

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Laurens County

Honorable Frank R. Addy, Circuit Court Judge

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DEC 28 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

WILLIE CLARENCE PITTS,

APPELLANT

APPELLATE CASE NO 2016-000423

RECORD ON APPEAL

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INDEX

INDEX..... i

TRIAL TRANSCRIPT..... 1

OPENING STATEMENT BY MR. SCOTT 29

OPENING STATEMENT BY MR. TAYLOR..... 34

TESTIMONY

 TYRONE GOGGINS

 Direct Examination by Ms. Boykin..... 38

 Cross Examination by Mr. Taylor..... 47

 Redirect Examination by Ms. Boykin..... 52

 JAMES MILLER

 Direct Examination by Ms. Boykin..... 54

 Cross Examination by Mr. Taylor..... 68

 Redirect Examination by Mr. Scott..... 85

 Recross Examination by Mr. Taylor 86

 GENE FITTS

 Direct Examination by Mr. Scott 87

 Cross Examination by Mr. Taylor..... 91

 SHANE PRATHER

 Direct Examination by Ms. Boykin..... 94

 Cross Examination by Mr. Taylor..... 103

CLOSING ARGUMENT BY MS. BOYKIN 111

CLOSING ARGUMENT BY MR. TAYLOR..... 118

CHARGE OF THE COURT..... 124

VERDICT..... 137

SENTENCING..... 139

INDICTMENTS AND SENTENCING SHEETS 146

CERTIFICATE OF COUNSEL 152

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF LAURENS) COURT OF GENERAL SESSIONS
 No. 2014 GS 30 01298; 1300

3

4 STATE OF SOUTH CAROLINA)

5)

6 versus) TRANSCRIPT OF RECORD

7)

8 WILLIE CLARENCE PITTS)

9 Defendant)

10

February 16-17, 2016

11

12 B E F O R E :

13 HONORABLE FRANK R. ADDY, JR., Judge

14

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

15

For the State: MARGARET BOYKIN, Esq.
 DALE SCOTT, Esq.
 Solicitors

16

17

For the Defendant: AARON TAYLOR, Esq.

18

19

Reporter Present: TARA T. SCOTT

20

21

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1	I N D E X	
2	Direct-Redirect	Cross-Recross
3 Case called	5	
4 Jury Voir Dire	5	
5 Jury selection	10	
6 Stipulation	12	
7 Preliminary remarks By the Court	19	
8 Opening Statement:		
9 Mr. Scott	29	
10 Mr. Taylor	34	
11 TYRONE GOGGINS		
12 By Ms. Boykin	38-52	
13 By Mr. Taylor		47
14 JAMES MILLER		
15 By Ms. Boykin	54	
16 By Mr. Taylor		68
17 CD Published (first)		
18 CD Published (second)		
19 By Mr. Scott	85	
20 By Mr. Taylor		86
21 Matter of Law	81	
22		
23		
24		
25		

1 INDEX CONTINUED:

2		Direct-Redirect	Cross-Recross
3	GENE FITTS		
4	By Mr. Scott	87	
5	By Mr. Taylor		91
6	SHANE PRATHER		
7	By Ms. Boykin	94	
8	By Mr. Taylor		103
9	State rests		107
10	Motions		107
11	Court's discussion with Defendant		108
12	Defense rests		109
13	Motions renewed		109
14	Closing Arguments:		
15	By Ms. Boykin		111
16	By Mr. Taylor		118
17	Charge on the law		124
18	by the Court		
19	Motions		138
19	Verdict		137
20	Sentencing		139
21			
22			
23			
24			
25			

1 (The within matter came before the Court for hearing
2 on February 16, 2016, at 1:38 P.M.)

3 THE COURT: All right, Solicitor, you can call your
4 first case, and we will select a jury for the case.

5 SOLICITOR: Thank you, Your Honor.

6 The first case the State would call is the State
7 versus Willie Clarence Pitts, Indictment Number 14 GS 30
8 1298 for distribution of crack cocaine.

9 This was true billed along with Indictment Number
10 14 GS 30 1300, distribution of crack cocaine within the
11 proximity of a public park. That was also true billed on
12 August the 29th of 2014.

13 THE COURT: Ladies and gentlemen of the jury, we will
14 now begin jury selection in the case of the State of South
15 Carolina versus Willie Clarence Pitts, and the State has
16 handed up two Indictments charging the Defendant with the
17 distribution of crack cocaine and the distribution of
18 crack cocaine within the proximity of a public park.

19 I tell you, ladies and gentlemen, in this case Mr.
20 Pitts has pled not guilty to these charges, and the plea,
21 of course, puts the burden on the State to prove each and
22 every element of the charges beyond a reasonable doubt.

23 These indictments, ladies and gentlemen, are nothing
24 more than pieces of paper by which cases are brought into
25 Court and are, of course, not proof of any of the

1 allegations contained in the Indictment or in the Indict-
2 ments.

3 In this case, the Defendant is represented by Aaron
4 Taylor of the Greenwood Bar.

5 Mr. Taylor, if you would introduce yourself and Mr.
6 Pitts to the jury pool, please?

7 MR. TAYLOR: Thank you, Your Honor.

8 My name is Aaron Taylor, and I practice law in
9 Greenwood. I'm glad to be here with you today, and I ap-
10 preciate your service.

11 I represent Willie Pitts, Senior. He is a resident
12 of the Community of Laurens.

13 THE COURT: Thank you, Mr. Taylor.

14 The State of South Carolina is represented by Assist-
15 ant Solicitor Boykin.

16 Ms. Boykin, if you would introduce yourself and any-
17 one who is seated with you at counsel table.

18 MS. BOYKIN: Thank you, Your Honor.

19 My name is Margaret Boykin, and I am assisted here
20 in the prosecution of this case by Assistant Solicitor
21 Dale Scott.

22 Seated here as well is Investigator Shane Prather
23 as well.

24 THE COURT: Ladies and gentlemen of the jury, I have
25 several questions I need to ask you which are specific to

1 this case. If any of these questions applies to you, I
2 would ask you to stand up and let me know.

3 The first question is, is there any member of the
4 jury panel who is related by blood or marriage or who has
5 a social or business relationship with the Defendant in
6 this case, Willie Pitts? If so, please stand.

7 (No response)

8 No one is standing.

9 Is there any member of the jury panel who is pre-
10 senting being represented or has previously been repre-
11 sented by any of the attorneys involved in this case, or
12 if you have any close business or social relationship with
13 any of the attorneys involved in this case, either Mr.
14 Taylor, Ms. Boykin or Mr. Scott? If so, please stand.

15 (No response)

16 No one is standing.

17 Ladies and gentlemen, the State alleges that this
18 incident took place on April 16th of 2014, and the inci-
19 dent location is alleged to be ■ North Vale Street in
20 Clinton.

21 The State alleges that this alleged distribution of
22 crack cocaine took place at approximately three o'clock
23 in the afternoon.

24 Is there any member of the jury panel who knows any-
25 thing about this case or who has formed or expressed any

1 opinion about the facts of this case?

2 Anyone familiar with any of the facts alleged to be
3 involved in this case? If so, please stand.

4 (No response)

5 No one is standing.

6 This is a list of potential witnesses in this case,
7 ladies and gentlemen. As I go over this list of witness-
8 ses, ladies and gentlemen, I would ask if you know any of
9 these witnesses, are related to them or if you have any
10 close business or personal relationship with these folks?

11 These are potential witnesses who might testify in
12 this case:

13 Shane Prather with the Police Department in Clinton;

14 Tyrone Goggins with the Police Department;

15 Crystal Robbins, also with the Police Department in
16 Clinton;

17 Wise Zidcovich, who is with SLED;

18 Gene Fitts;

19 Quinton Godfrey; and

20 James Miller.

21 Any additional witnesses by either side?

22 (Response by counsel was no)

23 Anyone on the jury panel familiar with any of those
24 witnesses or have any close personal or business relation-
25 ship with any of them, please stand?

1 Anyone with any close personal, social or business
2 relationship with any of the possible witnesses, please
3 stand.

4 (No response)

5 No one is standing.

6 Is there any member of the jury panel who has any
7 strongly held opinions concerning drugs or anything that
8 is classified as illegal? Not that those opinions should
9 be named, but anyone who has a strongly held opinion about
10 drugs that are classified as illegal, please stand.

11 (No response)

12 No one is standing.

13 Ladies and gentlemen, is there any member of the jury
14 panel who has a strongly held opinion about the distribu-
15 tion of illegal drugs? If so, please stand.

16 (No response)

17 No one is standing.

18 Is there any member of the jury panel who knows of
19 any reason whatsoever that they cannot give the State of
20 South Carolina and the Defendant in this case, Mr. Pitts,
21 a fair and impartial trial?

22 Any reason whatsoever that you cannot be fair and
23 impartial in this case? If so, please stand.

24 (No response)

25 No one is standing.

1 Ladies and gentlemen, is there any member of the
2 jury panel who has any deeply held moral or religious be-
3 liefs which would prevent them from serving on a jury and
4 rendering a verdict applying the law and the facts? If
5 so, please stand.

6 (No response)

7 No one is standing.

8 Any additional questions from the State?

9 MS. BOYKIN: No, Your Honor. No additional questions.

10 THE COURT: From the Defense?

11 MR. TAYLOR: No, Your Honor.

12 THE COURT: Very good. Strikes will be five and
13 five, and we'll pick one alternate.

14 Ladies and gentlemen, now the Clerk is going to gen-
15 erate a list, a strike list, and if your name is called
16 we would ask that you come up and stand right here by the
17 Reporter at this table in front of me.

18 The State may strike or present you, and the Defense
19 will be given a similar opportunity. All right?

20 Now, ladies and gentlemen, I will tell you what I
21 tell every jury in every case that I try. If there is
22 some reason one of the lawyers don't want you to serve on
23 this case, don't take it personally. Okay?

24 We've got about fourteen thousand lawyers in the
25 State of South Carolina, and each and every lawyer has a

1 different way of picking a jury. They have many reasons
2 that are not personal reasons for not selecting jurors.

3 All right?

4 Madam Clerk, give us a jury.

5 (Whereupon, a jury was selected as follows:

6 Number 153, Walter Satterwhite, seated;

7 Number 70, Kay S. Gault, struck by Defense;

8 Number 113, Francis G. Leopard, seated;

9 Number 134, Danny O. Owens, seated;

10 Number 60, Sally G. Evans, struck by Defense;

11 Number 185, Sheila M. West, seated;

12 Number 145, Robert Reed, seated;

13 Number 197, Jack A. Wooten, Jr., struck by Defense;

14 Number 25, Adam Bruyere, struck by the State;

15 Number 19, Gary S. Brackett, seated;

16 Number 34, Melanie Cash, seated;

17 Number 56, Audra R. Edge, seated;

18 Number 120, Jerry L. McDonald, struck by the

19 State;

20 Number 2, Brandelyn Anderson, struck by the De-

21 fense;

22 Number 88, Amy M. Hall, seated;

23 Number 57, Stephanie English-Wells, seated;

24 Number 67, Kenneth H. Gann, struck by Defense;

25 Number 133, Dale R. Olsen, seated; and

1 Number 9, Sandy L. Baldwin, seated.

2 Jury selection Completed.)

3 THE COURT: We'll pick one alternate. Strikes will
4 be one for the State and two for the Defendant.

5 (Alternate juror selected was Number, 144, John G.
6 Rammage.)

7 THE COURT: Any motion on jury selection or composi-
8 tion from the State?

9 MS. BOYKIN: None from the State.

10 THE COURT: None from the Defense, Your Honor.

11 THE COURT: Ladies and gentlemen who have been se-
12 lected on this jury, what I'm going to ask you to do is to
13 follow the Bailiff who will show you where the jury room
14 is.

15 I'm going to ask you to be back in your jury room at
16 three o'clock this afternoon when we will get started in
17 the trial of the case.

18 We have some matters that we need to take up, so we
19 will begin at three o'clock.

20 When we resume at three o'clock, I will appoint a
21 Foreperson of the jury, and the Clerk will administer your
22 oath to you as jurors.

23 I will tell you this throughout the trial of the
24 case, but you are not to talk about the case with anyone.
25 Should anyone approach you and try to talk to you about

1 the case, simply tell them you are not allowed to discuss
2 the case.

3 All right, so go ahead and take your break, and be
4 back in the jury room at three o'clock.

5 Again, I appreciate your being here.

6 (Whereupon, the selected jurors were excused from the
7 Courtroom)

8 (The jurors not selected for this trial were excused
9 by the Court with instructions)

10 THE COURT: The jury panel has been excused, but we
11 are still on the record in the matter of the State versus
12 Willie Pitts. We were back in Chambers earlier.

13 There are some matters that we spoke about earlier to-
14 day that we need to put on the record that were raised by
15 the State or the Defense.

16 I believe that there is a stipulation about the chain
17 of custody and the drug results.

18 Mr. Taylor, do you wish to address those things at
19 this time?

20 MR. TAYLOR: Yes, sir, I can.

21 THE COURT: All right.

22 MR. TAYLOR: May it please the Court?

23 We have been working on this case for quite a while.
24 I took it from Mr. Saunders, and there was a straight-up
25 offer to distribution of crack cocaine, first offense,

1 and it carries zero to fifteen.

2 We have met with Mr. Pitts and watched the video two
3 or three times. I have met with him more than four or
4 five times either here or at the jail, and we have dis-
5 cussed the offer. He has respectfully declined the
6 offer.

7 On many occasions I have explained it fully to Mr.
8 Pitts, and I believe he fully understands what he is doing
9 and understands the implications of today.

10 He is now looking at distribution, first offense,
11 and proximity, which could be run consecutive to that.

12 In terms of the stipulation to the chain of custody
13 and the drugs -- the actual drug results, that is correct.
14 We do stipulate to that. It is not something we need to
15 bring out and go into through the officers. This is crack
16 he actually brought back to the officers.

17 I don't know if there is anything other than that,
18 but we do need to discuss -- Judge, it has become more
19 and more that anything over ten years isn't fair game on a
20 person's record unless it is a crime of dishonesty.

21 Mr. Miller, one of the witnesses who is the confiden-
22 tial informant, James Miller -- he has got a laundry list
23 of things on his record. I think we will be able to
24 stipulate to the evidence on all this stuff except for --
25 he was convicted of not registering as a sex offender.

1 I believe that is a crime of dishonesty. I think he
2 is not being honest about his status as a sex offender.

3 So I would ask the Court to allow me to bring that
4 out in front of the jury and to be allowed to cross-exam-
5 ine Mr. Miller as to that.

6 As for the rest of it, Judge, I think we can all
7 agree. Fraudulent checks are all over the place, and a
8 breach of trust is on here.

9 I think again, other than that, Judge, that -- that
10 was my main sticking point here, and I would ask to be
11 able to tell the jury.

12 THE COURT: All right. Mr. Pitts, you have heard
13 what your attorney has said to the Court. Do you agree
14 with the stipulation as to the chain of custody and to
15 the drug results?

16 DEFENDANT: Yes, sir.

17 THE COURT: And is what Mr. Taylor has said correct,
18 sir?

19 DEFENDANT: Yes, sir.

20 THE COURT: All right, Solicitor. Do you want to
21 speak to what Mr. Taylor has said about the failure to
22 register as a sex offender charge?

23 MR. SCOTT: I'm not saying I agree, Your Honor. I
24 think there may be many reasons why he failed to register.
25 I don't see that it comes within the traditional state

1 but I haven't had much experience with it.

2 THE COURT: Okay.

3 MR. SCOTT: I don't see that it would go to deal
4 with his credibility per se. There was no investigation
5 . . .

6 THE COURT: Well, if he was required to register and
7 he did not register -- there really is no excuse for not
8 registering.

9 MR. TAYLOR: What you are saying, Judge, is that if
10 dishonesty is an element of the crime that would be a
11 crime of dishonesty.

12 I think the fact is that I would like to paint
13 the whole picture of this person's background and as a
14 confidential informant. I know it is the nature of the
15 business, to try to get out of trouble or to be paid
16 or whatever.

17 I think that it is something the jury needs to hear
18 as far as his credibility, although I understand the
19 State's argument and your comments, Judge.

20 (Brief pause in proceeding)

21 THE COURT: What section . . .

22 MR. TAYLOR: It's 470 one -- 24 dash 3 dash 470 B B
23 one.

24 THE COURT: Okay.

25 (Pause continuing)

1 THE COURT: Going to the statute, 24 3 470 deals
2 with or relates to a failure to register with the sher-
3 iff in the county where he resides.

4 Section 24 3 475 deals with someone who registers
5 and knowingly and wilfully gives false information when
6 registering as a sex offender.

7 They both have the same penalty, and here Mr. Miller
8 was convicted of 470 which deals with failing to reg-
9 ister. There is a distinction between those two stat-
10 utes.

11 So Mr. Miller was convicted of 470, not registering,
12 but 475, however, seems to involve some element of dis-
13 honesty rather than not registering; that of giving false
14 information when the person did in fact register.

15 Since we are dealing with 470, I believe Mr. Taylor
16 would be correct and the State would not be allowed to go
17 into the failing to register.

18 MR. TAYLOR: I believe we're dealing with the State's
19 witness right now.

20 THE COURT: That's correct. I'm sorry.

21 MR. TAYLOR: It is 470 that is on the rap sheet, I
22 believe, a failure to register and provide information.

23 THE COURT: Yes, sir. I'm sorry. I'm sure you're
24 right. The Court would not allow the Defense to cross
25 examine the witness on that.

1 MR. TAYLOR: Would you allow me to address some of
2 the other . .

3 THE COURT: Yes, sir.

4 MR. TAYLOR: I believe he has some pending charges
5 that he has not been convicted of.

6 MS. BOYKIN: That's correct, Your Honor.

7 THE COURT: That's Mr. Miller?

8 MR. TAYLOR: Yes, Your Honor. A breach of trust, I
9 believe, and a couple of burglaries, second degree burg-
10 laries. Some check . .

11 MR. SCOTT: I think the key ones are breach of trust
12 and . .

13 THE COURT: The breach of trust obviously would be
14 and if there is any question about the pending charges
15 and any deal made with the State then Mr. Taylor
16 would be allowed to go into those.

17 Check on that and the burglary charges before Mr.
18 Miller testifies as to whether those are pending. We may
19 need to revisit some of that.

20 Anything else on this case?

21 If not, we need to take a short break and then bring
22 the jury in.

23 (No response)

24 (The Court took a short recess, after which the mat-
25 ter resumed)

1 THE COURT: Okay, we are back on the record again in
2 Cases 14 1298 and 1300, State versus Willie Pitts.

3 The record should reflect that the Defendant is pre-
4 sent with his counsel, and I am assuming that the members
5 of the jury are present.

6 Is that correct?

7 BAILIFF: All the jurors are present.

8 THE COURT: All right. Very good.

9 I notice that you all have marked some exhibits for
10 this. Are those without objection?

11 MR. TAYLOR: Actually there is one I would like to --
12 probably I don't have any objection to any of them, but
13 there is one I want to show my client that . .

14 THE COURT: Sure.

15 MR. TAYLOR: . . that I have not seen. I'd like to
16 show it to him and, I mean, I would like to see all of
17 them just to make sure, if I could.

18 I don't believe I have any objection to them.

19 THE COURT: Sure.

20 (Brief pause in proceeding)

21 MR. TAYLOR: Judge, without objection.

22 THE COURT: All right, just so the record is clear
23 then . .

24 MR. TAYLOR: It looks like 1 through 9. State's Ex-
25 hibits 1 through 9.

1 THE COURT: When the jury comes out, I intend to in-
2 form them of the stipulation you all have entered into. I
3 will explain to them that . . .

4 MR. SCOTT: Actually, Judge, I think we will ask for
5 them to be put in evidence, 1 and 2, and we will stipu-
6 late to 3 through 9.

