

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Laurens County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ARTHUR LEE WILLIAMS, III

APPELLANT

APPELLATE CASE NO 2018-000982

\_\_\_\_\_  
RECORD ON APPEAL  
\_\_\_\_\_

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MAY 30 2019

SC Court of Appeals

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:  
State's Exhibit 13 (drug buy videotape)**

State of South Carolina ) In the Court of General Sessions  
 ) Eighth Judicial Circuit  
 County of Laurens ) 2015-GS-30-1488

State of South Carolina, )  
 )  
 Plaintiff, )  
 )  
 vs. ) Transcript of Record  
 )  
 Arthur Lee Williams, )  
 )  
 Defendant. )  
 )  
 )

May 24-25, 2018  
 Laurens, South Carolina

B e f o r e:

The Honorable Donald B. Hocker, Judge; and a jury

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

C. Dale Scott, Deputy Solicitor  
 Margaret G. Boykin, Assistant Solicitor  
 Attorneys for the Plaintiff

Ivan J. Toney, Esquire  
 Attorney for the Defendant

Maryann S. Nevers, CVR-M-CM  
 Circuit Court Reporter

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15	S-13	DVD	28	90
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1 TRIAL DAY 1 - 05/24/18

2 (Whereupon, the proceedings were commenced at 11:00 a.m.)

3 (Whereupon, State's Exhibits 1 and 2 were premarked  
4 for identification.)

5 THE COURT: Well, it -- it's -- it's good to see  
6 everybody. We finished our -- our first trial.  
7 Actually, we wrapped it up early this morning. And so  
8 we'll be calling the next case for trial.

9 You have already been qualified generally, if you  
10 remember that kind of first set of questions. So we  
11 don't have to redo that. So what we will do -- and --  
12 and you -- they've already been checked in, right?

13 CLERK OF COURT: Yes, sir.

14 THE COURT: Okay. So what we're going to do is go  
15 through the qualification process that is unique to this  
16 case that we'll be calling for trial.

17 Solicitor, do you have the indictments -- or  
18 indictment?

19 MS. BOYKIN: I do, Your Honor.

20 THE COURT: Thank you.

21 MS. BOYKIN: And a witness list as well.

22 THE COURT: Okay. Very good. Thank you.

23 (Off the record briefly.)

24 (Whereupon, the jury panel was duly sworn at 11:01  
25 a.m.)

1 THE COURT: All right, ladies and gentlemen. The --  
2 the case that is being called for trial is the *State of*  
3 *South Carolina v. Arthur Lee Williams, III.*

4 Mr. Williams, would you please stand and just  
5 briefly face the jury panel.

6 THE DEFENDANT: (Complied.)

7 THE COURT: Okay. Thank you very much. You can  
8 have a seat.

9 THE DEFENDANT: (Complied.)

10 THE COURT: And I'm going to publish the indictment.  
11 If you'll remember on Monday, I explained about what  
12 purpose the -- a -- an indictment serves. And again, it  
13 does not have anything to do with any guilt of the part  
14 of Mr. Williams. They're just allegations. And as I  
15 told you on Monday, the state has the burden of proving  
16 the allegations beyond a reasonable doubt standard. The  
17 indictment just puts Mr. Williams on notice of the  
18 charge. And it gets the case into court, where we are  
19 today. And it serves no further purpose.

20 But I'm going to publish the indictment for you so  
21 you will have a little understanding as to the charge  
22 that he is being tried on. The indictment is for  
23 distribution of crack cocaine.

24 And the indictment reads as follows: "That Arthur  
25 Lee Williams, III, did, on or about July 10th of 2015, in

1       Laurens County willfully, unlawfully, and knowingly did  
2       distribute, dispense, deliver, and/or did otherwise aid,  
3       abet, attempt, or conspire to distribute, dispense, or  
4       deliver cocaine base, known as crack cocaine, in  
5       violation of Section 44-53-375, Code of Laws for South  
6       Carolina."

7               THE BAILIFF: Your Honor, we have one juror who came  
8       in late right here.

9               THE COURT: Okay. All right. Okay.

10              Were you here when I read the indictment?

11              POTENTIAL JUROR: I caught the -- the last part of  
12       it, Your Honor.

13              THE COURT: Okay. I will read the indictment again:  
14       "That Arthur Lee Williams, III, did, on or about July  
15       10th, 2015, in Laurens County, did willfully, unlawfully,  
16       and knowingly distribute, dispense, deliver, and/or did  
17       otherwise aid, abet, attempt, or conspire to distribute,  
18       dispense, or deliver cocaine base, known as crack  
19       cocaine, in violation of Section 44-53-375, Code of Laws  
20       for South Carolina."

21              Any member of the jury panel related by blood or  
22       marriage, either now or formerly, to the defendant,  
23       Arthur Lee Williams, III? If so, please stand.

24              (Whereupon, no potential juror stood.)

25              THE COURT: And if you'll remember on Monday, I gave

1 THE COURT: Okay. Thank you.

2 All right. Lawyers prepared to make their opening?

3 MS. BOYKIN: Yes, Your Honor.

4 THE COURT: Okay. All right. Solicitor, you may  
5 proceed.

6 MS. BOYKIN: Thank you, Your Honor. May it please  
7 the Court?

8 OPENING STATEMENT BY MS. BOYKIN

9 MS. BOYKIN: Ladies and gentlemen, we are here today  
10 on a very straightforward case, okay? What we're here --  
11 is distribution of crack cocaine. The allegations are  
12 that this defendant, Arthur Lee Williams, distributed  
13 crack cocaine, on July 10th, 2015. It's very  
14 straightforward.

15 It's straightforward, but it's also important. It's  
16 important because it involves poison. Now, I call it  
17 poison because drugs, crack cocaine in general, can ruin  
18 lives. It can make people become addicts. It can break  
19 up families. It can, you know, have dire effects in the  
20 community.

21 And one of law enforcement's jobs, one of their main  
22 jobs, is to kind of figure out how to combat this  
23 epidemic, this poison. And something that they do, one  
24 of their best tools they have, is -- it's called  
25 undercover drug buy. It's a controlled buy, where they

1 use a confidential informant to go into the area to go  
2 buy the drugs for them to catch those dealers, to catch  
3 those big fish, the peddlers that are out there, putting  
4 this poison, these drugs, on the streets, out in your  
5 community.

6 And that's why we're here. Arthur Williams is a  
7 crack dealer. And that's why we're here.

8 MR. TONEY: Objection. May we approach?

9 THE COURT: Sure.

10 (Whereupon, a bench conference was held off the  
11 record in the presence of the jury, but out of the  
12 hearing of the jury.)

13 THE COURT: Ladies and gentlemen, just keep in mind  
14 that opening statements are not evidence in this case.  
15 It's just what each lawyer believes the case is about and  
16 what they believe the evidence will show as it is  
17 presented to you.

18 You may proceed, solicitor.

19 MS. BOYKIN: Thank you, Your Honor.

20 OPENING STATEMENT BY MS. BOYKIN CONTINUED

21 MS. BOYKIN: And as I was saying, we're here because  
22 Arthur Lee Williams distributed crack cocaine. He dealt  
23 crack cocaine on July 10th, 2015, to a confidential  
24 informant.

25 You'll hear more about this throughout the trial,

1 what a confidential informant is. But I kind of want o  
2 briefly kind of go over what a confidential informant is.  
3 It's a C.I. I'm sure that y'all have heard the word C.I.  
4 used.

5 Law enforcement uses these C.I.s that are people  
6 that can get in this circle, kind of infiltrate the  
7 circle without any suspicion. So the people they use are  
8 people that are either addicts, were -- were addicts,  
9 someone that has pending charges, or probably prior  
10 convictions for drug offenses.

11 And they do that because they themselves can't go in  
12 there. The people wouldn't sell to them. So they use  
13 these people. They wire them. And they control the buy,  
14 because these people can get in there.

15 Now, and that's what we have here. Our C.I. in our  
16 case is Sammy Anderson. And you'll see him today. He's  
17 going to testify. And you'll hear that he -- he was a  
18 crack addict. He has convictions on his record for  
19 drugs. He has, you know, prior offenses.

20 Now, there are two ways that someone's a C.I.:  
21 Either you are paid to -- to do the job; or you're  
22 working off charges, meaning they have pending charges  
23 that law enforcement says, "Okay. Well, we'll help you  
24 out with these if you do, you know, these jobs for us."

25 Now, Sammy didn't have any pending charges. He

1 doesn't anymore. He doesn't have any. So he was a paid  
2 informant. He was paid to do this job.

3 You know, I wish that I could put a witness on this  
4 stand right here that was our C.I. that was, you know,  
5 someone that was a teacher, or a priest or one of you guys  
6 or, you know, one of these law enforcement officers here.  
7 I wish I could do that for you. But the fact is we -- we  
8 can't do that because the fact of life is to make these  
9 cases, we have to use people that have prior convictions,  
10 that had prior addiction problems, because they are the  
11 ones people like Arthur Williams would sell to.

12 Now, the good news is it's called a controlled buy  
13 for a reason. Okay? We don't just send these people out  
14 there willy-nilly out in the community to go buy these  
15 drugs and not monitor them. It's called a controlled buy  
16 because law enforcement takes numerous steps to ensure  
17 the validity and the integrity of these buys.

18 And you're going to hear more about this through the  
19 officers' testimony this -- today and tomorrow in trial.  
20 But I'm going to briefly kind of touch on what they do.

21 So their first step is they meet with the C.I.; kind  
22 of tell them, you know, what the purpose, the target of  
23 the operation, will be. At that point they -- they pat  
24 them down. You know, they check them; make sure there's  
25 no contraband on them. They want no more drugs -- they

1 don't want any drugs on this C.I.

2       What they also do is they take all their money.  
3 They don't want any money on the C.I. when they go in  
4 there for the buy. The reason being is they give the  
5 C.I. money. The money that's used in this undercover buy  
6 is provided by law enforcement. That way we know that  
7 the money that's being used is not from the C.I. but from  
8 law enforcement themselves.

9       They then put some wires on them. They put audio  
10 and video on them so that way they will have video proof  
11 of what happened. They go send the C.I. -- C.I. off to  
12 where the target is. But law enforcement is able to hear  
13 exactly what's going on while that C.I. is out there in  
14 the field. They can hear it all real live time.

15       They also park very close by in case anything  
16 arises, any emergencies, any dangerous situations. They  
17 are right there.

18       Once the C.I. completes the buy, he immediately  
19 comes back. He's not allowed to go anywhere else with  
20 these drugs on him. He immediately comes back and meets  
21 with law enforcement.

22       At that moment the C.I. will turn over the drugs;  
23 they will secure them. And then the C.I. is again patted  
24 down. He's searched. He -- they want to make sure that  
25 he's not hiding drugs. They want to make sure that all

1 the money that they gave that C.I. for this buy is no  
2 longer there; they gave the money to the C.I.

3 They -- officers then secure the evidence; take it  
4 to the evidence locker. And then, the final step is they  
5 review the video footage. They want to make sure that --  
6 what the buy was, what it was supposed to be, actually  
7 was what it was. And they do that.

8 And once they review it and determine that that is  
9 what actually happened, they get arrest warrants. That's  
10 the -- that's the process. It's very thorough. They  
11 follow this procedure.

12 And I suspect you'll hear that in this case: that  
13 all of these steps were followed. And you will hear in  
14 this case that based on everything, they got an arrest  
15 warrant for Arthur Lee Williams for distribution of crack  
16 cocaine.

17 Now, I told you that this is a straightforward case.  
18 And it is. And it's more straightforward than most  
19 cases.

20 A lot of cases that we have in this Court, the  
21 evidence we have is circumstantial. We have facts  
22 tending to prove one thing or another, taken together,  
23 would equal the crime.

24 Here, we have not only direct eyewitness testimony  
25 -- you'll hear from the C.I. You'll hear from his own

1 mouth what he saw and observed that day. You will hear  
2 direct witness testimony from the officers: what they  
3 heard, what they observed that day.

4 And then, on top of that, you're lucky enough  
5 because you get to watch the video. You get to see the  
6 actual video of the crime taking place. You will see the  
7 events unfold of July 10th, 2015, unfold right before  
8 your eyes.

9 You will get to see this man sell crack cocaine to a  
10 confidential informant. You'll have all those tools.  
11 And, ladies and gentlemen, we have to prove this case  
12 beyond a reasonable doubt. And I submit to you, we will  
13 with all of that evidence.

14 Now, beyond a reasonable doubt means that you have  
15 to be firmly convinced that the defendant is guilty.  
16 What that means is you have to be firmly convinced that  
17 Arthur Williams distributed crack cocaine. Now,  
18 distribution of crack cocaine, it's a simple charge, two  
19 elements: (1) Did Arthur Williams distribute, meaning  
20 deliver/transfer, a substance from himself to another  
21 person? That simply means, ladies and gentlemen, hand to  
22 hand. Did he take something and give it to someone else?  
23 Just giving something to someone else, whether it's for  
24 money or not, the law doesn't require that it has to be  
25 payment.

1           Now, the -- you will see that there was money  
2           provided in this case, though. You will also need the  
3           second element: is that it is, in fact, crack cocaine.  
4           And we're going to have a witness testify that analyzed  
5           the substance and found that it was indeed crack cocaine.  
6           So we have both of those elements met right there.

7           Now, ladies and gentlemen, I'm going to sit down in  
8           just a second. But before I do, I want to thank y'all  
9           for your jury service. And this is one of the most  
10          important jobs you can have in this country, is to be on  
11          a jury. So I want to thank you for that. I also want to  
12          ask that you pay attention, that you listen closely, look  
13          at the evidence for what it really is.

14          The most important thing, and above all, use your  
15          common sense. Because that's what it really boils down  
16          to, to be a jury, is to use your common sense, you know,  
17          what experience you have, your lifetime experience, what  
18          you really, truly believe with your common sense, the  
19          logic of what really happened, what really didn't happen  
20          -- you know, what your common sense would be.

21          And at the end of this trial, we're going to ask  
22          that you use that and you look at the evidence for what  
23          it is, that straightforward evidence. And we're going to  
24          ask you to find the defendant guilty.

25          THE COURT: Thank you, Solicitor.

1           Mr. Toney, you ready, sir?

2           MR. TONEY: Yes, sir, I am.

3                            OPENING STATEMENT BY MR. TONEY

4           MR. TONEY: Ladies and gentlemen, my name is Ivan  
5 Toney. I'm proud to represent Arthur Williams, who's  
6 stated -- who's sitting here. If you will follow the  
7 judge's preliminary instructions, there will be no  
8 problem in this case, because His Honor gave some great  
9 instructions. He asked you to pay close attention. He  
10 talked about reasonable doubt and how we don't have --  
11 we, the defense -- we have come into court.

12           We're asking you to follow the law, to follow the  
13 constitution, and to make the state prove their case.  
14 And if the state cannot prove their case, the judge is  
15 going to instruct you that you're to return a verdict of  
16 not guilty. We believe, if you follow the evidence, if  
17 you pay attention closely, that you will absolutely  
18 return a verdict of not guilty.

19           Now, in this case, in a sense, this case is almost  
20 about -- I -- I -- I feel like it's about the power of  
21 suggestion, almost like a hypnotist hands someone a piece  
22 of paper and makes you believe that it's -- it's a -- a  
23 train ticket or a movie program, when there's nothing on  
24 the paper. The state in this case is going to -- is --  
25 is trying to make everything sound very simply and very

1 straightforward and that -- and they say in -- in a -- it  
2 -- it -- they keep repeating themselves: This is  
3 straightforward, etc., etc.

4 But you're going to get a chance to watch a video of  
5 what happened. And you won't have to speculate after you  
6 see this video. Because you're going to know what  
7 happened. You're going to be able to watch this video.

8 And what you're going to see is a video of someone  
9 who they have indicated is -- is not a good person,  
10 someone who's not a teacher, not a minister, but someone  
11 they have hinted or intimated has a criminal record and  
12 prior drug charges and someone who is shysty. You're  
13 going to see that person. You're going to see that  
14 person hand something to Mr. Williams. And that is the  
15 essence of this case.

16 This case is going to show some sort of transaction,  
17 but in the other -- the opposite of what they're  
18 alleging. If you will watch that video very carefully  
19 and look at it and use your own eyes and your own mind.  
20 And if you will sift through this, I believe you're going  
21 to find that my client is not guilty.

22 Because this is not as simple as -- as what they're  
23 saying. You have to pay attention to this very -- I  
24 believe, very shaky confidential informant. Because he  
25 is very quick, and he is very slick.

1           But what you see is not what they are saying  
2 happened. So pay attention, please, and consider  
3 carefully, and then we'll go through all the evidence.  
4 And I believe, at the end of this case, you'll find my  
5 client is not guilty. Thank you.

6           THE COURT: Okay. Thank you, Mr. Toney.

7           Let me see the lawyers for just a second, please.

8           (Whereupon, a bench conference was held off the  
9 record in the presence of the jury, but out of the  
10 hearing of the jury.)

11          THE COURT: All right. Madam Forelady and ladies  
12 and gentlemen of the jury, I think this would be a good  
13 time to break for lunch. And I want you back at 1:45.

14          Your juror buttons -- if you decide you want to go  
15 to a local restaurant for lunch, if you don't mind, keep  
16 that button on -- button on. Because if there's some --  
17 some of the participants in this case or even -- even  
18 myself, whatever, may be at the same place and the case  
19 is being discussed and you're -- we don't recognize you  
20 as being on the jury. We don't want you to overhear any  
21 discussions.

22          So if you have that badge on, then -- then everybody  
23 will know that you are on the jury. So if you don't  
24 mind, do that for me. I would appreciate it.

25          Again, no discussion among yourselves about this

1 case or anybody that you come into contact with. Have a  
2 good lunch, and we'll see you back at 1:45. Thank you.

3 All right. You need to -- this -- this way.  
4 Because Mr. Bolt is going to instruct you on where to  
5 park when you come back after lunch break. And he'll  
6 explain all that to you, okay?

7 (Whereupon, the jury exited the courtroom at 12:06  
8 p.m.)

9 THE COURT: All right. I will start back at 1:30.  
10 This case will start back at 1:45. Everybody have a good  
11 lunch.

12 MR. TONEY: Thank you, sir.

13 (Off the record from 12:07 p.m. until 1:57 p.m.)

14 (Whereupon, State's Exhibit 14 was premarked for  
15 identification while off the record.)

16 THE COURT: All right. We ready to bring the jury  
17 out, Solicitor?

18 MS. BOYKIN: Yes, Your Honor.

19 THE COURT: Mr. Toney?

20 MR. TONEY: (Nodded head up and down.)

21 THE COURT: Okay.

22 MR. TONEY: Yes, sir.

23 THE COURT: All right. Mr. Bolt?

24 (Off the record briefly.)

25 (Whereupon, the jury entered the courtroom at 1:59

DIRECT EXAMINATION BY MR. SCOTT - SHANE PRATHER 45

1 p.m.)

2 THE BAILIFF: All jurors present, Your Honor.

3 THE COURT: All right. Thank you, Mr. Bolt.

4 Solicitor?

5 MR. SCOTT: Yes, sir. The state calls Shane

6 Prather.

7 (Whereupon, the witness came forward.)

8 SHANE PRATHER, having been first duly sworn,

9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. SCOTT:

12 Q Okay. Officer Prather, you're with the City of  
13 Clinton?

14 A Yes, sir.

15 Q Okay. And what are your primary duties over in  
16 Clinton?

17 A Working narcotics.

18 Q Okay. The drug cases is what you mostly do?

19 A Yes.

20 Q Okay. In this particular case, it's outside the  
21 City of Clinton, is it not?

22 A It is.

23 Q Okay. What was the address of the controlled buy?

24 A [REDACTED]

25 Q That's in Laurens County, though?

DIRECT EXAMINATION BY MR. SCOTT - SHANE PRATHER 46

1 A It is.

2 Q Okay. And when was this controlled buy conducted?

3 A It was July the 10th, 2015.

4 Q Okay. What -- what -- let's talk about it a little  
5 bit in the open. What is a controlled buy? And what do  
6 you do to control it?

7 A On a controlled buy, what we normally do is -- is we  
8 we'll get an informant who's willing to do some  
9 controlled buys or work for us to help us get into the  
10 neighborhoods or dealing with people who deal drugs. We  
11 sign those informants up. And we have a package; it's  
12 basically rules and guidelines that they have to follow  
13 while cooperating.

14 Once they fill out the paperwork and sign the  
15 paperwork, we -- once we meet with an informant, they are  
16 searched, patted down. It's -- it's not a strip-search  
17 kind of thing. It's just to make sure they have no extra  
18 money, no contraband, you know, no illegal narcotics or  
19 anything on their person prior to going and doing a buy.

20 Then they're wired with a type of audio and video  
21 equipment for evidentiary purposes and for us to listen  
22 to so that we can tell what's going on during that buy.

23 Q Okay. All right. So explain -- before you send  
24 them in there, you say you pat them down to make sure  
25 they don't have any contraband on them; is that ---

1 A That's correct.

2 Q And why is that important?

3 A To make sure that if -- if -- if anything comes up,  
4 trialwise or any other reasons, to say that they were  
5 searched; they didn't have any other narcotics on them,  
6 other than what they purchase and they come back to us  
7 with.

8 Q Okay. And then you put a camera on them?

9 A That's correct.

10 Q And you put a mic on them?

11 A That's correct.

12 Q And what's the purpose of you being able to listen  
13 to him in realtime as the transaction occurs?

14 A To be able to know exactly what's taking place, as  
15 far as what's being said, whose -- I guess you would say  
16 whose role is what, and -- and to make sure that our  
17 informants are safe.

18 Q Okay. So there's a safety component to it?

19 A That's correct.

20 Q For the C.I.'s safety, right?

21 A Yes.

22 Q And we'll be saying C.I. C.I. is what?

23 A It's -- it's confidential informant.

24 Q Confidential informant?

25 A (Nodded head up and down.)

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1 Q Speaking of C.I.s -- and we talked a little bit  
2 about that in opening. How do you determine who's going  
3 to work as a C.I.? Let me ask you this: Would Judge  
4 Hocker make a good C.I.?

5 A It -- he would not.

6 Q All right. What if I came to you and said, "Shane,  
7 I want to be a C.I. for you"? Could I -- could I work as  
8 a C.I. for you?

9 A Probably not.

10 Q Okay. Are you -- are you looking for people that  
11 wouldn't raise suspicion in that particular community?

12 A Most informants are people that have dealt with  
13 individuals before. So if -- if -- if I'm -- got a  
14 neighborhood that is dealing with meth, I can't send Mr.  
15 Scott here to go buy meth, because it -- he -- he looks  
16 out of place.

17 So we pick people that fits in the neighborhood and  
18 people that they -- they're comfortable with dealing with  
19 and send those -- those to those neighborhoods.

20 Q Okay. So you -- you're looking for C.I.s who know  
21 the dealer?

22 A Right.

23 Q Because what happens if a stranger walks up to a  
24 dealer's house and says, "I want to buy some crack"?

25 A Most dealers are going tell you to leave; they don't

1 -- they don't sell dope.

2 Q Okay. And that would raise suspicion is what you're

3 ---

4 A Yes.

5 Q --- talking about?

6 Okay. Well, who is your C.I. in this -- well, let  
7 me ask you this: Who was the intended target whenever  
8 you guys went to [REDACTED]?

