification case. And I
22 understand crack is a scourged drug. I understand that.
23 It is clearly, if you are going to punish somebody you
24 need to be crystal clear that there is no other person
25 this could have been. It is strictly identification case.

1 The sworn testimony, and I understand the State is going
2 to say, well, she came in and she put her finger on the
3 scale in favor of him. She said, you know, I morally
4 support him. I don't know that somebody, I have friends
5 that I would morally support even if they were guilty.
6 That doesn't mean that they are going to lie. Did she
7 come across that she was lying or that she was credible.
8 And I think she played her cards faceup. She said, I
9 think it is unlikely it is him because I know he wasn't in
10 my house, I have got my son there. He is 19, do you think
11 a 19-year-old son, after an ugly breakup would just
12 welcome this man back into the house without her knowledge
13 to come back in. She said I changed the locks, I know for
14 a fact he wasn't in my house. I missed or misplaced or
15 lost or it was stolen, my key fob and my car was gone. It
16 is unlikely in my opinion that it is him. Now, the State
17 is going to say that the Trooper remembers her saying that
18 it was Reggie driving the car. And her testimony, and I
19 submit, was that a credible testimony, the first thing the
20 Trooper said, are you Courtney Burris. Yes. Do you know
21 Reginald Scurry. She said, of course I do, he is my
22 ex-boyfriend. And I submit to you that that is how
23 Reginald Scurry, there is no reason for her doubt. If he
24 said I arrested Reginald Scurry in Newberry, why would she
25 doubt the Trooper that he was sure he got the man he

1 thought he was. She said, well; that's surprising to me
2 because I don't think it would be him. How do you know it
3 was him. But if a Trooper called me up and said my
4 brother was arrested in Spartanburg County. I might say,
5 I wouldn't have any reason to doubt the Trooper when he
6 first told that. I would say, sure. And then the
7 insurance company says, well, you haven't reported your
8 car stolen if you want to get reimbursed. And so she
9 does. The Trooper says it was Reginald Scurry. If she
10 did, she has gone on his word and I think a reasonable
11 person is entitled and would. I would logically go on
12 what the officer told me until I knew different, even I
13 had doubts about it. I can correct my doubts later. I
14 don't think that that is any evidence whatsoever. But the
15 Trooper said we have arrested Joe Blow for your crime and
16 you tell somebody Joe Blow is who got charged or who did
17 it, I don't think you are lying to say that. It is just
18 simply, I submit to you that just a quick identification
19 from, at best the side, while the officer is moving,
20 looking at the car, checking for his safety. He has got
21 the face in his mind because he has the picture and he
22 pulled up the driver's identification. There is no
23 question, he has got this face in his mind. He doesn't
24 remember what shirt, what color shirt, he doesn't remember
25 whether the man had a hat on or not. He doesn't remember

1 anything about the clothing or anything but he has got the
2 face in his mind. But he has got no other independent
3 recollection. I can't remember what shirt he was wearing,
4 I can't remember if it was long sleeve or not, I can't
5 remember what kind of pants he was wearing. I don't
6 remember if he had long sleeve, short sleeve, any jewelry.
7 But I got his face in my mind. And why would he have that
8 face in his mind because he is sure he has, he gave him
9 the driver's license, I am sure that is the right man.
10 And I submit he might be mistaken and if he is there are
11 going to be awful consequences for a guilty verdict.
12 Thank you.

13 THE COURT: Thank you, Mr. Verner. Mr. Scott, you
14 are recognized for your closing, sir.

15 MR. SCOTT: Thank you, Your Honor. If it please the
16 Court. You know there is a sucker born every minute.
17 That quote has been attributed to P.T. Barnum. P.T.
18 Barnum was a great showman of Ringling Brothers and Barnum
19 and Bailey. But he didn't actually say that. It was said
20 by a man named David Hannum. And it was in regards to a
21 Cardiff Giant, now the Cardiff Giant was one of the great
22 American hoaxes. In 1869 farmers supposedly discovered
23 this ten-foot tall giant while they were digging a well up
24 in Cardiff, New York. It is really from a brain child of
25 a man named George Hull. George Hull was vastly wealthy

1 by the time and he was looking to make a quick buck off a
2 bunch of gullible people. So what he did, he hired some
3 workers to mine a ten and a half foot chunk of gypsum.
4 And he sent that gypsum off and had a german stone cutter
5 that shaped it into the form. He used acids and stains
6 and color to make it look like it had been weathered and
7 petrified, it was a huge giant. He took steal knitting
8 needles embedded into boards and beat on the block of
9 gypsum in order to simulate cubic force. He went through
10 all of this trouble, he had it shipped to his brother's
11 farm in Cardiff, New York where these workers discovered
12 the giant. People came in droves and spent a quarter per
13 person to look at the giant. Two days later there was so
14 much demand to see this giant he upped the price to fifty
15 cents. People came in droves, they couldn't get there
16 quick enough. A sucker is born every minute. Mr. Hull
17 ended up selling that block of gypsum for about \$23,000.00
18 dollars. That is about almost half a million dollars in
19 today's money to a man named David Hannum. They took it
20 and began showing it and it was widely popular. The
21 debate in the community, the scientific community, is this
22 thing real or is it false. All that did was drive up the
23 popularity more. P.T. Barnum comes in at that point
24 looking to make a buck, he offered to buy it for
25 \$50,000.00 dollars. They say no, it is worth more than

1 that. What does Barnum do. Goes undercover and takes wax
2 molds of the giant and makes his own and now he is
3 showing. So people are confused now because P.T. Barnum
4 is saying, mine is the real one, that one is the fake one.
5 The newspaper is reporting it, everyone is going to see
6 P.T. Barnum's giant now. At that point that is when
7 George Hannum said, a sucker is born every day. All of
8 those gullible people. All of those gullible people
9 spending their hard earned money to go see something they
10 wanted, it just really didn't make a whole lot of sense.
11 Reginald Scurry are hoping that twelve suckers are going
12 to decide this case. He is hoping twelve people who he
13 thinks was born yesterday are going to decide the case.
14 Right. The Judge instructed you that it is your solemn
15 duty to determine the guilt or innocence and make the
16 decision based on the evidence presented, based on the
17 testimony that came from that seat right there. Nothing
18 else. Not a motion, not things you saw on TV, not things
19 that you think that possibly have happened. This is based
20 on common sense, based on logic. Mr. Verner is a very
21 good lawyer. He said early on that this is not an
22 academic exercise. It is a criminal case. I would argue
23 that every criminal case really should be an exercise in
24 logical thinking, reasonable, right, because we weren't
25 there. We got this video, we can pretty much can see what