7 MR. TAYLOR: We stipulated to 3 through 9.

8 MR. SCOTT: And 1 and 2 are the videos.

9 THE COURT: All right. Then I will bring the jury in
10 and explain to them the stipulation and then start with
11 the instructions and openings.

12 Bring the jury in, please.

13 (Jury returned to Courtroom at 3:35 P.M.)

14 BAILIFF: All the jurors are present, Your Honor.

15 THE COURT: All right, let the record reflect the
16 jury is back and seated.

17 Ladies and gentlemen of the jury, I want to thank
18 you for your patience. You were supposed to be here at
19 three to begin but we were involved in taking some guilty
20 pleas and hearing some probation violations.

21 I apologize to you for that, and I assure you that
22 it was not intentional.

23 Now, ladies and gentlemen, we are about to begin the
24 trial of the case of the State of South Carolina versus
25 Willie Pitts.

1 The first order of business this morning is to ap-
2 point a Foreperson of the jury, so, Ms. Sheila West, I'd
3 like to make you the Foreperson of the jury, maam.

4 Now, your vote as a juror certainly means no more
5 than any other juror's vote. Your job, when the case is
6 submitted to the jury -- your job when the case is submit-
7 ted to the jury for deliberation will be to see that each
8 of the jury members gets a fair chance to have their say
9 and to speak their piece. As well, you will be the jury
10 spokesperson here in the Courtroom later on in the trial
11 as that should become necessary.

12 Very good. After we take a break, if you will assume
13 that seat there in the front row where the lady in black
14 is sitting.

15 The alternate juror is Mr. Rammage. You will take the
16 seat there when you have been shown. You're right in place.

17 As we go forward and the case is going on, if anyone
18 has any difficulty hearing any of the testimony, if you
19 would please signal to me. If you will simply raise your
20 hand. Okay? Because you will need to hear everything
21 that is being said here in Court. If needed I can ask
22 the witnesses or the attorneys to speak up.

23 Now, ladies and gentlemen, before we begin the trial
24 I want to let you know that this case will probably be a
25 bit different from what you have come to expect from the

1 trials that are depicted on TV or in movies. What you've
2 seen there are trials with riviting circumstances and
3 drama. In our Courtrooms certainly sometimes that is the
4 case, but more often than not, ladies and gentlemen, our
5 trials take a lot of time and we take that time because
6 what you may hear is important to the State of South
7 Carolina and to the Defendant.

8 This is real life, and real life is different from
9 what you may see on TV or in movies.

10 I want to thank you at the outset for your willing-
11 ness to accept this important role and thank you for your
12 willingness to come in here, the thirteen individuals who
13 will dispose of this case

14 You know nothing about the case and you will decide
15 the facts of the case from the facts that will be given to
16 you and the law as I give it to you in the trial of the
17 case. Again, thank you for your willingness to stand.

18 That being said, if you would stand where you are and
19 raise your right hands as you are sworn as members of the
20 jury.

21 (Whereupon, the jurors were sworn by the Clerk for
22 the trial of the within case)

23 THE COURT: Thank you, Madam Clerk.

24 Now, ladies and gentlemen what I now say to you about
25 the trial of the case is not an instruction on the law.

1 I will give you instruction on the law at the conclus-
2 ion of the trial before you retire to deliberate on your
3 verdict.

4 Again, this is just to give you some information on
5 the process so that you can understand what is going on.

6 Ladies and gentlemen, the Defendant in this case, Mr.
7 Pitts, has been charged in this case in Indictments filed
8 with this Court with offenses of distribution of crack co-
9 caine and distribution of crack cocaine within the proxim-
10 ity of a school, park or a playground.

11 I will explain the elements of those charges later to
12 you.

13 Again, ladies and gentlemen, an Indictment merely is
14 the means by which the case is brought into Court. The
15 Defendant, again, has pled not guilty, and that plea places
16 the burden of proof upon the State to prove each and every
17 element of the charges beyond a reasonable doubt.

18 Your duty, ladies and gentlemen, to determine whether
19 the State has met this burden, and your purpose as jurors
20 is to find and determine the facts.

21 You are the sole judges of the facts so if I make any
22 comment as the Trial Judge concerning the facts, you must
23 disregard that comment.

24 You are to determine the facts from the testimony and
25 evidence you hear and any other evidence which is

1 introduced in Court and give to it the inferences that you
2 feel could be drawn from the evidence presented.

3 Ladies and gentlemen, it is especially important that
4 you perform your duties of determining the facts diligently
5 and conscientiously. Ordinarily, there is no way to cor-
6 rect an erroneous determination of the facts brought back
7 by a jury.

8 Ladies and gentlemen, the State law makes you the
9 judge of the facts and makes me the judge of the law. The
10 law as given by the Court is the only law that you can
11 consider and apply, even though you may disagree with it.

12 Again, I am not permitted to tell you what the facts
13 are, and you are not allowed to disagree with me as to what
14 the law is or what the law should be.

15 Your job will be to take the law as I give it to you
16 and apply it to the facts as you determine them to be,
17 and after that to render your verdict.

18 Until you are told to begin your deliberations, I ask
19 that you please do not discuss the case with anyone, even
20 your family members, and not even your fellow jurors.

21 Once the case is submitted to you, you are to discuss
22 it only in the presence of your fellow jurors. Until that
23 time you must not discuss it with anyone.

24 If you happen to see any of the lawyers or any of the
25 participants in the trial around the Courthouse when the

1. case is going on and they do not even say hello to you,
2 understand that they are not being unfriendly. They are
3 just following my instructions not to speak to you while
4 the case is going on. Okay?

5 The reason for this is self-evident. If the other
6 side were to see you in any conversation with one of the
7 attorneys, it could easily be considered to be jury tamper-
8 ing. It is easier to keep that issue from arising in the
9 first place as the case is going on.

10 Ladies and gentlemen, it is important that you keep
11 an open mind and not decide any issues in this case until
12 all of the evidence has been presented and you receive
13 the instructions on the law and have heard the closing ar-
14 guments.

15 It is your sole responsibility to determine the guilt
16 or the innocence of the Defendant, and your determination
17 must be based solely on the evidence presented and on the
18 law as I instruct it to you.

19 In just a moment, ladies and gentlemen, the Solicitor
20 -- one of the Solicitors will make what is called an open-
21 ing statement in which they will tell you what the issues
22 are or what the State contends the issues are in this
23 case.

24 The attorney for the Defendant, Mr. Taylor, will also
25 be given an opportunity to make an opening statement,

1 although he is not required to do so.

2 I instruct you that what the lawyers say during their
3 opening statements are not evidence but only their conten-
4 tion as to what the evidence will demonstrate and what it will
5 prove or will not prove.

6 The evidence will be presented from the testimony of
7 sworn witnesses and any exhibits that are introduced into
8 the record, together with any stipulation of counsel.

9 Now, during the trial, ladies and gentlemen, it may
10 be necessary for the Court to take a brief break while I
11 take up an issue of law with the attorneys, and during the
12 breaks it may become necessary for me to ask you to leave
13 the Courtroom and return to the jury room as I have a con-
14 versation with the lawyers on the record about that parti-
15 cular issue of law.

16 The reason I would ask you and the reason for you to
17 return to your jury room is that when we take up an issue
18 of law it may be necessary for me to talk about what the
19 facts may be from the testimony and evidence presented,
20 and since you are the sole judges of the facts and I am
21 not allowed to say anything to you about the facts since
22 you are to determine what those facts may be in your jury
23 deliberation, I ask that you leave the Courtroom so that I
24 can do that and I can be sure that the facts are what you
25 determine them to be in your deliberations.

1 Now, you should not speculate as to what I may feel
2 about the facts from anything that I may say during the
3 trial and in giving you the law.

4 In determining the facts of the case, ladies and gen-
5 tlemen, you must determine whether or not the testimony as
6 given is reasonable or not. Once the evidence has been
7 admitted, whether or not it is believable is totally for
8 you to determine.

9 In deciding whether to believe a witness, you have a
10 right to consider the interests of any witness, the bias
11 of any witness, the prejudice of any witness, the opportu-
12 nity for a witness to have seen the matter to which the
13 witness testified.

14 You may also consider the way the witness acts on the
15 witness stand. You may consider anything in the record of
16 the case as well as the witness' demeanor.

17 You have a duty to pay close attention to the wites-
18 ses. Please also pay close attention to the attorneys in
19 Court. Try to keep your thoughts from wandering and give
20 strict attention to the testimony so that at the conclus-
21 ion of the trial you will be able to determine what the
22 true facts are, apply the law to those facts, and thus render
23 a verdict that is just to the Defendant and to the State.

24 Now, ladies and gentlemen, it is the right of the
25 attorneys on both sides to object in just a moment, and I

1 will tell you that it is a pleasure to work with profes-
2 sional attorneys such as are appearing before you today.
3 They have actually narrowed the issues in the case.

4 They have stipulated to several exhibits, State's 3
5 through 9, so that it will not be necessary to go through
6 the usual rigamarole in the process of getting those intro-
7 duced.

8 Additionally, the Defense in this case has been will-
9 ing to stipulate that the chain of custody of the narcotics
10 involved is a valid chain, so that we do not have to hear
11 from the witnesses who were involved in handling of the
12 evidence; that it is a complete chain.

13 The Defendant is also willing to stipulate that the
14 material is illegal drugs and that it is in fact crack
15 cocaine.

16 So those are the stipulations that have been agreed
17 upon. The Defense has stipulated to those facts.

18 Are there any objections from the State to my open-
19 ing comments?

20 MS. BOYKIN: No, Your Honor.

21 THE COURT: Okay.

22 MR. TAYLOR: None from the Defense.

23 THE COURT: All right, we will now hear the opening
24 statements, and Mr. Scott will give the opening statement
25 for the State.

1 MR. SCOTT: This case we are about to present to you
2 is about a poison. It is about a poison that is distrib-
3 uted, and it is about the people that distribute that
4 poison. You heard the Indictment read and you know that
5 the poison I'm talking about is crack cocaine.

6 Now I'm going to give you just a brief opening and
7 tell you about this offense. In the seventies and early
8 eighties, cocaine was king, and that is what the drug of
9 choice was. That's what we had a good many problems with,
10 but not to the extent that we see today.

11 People were making money hand over fist on cocaine,
12 but the supply they kept bringing in and bringing in until
13 they had this surplus. So the price was going down.

14 So they had all of this supply but they weren't get-
15 ting the same amount of money they were used to getting so
16 what the dealers did was to start up the business of crack
17 cocaine.

18 They started with the powder cocaine, but what they
19 could do is they could make it into another form that
20 would smooth the cocaine down; they could smoke it. So
21 they could sell it in smaller quantities to more people and
22 make more money with this form. So that crack cocaine was
23 born. They smoothed it down, and it became more addictive.

24 So they offered this crack cocaine that anybody could
25 afford, and it was something they could smoke and it would

1 hit their system with force, so that people couldn't get
2 enough of it.

3 But the problem was they quickly got this tolerance
4 to it, so when they would use it for a little while the
5 more they used the more they needed. So that they came to
6 be using more and more. It took more and more for them to
7 get high. They began taking more and more and more.

8 When it became this drug that anybody could afford to
9 buy, people were smoking more and more. So they would do
10 more to get the high but it didn't last as long as it once
11 did, that high. So they would take more and more.

12 That led to basically the mid-eighties or the early
13 nineties as this crack distribution was experienced, and
14 we would see all these arrests and see there was an explos-
15 ion in the crime rate.

16 People in my line of work working in prosecution --
17 these prosecutions could carry a whole docket with all the
18 cases they had. Now we have trays and trays of warrants
19 and indictments.

20 I tell you this because with all of these new addicts
21 that are hooked on this stuff I'm telling you about, we
22 have to find that link to stop all of that some way, and
23 I mean it when I say it's important.

24 Law enforcement has been trying to figure out ways to
25 slow this thing down, to combat this big problem, and one

1 thing they do is to begin using confidential informants.
2 It was hard to find people who had access and were people
3 that were trusted to aid law enforcement. Maybe people
4 who have been dealing themselves with law enforcement,
5 if they would like to help themselves by being respons-
6 ible.

7 Maybe they would consider going and buying some crack
8 from this known drug dealer because the goal was to try
9 to get these people who spread the poison out and to get
10 them off the streets.

11 Say, you're the guy this dealer trusts, and you send
12 them in there to buy Twenty Dollars worth of crack and you
13 make an arrest of these people to try to slow them down.

14 And that is just what we have here. We have a deal
15 in crack cocaine, and you will hear evidence and you will
16 see yourself -- you will see the videos.

17 You will see without question that he went to North
18 Vale Street and purchased a Twenty Dollar rock from
19 Willie Pitts.

20 That is what this case is about, ladies and gentle-
21 men. It is clearly on the tape. What you're going to see,
22 I submit to you, is a video that shows the confidential
23 informant miked up. He has a camera recording, and he is
24 taking a Twenty Dollar bill and going to North Vale
25 Street to get some crack.

1 And that's another thing. People who use in this
2 whole mess and are addicted, or people who deal crack out
3 of their house, they might give someone a rock or two,
4 and then they just wait for them to come again and again.
5 They know they will hear from them again.

6 But the video which you will see is the C.I. going
7 to the house and trying to purchase from the Codefendant
8 of Mr. Pitts, whose name is Quinton Godfrey -- Quinton
9 Godfrey at this particular time was uncomfortable selling
10 to the C.I., so the C.I. needs to see someone else, and
11 that's just what he did.

12 He goes to see Willie Pitts, and after a brief ex-
13 change the C.I. becomes availed of a small amount of crack.
14 You will see video that shows him taking that Twenty Dol-
15 lar bill and putting it in Mr. Pitts' hands and coming
16 away with crack.

17 And what they did is they immediately got an arrest
18 warrant. They go back to law enforcement and turn the
19 crack in to law enforcement.

20 The C.I. is searched before they begin to make sure
21 he doesn't have anything on him but the Twenty Dollar bill
22 and they on the video watch him go to the crack house and
23 watch him give the Twenty Dollar bill to the Defendant and
24 get the crack.

25 You will see on the video all of this happen, and

1 will have witnesses to tell you what happened. You will
2 have the C.I. to tell you what happened, and you will as
3 well watch the video.

4 You will see a couple of pictures, you will see the
5 video. It will show Mr. Pitts and the C.I.

6 Two Indictments were signed, and that is the distri-
7 buting crack cocaine and the dealing of crack cocaine in
8 the proximity of a school or park or, in this case,
9 Jefferson Street Park.

10 If you're going to deal crack, it is illegal to do
11 it within half a mile of a school or a playground or a
12 church or park.

13 I think you need to understand the dangerous nature
14 of this offense. Mr. Pitts was dealing this poison and
15 putting it out on the street. We don't want you to be
16 doing that around a playground or anywhere else. That's
17 it.

18 If we don't prove it to you beyond a reasonable doubt
19 you must find Mr. Pitts not guilty, but I believe we will
20 prove to you beyond any doubt that Willie Pitts is guilty
21 of distribution of crack cocaine and within the proximity
22 of a playground.

23 I'm sure Mr. Taylor is going to tell you otherwise,
24 but you will see the video. That's the key to this whole
25 thing and to your finding him guilty. If someone is going

1 to play that game there will be consequences, and the con-
2 sequence here is that the jury will find the Defendant
3 guilty. If that's what you're going to do in that commun-
4 ity, the jury will find you guilty.

5 That's what we are going to ask you to do in this
6 case, to find him guilty of distributing crack cocaine and
7 distributing it within the proximity of a park or play-
8 ground or church.

9 Thank you for your attention.

10 THE COURT: Mr. Taylor, you may address the jury.

11 MR. TAYLOR: Thank you, Your Honor. May it please the
12 Court?

13 Ladies and gentlemen, thank you for your service in
14 this case and for waiting. I know this is something that
15 has required you to be here and that you didn't count on,
16 and all that sort of thing, so I'm not going to stand up
17 here and go on and on and talk about all sorts of stuff.
18 I'm going to just ask that we keep our eyes on the ball
19 and consider what is important.

20 My name is Aaron Taylor, and I am from Greenwood, and
21 I have the pleasure of representing Mr. Pitts in this case.
22 It's just me and him.

23 Now, you've got the State and you've got the offi-
24 cers, you've got the prosecutors and you've got the detec-
25 tives who are sitting there.

1 So they've got all the resources in the deck, and it
2 looks like the deck is stacked against us.

3 So really the only thing we've got to combat any-
4 thing happening that is unfair are the facts, and you are
5 going to hear about the things Mr. Scott has talked about
6 and what is going to be presented today.

7 The most important thing you're going to watch is
8 that video. All right? And you are going to -- it is
9 going to come in evidence and you will hear the video and
10 you will see the informant.

11 And, by the way, you're going to hear more about him.
12 He has done a whole list of dishonest things, and I want
13 you to keep that in mind.

14 But when you see Mr. Pitts on the video and he is at
15 the house, and we won't waste your time and say he wasn't
16 -- he was there. You will see on the video that the C.I.
17 comes up and talks to someone; then he leaves and comes
18 back and it shows Mr. Pitts, my client, on the video for
19 ten seconds.

20 You won't see him again or anything like it. There
21 is no conversation. My client didn't even talk to the con-
22 fidential informant. Yet he is brought into Court and put
23 on trial. He will go to prison, if convicted, which is
24 huge. It's a huge thing.

25 Now, I would not stand here and tell you that if I

1 did not think that. It is a huge problem.

2 I used to do their job. I used to run Greenwood
3 County. Same problem then -- terrible. I'm not saying
4 that cocaine is not a problem. A huge problem.

5 But in cases like this, it is important that the
6 State do their job properly.

7 At the end I will be able to come back and talk to
8 you, and I want you to keep an open mind as you are going
9 through this trial.

10 What kind of person is the confidential informant?
11 Would he have any reason to lie? What is his reasoning in
12 this?

13 Do you think he's doing this to help himself in some
14 way?

15 You will hear testimony about that too, and another
16 thing -- what would be his reason to lie? Just think
17 about that. Why would someone lie unless they are trying
18 to get some help for themselves? That is another thing to
19 remember about the confidential informant, and also the
20 State mentioned something about, we searched the informant
21 and he only had Twenty Dollars on his person when he went
22 there.

23 I ask you to watch the video. He makes a couple of
24 stops on the video. I mean, he could have had the drugs
25 hidden somewhere. Something else could have been going on.

1 He leaves the home first and then comes back, and
2 that may be the red flag.

3 The key to this whole system is that you have to
4 find him guilty beyond a reasonable doubt. That doesn't
5 mean any doubt. If you find there is no doubt then you
6 find him guilty, but if you think there is a doubt then
7 you find him not guilty.

8 Beyond a reasonable doubt is very important, a very
9 important proposition. Again, I want you to pay very
10 close attention to the video.

11 We did stipulate to all this stuff. I have no doubt
12 that the confidential informant brought something back to
13 the officers. I mean, that was part of the deal. He's
14 not going to get paid if he doesn't and he has to get the
15 package from somewhere. It wasn't from Mr. Pitts. I
16 don't know where he got it from.

17 That is the reason it is so very important to pay at-
18 tention, and at the end I will be able to come back and
19 talk to you again at the end.

20 Again, I appreciate your service. Thank you.

21 THE COURT: Now, ladies and gentlemen, before we get
22 started there are a few things I need to go over with you.

23 If you want to take notes, you are free to do so but
24 do not let that note-taking distract you from the testi-
25 mony. Any notes you take are to be for your own personal use.

1 Basically, you may take notes for your benefit in refresh-
2 ing your recollection of the testimony.

3 So, if you want to take notes, that's fine. The Bail-
4 iff will take up the notes when we take a break and at the
5 end of each day.