9 A Arthur Lee Williams.

10 Q Okay. His name had somehow gotten on y'all's radar?

11 A It did.

12 Q Okay. And ---

13 MR. TONEY: Objection: hearsay.

14 MR. SCOTT: Judge, I ---

15 THE COURT: I don't think it is offered for the  
16 truth of the matter asserted. I think it's -- more goes  
17 towards this officer's state of mind in -- in setting up  
18 this controlled buy. So I'll overrule the objection.  
19 You may -- you may proceed.

20 Q So Arthur Lee Williams' name had come on -- on your  
21 radar?

22 A Yes, sir.

23 Q And did you have a C.I. that you knew of who was  
24 familiar with Arthur Lee Williams?

25 A I did.

DIRECT EXAMINATION BY MR. SCOTT - SHANE PRATHER 50

1 Q Okay. And is that why you were involved with this  
2 case?

3 A It is. I had actually used the informant in this --  
4 in this case on -- on other cases in the city. And on  
5 this particular day, we met with the informant. He said  
6 that he had spoke with Arthur Lee earlier and Arthur Lee  
7 told him to come to his dad's house, which is ■

8 ■.

9 Q Okay. So who is the C.I.?

10 A Sammy Anderson.

11 Q Okay. And so did you do the -- what you described,  
12 the protocol, with the C.I.? Did -- did you perform all  
13 those precautions with Sammy before sending him there?

14 A We -- we did. He was searched prior to being wired.  
15 Once the search was complete, I then wired him with audio  
16 and video equipment. He was then taken by myself and  
17 Sgt. Veal of the Laurens County Sheriff's Office to the  
18 area of Ponderosa, where he was dropped out to walk to  
19 the residence of ■.

20 And then we sat and waited on the deal to take place  
21 and then waited on the informant to leave. And then we  
22 picked him back up.

23 Q Okay. And then, did you personally search I'm?

24 A I did.

25 Q And you wired him up?

1 A I did:

2 Q Is this Matt Veal you're talking about?

3 A Yes, sir.

4 Q Okay. So he's with the sheriff's department because  
5 this was in the county outside of Clinton City, correct?

6 A That's right.

7 Q Okay. Tell me what -- what was the date?

8 A It was July the 10th, 2015.

9 Q Okay. Tell me: What was the time that you wired  
10 the C.I. up?

11 A We would've wired him up -- let me see if I can find  
12 it on the paper. The equipment was placed on the  
13 informant at 10:45 a.m.

14 Q All right. And then, what time did y'all drop him  
15 off?

16 A He was dropped off at 11:18.

17 Q Okay. How -- how long did it -- did it take him to  
18 get there to ---

19 A It ---

20 Q --- the house?

21 A --- it -- it was only a -- a minute -- roughly a  
22 minute. It was -- and if I remember correctly, it -- his  
23 house was, like, the third house on the right on  
24 Ponderosa, so it was a short walk. Because he was  
25 actually dropped off at the top of Ponderosa, which is

1 Ponderosa -- the intersection of Ponderosa and Highway  
2 76.

3 Q Okay. By the way, this time line we're going over  
4 is documented. Do you guys document all this?

5 A Yes, we do.

6 Q Okay. And so you drop him off at 11:18. What does  
7 -- what do your document show when he got there?

8 A Documented time he made contact with Arthur Lee  
9 Williams was 11:19.

10 Q Okay. And then, the buy occurred at what time?

11 A 11:21 a.m.

12 Q Okay. When did he return to you guys?

13 A We picked Mr. Anderson back up, which is our  
14 informant, back up at 11:25 a.m.

15 Q Okay. So dropping him off and him returning was a  
16 matter of seven minutes?

17 A That's correct.

18 Q That's a pretty quick, efficient, controlled buy,  
19 isn't ---

20 A Yes.

21 Q --- it?

22 MR. TONEY: Objection: the commentary.

23 THE COURT: Okay. Sustained.

24 MR. SCOTT: Okay.

25 Q Is that an efficient and fast controlled buy for you

1 guys?

2 A It is.

3 Q Okay. Let me show you State's No. 12; ask if you  
4 recognize that.

5 A I do.

6 Q What is it?

7 A This is a overhead view of a map of Ponderosa Lane.

8 Q Okay. And do you recognize some of the locations  
9 you just talked about in your testimony?

10 A I do. I see Ponderosa Lane; what's marked as ■  
11 ■ ' the location where we sat and listened to  
12 the buy take place; and the location where we dropped our  
13 informant off, Mr. Anderson off, to go make the -- the  
14 buy.

15 Q Okay. Let me show defense real quick.

16 MR. TONEY: No objection.

17 MR. SCOTT: Okay. Your Honor, the state offers  
18 State's No. 12 for admission into evidence.

19 THE COURT: Without objection, No. 12 into evidence  
20 for the state.

21 (Whereupon, State's Exhibit 12 was entered into  
22 evidence.)

23 Q Let's see. Probably be best way to do it, if we can  
24 get Shane to step down -- you want to come down here and  
25 point ---

DIRECT EXAMINATION BY MR. SCOTT - SHANE PRATHER 54

1 A Sure.

2 Q --- out a few things?

3 THE COURT: Officer Prather, just make sure you --  
4 you talk loud enough since you're away from the  
5 microphone when you're down there.

6 THE WITNESS: Yes, sir.

7 THE COURT: Okay?

8 (Whereupon, the witness exited the witness stand.)

9 MR. TONEY: You feel like pushing it back a little  
10 bit? Is that okay?

11 MR. SCOTT: Yeah.

12 Q Stand over here, Shane.

13 A Okay.

14 Q And just face the court reporter.

15 A (Complied.)

16 Q Okay. That main highway there, what is that main  
17 highway there ---

18 A This ---

19 Q --- cutting through ---

20 A --- this is ---

21 Q --- the middle.

22 A --- Highway 76.

23 Q Okay.

24 A This is coming from Clinton going to Laurens.

25 Q Okay. So left to right would be going towards

1 Clinton?

2 A If you're going this way, correct. You're going ---

3 Q Okay.

4 A --- to Clinton.

5 Q All right. The house, [REDACTED], where this  
6 controlled buy took place is where?

7 A Right here where the little ---

8 Q Okay.

9 A --- icon is.

10 Q All right. Show the jury where it was that you  
11 dropped Sammy, the C.I. off.

12 A Mr. Anderson would've been -- would've been dropped  
13 off right in this area.

14 Q Okay. And now, did you guys -- you and Matt Veal  
15 park there or ---

16 A We ---

17 Q --- what'd y'all do?

18 A We did not. We actually came to here. It's Ned's  
19 Barber Shop, which is located right on the corner of  
20 Ponderosa. We came here and parked over behind some  
21 brush that we could hide behind. We are in a car that is  
22 known to the public.

23 So we parked over here to kind of hide ourself and  
24 blend in with other vehicles that were at the barber shop  
25 so ---

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1 Q Ned's ---

2 A --- we could, ---

3 Q --- Barber Shop is what ---

4 A Ned ---

5 Q --- that's called?

6 A It's Ned's Barber Shop, sir.

7 Q Okay. All right. And then -- okay. So it takes  
8 him one minute to walk from 76 down the road to ■

9 ■.

10 A That's correct.

11 Q Where'd you guys pick him up? When -- whenever he  
12 was done, where did he go?

13 A Once he completed the deal, for his safety and --  
14 and to make sure nothing happened to him trying to cross  
15 Highway 76, we pull out, pull into Farmers Furniture,  
16 turn around, come back out, and pick him up as he's  
17 coming back out onto 76 from Ponderosa.

18 Q Okay. Well ---.

19 A So basically, essentially the same locations we  
20 dropped him off at.

21 Q You just sort of pull over on the shoulder of 76  
22 there?

23 A We -- we just kind of stop in the -- the No. 2 lane  
24 to where we're close to the -- the side of the road where  
25 he can just step in and we can go.

1 Q Okay. You can get back on the stand, then.

2 (Whereupon, the witness entered the witness stand.)

3 MR. TONEY: Is that the same picture?

4 MR. SCOTT: No. It's a little bit closer up.

5 MR. TONEY: No objection.

6 Q Let me just show you this. This is State's 11.

7 What is that?

8 A That's ■ the -- ■, which is the  
9 residence of the transaction.

10 Q Okay. Just -- is that just a closer -- closer-up  
11 view of ---

12 A Yes.

13 Q --- that particular location?

14 A (Nodded head up and down.)

15 MR. SCOTT: The state offers No. 11 for admission.

16 THE COURT: And what's the defense say, Mr. Toney,  
17 concerning Exhibit 11?

18 MR. TONEY: I have no objection, sir.

19 THE COURT: All right. Without -- without  
20 objection, 11 into evidence for the state.

21 (Whereupon, State's Exhibit 11 was entered into  
22 evidence.)

23 Q He gets back in the car with you guys. Where are  
24 you seated in the car?

25 A I'm in the front-passenger seat.

- 1 Q Where is Sgt. Veal?
- 2 A He's driving the vehicle.
- 3 Q Where does Sammy get in the car?
- 4 A He gets in on the back-passenger seat behind me.
- 5 Q All right. When he gets in the car -- let me back.
- 6 I -- I -- I missed this whole thing. How much money did
- 7 you give him whenever he was going in?
- 8 A Yeah. He was given \$100, which was documented
- 9 funds, through -- from the sheriff's department.
- 10 Q Okay. And in what denominations were they?
- 11 A I'm -- I want to say it was five \$20 bills.
- 12 Q Okay. When he got back in the car, what, if
- 13 anything, did he turn over to you?
- 14 A Once he got back into the car, I got an evidence bag
- 15 that was in Sgt. Veal's vehicle. I then opened the bag
- 16 up and turned around to get him to drop the crack that
- 17 was just purchased from Arthur Lee Williams into the
- 18 evidence bag. Once it was in the evidence bag, I handed
- 19 it to Sgt. Veal.
- 20 Q Okay. The C.I. gets in the car, puts the crack in a
- 21 bag that you're holding. You take the bag, give it to
- 22 Sgt. Veal?
- 23 A That's correct.
- 24 Q Okay.
- 25 A And then, at that point is when I cut the camera

1 off.

2 Q Okay. Well, let me ask you this: So -- well, I'll  
3 cover that in a minute. State's No. 14, what is this?  
4 Do you recognize it?

5 A That is the evidence bag and the crack cocaine that  
6 was purchased on July the 10th, 2015.

7 Q Okay. You see the bag in there that you held open  
8 for Sammy to put the crack in?

9 A I do.

10 Q Okay. Are your initials anywhere on that?

11 A They are not.

12 Q Okay. But you would've handed that ---

13 A I would've handed that to Sgt. Veal.

14 Q Okay. And that's State's 14.

15 After he gives you the crack, what -- what do you  
16 guys do next?

17 A We then go back to Clinton to a -- a location that  
18 we had set prior to going to make the deal. And it's  
19 kind of a secluded location to where we can meet people  
20 and people's not riding by, seeing who we're meeting, so  
21 it can't get out that, "Hey, so-and-so's working for the  
22 police." At that point he is searched again to make sure  
23 he does not have any of our money and make sure he didn't  
24 put any of the drugs at this -- at this buy, it was crack  
25 -- so make sure he didn't put any crack in his pocket for

DIRECT EXAMINATION BY MR. SCOTT - SHANE PRATHER 60

1 his own use; and also, to take all of our equipment back  
2 off.

3 Q Okay. You search him that time?

4 A I did.

5 Q And did you find any crack on him?

6 A I did not.

7 Q Where was that \$100?

8 A It was left with the defendant, Arthur Lee Williams.

9 Q Okay. He didn't have it on him, though?

10 A He did not.

11 Q And then after you took the camera off and  
12 everything, were you able to, at some point, review the  
13 footage that he captured, the ---

14 A I did. Usually, what we do is once we complete a  
15 buy, before the informant is allowed to leave, we'll go  
16 back, plug the camera in, and watch the video to make  
17 sure we do have good evidence and to make sure that our  
18 informants are being truthful.

19 Q Okay. So he watched it with you ---

20 A He -- he ---

21 Q --- Sammy?

22 A --- we -- we don't allow those to watch the videos  
23 with us. Usually, one officer will sit with them while  
24 the other officer pulls it up on a laptop and watches the  
25 video to make sure that everything is accurate.

1 Q You were talking about some of the, I guess, rules  
2 you go over with the C.I.s before they go in there or  
3 precautions. What -- what -- what kind of rules do you  
4 give them?

5 A It -- it's pretty much they can't -- you can't take  
6 any kind of narcotics. So if we're giving you \$100, you  
7 have to bring us back \$100 -- the \$100 worth of narcotics  
8 that you are purchasing. You can't smoke any while  
9 you're making a controlled buy. And you can't keep our  
10 money.

11 Q Okay. Okay. Well, do you -- do you advise them at  
12 all, like, not to make stops off anywhere?

13 A We -- we do. And -- and I should've mentioned that.  
14 But typically, what we try to do is -- is make the deal  
15 as -- as fast as possible. Is -- and what we tell them  
16 is -- is, "You go -- take the money. You go buy the  
17 drugs. You bring it straight to us."

18 That way it eliminates them stopping, talking to  
19 other people, and issues coming up with, "Hey, they  
20 didn't buy it from the defendant; they bought it from  
21 this person."

22 So as long as they go straight to them and straight  
23 back to us, there's no conflicts.

24 Q You're trying to cut down on variables that may  
25 arise?

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1 A That -- that's correct.

2 Q State's number ---

3 MR. TONEY: Objection to the commentary.

4 THE COURT: Okay.

5 MR. SCOTT: Okay.

6 THE COURT: Sustained. Try to -- try to avoid  
7 commentary and keep it to a question please, Solicitor

8 ---

9 Q What is ---

10 THE COURT: --- Scott.

11 MR. SCOTT: Yes, sir, Your Honor.

12 Q State's No. 13, do you recognize that?

13 A I do. This is a copy of a buy video from July the  
14 10th.

15 Q Okay. How do you recognize that?

16 A My initials.

17 Q Okay. And you reviewed it?

18 A I did.

19 Q And what does it show?

20 A It shows the informant making contact with Arthur  
21 Lee Williams and purchasing \$100 worth of crack cocaine.

22 Q Okay. Were you familiar with Arthur Lee Williams.  
23 before this?

24 A Yes.

25 Q Okay. And would you recognize him if you saw him?

1 A I would.

2 Q Okay. Do you see Arthur Lee Williams here today?

3 A I do. He's sitting at the defense table.

4 Q Okay.

5 MR. SCOTT: Beg the Court's indulgence.

6 (Whereupon, Ms. Boykin, Mr. Scott, and Mr. Bentley  
7 conferred.)

8 Q Okay. You said you had used that particular C.I.  
9 before?

10 A Yes.

11 Q Do you know how many times you'd used him in the  
12 past?

13 A Right off top of my said, I'm going to say it was in  
14 the 20s, around 20 times.

15 Q Okay. Answer any questions Mr. Toney has.

16 A Okay.

17 CROSS-EXAMINATION

18 BY MR. TONEY:

19 Q So you say you did a pat-down but not a strip-  
20 search?

21 A That's correct.

22 Q For example, when people enter the jail, they are  
23 strip-searched, correct?

24 A That's correct.

25 Q And even then, drugs find their way into the jail,

1 correct?

2 A That's correct.

3 Q All jails, not picking on Laurens County, but every  
4 jail in this country has a drug problem, to a certain  
5 extent, correct?

6 A That's correct.

7 Q And these are -- I mean, you used him 20 times, this  
8 guy, correct?

9 A That's correct.

10 Q And one of his rules is he can't smoke during the  
11 buy?

12 A That's correct.

13 Q So the implication is he can smoke after the buy?

14 A No. I mean, he's -- he's a grown man. I can't tell  
15 him what to do. But we -- we encourage them not to use  
16 drugs while cooperating.

17 Q How many -- he -- Sammy Anderson has -- I mean,  
18 there's been many, many references in the opening  
19 statement and -- and here today about his prior drug  
20 history, correct?

21 A Yes.

22 Q He has a history of drugs going back at least 20  
23 years, correct?

24 A That's correct.

25 Q And he is a known drug addict?

1 A That's correct.

2 Q And everybody knows him ---

3 A Yes.

4 Q --- right?

5 A Yes.

6 Q I mean, in the drug world.

7 A Yes..

8 Q And he's done 20 transactions for you, correct?

9 A That's correct.

10 Q Which is probably a lot for a C.I., I would think

11 ---

12 A It's ---

13 Q --- or a ---

14 A --- it ---

15 Q --- fair amount.

16 A It's a fair amount.

17 Q And how much does he get for these drug  
18 transactions?

19 A He -- he actually started out -- when he first  
20 started working for me, he was making \$20 a buy. And at  
21 this deal, he was making \$50.

22 Q And -- and to be honest, what does he probably use  
23 that \$50 for?

24 A I have ---

25 MR. SCOTT: I don't ---

CROSS-EXAMINATION BY MR. TONEY - SHANE PRATHER 66

1 A --- no clue.

2 MR. SCOTT: --- I don't think -- Your Honor, I don't  
3 -- that's ---

4 THE COURT: I -- I couldn't ---

5 MR. SCOTT: --- speculation.

6 THE COURT: --- hear it. What -- repeat the  
7 question, Mr. Toney.

8 Q What does he probably use the \$50 for?

9 THE COURT: Okay.

10 MR. SCOTT: That's ---

11 THE COURT: And you're objecting?

12 MR. SCOTT: It's speculation. How -- how does he  
13 know what the C.I. is probably using his money for.

14 THE COURT: If -- if he -- if -- if Officer Prather  
15 knows, he can answer. If he doesn't know, he can answer  
16 too.

17 A I don't know.

18 THE COURT: You can't speculate.

19 MR. TONEY: Okay.

20 Q He hasn't had any convictions -- Sammy Anderson  
21 hasn't had any drug convictions for a while, has he?

22 A It's been some time.

23 Q Okay. But he is well-known among law enforcement  
24 for using drugs all the time, correct?

25 A I -- I mean, he's known for using. Yes.

1 Q Okay. But even possession is serious, isn't it?

2 A It -- it is.

3 Q And every time he -- he possesses drugs, that's a  
4 felony, correct?

5 A I'm not sure if it's a felony or not.

6 Q Well, if -- if it's second-offense possession, even  
7 crack cocaine or cocaine would be a felony, correct?

8 A Yes.

9 Q So drug -- drug addicts -- addiction is unbelievably  
10 powerful, isn't it?

11 A It is.

12 Q I -- I mean, people who are addicts, they -- they --  
13 how long you been head -- or -- or how long you been  
14 working with narcotics?

15 A Since 2014.

16 Q Okay. And how long before then were you dealing  
17 with -- or were you a regular street officer or street  
18 cop?

19 A I was.

20 Q So you -- you dealt with drug issues, like, every  
21 day, correct?

22 A That is correct.

23 Q And how long have you been a police officer?

24 A Since 2004.

25 Q Okay. So a -- a good while, not -- not 20 years,

1 but 13 years, correct?

2 A That's correct.

3 Q And you've dealt with maybe not thousands of  
4 addicts, but addicts on thousands of occasions, because a

5 ---

6 A That's ---

7 Q --- lot of the people you -- you deal with are the  
8 same people, correct?

9 A That's correct.

10 Q And -- and when they're in the -- the depths of  
11 full-throated addiction, they -- they don't do much else  
12 but seek drugs; is that correct?

13 A Most.

14 Q I mean, that's ---

15 A Most do.

16 Q It takes -- it's like a fire. It -- it just  
17 consumes everything and takes over their lives, correct?

18 A For most of them, yes.

19 Q For -- but you don't see many -- I mean, we hear  
20 stories about functioning alcoholics, for instance. But  
21 you don't hear many stories about functioning ---

22 A I ---

23 Q --- cocaine users, do we?

24 A I -- I know several of them.

25 Q Okay. But a lot of times, perhaps the majority,

1 maybe not all, they -- they -- they chase drugs ---

2 A Some do. Yes.

3 Q --- 24/7, correct?

4 A Some do. Yes.

5 Q Most of them use every day?

6 A Most, yeah.

7 Q Okay. And every time they use, they're committing a  
8 crime?

9 A That's correct.

10 Q Now, this gentleman, Sammy Anderson, has been  
11 working for you for how long?

12 A He -- he would've been working for me for maybe four  
13 or five months ---

14 Q Okay.

15 A --- in 2015.

16 Q But he's been a known player in the drug world, at  
17 -- at least as a drug user off and on, perhaps the whole  
18 time, for 20 years?

19 A That's correct.

20 Q And it's fair to say that in that time, may very  
21 well -- I -- you've heard the statistic the FBI puts out  
22 that the average drug user commits 4500 felonies a year?

23 A That's -- yeah.

24 Q That's well-known, right?

25 A Uh-huh.

CROSS-EXAMINATION BY MR. TONEY - SHANE PRATHER 70

- 1 Q Something ---
- 2 A It is.
- 3 Q --- like that?
- 4 So it's fair to say that Sammy Anderson is a full-
- 5 time criminal, correct? Apart from when he's working for
- 6 you?
- 7 A Depends on how you look at it.
- 8 Q Okay. In order to have an -- a drug addiction and
- 9 -- and make it work, you have to -- to hide drugs, don't
- 10 you? Drug -- let's put it this ---
- 11 A Can ---
- 12 Q --- way ---
- 13 A --- can -- can you ask the question again? I -- I'm
- 14 -- I'm ---
- 15 Q Yes.
- 16 A --- not sure ---
- 17 Q Let me ---
- 18 A --- what you're ---
- 19 Q --- rephrase it.
- 20 A --- asking.
- 21 Q Like, someone who smokes cigarettes, they might put
- 22 the cigarettes in the console of their car or put it in
- 23 their purse or something like that, correct?
- 24 A Uh-huh. That's correct.
- 25 Q But people who have drug addictions -- let's say

1 it's to crack cocaine -- and that they use a pipe,  
2 correct? A little pipe or a tube?

3 A Yes.

4 Q They don't walk down the street usually smoking that  
5 pipe, do they?

6 A No.

7 Q They have to hide it, correct?

8 A Typically, we find it in their pocket.

9 Q Okay. But they also have inventive places they hide  
10 their drugs?

11 A With -- with any crime, I mean, they come up with  
12 different ways of hiding stuff. Yes.

13 Q Yeah. I -- I -- I don't know what your experience  
14 is. But a lot of cases, they have different places they  
15 hide. Sometimes smoke shops sell coffee cans with false  
16 bottoms, or they have bolts with fake insides, or they  
17 have different products -- consumer products -- cereal --  
18 different things that have false bottoms in them. They  
19 have many, many ways of hiding things, correct?

20 A That's correct.

21 Q Sometimes they put them in -- their drugs in Crown  
22 Royal bags?

23 A That's correct.

24 Q And they put them in little cases or makeup cases or  
25 cigarette cases or tins, all kinds of different things,

1 correct?

2 A That's correct.

3 Q Matter of fact, these are indicators that drug --  
4 you know, when you see little tins and little things  
5 lying around, these are in cars when you stop a car.

6 That's an indication there may be some drug activity, not  
7 --, not a -- a complete indication, but ---

8 A Yeah. I ---

9 Q --- one of ---

10 A --- I wouldn't ---

11 Q --- many?

12 A --- I wouldn't base it off just seeing tins ---

13 Q Yeah.

14 A --- or ---

15 Q One of several factors?

16 A (No audible response.)

17 Q So to be a drug addict, it's fair to say that you  
18 have to learn how to hide your drugs, to a certain  
19 extent?