1 happened. But we can use logical thinking to connect the
2 dots, right. The facts that we heard from the stand,
3 January 5th of 2017 Trooper Lazar is on that stretch of
4 Highway 56 in Newberry. He spots a car going fifteen
5 miles over the speed limit. Fairly routine for a Trooper
6 to see a car speeding and perform a traffic stop. As he
7 is doing that U-turn to catch up to the white Kia he sees
8 that item fly out of the window. Now his suspicions are
9 up. What was that, what was that guy throwing out.
10 Approaches the car, the window, approaches the guy at two
11 and a half feet, sixteen seconds, two and a half feet, he
12 is looking at the guy in the face. What did you throw out
13 the window back there. I hadn't thrown anything out the
14 window. Do you have a license. I don't have a license,
15 here is my ID card. He is training on this guy's face
16 sixteen seconds, the guy speeds off, failure to stop for a
17 blue light. Wrecks the car. That is the case. This is
18 the, wasn't me defense. We know it was though. We knew
19 that white Kia was registered to Courtney Maria Burris at
20 [REDACTED] Gaffney, South Carolina. The
21 registration was found in the car. We know that the ID
22 handed to Trooper Lazar was that of Reginald Scurry. His
23 address on that ID card, [REDACTED] Gaffney,
24 South Carolina. How did Trooper Lazar, y'all will get to
25 see that video over and over. I know y'all will want to

1 watch it back there, y'all can watch it as many times as
2 you want to. He describes on the radio, you will hear him
3 say, a black male. You will hear him talking about, he
4 jumps out of the car, I think I can catch him because he
5 is a large man. He testified that he had gold teeth. I
6 asked Mr. Scurry to open his mouth. Of course, he has
7 gold teeth. He will say ninety percent of South
8 Carolinians have gold teeth. I will submit to you it is
9 more unique than that. It is one or two people in this
10 courtroom today that have got gold teeth I will surprised.
11 His whole front teeth are inlaid with gold. At any rate,
12 he did have that story yesterday where he had kind of a
13 slim period, he was large and then he got thin and now he
14 is large again. But his ID clearly shows he is 5 foot 11,
15 302 pounds, matching the description of what Lazar
16 mentioned. Lazar testified under oath he is one-hundred
17 percent certain that the driver of that white Kia was
18 Reginald Scurry. A Trooper who has just seen somebody
19 throw some contraband out of the car window, that is two
20 and a half feet away, you know that Lazar, the first thing
21 he is going up there for is not about speeding, that was
22 the reason for the stop, what did you just throw out that
23 window. Training on the guys face, let me show y'all
24 something. Let me show you what sixteen seconds looks
25 like from two and a half feet away.

1 (Whereupon, the video was played for sixteen
2 seconds.)

3 MR. SCOTT: You don't think that is enough time to
4 view somebody from that distance. If that is not enough
5 time was it, twenty seconds, what is the magic number,
6 thirty-five seconds, two minutes. How long does it take
7 you guys to make an identification. I submit to you
8 sixteen seconds from three, three and a half feet away is
9 more than ample time to make an identification. And he
10 has got the guy's ID in your hand. Courtney Burris, I
11 heard her testimony yesterday. And I heard her talk about
12 this bad breakup. And then she has been talking with him
13 on the phone since then. She came down from Gaffney for
14 moral support. I understand that. And I understand, just
15 like Mr. Verner said, it would be a tough position to be
16 in to be asked to come here and to testify for a friend.
17 I don't fault her for that. But what we know from
18 documented reports and from Trooper Lazar is that when
19 they spoke with her she indicated that her car was being
20 used by Reginald Scurry. That is what she said at the
21 time. Now when she thinks she is talking to twelve
22 suckers she may say something else. She reported to the
23 Cherokee County Sheriffs Department that her car was
24 missing. She reported to them Reginald Scurry had taken
25 it. And then when I showed her that report yesterday she

1 said, oh, that's not what I said. And then when Lazar
2 testified, his conversation and she said, that's not what
3 I said. But the print on the paper says otherwise. Guys,
4 the voice of the man in the car is that of Reginald
5 Scurry. What I want to do is challenge you guys to listen
6 to that portion of the interaction between Lazar and him.
7 I submit to you that Scurry has a fairly unique distinct
8 voice, wouldn't you agree with your recollection
9 yesterday. What you could even do, I am not telling you
10 what you have to do but what you could even do is you
11 could listen to that voice on there and then did you know
12 that she has been recording this whole trial, you could
13 ask her to play back some of that testimony from yesterday
14 if y'all want to. If y'all want to compare his voice to
15 the one in the car I would do that. I can't tell y'all
16 what to do, if you want to do it.

17 (Whereupon, the video was played.)

18 MR. SCOTT: So listen to that, I would. Use your
19 common sense, that really is the, you have got it on video
20 and even when he is picking up, what address is he using,
21 [REDACTED] He is in that car, that is him, we know
22 that. DNA, fingerprints, you guys understand, what would
23 happen if you went down to my car right now and dusted it
24 for fingerprints. What would happen if you got in my car
25 and did DNA swabs. Wouldn't you find my DNA and

1 fingerprints on it. But this is he and his girlfriend's
2 car and he talked about being in it. If I brought you
3 evidence that showed Scurry's fingerprints and DNA what
4 would that change, if he had been in it, we know that.
5 Right. The Judge says this isn't going to be like TV. TV
6 will also, I don't watch a lot of them but what seems to
7 happen whenever I do happen to see one is, you get
8 somebody who confesses from the stand, they get up there
9 and they finally just, through skillful cross-examination,
10 the lawyer gets them to admit everything they have ever
11 done wrong or else somebody shows up with a video of the
12 crime being committed and it is just crafted that way and
13 it is full of excitement and non-stop action. That's not
14 what this is. What we do in real life is again, use
15 logical thinking, logic reasoning. And the standard is
16 that if you are firmly convinced of his guilt find him
17 guilty. And like Mr. Verner says, you just think it is a
18 little bit suspicious you find him not guilty. Okay. I
19 am not here to say Mr. Scurry is a bad man, you know. The
20 Judge is going to even tell you, the Judge typically says
21 you have no friends to reward here and no enemies to
22 punish. This is a logical exercise. Did Reginald Scurry
23 throw out 82 grams of crack cocaine on January 5th of
24 2017. Right. We are not here to punish him, we are not
25 here to reward him and give him a second chance if he did

1) it. Logical reasoning thinking. Trafficking crack
2 cocaine is the charge. We have different levels of
3 trafficking crack. That just means that when you are
4 possessing or distributing large amounts of crack. So
5 there is piers, the first pier if it is 10 grams to 28
6 grams, that is a level of trafficking you can be charged
7 with. The next pier is 28 grams up to 100 grams. This is
8 about 82 and a half grams of crack. That is charge number
9 one that we are asking you for a verdict on. Trafficking
10 crack cocaine between 28 to 100 grams. Okay. So if you
11 possess crack involved within that weight threshold you
12 are trafficking in crack cocaine. That is the first
13 indictment. The second one is failure to stop for a blue
14 light. That kind of is self-explanatory. We all know
15 when the blue lights come on you stop. He did that
16 initially. You know, really, if he had complied and then
17 ticketed at that point or arrested at that point, failure
18 to stop wouldn't have happened. But, of course, he takes
19 off and a high speed chase occurs. Beyond a reasonable
20 doubt, that is what the Judge is going to describe. You
21 will hear him say, firmly convinced twice. He is going to
22 tell you you don't have to be one-hundred percent certain.
23 He is going to tell you there are few things we are
24 one-hundred percent certain about in life and beyond a
25 reasonable doubt does not require that. So long, I am

1 about to sit down, that you are firmly convinced that he
2 was driving that car, you threw that crack cocaine out and
3 sign him guilty. Logical reasoning thinking. Okay.
4 Thank you guys for your attention, I appreciate it and we
5 are going to ask you to return a verdict of guilt in
6 trafficking in crack cocaine, 28 to 100 grams and failure
7 to stop for a blue light. Thank you.