6 Madam Solicitor, you may call your first witness.

7 MS. BOYKIN: The State calls Tyrone Goggins.

8 TYRONE GOGGINS, being duly
9 sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. BOYKIN:

12 Q. Mr. Goggins, where do you work?

13 A. City Police Department.

14 Q. How long have you worked there?

15 A. July will be eighteen years.

16 Q. What is your title?

17 A. Detective Lieutenant in investigations.

18 Q. Do you have specific duties in that?

19 A. Yes, we investigate multiple offenses such as homi-
20 cides and narcotics.

21 Q. So you handle narcotics cases?

22 A. Yes, I do, numerous.

23 Q. How often do you investigate narcotics cases?

24 A. Approximately in the last four years I have been
25 involved in somewhere around between five to seven

T. GOGGINS ON DIRECT

- 1 hundred. Somewhere in there.
- 2 Q. So tell the jury a little bit about the procedure in-
3 volved with C.Is.
- 4 A. Okay. What the procedures are, what we normally do in
5 dealing with a C.I. is we interview them. We talk to them
6 to see what type of information they can provide.
- 7 We not only go with the C.I.'s information, but we
8 kind of pro-rate that information with information that
9 we already know ourselves.
- 10 So the confidential informant provides information
11 that this is a drug area and a random name of who is sell-
12 ing drugs. If we already know that information, it kind
13 of gives us more information from that informant.
- 14 What we do is we make a buy using that confidential
15 informant under the supervision of law enforcement, and
16 a lot of times we have to use people that is familiar
17 to these locations.
- 18 We kind of -- sometimes it takes someone who is fam-
19 iliar or known at the place of the purchase, because they
20 wouldn't sell to me.
- 21 So we . . .
- 22 Q. And is that why you use confidential informants under-
23 cover?
- 24 A. . . .
- 25 Q. I mean, would you be able to go up there and . . .

T. GOGGINS ON DIRECT

1 A. No.

2 Q. . . make a buy?

3 A. No, if it's within five miles of the city limits,
4 they won't send any of us, but we retain informants some-
5 times and pay them.

6 Sometimes they may have charges that they want to get
7 some consideration for their help.

8 Q. Okay.

9 A. In this case, we was paying the informant. He was
10 being paid Fifty Dollars a purchase for his part,
11 and we . . .

12 Q. Let me stop you right there.

13 A. Okay.

14 A. Within the guidelines for dealing with a confidential
15 informant, do you usually place any audio or video equip-
16 ment on the informant?

17 A. Yes, usually what we do is we wire them with equip-
18 ment for audio and video to put it in place, and what that
19 does is serve as protection for the informant in case some-
20 thing happens, as well as serving as surveillance for law
21 enforcement.

22 We can hear what is actually going on during the con-
23 tact in this way.

24 Q. And in this way you can also communicate with the in-
25 formant, the confidential informant?

T. GOGGINS ON DIRECT

1 You are in contact with the confidential informant dur-
2 ing the transaction?

3 A. Yes. Occasionally what we have is an informant some-
4 times held their sample and we can communicate back and
5 forth by calling them.

6 Q. Before you send the informant out to make the buy, do
7 you search them?

8 A. Yes. That is important.

9 We search them to see if they have any contraband or
10 drugs on them, or any money or personal property. What we
11 try to do is take from them any property that they have in
12 leaving the location so that there is nothing the infor-
13 mant has prior to making the drug purchase.

14 Q. Now, you do take their money from them?

15 A. Yes.

16 Q. So that the only money they have on them is money you
17 provide?

18 A. The only money they are supposed to have is what they
19 get from law enforcement.

20 Q. Now, tell us what you did to prepare for this buy?

21 A. In this particular location, we had three cameras as
22 well as audio.

23 Q. And tell the jury what the purpose is for that?

24 A. The purpose is to be able to have, I guess, control.
25 In undercover drug buys utilizing an informant, there are

T. GOGGINS ON DIRECT

1 -- it is to make as many purchases from drug dealers pos-
2 sible prior to arresting them. To stop them.

3 Q. Now, were you involved in the case against Willie
4 Pitts?

5 A. I was.

6 Q. And who was the confidential informant in that case?

7 A. James Miller.

8 Q. Okay, and do you know why he was a confidential infor-
9 mant?

10 A. Yes. I had a conversation with James Miller, and we
11 talked and he said he would be willing to purchase drugs
12 for law enforcement in some capacity, and we agreed to pay
13 him in exchange for this.

14 Q. So it wasn't to work off charges?

15 A. No, it wasn't.

16 Q. So this drug transaction took place April 16 of 2014,
17 is that correct?

18 A. That is correct.

19 Q. Did you search James Miller that day? Did you search
20 him?

21 A. I didn't search him. Detective Craven searched him.

22 Q. And did you provide him with money?

23 A. Yes, we provided him with a Twenty Dollar bill to
24 purchase the drugs with.

25 Q. All right, and was that the only cash he had on him

T. GOGGINS ON DIRECT

1 at the time?

2 A. Yes.

3 Q. And what did you do next? You sent him off with cash?

4 A. We sent him to a location that was in the Neighbor-
5 hood Drive area that is known as a drug area up there,
6 and he was to make contact with an individual that was not
7 there, so he talked to several people inside the house and
8 he asked whether this person was there, and then he told
9 them he was going to make a phone call and he left.

10 Prior to leaving there he was headed to a location --
11 to another location where he ran across another known drug
12 dealer, and he was inside the vehicle and he exited when
13 he come to a residence nearby where he parked at.

14 The dealer never showed up at that residence so we
15 instructed him to go to another drug area which was on
16 North Vale Street that he was familiar with as well.

17 This location is where he made contact with Willie
18 Pitts.

19 Q. And that was on North Vale Street?

20 A. Yes, at [REDACTED] North Vale Street.

21 Q. And where is that located? What county is that?

22 A. That's in Laurens County, the City of Laurens.

23 Q. And that's where he purchased crack cocaine from Willie
24 Pitts, is that correct?

25 A. Yes, he had known Willie as Seybeau. That's when

T. GOGGINS ON DIRECT

1 he was known by, as Seybeau, but his real name is Willie
2 Clarence Pitts.

3 Q. Do you see Seybeau or Willie Pitts in the Courtroom
4 today?

5 A. Yes.

6 Q. Would you point him out to us?

7 A. Yes. He's sitting beside Mr. Taylor.

8 Q. All right.

9 THE COURT: The record will reflect he pointed to the
10 Defendant, Mr. Pitts.

11 BY SOLICITOR:

12 Q. And have you known Seybeau or Willie Pitts before
13 that day?

14 A. All of my life here, in Columbia or in the area, yes.
15 I'm forty-four years old, and he's always been around.
16 So, yes, maam.

17 Q. Okay. Now, [REDACTED] North Vale Street, are there parks
18 or schools within half a mile of that house?

19 A. Yes. I think it is to Jefferson Street Park and Bolt
20 Street Park. Within half a block.

21 Q. And how long have those parks been there?

22 A. The Bolt Street Park has been there for longer than
23 my career with law enforcement. That is in July eighteen
24 years, and Jefferson Street Park maybe ten years.

25 Q. Let me show you State's Exhibit 14. Do you recognize

T. GOGGINS ON DIRECT

1 that?

2 A. Yes, a map.

3 Q. Can you point out where Jefferson Street Park is in
4 relation to [REDACTED] North Vale Street?

5 A. Yes.

6 Q. I would ask if you would mark it with this red pen.

7 A. . .

8 Q. Okay.

9 SOLICITOR: I would ask to admit this Exhibit.

10 MR. TAYLOR: No objection.

11 (Map entered in evidence without objection as State's
12 Exhibit 14)

13 BY SOLICITOR:

14 Q. And [REDACTED] North Vale Street -- is that where this trans-
15 action took place?

16 A. That's correct.

17 Q. And is that close to Bolt Park?

18 A. Yes. It's right in that area.

19 Q. Now, after Mr. Pitts sold the crack cocaine to Mr.
20 Miller, what happened next? He came back to you, of
21 course?

22 A. James Miller got in the vehicle and headed back to a
23 pre-determined location. We had discussed where he would
24 meet us at.

25 Um, he also told me about the situation and he then

T. GOGGINS ON DIRECT

1 explained to me who he had purchased from. We were hear-
2 ing what actually was taken place, but we could not visu-
3 ally see it, depending on the way his body unit was trans-
4 mitting back to our vehicle that we were doing surveil-
5 lance from.

6 So he told us he purchased the crack cocaine from
7 Seybeau. He stated he attempted to purchase from Cliff
8 Dockery but Willie Pitts, a k a Seybeau, sold him the crack
9 cocaine.

10 Q. Did you take custody of that crack cocaine from him
11 when he returned back to you?

12 A. He returned back to us at the pre-determined location,
13 and he turned the crack cocaine over to Lieutenant
14 Craven, in my presence.

15 Q. Did he talk to anyone else after he bought the drugs?

16 A. He left that location. He saw no one. He was walk-
17 ing down the street and got in the vehicle absolutely
18 straight. He talked to no one.

19 From my investigation working in narcotics, the ques-
20 tion is do you have anything, and then he stated that I'll
21 be back to hollar at you after I go to the store.

22 He didn't have any money to purchase any more crack
23 cocaine so he had to meet back with us in order to get more
24 funds to purchase any more drugs, any more crack cocaine.

25 Q. Now, the vehicle he was in, was it his personal car?

T. GOGGINS ON DIRECT

1 A. The vehicle that James Miller, the informant, was
2 driving was a vehicle that was provided to him by law en-
3 forcement. We provided that vehicle to him that day be-
4 fore we began and he went to make the buy.

5 Q. Was it searched, the vehicle?

6 A. Yes, his vehicle was searched, as well as the vehicle
7 belonging to us that James Miller would have had access to
8 that day.

9 Q. Now, following that transaction and when Jams Miller
10 got to the car, was he searched for narcotics?

11 A. Yes.

12 Q. When this transaction was over, James Miller got re-
13 warded, is that correct?

14 A. Yes.

15 Q. If you will answer any questions the Defense may have
16 for you.

17 A. Thank you.

18 THE COURT: Mr. Taylor.

19 CROSS EXAMINATION

20 BY MR. TAYLOR:

21 Q. Thank you, Your Honor.

22 So, if I heard you correctly, the C.I. was not fac-
23 ing charges and his reason for making the buy was that he
24 was going to be paid?

25 A. The confidential informant was being paid by us, yes.

T. GOGGINS ON CROSS

1 We don't have a whole lot of money to pay for this, and
2 the sums would range between Twenty to Forty or Fifty
3 Dollars.

4 Q. Well, wouldn't you say that it's true that Mr. Miller
5 -- when he agreed to purchase drugs that he was taking
6 drugs?

7 A. Well, we don't actually know. We gave him something
8 for his time. Like I say, he was working under the super-
9 vision of law enforcement and was under our surveillance
10 through audio and video.

11 And the reason we do video is it kind of gives us the
12 opportunity to actually see what they do or see them when
13 they are attempting the purchase.

14 Sometimes there is not any drug dealers out there or
15 nobody is holding anything so they couldn't purchase any-
16 thing. So what we are providing to them is something just
17 for his time.

18 He wouldn't be paid unless he purchased for us.

19 Q. So he would get paid for purchases if he was a confi-
20 dential informant? That's interesting.

21 He's paid after he makes the buy and comes back to
22 where you are with the drugs?

23 A. That's right.

24 Q. And you are at the location right where this drug
25 deal is going down?

T. GOGGINS ON CROSS

1 A. No, sir. We're usually maybe half a block or so away.

2 If someone saw my vehicle, they would make a phone call and
3 know I was in the area and I was sending the informant.

4 Q. Now, when you said my client sold the drugs, that's
5 what the C.I. told you. Right?

6 Isn't that . .

7 A. We was able to listen to the audio as well as the in-
8 formant told me after the purchase, and after viewing the
9 video we was able to establish that it was Willie Pitts
10 who sold the crack cocaine.

11 Q. The C.I. is liable to tell the truth?

12 A. You have informants, and this informant was very re-
13 liable and . .

14 Q. I'm sorry but I didn't ask that question. A C.I. can
15 lie. Right? They have to lie?

16 A. I would have to say no.

17 Q. Do you know whether the C.I. -- would you say he's
18 got a record or did you look to see if he has a record?

19 A. Yes.

20 Q. Do you know that a part of that record involve some
21 crimes of dishonesty?

22 A. I don't know if there was dishonesty, no.

23 Q. But you say you established this after you watched
24 the video?

25 A. Yes, I did.

T. GOGGINS ON CROSS

1 Q. And you saw that your guy went to some other location
2 to make the drug buy?

3 A. No. Prior to this drug buy he went to a different
4 location where he wasn't able to purchase any crack co-
5 caine.

6 Then he went to another location where he wasn't
7 able to purchase any crack cocaine, and at this third lo-
8 cation he purchased crack cocaine from Willie C. Pitts.

9 Q. Wouldn't it be a good idea for the C.I. to call or
10 come back and tell you when that occurs and not just go
11 on his own to another address?

12 A. Well, you know, I wouldn't say that. There's a lot
13 of business, and drug dealers know about prior or past
14 offenses and they may at some time have had a vehicle, and
15 we have to utilize the video.

16 Then some are arrested and are out on the street
17 in a vehicle, so the informant would not want to walk up a
18 vehicle. We request the informant to stay out of vehicles.

19 So we have a lot of variables out there and it would
20 depend on each situation.

21 Q. And I guess you would not want the C.I. to get out
22 of the car unless he knows it is an authority's car he is
23 getting out of in case he might be caught on video?

24 A. What happens also if he gets out of the car he knows
25 he can purchase somewhere.

T. GOGGINS ON CROSS

1 Q. Okay.

2 A. He would have to get out of the car, if he were
3 going for a purchase.

4 Q. The point I'm getting at, sir, is there was a lot on
5 the video. As a matter of fact, somewhere on the video
6 and you all went elsewhere with the surveillance.

7 A. That's one reason why we wire the informant with the
8 audio and video, so it will corroborate what they're say-
9 ing as well as being able to come back and view what act-
10 ually took place.

11 Q. You don't think it's possible that when you start the
12 video and he gets out of the car that he could start ^{walking} back-
13 wards and the video isn't pointing that way? You don't
14 think that's possible?

15 A. It would be possible but highly unlikely.

16 Q. Isn't it also possible that after you all searched
17 him he could have actually hidden it somewhere else?

18 A. Possible but highly unlikely.

19 Q. Okay. I want to ask you this. When the C.I. went
20 to the houses he went to, it was before he got the drugs?

21 A. Actually, who is being targeted is anybody who is
22 selling illegal drugs.

23 Q. But the C.I. said he was going to this one place and
24 ended up somewhere else? Did he mention that?

25 A. The C.I. mentioned that he attempted to purchase from

T. GOGGINS ON CROSS

1 Quinton Godfrey but he wasn't the one who sold him
2 the crack cocaine. The C.I. mentioned it on the video.

3 Q. So would you say that did depend on the word of a
4 known criminal who is being paid to buy drugs? Correct?

5 A. No. He had been under surveillance by law enforce-
6 ment and also we knew we would be able to video and to
7 listen to all of it as well as the reliable informant. It
8 was his job to buy drugs.

9 Q. If someone was in the house and there was a drug deal
10 going on . . .

11 A. We would never charge anybody that didn't distribute
12 the crack cocaine.

13 Q. So again you are depending on the word of a known
14 criminal?

15 A. We went on the surveillance from law enforcement and
16 the video and the audio, as well as information from the
17 informant who made the purchase.

18 MR. TAYLOR: If I may have a moment?

19 THE COURT: Yes, sir.

20 MR. TAYLOR: I have no further questions of this wit-
21 ness.

22 THE COURT: Any Redirect?

23 MS. BOYKIN: Just a few, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. BOYKIN:

T. GOGGINS ON REDIRECT

1 Q. Had you used this C.I. before?

2 A. Yes.

3 Q. How many times?

4 A. Prior to this particular drug buy in this case to-
5 day, the informant purchased or made fifteen undercover
6 buys for us and continued on after this in purchasing for
7 us. He made a lot of buys for us.

8 Q. So it was a continuing relationship?

9 A. Yes. He was a very reliable informant.

10 Q. And you were able to make other cases?

11 A. Yes.

12 Q. And in this case what was the charge that was made?

13 A. The charge would have been for distributing crack
14 cocaine because he sold the crack cocaine to the confi-
15 dential informant.

16 Q. And based on the confidential informant, what he
17 told you after the buy, the audio and the video, and the
18 crack, this charge was made?

19 A. Yes.

20 MS. BOYKIN: Nothing further, Your Honor.

21 THE COURT: Anything further from the Defense?

22 MR. TAYLOR: Nothing further.

23 THE COURT: Any member of the jury panel want to
24 take a break at this time?

25 (No audible response)

1 THE COURT: Then we will continue on. You may call
2 your next witness.

3 MR. SCOTT: The State calls James Miller.

4 JAMES MILLER, being duly sworn,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SCOTT:

8 THE COURT: All right. This lady is taking down what
9 you are saying.

10 Q. Mr. Miller, how are you today?

11 A. I'm fine.

12 Q. How old are you?

13 A. Forty-five.

14 Q. Do you live in this area or in Laurens County?

15 A. No, I'm familiar with it but I've been Lancaster for
16 twenty years.

17 Q. Okay, are you working now?

18 A. No, I'm not.

19 Q. What do you do for a living?

20 A. Well, nothing right now but I used to drive a truck
21 -- used to be a truck driver.

22 Q. Do you know this man over here?

23 A. Yes, sir.

24 Q. You recognize him from the last time you spoke with
25 him?

J. MILLER ON DIRECT

- 1 A. Yes, sir.
- 2 Q. And have you watched the video?
- 3 A. Yes.
- 4 Q. You did?
- 5 A. Yes, sir.
- 6 Q. And you saw him on April 16 of 2014?
- 7 A. Yes, sir.
- 8 Q. You remember that?
- 9 A. Yes, sir.
- 10 Q. All right, and you know the officers right here?
- 11 A. Yse, I know them.
- 12 Q. All right. What was going on in your life in April
- 13 of 2014?
- 14 A. What do you mean what was going on in my life?
- 15 Q. Were you working then?
- 16 A. Uh, yes.
- 17 Q. And were you smoking crack cocaine then?
- 18 A. Yes.
- 19 Q. And how long at that point had you been smoking
- 20 crack?
- 21 A. Oh, I'd been smoking crack for about ten or fifteen
- 22 years.
- 23 Q. Tell us about all the good things that happened in
- 24 your life because of crack?
- 25 A. Ain't no good things happened.

J. MILLER ON DIRECT

1 Q. You have run-ins with the law?

2 A. Yeah.

3 Q. Did you know Willie Pitts?

4 A. Yeah, I knew Willie Pitts.

5 Q. How did you know him?

6 A. I used to smoke crack with him.

7 Q. And what did - did he have a nickname?

8 A. Seybeau.

9 Q. Do you remember being offered Fifty Dollars to go

10 buy crack?

11 A. Yes, sir.

12 Q. Did that happen?

13 A. Yes.

14 Q. Did Tyrone Goggins approach you about doing that?

15 A. Yes.

16 Q. Okay, tell us about this day. Do you remember going
17 to meet with Ty and Shane Craven in Clinton at the Depart-
18 ment of Public Safety?

19 A. Yes.

20 Q. What did they do? Did they hook you up?

21 A. Yeah, they hooked me up to go and make a purchase
22 like I say around Neighborhood Street.

23 So I went there -- I had made a phone call but they
24 didn't call back. So I called Tyrone and told him the guy
25 wasn't there, and he told me to go to another location,

J. MILLER ON DIRECT

1 North Vale Street.

2 Q. Okay, did you do that?

3 A. Yeah. Well, first I went -- first I seen another
4 guy and I called Tyrone and he said, well, try him, but
5 he didn't have nothing. So I got back in the car and I
6 went to North Vale Street.