20 A To a -- I guess, to a certain degree, yeah.

21 Q And -- and you can't -- you can't run around and  
22 tell people if you're a drug addict? You can't just go  
23 around and say, you know, "I use drugs." You can't tell  
24 that to people, can you?

25 A No.

1 Q People don't want to hear it.

2 A No.

3 Q And they'll stay away from you when they hear it?

4 A That's correct.

5 Q Okay. Most of them try to hide their criminal  
6 activities, correct?

7 A That's correct.

8 Q Crime is not something that's done usually in the  
9 public square. It's -- it's done a lot of times at  
10 night, in out-of-the-way places, in hotel rooms, in  
11 places where there's not a lot of surveillance. People  
12 keep their stuff on the down-low, correct?

13 A That's correct.

14 Q After 20 years of doing -- of engaging in criminal  
15 and drug behavior, drug addicts and drug users, they  
16 become very adept at hiding things and being dishonest,  
17 don't they?

18 MR. SCOTT: Your Honor, the objection is just that  
19 we've covered this ground a couple times, that drug  
20 addicts hide drugs from time to time.

21 THE COURT: All right.

22 MR. SCOTT: That question's been asked and answered.

23 THE COURT: Right.

24 MR. TONEY: Well, I'm ---

25 THE COURT: It has. But I think the -- the question

CROSS-EXAMINATION BY MR. TONEY - SHANE PRATHER 74

1 was more two-part, I think, and as far as the question  
2 included dishonesty. So you can -- you can ---

3 MR. TONEY: Yes.

4 THE COURT: --- explore that with Officer Prather.  
5 It'd be fine.

6 Q You -- you wouldn't trust a drug addict to -- a  
7 known drug user to, say, babysit your children or -- or  
8 paint your house or do anything sort of straightforward,  
9 would you?

10 A No.

11 Q And -- and you wouldn't trust Sammy Anderson to do  
12 anything other than very limited things for you and --  
13 and -- and watch at that, correct?

14 A That's correct.

15 Q Because you -- you don't really trust Sammy  
16 Anderson, do you?

17 A It -- it -- it's not that I don't trust Sammy  
18 Anderson. We -- he -- we have safeguards to make sure  
19 that he is being trustworthy. That's one reason why we  
20 wear cameras.

21 Q Okay. But one of the reasons you have cameras and  
22 safeguards is because you don't trust him, right?

23 A That's correct.

24 Q Just like people put locks on doors, not because  
25 everybody's the thief, but because some people are

1 thieves?

2 A That's correct.

3 Q All right. And for a confidential informant to be  
4 effective in their work, they have to be able to convince  
5 people that they're not confidential informants, don't  
6 they? That they are, in fact, serious drug buyers?

7 A That's correct.

8 Q And -- and since the drug world is -- has these  
9 people in it, the drug dealers have to be on the alert  
10 for this kind of behavior, correct?

11 A Yeah.

12 Q And they're constantly looking for -- and -- and --  
13 and I apologize for using this term. But the term they  
14 use is "rats" or "snitches," correct?

15 A That's correct.

16 Q And for a confidential informant to be successful,  
17 they have to be able to -- almost like a salesman, to put  
18 themselves over and complete the transaction while  
19 dealing with people who are very suspicious and street-  
20 smart themselves, right?

21 A That's correct.

22 Q So we're dealing with people who are -- when we deal  
23 with confidential informants, they are street-savvy,  
24 street-smart people, right?

25 A That's correct.

1 Q Now, in this case, you've got the video there,  
2 correct?

3 A Yes.

4 Q And that video shows Sammy Anderson handing  
5 something Arthur Lee Williams on it?

6 A He handed Arthur Lee Williams \$100.

7 Q It shows him handing him something else, correct?

8 A Don't recall that.

9 Q You don't recall it?

10 A Unh-unh.

11 Q Isn't it possible that Sammy Anderson took something  
12 in there, something that you were not aware of?

13 A I mean, it's possible. But after reviewing the  
14 video, he didn't.

15 Q Shammy -- Sammy Anderson is -- is dishonest, isn't  
16 he?

17 A At some point, probably.

18 MR. TONEY: If I could have a moment?

19 THE COURT: Sure. Take your time.

20 MR. TONEY: Yes, sir. Thank you so much.

21 (Whereupon, Mr. Toney and the defendant conferred.)

22 MR. TONEY: That's all the questions that I have for

23 ---

24 THE COURT: Okay.

25 MR. TONEY: --- this gentleman.

REDIRECT EXAMINATION BY MR. SCOTT - SHANE PRATHER 77

1 THE COURT: Solicitor, any redirect?

2 MR. SCOTT: One -- Your Honor, beg the Court's  
3 indulgence.

4 THE COURT: Sure. Take your time as well.

5 (Whereupon, Mr. Scott and Ms. Boykin conferred.)

6 REDIRECT EXAMINATION

7 BY MR. SCOTT:

8 Q You agree with what that lawyer said about addiction  
9 being terrible ---

10 MR. TONEY: Excuse me.

11 Q --- don't you?

12 MR. TONEY: Beg your pardon. Objection. That  
13 lawyer?

14 MR. SCOTT: Oh. Ivan Toney.

15 Q Do you agree with what he said about addiction being  
16 terrible?

17 A I do.

18 Q Where do addicts get their drugs from?

19 A Drug dealers.

20 Q Okay. Who fuels addictions?

21 A Drug dealers.

22 Q Who pumps dope out in the streets for addicts to get  
23 their hands on?

24 A Drug dealers.

25 Q Who gives them this poison that feeds this habit,

REDIRECT EXAMINATION BY MR. SCOTT - SHANE PRATHER 78

1 this never-ending habit?

2 A The dealers..

3 Q Okay. That's the source of the drugs?

4 A Yes.

5 Q All right. In your experience are dealers more  
6 likely to sell to addicts or nonaddicts?

7 A Addicts.

8 Q Okay. And again, do -- do -- do you just send  
9 anybody in to buy dope from a known drug dealer?

10 A No. It has to be somebody that they're familiar  
11 with, or they're not going to trust them.

12 Q Okay. And -- and Sammy's a well-known guy, is he  
13 not?

14 A He is.

15 Q And -- and the lawyer was talking -- Ivan Toney was  
16 talking about that he -- he's been a C.I. for a while  
17 now, right?

18 A That's correct.

19 Q But yet people still sell him dope, do they not?

20 A Yes.

21 Q Okay. We don't know the explanation, but he still  
22 manages to get in their and buy dope from drug ---

23 A He does.

24 Q --- dealers?

25 MR. SCOTT: Okay. That's all the questions I have.

..DIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 79

1 THE COURT: Any recross?

2 MR. TONEY: No, sir.

3 THE COURT: Okay. You can step down, sir.

4 THE WITNESS: Thank you.

5 (Whereupon, the witness exited the witness stand.)

6 MR. SCOTT: Step up real quick, Your Honor?

7 THE COURT: Sure.

8 MR. SCOTT: If we may approach?

9 (Whereupon, a bench conference was held off the  
10 record in the presence of the jury, but out of the  
11 hearing of the jury.)

12 (Off the record briefly.)

13 THE COURT: Ladies and gentlemen, we're waiting on  
14 the next witness. So that's why we got just a little bit  
15 of downtime. Just relax and be patient with us, please.

16 MR. SCOTT: Okay. The state calls Sammy Anderson.

17 THE COURT: Okay. Come right over here, Mr.  
18 Anderson.

19 (Whereupon, the witness came forward.)

20 SAMUEL ANDERSON, having been first duly sworn,  
21 testified as follows:

22 (Off the record briefly.)

23 DIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q Okay. What is your name? Tell me your full name.

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1 A Samuel Anderson.

2 Q Okay. Sammy, let's just -- we talked about it  
3 today. You've had an accident recently, have you not?

4 A Yes, sir.

5 Q Okay. And when did that happen?

6 A This happened back in July.

7 Q Okay. Well ---

8 THE COURT: All right. Mr. Anderson, you're going  
9 to need to speak up. Sit closer ---

10 A This happened ---

11 THE COURT: --- to the microphone ---

12 A --- back in July.

13 THE COURT: Okay.

14 Q July of last year?

15 A Yes, sir.

16 Q Okay. And -- and -- and the result of an attack?

17 A Yes, sir.

18 Q Okay. What -- where do you live? Do you live in,  
19 Laurens?

20 A No. I live in Clinton, South Carolina.

21 Q Okay.

22 (Whereupon, the witness and the bailiff conferred.)

23 Q Do you know ---

24 (Off the record briefly.)

25 Q Do you know Shane Prather?

- 1 A Yes, sir.
- 2 Q All right. And Tyrone Goggins back there, you know  
3 him?
- 4 A Yes, sir.
- 5 Q Okay. Have you worked with those guys before?
- 6 A No.
- 7 Q No?
- 8 A Unh-unh.
- 9 Q You haven't worked with them?
- 10 A No. Yeah, I mean.
- 11 Q Okay. You understand what I'm asking?
- 12 A Yeah. I understand what you're saying.
- 13 Q Okay. Have you worked with them on multiple  
14 occasions?
- 15 A Yes, sir.
- 16 Q Okay. And -- and then, what do you typically  
17 receive when you work for them?
- 18 A Money.
- 19 Q Okay. Tell me: Have -- have you had an issue in  
20 your past, as far as drug-related crimes?
- 21 A I mean, I used to -- I used to use drugs, but I  
22 don't do that.
- 23 Q Okay.
- 24 A I'm being honest about that.
- 25 Q Do you -- what -- what did you use?

DIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 82

- 1 A Crack cocaine.
- 2 Q Crack?
- 3 A Yeah.
- 4 Q And did you have an addiction to it?
- 5 A Yeah, I did.
- 6 Q Okay. And how would you normally get your crack?
- 7 I'm not asking from who. But how would you get it?
- 8 A I would come up with money, you know.
- 9 Q And then, just -- you would have people who would
- 10 deal it and you would go get it from them?
- 11 A Yes, sir.
- 12 Q Okay. Do you know Arthur Lee Williams?
- 13 A Yeah, I know him.
- 14 Q All right. How long have you known him?
- 15 A Oh, man. Years.
- 16 Q Okay. How -- how many years?
- 17 A I -- at least over 20 years.
- 18 Q Okay. Are you related to him or ---
- 19 A No, sir.
- 20 Q --- anything?
- 21 Okay. What is the connection?
- 22 A He used to hang out with my nephew.
- 23 Q Okay. Do you see him here today?
- 24 A Yeah, I see him.
- 25 Q Where is he?

1 A Right there.

2 Q Okay. Black guy or white guy?

3 A Black guy.

4 THE COURT: All right. Let the record reflect, he  
5 has identified the defendant.

6 Q Okay. You remember Shane Prather and them coming to  
7 you to see if you could buy some dope from him?

8 A Yeah.

9 Q All right. You remember the time you went, July  
10 10th, 2015?

11 A Yes, sir.

12 Q [REDACTED] in Laurens?

13 A Yes, sir.

14 Q All right. Beforehand, did you meet with -- you  
15 know who this is right here?

16 A (No audible response.)

17 Q Can you see him?

18 A Yeah.

19 Q You remember meeting with Matt Veal and Shane  
20 Prather ---

21 A Yes, sir.

22 Q --- that day?

23 And what did they do before they sent you in to buy  
24 the crack?

25 A Well, I mean, we talked on the way up. And they --

DIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 84

1 you know, they got me up there. And I told them to let  
2 me out and go -- I think I told them to go to Winnie's or  
3 whatever. I -- I didn't want to take nobody to the dude  
4 house. What -- he believed me or something.

5 Q Wait. Now, what did you call him? What'd you call  
6 him?

7 A Winnie?

8 Q Winnie?

9 A Yeah. That's ---

10 Q Okay. That's your nickname for him?

11 A Yes, sir.

12 Q Do a lot of people call him that?

13 A Yes, sir.

14 Q Okay.

15 MR. TONEY: Objection to hearsay.

16 THE COURT: Okay.

17 MR. SCOTT: I -- it's ---

18 THE COURT: I -- I -- I'll overrule.

19 A Uh-huh.

20 Q Okay. Winnie is what you call him?

21 A Yes, sir.

22 Q All right. Well, let -- let -- what I'm trying to  
23 do is let's go back when you met with the officers  
24 beforehand.

25 A Yes, sir.

1 Q Okay. How did you set up the situation where you  
2 were going to buy the dope from Winnie?

3 A The situation with him, I mean, I had made a phone  
4 call earlier that day and talked with him and told him I  
5 was going to be coming to him, you know what I'm saying,  
6 that I was going to be coming through to get a yard. And  
7 if you're coming through ---

8 Q Hold on. Hold on. Get a yard? What does that  
9 mean?

10 A A hundred dollars.

11 Q A hundred dollars' worth of what?

12 A Crack.

13 Q Okay. That's what a yard is?

14 A Yes, sir.

15 Q Okay. You asked him for a -- a yard. And then ---

16 A Yes, sir.

17 Q --- what happened?

18 A Yes, sir.

19 Q Go ahead.

20 A And, of course, you know, anybody going take \$100.

21 So we put it together. And when -- when we got on

22 Ponderosa Lane, I got out. Because I didn't want to take

23 nobody and didn't want nobody to know where I was going

24 where that was my -- that was the way I was playing it

25 anyway. So I went to -- I went to Ponderosa.

DIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 86

1 And he was, like, "Man, who you riding with?"

2 And I was, like, "Man, like, blighjay (phonetic)  
3 buys it, you know what I'm saying? I got \$100." They --  
4 it didn't make a difference with anybody, pretty much.

5 Q Okay. He wanted -- all right. So first of all, you  
6 were saying you didn't want anybody to know where you  
7 were going.

8 A No. I didn't want nobody to know.

9 Q Why not?

10 A Huh?

11 Q Why not?

12 A Come on. How -- I ain't just going to pull -- I  
13 ain't got no car.

14 Q Okay.

15 A He know I ain't got no car.

16 Q Okay. Who -- who knows you don't have a car?

17 A Winnie.

18 Q Okay. So you -- what are -- you're saying you  
19 didn't want him to see where ---

20 A Yeah.

21 Q --- you're coming from?

22 A Yes, sir.

23 Q And then, you say he asked how you got there?

24 A Yeah.

25 Q What did you say?

1 A I shuck and jive with him for a minute. But, you  
2 know, he -- he -- he fell for it.

3 Q Okay. And -- and then you asked for what?

4 A A hundred dollars -- a hundred.

5 Q All right. Did he give it to you?

6 A Oh, yeah.

7 Q Did you give him the money?

8 A Yeah.

9 Q Okay. When you showed up there, did you have crack  
10 -- did you already have some crack on you ---

11 A Unh-unh.

12 Q --- when you got ---

13 A No.

14 Q --- there?

15 A Unh-unh.

16 Q Okay.

17 A I know better than that.

18 Q Okay. How many times have you done undercover buys?

19 A I can't even count for real, man.

20 Q A lot of them?

21 A Yeah.

22 Q Okay. Is that a rule that they tell you: You can't  
23 have crack on you when you ---

24 A Yeah.

25 Q --- go in ---

DIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 88

1 A I mean, it common sense.

2 Q It is.

3 A That common sense.

4 Q All right. So let me ask you this: Did -- did you  
5 have anything on you to record this event?

6 A Yeah.

7 Q What'd you have?

8 A They had something like a -- it ain't actually a  
9 beeper. But it's something like a -- you could hook it  
10 on you like a little camera thing.

11 Q Uh-huh.

12 A Yes, sir.

13 Q You -- have you ever seen the video that you  
14 recorded from that day?

15 A Unh-unh.

16 Q You hadn't seen a video of that buy?

17 A No, sir.

18 Q What is this? Let me show you something.

19 A It's a CD.

20 Q This is State's No. 13. Do you recognize this CD?

21 A Not really.

22 Q Let me ask you: This right here, can you see what  
23 that is?

24 A That's my initials.

25 Q Okay. You ---

1 A Okay.

2 Q --- you remember initialing that?

3 A Yeah. Yeah. I mean, you know ---

4 Q What's on this video?

5 A Him -- I mean, excuse me. The -- the buy that took  
6 place between me and Winnie.

7 Q Okay. When I was asking you earlier, the -- this is  
8 the recording of that transaction?

9 A Yes, sir, it is.

10 Q Okay. You watched it today, didn't you?

11 A Yeah. I seen it.

12 Q Okay. And does it record what happened ---

13 A Yeah. Oh, yeah.

14 Q --- on that day?

15 A Oh, yeah.

16 Q Okay. And -- and what you just explained to us is  
17 on this video?

18 A Yes, sir.

19 Q Okay. Is it a fair and accurate depiction of what  
20 you saw and ---

21 A Yes, sir.

22 Q --- did that day?

23 So you -- you said he gave you a yard. You gave him  
24 \$100?

25 A Yes, sir.

DIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 90

1 Q This is State's No. 14. What's that?

2 A It's a -- that's the dope.

3 Q That's the dope?

4 A Yes, sir.

5 MR. SCOTT: Your Honor, the state at this point --  
6 he's ID'ed it -- identified it, vouched for its accuracy.  
7 The state would publish State's No. 13 ---

8 THE COURT: Okay.

9 MR. SCOTT: --- or offer it for admission into  
10 evidence and then publish it.

11 THE COURT: Okay. Mr. Toney?

12 MR. TONEY: No objection.

13 THE COURT: All right. Without objection, No. 13  
14 into evidence for the state.

15 (Whereupon, State's Exhibit 13 was entered into  
16 evidence.)

17 THE COURT: And before you get set up, Mr. Bentley,  
18 could you come up here and maybe get my little screen  
19 working? Because it's ---

20 MR. BENTLEY: Yes, sir.

21 THE COURT: --- not working. If you don't mind.  
22 Ladies and gentlemen, I have a small TV monitor  
23 here.

24 THE BAILIFF: Your Honor, I think we may have a  
25 juror that needs a break -- needs a restroom break.

DIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 91

1 THE COURT: You need -- need a break?

2 JUROR: Uh-huh.

3 THE COURT: Okay. All right. Before we play the  
4 video -- and that'll give Mr. Bentley an opportunity to  
5 get me set up -- go back to the jury room for a short  
6 break. And I remind you, no discussion among yourselves  
7 about this case. We'll get you back out shortly.

8 (Whereupon, the jury exited the courtroom at 2:45  
9 p.m.)

10 MR. TONEY: Your Honor, may I use the restroom?

11 THE COURT: Sure.

12 MR. TONEY: Thank you.

13 (Off the record briefly.)

14 THE COURT: All right. We'll be in recess for about  
15 ten minutes.

16 (Off the record from 2:45 p.m. until 2:57 p.m.)

17 THE COURT: Okay. Mr. Bolt, if you'll bring the  
18 jury out, please.

19 (Off the record briefly.)

20 (Whereupon, the jury entered the courtroom at 2:58  
21 p.m.)

22 THE BAILIFF: All jurors present, Your Honor.

23 THE COURT: All right. Thank you, Mr. Bolt.

24 Solicitor, you ready to proceed?

25 MR. SCOTT: Yes, sir, Your Honor.

DIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 92

1 DIRECT EXAMINATION BY MR. SCOTT CONTINUED

2 Q Can you see over here, Sammy?

3 A Uh-huh.

4 Q Okay. All right. The state's going to publish  
5 State's No. 13 at this point.

6 (Whereupon, a portion of video was published in open  
7 court.)

8 Q Who you calling on the phone right there?

9 A Arthur.

10 Q Okay. All right.

11 (Whereupon, a portion of video was published in open  
12 court.)

13 Q All right. Sammy, is that how you remembered it?

14 A Yes, sir.

15 (Whereupon, a portion of video was published in open  
16 court.)

17 Q Who is that?

18 A Arthur.

19 Q Say what?

20 A Arthur.

21 Q This guy?

22 A Yes, sir.

23 Q Right there?

24 A Yes, sir.

25 (Whereupon, a portion of video was published in open

1 court.)

2 Q Any doubt in your mind who you were dealing with  
3 that day was Arthur Lee Williams?

4 A No, sir.

5 Q Okay. And you gave him how much money?

6 A A hundred dollars.

7 Q And he gave you what?

8 A It was about four -- about five -- about five rock,  
9 I think.

10 Q Rocks?

11 A Yeah.

12 Q Okay. Do dealers ever try to give you a little bit  
13 extra?

14 A Oh, yeah.

15 MR. TONEY: Objection.

16 A Yeah.

17 THE COURT: The nature ---

18 MR. TONEY: May I approach?

19 THE COURT: --- of your objection?

20 MR. TONEY: Pardon? Relevance.

21 THE COURT: Okay.

22 MR. TONEY: Talking about other people.

23 THE COURT: Okay.

24 MR. TONEY: Other -- other situations.

25 THE COURT: Okay.

DIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 94

1 MR. SCOTT: I said do dealers ever try to give you a  
2 little extra.

3 THE COURT: Okay. Well ---

4 MR. TONEY: It's not relevant to this case.

5 THE COURT: Well, it may be related to this  
6 situation. And then may -- and then I'll allow you to  
7 expand on it. Overruled at this time.

8 MR. TONEY: Yes, sir.

9 Q Do you recall, on this particular occasion, if  
10 Arthur tried to give you a little bit extra?

11 A Yes, sir.

12 Q And did he try to give you a little bit ---

13 A Yes, sir.

14 Q Okay. It -- it -- there's something in there. He's  
15 asking you for a nickel. What is the relevance of that?

16 A You can weigh a scale with that.

17 Q Okay. That's how they test it to see if the scale  
18 is accurate?

19 A Yes, sir.

20 Q Okay. Did you bring a scale, or did Arthur bring

21 ---

22 A Oh, no.

23 Q --- a scale?

24 A He already had it.

25 Q Okay. And then, he's leaned over and he's wrapping

1 that thing up. What's he doing there?

2 A He -- he's giving -- he getting what I came to get.

3 Q And what was that?

4 A A hundred.

5 Q Of what?

6 A Crack cocaine.

7 (Whereupon, a portion of video was published in open  
8 court.)

9 Q So what is he doing right there?

10 A He getting it ready for me.

11 Q He's getting it ready for you?

12 A (No audible response.)

13 Q Okay. And State's No. 14, that's what he gave you?

14 A Uh-huh.

15 Q Okay. And then, at the very end, we saw Shane  
16 Prather in front of the car.

17 MR. TONEY: Objection ---

18 Q You didn't ---

19 MR. TONEY: --- to the commentary.

20 MR. SCOTT: Okay. I mean -- got you.

21 Q Who is that at the very end?

22 A Shane.

23 Q Okay. And then, what do you give him?

24 A The drugs.

25 Q All right. I think that's all we have. All right.

1 Answer any questions ---

2 THE COURT: Okay.

3 Q --- Mr. Toney has for you.

4 THE COURT: All right.

5 A Okay.

6 THE COURT: Cross-examination?

7 CROSS-EXAMINATION

8 BY MR. TONEY:

9 Q Your voice, Mr. Anderson, sounds very different.  
10 Does it not sound very different on there than it does  
11 today?

12 A Sir?

13 Q You said there was a -- you had an accident or an  
14 attack in ---

15 A Yeah.

16 Q --- June?

17 A July.

18 Q July of which year?

19 A This year.

20 Q This year?

21 A (No audible response.)

22 Q You mean last year?

23 A Yeah.

24 Q 2017?

25 A Yeah.

1 Q And you are well-known in the town as someone who  
2 works for the police?

3 A Yeah.

4 Q And perhaps you've made a few enemies?

5 A Well, yeah.

6 Q Okay. How -- how did you -- your -- your lawyer  
7 brought up these -- this attack. What happened in this  
8 attack? Who attacked you?