8 THE COURT: Thank you, Solicitor. Ladies and
9 gentlemen, it now becomes by obligation to instruct you on
10 the law that applies in this particular case. And when I
11 first started practicing law many, many years ago, the way
12 that this was traditionally done, the way that many Judges
13 still do it today is the Judge would basically sit up here
14 and read to you from 14 pages of, read you 14 pages of the
15 law taken from the law books behind me. And the Judge
16 would read it once and the jury was expected to get it on
17 the first hearing. I always found that somewhat
18 unreasonable because like most people, it took me three
19 years to get through law school and I don't think it is
20 fair you guys would have to learn in fifteen minutes what
21 took me three years to learn. So long story short, Mr.
22 Foreman, I am going to have a copy of these instructions
23 and I am going to give them to you that you can refer to
24 and use during your deliberations. If you have any
25 questions about the law or the instructions simply write

1 me a note, let me know what it is that you are struggling
2 with and I will be more than happy to try and give you a
3 cleaner definition or a clear definition. If you have any
4 questions, however, about the testimony or the facts in
5 this particular case it is impossible at this point and
6 time to reopen the record and call any additional
7 witnesses. If you have a factual question you will have
8 to judge it based on the record and testimony that has
9 been presented to date, okay. I can't recall witnesses or
10 anything like that and I probably cannot help you with any
11 sort of factual question that is not already addressed in
12 the record. When you are done with your deliberations
13 please do return these instructions to me.

14 Ladies and gentlemen of the jury, the indictments in
15 this case charges the Defendant, Mr. Scurry, with two
16 crimes, trafficking in cocaine base, otherwise known as
17 crack cocaine, 28 grams or more but less than 100 grams
18 and failure to stop for a blue light. Now, as I said
19 yesterday, I remind you that the fact Mr. Scurry was
20 arrested, charged and indicted in this case is not
21 evidence and can't be considered by you as evidence of
22 guilt nor do the indictments create any presumption or
23 inference of guilt. These indictments are merely the
24 formal written instruments that contain the charges made
25 against Mr. Scurry and the documents by which the case is

1 brought to court.

2 Again, Mr. Scurry has pled not guilty to these
3 charges and that plea puts the burden on the State to
4 prove his guilt. A person charged with committing a
5 criminal offense in this State is never required to prove
6 himself innocent.

7 I instruct you that it is an important rule of law
8 that the Defendant in a criminal trial, no matter what the
9 seriousness of the charge may be, will always be presumed
10 to be innocent of the crime for which the indictments were
11 issued unless guilt has been proven by evidence satisfying
12 you of his guilt beyond a reasonable doubt. Understand
13 that this presumption of innocence does not end when you
14 begin your deliberations, rather it accompanies the
15 Defendant throughout the trial until you reach a verdict
16 of guilt based on evidence satisfying you of his guilt
17 beyond a reasonable doubt. The presumption of innocence
18 is often described as being like a robe of righteousness
19 placed about the shoulders of the Defendant, remains with
20 him until it has been stripped from him by evidence that
21 is satisfying you of his guilt beyond a reasonable doubt.
22 Again, the presumption of innocence is not merely a legal
23 theory, it is not just a legal phrase. It is a
24 substantial right to which every Defendant is entitled
25 unless you, the jury, are satisfied from the evidence of

1 his guilt beyond a reasonable doubt.

2 What is a reasonable doubt in the law. A reasonable
3 doubt is the kind of doubt that would cause a reasonable
4 person to hesitate to act. I instruct you that the State
5 has the burden of proving the Defendant guilty beyond a
6 reasonable doubt. Some of you may have served as jurors
7 in civil cases where you were told that it is only
8 necessary to prove that a fact is more likely true than
9 not true, such as by the greater weight or the
10 preponderance of the evidence. In criminal cases the
11 State's proof must be more powerful than that, it has to
12 be proof beyond a reasonable doubt. Proof beyond a
13 reasonable doubt is proof that leaves you firmly convinced
14 of the Defendant's guilt. There are very few things in
15 this world that we know with absolute certainty and in
16 criminal cases the law does not require proof that
17 overcomes every possible doubt. If based on your
18 consideration of the evidence you are firmly convinced
19 that the Defendant is guilty of the crimes charged you
20 should find him guilty. If on the other hand you think
21 there is a real possibility that the Defendant is not
22 guilty you should give the Defendant the benefit of the
23 doubt and find him not guilty.

24 Again, understand that you and I have had certain
25 duties to perform during this trial. As the Judge it is

1 my responsibility to preside over the trial and rule on
2 the admissibility of evidence offered. You are to
3 consider only the competent evidence before you. So any
4 testimony which was ordered stricken you have to disregard
5 that testimony, you are to consider only the testimony
6 which has been presented from the witness stand as well as
7 any exhibits which have been made a part of the record in
8 this case. I also have the duty to instruct you on the
9 law of this case. As the presiding Judge I am the sole
10 Judge of the law. It is your duty as jurors to accept and
11 apply the law as I state it to you now. So if you already
12 have any idea as to what the law is or what it should be
13 and it does not agree with what I instruct the law is you
14 have to abandon this idea because you are sworn to accept
15 and apply the law as I state it to you.

16 Again, you are the sole and exclusive judges of the
17 facts. I am not permitted to intimate, state, comment on
18 or make any statement to a trial jury about the facts in a
19 case. Since you are the sole judges of the facts you are
20 not to infer from what I have said during the progress of
21 this trial in ruling upon the admissibility of evidence or
22 otherwise or anything that I say to you now during the
23 course of these instructions that I have any opinion about
24 the facts. Ladies and gentlemen, the law does not permit
25 me to have any opinion about the facts. This is a matter

1 solely for you to determine. As jurors, it is your duty
2 to determine the effect, value, weight and truth of the
3 evidence presented.

4 Ladies and gentlemen, typically there are two types
5 of evidence presented during the trial, direct and
6 circumstantial evidence. Direct evidence directly proves
7 the existence of a fact and does not require deduction
8 such as testimony by an eye-witness. Circumstantial
9 evidence is proof of a chain of facts and circumstances
10 indicating the existence of a fact. I instruct you that
11 crimes may be proven by circumstantial evidence. The law
12 makes no distinction between the weight or value to be
13 given to either direct or circumstantial evidence.

14 However, to the extent the State relies on circumstantial
15 evidence, all of the circumstances must be consistent with
16 each other and when taken together point conclusively to
17 the guilt of the accused beyond a reasonable doubt. Mere
18 suspicion that the accused is the perpetrator of the crime
19 is insufficient to support a verdict of guilt. The State
20 has the burden of proving the Defendant's guilt beyond a
21 reasonable doubt. This burden rests with the State
22 regardless of whether the State relies on direct evidence,
23 circumstantial evidence or some combination of the two.