7 Q. North Vale Street, and that's where you met Gene
8 Fitts?

9 A. Yes.

10 Q. That's his house?

11 A. Yes.

12 Q. And had you been there before?

13 A. Too many times.

14 Q. To do what?

15 A. To smoke crack.

16 Q. It's a crack house, I guess?

17 A. Yes.

18 Q. And this Gene Fitts was a crack dealer or a crack
19 user?

20 A. Yes.

21 Q. Had you ever seen Willie Pitts there before?

22 A. Yes, sir.

23 Q. Had you ever seen Quinton Godfrey there before?

24 A. Yes.

25 Q. So you go to North Vale Street?

J. MILLER ON DIRECT

- 1 A. Yes.
- 2 Q. All right, and when you got there on April 16th who
3 all was there?
- 4 A. Seybeau was there and Willie Pitts. Jewel was there,
5 and Quinton. I asked for Willie Straight.
- 6 Q. Now, tell us about -- the jury now knows about some
7 of these names.
- 8 What about Willie Straight?
- 9 A. That's crack cocaine. Crack.
- 10 Q. When you go to a crack house and say Willie Straight,
11 that means do you have any crack?
- 12 A. Yes.
- 13 Q. I see. You asked for crack and what did he say?
- 14 A. He told me, uh, not then but the place next to him.
15 So I go down the yard to [REDACTED] and Quinton went in the
16 house and I went in the house, and he started weighing
17 the stuff. So I went back in the car, and then Pitts, he
18 call me back in the house.
- 19 So I went back to the house, and he had the crack. I
20 didn't ^{see} Quinton give it to him. He had the crack in his
21 hand.
- 22 Q. So you got it from who?
- 23 A. I got it from Seybeau.
- 24 Q. All right, and it was Willie Pitts you got the crack
25 from?

J. MILLER ON DIRECT

- 1 A. Yes.
- 2 Q. How much did you pay for it?
- 3 A. Twenty Dollars.
- 4 Q. And who did you give that Twenty Dollars to?
- 5 A. Willie Pitts.
- 6 Q. All right. Just to clarify, you went there and
- 7 Quinton Godfrey walked in the house with you, but he didn't
- 8 sell it to you?
- 9 A. No.
- 10 Q. But you say you left?
- 11 A. So I leave and went back out the door, and when I
- 12 leave Quinton standing in the door and Pitts call me back
- 13 in there. So he got the crack in his hands, and so I pur-
- 14 chased the crack from him.
- 15 Q. How long did all of this take?
- 16 A. Probably not even five minutes.
- 17 Q. How many times do you think you've bought crack from
- 18 somebody?
- 19 A. What you mean?
- 20 Q. How many times . . .
- 21 A. I don't know. Since I was fifteen years old.
- 22 Q. I guess what I want to ask is how long it would take
- 23 to do a transaction.
- 24 A. Can be seconds -- ten or fifteen seconds.
- 25 Q. And when you buy the crack from somebody, are you

J. MILLER ON DIRECT

- 1 talking a whole lot about anything?
- 2 A. No, just do the transaction and go back on my way.
- 3 Q. You don't really talk about what you are doing there?
- 4 A. Unless he asked me to get high with him. He say,
- 5 smoke some with me, and I sometimes did that.
- 6 Q. Pitts said that?
- 7 A. Yes.
- 8 Q. Okay. When you are working with law enforcement, are
- 9 you free to smoke crack with him?
- 10 A. Oh, no, no.
- 11 Q. What did you do with the crack after you got it?
- 12 A. I called and told them I made the purchase, and we
- 13 supposed to meet back at a place. So I called and told
- 14 them. I went back and met them.
- 15 Q. All right, I show you State's 9. Does that -- would
- 16 that have been about the amount that you would have gotten
- 17 from Mr. Pitts?
- 18 A. Yes.
- 19 Q. And when you purchased it, you went and took it back
- 20 to who?
- 21 A. To Ty and Craven.
- 22 Q. All right, and did they search you again then?
- 23 A. Yes.
- 24 Q. All right.
- 25 A. Was the first time you'd ever seen the video last

J. MILLER ON DIRECT

1 week?

2 A. Yes.

3 Q. Did you remember everything about it?

4 A. Yes.

5 (Brief pause in proceeding)

6 (Video being shown)

7 BY MR. SCOTT:

8 Q. Do you know what this is showing?

9 A. Yes.

10 Q. Is that what happened on April 16, 2014?

11 A. Yes.

12 Q. And is that what you yourself experienced when you
13 went to the house?

14 A. Yes.

15 MR. SCOTT: The State would move to admit State's 1
16 into evidence.

17 MR. TAYLOR: No objection.

18 THE COURT: Without objection.

19 (Video admitted without objection as State's Exhibit
20 1 into evidence)

21 MR. SCOTT: I'm going to fast-forward it to just be-
22 fore you get to the house. Then we'll watch the whole thing.

23 Q. Before that, you went to one other place?

24 A. Yes.

25 Q. Did you purchase anything at that house?

J. MILLER ON DIRECT

1 A. No.

2 Q. You didn't pick up anything?

3 A. No.

4 Q. Then you go somewhere else and this is just before
5 you get to North Vale Street?

6 A. Right.

7 (Video continuing to be shown)

8 BY MR. SCOTT:

9 Q. All right, that's the first house you went to to buy
10 crack?

11 A. Yes.

12 Q. Were you able to make a buy?

13 A. No, sir, I couldn't.

14 Q. Okay.

15 (Video shown)

16 Q. Who is that?

17 A. Seybeau.

18 Q. Willie Pitts?

19 A. Yes.

20 Q. What's happening now?

21 A. They called me back up to the house.

22 Q. Who was in the house?

23 A. Willie Pitts.

24 (Transcription note: These questions continuing dur-
25 ing show of the video)

J. MILLER ON DIRECT

- 1 BY MR. SCOTT:
- 2 Q. Did you see Quinton Godfrey when you went back to
- 3 the house?
- 4 A. Yes.
- 5 Q. You saw Quinton in the house?
- 6 A. Yes.
- 7 Q. Is that Quinton?
- 8 A. Yes.
- 9 Q. I show you State's Number 5. Do you recognize that?
- 10 A. . .
- 11 Q. From that video?
- 12 A. No.
- 13 Q. I show you 7 and 8. Do you recognize those?
- 14 A. Yes.
- 15 Q. What is that?
- 16 A. That's Seybeau standing on the front porch.
- 17 (Video continuing)
- 18 Q. Do you have the Twenty Dollars in your hand there?
- 19 A. Yes.
- 20 Q. And that's what you gave him for the crack?
- 21 A. Yes.
- 22 Q. Okay, now. Did you have any other money with you?
- 23 A. No. They searched me coming and going.
- 24 Q. Did you have anything else on you?
- 25 A. No, sir. No keys, no chapstick, nothing.

J. MILLER ON DIRECT

- 1 Q. That is you in the driveway at [REDACTED] North Vale?
- 2 A. Yes.
- 3 Q. Do you recognize that picture?
- 4 A. Yeah, I seen it a couple of times.
- 5 Q. All right, and I guess that's a still shot?
- 6 A. Yes.
- 7 Q. All right. State's Number 5.
- 8 Now, State's Number 6. Do you recognize it?
- 9 A. Yeah.
- 10 Q. And what does this say?
- 11 A. Twenty.
- 12 Q. Is that the cash money you used?
- 13 A. Yes.
- 14 Q. Is that the Twenty that they provided to you and you
- 15 used to buy the drugs?
- 16 A. Yes.
- 17 MR. SCOTT: If I could have a minute, Judge?
- 18 THE COURT: Yes, sir.
- 19 (Brief pause)
- 20 BY MR. SCOTT:
- 21 Q. Did you have one camera or was it more than one?
- 22 A. I think it was one.
- 23 (Showing video)
- 24 Q. Is this the same house?
- 25 A. Yes.

J. MILLER ON DIRECT

- 1 Q. And is that a still shot from the video?
- 2 A. Yes.
- 3 Q. State's Number 4. Who do you see there?
- 4 A. Seybeau. Willie Pitts is standing there.
- 5 Q. Do you see what's in his hand?
- 6 A. . .
- 7 Q. Do you see what's in his right hand?
- 8 A. I see something but I'm not sure what it is.
- 9 Q. What was in his hand that day?
- 10 A. Just the crack.
- 11 Q. All right. Do you recall seeing crack in his hand
- 12 when he gave it to you?
- 13 A. Yes, I did see it. If he gave it to me, I had to see it.
- 14 Q. And so you take the crack back to law enforcement?
- 15 A. Yes.
- 16 Q. And they gave you your Fifty Dollars?
- 17 A. I'm sure they did.
- 18 Q. All right. This is what happened. Is that your tes-
- 19 timony? This is what happened on April 16, 2014?
- 20 A. Yes.
- 21 Q. Do you have any reason to lie about this?
- 22 A. No.
- 23 Q. And you had the Twenty Dollars with you when you went
- 24 to make the buy, the Twenty in the photo?
- 25 A. Yes.

J. MILLER ON DIRECT

1 Q. And you have a breach of trust conviction on your re-
2 cord. You're not making this up and lying about this whole
3 thing?

4 A. No.

5 Q. Did it happen just like you have testified?

6 A. Yes, sir. Like my testimony.

7 Q. All right. The Twenty Dollars you had with you is
8 the Twenty Dollars that's in that picture?

9 A. Yes.

10 Q. Did you find any crack on the ground on the way over
11 there?

12 A. No.

13 Q. Did somebody in the business over there give you some
14 crack that you took . .

15 A. No.

16 Q. Did you just give them some crack you got some other
17 place?

18 A. No.

19 Q. You have the breach of trust conviction. Are you
20 telling the truth here today?

21 A. Yes, sir.

22 Q. Have any deals been made with you at all?

23 A. No.

24 Q. Is this whole deal here to get off on some charges
25 once you testify?

J. MILLER ON DIRECT

- 1 A. No.
- 2 Q. Did this happen the way you testified?
- 3 A. Yes, that's my testimony.
- 4 Q. Do you have any reason to lie about this?
- 5 A. No.
- 6 Q. You actually went there with this Twenty Dollar bill
- 7 that is in that picture?
- 8 A. Yes.
- 9 Q. Nobody just gave you the crack?
- 10 A. No, they wouldn't give away anything.
- 11 Q. They don't give it away?
- 12 A. No.
- 13 Q. But you had the breach of trust conviction, and you
- 14 are telling the truth here today?
- 15 A. Yes.
- 16 Q. And you say there is no deal that you have made with
- 17 law enforcement?
- 18 A. Yes, there's no deal.
- 19 Q. No deal so you can get off on some charges for your
- 20 testimony here today that you know of?
- 21 A. No deal, no, sir.
- 22 Q. And is that still pending?
- 23 A. Yes.
- 24 Q. And this is a deal you had with law enforcement way
- 25 before you picked up those charges, is that right?

J. MILLER ON DIRECT

1 A. Yes, sir.

2 Q. So on April 16, 2014, who did you buy crack cocaine
3 from?

4 A. Willie Pitts.

5 Q. And who did you hand the Twenty Dollars to?

6 A. Willie Pitts.

7 Q. He would have had the crack in his right hand before
8 he gave it to you?

9 A. In his hand, sir.

10 Q. You saw Willie Pitts hand it over?

11 A. Yes, sir.

12 Q. Do you see him here today?

13 A. Yes, sir.

14 Q. Point him out, please?

15 A. Right there.

16 Q. Thank you. Answer any questions that Mr. Taylor has
17 for you.

18 A. Yes, sir.

19 THE COURT: Mr. Taylor.

20 CROSS EXAMINATION

21 BY MR. TAYLOR:

22 Q. Mr. Miller, you said earlier you have a good memory
23 of all this?

24 A. Yes.

25 Q. I've got a couple of things I want to ask you about.

J. MILLER ON CROSS

1 Did you say earlier when Mr. Scott asked you about
2 these drug buys -- you said ten or fifteen?

3 A. I said I'd been smoking crack ten or fifteen years.

4 Q. You said you'd been making buys for fifteen years?

5 A. No.

6 Q. How many of these drug buys would you say you
7 have made? Didn't you change it to seven or eight?

8 A. I don't keep track of drug buys.

9 Q. Well, if you've been smoking crack for ten or fifteen
10 years, you've made a lot of drug buys.

11 A. . .

12 Q. Did somebody give drugs to you?

13 A. No.

14 Q. Can you tell us who you bought drugs from?

15 A. I don't remember.

16 Q. You say you're the expert?

17 A. No, I'm no expert.

18 Q. Now, you also testified earlier that after Mr. Godfrey
19 refused to sell it to you that you went and got kind of
20 ticked off?

21 A. . .

22 Q. Then you said Mr. Pitts sold you those drugs?

23 A. Yes.

24 Q. All right. Well, on the video we just saw that Quinton
25 Godfrey sold you the cocaine, isn't that right?

J. MILLER ON CROSS

- 1 A. . . .
- 2 Q. You saw that on the video, didn't you?
- 3 A. Did I see him . .
- 4 Q. Quinton Godfrey sold . .
- 5 A. No.
- 6 Q. What did you see on that video?
- 7 A. I seen Seybeau sold me that.
- 8 Q. Okay, maybe we need to watch the video again.
- 9 MR. TAYLOR: Judge, if I may . .
- 10 THE COURT: Go right ahead.
- 11 (Portion of video was again shown)
- 12 (Brief pause)
- 13 BY MR. TAYLOR:
- 14 Q. Didn't you say Godfrey sold you the drugs?
- 15 A. I said Seybeau sold them to me.
- 16 Q. We'll get back to that in a minute.
- 17 They gave you the information and you just went on
- 18 in there?
- 19 A. That's what I did.
- 20 Q. You went there and Willie Pitts sold it to you?
- 21 A. That's what I said.
- 22 Q. Didn't you say you didn't know how many cameras you
- 23 had?
- 24 A. Yes.
- 25 Q. You had been there before?

J. MILLER ON CROSS

1 A. Yeah.

2 Q. Okay, so let me show you a picture. This is in evi-
3 dence as State's 4, and I'm going to show it to the jury
4 too.

5 Now, you said you didn't know what was in the hand --
6 in his hand the first time Mr. Scott asked you that. Is
7 that right?

8 A. Yeah, that's when he was handing the crack to me
9 after he called me back to the door. I see one hand there.

10 Q. I'm talking about this hand right there. Did you . . .

11 A. I did not see the hand by the door. I didn't see it
12 on the video.

13 Q. So let me go back. You said -- let's go back to
14 the video.

15 (Portion of video played)

16 BY MR. TAYLOR:

17 Q. Now, you said that Mr. Godfrey was there?

18 A. Yes.

19 Q. And just to cover it well, did you realize this was
20 a crack house within one-half mile of a playground?

21 A. I knew where it was.

22 Q. And you say you had asked somebody else for drugs on
23 the street?

24 A. Yes.

25 Q. And you said it was a drug area?

J. MILLER ON CROSS

1 A. Yes.

2 Q. Now both Mr. Godfrey and Mr. Pitts were present at
3 the time you bought the drugs?

4 A. Yes, when I came back up to the door.

5 (Transcription note: Any questions asked during the
6 showing of the video were not audible)

7 BY MR. TAYLOR:

8 Q. Do you know whose drugs these were?

9 A. . .

10 Q. Before the buy?

11 A. No.

12 Q. And this was a hand to hand transaction as you can
13 see on the video?

14 A. Yes, sir. We all saw it.

15 Q. And you say Mr. Pitts handed you the drugs?

16 A. Yes.

17 Q. And you had gone there as a C.I. to make a drug buy?

18 A. Yes.

19 Q. And there are a lot of people in the drug field. Do
20 you agree that would be safe to say?

21 A. Right.

22 Q. Now, as the video shows, the first house you went
23 to, they wouldn't sell you any drugs?

24 A. No, sir.

25 (Video being shown)

J. MILLER ON CROSS

1 Q. Well, let me ask you this. Is it safe to say they
2 thought you were a C.I.?

3 A. I don't know.

4 Q. On the video, is this Willie Pitts or Seybeau?

5 A. Yes.

6 Q. This man here?

7 A. Yes.

8 Q. Is it safe to say a lot of people on the street would
9 know you were a C.I.?

10 A. Yeah.

11 Q. So why would somebody at that house would sell you
12 drugs, whether it be Mr. Pitts or Mr. Fitts?

13 Why would they?

14 A. I don't know what they knew but he sold crack to me.

15 Q. But you don't know exactly where they came from?

16 A. No.

17 Q. Now, looking at this, is that Willie Pitts or Seybeau?

18 A. Yes.

19 Q. When you were handed the drugs, did you not say, I
20 guess it's crack?

21 A. Yes.

22 Q. When you were called back up to the house, who called
23 you?

24 A. Seybeau.

25 Q. Who are you talking to here?

J. MILLER ON CROSS

1 A. Tyrone.

2 Q. Did you say you just went to North Vale Street? They
3 didn't give you the information, but you went over there?

4 A. They told me.

5 Q. And you say you remember everything about this inci-
6 dent?

7 A. Yeah.

8 Q. Okay. I asked you about this. You say you didn't
9 know the drugs were in his hand the first time you were
10 asked about it?

11 A. I knew he had something in his hand and he handed it
12 to me.

13 Q. But did you not say you didn't know what was in his
14 hand?

15 A. Yes.

16 Q. And did you not say I guess it's crack?

17 A. I knew it was something.

18 (Witness and counsel speaking at the same time)

19 Q. In that picture, that doesn't show what was in his
20 hand, does it?

21 A. No.

22 Q. Very good. So, let me go back. You said Mr. Pitts
23 -- let's look at the video.

24 (Video continuing)

25 BY MR. TAYLOR:

J. MILLER ON CROSS

- 1 Q. Is that Willie Pitts or Seymour?
- 2 A. Yes.
- 3 Q. This man here?
- 4 A. Yes.
- 5 Q. You said you were called back up to the house. Who
- 6 called you back to the house?
- 7 A. Willie Pitts.
- 8 Q. And when you went back up there, who did you see?
- 9 A. Willie Pitts.
- 10 Q. When you were talking to him there, what did he say
- 11 to you?
- 12 A. He tried to get me to smoke some crack with him.
- 13 Q. And is a C.I. allowed to do that?
- 14 A. No.
- 15 Q. So you are there as a C.I., and he's trying to get
- 16 you to smoke crack?
- 17 A. Yes.
- 18 Q. And you said you had smoked with him before this?
- 19 A. Yes.
- 20 Q. But you didn't smoke crack with Seybeau that day?
- 21 A. No.
- 22 Q. Showing you State's Exhibit 5. Do you recognize
- 23 that?
- 24 A. No.
- 25 Q. Showing you 7 and 8. Do you recognize them?

J. MILLER ON CROSS

- 1 A. Yes.
- 2 Q. What does that show?
- 3 A. Them standing on the porch.
- 4 Q. Was this case made by this picture?
- 5 A. I don't know.
- 6 Q. And is this your hand?
- 7 A. Yes.
- 8 Q. With the Twenty Dollars in your hand?
- 9 A. Yes.
- 10 Q. This is while you are in the driveway?
- 11 A. Yes.
- 12 Q. And Mr. Scott asked you this. Did you have any other
- 13 money with you?
- 14 A. No.
- 15 Q. That's your hand in the driveway at [REDACTED] North Vale,
- 16 and do you recognize this picture?
- 17 A. Yes.
- 18 Q. That's just a still shot. Okay, this is State's Num-
- 19 ber 6. You recognize that?
- 20 A. Yes.
- 21 Q. You had the money in your hand?
- 22 A. Yes.
- 23 Q. Before this all started, you say you were searched
- 24 you say?
- 25 A. Yes.