9 A I don't know.

10 Q You don't know?

11 A No, I don't.

12 Q Please -- please forgive me for asking these  
13 questions. I don't mean to embarrass or humiliate you.  
14 Did you -- do you have a noticeable indentation on your  
15 forehead?

16 A Yes, sir.

17 Q And on the side of your head?

18 A Yes, sir.

19 Q Did you have that -- and -- and I beg your pardon.  
20 Did you have that -- these marks on your head before this  
21 attack?

22 A No, sir.

23 Q This is a result of the attack?

24 A (No audible response!)

25 Q Is that a "yes"?

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- 1 A Yes.
- 2 Q And -- and in what -- what part of your body were  
3 you attacked on?
- 4 A Basically, well, I know my head and eye. Them two,  
5 I know.
- 6 Q Who attacked you?
- 7 A I have -- I have no idea.
- 8 Q Okay. And -- and were you attacked on your head?
- 9 A Yeah.
- 10 Q With what?
- 11 A I was beat with a hammer.
- 12 Q A hammer?
- 13 A (No audible response.)
- 14 Q And -- and were you in the hospital?
- 15 A Yeah.
- 16 Q How long were you in the hospital for?
- 17 A I have the slightest idea. I don't know.
- 18 Q Was it a month?
- 19 A I can't tell you because I don't know.
- 20 Q Was it more than three months?
- 21 A I can't tell you because I don't know.
- 22 Q You have no idea how long you ---
- 23 A I have ---
- 24 Q --- were in the ---
- 25 A --- no ---

1 Q --- hospital?

2 A --- idea, none whatsoever.

3 Q Okay. So you -- you can't remember if you were one  
4 month in the hospital ---

5 MR. SCOTT: Judge ---

6 Q --- or ---

7 MR. SCOTT: --- he's asked ---

8 Q --- one day ---

9 MR. SCOTT: --- him that question ---

10 THE COURT: It's been ---

11 THE WITNESS: Come on ---

12 MR. SCOTT: --- five ---

13 THE COURT: Right.

14 THE WITNESS: --- man.

15 MR. SCOTT: --- times.

16 THE COURT: It -- it's been asked and answered.

17 MR. TONEY: Yes, sir. I'll move along.

18 Q If you don't know or have any idea how long you were  
19 in the hospital for within the last 12 months, how could  
20 this jury rely on your memory about something two or  
21 three years ago?

22 A I don't know. But I'm telling you, I don't know.

23 Q Were you in a coma?

24 A No. I don't think so.

25 Q You don't think so?

CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 100

1 A (No audible response.)

2 Q Did you suffer -- is it not a fact that your voice  
3 sounds very different now than it did on that video?

4 A You know how long that was?

5 Q Did this attack or -- or incident have any effect on  
6 your memory, your ability to remember things?

7 A No.

8 Q Well, who -- who came and visited you when you were  
9 in the hospital?

10 A I do not know. How many times you want me to say  
11 this?

12 Q Did any member of your family come and visit you?

13 MR. SCOTT: Judge, this ---

14 A Come on, man.

15 MR. SCOTT: --- he's asking ---

16 A Come on, man.

17 MR. SCOTT: --- the same question.

18 THE COURT: Yeah..

19 MR. SCOTT: He ---

20 MR. TONEY: Well, it's ---

21 MR. SCOTT: --- doesn't remember ---

22 THE COURT: He -- he --/

23 MR. TONEY: --- slightly ---

24 THE COURT: --- doesn't ---

25 MR. SCOTT: --- his time ---

CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 101

1 MR. TONEY: --- different ---

2 MR. TONEY: --- in the hospital.

3 THE COURT: --- he doesn't remember. Move on to  
4 something else, please. ---

5 MR. TONEY: Okay.

6 THE COURT: --- Mr. Toney.

7 Q Now, you're a confidential informant for the police?

8 A Yeah. Yeah.

9 Q And about how many times have you worked for the  
10 police?

11 A I don't know. I can't remember that either.

12 Q Have you gone around telling people that you're a --  
13 a -- a ---

14 A Oh, man.

15 Q --- confidential. ---

16 A Come on.

17 Q --- informant?

18 A Get off my back, man.

19 THE COURT: Okay. All right. Madam Forelady and  
20 ladies and gentlemen of the jury, I need to send you to  
21 the jury room for just a moment; get you back in. Again,  
22 no discussion ---

23 THE WITNESS: Oh.

24 THE COURT: --- about this case.

25 (Whereupon, the jury exited the courtroom at 3:17

CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 102

1 p.m.)

2 THE COURT: Now, Mr. Anderson ---

3 THE WITNESS: Yes, sir..

4 THE COURT: --- I know that maybe some of the  
5 questions, you don't like. But you're here to testify,  
6 to testify truthfully, and you must answer the questions.

7 THE WITNESS: But he asking me the same ---

8 THE COURT: I -- I ---

9 THE WITNESS: --- thing ---

10 THE COURT: --- I -- I ---

11 THE WITNESS: --- I don't know.

12 THE COURT: I -- Mr. Anderson ---

13 THE WITNESS: I'm listening to you.

14 THE COURT: Okay. You need to answer the questions.

15 And if -- if there's something improper, then I -- I'm  
16 sure that Solicitor Scott will object and I'll make a  
17 ruling on it. Otherwise, Mr. Toney asks you a question;  
18 you have to answer it. That's just -- that's just the  
19 way things work, okay? Do you need to take a little  
20 break before we continue?

21 THE WITNESS: Yeah.

22 THE COURT: Okay. All right. We'll take a ten-  
23 minute break. And you -- you need to use the restroom or  
24 anything?

25 THE WITNESS: No. I just want to go outside and

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 103

1 breathe.

2 THE COURT: Okay.

3 THE WITNESS: I can't ---

4 THE COURT: All right.

5 (Off the record briefly.)

6 THE COURT: All right. We'll take a short little  
7 break.

8 (Off the record from 3:18 p.m. until 3:32 p.m.)

9 THE COURT: Okay. Let's -- let's bring the jury  
10 out. You're still in your cross-examination.

11 MR. TONEY: Yes, sir. Yes, Your Honor.

12 (Off the record briefly.)

13 (Whereupon, the jury entered the courtroom at 3:33  
14 p.m.)

15 THE BAILIFF: All jurors present.

16 THE COURT: All right. Thank you, Mr. Bolt.

17 Mr. Toney, you may proceed.

18 CROSS-EXAMINATION BY MR. TONEY CONTINUED

19 Q Mr. Anderson, where do you live? What is your  
20 address?

21 A [REDACTED], Clinton, South Carolina.

22 Q How do you -- how do you live? Who pays for that  
23 place?

24 A I live with my mom.

25 Q Okay. When's the last job you -- you held?

CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 104

1 A School-bus driver.

2 Q When was that?

3 A I can't remember that.

4 Q You don't when?

5 A No.

6 Q Was it in the last ten years?

7 A No. It was longer than that.

8 Q Okay. So how have you managed to live for the last  
9 at least ten years ---

10 A My mom.

11 Q --- without employment?

12 A My mom.

13 Q Your mom?

14 A (No audible response.)

15 Q Now, you have a record, which has lots of drug buys  
16 on it' ---

17 A Yeah.

18 Q --- correct?

19 And -- and the solicitor's office -- you -- you may  
20 not know this, but they have referred to it on several  
21 occasions before you took the witness stand. You had an  
22 arrest for distribution of controlled substance in '99,  
23 correct?

24 A Yeah.

25 Q And you had another possession charge in 2003,

1 correct?

2 A Yeah, sir.

3 Q And you've had numerous public-drunks and  
4 disorderlies, correct?

5 A I don't know about the public-drunk.

6 Q And you -- the police have testified you've been --  
7 you've got a record going back 20 years, correct?

8 A Yeah, I guess so.

9 Q When was the first time you used crack cocaine?

10 A Woo. Sir, I'm not being disrespectful towards you  
11 nor the judge. But I can't remember that.

12 Q How old are you now?

13 A I'm 48 years old.

14 Q Would you say it was when you were -- before --  
15 earlier than the age of 20?

16 A No.

17 Q Twenty-five?

18 A No.

19 Q Thirty?

20 A Probably.

21 Q And how many years did you use crack cocaine for?

22 A I don't know, sir.

23 Q Okay. When was the last time you used crack  
24 cocaine?

25 A I don't know.

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 106

1 Q Isn't it a fact that you've used crack cocaine  
2 today?

3 A Huh?

4 Q Is that a "yes" or a "no"?

5 A Yeah. I mean, yeah, I have used it.

6 Q Today.

7 A But I haven't used it today.

8 Q Have you gone to any drug treatment or drug  
9 rehabilitation?

10 A Yeah. Years ago.

11 Q When was that?

12 A I can't remember. I can't date that for you.

13 Q Did you use after leaving rehab?

14 A Yes.

15 Q So you relapsed?

16 A Yes.

17 Q And have you been back since then to rehab?

18 A No. Unh-unh.

19 Q So you've never gone for treatment and you've  
20 relapsed, correct?

21 A Yes, sir.

22 Q Now, I -- I heard you on the -- the -- the -- the --  
23 the video. And I've heard your testimony. And you've --  
24 you told the -- the solicitors and this Court that you  
25 played him, correct?

1 A Played him?

2 Q You were talking about playing someone.

3 A Well, I mean ---

4 Q Perhaps it ---

5 A --- I don't know what I might've said.

6 Q Okay. You don't remember what you said in the last  
7 hour?

8 A No, I don't.

9 Q Okay. Have you ever played anyone or deceived  
10 anyone?

11 A Sure.

12 Q Really, to be in the drug world, you have to deceive  
13 people all the time, correct?

14 A No, not necessarily.

15 Q But it is part of the game, right?

16 A Yeah.

17 Q I mean, if you're going to be in the game, you've  
18 got to hustle?

19 A Yeah.

20 MR. TONEY: Where's that video? It could be pulled  
21 up?

22 MR. BENTLEY: Everybody can see it.

23 MR. TONEY: Sure. And then, I can operate it. It's  
24 a touch screen, right?

25 MR. BENTLEY: Uh-huh.

CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 108

1 (Whereupon, a portion of video was published in open  
2 court.)

3 Q Now, there's something on the table right there,  
4 correct?

5 A Yes, sir.

6 Q What's that?

7 A Dope.

8 Q Okay. Now, this dope was on your side of the table,  
9 correct?

10 A Yeah..

11 Q Was that your dope?

12 A No.

13 (Whereupon, a portion of video was published in open  
14 court.)

15 Q Okay. And you handed him that dope, didn't you?

16 A No, man.

17 (Whereupon, a portion of video was published in open  
18 court.)

19 Q Okay. That's your hand, right?

20 (Whereupon, a portion of video was published in open  
21 court.)

22 Q Did it come a point in this when you actually handed  
23 him that dope, correct?

24 A No, man.

25 Q You handed it to him to, what, to put in that bag?

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 109

1 A He was already putting it in the bag.

2 Q Well, what was it doing on your side of the table?

3 A It ain't ever been on my side of the table.

4 Q That was your side of the table.

5 A No, man. I'm not going do this with you.

6 MR. TONEY: Your Honor, please instruct him to  
7 answer the question.

8 THE COURT: Just do your best and answer the  
9 question.

10 THE WITNESS: Sir, I -- I'm telling him, sir, that  
11 was not my hand. What can I do? I'm not a genie.

12 Q Let me just go back, so I'm not confusing to you.

13 A Oh, you ---

14 Q I'm ---

15 A --- ain't confusing.

16 Q --- I'm not trying to belabor the point. The drugs  
17 were on your side of the table, right?

18 A I said no.

19 Q You didn't say yes just a minute ago?

20 A I said no.

21 (Whereupon, a portion of video was published in open  
22 court.)

23 Q Okay. This dope was on your side of the table,  
24 correct?

25 A I said no.

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 110

- 1 Q And this is your hand here ---
- 2 A I said ---
- 3 Q --- correct?
- 4 A --- no.
- 5 Q That's not your hand?
- 6 A I said no.
- 7 Q Okay. So whoever's connected to that hand, then, is
- 8 not you ---
- 9 A I said ---
- 10 Q --- right?
- 11 A I said no.
- 12 Q Okay. You -- how much have they paid you to be a
- 13 confidential informant?
- 14 A I can't tell you that.
- 15 Q You don't do this as charity ---
- 16 A I said ---
- 17 Q --- work?
- 18 A --- I -- who?
- 19 Q What?
- 20 A For what?
- 21 Q You don't do this as charity work for the -- the
- 22 city or the county, do you?
- 23 A No.
- 24 Q So how much have they paid you?
- 25 A I -- I cannot tell you that, sir.

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 111

- 1 Q How many times have you used crack cocaine?
- 2 A Woo. I can't -- I can't number that down for you.
- 3 Q Is it more than 10,000?
- 4 A No, man.
- 5 Q Have you used any other drugs?
- 6 A No.
- 7 Q Have you ever smoked marijuana?
- 8 A No.
- 9 Q What about alcohol? Do you abuse alcohol?
- 10 A I don't drink, man. I never have.
- 11 Q Never have?
- 12 A That's what I just said.
- 13 Q You've been convicted of public intoxication on ---
- 14 A Yeah. When I ---
- 15 Q --- several occasions, correct?
- 16 A If you say so. I can't see out but one eye. Thank
- 17 you, sir.
- 18 Q In 2003 you were charged and convicted for public-
- 19 drunk -- 12/17/2003. Do you remember that?
- 20 A No, I do not.
- 21 Q Do you remember public-disorderly-conduct charge
- 22 from a little bit before that?
- 23 A No, I do not.
- 24 Q Have you ever drunk alcohol to excess?
- 25 A No, sir.

CROSS-EXAMINATION BY MR. TONEY. - SAMUEL ANDERSON 112

1 Q On the date of this incident, did you smoke crack  
2 cocaine on that date?

3 A I can't tell you that, because I don't know.

4 Q Why don't you know?

5 A Because I said I don't know.

6 Q Can you remember? Is that the problem?

7 A Man, leave me alone, man.

8 Q Can you remember if you used crack ---

9 A Can you remember?

10 THE COURT: Just answer the question. Don't ---

11 THE WITNESS: I said ---

12 THE COURT: --- ask it.

13 THE WITNESS: --- no, Your Honor.

14 THE COURT: Okay.

15 THE WITNESS: He won't take nothing and just leave  
16 me alone.

17 MR. TONEY: Your Honor, respectfully, he won't  
18 answer the question.

19 MR. SCOTT: He -- he said ---

20 THE COURT: He -- he -- he ---

21 MR. SCOTT: --- no.

22 THE COURT: --- he answered it.

23 THE WITNESS: God, man.

24 THE COURT: Move on, please.

25 Q Do you remember about how much the city or state has

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 113

1 paid you to be a confidential ---

2 A Oh, for ---

3 Q --- informant?

4 A --- the 50th time ---

5 MR. SCOTT: He's answered ---

6 A --- I'm telling ---

7 MR. SCOTT: --- that too ---

8 A --- you I ---

9 MR. SCOTT: --- Your Honor.

10 A --- do not know.

11 MR. SCOTT: This is going to go on all day. He's  
12 answered that question ---

13 THE WITNESS: Yeah.

14 THE COURT: All right.

15 MR. SCOTT: --- too. He's running ---

16 THE WITNESS: Over ---

17 MR. SCOTT: --- out of ---

18 THE COURT: Okay.

19 THE WITNESS: --- and over.

20 MR. SCOTT: --- questions.

21 THE COURT: Okay. That -- Mr. Anderson, just hold  
22 on. Okay. He -- that's been asked and answered. Move  
23 on, please.

24 Q Have you been caught by the police or sheriff's  
25 office or any other law enforcement with drugs in the

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 114

1 last five years?

2 A I -- no, sir.

3 Q Did you meet with anyone about your testimony ---

4 A No.

5 Q Please let me finish.

6 A Oh. All right.

7 Q --- in preparation for today's hearing?

8 A I already know whatever -- whatever I'm saying.

9 Q Did you meet or talk to anyone ---

10 A What'd I just say, man?

11 THE COURT: Mr. Anderson, answer the question, sir.

12 THE WITNESS: I'm answering it, sir. He won't leave  
13 it alone.

14 Q Do you believe that your work for the sheriff's  
15 office or the police gives you a certain amount of  
16 immunity to commit further drug crimes?

17 A If you say so.

18 Q So you believe it does?

19 A If you say so. You think you know everything, so  
20 whatever you say, dude.

21 Q Your purpose here today is to convince the folks on  
22 the jury Arthur Lee Williams sold you some drugs,  
23 correct?

24 A It's on the tape, man.

25 Q Is that a "yes"?

1 A It's on the tape.

2 Q Is that a "yes"?

3 A It's on the tape.

4 THE COURT: Give a "yes" or "no" answer and ---

5 A Yes.

6 THE COURT: --- then you can ---

7 A Yes.

8 THE COURT: --- explain ---

9 A Yes.

10 THE COURT: --- it.

11 A Yes.

12 THE COURT: Mr. Anderson, please don't yell.

13 Q The attack that happened to you ---

14 A Why do you keep on going there?

15 Q --- do you blame Mr. Williams for that attack?

16 A No. I hope not.

17 Q When you use drugs ---

18 A Unh-unh.

19 Q --- or when you carry drugs, where do you carry  
20 drugs?

21 A In your pocket.

22 Q In my pocket?

23 A That's what I just said.

24 Q Okay. Have you ever hid drugs in any other places?

25 A What?

CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 116

1 Q It that a "yes" or a "no"?

2 A What did you just say?

3 Q Have you ever hid drugs in any other places?

4 A Why would I do that?

5 THE COURT: Just answer "yes" or "no" and then you

6 ---

7 A No, sir.

8 THE COURT: --- explain it..

9 A No.

10 Q Have you been told or are you aware -- let's put it  
11 this way. You are aware of your medical condition,  
12 correct?

13 A Yes, I am.

14 Q Are you aware or do you believe that you are  
15 mentally impaired as a result of the head trauma you  
16 experienced in the last 12 ---

17 A Oh, I'm ---

18 Q --- months?

19 A --- not crazy. Ain't nothing wrong with my head.

20 Q I didn't ask you if you were crazy.

21 A I -- you ---

22 Q I'm asking ---

23 A --- well, I just ---

24 Q --- if you are ---

25 A --- answered the question ---

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 117

1 Q --- mentally impaired -- let -- let me ---

2 A No, I ---

3 Q --- rephrase ---

4 A --- am not.

5 Q --- it -- in any ---

6 A No, I ---

7 Q --- other way?

8 THE COURT: Wait a minute. Don't talk over each  
9 other. Let -- let the question be finished before you  
10 answer, Mr. Anderson..

11 Q Are you mentally impaired in any way as a result of  
12 the head injury in the last 12 months?

13 A No, sir.

14 Q Do -- are you currently under a doctor's care?

15 A No.

16 Q Have they told you to go to follow-up medical  
17 appointments?

18 A No.

19 Q Nobody told you that?

20 A I'm done with the medical thing, sir.

21 (Whereupon, Mr. Toney and the defendant conferred.)

22 Q You've said that's not your arm in that video or not  
23 your hand.

24 A I said no.

25 Q So whose hand is it?

CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 118

1 A I don't know. Maybe it's yours.

2 Q I'm going to hand you something and let ---

3 A I -- I just told you I can't see. I just told you  
4 that.

5 Q Can you see out of one eye?

6 A I can't see out of neither one of them. I can hear,  
7 though. I can hear you coming toward me.

8 Q So you can't see what's on that TV?

9 A Oh, I already did that, sir.

10 Q But you can't see today, correct?

11 A You -- you about ---

12 MR. TONEY: Your Honor, this is a critical question.

13 THE COURT: Respond to the question, Mr. Anderson.

14 Repeat ---

15 THE WITNESS: I told him I could see it, Your Honor.

16 THE COURT: Okay.

17 Q So you can see that TV?

18 A That's what I just said.

19 Q You can see what's on that TV?

20 A Yeah.

21 Q Now, a few minutes ago -- two minutes ago, you said  
22 you couldn't see. Why did you say that?

23 A Because I can't see paperwork; man. Here you come  
24 again.

25 Q Can you read?

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 119

1 A No. If I can't see, I cannot read.

2 Q Have you ever known how to read the ---

3 A Yeah.

4 Q --- English language?

5 A Yeah.

6 Q What do you mean when you say you can't -- you can  
7 see paper but you can't -- you can't see to read?

8 A Where --. sir, I can't see the paperwork to read. I  
9 can't read the paperwork.

10 Q Okay.

11 A If you put something on a TV screen, yeah, I can see  
12 it.

13 (Whereupon, Mr. Toney and the defendant conferred.)

14 Q You told the solicitor earlier that you could see  
15 the initials on this CD.

16 A Yeah. Because I put them on there.

17 Q But you cannot see them now, correct?

18 A I didn't say I couldn't see them.

19 Q Mr. Anderson, this is an important case.

20 A I know ---

21 Q Can you ---

22 A --- it is.

23 Q --- read the initials on this CD right now?

24 A I know my initials are on there.

25 Q But you can't see it, can you?

CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 120

1 A No. I know -- I know he told me to put on there,  
2 and I put it on there.

3 Q Okay. But you cannot see ---

4 A Oh, God. How many times you want me to say it?

5 Q And you can't see ---

6 A No. Bring that paper back ---

7 Q --- pictures --

8 A --- up here.

9 Q You can't tell what's on these pictures today, can  
10 you?

11 A No.

12 Q So let's be very honest and very clear, Mr.  
13 Anderson. Everything you testified to about these  
14 pictures, your initials, was all a lie, because you can't  
15 ---

16 A A lie?

17 Q --- see?

18 A I ain't saying every time I was telling no lie.

19 Q But you told the jury that you can identify them,  
20 and you cannot because you cannot see them?

21 MR. SCOTT: The objection ---

22 A You holding ---

23 MR. SCOTT: --- is that ---

24 A --- me up ---

25 MR. SCOTT: --- he's never ---

1 A ---, from ---

2 MR. SCOTT: --- been shown any pictures.

3 THE COURT: Right.

4 MR. SCOTT: So we've never asked him to identify any  
5 pictures.

6 THE COURT: I sustain the objection.

7 MR. TONEY: Yes, sir.

8 Q Can you see fuzzy shapes or what -- is it a problem  
9 with the ability to see things clearly? Is your vision  
10 blurred? You only have one eye, correct?