24 Now, ladies and gentlemen, necessarily, in reaching
25 your verdict you must determine the credibility of

1 witnesses who have testified in this case. And again,
2 credibility simply means believability. It becomes your
3 duty as jurors to analyze and to evaluate the evidence and
4 determine which evidence convinces you of its truth. In
5 determining the believability of witnesses who have
6 testified, you may believe one witness over several
7 witnesses or several over one witness. You may believe a
8 part of the testimony of a witness and reject the
9 remaining part of the testimony of that same witness. You
10 may believe the testimony of a witness in its entirety or
11 reject it in its entirety. You may consider whether any
12 witness has exhibited to you any interest, bias, prejudice
13 or other motive in this case. You may also consider the
14 appearance and manner of a witness while they are on the
15 witness stand.

16 As I had mentioned briefly yesterday, ladies and
17 gentlemen, with regards to the SLED analyst, normally the
18 rules of evidence don't permit witnesses to testify as to
19 opinions or conclusions. An exception to this rule exists
20 for expert witnesses. A witness who by education and
21 experience has become an expert in some science or
22 profession may give an opinion as to the subject the
23 witness claims to be an expert in and they may also give
24 reasons in support of that opinion. You should consider
25 any expert opinion given, like any other evidence, give it

1 the weight you think it deserves. If you decide that an
2 expert's opinion is not based on sufficient education or
3 experience or if you decide that the reasons given in
4 support of their opinion aren't sound or that the opinion
5 is outweighed by other evidence you may disregard it
6 entirely. The expert witness' testimony is to be given no
7 greater weight than that of any other witness simply
8 because the witness is an expert and you don't have to
9 accept an expert's opinion even though it is
10 uncontradicted.

11 Now, ladies and gentlemen, an issue in this case is
12 the identification of the Defendant as the person who
13 committed the crime charged. The State has the burden of
14 proving identity beyond a reasonable doubt. You must be
15 satisfied beyond a reasonable doubt of the accuracy of the
16 identification of the Defendant before you may convict
17 him. Identification testimony is an expression of belief
18 or impression by a witness. You must determine the
19 accuracy of the identification of the Defendant. You must
20 consider the believability of each identification witness
21 in the same way as other witnesses. You may consider
22 whether the witness had an adequate opportunity to observe
23 the offender at the time of the offense. This will be
24 affected by things like how long or short a time was
25 available, how far or close the witness was, the lighting

1 conditions and whether the witness had the chance to see
2 or know the person in the past. Once again, I instruct
3 you that the burden of proof is on the State, and that
4 extends to every element of the crime charged and this
5 specifically includes the burden of proving beyond a
6 reasonable doubt the identity of the Defendant as the
7 person who committed the crime. If after examining all
8 the testimony you have a reasonable doubt as to the
9 accuracy of the identification you should find the
10 Defendant not guilty.

11 Now, the Defendant in this case, ladies and
12 gentlemen, is charged with two offenses that I am going to
13 define briefly for you. With regard with the trafficking
14 offense, the Defendant is charged with trafficking in
15 cocaine base, otherwise known as crack cocaine, 28 grams
16 or more but less than 100 grams. The State must prove
17 beyond a reasonable doubt that the Defendant knowingly
18 sold, manufactured, cultivated, delivered, purchased,
19 brought into this State, provided financial assistance or
20 otherwise aided, abetted, attempted or conspired to sell,
21 manufacture, cultivate, deliver, purchase or bring into
22 this State cocaine base or was knowingly in actual or
23 constructive possession of cocaine base or knowingly
24 attempted to become in actual or constructive possession
25 of cocaine base. The State also has to prove beyond a

1 reasonable doubt that the amount of the cocaine involved,
2 the amount of cocaine base was 28 grams or more but less
3 than 100 grams.

4 Now the Defendant is also charged with failing to
5 stop for a blue light. In order to prove this crime the
6 State has to prove beyond a reasonable doubt that the
7 Defendant was driving a motor vehicle, that the Defendant
8 was driving the motor vehicle on a road, street or highway
9 of this State, that the Defendant was signaled to stop by
10 a law enforcement vehicle by means of a siren or flashing
11 light and that the Defendant didn't stop. In determining
12 whether or not there are mitigating circumstances which
13 would justify the Defendant's failure to stop for the blue
14 light you may consider actual road conditions, other
15 considerations such as lighting and weather, officer,
16 driver and/or passenger safety and any other circumstances
17 you believe to reasonably mitigate the alleged violation.
18 I instruct you that an official signal requiring a
19 motorist to stop may be made by a siren or flashing lights
20 but both are not required. Furthermore, an attempt to
21 increase the speed of a vehicle or in some other manner
22 avoid the pursuing law enforcement vehicle when signaled
23 by a siren or flashing light may be considered by you as
24 evidence of failure to stop for a blue light. However,
25 this is merely an evidentiary fact to be taken into

1 consideration by you along with the other evidence and
2 give it the weight that you think it should receive.

3 Now, ladies and gentlemen, there are four possible
4 verdicts in this case. And, Mr. Foreman, I have worked up
5 this verdict form for you to deliver your verdict. Okay.
6 It is about as self-explanatory as I can make it. I don't
7 think you are stupid but the law requires me to go over it
8 with you anyway, okay. If you can read I think you can
9 follow this though. It makes two statements. With regard
10 to trafficking charge. It says, we, the jury, in the
11 above captioned case on the charge of trafficking cocaine
12 base, 28 grams or more but less than 100 grams unanimously
13 find Reginald Scurry and there are two mutually exclusive
14 options, either guilty or not guilty. Exact same question
15 is asked with regard to the blue light charge. If you
16 find that the State has met its burden of proving the
17 Defendant's guilt beyond a reasonable doubt with regard to
18 either of the charges then you would initial guilty on
19 each, or whichever verdict you would seek with regard to
20 either charge, sign your name, knock on the door, let the
21 bailiff know and we will receive you back in here. Of
22 course, you have to decide each charge separately based on
23 the evidence as it relates to each charge individually.
24 Okay. Now, ladies and gentlemen, all twelve of you have
25 to agree on your verdict in this case, we do not have

1 majority verdicts in South Carolina. Some states do,
2 those states do allow a verdict of 8 to 4 or whatever.
3 There are simply doing it wrong, okay, so all twelve of
4 you have to agree on the ultimate verdict in this case
5 before a verdict can be rendered. I will remind you,
6 ladies and gentlemen, that you do not have any friends to
7 reward, you have no enemies to punish. Your obligation is
8 to render a verdict based solely on the evidence and on
9 the law that I have instructed you. Now, ladies and
10 gentlemen, if you wish to review any evidence in this case
11 such as the video or what have you, simply let me know by
12 writing a note. We don't have the capacity, we don't have
13 the capacity to send equipment back there and there is not
14 a TV back there. So if you want to see the video again or
15 review anything else just let us know, we will cue it up,
16 bring you back out here and you can watch it again, you
17 can watch it as many times as you feel the need, if you
18 feel the need to watch it. Okay. Additionally, ladies
19 and gentlemen, I am sometimes asked during the course of
20 deliberations how long it is that the jury is required to
21 deliberate. I was actually in trial some years ago when
22 the jury sent a note out, after they had been out for some
23 period of time, asking that very question. Under the law
24 there is no set timeframe for your deliberations, whether
25 your deliberations take five minutes, fifteen minutes,

1 five hours, I am hoping it is not going to take five days.
2 However long it takes is entirely up to you. The key
3 thing is that all twelve of you have to agree on the
4 ultimate outcome of this case and however long that takes
5 is how long it takes. Okay. Now, ladies and gentlemen, I
6 am going to let you return to the jury room but don't
7 begin your deliberations yet. Your cue to begin your
8 deliberations, Mr. Foreman, will be receipt of these
9 instructions, the verdict form as well as the exhibits
10 which have been made a part of the record in the case. We
11 will keep the DVD out here that was introduced, of the
12 DVD, out here is the only place we can play it. So we
13 will keep that out here. One of the caveat, and I started
14 just cautioning jurors on it, the crack cocaine that is in
15 that bag, please don't unseal that bag and mess with that
16 in any way, shape or form. Just leave it in the bag,
17 please. All right. I won't tell you what happened with
18 me a few years ago concerning that. But just adjourn to
19 the jury room, I will let you know when you can begin your
20 deliberations. Okay. The alternate will go with y'all
21 one last time.