J. MILLER ON CROSS

1 Q. Now, did you say you didn't see anybody with drugs
2 until you handed Mr. Pitts the money and he handed you
3 the drugs?

4 A. Yes.

5 Q. Okay, I just wanted to make sure.
6 You went to that house to buy some drugs?

7 A. Yes, sir.

8 Q. You went there because they told you to go there?

9 A. They told me to go to North Vale.

10 Q. Just a few more questions. You say there was no deal
11 on the table?

12 A. Yes.

13 Q. But you've got to say that you are hoping; that you
14 want to believe the State may help you on your charges?

15 A. . . .

16 Q. I mean, that's human nature.

17 A. I don't know what will happen.

18 Q. So you all haven't talked about your case during this
19 time since you made the buy?

20 A. No, not really.

21 Q. And a lot of people on the street may know you are a
22 C.I., even though all of them may not?

23 A. Yeah.

24 Q. Why would somebody in the same house, either Mr.
25 Godfrey or Mr. Fitts, who has not testified yet, or Mr.

J. MILLER ON CROSS

1 Pitts -- why would they sell you drugs?

2 A. I don't know if they . .

3 (Counsel and witness speaking at the same time)

4 Q. Is it safe to say you went to that house on North
5 Vale to buy drugs from Mr. Godfrey?

6 A. I went to buy drugs.

7 Q. You told me earlier that you thought Quinton knew you
8 were a C.I.?

9 A. I don't know.

10 Q. Well, you said a lot of people in the drug field know
11 that? Is that safe to say?

12 A. Some.

13 Q. But not everyone?

14 A. Yeah.

15 Q. So why would someone in the same house, whether it's
16 Mr. Godfrey or Mr. Fitts -- why would anybody sell you any
17 drugs?

18 A. I don't know what they know.

19 (Counsel and witness speaking at the same time)

20 BY MR. TAYLOR:

21 Q. Okay, so you did know there was a park or playground
22 that was nearby?

23 A. Yes.

24 Q. You don't know who you were buying from, do you?

25 A. No, only who handed it to me.

J. MILLER ON CROSS

1 (Video continuing)

2 Q. Now, you said you met with Tyrone and Craven before
3 you went to make this buy?

4 A. Yes. They wired me up.

5 Q. And you did say that Mr. Godfrey was there with you
6 and Mr. Pitts?

7 A. Yes, sir.

8 Q. Just to make it clear, you went to the first house
9 to make a buy, but they didn't sell to you?

10 A. That's right.

11 Q. So you went to North Vale to try there?

12 A. Yes.

13 Q. And you testified you were there to buy drugs; that
14 was your function?

15 A. Yes.

16 Q. And you say there is no deal in the picture?

17 A. Right.

18 Q. You said that Mr. Pitts told you to come next door?

19 (Video continuing)

20 A. I said that.

21 Q. But you went there to buy drugs from Quinton Godfrey?

22 A. I figured he knew I was a C.I., but that's right.

23 Q. Okay. You went there to get something from Mr.

24 Godfrey?

25 A. Yes, sir.

J. MILLER ON CROSS

1 Q. No deal in the picture and you don't have a hope that
2 they will say or do something to help you in your pend-
3 ing charges?

4 A. No deal.

5 Q. Are you sure about that?

6 A. Yes.

7 Q. Now, you had a lot of reasons to make sure you bought
8 some crack that day, didn't you?

9 A. No.

10 Q. You'd make the buy and get paid so you'd have money
11 another day?

12 A. Yes.

13 Q. So you could buy it for your own use?

14 A. No.

15 Q. You're telling me -- you said you were an addict,
16 didn't you?

17 A. I was an addict.

18 Q. And when this happened you were an addict?

19 A. Yes.

20 Q. You aren't involved in drugs any more?

21 A. No.

22 Q. You are just involved in dealing with pending charges?

23 A. I have pending charges.

24 Q. Okay. Just so -- we have it on the video but before
25 -- you do remember that day, right? A. Right.

J. MILLER ON CROSS

1 Q. And before this all happened, you were a drug addict?

2 A. I smoked crack cocaine.

3 Q. Okay, people who are in the drug business, they think
4 they know all about the system and what takes place in the
5 system; what would take place if they were caught dealing
6 drugs?

7 A. Yes.

8 Q. And what you are saying is based on your knowledge of
9 that world?

10 A. . .

11 Q. You know that if you buy drugs for Twenty you could
12 go and sell it to someone else for Thirty?

13 A. Yes.

14 Q. And again, if people know you're a C.I., it doesn't
15 make sense they will sell you drugs, does it?

16 A. Like I said earlier, I don't know what people know.
17 I've told you what happened.

18 MR. TAYLOR: If Your Honor please, I have a matter
19 to take up.

20 THE COURT: All right. Ladies and gentlemen of the
21 jury, we have a matter of law to take up at this time so
22 I would ask you to go to your jury room.

23 Please don't discuss the case.

24 (Jury excused from Courtroom at 4:59 P.M.)

25 THE COURT: All right.

1 MR. TAYLOR: Thank you, Your Honor. Judge, at this
2 time I would like to get back to what we talked about
3 earlier.

4 Mr. Miller testified he was within half a mile but he
5 was really right across the street. I would like to re-
6 call the first officer who testified. Why in the world
7 -- and I'd like to get back to the sex offender thing we
8 talked about.

9 Why in the world would they send the confidential in-
10 formant to make a buy in an area within half a mile of a
11 park, a sex offender, which is in violation of the law?

12 I feel like that's something the jury needs to hear
13 about. I don't know how to go about doing it, but they
14 should hear they sent a sex offender near a school.

15 I know they're saying they had it under control and
16 under surveillance and all of that, but as I understand
17 the law he was not supposed to be in there. It's right
18 across the street.

19 THE COURT: Mr. Scott.

20 MR. SCOTT: The school was closed down. He was on the
21 registry in 1992. I don't know the restrictions on it but
22 I think he's not allowed to reside close to a school. I
23 don't know of any restrictions that would apply in these
24 circumstances.

25 I don't really -- I would question the relevancy of

1 that as it pertains to this particular trial, Your Honor.

2 THE COURT: Nobody has told me the circumstances of
3 that.

4 MR. SCOTT: I would question the relevancy of that,
5 that the buy was made across the street from a vacant
6 school. I think that it would stretch the question of
7 relevancy.

8 (Brief pause in the proceeding)

9 MR. SCOTT: I think he was not allowed to reside close
10 to a school or a day care.

11 THE COURT: I wouldn't let you go into that.

12 MS. BOYKIN: Thank you, Judge.

13 (The Court took brief recess, after which the case
14 was resumed)

15 THE COURT: How do we stand as far as our schedule?
16 What do you have left?

17 MR. SCOTT: Judge, we have two more witnesses.

18 THE COURT: All right. I've done a reading on the
19 sexual registry requirements. The sexual registry talks
20 about residing in proximity of a school, park, rec facil-
21 ity or playground.

22 Of course, looking at this, the Probation Department
23 takes a position, I believe, that they are not to go
24 around children. Certainly they are not allowed to go on
25 a park, playground or in a school.

1 I believe that is the protocol that the Probation
2 Department uses, but the witness was not on probation. It
3 would not prohibit him from going to a house across from
4 that school.

5 MR. TAYLOR: Judge, not to belabor it, and I'm not
6 going to bring it up again, but it would be nice to have
7 that on the record for the jury to hear.

8 Judge, what about the question of the law enforcement
9 sending him there?

10 THE COURT: Law enforcement would not be prohibited
11 from sending him to that residence.

12 Anything else before we bring in the jury?

13 MR. SCOTT: Nothing from the State.

14 MR. TAYLOR: I still have a few more questions for
15 Mr. Miller.

16 THE COURT: All right.

17 (Mr. Miller resuming the witness stand)

18 THE COURT: We'll bring the jury in and you can con-
19 clude your examination and we'll hear from the two offi-
20 cers.

21 MR. TAYLOR: It's just one officer and another wit-
22 ness who is not an officer.

23 THE COURT: Bring in the jury.

24 (Jury returned to the Courtroom)

25 BAILIFF: All jurors are present, Your Honor.

1 THE COURT: Let the record show the jury is back and
2 seated.

3 Mr. Taylor, you may continue with the witness on the
4 Cross Examination.

5 MR. TAYLOR: Thank you, Your Honor.

6 CROSS EXAMINATION CONTINUED

7 BY MR. TAYLOR:

8 Q. All right, Mr. Miller. On this one particular ques-
9 tion, let's get one thing straight.

10 You say that you went to -- your story is that you go
11 to -- just yes or no. You went to buy drugs at this house
12 and . . .

13 A. Yes.

14 Q. You mentioned earlier that these people didn't sell you
15 drugs and Godfrey was at the house?

16 A. I didn't say he sold it. I said he was there and he
17 was with us when we went back to the other house.

18 Q. Okay.

19 A. I didn't say he sold it to me.

20 Q. You didn't say Quinton Godfrey sold it?

21 A. I didn't say that.

22 Q. You didn't say that?

23 A. No.

24 Q. Did you say Quinton Godfrey had the drugs in his hand?

25 A. Yeah, I said he weighed it.

J. MILLER ON CROSS

1 Q. Okay.

2 A. No question he weighed it.

3 Q. Do you know exactly what you are facing on the burg-
4 lary charge?

5 A. Yeah.

6 Q. How much does that carry?

7 A. Fifteen to life.

8 Q. One more time. You're telling me that you have been
9 given no offers, and you are not looking for any kind of
10 deal?

11 A. No offers.

12 Q. Even looking at fifteen to life? No deal has been made?

13 A. No offers.

14 Q. Okay, I have no further questions.

15 THE COURT: Anything on Redirect?

16 MR. SCOTT: Just brief Redirect, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. SCOTT:

19 Q. Were you working as a C.I. . . .

20 A. That's right.

21 Q. . . . even before you got these charges?

22 A. That's right.

23 Q. This happened back in April of 2014?

24 A. This was since then.

25 Q. All right. You caught the burglary charges in 2015,

J. MILLER ON REDIRECT

1 so it happened after the undercover drug buy?
2 A. Yes, sir, a year ago, almost.
3 Q. Okay. Just to be clear, you knew Quinton Godfrey,
4 but on this particular day, April 16 of 2014, at [REDACTED] North
5 Vale Street, who did you purchase the crack cocaine from?

6 A. Willie Pitts.

7 Q. Okay, thank you.

8 MR. SCOTT: Nothing further, Your Honor.

9 THE COURT: You may step down, sir.

10 (Witness excused from stand)

11 THE COURT: Call your next witness.

12 MR. SCOTT: Gene Fitts.

13 GENE FITTS, being duly sworn,

14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. SCOTT:

17 Q. Mr. Fitts, where do you live?

18 A. North Vale Street.

19 Q. What's your address?

20 A. It's [REDACTED]

21 Q. How long have you been living there?

22 A. About five years.

23 Q. Do you rent the place?

24 A. Yes.

25 Q. Who lives there with you?

MR. FITTS ON DIRECT

- 1 A. By myself.
- 2 Q. You've been in the Courtroom today?
- 3 A. Yes.
- 4 Q. Did you watch that video that was shown?
- 5 A. Uh hm.
- 6 Q. Did you see yourself on that video?
- 7 A. Up on the porch.
- 8 Q. What can you tell us about that?
- 9 A. I didn't see no transaction.
- 10 Q. How long have you been a crack addict?
- 11 A. About twenty years.
- 12 Q. How long have you known this man right there?
- 13 A. I've been knowing him about four years.
- 14 Q. What's his name?
- 15 A. Seybeau.
- 16 Q. Do you know him as Willie Pitts or Seybeau?
- 17 A. Seybeau.
- 18 Q. What was he doing at your house that day?
- 19 A. Well, he was smoking.
- 20 Q. He was smoking?
- 21 A. Yes.
- 22 Q. I show you State's Number 8. Do you recognize that?
- 23 A. Uh huh.
- 24 Q. Is that your front porch?
- 25 A. Yes.

MR. FITTS ON DIRECT

- 1 Q. Is this Seybeau?
- 2 A. Uh hm.
- 3 Q. Now, how often does Seybeau come over there to smoke
4 crack?
- 5 A. Um, about once a week.
- 6 Q. All right. What does Quinton Godfrey do?
- 7 A. That day he was coming down the street and he come in
8 my house.
- 9 Q. Okay, and did that happen a lot, the two of them com-
10 ing there to your house?
- 11 A. Sometimes.
- 12 Q. Where do you get your crack?
- 13 A. Who, me?
- 14 Q. Yes.
- 15 A. From people on the street.
- 16 Q. All right. Is it common for there to be crack at
17 that house you live in?
- 18 A. No.
- 19 Q. Well, you smoke crack and Seybeau smokes crack?
- 20 A. Yeah.
- 21 Q. Do you remember him coming over that day?
- 22 A. Who? Him?
- 23 Q. Yeah.
- 24 A. Yeah, them all were there.
- 25 Q. But you didn't know what was going on that day?

MR. FITTS ON DIRECT

- 1 A. Not really. I didn't see no transaction.
- 2 Q. Okay. Did you smoke crack that day?
- 3 A. I probably did.
- 4 Q. Do you remember Seybeau smoking that day?
- 5 A. . .
- 6 Q. Did he smoke any crack at your house?
- 7 A. No, I didn't see him with any.
- 8 Q. I thought you said before you saw him smoking where
9 you live?
- 10 A. I didn't say I seen him that day.
- 11 Q. Okay, but you did see him with crack at your house?
- 12 A. Yeah, I seen him but I didn't see no transaction.
- 13 Q. But you saw Seybeau and Quinton Godfrey that day, is
14 that correct?
- 15 A. I seen Quinton.
- 16 Q. At your house?
- 17 A. Yeah.
- 18 Q. Was Clay there?
- 19 A. Who?
- 20 Q. Clay Davis.
- 21 A. I don't know him.
- 22 Q. Do any of them live with you?
- 23 A. Just me.
- 24 Q. All right. Answer any questions Mr. Taylor has for
25 you.

MR. FITTS ON CROSS

1 CROSS EXAMINATION

2 BY MR. TAYLOR:

3 Q. Is it safe to say that Mr. Pitts used drugs?

4 A. Yes.

5 Q. As well as Mr. Godfrey? He smoked crack too, is
6 that correct?

7 A. He never did with me.

8 Q. But is it safe to say he smoked crack?

9 A. Yeah.

10 Q. I don't have any further questions.

11 MR. SCOTT: Nothing further.

12 THE COURT: All right, sir. You're free to go.

13 (Witness excused from stand)

14 THE COURT: All right, ladies and gentlemen, we're
15 going to take a break for the evening. I am going to ask
16 you to be back in your jury room tomorrow morning at nine
17 thirty. We will resume the case at that time.

18 We should hopefully have the case to you for your
19 deliberations tomorrow.

20 Please don't discuss the case with anyone. There is
21 more for you to hear. When you get home today someone is
22 going to ask you about what you did today, and you can say
23 you were selected on a jury. If the next question is,
24 well, what kind of case is it, you must tell them that you
25 cannot talk about it until it is concluded.

1 I know when you got your jury summons you were all
2 excited and your purpose of being here today is to hear
3 and decide this case. Ladies and gentlemen, this is your
4 decision to make from the evidence and not on what others
5 may think. So please don't talk to anyone about the case.
6 until you have concluded your service.

7 Additionally, ladies and gentlemen, please do not
8 conduct any kind of independent research concerning any
9 issue in the case. Do not go by the crime scene area or
10 go on the Internet to do any research. Please don't do
11 that.

12 If there is anything in the news about the case, you
13 must disregard it. Everything you will need to make your
14 decision you will hear from evidence and testimony from
15 the witness stand, together with any exhibits that are in
16 evidence.

17 With that, I will excuse you and look forward to see-
18 ing you back here at nine thirty tomorrow morning.

19 Thank you.

20 (Whereupon, the jury was excused for the evening at
21 5:27 P.M.)

22 (The Court stood in recess until February 17, 2016)

23 THE COURT: Thank you. Be seated.

24 Let's go back on the record if we could in the State
25 versus Willie Pitts.

1 Anticipating that we would get this case to the jury
2 sometime this morning, I Emailed what I believe to be the
3 proposed instructions to the jury to the State and to Mr.
4 Taylor last evening.

5 Of course, the record should reflect that Mr. Pitts
6 is present here at this time with his counsel.

7 With regard to the failure of the Defendant to take
8 the stand, Mr. Taylor has requested to address that and a
9 motion for directed verdict in behalf of Mr. Pitts as nec-
10 essary.

11 I also received some language about an hour ago and
12 I don't see it here from Mr. Taylor.

13 MR. SCOTT: I did review it, Judge, and I think it
14 looks good. I don't have a problem with it.

15 THE COURT: I inserted the language on mere presence
16 in my charge and also some other language on mere presence
17 as well.

18 If there is nothing further, we'll bring the jury in.

19 MR. TAYLOR: Nothing from the Defense.

20 MS. BOYKIN: Nothing from the State, Your Honor.

21 THE COURT: All right, bring the jury in.

22 (Jury returned to the Courtroom at 9:55 A.M.)

23 BAILIFF: The jury is all present, Your Honor.

24 THE COURT: All right, ladies and gentlemen of the
25 jury, thank you for being back here this morning.

1 I apologize for keeping you back there but your very
2 dedicated Circuit Court Judge is on vacation this week,
3 and there were some matters on a case coming up. That
4 is one of the reasons I was late getting out here.

5 We are still in the State's case in the case of the
6 State versus Mr. Pitts, and you may call your next witness
7 at this time.

8 MS. BOYKIN: Thank you, Your Honor. The State calls
9 Shane Prather.

10 SHANE PRATHER, being duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. BOYKIN:

14 Q. Good morning, Officer Prather.

15 A. Good morning.

16 Q. Where do you work?

17 A. Clinton Police Department.

18 Q. How long have you worked there?

19 A. Since 2009.

20 Q. And what are your duties with Clinton PD?

21 A. Since 2014 I've been working in investigations, crim-
22 inal investigations and also narcotics.

23 Q. Okay. So were you part of the narcotics team back
24 in 2014?

25 A. Yes, I was.

S. PRATHER ON DIRECT

1 Q. Now, April 16, 2014 -- do you remember that day?

2 A. I do.

3 Q. What happened?

4 A. There was involvement with Mr. Miller, this guy back
5 there . .

6 Q. Well, let me actually stop you right there.

7 A. Okay.

8 Q. How do you know Mr. Miller?

9 A. Well, he has been working with us actually now for
10 some time as a C.I. for Lieutenant Goggins.

11 We had him sign the paperwork, the informant paper
12 work.

13 Q. Okay. What kind of paperwork?

14 A. We have kind of a contract that an informant has to
15 sign. It basically states what he can and can't do as
16 far as cooperating with cases and what he would do, and to
17 stay clean. No substance abuse of any kind.

18 Q. Does it say they will testify in Court?

19 A. Yes, they do. They agree to testify as needed.

20 Q. So on April 16th you met with Mr. Miller?

21 A. That's correct.

22 Q. And did you search him?

23 A. I did.

24 Q. Why did you search him?

25 A. It's to make sure he has nothing on him when he is

S. PRATHER ON DIRECT

1 getting ready to make a buy. It's for our protection as
2 well as his. We don't do a strip search but a pat-down
3 search to make sure they are cooperating and that they
4 have nothing on them.