11 A Yes, sir.

12 Q And the remaining eye, does it see things fuzzily?

13 A No, it does not.

14 Q What does it see?

15 A Don't see anything, sir.

16 Q How many fingers am I holding up?

17 A Three.

18 Q Okay. So you can see?

19 A Oh, God.

20 Q How many am I holding up now?

21 A Five.

22 Q So obviously, you can see?

23 A So obviously, I can't see.

24 Q You can't?

25 A That's what I just said.

## CROSS-EXAMINATION BY MR. TONEY - SAMUEL ANDERSON 122

1 Q Mr. Anderson ---

2 A Oh, man.

3 Q --- if I can't get a straight answer to you out of  
4 whether or not you can even see ---

5 MR. SCOTT: Judge ---

6 Q --- how can anybody rely on what you're ---

7 THE COURT: Okay.

8 Q --- saying?

9 MR. SCOTT: He's done the finger stunt.

10 THE COURT: Right.

11 MR. SCOTT: He identified his fingers.

12 MR. TONEY: I -- I would ---

13 MR. SCOTT: He can see.

14 MR. TONEY: I would -- I would ask him to rephrase  
15 that question about stunt.

16 THE COURT: Well ---

17 MR. TONEY: That is not a stunt.

18 THE COURT: Okay.

19 MR. SCOTT: He held his fingers up twice.

20 THE COURT: Okay.

21 MR. SCOTT: He identified ---

22 THE COURT: Wait a minute.

23 MR. SCOTT: --- the fingers.

24 THE COURT: Guys, don't argue. Don't argue.

25 THE WITNESS: Told you ---

REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 123

1 THE COURT: I think he's already answered ---

2 THE WITNESS: I told you.

3 THE COURT: --- all your questions about seeing. So

4 ---

5 MR. TONEY: Yes, sir.

6 THE COURT: --- so try to move on to something else,

7 if you would ---

8 MR. TONEY: Yes, Your ---

9 THE COURT: --- please ---

10 MR. TONEY: --- Honor.

11 THE COURT: --- Mr. Toney.

12 (Whereupon, Mr. Toney and the defendant conferred.)

13 Q Isn't it a fact, if that's not your hand on that  
14 video, then you're not the C.I. in this case?

15 A Hell, I told you I -- you know I am.

16 MR. TONEY: That's all the questions I have for this

17 -- this ---

18 THE COURT: Redirect ---

19 MR. TONEY: --- gentleman.

20 THE COURT: --- Solicitor?

21 MR. SCOTT: Yes, sir. Yes, sir.

22 REDIRECT EXAMINATION

23 BY MR. SCOTT:

24 Q It -- Sammy, is it fun talking about that attack  
25 that you suffered in July?

## REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 124.

1 A No. No, man.

2 MR. TONEY: Objection to relevance.

3 THE WITNESS: God.

4 MR. SCOTT: That was ---

5 MR. TONEY: Question ---

6 MR. SCOTT: --- covered ---

7 MR. TONEY: --- about fun.

8 MR. SCOTT: That was covered ---

9 THE COURT: I'll ---

10 MR. SCOTT: ---, greatly ---

11 THE COURT: --- I'll ---

12 MR. SCOTT: --- in cross.

13 THE COURT: --- overrule.

14 THE WITNESS: Unh-unh.

15 THE COURT: There's a lot of questions been asked  
16 about the attack.

17 MR. SCOTT: Yes.

18 THE COURT: I'll overrule.

19 Q Was that enjoyable when he asked you a bunch of  
20 times about the attack?

21 A No.

22 Q Did -- did you like when he kept commenting on your  
23 injuries?

24 A No.

25 Q Okay. Is that what upset you?

## REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 125

1 A Yeah. Because I'm not in court for that.

2 Q I ---

3 A Okay. Okay.

4 Q Thank you.

5 A Okay. I'm done with it.

6 Q You're not in court for the injuries, are you?

7 A No, sir.

8 Q No. We're here to talk about this day, are ---

9 A Yes, sir.

10 Q --- we not?

11 Okay. He was asking you about -- a lot of questions

12 about dope being on your side of the table or Arthur

13 Lee's side of the table. That ain't your table, is it?

14 A No.

15 Q When you showed up there ---

16 MR. TONEY: Objection to leading.

17 Q What did you do when you showed up there? Did you  
18 throw dope on the table?

19 A No.

20 Q Okay. Did you have dope hidden on you?

21 A No, sir.

22 Q Okay. Did you sell Arthur Lee Williams dope?

23 A No, man.

24 Q Okay. I'm just trying to cover everything ---

25 A Thank you.

## REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 126

1 Q --- that went ---

2 A Thank you.

3 Q He keeps asking you if that's your hand up. Let me  
4 back up, okay? Who filmed this video, this video that  
5 we're watching?

6 A That's me.

7 Q Okay. You went in that house on Ponderosa Lane that  
8 day?

9 A Yes, sir.

10 Q And you bought dope from who?

11 A Yes, sir.

12 Q You bought dope from who?

13 A Arthur Lee.

14 Q All right.

15 (Whereupon, a portion of video was published in open  
16 court.)

17 Q And -- and again, who is that?

18 A Arthur Lee.

19 Q Did he have more dope there than what he sold you in  
20 State's ---

21 A I don't ---

22 Q --- 14?

23 A --- think so.

24 Q You don't think? He gave ---

25 A Unh-unh.

## REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 127

1 Q --- you all the dope he had?

2 A Yeah. Because I -- I didn't ever bought that for me  
3 for \$100.

4 Q For what, now?

5 A Personally, I wouldn't have bought that for me, mine  
6 for \$100. I'd have never gave him \$100 for that.

7 Q Okay. So what you mean, typically, you don't buy  
8 that much dope at once?

9 A I mean, come -- yeah. I spent \$100. But that, come  
10 on, man.

11 Q What'd you think? You -- you got shorthanded or ---

12 A Yeah.

13 Q Or that's no enough?

14 A No. Ain't no way in the world.

15 Q Well -- all right. My question is: Did he have  
16 more dope than what he sold you?

17 A No, sir.

18 Q What's State's No. 10? You see that?

19 A Yeah. I know who that is.

20 Q Is that from this video?

21 A Yes, sir.

22 Q What's in his hand?

23 A I really can't see that.

24 Q Okay.

25 (Whereupon, a portion of video was published in open

## REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 128

1 court.)

2 Q Do you know what he meant? He said, "I'm the  
3 mastermind of this right here." What -- what did he mean  
4 by that?

5 A Oh. Because I mean, you know what I'm saying? When  
6 other people couldn't come up with it, he could.

7 Q He always had dope?

8 A Yeah.

9 Q So he's the mastermind?

10 A That's what he's saying.

11 (Whereupon, a portion of video was published in open  
12 court.)

13 Q All right. That -- that -- the money -- Sammy, can  
14 you see that far where the -- the money is being flipped  
15 in front ---

16 A Yes, sir.

17 Q --- of the camera?

18 Who's handling that money?

19 A He is.

20 Q Okay.

21 A Mine and his.

22 Q Do what, now?

23 A Mine and -- and Arthur's.

24 Q That's -- okay. Well -- well, I'm asking -- watch  
25 this.

REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 129

1 (Whereupon, a portion of video was published in open  
2 court.)

3 Q These hands right here ---

4 A That's what I kept telling the other -- the other  
5 guy. I have the slightest idea.

6 Q All right. Do you ever see your hands in this  
7 video?

8 MR. TONEY: Your Honor, asked and answered.

9 THE WITNESS: There he go.

10 MR. SCOTT: Can he step down?

11 MR. TONEY: He's just badgering ---

12 THE COURT: Well, wait ---

13 MR. TONEY: --- him about ---

14 THE COURT: --- wait ---

15 MR. TONEY: --- the same point until he gets him to  
16 agree.

17 THE COURT: I'll -- I'll -- I'll allow you to ask it  
18 one more time ---

19 MR. SCOTT: All right.

20 THE COURT: --- okay?

21 Q What I'm ---

22 THE COURT: And that's it.

23 Q --- going to do, do you think it would help if you  
24 stood down here closer to the TV and watched it?

25 A Unh-unh.

## REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 130

1 Q You don't think it'd be helpful to be closer ---

2 A Unh-unh.

3 Q --- to it?

4 Who is operating this camera?

5 MR. TONEY: Asked and answered. Objection.

6 Q So -- okay. Was there anybody else in the trailer,

7 besides you and Arthur Lee?

8 A Unh-unh.

9 Q Okay. So if we see hands, they're either Arthur

10 Lee's or yours?

11 A Yeah. That's what he say.

12 Q No. No, no.

13 A That's -- yeah. Okay. Yeah.

14 Q Okay. Because it can't be what anybody else ---

15 MR. TONEY: Objection. I ---

16 THE COURT: Okay.

17 THE WITNESS: Oh, God.

18 THE COURT: Okay.

19 THE WITNESS: Here we go.

20 MR. TONEY: Your Honor ---

21 THE COURT: All right.

22 MR. TONEY: --- I ---

23 THE COURT: The nature of your objection?

24 MR. TONEY: He instructed -- the solicitor

25 instructed the -- the witness how to answer. He said ---

REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 131

1 THE COURT: Okay.

2 MR. TONEY: --- "No, no, no."

3 THE COURT: All right.

4 MR. TONEY: He commentated ---

5 THE COURT: Rephrase ---

6 MR. TONEY: --- again ---

7 THE COURT: Rephrase the question.

8 Q You can answer how you want, then.

9 A Okay.

10 Q Was there anybody else in the trailer, besides you  
11 or Arthur Lee?

12 A No, sir.

13 Q Okay. So if we see hands in the video, they're  
14 either Arthur Lee's or yours?

15 A Yes, sir.

16 MR. TONEY: Objection to leading ---

17 THE COURT: Right.

18 MR. TONEY: --- on redirect.

19 MR. SCOTT: Okay. Nothing further.

20 THE WITNESS: Uh-huh.

21 THE COURT: Okay. All right. Do you -- you got any  
22 recross ---

23 MR. TONEY: None.

24 THE COURT: --- Mr. Toney?

25 MR. TONEY: No, sir.

## REDIRECT EXAMINATION BY MR. SCOTT - SAMUEL ANDERSON 132

1 THE COURT: No?

2 MR. TONEY: No, Your Honor.

3 THE COURT: Okay. All right. Mr. Anderson, you can  
4 step down.

5 THE WITNESS: Okay. Can I go that way?

6 THE BAILIFF: Yeah. Yeah.

7 THE COURT: Yeah. They can -- they can ---

8 THE BAILIFF: We're going ---

9 THE COURT: --- assist you ---

10 THE BAILIFF: --- help you.

11 THE COURT: --- out of the courtroom.

12 (Whereupon, the witness exited the witness stand.)

13 THE COURT: Okay.

14 (Off the record briefly.)

15 THE COURT: Solicitor, who do you plan to call next  
16 and how long do you anticipate the -- your next witness  
17 taking, in light of the fact that we're going to break  
18 earlier today.

19 MS. BOYKIN: Judge, our next witness, David Craig,  
20 is the evidence custodian. I don't expect ---

21 THE COURT: Okay.

22 MS. BOYKIN: --- him to take long.

23 THE COURT: Okay. All right. Let's -- let's do  
24 Officer Craig, then. Okay.

25 (Whereupon, the witness came forward.)

1 TRIAL DAY 2 - 05/25/18

2 (Whereupon, the proceedings were reconvened at 9:31 a.m.)

3 THE COURT: All right.

4 MR. TONEY: I -- I have some motions to make ---

5 THE COURT: Okay.

6 MR. TONEY: --- whenever the Court is ready.

7 THE COURT: All right. Be glad to hear from you.

8 MR. TONEY: Your Honor, I have two motions. But  
9 they're -- they're so similar, I think they should be  
10 heard -- they're just so intertwined, they should be  
11 heard as one motion.

12 I move to remove the video from evidence. And I  
13 move for a mistrial.

14 THE COURT: Okay.

15 MR. TONEY: And the basis for this is Sammy  
16 Anderson's testimony. The video was authenticated by Mr.  
17 Anderson. And I -- I agreed to its admission. It seemed  
18 reasonable at the time. He got up and testified and he  
19 said, you know, this is the video, etc., etc. And -- and  
20 -- and that seemed like a proper foundation.

21 The problem is -- is I had no idea and -- and no way  
22 of knowing -- and it wasn't disclosed to me -- that Mr.  
23 Anderson is really not competent to testify. Now, we  
24 don't have any competency experts here or anything like  
25 that. But I had no way of knowing that he is obviously

1 not competent.

2 I'm aware, very much so, that the Court has vast  
3 experience dealing with competency issues, prior  
4 experience as -- as a probate judge. The fact is -- is  
5 that Mr. Anderson, at one time or another in this  
6 testimony, testified on maybe four or five occasions, it  
7 was not his hand in the video, so he was not in the  
8 video; that he can't see, so obviously he couldn't -- he  
9 didn't even see the video or see his own initials; that  
10 he couldn't read English; that his memory is basically  
11 nonexistent. He couldn't remember if he spent a day in  
12 -- in the hospital or three months. That he couldn't see  
13 the TV; he couldn't see anything. He didn't know -- he  
14 didn't know the answer to any questions.

15 And then, on -- on, you know, redirect, I think they  
16 tried to clean that up. And -- but I thought it was  
17 coached. I mean, there was constant commentary. And on  
18 one occasion he tried to testify and the solicitor  
19 actually said, "No, no, no, no." And -- and I thought he  
20 was coaching him.

21 And in this case, the testimony of this witness is  
22 so awful, is so unbelievably lacking in any competence or  
23 honesty or any indicia at all of reliability. There's  
24 not a shred of reliability in that testimony.

25 Now, I suppose the Court could say, Well, he did

1 testify to this and to this. Anything he said was  
2 testified -- it was contradictory a moment later. He was  
3 just -- just basically -- whatever you asked him, he  
4 would say yes. It was almost a surreal experience.

5 The man, I -- I would believe, was malingering. If  
6 it wasn't -- and I would say he was lying if it wasn't  
7 for the fact that he came in missing a quarter of his  
8 skull with his face mangled and missing an eye. And he  
9 -- apparently, he was assaulted by hammers.

10 It was really pitiful. And -- and honestly, it was  
11 -- it -- it -- it -- it -- it really hurts the heart to  
12 listen to him. I think it's -- it's tragic, and it's  
13 terrible. He is a known drug addict; has been for 20  
14 years. He wouldn't pass any sort of competency test in  
15 probate court, in this Court, in any other court.

16 He is not capable of managing his affairs. He is  
17 not capable of driving a car. He is not capable of  
18 answering basic questions. There's no indication that he  
19 knows the difference between right and wrong or the truth  
20 or that he can even testify competently. If he walked  
21 outside and said it's sunny or it's cloudy, you would  
22 have no way of knowing if that's true.

23 And -- and I -- I believe that you have to look at  
24 it, Your Honor, respectfully -- look at it, which I know  
25 the Court always does this -- just look at it in good

1 conscience. I believe that you cannot base anything on  
2 this witness. It's -- it is the worst testimony I've  
3 ever seen. It's just the worst. It's the worst.

4 It's unbelievably bad. His words were meaningless.  
5 Anything he said had literally no meaning. I can find  
6 any statement that he made in there in favor of the  
7 solicitor's office, favor of the state, and I can find a  
8 contradictory statement where he denied it.

9 If he said it was his video, he also said, "I can't  
10 see." If he said, "Is that your signature?" "Yes."  
11 Upon question, "Well, I can't read. I can't see."

12 If you asked him, "Can you remember what happened?"  
13 "Well, yeah, I was there." And then, he can't remember  
14 anything that happened in the last year.

15 It's just the worst testimony. It's got no ---

16 THE COURT: All right.

17 MR. TONEY: --- indications ---

18 (Off the record briefly.)

19 MR. TONEY: --- whatsoever of reliability.

20 Additionally, this is so prejudicial -- this -- this  
21 tree cannot be uncut. He -- he has spoiled this trial,  
22 in my opinion. He -- he is like -- this trial is like a  
23 -- respectfully, is like a -- a cucumber that has been  
24 pickled and cannot be unpickled at this point.

25 They have seen the video. They have heard this

1       bizarre, surreal, totally incredible testimony, which  
2       I've never seen someone testify this badly -- never,  
3       never. There's nobody ever gotten up like this, who says  
4       one thing in one minute and then, the next minute, denies  
5       not only the facts -- because let's be clear. He not  
6       only denied the facts of what he previously testified to,  
7       he denied that he can even see what was going on. He had  
8       no idea. And nobody has any way of knowing if he was  
9       being truthful or lying or was simply not competent.

10       I believe that he has fatally infected this trial to  
11       such a degree with testimony that it should not go to the  
12       jury. This jury is liable to believe him, in which case  
13       their verdict would not be anything you could rely on; or  
14       not believe him, in which case the state would be  
15       prejudiced. And -- and either way, I -- I don't think  
16       anyone's getting a fair trial.

17       The -- the -- the issue at this point is an issue of  
18       fundamental fairness, not only to the state, but to the  
19       -- the defense. Since I don't represent the state, I --  
20       I don't have any position on that. But to my client, who  
21       is at risk of going to jail for 30 years at 85 percent  
22       time, basically, his life would be shot if he went to  
23       prison. And for him to go to jail on testimony like  
24       that, which is the linchpin, critical testimony in this  
25       case -- everything else is almost secondary -- would be

1 unfair -- so unfair, so prejudicial, that -- that it  
2 would almost -- it -- it would really -- it -- I believe  
3 it would be an injustice.

4 And -- and I just -- I'm not so sure -- at the --  
5 the very least, the Court should remove the video from  
6 evidence based on lack of proper authentication. Fact is  
7 he was asked if these were his initials. He said yes,  
8 and later he said he couldn't read; couldn't see it. He  
9 was asked if that was his video, and later he said he  
10 couldn't see it. Basically, he couldn't see it. And he  
11 was very insistent.

12 There's no reason why -- you know, I -- I understand  
13 the judge may take the -- the Court could take the  
14 position, Well, let's let the jury sort it out. But the  
15 fact is -- you know, and see if he's lying or -- or -- or  
16 -- or -- or telling the truth. There's no reason to  
17 believe that perhaps in his own mind, he's not telling  
18 the truth every time he says something. In his mind it's  
19 correct.

20 He's just -- it was pitiful. He -- he -- he just is  
21 missing -- he's got a side -- a hole in the size of his  
22 skull -- looks like the size of half of a grapefruit. He  
23 cannot see. He looks like he's been half-killed. He  
24 could barely take the witness stand. He's just not  
25 competent to testify.

1           If this was in any competency court, where his  
2 competency was at issue, I believe, in -- in the bottom  
3 of my heart, the Court would say -- I -- I just think  
4 without question, he's not competent to, say, manage his  
5 affairs or any other competency test. So I -- I -- I  
6 would ask that you either remove the video from the  
7 evidence and instruct the jury not to consider it but --  
8 and -- and I -- I make that motion.

9           But I also say I -- I'm not sure -- and I don't  
10 believe -- that they can unsee that video. I think he --  
11 he has fatally tainted and infected the trial. And, you  
12 know, I -- I just didn't know that he was that  
13 incompetent. I had no idea.

14           If they had told me that he had serious competency  
15 issues, which I think they should have done under *Brady*,  
16 I would have made some kind of motion to have him  
17 examined. I would have done that. But I had no way of  
18 knowing that he had -- I heard -- I mean, they told me  
19 there was an attack.

20           And I just want to say this about the solicitor's  
21 office. They have been wonderful to deal with. They are  
22 absolutely golden. They are great to deal with. They  
23 return my calls. They're civil. They're -- they're  
24 wonderful.

25           I couldn't ask for better folks to deal with. I

1 feel like I'm being treated like a prince. I think they  
2 are treating me wonderfully.

3 But in this one area, they themselves may not have  
4 realized how lacking in competence he was. They may  
5 have. I don't know.

6 Maybe once -- it seems to me, just the way they  
7 acted, it seems like they got in the middle of the  
8 testimony and -- and he started testifying, that they  
9 were literally gritting their teeth and just trying to --  
10 basically saying to themselves, Well, let's just try to  
11 get through this, you know, somehow without him totally  
12 undoing everything and hopefully they won't know -- the  
13 jury won't notice. That's what my -- my impression was.  
14 They were basically trying to shut down their own witness  
15 and control him.

16 The Court actually -- I made objections on the  
17 comments to this witness on several occasions. The Court  
18 ruled in my favor. There was a real pattern of it. They  
19 were constantly sort of leading him, testifying for him,  
20 and at this point, speaking -- not just making a motion,  
21 but speaking from the heart, I do not believe that he is  
22 getting a fair trial.

23 And -- and I don't think that has anything to do  
24 with this Court. I don't think this Court has been  
25 unfair to me. I just had no way of knowing that he was

1 really not able to authenticate this.

2 I -- I'm the one that basically said, Sure, that's  
3 -- you know, we -- we agree to its admission. And then,  
4 you get him on cross-examination and you realize, Oh, my  
5 goodness, you know, this -- he's not capable of -- of --  
6 of testifying. I had no idea that he -- he had no idea  
7 what was going on. I just didn't know.

8 He got up there, really, looking like John [sic]  
9 Merrick, the "Elephant Man," with his distorted skull and  
10 his facial disfigurements. And -- and to me -- I have to  
11 say this. I do not prejudge anyone. So the fact that he  
12 looked the way he did means nothing to me. You could  
13 come in here and you could be the worst-looking person  
14 and -- and, to me, I will treat -- I -- in my mind, every  
15 man is entitled -- or every woman -- to be judged based  
16 on their own words and not on their appearance.

17 So I didn't know, when I saw his appearance.  
18 Because I would never think that way. It would never  
19 enter my mind to say, Well, you know, they look kind of  
20 funny. So I -- I think I have an issue with him.

21 Because those thoughts have never entered my head,  
22 not since I was 2 years old. But once I realized, under  
23 cross-examination, how bad this witness was and how --  
24 and I -- I believe -- I believe in my heart that nobody  
25 in this -- none of the Court nor the solicitor's office

1 could honestly say, I -- I think this man is reliable.

2 I don't think there was -- it's not a question of  
3 did he say some unreliable things. He literally  
4 contradicted every single statement. There wasn't a  
5 single reliable thing that he said.

6 And -- and, you know, we -- we -- we are in a -- a  
7 court where we keep a transcript. And we operate by  
8 words. Everything we do has to be able to be seen in a  
9 transcript.

10 You know, I understand the jury -- you -- you -- the  
11 Court may take the position, Well, I'm going to let the  
12 jury sort it out. But the -- the thing is I'm entitled  
13 to rely on this man's words, Sammy Anderson's words. And  
14 his words said I can't see that; I can't remember  
15 anything; I don't know. You know, and he basically  
16 agreed with whoever came up here.

17 If -- if I'd have asked him if Santa Claus was  
18 outside, he might very well have said, "Yes, indeed he is  
19 outside right now." Or he might've just yelled at me.  
20 He was not emotionally stable enough to testify.

21 He was clearly just totally, completely, and utterly  
22 incompetent.

23 THE COURT: Okay. All right. Solicitor Scott,  
24 you're standing, so I guess you will respond?

25 MR. SCOTT: He got a little long. I needed to

1 stretch out after sitting down for so long.

2 But I -- I looked over 601(a) South Carolina Rules  
3 of Evidence. I did not see anything regarding "a hole in  
4 the size of the skull a size of a grapefruit -- a  
5 grapefruit, looks as if he's half-killed, or looking like  
6 the Elephant Man." I didn't see anything like that in  
7 regards to being factors to consider in competency.

8 What I did see that 601(a) had to say: Every person  
9 is competent unless the trial Court determines otherwise.  
10 And it's in the sound discretion of the Court. Mental  
11 illness is not enough to rebut the presumption, if that's  
12 what he's disclosing.

13 But I think the Court see it for what it is. He  
14 used the terms "awful, surreal, the worst, pitiful." I  
15 would use those same adjectives to describe defense  
16 counsel's cross-examination of that witness. It was  
17 pitiful.

18 What the Court saw was badgering and bullying of a  
19 witness, pointing out initially the deformities that the  
20 witness suffered. It has absolutely nothing to do with  
21 the case, nothing to do with a distribution case. But  
22 that was the first thing he pointed out.