22 (Whereupon, the jury was excused from open court at
23 approximately 10:42 a.m.)

24 THE COURT: Any exceptions from the State, the
25 instructions?

1 MR. SCOTT: No, Your Honor.

2 THE COURT: None from the Defense?

3 MR. VERNER: Your Honor, two exceptions.

4 THE COURT: Yes, sir.

5 MR. VERNER: The first and foremost is that the Court
6 failed to charge the jury the order of the verdicts as
7 irrelevant or not to incur anything in the order of the
8 verdicts.

9 THE COURT: Okay.

10 MR. VERNER: And second is, because the jury
11 deliberates in private I think they should be told, if you
12 want to see the video where you can deliberate it in
13 private we can easily move the TV set into the jury room.

14 THE COURT: Mr. Bentley told me that they actually
15 have a set up now where they can play it back there. So,
16 I was unaware of that. Apparently, they have got a laptop
17 back there where they can play it.

18 MR. VERNER: With those two exceptions, Your Honor.

19 THE COURT: Right. Let me, I am just going to
20 instruct the Foreperson, if I may, of course there is no
21 significance whatsoever the order that I gave those
22 verdicts in. And that if they want to use the laptop back
23 there to view the video let me know and, or just to use
24 it. Is it already back there? It is right there, okay.
25 I am going to say we have a laptop if they want to use it

1 to review the video. If they all want to see it at the
2 same time then I can bring them out here and play it out
3 here again, I will leave that up to them.

4 MR. VERNER: I would still tell them that the law, it
5 was played for the jury on a large screen TV and just that
6 it is as easy as booting a TV fifteen feet.

7 THE COURT: Can we do that?

8 CLERK OF COURT: Yes, it stays back there.

9 THE COURT: Okay, I will tell them that then.

10 (Whereupon, the Foreperson came into the courtroom.)

11 THE COURT: I made two mistakes. Understand that
12 there is no significance whatsoever in the order that I
13 state those verdicts. Okay. Additionally, we are
14 actually going, I am assuming you guys may want to see
15 this again. In a few moments we are going to move all of
16 this back. I am assuming you know how to boot up this
17 video and if you have any problems let us know and we will
18 get somebody back there to fix it. We will do a test run
19 here. Okay. We are about to get to lunch, if you want
20 pizza, let us know around noon and we will order for you.

21 (Whereupon, the Foreman goes back into the jury
22 room.)

23 (Whereupon, the alternate was excused from the trial
24 of the case.)

25 (Whereupon, the jury started deliberations at

1 approximately 10:54 a.m.)

2 THE COURT: We have a note from the jury which is
3 made a Court's exhibit. First they would like to hear Mr.
4 Scurry's testimony again. Secondly, they would like to
5 see the police report from Cherokee County authorities.
6 Obviously, I don't think the police report was introduced
7 into evidence. So, I will simply say it is not possible
8 to provide that to them, they will have to judge, they
9 will have to decide any issue based on testimony or any
10 issue concerning that. The Court Reporter has Mr.
11 Scurry's testimony cued up from the beginning... It is my
12 intention to simply play it and when they tell me to stop
13 we will stop. Okay. Anything before I bring them back,
14 from the State?

15 MR. DANIEL: No, Your Honor. Did they indicate any
16 particular portion of Mr. Scurry's testimony?

17 THE COURT: No, I am assuming they are taking, Mr.
18 Taylor, up on his offer to simply replay the recording for
19 purposes of comparing the Defendant's voice with that on
20 the exhibit which was introduced. Anything, Mr. Verner?

21 MR. VERNER: Your Honor, the Court is not inclined to
22 charge my requested charge I would ask that it be marked
23 as a Court's exhibit.

24 THE COURT: Sure.

25 MR. VERNER: Defendant's proposed charge number one.

1 THE COURT: Right. I looked at that, I don't know
2 that it is a correct proposition of law that if they
3 failed to enter an item into evidence then they can't
4 consider any evidence from that item. I think that is not
5 necessarily a correct statement of the law. I think I
6 will explain it correctly to them. Let's have the jury,
7 please.

8 (Whereupon, the jury came into open court at
9 approximately 11:12 a.m.)

10 THE COURT: The record will reflect that all jurors
11 are back and seated. Ladies and gentlemen of the jury, I
12 received your note and in a moment the Court Reporter is
13 going to move to the witness stand here and replay Mr.
14 Scurry's testimony from the beginning. I don't know how
15 long you need that to play. If it is specific testimony
16 that you are looking for so she is just going to start
17 playing it from the beginning. And then when y'all feel
18 like you have had enough just waive at me and we will stop
19 playing it. The next request that you had was that you
20 would like to see the police report from Cherokee County.
21 That item was never introduced into evidence, like I
22 mentioned a moment ago, we can't reopen the record and put
23 it back into evidence or anything like that. So you will
24 have to use your recollection as it relates to that item
25 or any testimony about that. Again, that report was not

1 introduced into evidence. With that, Madam Court
2 Reporter, if you will play Mr. Scurry's testimony.

3 (Whereupon, Mr. Scurry's testimony was replayed to
4 the jury starting at 11:15 a.m. and ended at 11:26
5 a.m.)

6 (Whereupon, the jury indicated they had heard enough
7 of Mr. Scurry's testimony.)

8 THE COURT: Y'all have heard enough?

9 MR. FOREMAN: Yes.

10 THE COURT: Ladies and gentlemen, if you will adjourn
11 to the back and continue with your deliberations, please.

12 (Whereupon, the jury continued deliberations at
13 approximately 11:17 a.m.)

14 THE COURT: That will be Court's exhibit 3. And make
15 that as Defense request to charge, a Court's exhibit 4.

16 (Whereupon, Court's exhibits 3 and 4 were marked for
17 identification only.)

18 MR. VERNER: I object to the Court's charge, failure
19 to charge the proposed Defendant's exhibit, that the
20 evidence not presented to the jury should not be
21 considered except to the extent that it was testified to.

22 THE COURT: I understand your position, I think I
23 accurately described how they could consider the report
24 that they were requesting to see, it was not introduced
25 into the record. So I think we are good there. We will

1 remain at ease.

2 (Whereupon, a break was taken waiting on a verdict
3 from the jury.)