5 Q. Okay. When you searched Mr. Miller that day, did he
6 have anything on him?

7 A. No.

8 Q. Any drugs on him?

9 A. No, maam.

10 Q. What about any money? Did he have any money on his
11 person?

12 A. I don't remember his having any money but if he did
13 that would have been taken from him. I made sure of it.

14 Q. So when he left that day to go make an undercover
15 drug buy, the only money he had on him was the Twenty Dol-
16 lar bill you provided?

17 A. Yes.

18 Q. And was he provided a vehicle to use?

19 A. Yes.

20 Q. Was it searched before he got in the vehicle?

21 A. Yes.

22 Q. Were there any drugs in the vehicle?

23 A. No.

24 Q. Was any money in the vehicle?

25 A. No.

S. PRATHER ON DIRECT

1 Q. Okay.

2 A. We have to make sure if the case comes to trial
3 and he gets on the stand that we can say he had nothing
4 on him but the money we gave him and that there was no-
5 thing in the car.

6 Q. Now, in addition, did you wire him with any audio and
7 video equipment that was put on him?

8 A. Yes, maam, we did, before he left to make the buy,
9 audio and video. I believe two on the body and the cam-
10 era.

11 Q. And the audio equipment, is that a live feed?

12 A. It is.

13 Q. What about the video equipment?

14 A. Video's not live but we have to get back and down-
15 load the camera. With the audio, we have a tape going
16 as well.

17 Q. So you can hear what's going on as it's happening?

18 A. That's right.

19 Q. Tell us what happened during the buy that day.

20 A. Well, the informant went to a home but he didn't make
21 a buy so he came back to the car and later he saw another
22 individual but that didn't work out either.

23 So he left and went to Vale Street and went to a
24 house where he had a conversation, and then he went to
25 Mr. Fitts' house and spoke to someone there.

S. PRATHER ON DIRECT

1 That was [REDACTED] North Vale Street, and once he was inside
2 we could hear a conversation. He was asked to smoke crack
3 but he did not.

4 Then he got back in the car and we thought then that
5 he wasn't going to be able to make a buy, but he got back
6 out and talked to Willie Pitts, and that's when he got
7 back and said he had made a deal with Willie Pitts.

8 Q. And did he bring the crack cocaine back to you?

9 A. Yes, he did.

10 Q. Did you see that on the video?

11 A. Yes, it's on the video.

12 Q. And the person he got it from was Willie Pitts?

13 A. Yes, it was.

14 Q. The crack cocaine went from Mr. Miller to Mr. Pitts?

15 A. That's correct.

16 Q. And you have reviewed the video?

17 A. I have.

18 Q. And the story you just told us appears on the video?

19 A. It does.

20 Q. And he came back to you immediately after . . .

21 A. Yes, he did.

22 Q. Are you familiar with the area where he made the buy?

23 A. Yes.

24 Q. Are there any parks or schools around that area?

25 A. There is an old school there as well as a park that

S. PRATHER ON DIRECT

- 1 is within one-half mile of [REDACTED] North Vale Street.
- 2 Q. I show you State's Exhibit 3, a photo of a house.
- 3 Do you recognize that?
- 4 A. I do.
- 5 Q. Okay, and here do you see a park?
- 6 A. Yes, I do.
- 7 Q. What's the name of that park?
- 8 A. Jefferson Street Park.
- 9 Q. Okay. About what distance is that from [REDACTED] North
- 10 Vale Street?
- 11 A. It is certainly within one-half mile. It's pretty
- 12 close to that area.
- 13 Q. This is it right here, is that correct?
- 14 A. That's correct.
- 15 Q. Is there a school?
- 16 A. Yes.
- 17 Q. And is there a playground there?
- 18 A. At one time there at the school.
- 19 Q. I want to show you State's Exhibit 7. Who is this?
- 20 A. That's Mr. Willie Pitts.
- 21 Q. Willie Pitts. Okay. What is he known by?
- 22 A. Seybeau.
- 23 Q. Do you see him in the Courtroom today?
- 24 A. I do.
- 25 Q. Okay. This man here?

S. PRATHER ON DIRECT

- 1 A. Yes.
- 2 Q. What did he do?
- 3 A. He gave the informant, Mr. Willie, crack cocaine,
4 for Twenty Dollars.
- 5 Q. Let me show you State's Exhibit 9. What is this?
- 6 A. This is the crack cocaine that was purchased from
7 Mr. Willie Pitts.
- 8 Q. Okay. Would you say that's Twenty Dollars
9 worth of crack cocaine?
- 10 A. Yes.
- 11 Q. Okay. Now, yesterday, before we started this trial,
12 was this an actual cocaine rock?
- 13 A. Yes, it was.
- 14 Q. What happened to it?
- 15 A. Over time it deteriorates and it will kind of break
16 apart or crack. Also, it was tested.
- 17 Q. And that rock is what is left?
- 18 A. Yes.
- 19 Q. Okay, I will show you State's Exhibit 4. Do you
20 recognize that?
- 21 A. Yes. That's Willie Pitts standing outside the door.
- 22 Q. And what do you think that might be?
- 23 A. I would say it's crack cocaine in his right hand
- 24 Q. And this man right here is known as Seybeau?
- 25 A. Yes, he is.

S. PRATHER ON DIRECT

1 Q. And this man right here, what did he do?

2 A. He gave the informant crack cocaine.

3 Q. Okay. Twenty Dollars worth of crack cocaine?

4 A. Yes.

5 Q. And this is the man who bought the crack cocaine?

6 A. Yes, it is.

7 Q. Now, I want to ask you, in the video we heard when

8 Mr. Miller pulled up he said something to Willie Pitts.

9 What did that mean?

10 A. That's their way of asking do you have any drugs.

11 Q. And then there was the buy, is that correct?

12 A. It is.

13 Q. And then the drugs were brought back to you?

14 A. That's correct.

15 Q. How long after the buy did he bring the drugs back

16 to you?

17 A. It was right away after he made the purchase, as

18 you can see on the camera.

19 Q. Okay, I'd like to show you again State's Exhibit 9.

20 What does that show?

21 A. It is an evidence bag, and it has the suspect's name,

22 Seybeau. When the drugs were turned over it was put in

23 that bag and labeled with the name and with the date of

24 the drug buy.

25 Q. Seybeau was written on there that day?

S. PRATHER ON DIRECT

- 1 A. Yes, it was.
- 2 Q. Now, as we mentioned, this is what was left of
3 the rock of crack?
- 4 A. Yes.
- 5 Q. How is crack typically sold? Are they packaged in
6 some way or just sold . .
- 7 A. Yes, or it can be in a bottle or maybe even a baggie.
- 8 Q. If I'm going to give you crack cocaine can I put it
9 in my hand without a baggie?
- 10 A. Yes.
- 11 Q. Just give it to you this way, is that correct?
- 12 A. Yes, maam.
- 13 Q. When he returned the drugs to you, did the informant
14 have any money on him?
- 15 A. No.
- 16 Q. Did he have the Twenty Dollar bill?
- 17 A. No Twenty Dollar bill.
- 18 Q. Did he have any drugs?
- 19 A. He had the crack.
- 20 Q. So he did have crack cocaine on him?
- 21 A. He did.
- 22 Q. Who gave it to him?
- 23 A. Willie Pitts.
- 24 Q. Please answer any questions Mr. Taylor has for you.
- 25 A. Yes, maam.

S. PRATHER ON CROSS

1 CROSS EXAMINATION

2 BY MR. TAYLOR:

3 Q. You don't just send these people out to make buys
4 for you without training them, these C.I.s?

5 A. They are given instructions on what to do out there.

6 Q. It doesn't make sense to send somebody out there and
7 say, listen, you're driving and don't let anybody in the
8 car unless it's somebody you're buying from? Right?

9 A. . .

10 Q. It wouldn't make sense, would it?

11 A. (Answer inaudible)

12 Q. And it also makes sense to tell them don't get out
13 and go to a location unless you're making a buy of crack
14 cocaine and trying to make a buy?

15 A. No. I mean they can go up to some place to try to
16 make a buy, just so we know they are there.

17 Q. So is there sort of a game plan before you go there?

18 A. They have been instructed on it.

19 Q. Don't you think that policy wouldn't prevent people
20 from finding drugs elsewhere and they can just go some-
21 place and say they made a buy there?

22 A. That's why we have the audio and video to make sure
23 what they have said happened is credible; that we can
24 verify it.

25 Q. But what if they're being sneaky, what about them

S. PRATHER ON CROSS

1 picking up crack cocaine somewhere else and telling you
2 something different?

3 A. This is why they're wired.

4 Q. But you wouldn't know because you're not seeing them.
5 Right?

6 A. I don't see how. We try to make sure what they say
7 is credible.

8 Q. All right. Nobody was at this location where he went
9 to make this buy but the C.I. and Willie Pitts and the
10 other man, Quinton . . .

11 A. That's all we saw.

12 Q. And nobody was there who has testified but Mr. Miller,
13 is that right?

14 A. That's right.

15 Q. So all any of us have to go by, including you on the
16 day this happened, is the C.I.'s word and the video. Is
17 that right?

18 A. Yes, that's right.

19 Q. So without the video all we would have would be the
20 C.I.'s word?

21 A. The audio and video.

22 Q. If the video doesn't show anything and the audio
23 doesn't show anything, all we've got is the C.I.'s
24 word. Correct?

25 A. Yes, but that was corroborated by the video.

S. PRATHER ON CROSS

1 Q: So if the video didn't show any of the transaction or
2 any discussion between the C.I. and Mr. Pitts, something
3 is wrong with your case, isn't it?

4 A. We don't usually have a lot of conversation.

5 Q. But if that's not on there, you have no case?

6 A. We have the C.I. and the camera as well as the audio.

7 Q. Let's look at State's Exhibit 9 which is already in
8 evidence.

9 You said that -- we'll show it to the jury in a min-
10 ute -- you said this was the crack rock. Right?

11 A. Yes.

12 Q. And this is very small. Right?

13 A. Yes, it has been broken up some.

14 Q. But the point is that it is very possible that that
15 could be hidden somewhere and picked up later by the C.I.
16 and not seen by you?

17 A. It's possible but not likely.

18 Q. Well, you would agree that the people your C.I. is
19 interacting with are crack addicts or that kind of thing.
20 Is that right? I mean, these aren't choir boys?

21 A. Right. He wouldn't be with them otherwise.

22 Q. Right, and he was going to buy crack for you and he
23 went to two locations before he supposedly made this buy?

24 A. Right.

25 Q. There is no conversation between my client and the

S. PRATHER ON CROSS

1 C.I. on that video?

2 A. No conversation to speak of but there is video of
3 the C.I. getting the drugs?

4 A. But there was a conversation with Mr. Godfrey, was
5 there not, before that?

6 A. Yes.

7 Q. And, again, unless you watched a different video,
8 or unless it was shut down for a period of time, there
9 was no conversation between my client and the C.I. on that
10 video, was there?

11 A. No. There was no conversation but he got the drugs.

12 Q. And there was a conversation with Mr. Godfrey?

13 A. Yes, a brief conversation.

14 Q. And there was no transaction between my client and
15 the C.I. on the video?

16 A. There was a transaction for the Twenty Dollars that
17 he gave to your client.

18 Q. Yes or no -- there was no conversation between the
19 C.I. and my client on the video?

20 A. He gave over the Twenty Dollars and . . .

21 Q. I'll take that as a no since you don't want to answer.
22 Thank you.

23 MR. TAYLOR: I have no further questions.

24 THE COURT: All right. Thank you, sir. You can
25 step down.

1 (Witness excused from stand)

2 MS. BOYKIN: Your Honor, at this time the State
3 would rest.

4 THE COURT: Ladies and gentlemen, I need to take up
5 some issues of law again. Please go to the jury room
6 and do not discuss the case.

7 Again, I believe we will have the case to you today
8 for your deliberations.

9 (Jury excused from Courtroom)

10 THE COURT: All right, are there any motions?

11 MR. TAYLOR: Yes, Your Honor. May it please the
12 Court?

13 Your Honor, at this time the Defendant would move
14 for a directed verdict as to both charges. I think the
15 State has failed to prove the elements of both charges,
16 but I think more specifically on the proximity charge.

17 As far as the distance between the house and the
18 park or playground, they did not submit any scientific
19 data or GIS place. I mean, they just said, yeah, I think
20 it's a half mile.

21 And in spite of the video, all they have is the tes-
22 timony of the C.I. saying my client sold the drugs to
23 him.

24 THE COURT: All right, sir. I believe it is a ques-
25 tion for the jury based upon the evidence that has been

1 presented.

2 I believe evidence has been provided from which the
3 jury could reasonably conclude the Defendant is guilty of
4 both charges, so I would deny your motion. The facts and
5 inferences to be drawn from the evidence are a matter for
6 the jury to determine.

7 I would deny your motion for directed verdict at
8 this time.

9 Mr. Taylor, is it still your position that we spoke
10 about last night -- is it your position there will be no
11 testimony in this case?

12 MR. TAYLOR: That is correct, sir. Mr. Pitts will
13 not testify. I would then renew all objections.

14 I would rest in front of the jury or however you want
15 me to do it.

16 THE COURT: You can rest when we bring the jury back
17 out if Mr. Pitts is not going to testify. When the jury
18 comes back out, I will let you rest on the record.

19 MR. TAYLOR: Yes, sir.

20 THE COURT: Is that correct, Mr. Pitts, that you do
21 not wish to testify?

22 DEFENDANT: Yes, sir.

23 THE COURT: Is there anything we need to take up before
24 we proceed with the jury? Any additions to the instruc-
25 tions?

1 When the jury comes back out, I'll let you rest on
2 the record and we can go directly to closings.

3 MR. TAYLOR: Yes, sir.

4 THE COURT: We'll take a brief break before we do
5 that.

6 You have been given the instructions. Are there any
7 additions requested to the instructions?

8 MS. BOYKIN: Could we add prior convictions . .

9 THE COURT: Certainly.

10 MR. TAYLOR: No, sir.

11 THE COURT: Then let's take a short break at this
12 time before we go forward.

13 (Court stood in recess for a brief period, after
14 which the case was resumed)

15 BAILIFF: All the jurors are present, Your Honor.

16 THE COURT: Let the record show that all of the
17 jurors are in and are seated.

18 All right, Mr. Taylor.

19 MR. TAYLOR: The Defendant would rest, Your Honor.

20 THE COURT: Now, ladies and gentlemen at this point
21 in the trial you have received all of the evidence you
22 will receive in this case.

23 At this stage, the attorneys will appear before you
24 and give you their closing arguments.

25 I would remind you that you are, of course, the

1 judges of the facts from what has been presented to you
2 in the evidence and exhibits.

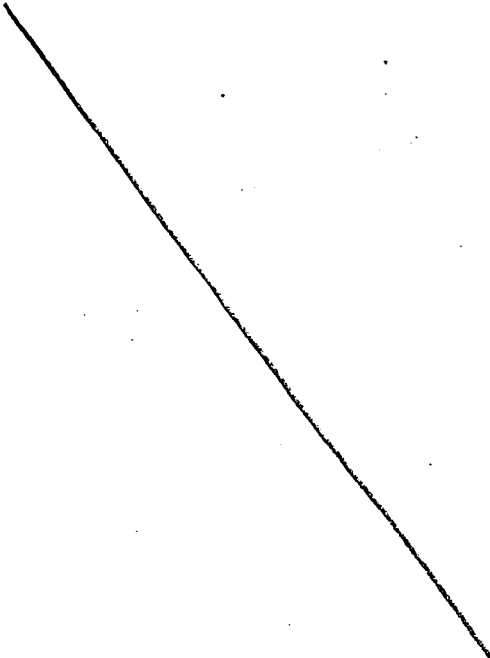
3 During their closing arguments if what the lawyers
4 say about the facts does not agree with what you recall
5 from the testimony or what you recall the evidence to be,
6 you should depend on your recollection of the facts.

7 The attorneys will give you their position as to
8 what the evidence has shown and their view of the evi-
9 dence.

10 You will hear first from Ms. Boykin for the State,
11 followed by a closing argument by Mr. Taylor for the De-
12 fendant.

13 After they have concluded, I will give you the in-
14 structions on the law.

15 Ms. Boykin.



1 MS. BOYKIN: Your Honor, may it please the Court?

2 Well, we're at the end. Not even a day and a half
3 trial. Now, I know on TV and in movies a trial lasts for
4 days and days and days. This trial didn't do that.

5 Why is that? Because this case is straight-forward.
6 We have one buy for Twenty Dollars in exchange for crack
7 cocaine. We have a drug deal.

8 This case is about a drug buy that was audio recorded
9 a video recorded; testimony from an eye-witness, testimony
10 from investigating officers. What we have is a drug deal,
11 a drug buy that was corroborated by an eye-witness.

12 What we have is Willie Pitts distributing crack co-
13 caine, and doing so in the proximity of a school or a park,
14 and I submit to you that if you consider and look at the
15 facts for what they are, you will agree beyond a reason-
16 able doubt that the Defendant is guilty.

17 Now, let's quickly go over what you've heard yester-
18 day and today. On the day in question, April 16th of
19 2014, two officers, Officer Craven and Officer Goggins,
20 meet with a confidential informant, James Miller.

21 Now, James Miller, as you've heard, has a criminal
22 history and he also has some pending charges.

23 I wish that when I put a witness up here to testify
24 that I could put a priest up here or a teacher or a nurse,
25 who has a job and had not had run-ins with the law.

1 Ladies and gentlemen, the fact is that in order to
2 make a drug buy like this law enforcement has to use some-
3 one like James Miller, someone who is familiar with crack
4 houses, who is familiar with drugs and drug buys.

5 To make a drug buy, they have to use someone who can
6 go to the house and is able to buy the crack. They have
7 to use someone who has lived and breathed this life.

8 Now, we heard from the officers that James Miller
9 had made buys for them some fifty times and that he was a
10 reliable informant.

11 We heard that he signed a contract with the police
12 agency that if the case came to Court after he made a buy
13 that he would come to Court to testify. Now, at that
14 time he didn't have pending charges. He wasn't testifying
15 so he would get an offer or a deal, but he signed a con-
16 tract to help the police. It was a job.

17 So on that day the officers meet with him and they
18 search him. They find no drugs on him. They take any
19 cash he has on him so that when he left that meeting with
20 no cash except what they had given him for the buy, no
21 drugs on him, and they also searched the vehicle he was
22 given to use for the buy.

23 They had cameras on him so they could see what had
24 occurred when he bought the crack cocaine. They had audio
25 on him so they could hear what was happening where he had

1 gone. They could hear his conversations with someone and
2 their conversations with him.

3 Now, he went down the street as you have learned to
4 what was a known crack house. The officers had told him to
5 go and see if he could buy some crack cocaine, but he was
6 not able to make a buy there.

7 So he went out on the street and approached someone
8 else but was not able again to make a purchase.

9 He was keeping law enforcement advised as to what
10 was going on and he was told to go to North Vale Street.
11 Yes, [REDACTED] North Vale Street is right across the street from
12 a school, half a mile from a park. Both had been there
13 for years.

14 When he went to a house on North Vale Street, the De-
15 fendant was there and Quinton Godfrey was there. He knew
16 them both from the street. He had smoked crack with them
17 before.

18 At this point, he had on him the Twenty Dollar bill
19 law enforcement had given him. He hadn't gotten rid of
20 it before then because he still had the Twenty Dollar bill.

21 He goes to this house here and he is told to go on
22 down the street to next door and there is some there.
23 James Miller saw Quinton Godfrey with crack cocaine in
24 his hand, and he told us that Quinton went to cut it. He
25 went on out to his car and waited until the Defendant here,

1 Willie Pitts, told him to come back to the door, which
2 he did, and the Defendant had the crack cocaine in his
3 hand which he gave to James Miller in exchange for that
4 Twenty Dollar bill.