23 And you're going to hear -- I'm going to -- I'm  
24 going to talk about it. Sammy is very self-conscious, as  
25 anyone would be, of his appearance. And so for this

1 defense attorney to come out of the gate and talk about  
2 that, I think that set the tone for the cross-  
3 examination. I would ask to juxtapose my direct  
4 examination with the cross-examination.

5 He was able to very lucidly and clearly walk us  
6 through what happened on that day, talk about how he left  
7 the car, was careful not to let anybody see him get out  
8 of the car. He remembered conversations specifically  
9 with the defendant. The defendant was asking him how he  
10 got there. And he -- he had to deceive him to some  
11 degree by saying he had caught a ride. Very clear-  
12 minded, step by step, how that distribution happened.

13 But as I stated, right out of the gate, the defense  
14 attorney starts talking about his head. And then, you  
15 saw the questions that were asked multiple, multiple,  
16 multiple times: five times at least he asked about his  
17 hospital stay; a -- a -- multiple times, "How many times  
18 have you used crack"; and his addiction issues. And the  
19 same questions were asked over and over, to the point it  
20 frustrated him so much that -- that he basically shut  
21 down.

22 It -- it -- it's not how I would've liked to have  
23 seen a witness react. But I understand it. I understand  
24 how he reacted that way.

25 But as far as competency issues, I think there is no

1 reason to -- to rule that he is incompetent. And I  
2 think, just a quick look at 601(a) Rules of Evidence and  
3 the supporting cases, the Court has to determine that the  
4 witness is incapable of expressing himself concerning the  
5 matter as to be understood by the judge and jury, either  
6 directly or through an interpreter. I think he very  
7 clearly stated through direct what happened that day.

8 And (2) has to make a finding he's incapable of  
9 understanding the duty to tell the truth. He took an  
10 oath. He swore to tell the truth. And I -- I believe he  
11 was truthful, Your Honor.

12 I -- I think he was competent. And I think the  
13 defense attorney got what he set out to do by bullying  
14 and badgering the witness. And that was just to create a  
15 hostile witness. And that's all he was. He was hostile,  
16 but he was competent.

17 THE COURT: Okay. Anything in brief response, Mr.  
18 Toney?

19 MR. TONEY: Nothing.

20 THE COURT: Okay. Well, I think we would all agree  
21 that the testimony from Sammy Anderson yesterday was  
22 somewhat outside the norm for -- for witnesses and the  
23 type of witnesses that we deal with in -- in -- in  
24 trials. And I think some of his responses were somewhat  
25 unusual.

1 I think he was pretty clear, however, that he could  
2 see the -- the TV monitor. I don't think he -- he ever  
3 said he could not see the monitor. Admittedly, he said  
4 he could not see the documents. It was a little unclear  
5 about his initials, whether he could see the initials or  
6 he just remembered putting the initials on there. But he  
7 was very clear that he could see the -- the TV monitor.

8 Now, how does that match up with his testimony that  
9 he can't -- couldn't see any of the documents? That goes  
10 to the weight of his testimony, and I don't think it goes  
11 to necessarily competency.

12 The -- the video -- I think it was testified to by  
13 Officer Prather, if I'm not mistaken, that -- and the  
14 video was -- was -- was -- was taken as soon as -- or  
15 close to the time that Sammy Anderson got back into the  
16 officer's car. And they took possession of this video.  
17 So I -- I -- I don't see that there's an authenticity  
18 issue with the -- with the video.

19 And I don't see where -- again, admittedly, the --  
20 the testimony was -- was very unusual at times. I don't  
21 think it rises to the level of justifying a -- a mistrial  
22 in -- in the case.

23 Again, the fact that he testified and -- and acted  
24 in a way and -- and displayed a manner very unusual and  
25 not what we're accustomed to seeing, that in and of

1       itself would not rise to the level of me questioning his  
2       competency to the extent of granting a mistrial.

3               So, Mr. Toney, I certainly appreciate your remarks  
4       and the basis for your motion. But it is -- both motions  
5       are denied.

6               Okay. Anything else before we bring the jury out?

7       MR. TONEY: Nothing further, Your Honor.

8       THE COURT: Okay. The state? Anything ---

9       MR. SCOTT: No.

10       MS. BOYKIN: No ---

11       THE COURT: --- further?

12       MR. SCOTT: Nothing from ---

13       MS. BOYKIN: --- Your Honor.

14       MR. SCOTT: --- the state.

15       THE COURT: Okay. Okay. All right. Mr. Bolt, if  
16       you will bring the jury out, please.

17                       (Off the record briefly.)

18               (Whereupon, the jury entered the courtroom at 9:59  
19       a.m.)

20       THE BAILIFF: All jurors present, Your Honor.

21       THE COURT: All right. Thank you, Mr. Bolt.

22       Good morning, ladies and gentlemen.

23       JURORS: Good morning.

24       THE COURT: All right. The state ready to call its  
25       next -- next witness?

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1 memory. I wasn't sure what that meant. What did you  
2 mean by that?

3 A I think I may have said he was particular about his  
4 dress, his appearance, not his memory.

5 Q Okay. Maybe I misheard.

6 MR. TONEY: That's all the questions I have for this  
7 witness.

8 THE COURT: Any redirect, Solicitor?

9 MR. SCOTT: No, Your Honor.

10 THE COURT: Okay. You can step down, sir.

11 (Whereupon, the witness exited the witness stand.)

12 THE BAILIFF: Watch your step.

13 THE WITNESS: Thank you, sir.

14 THE COURT: Solicitor, call your next witness.

15 MS. BOYKIN: Your Honor, the state would call Matt  
16 Veal.

17 THE COURT: Okay.

18 (Whereupon, the witness came forward.)

19 MATT VEAL, having been first duly sworn,  
20 testified as follows:

21 THE COURT: You may proceed.

22 DIRECT EXAMINATION

23 BY MS. BOYKIN:

24 Q Officer Veal, where do you work?

25 A I work for the Laurens County Sheriff's Office.

1 Q And how long have you worked there?

2 A Twelve years this August.

3 Q What are your duties at the sheriff's office?

4 A Currently, I am the sergeant -- the supervisor over  
5 the narcotics division within the sheriff's office.

6 Q Do you work narcotics your whole time at the  
7 sheriff's office, pretty much?

8 A I've been a narcotics officer ten years.

9 Q Ten years?

10 A Yes, ma'am.

11 Q Have you -- how many buys do you think you've  
12 participated in?

13 A Not as many as Capt. Goggins. But I'd probably say  
14 close to 500/600 buys.

15 Q And I -- we've been through this before. But can  
16 you, I guess, explain your process -- the sheriff's  
17 office process of the controlled buy?

18 A What we do is when we make -- when a confidential  
19 informant makes contact with us, they -- they advise us  
20 that they can purchase illegal drugs from a certain  
21 individual. Once we make -- they make contact with us,  
22 we meet with them. We talk with them, try to get as many  
23 details as we can about the incident of what will happen,  
24 where it will happen, how it will happen, how much money  
25 they need.

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1           Once we establish all that, the C.I. either makes a  
2 phone call or just goes to the residence or wherever that  
3 predetermined location was at. We set them up. We wire  
4 them. We search them. We provide them with documented  
5 funds.

6           We provide them with -- with every -- if -- if they  
7 travel in their vehicle, we search their vehicle. In  
8 this case, Sammy got into my vehicle. He was searched.  
9 We turn on the video; we put a header it and let them  
10 know what date -- sometimes equipment -- the dates on the  
11 equipment may get a little bit off. But -- so that's why  
12 we -- we verbally say it, as you hear in the video, me  
13 telling the date, the time, the officers present, the  
14 informant, where we're going, the address.

15           We monitor the buy as it happens. Once the buy is  
16 completed, we -- in this case, we picked up Mr. Anderson.  
17 We -- we -- we took the drugs, turned the video off. He  
18 is searched again. And we go back to -- we went back to  
19 the determined location that we -- we left from.

20 Q       Okay. So we -- I mean, we've heard a lot about  
21 Clinton Police Department using Sammy as a C.I. Have you  
22 used Sammy as a C.I. before?

23 A       I have. Not as many times as they have, but I've --  
24 as far as sheriff's office cases go, we've used Sammy on  
25 -- on several different occasions. But I've also been

1 present when the City of Clinton -- myself and Sgt.  
2 Prather, we work together on a daily basis.

3       Laurens County has -- I have, including myself,  
4 three investigators in our narcotics division. He's by  
5 hisself. Captain Goggins has other responsibilities. So  
6 if Shane needs help, you know, we provide assistance to  
7 the -- to the city as well to help with these -- these  
8 buys.

9 Q       So on July 10th, 2015, did you do a C.I. undercover  
10 drug buy involving the defendant?

11 A       We did. I was contacted by Sgt. Prather; advised  
12 that we had an informant that could -- Mr. Anderson could  
13 buy from an Arthur Lee Williams. I believe it was  
14 determined -- we didn't know if it was going to happen in  
15 the city limits of Clinton or just in -- in the county.

16       As the investigation or the conversation proceeded,  
17 we -- it was determined that Mr. Williams had told the  
18 informant to come to his house at [REDACTED] --  
19 or Ponderosa Lane in Laurens ---

20 Q       Okay. And ---

21 A       --- which is over by the Farmers Furniture.

22 Q       And that's why it's a county case, as opposed to a  
23 city case?

24 A       Yes. Yes, ma'am.

25 Q       Okay. And [REDACTED], that's his father's

1 address?

2 A That's what we were advised. Yes. And after the  
3 investigation, it was determined that Mr. Williams'  
4 father owned the residence.

5 Q All right. And I want to show you State's Exhibit  
6 11. This right here, we went over this a little bit  
7 yesterday. This is what highway?

8 A That's Highway 76, just outside the city limits of  
9 Laurens, going back towards Clinton.

10 Q Okay. And what road is this right here?

11 A That's Ponderosa Lane.

12 Q Okay. Now, this right here says [REDACTED].  
13 Is that correct?

14 A That is not. Google is not as accurate as -- as the  
15 Laurens GIS. But [REDACTED] is just a little bit further down on  
16 the right. I believe it's the third residence on the  
17 right.

18 Q Okay. If you wouldn't mind if -- stepping down and  
19 just kind of showing where it is, the ---

20 A Yes, ma'am.

21 Q Can you see it on this picture?

22 A Yes, ma'am.

23 Q Okay.

24 (Whereupon, the witness exited the witness stand.)

25 A I believe it's this residence here.

1 Q Okay. So that -- that is [REDACTED] ?

2 A Yes, ma'am.

3 Q Okay.

4 (Whereupon, the witness entered the witness stand.)

5 Q So on that date that's where Sammy was sent to?

6 A Yes, ma'am.

7 Q Okay. Now, I know we've heard that Shane Prather  
8 searched Sammy that day. But were you present for that?

9 A I was there. I was the one driving the vehicle.

10 Q Okay. And to your knowledge, did Sammy have any  
11 narcotics or anything ---

12 A No, ma'am ---

13 Q --- on him?

14 A --- he did not.

15 Q Okay. The defense attorney mentioned containers  
16 that have false bottoms or different things like that.  
17 Have you seen that in your work?

18 A Yes, ma'am. I see it all the time.

19 Q Did Sammy have anything like that on him?

20 A He did not.

21 Q Okay.

22 A Sammy had done enough of these buys to know what he  
23 could bring and couldn't bring. He didn't have anything  
24 on him.

25 Q Okay! Now, the money, did -- you only give him

DIRECT EXAMINATION BY MS. BOYKIN - MATT VEAL 189

1 money -- that's the only money in his pocket, is the  
2 money you provided him to use ---

3 A That's correct. If ---

4 Q --- is that right?

5 A --- he has any extra money or money that -- that he  
6 owns, we take it from him or we leave it at the police  
7 department or wherever the location is. It's secured.  
8 So that way, we know the money that we gave him is the  
9 money that purchased the illegal narcotics.

10 Q Okay. And I want to show you part of this video in  
11 State's Exhibit 13.

12 A Excuse me.

13 (Whereupon, a portion of video was published in open  
14 court.)

15 Q Whose voice is that?

16 A That's mine.

17 Q That's yours? Okay.

18 A Yes.

19 Q And who is this right here? You can't see his face,  
20 but ---

21 A That's Sgt. Prather, Shane Prather.

22 Q Okay. And who is the person that the video is  
23 attached to?

24 A That's Sammy Anderson.

25 Q Okay. And that is the C.I. that y'all used that

1 day?

2 A Yes, ma'am.

3 Q Okay. Officer Goggins just testified to this. Did  
4 y'all -- did you give Sammy a story, kind of, in this  
5 case of what to do when he gets there?

6 A It's predetermined, as far as the -- it's a case-by-  
7 case basis. Some of the stories that we tell them is  
8 that, "Hey, you're going to buy these narcotics for  
9 someone else." Or like Capt. Goggins said, if -- he may  
10 not -- if he get money at the 1st of the month and you  
11 send him on the 15th or 16th or at the end of the month,  
12 it kind of looks odd that he has \$100 that he can buy  
13 some crack cocaine from at the end of the month or in the  
14 middle of the month.

15 Q Okay. And you've watched this video before, haven't  
16 you?

17 A Yes, ma'am.

18 Q Okay. I'm going to go to -- I just want to play  
19 this part.

20 (Whereupon, a portion of video was published in open  
21 court.)

22 Q All right. So what did we just hear Arthur Williams  
23 ask Sammy?

24 A He asked Sammy for a nickel. And then when Sammy  
25 didn't have a nickel, he asked for a dollar bill or let

DIRECT EXAMINATION BY MS. BOYKIN - MATT VEAL 191

1 me see the 20 that he was -- you know, he had purchased  
2 the narcotics with.

3 Q All right. And what's the significance of that?

4 A A nickel weighs 5 grams. A dollar bill or a \$20  
5 bill weighs 1 gram. That's how they balance their scales  
6 out. And it determines that if it's zeroed, if it -- if  
7 their scales are accurate.

8 Q All right. Why do they use a scale?

9 A They use a scale to weigh out the drugs. So that  
10 way, they're only giving them what they paid for.

11 Q Okay. Sammy -- that day, did he have a scale on  
12 him?

13 A No, ma'am, he did not.

14 Q Okay. And again, in this video, who is this person?

15 A That's Arthur Lee Williams, the defendant.

16 Q And do you see him today in court?

17 A Yes, ma'am, I do.

18 Q All right. Could you point him out for me?

19 A He's sitting beside the attorney there ---

20 Q Okay.

21 A --- white shirt.

22 Q Now, I want to play the next part of this video for  
23 just a second.

24 (Whereupon, a portion of video was published in open  
25 court.)

1 Q Is that the money that you gave him?

2 A Yes, ma'am, it is.

3 Q So you gave him \$100. What -- was it five 20s?

4 A It was five 20s.

5 Q Okay.

6 (Whereupon, a portion of video was published in open  
7 court.)

8 Q Okay. Kind of explain that for me, what we just  
9 saw, please.

10 A The story in this incidence is that Mr. Anderson was  
11 buying this -- these narcotics for another individual;  
12 basically, bringing Mr. -- Mr. Williams here another  
13 customer, if you would say. And for him doing so, he  
14 gave him a piece of crack cocaine to do the business.

15 And then you hear Sammy say, "I'm not going to gyp  
16 him. Just put it in a bag." So he does hand it back to  
17 him, because Mr. Williams laid the -- the -- the crack  
18 cocaine on the table for Sammy to pick up to use as to  
19 keep it separate from what the intended customer was  
20 buying versus what Sammy was supposed to keep, in his  
21 mind.

22 Q Okay. And do you advise C.I.s not to smoke crack or  
23 do drugs while they're out ---

24 A That's one of the rules. You -- you -- you cannot  
25 use drugs. You can't do anything other than purchase the

DIRECT EXAMINATION BY MS. BOYKIN - MATT VEAL 193

1 narcotics and bring it back to us.

2 Q Okay. But do you ---

3 A Everything that they -- it's given -- if we buy \$100  
4 worth of crack cocaine -- and in this instance, Mr.  
5 Williams gave extra -- the C.I. still has to give  
6 everything to us ---

7 Q Okay.

8 A --- no matter what it is.

9 Q And you've seen that before?

10 A On -- on numerous occasions.

11 Q Now, if he had brought back more crack cocaine than  
12 \$100 worth, would he get paid more for his -- his  
13 service?

14 A No, ma'am.

15 Q So it's a ---

16 A It's a ---

17 Q --- flat rate?

18 A It's a predetermined -- I mean, Sammy had done  
19 enough buys that -- you know, it's usually predetermined,  
20 because we know how much we're going to buy. And it's --  
21 and he -- he -- Sammy knew what he was making beforehand.

22 Q Okay. So who all -- I guess, so who all was in the  
23 car, one more time?

24 A Me -- myself, Shane Prather, and the informant,  
25 Sammy Anderson. No one else was in the vehicle but us

1 three.

2 Q And who all, I guess, can you see in this one?

3 A Sammy Anderson and the defendant, Arthur Lee  
4 Williams.

5 Q Okay. When Sammy returned back to the -- well,  
6 actually, let me start over for a second. While this is  
7 happening, are you able to hear what's going on?

8 A Yes, ma'am. He had a transmitter on -- on him, as  
9 well as the video. And we can hear in realtime. There's  
10 no delay in the transmitter on him. We can hear it in  
11 realtime if anything was to go wrong.

12 Q And y'all are parked very close by during this  
13 transaction; is that right?

14 A We -- we are. We actually ended up posting up at  
15 Ned Kemp's Barbershop, which is at the corner of  
16 Ponderosa and Highway 76.

17 Q All right. Let me show you State's Exhibit 12.

18 (Whereupon, Ms. Boykin and Mr. Scott conferred.)

19 Q Officer Veal, what -- what is this right here?

20 A That is a set of digital scales.

21 Q Okay. So that's what you were talking about that  
22 they're using to weigh the drugs?

23 A That's what they put the nickel or the dollar bill  
24 on it. And that's what he was using to zero -- that --  
25 that -- that's the set of scales that he was zeroing out.

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1 Q Okay. Now, you gave him \$100. About how much crack  
2 would that buy?

3 A It's usually 1 gram. What -- and in some instance  
4 they call it a yard. But it's approximately 1 gram of  
5 crack cocaine.

6 Q Okay. So a yard is 1 gram?

7 A Yes, ma'am.

8 Q Okay. When they -- when Sammy came back to the car,  
9 were the drugs turned over to you?

10 A Immediately, Shane Prather had the bag. When --  
11 what he done is he -- Sammy handed it to him and -- and  
12 Sgt. Prather put it in a bag and laid it on our center  
13 console. Then I took possession of it.

14 I was driving the vehicle. We picked Sammy up in  
15 the middle of Highway 76. So it was kind of a continuous  
16 flow. And it was put there, and it was sealed by me.  
17 Yeah.

18 Q Okay. And Sammy returned back to the car within a  
19 couple minutes of -- after the buy. He immediately  
20 returned, right?

21 A I think the buy lasted about seven minutes.

22 Q Okay. I want to show you State's Exhibit 14. Do  
23 you recognize that?

24 A Yes, ma'am. That is the -- what they call -- the  
25 SLED calls a BEST kit package and also the evidence bag

1 with the crack cocaine that was purchased ---

2 Q Okay. And ---

3 A --- on the day ---

4 Q --- how do you recognize this?

5 A My name is on it, my signature, the date, case  
6 number.

7 Q Okay. You said a BEST kit. What's a BEST kit?

8 A A BEST kit is something that State Law Enforcement  
9 Division, commonly known as SLED, provides agencies to  
10 submit narcotics to their lab so they can test it for  
11 smaller departments that doesn't have labs, unlike  
12 Greenville, Spartanburg, Anderson.

13 Q Okay. So once you -- I guess you've said you put  
14 the drugs in a bag, secured it.

15 A Yes, ma'am.

16 Q What did you do next?

17 A What we do is once that -- that BEST kit is filled  
18 out, we submit -- we enter it in our system in -- in what  
19 we call LawTrac's into evidence. Then it's placed into a  
20 temporary evidence locker with a padlock until -- at the  
21 time I believe it was David Craig -- then would remove it  
22 and place it into evidence.

23 Q Can you see on here what day you put the evidence  
24 into the locker?

25 A Yes, ma'am. It was on the 10th of July, the same

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1 day I received it from the confidential informant.

2 Q Okay. And you sealed it properly or else it  
3 wouldn't have been ---

4 A Yes, ma'am.

5 Q --- stored, correct?

6 A Yes, ma'am.

7 Q So based on -- when you -- after you took the drugs  
8 into evidence, did you then review the video footage or  
9 did you do that before?

10 A We usually do that before, as soon as we get back to  
11 the meeting location, the predetermined meeting location.  
12 In this case the -- the equipment belonged to the City of  
13 Clinton. So we went back to the City of Clinton, where  
14 Shane Prather's laptop was. And it was viewed by -- it  
15 was viewed by him first.

16 And then once he advised that -- I was sitting with  
17 Sammy. Once he reviewed it, I went over and looked and  
18 it and he showed me the -- I guess what you call the meat  
19 and potatoes -- actually showed me the buy. Because as  
20 you see, the buy -- buy is seven minutes long. I looked  
21 at what we needed to see: the money changing hands, the  
22 narcotics, and who we were buying from.

23 Q All right. And based on that, did you get a warrant

24 ---

25 A I did.

1 Q --- for ---

2 A I had taken a warrant for Arthur's -- Arthur Lee  
3 Williams' arrest.

4 Q Okay. For distribution of crack cocaine?

5 A Distribution of crack cocaine.

6 Q Do you know when he was arrested?

7 A I'm wanting to say -- I may have my booking sheet.  
8 I do not have a booking. I'm not sure exactly what date  
9 it was he was arrested.

10 Well, wait a minute. I'm sorry. It -- it was  
11 served on the 16th of July.

12 Q Okay.

13 (Whereupon, Ms. Boykin and Mr. Scott conferred.)

14 Q And one more question, Officer Veal: We -- we just  
15 looked at this picture, State's Exhibit 11. And it's  
16 incorrect on this picture; is that right?

17 A Yes. Yes, ma'am, it is incorrect.

18 Q Okay.

19 A The arrow there is pointing at a different  
20 residence.

21 Q Okay. But it is, in fact, this residence; is that  
22 correct?

23 A Yes, ma'am. It's a little further -- it's the third  
24 residence on the right.

25 Q And is that also in Laurens County?

## CROSS-EXAMINATION BY MR. TONEY - MATT VEAL

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1 A Yes, ma'am, it is.

2 Q Okay.

3 A That entire road is in Laurens County.

4 Q All right. Thank you.

5 THE COURT: Okay. Cross-examination?

6 CROSS-EXAMINATION

7 BY MR. TONEY:

8 Q So you say that Sammy -- Sammy laid the crack on the  
9 table and then handed it to whoever's in that video?

10 A I believe Arthur Lee Williams laid it on the table  
11 and Sammy picked it up and told him to put it in the bag  
12 because he wasn't going to short ---

13 Q But you ---

14 A --- the intended ---

15 Q --- can't see ---

16 A --- purchaser.

17 Q You can't see whoever's in that video hand it to  
18 Sammy, though, can you?

19 A It was laid on -- you know, it got to the table  
20 somehow.

21 Q Okay. So you admit you can't see whoever handed it  
22 to him?

23 A He did hand him the bag of -- of crack cocaine once  
24 it was tied up and he handed it to him.

25 Q So the answer is you do admit that you don't have

1 any video, anything on there at all, showing him -- or  
2 whoever -- handing drugs to him. You just have video  
3 showing drugs going from Sammy to Arthur -- a rock,  
4 correct?