4 THE COURT: We are back on the record. I am told
5 that the jury has reached a verdict. Anything prior to
6 the jury being received back into the courtroom, from the
7 State?

8 MR. SCOTT: No, Your Honor.

9 THE COURT: From the Defense?

10 MR. VERNER: Not from the Defense, Your Honor.

11 THE COURT: Let's have the jury, please.

12 (Whereupon, the jury came into open court with the
13 verdict at approximately 12:36 p.m.)

14 THE COURT: The record will reflect that the jury is
15 back and seated. Mr. Foreman, I am told that the jury has
16 reached a verdict?

17 MR. FOREMAN: Yes, sir.

18 THE COURT: All twelve of you agree on the outcome?

19 MR. FOREMAN: Yes, sir.

20 THE COURT: If you would, hand the verdict form to
21 the bailiff, please.

22 (Whereupon, the Foreman handed the verdict to the
23 bailiff which handed to the Court.)

24 THE COURT: Madam Clerk, if you will publish, please.

25 CLERK OF COURT: Indictment 2018-GS-35-115,

1 2018-GS-36-116. The State of South Carolina versus
2 Reginald Rodezere Scurry. We the jury in the above
3 captioned case, on the charge of trafficking in cocaine
4 base, 28 grams or more but less than 100 grams unanimously
5 find Reginald Rodezere Scurry guilty.

6 We the jury in the above captioned case on the charge
7 of failure to stop for a blue light unanimously find
8 Reginald Rodezere Scurry guilty. Signed Cornelius Cromer,
9 Foreperson.

10 Ladies and gentlemen, if this is your verdict please
11 indicate by raising your right hand.

12 (Whereupon, all jurors raised their hand.)

13 THE COURT: Let the record reflect all twelve jurors
14 did, in fact, raise their right hand. Anything for the
15 jury from the State?

16 MR. SCOTT: None from the State.

17 THE COURT: From the Defense?

18 MR. VERNER: No, Your Honor.

19 THE COURT: All right. Ladies and gentlemen, I would
20 like to thank you for your work here this week. And I
21 will let you know that your jury service is concluded and
22 the Clerk does have your checks. You will also receive a
23 letter from me thanking you for your jury service. It is
24 also to solicit feedbacks. So if there is anything that
25 you did not like about jury service, no matter how slight,

1 how minor, I want to hear about it. Okay. You will have
2 my phone number, email address, snail mail, feel free to
3 contact me and let me know. Okay. You are free to
4 discuss this case with anyone. If you had happened to
5 take notes during the course of the trial please simply
6 remove those from the notepads and dispose of them at your
7 house or whatever you will. So do take those with you if
8 you happened to take notes during the trial. At this
9 point and time, ladies and gentlemen, I will be in a
10 position to excuse you for the rest of the week. The
11 Clerk will hand you your checks outside. If you wish to
12 remain for sentencing I will take a brief break while the
13 Solicitor prepares the sentencing sheets for Mr. Scurry
14 and then we will proceed with sentencing. If you want to
15 remain that is perfectly fine. But for security reasons I
16 will have to ask that you sit out there in the area where
17 you were on Monday when you initially came in here. Okay.
18 So if you want to you are free to stay, you are free to
19 go, whatever the case may be. With that you are all
20 excused except for the Foreperson who I need to sign the
21 actual indictments. Thank you very much.

22 (Whereupon, the jury was excused from open court.)

23 THE COURT: If we could, let's go back on the record,
24 let's come to order, please. At this point, Solicitor,
25 you want to provide me with, before we do that. Mr.

1 Verner, I assume that you move for a new trial and renew
2 all previous motions and objections. Is that correct,
3 sir?

4 MR. VERNER: I do, Your Honor.

5 THE COURT: All right. Motion for a new trial is
6 denied. Mr. Scott, you want to apprise me of what we
7 discussed in limine of the criminal history that Mr.
8 Scurry has, review that with me for the record, please,
9 sir.

10 MR. SCOTT: Yes sir. A 2004 of a possession of
11 controlled substance; felony cocaine charge in '06; felony
12 drug charge in '06; sell of cocaine, two counts in 2011;
13 those would be the requisite charges of controlled
14 substance that would predate this one that would make this
15 one a third or subsequent.

16 THE COURT: All right, the Court will proceed. The
17 Georgia convictions and make them a part of the file in
18 this particular case. Have you received the actual hard
19 certified copies yet or they--

20 MR. SCOTT: They are in the mail, they may even come
21 today, maybe Monday, certified copies.

22 THE COURT: Very good. When the hard copies actually
23 do arrive in the mail, if you would, please do add those
24 to the clerk's file for purposes of the record. Until
25 such time I will simply use these instead of those as the

1 requisite convictions in support of this being a third.

2 MR. VERNER: I would actually asked to be served with
3 those too, Your Honor.

4 THE COURT: Very good, make a copy for Mr. Verner as
5 well.

6 MR. SCOTT: Yes, sir.

7 THE COURT: Mr. Verner, I am happy to hear anything
8 you want to say in mitigation. And I do believe that this
9 offense would carry within the 25 to 30 range. And the
10 failure to stop, three years. Let me hear from you.

11 MR. VERNER: Your Honor, he knows SCDC considers this
12 a non-parolable eighty-five percent offense and it is the
13 eighty-five percent offense. I know SCDC considers it a
14 non-parolable offense. I would just, under 24-21-610
15 which was enacted in 2013, it is not a listed
16 non-parolable offense under that statute so I object to
17 that portion of the sentence sheet that has it. But I
18 understand that is not an issue for the Court. It is an
19 SCDC, he is facing a mandatory, minimum, 25 years at no
20 parole. I would ask the Court, really no record other
21 than he has got two prior either possessions of cocaine
22 or, but he would have the qualifying should the State
23 introduce the required documents, Your Honor.

24 THE COURT: All right. For purposes of parole
25 eligibility, I did review that section. But, again, that

1 is not a matter for the Court. I think that would be
2 something that would be handled internally with the
3 Department of Corrections or with the Administrative Law
4 Courts in terms of any eligibility that Mr. Scurry may
5 have. Mr. Scurry, is there anything you care to say, I am
6 terribly sorry to meet you under these circumstances. But
7 I am happy to hear from you, sir.

8 MR. SCURRY: My life is over. Just want to thank God
9 that it was just, is just holding me on. I have no fair
10 chance but I have to go with the punishment. I just hope
11 God will give me another chance at this. I have got my
12 appeals. I wish I had enough time to hire me a lawyer, he
13 did a good job.

14 THE COURT: I understand your position, Mr. Scurry.

15 MR. VERNER: Your Honor, he was actually taken into
16 custody in Cherokee County on January 21st of 2017, he
17 wasn't brought to Newberry until this year but he has been
18 in continuous confinement with Newberry since January 21st
19 of '17. I don't intend on filing post-trial motions, Your
20 Honor, but I would ask for the ten days just in case.