5 They stand next to each other for a second as Willie
6 Pitts hands the crack cocaine to James Miller. Then James
7 Miller after the transaction -- he immediately gets in
8 that vehicle and calls law enforcement immediately. He
9 tells them what happened and that is exactly what you saw
10 on that video. You saw what happened.

11 Now, Quinton Godfrey did not sell him the crack. He
12 gets it from Willie Pitts.

13 He goes back to law enforcement and they search him.
14 What did they find? They only find crack cocaine. Did
15 they find any money? No.

16 They didn't find any money because he gave that money
17 to Willie Pitts for the crack cocaine.

18 Now, you also heard from Mr. Pitts, the owner of
19 the house. He told you from up here how long he had been
20 doing crack. He said he didn't see any transaction at
21 his house. That could be because he wasn't actually look-
22 ing for a transaction. He was allowing these boys to come
23 to his house and he probably could get some crack for free.
24 He was an addict. Of course, he's not going to watch for
25 a transaction going on. He wanted to smoke crack. He

1 did not want to get in any trouble.

2 He said the boys had been there earlier smoking crack
3 so he knew they had crack cocaine.

4 Now, when you take all of this together, all of the
5 facts you have heard, Willie Pitts sold crack cocaine, this
6 crack cocaine. This is the crack cocaine that Willie Pitts
7 handed to James Miller and James Miller took back to law
8 enforcement.

9 What we have is Willie Pitts selling crack cocaine
10 and doing it within proximity of a park or playground.

11 Now, ladies and gentlemen, the State has to prove
12 their case beyond a reasonable doubt. In order to do that,
13 I have to prove the elements of distribution of crack co-
14 caine beyond a reasonable doubt.

15 But let's talk first about the proximity charge. I
16 just talked about it. Willie Pitts sold crack and he did
17 it where there was a park or playground within half a mile
18 of his location.

19 They both had been there for years, and he knew they
20 were there. So we have Willie Pitts dealing drugs and
21 doing it in proximity of a park.

22 Now, ladies and gentlemen, let's go to the distribu-
23 tion. You heard the Indictments. When we first started
24 the case, the Judge explained them to you, and he will give
25 you the law in this case, but I want to read to you what

1 our law says is distribution of crack cocaine, the defini-
2 tion of distribution of crack cocaine.

3 A person who manufactures, distributes, dispenses,
4 delivers, purchases, or otherwise aids, abets , conspires
5 to distribute crack cocaine.

6 Okay, what do you take away from that? There are two
7 ways a person can be found guilty of distribution of crack
8 cocaine, or they can be guilty of both.

9 First, they actually distributed the crack cocaine.
10 He physically delivered this crack cocaine to James Miller
11 in exchange for money, and that is distribution of crack
12 cocaine. He put it in his hands.

13 Second, if he aided, abetted, conspired with Quinton
14 Godfrey -- you heard the C.I. say he couldn't see what
15 happened when he went back out to the car, but when he was
16 called to come back to the house Willie Pitts is the one
17 who handed him the drugs in exchange for money. That is
18 still distributing crack cocaine.

19 Finally, if he wasn't distributing crack cocaine he
20 was aiding and abetting Quinton Godfrey in distributing
21 crack cocaine. You could find him guilty of that.

22 You must find that the State has proven beyond a rea-
23 sonable doubt the Defendant guilty of distribution of
24 crack cocaine. So what is beyond a reasonable doubt?

25 What it means is that you have to be firmly convinced

1 of the Defendant's guilt. It doesn't mean you can't have
2 any doubt. There are very few things that we know with
3 absolute certainty, and you can have doubts that are not
4 reasonable.

5 Don't let unreasonable doubts cloud your thinking.
6 How do you do that? Use your common sense. There are
7 out there unreasonable thoughts that can lead to unreason-
8 able conclusions. There is out there something called
9 (inaudible).

10 What it stands for is that when you have more than
11 one choice, the one you should choose is the one that is
12 reasonable.

13 So in thinking about this case, is the Defendant
14 guilty of distributing crack cocaine? All right, you have
15 seen video evidence and heard audio evidence. You heard
16 evidence of the officers saying that this happened. You
17 heard the confidential informant who was there. He told
18 you what happened.

19 Willie Pitts is guilty of distributing crack co-
20 caine.

21 Of course, you can make unreasonable assumptions.
22 Maybe he was walking down the street and he just happened
23 to find this on the street.

24 You would have to assume that somebody out there just
25 lost a Twenty Dollar crack cocaine rock that James Miller

1 found or that someone just gave it to James Miller. Per-
2 haps he bought it from someone else although the someone
3 else he got it from doesn't appear on the video or audio.

4 Well, if he doesn't give the Twenty Dollars to Willie
5 Pitts, where does it go? He didn't have it on him when
6 he came back to the officers. They searched him.

7 Ladies and gentlemen, that does not make sense. If
8 you look at the facts and the clear meaning of the facts
9 you will come to the only reasonable conclusion, that Willie
10 Pitts distributed crack cocaine to Mr. Miller.

11 Now, I have to sit down in a few minutes and Mr.
12 Taylor is going to have an opportunity to come up here and
13 talk to you. I will not be able to respond to what he
14 says but I am just going to have to ask you when you go to
15 your jury room that you use your common sense.

16 I ask that you hold him accountable. If these people
17 are going to play their game, hold them accountable. Hold
18 Mr. Pitts accountable, accountable for putting this poison
19 out on your streets, in your County. Hold him responsible.

20 Go back in that jury room and find him guilty of the
21 distribution of crack cocaine and of distribution of crack
22 cocaine within proximity of a school and park.

23 Thank you.

24 THE COURT: Mr. Taylor.

25 MR. TAYLOR: Ladies and gentlemen, I told you I would

1 be able to come back and speak to you again, but I won't
2 go on and on. I will try to get directly to the matters
3 we're here about.

4 I mentioned when I first talked to you that there
5 would be some red flags, and I hope some of you had pen
6 and paper because I've got a lot of red flags I want to
7 point out to you. I'll start with a big one, and as I
8 point these out some of you will remember certain things.
9 Some of you will remember others.

10 I'm just going to start at the top. I used to make
11 drug busts up in Greenwood years ago, ^{as a prosecutor} and two things you
12 tell a C.I. is that you don't let anyone get in the car
13 with you and you don't get out of the car unless you are
14 going there to buy.

15 This guy, he got out at this house, and why is that
16 a big deal?

17 Well, they keep saying, well, he was just out there
18 looking for what he could buy and it is so outrageous that
19 these people would do something like find crack somewhere
20 after being searched and pull a fast one.

21 But these are desperate people, and he admitted him-
22 self that he's a crack addict, the C.I.

23 I'm going to draw your attention back to their opening
24 when they said that crack cocaine is a huge problem in
25 this area. Well, these people will lie, cheat, steal,

1 steal from family members, friends. They will do anything
2 they've got to do to get more crack.

3 Now, they made this comment too about why would some-
4 body go to buy crack and find it somewhere and throw the
5 Twenty Dollars out the window. I don't know.

6 These people again are going to do anything they need
7 to get the job done.

8 Nobody in that house sold them crack cocaine. Who
9 would come over there and they sell them crack cocaine
10 when they thought he was a C.I.? That is preposterous.
11 It makes no sense.

12 You were told by a police officer that if they go
13 and come back with crack cocaine they get paid for it so
14 they will do whatever they can to get that job done. They
15 will lie, cheat, steel. Being a motive for the C.I. there.

16 He also has a prior record you heard about. He --
17 the C.I. has been convicted of stealing from somebody be-
18 fore. He also assaulted somebody before, and you heard
19 about pending burglary charges, but they've made no deal
20 with him? Come on now. It's unbelievable.

21 You know he's going to come in here and say whatever
22 he has to say to make the State happy, and then he's going
23 to go back to them when this trial ends and say, well, I
24 did my part. What about your part?

25 Come on now. Of course, they say they've got this

1 piece of paper he signed. Of course he's going to say
2 that. It's human nature. Where's my reward?

3 Here's the biggest thing for me. This is 2016, not
4 the nineteen nineties or eighties.

5 The officers attach this equipment to the C.I. and he
6 goes to make a buy. This is all a big act to send the man
7 to prison. They want you to believe what one man is say-
8 ing and they want you to believe this confidential inform-
9 ant.

10 Then the police -- and I've worked with this a lot in
11 my job -- the police are good people just doing their jobs.
12 They're honest people. They haven't done anything wrong,
13 but here's the problem.

14 They know as much as we do. They weren't there, and
15 if you remember the tape you never hear Mr. Pitts say any-
16 thing, my client -- say anything about drugs. He merely
17 walks up to him and then he walks away.

18 The C.I. says it usually takes about five, ten seconds,
19 but that wasn't five seconds. It must be a record for a
20 drug deal based on what he told me. I don't know. I
21 don't deal drugs, but they're asking you to go by what he
22 said.

23 Now, Mr. Pitts -- the Judge is going to give you a
24 charge in a few seconds, after I finish talking, and he's
25 going to tell you that mere presence is not -- just because

1 you're there doesn't mean you're guilty, and, of course,
2 he was at a crack house. Of course, and he's an addict.

3 And you've seen -- oh, another thing they sort of
4 glossed over is that Mr. Pitts was in the house and it's a
5 crack house. Of course he is there being an addict, and
6 I'm not going to tell you he wasn't there.

7 I mean, I don't know these people and I'm just going
8 by what the facts are, but Mr. Pitts is on trial and he's
9 a user. Mr. Godfrey is a dealer. I wonder why Mr. Godfrey
10 is not here. Mr. Pitts owns the house and he's a crack
11 addict, but Mr. Godfrey is not here.

12 Now, I know they say he's going to get a day in Court
13 and that's great that he's being prosecuted. But he's the
14 drug dealer. I'm glad to hear he'll be prosecuted.

15 The other thing is that you have all of these pic-
16 tures, and you'll get to take all of this back with you.
17 I keep being told this is crack in his hand. I don't see
18 nothing here. You all can look at that and I hope you'll
19 talk about it.

20 They're asking you to believe what this man says,
21 and I'm asking you not to do that. I'm asking you very
22 strongly.

23 I believe the State's officers but I don't believe
24 the C.I. I believe he's lying, and I've pointed out all
25 these red flags for you.

1 So let me just close with this. I want you to make
2 sure you can sleep tonight and live with yourself if you
3 make these leaps and find him guilty. I want to make sure
4 you are prepared to do that.

5 All right, because if you are, then okay. Well, I
6 don't think you are going to be able to sleep tonight if
7 you find him guilty from that video and the C.I. with all
8 these cameras on him. Also, this one picture and then
9 this other guy back at the door.

10 The only other person who was there and testified was
11 Mr. Fitts, and did you hear the most important thing he
12 said? If you all watch that video again, and I encourage
13 you to do that -- you can take it back there -- he's
14 standing on the porch after the buy is said to have gone
15 down. He said, I didn't see no transaction. He's the
16 only other witness there.

17 The police weren't there, I wasn't there, and you
18 all weren't there. I'm going to stop talking and sit
19 down now.

20 Beyond a reasonable doubt -- the Judge is going to
21 give you a charge on that. You would have to be firmly
22 convinced of his guilt to find him guilty of these charges,
23 and I'm asking you to find him not guilty of both of the
24 charges.

25 If you don't think he sold drugs, he couldn't have

1 sold within half a mile of a playground. I ask you to
2 find him not guilty.

3 Thank you for your time, ladies and gentlemen.

4 THE COURT: Thank you, Mr. Taylor.

5 Now, ladies and gentlemen, it becomes my responsi-
6 bility to instruct you on the law and I just want to
7 mention a few things before we begin.

8 At this point in a trial, ladies and gentlemen, it
9 is not possible to hear any additional evidence, so you
10 must decide this case based on the evidence you have now
11 heard. It is not possible for the State to bring up any
12 additional witnesses.

13 Additionally, if you have some question concerning
14 the facts of this case or if you need any help in reach-
15 ing your decision, just let me know.

16 If you have any questions about the law, I'll be more
17 than happy to go over that again. So if you write a note
18 and tell me what you're struggling with, I'll be happy to
19 try to help you. Okay?

20 Additionally, ladies and gentlemen, the way the in-
21 structions to the jury has been done traditionally in the
22 State is for the Judge to basically sit up here and read
23 to you fifteen pages of law, and it took me many years of
24 law school and experience to learn the law.

25 I always thought it was unreasonable for the Judge to

1 sit there and tell you the law that it took me years to
2 learn and to expect you to understand.

3 So, long story short, you will have a copy of the jury
4 instructions with you in the jury room during your deliber-
5 ations if you need them.

6 If you have any questions about the instructions just
7 send me a note and I'll be happy to answer the question.
8 Of course, you must follow the law as instructed and it
9 will be returned when you are finished with your deliber-
10 ations.

11 Now, ladies and gentlemen, I instruct you in this
12 case that the Indictments charge the Defendant, Mr. Pitts,
13 with the offenses of distribution of crack cocaine and
14 distribution of crack cocaine within proximity of a school,
15 park or playground.

16 Again, ladies and gentlemen, I charge you that the
17 fact that Mr. Pitts has been charged and indicted in this
18 case is not evidence and cannot be considered by you as
19 evidence of guilt. Nor can the Indictments create any pre-
20 sumption of guilt or inference of guilt.

21 The Indictments are merely the formal instruments
22 that bring the charges made against Mr. Pitts into the
23 Court.

24 In this case, Mr. Pitts has pled not guilty to the
25 Indictments, and that places the burden upon the State to

1 prove the Defendant guilty.

2 A person charged with committing a criminal offense
3 in South Carolina is never required to prove himself in-
4 nocent of the charges.

5 It is an important rule of law that in a criminal
6 trial, no matter what the seriousness of the charges may
7 be, the Defendant will always be presumed innocent of
8 the charges unless his guilt has been proven by evidence
9 of guilt beyond a reasonable doubt.

10 This presumption of innocence doesn't end when you
11 begin your deliberations, but it remains with the Defen-
12 dant throughout the trial until you reach a verdict of
13 guilty based upon evidence that satisfies you of that
14 guilt beyond a reasonable doubt.

15 The presumption of innocence is like a robe of right-
16 eousness that is placed upon the shoulders of the Defen-
17 dant and remains with him until it has been stripped by
18 evidence that satisfies you of his guilt beyond a reason-
19 able doubt.

20 Ladies and gentlemen, the presumption of innocence
21 is not merely a legal theory or a legal phrase, but it is
22 a substantial right to which every Defendant is entitled
23 unless you, the jury, are satisfied from the evidence pre-
24 sented of his guilt beyond a reasonable doubt.

25 Now, what is a reasonable doubt? A reasonable doubt

1 is the kind of doubt that would cause a reasonable person
2 to hesitate to act, and the State has the burden of prov-
3 ing the Defendant guilty beyond a reasonable doubt.

4 Some of you may have served as jurors in civil cases
5 where you were told that it is only necessary to prove
6 that a fact is more likely true than not true. That is
7 by the greater weight or the preponderance of the evi-
8 dence.

9 In criminal cases, the State's proof must be more
10 powerful than that. There must be proof beyond a reason-
11 able doubt. Proof beyond a reasonable doubt is proof that
12 leaves you firmly convinced of the Defendant's guilt.

13 Now, there are very few things in this world that
14 we know with absolute certainty, and the law does not re-
15 quire proof that overcomes every possible doubt.

16 If, based upon your consideration of the evidence,
17 you are firmly convinced that the Defendant is guilty of
18 the crime charged, you should find him guilty. If, on
19 the other hand, you think there is a real possibility the
20 Defendant is not guilty, you must give him the benefit of
21 that doubt and find him not guilty.

22 Now, ladies and gentlemen, I remind you that in this
23 trial you and I have had certain duties to perform. As
24 the Trial Judge, I have the responsibility of presiding
25 over the trial of this case and be sure that competent

1 evidence is before you. If I rule that certain evidence
2 should be stricken, you must disregard that evidence and
3 not consider it.

4 You must consider only the evidence that has been
5 presented from the witness stand, together with exhibits
6 that have been made a part of the record in this case and
7 stipulations of counsel that were given to you at the be-
8 ginning of the trial.

9 In addition, I have the duty to give you instructions
10 on the law that is applicable in this case. As the Pre-
11 siding Judge, it is my duty to give you the law and it is
12 your duty to accept and apply the law as I give it to you.

13 If you have other ideas as to what the law is or what
14 it should be, or if you disagree with what I tell you the
15 law is, you have to abandon this idea and apply the law
16 as I now state it to you under your oath as jurors.

17 Now, as I mentioned earlier, in every case tried in
18 this Court, the jury becomes the sole and the exclusive
19 judges of the facts, and the trial judge is not allowed
20 to make any statements to the trial jury about the facts
21 of a case.

22 Since you, the jury, are the sole judges of the facts
23 you must not infer from what I say that during the trial
24 of this case in ruling on admissibility of evidence or from
25 anything I say now during the course of these instructions

1 that I have any opinion about the facts of the case.

2 Ladies and gentlemen, the law does not permit me to
3 have any opinion about the facts. It is a matter solely
4 for you to determine. It is the duty of the jury to de-
5 termine the truth of the facts in the case from the evi-
6 dence presented during this trial.

7 Now, there are technically two types of evidence
8 which are presented during a trial, direct evidence and
9 circumstantial evidence.

10 Direct evidence is the testimony of a person who has
11 actual knowledge of a fact, such as an eye-witness, and
12 it is evidence which immediately establishes the main facts
13 to be proven.

14 Circumstantial evidence is proof of a chain of facts
15 indicating the existence of a fact, and a fact may be
16 proven by circumstantial evidence and direct evidence, and
17 the law makes no distinction between the weight to be
18 given to direct or circumstantial evidence.

19 Now, to the extent that the State relies on circum-
20 stantial evidence, all of the circumstances must be con-
21 sistent with each other and when taken together point con-
22 clusively to the guilt of the accused beyond a reasonable
23 doubt.

24 If these circumstances only portray the Defendant's
25 behavior as suspicious, then the proof has failed. The

1 State has the burden of proving the Defendant's guilt be-
2 yond a reasonable doubt, regardless of whether the State
3 relies on circumstantial evidence or direct evidence, or
4 on some combination of the two.

5 Now, ladies and gentlemen, as I mentioned yesterday,
6 you must determine the credibility of witnesses who have
7 testified, and, again, credibility simply means believa-
8 bility.

9 It is your duty as jurors to evaluate the evidence
10 and to determine which evidence convinces you of its truth.
11 In determining believability of witnesses who have tes-
12 tified, you may believe one witness over several wites-
13 ses, or several witnesses over one witness.

14 You may believe a part of a witness' testimony and
15 disregard the remaining part, or you may believe the re-
16 maining part of the testimony of that same witness. You
17 may believe the testimony of a witness in its entirety and
18 reject the testimony of a witness in its entirety.

19 You may consider the interest or whether the witness
20 had any interest or bias, prejudice or other motive in
21 this case, and you may also consider the appearance or
22 demeanor of the witness while on the witness stand.

23 Now, ladies and gentlemen, I instruct you and empha-
24 size that the fact that the Defendant did not testify in
25 his defense is not a factor to be considered by you

1 in any way in your deliberation and your consideration of
2 the question of the guilt or the innocence of the Defen-
3 dant. It may not be considered by you in any way whatsoever.

4 The Defendant has the constitutional right to remain
5 silent and the assertion of this right must not be consid-
6 ered by you during your deliberations. The fact that he
7 did not testify must not even be discussed in the jury
8 room. He has no burden to prove himself innocent.

9 The burden of proof, as I have stated to you, is on
10 the State, and the burden remains on the State to present
11 proof beyond a reasonable doubt of his guilt.

12 Now, ladies and gentlemen, the Defendant in this case
13 is charged with the offense of distribution of crack co-
14 caine, and the State must prove beyond a reasonable doubt
15 that the Defendant distributed crack cocaine.