5 A No, sir. I have -- we have video evidence that  
6 Arthur Lee Williams handed Sammy Anderson the baggie of  
7 crack cocaine.

8 Q All right. But you have -- you have a video of  
9 Sammy handing a rock to whoever's on that video, correct?

10 A To put in the bag. Yes.

11 Q And that was a rock that he brought with him,  
12 correct?

13 A No, it was not. He was searched before the buy. He  
14 did not have any narcotics on him.

15 Q But he wasn't strip-searched, was he?

16 A We don't strip-search.

17 Q He could've had it in lots of places, correct?

18 A At this particular instance, no. He didn't have it  
19 in any other place.

20 Q People conceal drugs. I don't have to go into where  
21 they're concealed. They conceal them in all kinds of  
22 inventive places on their body, correct?

23 A I'm assuming they can.

24 Q Yes. As a matter of fact, you know they can,  
25 correct?

1 A I assume they can.

2 Q I mean, they will actually do a -- do I have to  
3 spell it out, the kind of body-cavity searches they do at  
4 the jail?

5 A If you think you need to, go for it.

6 Q They will sometimes put on gloves and search in  
7 their -- in -- in body cavities, correct?

8 A Who does?

9 Q Persons at the jail, searching for drugs.

10 A I've never worked in the detention center, so I -- I  
11 can't -- I can't answer that question.

12 Q People have been known to carry drugs in their body  
13 cavities in plastic bags and all kinds of things?

14 A Sure. I'm -- I -- I can imagine.

15 Q Okay. Now, there's been a lot made of the fact  
16 that, you know, if it's in the middle of the month, you  
17 have to come up with a story to explain the \$100,  
18 correct?

19 A Yes, sir.

20 Q Because it's presumed that a crack addict is not  
21 going to be able to keep money from his check, which he  
22 gets on the 3rd, longer than a couple of weeks or a week  
23 or two, correct?

24 A From my understanding, the individuals that receive  
25 a check at the 1st of the month, they also have to pay

1 some type of bills. I would imagine that they have a  
2 short supply of money. But they also do have an  
3 addiction.

4 Q And drugs are not cheap.

5 A From my -- from my workload, I would say no, they're  
6 not cheap.

7 Q Addiction, aside from all this other thousands of  
8 problems it creates, usually impoverishes the people that  
9 have it, correct?

10 A Correct.

11 Q They not only spend every dime they have, they steal  
12 everything around them; they steal their parents' money;  
13 and nothing's really -- no property's safe around them,  
14 correct?

15 A I can't speak for every -- every drug user in  
16 Laurens County or the state of South Carolina, for that  
17 matter. But in this instance Mr. Anderson -- I've not  
18 known for him to -- to do that.

19 Q Okay. But drugs addicts will do anything to get  
20 their hands on money, correct?

21 A Again, you're referring to all drug addicts. In  
22 this case Mr. Anderson, I believe, lived with his sister,  
23 as he stated and, you know, provided -- he had -- he has  
24 money. I mean, he -- he admitted that he was a drug  
25 user.

CROSS-EXAMINATION BY MR. TONEY - MATT VEAL 203

1 Q So when y'all give them -- and by y'all I don't mean  
2 to be overly familiar. But when the police or the  
3 sheriff's office or the city police gives a drug addict  
4 20 or 50 dollars, you know that money is going to be  
5 spent on drugs?

6 A I -- I can't speak for what they do with the money.  
7 I'm not watching them after -- I don't follow them to  
8 wherever they go once they're done. You know, as long as  
9 they leave me in -- in a sound state of mind, I -- I  
10 don't know what they do with their money. It's not any  
11 of my business what -- what they do with the money that  
12 we pay them for their assistance.

13 Q You wash your hands of it once they're out of your  
14 sight?

15 A No, sir. I don't wash my hands. I mean, we keep --  
16 usually, normal informants -- in this case, Sammy --  
17 makes contact on a regular basis.

18 Q Because he wants more money. He wants to make more  
19 sales or whatever else he does.

20 A I look at it as he's trying to help the community.

21 Q So his motive is to help the community?

22 A I believe so. He's also helping hisself. Like  
23 Capt. Goggins stated, if he's putting hisself out there  
24 in harm's way to try to eliminate the drug trade -- and  
25 eventually, we think these drug dealers know who they are

1 -- then they won't sell to them anymore.

2 Q So we can -- we -- one way we could determine  
3 people's intent -- intent of their heart is by looking at  
4 the totality of their behavior, correct? Your actions --  
5 you could look at someone's intent by their actions,  
6 correct?

7 A I -- I guess so.

8 Q So Sammy Anderson, who's a -- a credit to the  
9 community and a hero, does he do any other charitable  
10 acts?

11 A I'm not aware of any. I'm not saying that he  
12 doesn't. But ---

13 Q He's not ---

14 A --- I'm not aware of any. But ---

15 Q You aware if he's on the Rotary Club or the board

16 ---

17 A I do ---

18 Q --- of deacons ---

19 A --- not know.

20 Q --- of the ---

21 A He ---

22 Q --- local ---

23 A --- may be.

24 Q --- church?

25 A He may be.

CROSS-EXAMINATION BY MR. TONEY - MATT VEAL 205

1 Q Does he volunteer ---

2 A I'm not -- I'm not the one to judge someone.

3 Q Okay. You say a nickel -- you referred to a nickel  
4 in there. But when the word nickel was referred to, you  
5 could hear the change being rattled, correct, on ---

6 A I don't ---

7 Q --- that video?

8 A I don't recall any change being rattled.

9 Q Okay. You could hear something rattling that  
10 sounded metallic, correct?

11 A I don't recall. But in reference to the nickel,  
12 from my experience, ten years in narcotics, when someone  
13 asks for a nickel or a dollar bill during a drug -- drug  
14 transaction, they're usually wanting that to balance out  
15 their scales or -- or sometimes the suspects or the  
16 targets themselves use -- use change from their own pocket.

17 Q This -- Sammy has experience as a confidential  
18 informant, correct?

19 A Yes, sir.

20 Q And he knows how to operate the camera?

21 A No, he does not know how to operate the camera. We  
22 -- we turn the camera on, and we turn it off. It's --  
23 it's placed onto him.

24 In this instance, it was placed on him by Shane  
25 Prather, Sgt. Prather. As you see in the video, it --

1 it's -- he -- he has hold of it. He turns it on. Only  
2 thing Sammy does is he puts it in his pocket because it's  
3 a little box. And then, when it's -- when the buy is  
4 done, he takes it out of his pocket and Sgt. Prather  
5 turns it off.

6 Q The drugs that Sammy put on the table and then  
7 handed to whoever was in that video, you say that whoever  
8 was in that video handed him the drugs first, correct?

9 A Arthur Lee Williams did.

10 Q But you also say it wasn't caught on camera.

11 A It -- it got there somehow.

12 Q Okay.

13 A I say that during the conversation, that it may be  
14 that Mr. Anderson's body was pointed in a different  
15 direction and it was -- from my understanding of the  
16 video, that it was -- that was for him, meaning that  
17 piece there that Sammy picked up was for him to use and  
18 that's when Mr. Anderson stated that -- that he wasn't  
19 going to short him, to put it in the bag. So I took that  
20 as -- as Arthur Lee Williams handed him the original,  
21 small rock and then Mr. Anderson hands it back to him and  
22 says put it in the bag.

23 MR. TONEY: That's all the questions I have for this  
24 witness.

25 THE COURT: Redirect, Solicitor?

REDIRECT EXAMINATION BY MS. BOYKIN - MATT VEAL 207

1 MS. BOYKIN: Briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. BOYKIN:

4 Q So as the defense attorney just mentioned, Sammy was  
5 an experienced confidential informant?

6 A I say he's a very experienced informant.

7 Q Okay. And so he knew about having a flat rate going  
8 in, meaning what he was going to get paid?

9 A Yes. And -- and normal search -- like, if we use  
10 someone the first time, you have to establish reliability  
11 I -- of these informants. And usually, the first couple  
12 times, we pay them \$20. The more buys that they do, the  
13 more money they make.

14 And in this instance with Mr. Anderson, I believe he  
15 was paid \$50. To me, we're paying him more than what we  
16 would a normal informant. So that tells you that the  
17 reliability of Mr. Anderson, in mine and Sgt. Prather's  
18 mind and Capt. Goggins', that he was an established  
19 informant. We were able to pay him more money because of  
20 his reliability.

21 Q But he also knew that he wouldn't get more money if  
22 he provided y'all with more crack?

23 A That's exactly right.

24 Q Okay.

25 A And that -- and the money determined is for each

1 individual buy. So if Mr. Anderson was to provide more  
2 assistance, he would -- he would get more money that way.  
3 But predetermined as far as each individual buy.

4 Q Okay. And like Mr. Toney said, drug addicts will do  
5 anything to get their hands on money. He wouldn't have  
6 gotten more money if he had put more drugs in the bag,  
7 correct?

8 A That's correct.

9 Q And you agreed that drugs aren't cheap, right?

10 A They're not cheap.

11 MR. TONEY: Objection to the leading.

12 MS. BOYKIN: All right.

13 THE COURT: Well, I think it's -- you -- I think you  
14 asked him on cross concerning the cost of drugs. So I'll  
15 overrule.

16 Q And we've already discussed that Sammy was an  
17 addict, correct?

18 A He says he's an addict. So yes, ma'am.

19 Q All right. And in your experience, have you ever  
20 seen an addict just freely give away drugs?

21 A No, I have not.

22 Q Okay. Or a situation where he wouldn't get that  
23 money that supposedly they would do anything for?

24 A I've never -- like I said, I've never seen a -- an  
25 addict give away drugs.

1 Q Okay. So in your opinion, it was Arthur Lee  
2 Williams that put the drugs on the table?

3 A I -- in my opinion, Arthur Lee Williams placed the  
4 original rock on the table for Sammy ---

5 Q Okay.

6 A --- for the business that he was bringing ---

7 MR. TONEY: Objection: speculation. Not testifying  
8 about evidence at this point. He's just giving his  
9 opinions.

10 THE COURT: Well, based upon his experience, I -- I  
11 -- I think he can -- he can answer the question. You can  
12 answer, Sgt. Veal.

13 MS. BOYKIN: No further questions, Your Honor.

14 THE COURT: Okay. Anything in recross?

15 MR. TONEY: No -- no recross.

16 THE COURT: Okay.

17 THE WITNESS: Thank you.

18 THE COURT: All right. You can step down, sir.

19 THE WITNESS: Thank you, Your Honor.

20 (Whereupon, the witness exited the witness stand.)

21 THE COURT: Okay. Solicitor?

22 MS. BOYKIN: Your Honor, the state would call Willie  
23 Smith.

24 (Whereupon, the witness came forward.)

25 WILLIE SMITH, having been first duly sworn,

1 testified as follows:

2 THE COURT: You may proceed, Solicitor.

3 MS. BOYKIN: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MS. BOYKIN:

6 Q Mr. Smith, where do you work?

7 A I work at South Carolina Law Enforcement Division,  
8 also known as SLED.

9 Q And how long have you worked there?

10 A Seventeen years and eleven months.

11 Q I guess, what's -- what's your title?

12 A I'm a senior -- senior criminalist, forensic chemist  
13 in the drug-analysis department.

14 Q And have you worked in the drug-analysis department  
15 your whole time at SLED?

16 A Yes, for the whole 17 years and 11 months.

17 Q Okay. If you could, briefly tell the jury a little  
18 bit about your educational background and training.

19 A I have a bachelor of science in biology and  
20 chemistry from the University of South Carolina. I went  
21 through a year of training to become a certified analyst  
22 in the department of drug analysis. I attend scientific  
23 meetings to keep up on the new drugs. And I'm also  
24 taking graduate coursework in the field of drug analysis.

25 Q Okay. About how many -- I guess how many analyses

DIRECT EXAMINATION BY MS. BOYKIN - WILLIE SMITH 211

1 have you done, like, on -- on controlled substances, if  
2 you could give a roundabout number?

3 A Well, I've -- I have analyzed over 15,000 cases.

4 Q 15,000? Okay.

5 And have you testified in court before?

6 A Yes. Eighty-seven times in the state of South  
7 Carolina.

8 Q Okay. And were you qualified as an expert in those  
9 cases?

10 A Yes. In all those cases.

11 Q Okay. And what were you qualified as an expert in?

12 A In the field of drug analysis.

13 Q Okay.

14 MS. BOYKIN: Your Honor, at this time we would offer  
15 Willie Smith as an expert in drug analysis.

16 THE COURT: Okay.

17 MR. TONEY: No objection.

18 THE COURT: All right. Without objection, Agent  
19 Smith is found to be an expert in the area of drug  
20 analysis.

21 Ladies and gentlemen, normally, witnesses are only  
22 permitted to testify as to what they see, hear, feel,  
23 touch, that sort of thing, and not render any opinions.  
24 However, individuals who are -- have an expertise, by way  
25 of education, training, experience, in some particular

1 field, are permitted to give opinions as to the matters  
2 that they hold their expertise in.

3 However, it's up to you to evaluate the weight and  
4 value that you give this gentleman's testimony, as you  
5 would with any other witness who had testified or will  
6 testify in this case.

7 You may proceed.

8 MS. BOYKIN: Thank you, Your Honor.

9 Q All right. Mr. Smith, did you happen to become  
10 involved in the case against the *State v. Arthur Lee*  
11 *Williams*?

12 A Yes, I did.

13 Q Okay. On what date did you become involved?

14 A Well, the evidence was submitted, a BEST kit, to  
15 SLED on 7/21/2015 to our evidence-login department.

16 Q Okay. And who was it submitted from?

17 A It was submitted from David Craig of Laurens County  
18 Sheriff's Department.

19 Q Okay. And who -- what -- who logged it in once it  
20 was received at SLED?

21 A It was logged in by Jackie Davis, who is one of our  
22 evidence technicians.

23 Q Okay. And from there, where -- where did it go?

24 A From there, I would pick up the evidence from our  
25 login department on 7/22/2015. And I would put it into

DIRECT EXAMINATION BY MS. BOYKIN - WILLIE SMITH 213

1 our drug vault for when I had a chance to do my testing  
2 of the drugs.

3 Q Okay. And from -- from there did Doris Yarborough  
4 put it in the -- the drug vault?

5 A Well, from there, I did my testing. And after I did  
6 my testing, I returned the evidence to Doris Yarborough  
7 on August 31st, 2015. And then I returned it -- then she  
8 returned it to the agency.

9 Q Okay. To David Craig at the ---

10 A To David ---

11 Q --- sheriff's office?

12 A --- Craig at the sheriff's office.

13 Q Okay. All right. So once you receive evidence in a  
14 -- in a case like this, a controlled substance, what --  
15 what's the process that you -- that you do?

16 A Well, the process I do, the first thing I do is --  
17 if I can ---

18 Q Of course.

19 A --- see this evidence?

20 This is what is called our BEST-evidence-submission  
21 testing. And it has a tampered-indicative label. The  
22 first thing I do is examine the evidence to see if  
23 there's any tears in the bag or if the label at the top  
24 has been tampered with.

25 If it's -- hasn't been tampered with, that's when I

DIRECT EXAMINATION BY MS. BOYKIN - WILLIE SMITH 214

1 write the word "sealed intact" and I write the lab number  
2 for the case and the date and my initials on the case to  
3 show that the evidence was sealed and intact and there  
4 was nothing that was wrong with this case before I did my  
5 testing.

6 Q Okay. And in particular, on State's Exhibit 14, is  
7 this, in fact, what you tested?

8 A This is, in fact, the BEST kit that I picked up from  
9 our login department. And it's -- had a B-number of  
10 B25051, which corresponds to the lab number to our agency  
11 case number, which is L15-09806.

12 Q Okay.

13 A Every time we get a BEST kit in from an agency, when  
14 it comes into the laboratory, we supply a unique  
15 laboratory number to go with that case.

16 Q Okay. And on State's Exhibit 14, does it, in fact,  
17 say "sealed" on there and "intact"?

18 A It does. Sealed and intact on the date that I did  
19 this case for analysis, and it has my initials by it.

20 Q All right. And so have you initialed this bag in  
21 more than one spot, if you can tell?

22 A Yes. Every piece of evidence that I touch, I attach  
23 the lab number to it and I put my initials on it.

24 Q Okay. All right. And so the -- it was provided to  
25 you with no tampering whatsoever?

DIRECT EXAMINATION BY MS. BOYKIN - WILLIE SMITH 215

1 A None whatsoever. Because I would've indicated it on  
2 the BEST bag and on my report if the evidence was  
3 tampered with.

4 Q All right. And these, in fact, are your initials on  
5 here?

6 A That is correct. My initials are on the evidence.

7 Q Okay. Well, let me ask you: What -- what do you  
8 perform to determine what the substance it? Kind of what  
9 -- what's the test that you do?

10 A Well, basically, what I do -- for example, when I  
11 got this case right here, it contained an evidence bag  
12 and it had a plastic bag and it had a rock substance.  
13 The first thing I'm going to do is a chemical test, which  
14 is a basic color test, that told me the functional group  
15 that it belongs to.

16 And then, the next thing I do with the item is I  
17 take a sample to test it on a molecular level. And I did  
18 gas chromatography and mass spectroscopy in this case to  
19 identify the substance on a molecular level.

20 Q All right. Okay. What were the -- I guess, the  
21 results that you found from this case?

22 A In this case, which was -- once again, that was  
23 submitted in an evidence bag that contained a plastic bag  
24 that contained a rock substance, it had a weight of 1.00  
25 grams. And it was found to be cocaine base.

1 Q Okay. And what is cocaine base?

2 A Basically, cocaine base is when they confer regular  
3 cocaine and they turn it into a form that's more  
4 smokable. And that's where you get the base for it.  
5 Because with cocaine base -- with cocaine, the cocaine  
6 has a melting point of around 196 to 198.

7 But you want to get it into a smokable form. And  
8 they convert it into a smokable form into cocaine base or  
9 cocaine crack, which is several times that most people  
10 hear and everything. It has a melting point of around 96  
11 to 98 degrees so that they can put it in a pipe and smoke  
12 it.

13 Q Okay. So this is crack cocaine, then, this ---

14 A This is crack cocaine.

15 Q You said it weighed about 1 gram. Does that mean --  
16 did you weigh the substance by itself, or were there any  
17 bags associated with the weight?

18 A Whenever we test evidence, we only weigh the actual  
19 substance that we're testing. And the substance that I  
20 test, just the rock substance by itself, weighed 1.00  
21 grams.

22 Q Okay. And again, State's Exhibit 14 has not been  
23 altered in any way?

24 A Right. And another way, which you can always see,  
25 once I finish my analysis, I always put the date on the

DIRECT EXAMINATION BY MS. BOYKIN - WILLIE SMITH 217

1 analysis that it was sealed and my initials. So when I  
2 get to court, I can say that from the date I did my  
3 analysis back on August 17, 2015, this evidence is still  
4 in the same condition from when I did my analysis on that  
5 date.

6 Q Okay.

7 MS. BOYKIN: Your Honor, at this time the state  
8 would offer State's Exhibit 14 for admission into  
9 evidence.

10 MR. TONEY: I object. I'd like to be heard on that  
11 outside the presence of the jury.

12 THE COURT: Okay. All right.

13 Madam Forelady and ladies and gentlemen of the jury,  
14 I'm going to ask that you go back to the jury room so I  
15 can deal with this legal issue. And hopefully, we can  
16 get you back out shortly.

17 (Whereupon, the jury exited the courtroom at 11:40  
18 a.m.)

19 MR. TONEY: Your Honor, I -- I think there's a  
20 problem with the chain of custody. Because I ---

21 THE COURT: Excuse me?

22 MR. TONEY: I -- I -- I think there's a problem with  
23 the chain of custody of the drugs. I heard -- I heard  
24 Officer Prather say he handled the drugs. But I don't  
25 think he was -- at one point. But I don't think he's

1 part of the chain of custody. I heard him testify to  
2 that.

3 THE COURT: I'm ---

4 MR. TONEY: I think he said he had them and then he  
5 passed them to someone else.

6 THE COURT: All right. So you're objecting as to  
7 chain of custody because Sgt. Prather testified that he  
8 gave it to somebody else?

9 MR. TONEY: Gave it to another officer. I think he  
10 said he had it for a -- a -- a little bit. And he's not  
11 on that custody -- he's not on that log. I think there's  
12 a problem with the chain of custody ---

13 THE COURT: Yeah.

14 MR. TONEY: --- of the drugs.

15 THE COURT: Well, of course, we all know that he --  
16 I -- and I don't recall him testifying to that. I'm not  
17 saying he didn't. I just don't recall that. But, of  
18 course, you know, the -- the case law is pretty clear  
19 that, you know, not everybody -- if -- if, in fact,  
20 somebody else touched it for a period of time before it  
21 getting to the evidence locker at the sheriff's  
22 department, not everybody has to be a part of the chain  
23 of custody insofar as testifying.

24 But what do you remember, Solicitor Boykin, as far  
25 as what Sgt. Prather testified to?

DIRECT EXAMINATION, BY MS. BOYKIN - WILLIE SMITH 219

1 MS. BOYKIN: Your Honor, my -- my recollection of  
2 the testimony was that Sgt. Prather held out the evidence  
3 bag and the C.I. dropped the drugs into the bag and that  
4 was put next to Sgt. Veal for him to collect the drugs.

5 THE COURT: Right.

6 MS. BOYKIN: That was my understanding of -- of what

7 ---

8 THE COURT: And that ---

9 MS. BOYKIN: --- happened.

10 THE COURT: --- and then -- then from Sgt. Veal, it  
11 got to the -- the -- the evidence locker. And that's  
12 when David Craig took possession of it. I -- that kind  
13 of is -- is more closer to, I think, my recollection of  
14 the testimony, as opposed to there being some third-  
15 party, unidentified officer, or person who has testified.

16 MR. TONEY: I -- I kind of recall it -- something  
17 like that too, maybe not exactly ---

18 THE COURT: Okay.

19 MR. TONEY: --- but close to that. I'm with -- with  
20 you on that, Your Honor.

21 THE COURT: Okay.

22 MR. TONEY: I think that's about it. But still,  
23 he's not listed on the ---

24 THE COURT: Right.

25 MR. TONEY: --- the log. He's not -- he handled the

DIRECT EXAMINATION BY MS. BOYKIN - WILLIE SMITH 220

1 bag, and I think that's a chain-of-custody problem. So I  
2 move to suppress the drugs ---

3 THE COURT: Okay.

4 MR. TONEY: --- based ---

5 THE COURT: All right.

6 MR. TONEY: --- upon that.

7 THE COURT: I find that chain of custody is -- is  
8 proper and will allow it into evidence.

9 Okay. Okay. Let's -- let's bring the jury back  
10 out, Mr. Hair.

11 (Off the record briefly.)

12 (Whereupon, State's Exhibit 14 was entered into  
13 evidence.)

14 (Off the record briefly.)

15 (Whereupon, the jury entered the courtroom at 11:46  
16 a.m.)

17 THE BAILIFF: All jurors present, Judge.

18 THE COURT: Okay. Thank you, Mr. Hair.

19 All right. Exhibit 14 is into evidence for the  
20 state.

21 MS. BOYKIN: Thank you, Your Honor.

22 DIRECT EXAMINATION BY MS. BOYKIN CONTINUED

23 Q One last question: Mr. Smith, in your expert  
24 opinion, is the substance found in State's Exhibit 14  
25 crack cocaine?