21 THE COURT: Okay. Mr. Scurry, I have taken
22 everything into account. I have also taken into account,
23 of course, the obscene amount of drugs that are involved
24 in this particular case. Understand, Mr. Scurry, the
25 reason that the penalties have become so severe after a

1 person is convicted of numerous narcotics defenses, in
2 particular, like you selling this kind of poison. The
3 reason the penalty has become so severe, Mr. Scurry, is
4 that this stuff is absolutely poison, it destroys lives.
5 You may very well complain about your life being over but
6 I promise you the amount of drugs the Trooper found beside
7 the road on that particular day would destroy dozens if
8 not potentially hundreds of lives. So that is why the
9 penalties are rightfully so severe. On the trafficking
10 charge, Mr. Scurry, the sentence of the Court is 25 years.
11 You will receive credit for the time you have served since
12 January 21st of 2017. On the fail to stop charge, the
13 sentence of the Court is three years, again, credit for
14 time that you served since January 21st of last year.
15 These sentences will run concurrently of each other. Mr.
16 Scurry, you have ten days to file notice of intent to
17 appeal. Mr. Verner, I assume he will want to appeal so go
18 ahead and file the necessary notice of intent. After any
19 appeal is exhausted, Mr. Scurry, you will have one year to
20 file any action for post conviction relief. Good luck to
21 you, sir.

22 MR. VERNER: Thank you, Your Honor.

23 THE COURT: The record in this matter is closed.

24 MR. VERNER: Thank you for your patience this week,
25 Your Honor.

1 THE COURT:: Thank you, Mr. Verner.

2 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

1 CERTIFICATE OF REPORTER
2
3

4 State of South Carolina)
5 County of Newberry)
6
7

8 I, Joy E. Holston, Official Court Reporter for the
9 Eighth Judicial Circuit of the State of South Carolina, do
10 hereby certify that the foregoing is a true, accurate and
11 complete transcript of record of the proceedings had and
12 evidence introduced in the trial of the captioned case,
13 relative to appeal, in the County of Newberry, South
14 Carolina on the 3rd through 5th of April, 2018.

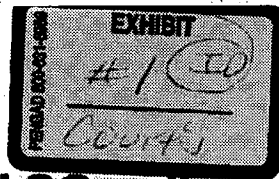
15 I do further certify that I am neither of kin,
16 counsel nor interest to any party hereto.
17

18 September 6, 2018
19

20 *Joy Holston*
21

22 Joy E. Holston, Court Reporter

23 My Commission expires: May 2, 2026
24
25



How much will SC police agencies get for body cameras?

By: WSPA 7News (mailto:webmaster@wspa.com)

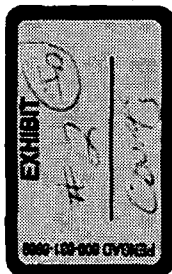
Updated: Aug 17, 2016 04:47 PM EDT

COLUMBIA, SC (WSPA) - The SC Highway Patrol has released a list of how much funding each law enforcement agency in South Carolina will get for body cameras.

Many agencies have already bought the cameras and are waiting for reimbursement, according to the Summerville Journal Scene.

The state allocated almost \$5.8 million for the purchases.

Name of Agency	Funding Awarded For Body Cameras, Storage and Maintenance
Aiken Co. Sheriff's Office	\$142,268.00
Allendale Co. Sheriff's Office	\$17,450.00
Allendale Police Dept.	\$7,271.00
Anderson Co. Sheriff's Office	\$30,000.00
Anderson Police Dept.	\$55,550.00
Aynor Police Dept.	\$7,414.00
Bamberg Police Dept.	\$4,964.00
Barnwell Police Dept.	\$9,578.00
Batesburg-Leesville Police Dept.	\$13,463.26
Beaufort Co. Sheriff's Office	\$75,000.00
Beaufort Police Dept.	\$37,064.00
Belton Police Dept.	\$6,933.00
Bennettsville Police Dept.	\$16,269.86
Bethune Police Dept.	\$1,800.00
Bluffton Police Dept.	\$13,200.00



Fiscal Year 2016-2017
Accountability Report

South Carolina Department of Public Safety (SCDPS)									
Item	Performance Measure	Last Value	Current Target Value	Current Value	Bonus Target Value	Time Applicable	Data Source and Availability	Creation Method	Reporting Department
1	Number of traffic fatalities during fiscal year 2016	1,012 Traffic Fatalities	981 Traffic Fatalities	1,023 Traffic Fatalities	992 Traffic Fatalities	7/1/2016 - 6/30/2017	Fatality Analysis Reporting System	Arithmetical calculations by OHSIP/FARS and statistical staff	1.1.3, 1.1.2, 1.1.3
2	Number of serious traffic injuries during fiscal year 2016	3,116 Serious Injuries	3,054 Serious Injuries	2,833 Serious Injuries	2,716 Serious Injuries	7/1/2016 - 6/30/2017	SC State Collision Master File	Compilation of data from the electronic SCATTS and data entry form crash reports submitted by local law enforcement	1.1.1, 1.1.2, 1.1.3
3	Number of traffic collisions during fiscal year 2016	134,051 Collisions	132,710 Collisions	136,096 Collisions	134,735 Collisions	7/1/2016 - 6/30/2017	SC State Collision Master File	Compilation of data from the electronic SCATTS and data entry form crash reports submitted by local law enforcement	1.1.1, 1.1.3
4	Annual safety belt observational survey results	93.9% Compliance	95% Compliance	92.3% Compliance	95% Compliance	7/1/2016 - 6/30/2017	USC Statistical Laboratory	Per NHTSA standards	1.1.2
5	Number of crime victims served	85,445 Victims Served	87,309 Victims Served	92,453 Victims Served	Variable - As needed	7/1/2016 - 6/30/2017	Victims of Crime Act, Violence Against Women Act and State Victims of Crime Act	Consolidation of subgrantee reports showing the number of victims of crime by services delivered	1.1.4
6	Number of agencies receiving Forensic Science Improvement (FSI) funds, Justice Assistance Grant (JAG) funds, and Bulletproof Vest Partnership (BPVP) funds	73 LE Agencies	42 LE Agencies	38 LE Agencies	42 LE Agencies	7/1/2016 - 6/30/2017	Documentation of FSI, JAG, and BVP subgrantees	Consolidation of subgrantee reports showing number of local and state law enforcement agencies receiving FSI, JAG, and BVP funds	1.1.4, 1.2.1
7	Number of correctional facilities receiving PREA and RSAT funds	2 Corrections Agencies	1 Corrections Agencies	2 Corrections Agencies	2 Corrections Agencies	7/1/2016 - 6/30/2017	Documentation of PREA and RSAT subgrantees	Consolidation of subgrantee reports showing number of local and state law enforcement agencies receiving PREA and RSAT funds	1.1.4
8	Number of agencies receiving Title II Formula Juvenile Justice Program Funds and/or Juvenile Accountability Block Grant (JABG) Funds	5 Agencies	5 Agencies	7 Agencies	5 Agencies	7/1/2016 - 6/30/2017	Documentation of Title II Formula Juvenile Justice Program and JABG Program fund recipients	Consolidation of subgrantee reports showing number of agencies receiving Title II Formula Juvenile Justice Program funds and JABG Program funds	1.1.4
9	Number of law enforcement agencies utilizing SCATTS software for E-collision reporting	65 Participating Agencies	90 Participating Agencies	82 Participating Agencies	100 Participating Agencies	7/1/2016 - 6/30/2017	South Carolina Collision and Ticket Tracking System (SCATTS)	Arithmetical Calculations	3.2.1
10	Number of law enforcement agencies utilizing SCATTS software for E-collision reporting	15 Participating Agencies	25 Participating Agencies	36 Participating Agencies	50 Participating Agencies	7/1/2016 - 6/30/2017	SCATTS data	Arithmetical Calculations	3.2.1
11	Number of law enforcement agencies receiving State-appropriated funds for body worn camera (BWC)	169 Funded Agencies	100 Funded Agencies	73 Funded Agencies	100 Funded Agencies	7/1/2016 - 6/30/2017	Documentation provided by BWC fund recipients	Arithmetical Calculations	1.1.7
12	Number of visitors to SC Criminal Justice Hall of Fame	6,413 Visitors	8,000 Visitors	9,696 Visitors	10,000 Visitors	7/1/2016 - 6/30/2017	Not Registry	Arithmetical Calculations	1.1.8