16 Distribute means to deliver or to actually or construc-
17 tively attempt to transfer drugs, or by administering or
18 dispensing actually or constructively drugs.

19 A transfer involves an exchange for money or thing
20 given. There does not have to be anything given in an
21 exchange for drugs or transfer of drugs for distribution.

22 The Defendant is also charged with distribution of
23 cocaine within proximity of a school or park. The State
24 must prove beyond a reasonable doubt that the Defendant
25 distributed or sold crack cocaine while in or within one-

1 half mile of the grounds of a public or private element-
2 ary, middle or secondary school, of a public playground
3 or park, a public vocational or trade school, technical
4 education center, or a public or private university.

5 The person must have actual knowledge that he or
6 she has entered upon or within one-half mile of the
7 grounds of a public or private elementary, middle or
8 secondary school, a public playground or park, a public
9 vocational or trade school, technical education center,
10 or a public or private university or college.

11 Now, ladies and gentlemen, I instruct you that a
12 person who is present at the scene of a crime and who in-
13 tionally and through a common plan assists in the commis-
14 sion of that crime by some overt act is guilty as an ac-
15 complice.

16 For there to be an accomplice, the Defendant must
17 acknowledge that the person intentionally and wilfully
18 intended to assist in the crime and he was not acting
19 through accident or error.

20 Mere presence of a person at the scene of a crime is
21 not sufficient to prove that person guilty of the crime
22 or as an accomplice, however.

23 The burden is on the State to prove each element of
24 the crimes charged. If you find after reviewing all the
25 evidence that the State has proven the Defendant was only

1 present at the scene of the crime, and they did not prove
2 beyond a reasonable doubt that he was actually assisting
3 in the crime, you must find the Defendant not guilty.
4 The mere presence of the Defendant at the scene of the
5 crime is not sufficient to prove him guilty.

6 Now, Madam Forelady and ladies and gentlemen of the
7 jury, there are two possible verdicts that you can find in
8 this case on each Indictment, either not guilty or guilty.

9 I have prepared this verdict form for you to aid in
10 your deliberations. It is self-explanatory.

11 The first statement or possible statement is, We,
12 the jury in the above captioned case, on the charge of
13 distribution of crack cocaine unanimously find Willie Pitts,
14 and there are two lines, either guilty or not guilty.

15 If you find the State has failed to meet its burden
16 of proof beyond a reasonable doubt, you would circle or
17 indicate not guilty; then sign the form.

18 If you find the State has met the burden of proof
19 beyond a reasonable doubt, you would indicate guilty and
20 sign as Forelady.

21 The same with regard to the distribution of crack
22 cocaine in proximity of a school or playground.

23 Now, ladies and gentlemen, your verdict must be
24 unanimous; that is, all of you must agree on the out-
25 come of this case. The State of South Carolina requires

1 a unanimous verdict, so all jurors must agree as to what-
2 ever the outcome is before you can fill in the verdict
3 form, Madam Forelady.

4 I remind you, ladies and gentlemen, that you have
5 no friends to reward or enemies to punish, and your ver-
6 dict must be based solely upon the evidence and the law
7 as presented.

8 Your verdict cannot be a result of caprice, passion
9 or prejudice, or on anything that is outside of the re-
10 cord in this case.

11 Now, ladies and gentlemen, before I excuse you to
12 take up some matters of law, the videotape that was in-
13 troduced into the record of the case -- I don't believe
14 there is any need for the jury to view the video, but if
15 you find you need the video simply let the bailiff know
16 and we will try to accommodate you. I'm sure something
17 can be arranged in that regard.

18 Again, if you need to play the video, we'll get the
19 laptop back to you or something like that. I'm sure some-
20 body here is capable of doing that. We'll figure it out.
21 Okay?

22 So if you need to play the video, we'll be more than
23 happy to find a way to send it back to you. Someone will
24 come back with you to play it as you are not to view any-
25 thing else on that laptop but what you were shown here

1 in the Courtroom.

2 There was something else I was thinking about. Just
3 a minute.

4 (Brief pause in the proceeding)

5 Additionally, Madam Forelady, if you find it neces-
6 sary to communicate with the Court, please indicate by
7 sending a note by the bailiff. Please do not include any
8 information as to where you are in your deliberatoins, such
9 as seven guilty and three not guilty or anything like it.
10 That information is not supposed to be provided to the
11 Court.

12 So, ladies and gentlemen, you will have all the exhib-
13 its that was presented during the trial back in the jury
14 room during your deliberations.

15 I would ask you at this time to return to your jury
16 room but do not begin your deliberations as yet. Do not
17 start deliberating yet.

18 Your indication of when to begin deliberating will
19 be the receipt of these instructions, the verdict form and
20 the evidence that was introduced during the trial.

21 So do not begin talking about the case until that
22 time.

23 You may retire to your jury room at this time.

24 Thank you.

25 (Jury excused from Courtroom at 11:06 A.M.)

1 THE COURT: The jury is out. Are there exceptions
2 or additions from the State to the instructions?

3 MS. BOYKIN: Nothing from the State, Your Honor.

4 THE COURT: Mr. Taylor?

5 MR. TAYLOR: Nothing from the Defendant either,
6 Your Honor.

7 THE COURT: Make sure as far as the Exhibits are
8 concerned.

9 You may as well find a laptop or something. I'm
10 sure that's the first thing they are going to be asking.

11 MS. BOYKIN: Yes, Your Honor.

12 THE COURT: We may as well be prepared for it.

13 (Brief pause)

14 THE COURT: The alternate is Mr. Rammage. Ask Mr.
15 Rammage to step out, please.

16 (Alternate juror excused by the Court. The jury
17 commenced deliberations at 11:09 A.M.)

18 (Other business taken up by the Court until this case
19 was resumed at 12:40 P.M.)

20 THE COURT: I understand that the jury has reached
21 a verdict.

22 Anything before we bring in the jury from the State?

23 MS. BOYKIN: No, Your Honor.

24 MR. TAYLOR: Nothing from the Defendant.

25 THE COURT: Please bring in the jury.

1 (Jury returned to the Courtroom at 12:40 P.M.)

2 THE COURT: Madam Forelady, I understand that the
3 jury has arrived as a unanimous verdict in this case. Is
4 that correct?

5 FORELADY: Yes, sir.

6 THE COURT: Please hand the verdict form to the bail-
7 iff.

8 (Verdict form given by bailiff to the Court)

9 THE COURT: Madam Clerk, if you will publish the ver-
10 dict.

11 CLERK: State of South Carolina versus Willie Clarence
12 Pitts, 2014 GS 30 1298 and 1300.

13 We, the jury in the above captioned case, on the
14 charge of distribution of crack cocaine, unanimously find
15 Willie Clarence Pitts guilty.

16 We, the jury in the above captioned case, on the
17 charge of distribution of crack cocaine within proximity
18 of a church, school, park or playground, unanimously find
19 Willie Clarence Pitts guilty.

20 Signed by the Forelady, Sheila West. February 17,
21 2016. Laurens, South Carolina.

22 Ladies and gentlemen of the jury, if that be your
23 verdict please indicate by raising your right hand.

24 THE COURT: Let the record show that all jurors have
25 in fact raised their right hands. Do you have anything

1 further before the jury is discharged, from the State?

2 MS. BOYKIN: Nothing further, Your Honor.

3 THE COURT: From the Defense?

4 MR. TAYLOR: Nothing further at this time.

5 THE COURT: All right, ladies and gentlemen of the
6 jury, I want to thank you for your service here over these
7 last two days. We appreciate it very, very much.

8 (Whereupon, the jury was excused by the Court)

9 THE COURT: Madam Forelady, I do need you to stick
10 around to sign the actual Indictments.

11 (Brief pause in the proceeding)

12 THE COURT: Thank you. If the State would give me
13 some sentencing sheets.

14 I assume that the Defense moves for a new trial, and
15 that all prior motions are renewed. Is that correct?

16 MR. TAYLOR: Yes, Your Honor.

17 THE COURT: Well, I think the evidence was pretty
18 clear, and it would sustain a conviction. It is clear he
19 was guilty of distributing crack cocaine and within one-
20 half mile of a school, and the jury could have found Mr.
21 Pitts guilty beyond a reasonable doubt.

22 I understand your prior motions, and I would have to
23 say the verdict will stand.

24 We'll be at ease for about five minutes.

25 (Court took brief recess and then resumed)

1 THE COURT: All right, we'll go back on the record.
2 Before I get to you, Mr. Taylor, I want to ask the Solici-
3 tor to advise me of the Defendant's record.

4 MS. BOYKIN: Yes, Your Honor. He has an extensive
5 criminal history. In 1989, disorderly conduct; 1991, tres-
6 passing; 1992, disorderly conduct, trespassing; in 1992,
7 disorderly conduct, shoplifting, unlawful weapon; in 1995,
8 petty larceny, damaging private property; in 1997, malic-
9 ious injury to personal property.

10 In 1998, distribution of crack cocaine; in 1998,
11 also distribution of crack cocaine with proximity of a
12 school or park; in 2000, he pled guilty to distribution of
13 crack cocaine, second offense, and a distribution of crack
14 cocaine in proximity of a school or park.

15 He also has a distribution of imitation controlled
16 substance.

17 Your Honor, for distribution of crack he received
18 twelve years.

19 His record indicates he does have two serious convic-
20 tions on his record. He was eligible for life without
21 parole on this charge. We did not notice him for that.

22 Based on the fact that he did twelve years on a prior
23 conviction, the State would ask for the maximum sentence.

24 THE COURT: The maximum is twenty-five?

25 MS. BOYKIN: Thirty years, Your Honor.

1 THE COURT: It's thirty?

2 MS. BOYKIN: Yes, Your Honor.

3 THE COURT: Mr. Taylor, do you want to be heard
4 about the sentencing range?

5 MR. TAYLOR: Just looking at his record, I'm not sure
6 how I can get around that, the record in front of me on
7 Mr. Pitts. No way I can get around that record.

8 He did ten years or twelve years, but I would like to
9 just briefly talk about Mr. Pitts.

10 He was offered the possibility of testifying against
11 a Codefendant and would be given a very nice deal for that
12 but before we even got in discussions on that he said it
13 didn't happen.

14 He has stuck by his story up to today, and he says
15 it didn't happen. He has maintained his innocence. With-
16 out getting into details, Your Honor, he is saying it did
17 not happen but maintaining his innocence in front of the
18 jury would be a problem.

19 While we respect the decision, he is not happy about
20 it obviously, but he is looking at a minimum of ten years
21 to a maximum of thirty.

22 We would ask that whatever you give him for the prox-
23 imity, that it be run concurrent with that charge.

24 Also, Judge, he is convicted of something very ser-
25 ious and we are talking about a minimum amount of crack

1 here. It's not like he was making a bunch of money off
2 of it. He's not some rich man out of selling drugs out in
3 the street and conning the tax system, but he is an addict
4 and admits to that.

5 To warehouse him in prison I don't think would do a
6 lot of good. We would ask for a minimum of ten and let
7 him do ten. He would have to do the eighty-five percent.

8 Again, whatever you decide, we do ask that you give
9 him credit for time served since the day he was arrested,
10 May 14th, 2014. He has not gotten out of jail since then.

11 Judge, basically we're just asking for mercy here.
12 He's been found guilty and there is no way around it.

13 Please take all of that into consideration and the
14 amount of drugs, the nature of this being really an accom-
15 modation. In this video you saw he and Mr. Godfrey with
16 the C.I.

17 Mr. Pitts says that nothing happened. His mom is
18 here. She's been here the whole time. She's here to give
19 him support. He does have a family who obviously cares
20 about him.

21 He knows he can follow this up with an appeal within
22 ten days, Judge.

23 THE COURT: Does he want to tell me anything?

24 MR. TAYLOR: Do you want to say anything to the
25 Judge?

1 DEFENDANT: No, sir.

2 THE COURT: He's been in since May 14th, 2014?

3 MR. TAYLOR: Yes, sir, according to the warrant.

4 MS. BOYKIN: That's what I have too, Your Honor.

5 THE COURT: All right.

6 MS. BOYKIN: Your Honor, for the record, if we could

7 put on the record that he has two what we consider serious

8 offenses that he has been convicted of.

9 MR. TAYLOR: Will you dismiss . . .

10 MS. BOYKIN: We will dismiss other pending charges

11 against him.

12 THE COURT: All right.

13 (Brief pause in the proceeding)

14 THE COURT: Well, Mr. Pitts, I'm taking a number of

15 things into account in arriving at a sentence. Your re-

16 cord is significant, but I would concur with Mr. Taylor

17 that you do not seem to be someone who is out there and

18 doing a lot of dealing.

19 I also take into account the request by the State

20 for a maximum sentence. Obviously when you get a twelve

21 year sentence in 2000 that would be reason for them to

22 ask for the maximum.

23 You have already gotten twelve years so clearly you

24 are or we are operating under a different situation now.

25 MR. TAYLOR: He did ten yers I believe for that

1 sentence, sir.

2 THE COURT: I don't believe I could sentence Mr.
3 Pitts to that sentence again, the twelve year sentence. I
4 guess that would be about eighty-five percent of the amount
5 of time he was sentenced to.

6 The problem the Court has, sir, is that during the
7 course of your life you have these prior convictions, and
8 although it happened sixteen years ago so you did not have
9 a criminal history for a long time for distribution of the
10 crack, that dates back a long time.

11 I do agree with your attorney that you are probably
12 an addict, and, Mr. Pitts, when you keep getting in trou-
13 ble over drugs over and over again, at some point a Court
14 will have to say, no more.

15 There are those who would argue that we waste a lot
16 -- there are wasted resources of the State when we give
17 these sentences. But in Laurens County there seems to be
18 a lot of dealing in drugs, and distribution of crack co-
19 caine cannot be tolerated in Laurens County.

20 We have an obligation to try to stop it and punish
21 people who are involved with drugs, especially those with
22 prior offenses.

23 The Court is aware that this sentence is an eighty-
24 five percent sentence which means you've got to serve the
25 eighty-five percent of the time the Court is imposing.

1 On the distribution of cocaine charge, it is the
2 sentence of the Court that you be committed to the De-
3 partment of Corrections for seventeen years.

4 You will receive credit for the time you have served
5 since May 14th of 2014.

6 On the proximity charge, ten years, with credit for
7 time served since May 14, 2014, and this will run concu-
8 rent with the other distribution charge.

9 I am also recommending the Addictions Treatment Unit
10 for you when you are close to being released many, many
11 years from now.

12 Mr. Pitts, you do have ten days to file a notice of
13 intent to appeal and you have one year to file an action
14 for post-conviction relief.

15 I wish you luck, Mr. Pitts.

16 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

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CERTIFICATE

I, HARRIET P. BENNETT, Court Reporter for South Carolina Court Administration, hereby certify that the foregoing Transcript was prepared from the records of Tara Scott to the best of my ability, having been heard in the Court of General Sessions for Laurens County on February 16-17, 2016.

Further, I certify that I am neither of kin nor counsel to any party to this action, nor do I have any interest in the same.

Harriet P. Bennett

June 16, 2016

WITNESSES

Shane Prather
Clinton Police Department

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

August Term, 2014

Indictment # 14GS30- 1298

WARRANT NUMBER

2014A3020100243

THE STATE

vs.

Willie Clarence Pitts

True Bill

Willie E. Pitts

Foreman of the Grand Jury

Date: *8-29-14*

INDICTMENT FOR

Distribution of Crack Cocaine

§44-53-0375

CDR: 3015

VERDICT

Guilty

Shane Prather

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

INDICTMENT FOR

**Distribution of Crack Cocaine
§44-53-0375**

At a Court of General Sessions, convened on the 29th day of August, 2014, the Grand Jurors of Laurens County present upon their oath:

That Willie Clarence Pitts did, on or about April 16, 2014, in Laurens County, willfully, unlawfully, and knowingly distribute, dispense, deliver, and/or did otherwise aid, abet, attempt, or conspire to distribute, dispense, or deliver cocaine base (crack cocaine), in violation of the provisions of Section 44-53-375 of the South Carolina Code of Laws, 1976, as amended

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



Assistant Solicitor

148
 STATE OF SOUTH CAROLINA)
 COUNTY OF Laurens)
 STATE VS.)
Willie Clarence Pitts)
 AKA: _____)
 Race: AFRICAN AME Sex: M Age: 48)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: _____)
 DL#: _____ SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 14GS30-1298
 A/W#: 2014A3020100243
 Date of Offense: 4/16/2014
 S.C. Code § : 44-53-0375
 CDR Code #: 3039

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Drugs / Manufacture, distribution, etc. of cocaine base, 3rd or sub. Offense

in violation of § 44-53-0375 of the S.C. Code of Laws, bearing CDR Code # 3039
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

ATTEST: _____ 10/01/17 _____
Boykin, Margaret 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 17 (seventeen) 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 Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 14-65-30-1300
 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 May 14, 2014
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Cnnv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public De/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150</u>
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$5	\$ <u>5</u>
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)		\$ <u>8.40</u>
TOTAL		\$ <u>238.40</u>

_____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: ATU

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

Clerk of Court/ Deputy Clerk: Lynne W. Lancaster
 Court Reporter: Tara Scott
 SCCA/217 (03/2011)

Presiding Judge: _____
 Judge Code: 2159
 Sentence Date: 2-17-16

WITNESSES

Shane Prather
Clinton Police Department

WARRANT NUMBER

2014A3020100244

True Bill

Willie E. DeLoach
Foreman of the Grand Jury

Date: *8-29-14*

VERDICT

Guilty

Shane Prather
Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

August Term, 2014
Indictment # 14GS30- 1300

THE STATE

vs.
Willie Clarence Pitts

INDICTMENT FOR

Distribution of Crack Cocaine within Proximity
of Public Park
§44-53-0445
CDR: 0107

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

INDICTMENT FOR

Distribution of Crack Cocaine within Proximity of
Public Park
§44-53-0445

At a Court of General Sessions, convened on the 29th day of August, 2014, the Grand Jurors of Laurens County present upon their oath:

That Willie Clarence Pitts did, on or about April 16, 2014, in Laurens County, did willfully, unlawfully and knowingly distribute, sell, purchase, manufacture, or possess with intent to distribute, Crack Cocaine, a controlled substance, while in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical education center; or a public or private college or university in violation of Section 44-53-445 of the South Carolina Code of Laws, 1976, as amended

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



Assistant Solicitor

STATE OF SOUTH CAROLINA)
 COUNTY OF Laurens)
 STATE VS.)
Willie Clarence Pitts)
 AKA: _____)
 Race: _____ Sex: M Age: 48)
 DOB: _____)
 _____)
 City, State, Zip: _____)
 DL#: _____ SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 14GS30-1300
 A/W#: 2014A3020100244
 Date of Offense: 4/16/2014
 S.C. Code § : 44-53-0445
 CDR Code #: 0107

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Drugs / Distribute within proximity of a School or park

CONVICTED OF or PLEADS

in violation of § 44-53-0445 of the S.C. Code of Laws, bearing CDR Code # 0107
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

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

ATTEST: _____ 10/01/17
Boykin, Margaret 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 10 (ten) 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 Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 14-GS-30-1298
 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 May 14, 2014
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
 Total: \$ _____ plus 20% fee: _____ \$ _____
 Payment Terms: _____
 Set by SCDPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150</u>
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)		\$ <u>8.40</u>
TOTAL		\$ <u>283.40</u>

_____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 prmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

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

Clerk of Court/ Deputy Clerk Kyrin W. Lancaster Presiding Judge Fuhler
 Court Reporter: Tara Scott Judge Code: 2159
 SCCA217 (03/2011) Sentence Date: 2-17-16

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Taylor D. Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 28th day of December, 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,



Taylor D. Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 28th day of December, 2016.