Performance Measurement Template

May 2016 (10 of 10)

Directly Related to the Agency's Core Mission

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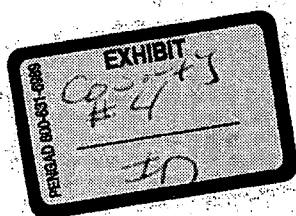
Directly Related to the Agency's Core Mission

Directly Related to the Agency's Core Mission

Directly Related to the Agency's Core Mission

If the State or the Defendant did not enter an item into evidence during the trial, it may not be given any consideration as evidence by the jury.

If there was testimony by a witness or witnesses about any matter, you must rely on your recollection of the testimony presented and only consider the documents submitted as evidence.



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~~If there was testimony by a witness or witnesses about any matter, you must rely on your recollection of the testimony presented and only consider the documents submitted as evidence.~~

WITNESSES

K. W. Lazer

South Carolina Highway Patrol

WARRANT NUMBER

2017A3610100010

TRUE BILL

Leighton S. W. J.
Foreman of the Grand Jury
Date: 3-29-18

VERDICT

Guilty
Leighton S. W. J.
Foreman April 5, 2018

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

March Term, 2018

Indictment # 2018-GS-36-00115

THE STATE

vs.

REGINALD RODEZERE SCURRY

INDICTMENT FOR

Failure To Stop For A Blue Light

SC Code: § 55-05-0750(B)

CDR: 0065

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA**COUNTY OF NEWBERRY****INDICTMENT FOR****Failure To Stop For A Blue Light
§56-05-0750(B)**

At a Court of General Sessions, convened on the 29th day of March, 2018, the Grand Jurors of Newberry County present upon their oath:

The defendant, Reginald Rodezere Scurry, did on or about January 5, 2017 in Newberry County, while driving on a road, street, or highway of the state, fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light, all in violation of Section 56-05-0750(B), Code of Laws of South Carolina (1976, as amended).

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



Taylor W. Daniel
Assistant Solicitor

WITNESSES

Michael Stribble
Newberry County Sheriff's Department

WARRANT NUMBER

2017A3610100013

TRUE BILL

[Signature]
Foreman of the Grand Jury

Date: 3-29-18

VERDICT

[Signature]
[Signature]
Foreman April 5, 2018

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

March Term, 2018

Indictment # 2018-GS-36-0011

THE STATE

vs.

REGINALD RODEZERE SCURRY

INDICTMENT FOR

Trafficking Crack Cocaine, 28 grams or more

SC Code: § 44-53-375(C)

CDR: 0349

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

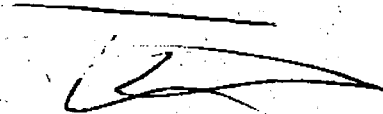
THE STATE OF SOUTH CAROLINA**INDICTMENT FOR****COUNTY OF NEWBERRY****Trafficking Crack Cocaine, 28 grams or more
§44-53-375(C)**

At a Court of General Sessions, convened on the 29th day of March, 2018, the Grand Jurors of Newberry County present upon their oath:

TRAFFICKING IN CRACK COCAINE

The defendant, Reginald Rodezere Scurry, did on or about January 5, 2017, in Newberry County, South Carolina, 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 twenty-eight (28) grams or more, but less than one-hundred (100) grams of Crack Cocaine, a cocaine base, as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2). All in violation of 44-53-375(C)(2), South Carolina Code of Laws (1976, as amended).

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



**Taylor W. Daniel
Assistant Solicitor**

COUNTY OF NEWBERRY

STATE VS.

REGINALD RODEZERE SCURRY

AKA:

Race: Black Sex: M Age: 42

DOB: SS#

Address:

City, State, Zip: Gaffney, SC 29341

DL# SID# SC02182848

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

In disposition of the said indictment comes now the Defendant who was

TO: Fail To Stop For A Blue Light

In violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, ☐ (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Taylor W. Daniel, Assistant Solicitor

100588
SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 18-65-36-116☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Since January 21, 2017☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Ordered PTUP _____

days/hours Public Service Employment

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

Proviso §61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: Fuller

Judge Bar ID: _____

Sentence Date: April 5, 2018Judge Code: 112159Clerk of Court/Deputy Clerk: Beverly G. BehrmanCourt Reporter: gpy Holston

SCCA/217 (07/2016)

SENTENCE SHEET

90 days - 3 yrs
or \$500

COUNTY OF NEWBERRY

STATE VS.

REGINALD RODEZERE SCURRY

AKA:

Race: Black

Sex: M

Age: 42

DOB: 1/19/75

SS#: 0035

Address:

City, State, Zip: Gaffney, SC 29341

DL#

SID# SC02182848

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

In disposition of the said indictment comes now the Defendant who was

TO: **Trafficking Crack Cocaine 28g or more 3rd Offense**

In violation of § 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0349

INDICTMENT/CASE#: 2018-GS-36-00116

A/W: 2017A3610100013

Date of Offense: 01/05/2017

S.C. Code §: 44-53-375(C)

CDR Code #: 0349

SCANNED

SENTENCE SHEET

25-30
\$50K☒ CONVICTED OF or☐ PLEADS☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def's initials)

The plea is: ☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Taylor W. Daniel, Assistant Solicitor

100588
SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 25 (Twenty-five) days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 18-65-36-115☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Since January 21, 2017.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning\$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,

Proviso §61.6 requires \$200 be paid to Clerk

during probation and shall be collected before any other fees.

Presiding Judge:

Judge Bar ID:

Judge Code:

Sentence Date:

2159

April 5, 2018

Clerk of Court/Deputy Clerk:

Court Reporter:

SCCA/217 (07/2016)

*Fine:	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(I) (Vehicle Assessment)	\$40/ca	\$
3% to County (if paid in installments)	\$	\$ 8.25
TOTAL		\$ 283.25

Clerk of Court/Deputy Clerk:

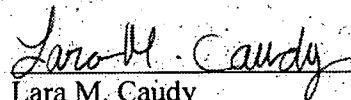
Court Reporter:

SCCA/217 (07/2016)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

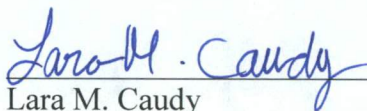
ATTORNEY FOR APPELLANT

This 8th day of March, 2019.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of March, 2019.

RECEIVED
MAR 08 2019
SC Court of Appeals