CROSS-EXAMINATION BY MR. TONEY - WILLIE SMITH 221

1 A After testing it on a molecular level, I'm 100  
2 percent sure that this substance is cocaine-base crack.

3 Q Okay. Thank you. Please answer any questions ---

4 THE COURT: Okay.

5 Q --- the defense ---

6 THE COURT: Cross-examination?

7 Q --- may have.

8 MR. TONEY: If I could have a moment?

9 THE COURT: Sure. Take your time.

10 CROSS-EXAMINATION

11 BY MR. TONEY:

12 Q You -- you're a forensic technician, and you test  
13 the chemical composition of the substances in that bag,  
14 correct?

15 A I'm a forensic chemist.

16 Q Chemist.

17 A And I test it on a molecular level to identify it.

18 Q But what you do doesn't --, doesn't show who had the  
19 drugs or who possessed them. It has nothing to do with  
20 that, correct?

21 A The only information that I know about the case is  
22 from the paperwork that received to me. And the subject  
23 in this case was -- Arthur Williams was the subject in  
24 this case.

25 Q But -- but your -- your job is not to assess who

1 possessed what when. Your job is to analyze the chemical  
2 composition of the drugs?

3 A That is correct.

4 Q Okay. And you wouldn't know if someone possessed it  
5 on one occasion or another, because that's not your job,  
6 correct?

7 A That is correct. The only thing -- the information  
8 that I know about the case is from where the drugs or the  
9 submission was entered to the lab and from when it leaves  
10 the lab.

11 Q Issues such as possession or distribution or things  
12 like that, those are for the jury to determine, correct?

13 A That is correct.

14 Q Okay. That's all the question I have.

15 THE COURT: Okay. You can step down, sir.

16 THE WITNESS: Thank you.

17 (Whereupon, the witness exited the witness stand.)

18 THE COURT: Agent Smith, you -- you certainly are  
19 free to leave the courthouse. However, you are more than  
20 welcome to remain with us if you like.

21 THE WITNESS: All right. Thank you.

22 MR. TONEY: May -- may I say something to him as he  
23 leaves?

24 THE COURT: Sure.

25 (Off the record briefly.)

1 THE BAILIFF: All jurors present, Your Honor.

2 THE COURT: All right. Thank you, Mr. Hair.

3 Good afternoon, ladies and gentlemen. And the --  
4 what we have left to do is that the lawyers will make  
5 their closing arguments. The state will go first, and  
6 then the defense. And we may take a break before I  
7 charge you the law, or we may go straight into the -- to  
8 the charge. We'll just have to see how long the closing  
9 arguments take.

10 This is their last opportunity that -- that they  
11 have to advocate for their respective sides. So give  
12 them your close and undivided attention.

13 Solicitor?

14 MR. SCOTT: Thank you, Your Honor. May it please  
15 the Court?

16 CLOSING ARGUMENT BY MR. SCOTT

17 MR. SCOTT: There's a sucker born every minute.  
18 Y'all ever heard that saying?

19 Maybe, like me, y'all thought that was P.T. Barnum  
20 that said it. I think it's oftentimes attributed to him,  
21 the greatest showman in the world, Ringling Brothers  
22 Barnum & Bailey Circus.

23 It's attributed to him. But it's actually a man  
24 named David Hannum. And to tell you how he coined that  
25 phrase, I'm going to tell you about the Cardiff Giant.

1           1868 there was a man named George Hull. George Hull  
2 made his money in tobacco, very rich man. He was also an  
3 atheist.

4           After hearing a local preacher and then engaging in  
5 an argument with this preacher regarding such stories as  
6 Genesis talking about "once upon a time, giants roamed  
7 the earth," and he was so frustrated with people taking  
8 the literal word of the bible -- and this is what sparked  
9 this argument. Later that night, he thought about a  
10 scam. He thought about creating a fake giant. And he  
11 saw this scam as a way to dupe the faithful, but also  
12 maybe to strike a blow against organized religion.

13           And so he set in motion a plan. The year was 1868.  
14 He hired workers in Iowa to dig up about a 10 1/2 foot  
15 block of gypsum. He took this gypsum; sent it to a  
16 German stone cutter in Chicago; had him form it into a  
17 likeness of a man.

18           They used acids to stain the surface to make it look  
19 weathered. They used other stains and everything, just  
20 to make it look like a petrified human being. They even  
21 took steel knitting needles, attached it to a board, and  
22 beat the statue all over. That was to simulate pores in  
23 the skin.

24           All in all, I think he spent something like \$2600 on  
25 this thing. In today's money that's \$44,000 or so. The

1       guy had money.

2               He then had the giant shipped to a cousin's farm in  
3       Cardiff, New York. In the middle of the night, they  
4       buried the giant and waited the year. October 1869 they  
5       had workers go out to the farm. And the deal was, "You  
6       guys are going to dig a well for me." And he told him  
7       the spot they needed to dig the well.

8               Of course, their shovels hit the stone. And then  
9       the giant was discovered. This was before TV, obviously,  
10      before, you know, we had a lot of entertainment at our  
11      hands like we do now.

12              So you can imagine the excitement. People came from  
13      all over. He charged 25 cents a head. Two days later,  
14      he upped it to 50 cents a head. People came in wagon  
15      loads, so much so that he eventually was approached by a  
16      man. David Hannum led the group I talked about.

17              They purchased the -- let me see what the numbers  
18      were, because I was reading about this earlier. They  
19      purchased it for \$23,000 from Mr. Hull. That's about  
20      half a million dollars in today's monetary values for  
21      currency.

22              They moved it to Syracuse. It grew such crowds that  
23      P.T. Barnum -- that's where he comes in -- he offered  
24      \$50,000 for it. Okay? That's about a million dollars in  
25      today's money, all for this fake, this fraud.

1           Hannum refused P.T. Barnum's offer. He said, "I'm  
2 making so much money, I don't need your offer. I'm going  
3 to make that myself anyway."

4           What does Barnum do, the greatest showman in the  
5 world? He hires a man to go duplicate the giant. So now  
6 he's got his own. And he's saying, "Don't worry about  
7 the Cardiff Giant. The real thing's over here."

8           He drew just as many spectators. Eventually, he  
9 drew more. The New York Times published stories about  
10 this. This -- this was the biggest hoax in the country  
11 at the time, and it was a fraud on the citizens.

12           When the New York Times published stories about P.T.  
13 Barnum's giant being the authentic one, at that point is  
14 when Hannum exclaimed, "There's a sucker born every  
15 minute."

16           This case, it's about dealing crack. Okay?  
17 Nobody's arguing that it is a scourge on the community.  
18 It breaks people down. It tears apart families. It  
19 erodes the fabric of our communities.

20           It -- it's just like the defense said: impoverishes  
21 people. You know, an addict is going to get his fix. It  
22 -- if -- if the addiction's bad enough, he's going to  
23 find a way to get the dope. Maybe somebody will loan him  
24 the money. Maybe he can work and odd job.

25           But sometimes he's going to have to steal. He's

1 going to have to find that money one way or another. So  
2 it's not just the dealer and the addict.

3 It's far more spread than that, I mean, because it  
4 reaches out into your community. It's a Laurens County  
5 case. This is Laurens County dope that's leading to  
6 other Laurens County crimes.

7 So we're not just talking about an isolated incident  
8 of one deal done in Laurens County. It really does have  
9 far-reaching effects. That's why it's important. That's  
10 why we're here today.

11 The cops recognize that. That's why they employ  
12 these undercover buys. That is the way that they can  
13 strike back against these dealers who are perpetuating  
14 this scourge, this taint on your community.

15 That's why Capt. Goggins and Officer Prather order  
16 these undercover buys. That's why they sent Sammy  
17 Anderson to Arthur Lee Williams' house on July 10th,  
18 2015.

19 You heard how Sammy was an informant. He'd worked  
20 for law enforcement for decades. And Sammy is what Sammy  
21 is. And he wasn't trying to pull the wool over your  
22 eyes.

23 He got up there and said, "I'm an addict. I -- I've  
24 had addiction issues with crack cocaine for years." He's  
25 not hiding it.

1           He spoke freely. I'll say that about Sammy. If he  
2 -- he is what he is. I'm not -- I'm -- he doesn't paint  
3 himself to be anything else.

4           But that's who they have to use. Again, they don't  
5 send judges in there. They don't send doctors over  
6 there. They don't send nuns.

7           What you think happened -- if I say, "Guys, this  
8 looks fun. I want to be a C.I.," and I call Arthur Lee  
9 Williams and say, "Hey, man, this is Dale. You don't  
10 know me, but I want to come over and buy some crack,"  
11 he'd tell me to kick rocks, wouldn't he?

12           What if I showed up at his door? "You don't know  
13 me. I heard you got crack. I'd like to buy some." He'd  
14 politely tell me to get off his lawn.

15           You've got to use people who move freely in that  
16 community, people who are recognized as addicts, people  
17 they are familiar with. You understand? That's why  
18 we're here with Sammy Anderson. He is what he is, okay?

19           I wish I had a first-grade teacher up there who did  
20 the buy. I don't. We never do in these cases. Those  
21 aren't the people who Arthur Lee Williams sells to. You  
22 understand?

23           He's not a rookie. He's done it before. He's been  
24 doing it for years. You'll hear him in the video. They  
25 -- they'll tell him, "Well, here's how you got to deal

1 with Sammy. Do this and that." He said, "I know how it  
2 works."

3 They search him. They wire him up, mic him. The  
4 reason for the search, they want to make sure he's not  
5 carrying any contraband on him. Obviously, we went over  
6 that -- ad nauseam, I know.

7 They give him the money. They sit there in their  
8 car after they let him out, and they listen. They want  
9 to make sure -- they monitor how the transaction goes.  
10 But also in case things go bad, they can swoop in and  
11 help Sammy out.

12 When it's done, they pick him up, get the crack from  
13 him. They check him to make sure he doesn't have any  
14 extra crack. They make sure he didn't keep any of the  
15 money.

16 They take the crack from him. They take the mic and  
17 camera. They go review the footage, right, to see what  
18 they captured on the video. They get the crack, send it  
19 to SLED just to make sure it is crack and not salt or  
20 rock salt or anything like that.

21 That's how those things work. That was a textbook  
22 controlled buy: quick, in and out, efficient. There's  
23 no other variables involved. Sometimes you'll see them  
24 walking. And then, other people come up to them and talk  
25 with them and everything.

1           A defense attorney will say, "Well, how do you know  
2 that deal didn't happen right there?" Or they'll go into  
3 a gas station.

4           This one you have no variables. He gets out of the  
5 car. You watch him, and he goes straight to the house.  
6 He calls Arthur Lee on the phone: "Hey, man, this is  
7 Sammy. I'm coming over for some crack, a yard."

8           You watch him meet Sammy in the front yard -- I  
9 mean, Arthur Lee in the front yard. Arthur Lee is happy  
10 to see him, because they know each other. They know each  
11 other for years. They're familiar with one another.

12           Lets him inside the house, and that's where the  
13 transaction takes place. You understand, the story is  
14 not that Sammy is buying it for himself; he's purchasing  
15 it for another individual. Okay?

16           That's why, in the video, Arthur Lee -- "If you're  
17 buying it for somebody else, why don't you take this rock  
18 and give it to you?"

19           This is important, okay? I want y'all to watch  
20 this. I want y'all to watch that video 10, 20, 30, 40,  
21 however many times you want.

22           And listen to it. Because I know sometimes in here,  
23 when the TV is way over there, you can't hear everything  
24 that's said. But y'all will get a chance back there to  
25 listen to it and watch it with your own eyes over and

1 over.

2 He says, "I can't cheat him. I can't cheat him. I  
3 ain't going cheat him." He says that multiple times.  
4 That's Sammy talking. Because Arthur Lee is trying to  
5 give him a rock.

6 You know what? Another reason a dealer will do that  
7 is to make sure it's not an informant. Because the  
8 informant is not going to be able to smoke right in front  
9 of him.

10 If he had given that crack rock to Sammy and Sammy  
11 had smoked it, that would make him feel good that, "Oh,  
12 well, he's not an informant after all." So sometimes  
13 they'll do that. Sometimes they'll -- "Go ahead and take  
14 a little for yourself; you're buying it for this other  
15 dude."

16 You also hear Arthur Lee say, "Well, does this dude  
17 have any more money?" He's excited. He thinks he has a  
18 new customer.

19 Other times, you hear Arthur Lee Williams say that  
20 he's the mastermind of this thing. That's around the  
21 same time he's -- you ever hear the term "tare," t-a-r-e?  
22 That's what you do -- I remember that from chemistry.

23 But that is a way to take a scale and just make sure  
24 it's measuring correctly. So you need a standard weight.

25 Okay?

1 Crack dealers, a lot of times, will use a nickel.  
2 That's a standard weight. They know it's 5 grams. So  
3 they'll show it to the addict or the buyer, whoever it  
4 may be in front of them.

5 They'll drop the nickel on a weight. If it says 5  
6 grams, that means the weight's -- or the scale is testing  
7 correctly. That lets everybody know the deal's fair.

8 Guess what? I guess his scale was working right.  
9 The chemist said it was exactly 1 gram. He came to buy 1  
10 gram. Arthur Lee, the mastermind drug dealer, gave him 1  
11 gram of crack. He's a good dealer.

12 But at any rate -- "I can't cheat him. I can't  
13 cheat him. I can't cheat him." He gives him back the  
14 rock. That is what this defense keeps harping on.

15 Y'all are going to be able to watch that up close,  
16 that that one rock that he puts back in the bag -- they  
17 don't want you to think about what's already in that bag.  
18 You're going to see it with your own eyes.

19 Arthur Lee has the big rock, the main rock, already  
20 in the bag he's twisting up. And he puts that other  
21 little one he had tried to give Sammy back in the bag.

22 Sammy takes the dope; hands the money over -- \$100  
23 over. Takes the dope; leaves. We see him walking back.  
24 He calls Veal -- or Prather, whichever one. Tells them,  
25 "I'm on my way back."

1           They pick him up. He turns the crack over  
2 immediately. That's it. It's textbook. That was a  
3 textbook buy.

4           And he testified to that. My direct examination,  
5 when I first called him and we went through the video and  
6 we went through what he did that day, I submit to you,  
7 mirrored what's on the video.

8           Cross-examination, when the defense attorney got up  
9 there with him, I think we'd all agree, that was fairly  
10 colorful, very adversarial, okay? I submit to you, that  
11 is what the defense attorney wanted when he got up here  
12 and bullied and badgered and ---

13           MR. TONEY: Objection.

14           MR. SCOTT: --- tried to aggravate that C.I.

15           THE COURT: Okay.

16           MR. TONEY: Objection.

17           THE COURT: Nature of your objection?

18           MR. TONEY: May I approach the bench?

19           THE COURT: Sure.

20           (Whereupon, a bench conference was held off the  
21 record in the presence of the jury, but out of the  
22 hearing of the jury.)

23           THE COURT: You may proceed.

24           MR. SCOTT: The first line of questioning, it wasn't  
25 -- it wasn't a question. It was an observation that the

1 defense did with the C.I., was a comment on his  
2 appearance, right? It was a comment on his head.

3 And he talked about the indentation in his head. He  
4 talked about the fact that Sammy was missing an eye. He  
5 talked about the size of Sammy's head. This is a drug  
6 case, by the way.

7 That was the first thing on cross-examination for  
8 this C.I. It was all downhill from there.

9 You understand Sammy is very self-conscious about  
10 his appearance. Who wouldn't be? We all saw him. He is  
11 the victim of a vicious attack with a hammer.

12 To say that that is life-altering is an  
13 understatement. But he came here, wanting to talk about  
14 a drug deal that happened in 2015. Instead, he is  
15 subjected to that.

16 And then, you'll remember questions came, the  
17 duplicate questions, the duplicitous nature of the  
18 questions, the same question asked over and over and  
19 over, to wear him down. And he was aggravated. And I  
20 understand that.

21 And then, the next set of questions: "How long were  
22 you in the hospital?" Again, this is a drug case. This  
23 ain't "Sammy in the hospital" case. "How long were you  
24 in the hospital?"

25 "I don't know."

1 "Tell me how long you were in the hospital."

2 "I said I don't know."

3 "Tell me how long you were in the hospital?"

4 "How many times I got to tell you, man? I don't  
5 know."

6 That was the cross-examination. And he was upset.  
7 I submit to you, that was intentional.

8 Asked him how many times he used crack. I -- I  
9 never met a crackhead who could tell you how many times  
10 they used crack. And that question was asked half a  
11 dozen times. And I objected. The question's been asked  
12 and answered.

13 That was the aggravation, okay? Look at that,  
14 compared to the direct, when I asked him questions,  
15 specifically about this day. He went through it. And  
16 that was even before I showed the video.

17 What I did, you'll recall, he talked about what  
18 happened that day. And then I played the video. His  
19 version of events were the same as what was on that  
20 video.

21 What I want to know -- you know, the defense gets up  
22 here after me. They get to argue. This is all you get  
23 to hear from me. I -- I don't know what they're going to  
24 say.

25 I have a little bit of an idea, from cross-

1 examination. And it seems to be that somehow Sammy  
2 Anderson already had this crack on him. He came to the  
3 deal -- all right. Again, this is an addict, who they  
4 call an addict; he admits he's an addict.

5 He shows up with a gram of crack already in his --  
6 well, not his pocket, in a body cavity, I think, was the  
7 inference. And he shows up to the deal with that. He  
8 meets with these guys. They give him \$100.

9 And then he walks down the road, and he goes into  
10 Arthur Lee Williams' house. And at some point he takes  
11 this crack out of the body cavity and he hands it over to  
12 Arthur Lee Williams, along with \$100, and then leaves  
13 empty-handed.

14 How does that make any sense? Can anyone think of  
15 any scenario where that makes any sense whatsoever? An  
16 addict is going to find the crack somewhere else, go to a  
17 dealer's house, and give him the crack, along with \$100.  
18 Does that make sense?

19 I can't -- there's no -- there's no scenario I can  
20 think of. Because I -- I was trying to figure out where  
21 they're -- where they're going with this.

22 There's no scenario that makes any sense to me.  
23 Does it make sense to y'all? I want y'all to think about  
24 that when you deliberate. Because if that's the defense,  
25 it's not logical; it's not reasonable.

1           And the standard assigned these cases is reasonable  
2           doubt. Do you have a reasonable doubt? Is that scenario  
3           reasonable?

4           I want y'all to watch that video. When he's walking  
5           down the street, tell me at what point he reaches into  
6           his body cavity and pulls the crack out, okay?

7           What -- what -- what is Arthur Lee Williams twisting  
8           up in the video, if Sammy's bringing the crack? I don't  
9           get that either. They focus on that one small rock that  
10          Arthur Lee tried to front him. But what -- what about  
11          the rest of the crack? And what is he twisting up in  
12          those videos?

13          What if Sammy is lying about the whole thing? Let's  
14          just play devil's advocate. They call him a liar. Well,  
15          what if he's lying? How does that change anything in  
16          that video?

17          What -- Richard Pryor -- didn't he say something to  
18          the effect of, "Believe me, not your lying eyes." Isn't  
19          that what Arthur Lee is saying? Don't believe your eyes;  
20          believe me.

21          If Sammy's lying, how does that change anything  
22          Arthur Lee says in the video? Anything Sammy does or  
23          says? How does it change what your eyes see? It  
24          doesn't.

25          Again, I want y'all to watch that video as many

1 times as it take -- I have nothing to hide. The state  
2 has nothing to hide. The video is right there. Watch it,  
3 till your heart's desire.

4 This is what he's charged with. This is what the  
5 statute says. The crime is distributing crack. We heard  
6 it's crack. The chemist already testified to that.

7 Here's what the statute says: "A person who  
8 manufactures, distributes, dispenses, delivers,  
9 purchases, or otherwise aids, abets, attempts, or  
10 conspires to manufacturer, distribute, dispense, deliver,  
11 or purchase or possess with intent to distribute,  
12 dispense, or deliver methamphetamine or cocaine base" --  
13 that's what crack is; you heard the chemist -- "is  
14 guilty."

15 I want y'all to think about one other thing. If the  
16 theory is -- this is interesting. Follow me here. If  
17 the theory is that Sammy went there with the crack,  
18 turned it over to him -- gave it to him, he's still  
19 guilty under this statute.

20 You want to know why? You can't purchase crack  
21 either under this statute.

22 We know that's not what happened. We know it was  
23 Arthur Lee selling it and Sammy buying it with government  
24 funds. Either way, he's guilty of it, okay? Even under  
25 their bizarre theory, he's still guilty.

1 I talked about reasonable doubt. That is always the  
2 state's standard when we prove a case. It's got to be  
3 beyond a reasonable doubt.

4 You know, I try a lot of cases in this very  
5 courtroom. Sometimes all we have is one person's word  
6 against another person's word, right? In this case we've  
7 got the crime filmed.

8 Like Ms. Boykin said in open, that is very rare that  
9 the whole crime, every element, is shown to you in a  
10 video or you get to witness the crime itself. That's  
11 what we got. But we still got to prove it beyond a  
12 reasonable doubt.

13 What does that mean? The judge is going to instruct  
14 you -- he gives you the instructions so y'all get to read  
15 them. Does it mean beyond all doubt? It doesn't mean  
16 beyond all doubt. It means that you have a doubt that is  
17 reasonable and based on logic.

18 If you do -- if you have a doubt that is reasonable  
19 and it's based on logic, you should find him not guilty.  
20 Find him not guilty if you've got a reasonable  
21 explanation for this case.

22 But if your doubt is not reasonable, or your doubt  
23 is not really logical, you should find him guilty. Does  
24 it mean you have to be 100 percent certain? No.

25 And the judge will tell you this: There are very

1 few things in this world we know we absolute certainty.  
2 In criminal cases the law does not require proof that  
3 overcomes every possible doubt. If, based on your  
4 consideration of the evidence, you are firmly convinced  
5 the defendant is guilty of the crime, you must, under the  
6 oath that you've taken, find him guilty.

7 Firmly convinced is one of the best ways -- when he  
8 reads it to you, it's about that long. It takes up a  
9 whole page. \And -- and there's a lot of legalese in it.

10 But you'll -- you'll hear him say firmly convinced  
11 twice. If you are firmly convinced that he's guilty of  
12 distributing crack, you must find him guilty. That is  
13 what the oath says.

14 Do you have reasonable doubt? Let me -- it is  
15 Arthur Lee Williams right here. Tyrone's known him  
16 forever. He said 100 percent certain that's him; he's  
17 got tattoos.

18 Sammy said, "I've known him forever. He and my  
19 nephew used to be good buddies. And that's him."

20 Do you have reasonable doubt what he's doing here?  
21 There's the scale that he had -- needed the nickel for.  
22 Here he is, twisting up the crack, packaging it for Sammy  
23 to take with him. Do you have reasonable doubt?

24 There's a fool born every minute. What about the  
25 rest of this? There's a fool born every minute, all

1 right. A sucker is born every minute, just like David  
2 Hannum said. Arthur Lee Williams is counting on the fact  
3 that he put twelve suckers in the box and one sucker  
4 alternate.

5 MR. TONEY: Objection.

6 THE COURT: It's argument. I'll allow it.

7 MR. TONEY: Yes, sir.

8 THE COURT: You may proceed.

9 MR. SCOTT: He didn't like that, 12 sucker jurors  
10 and one sucker alternate. He's counting on that. Don't  
11 let him pull the wool over your eyes. Don't be a sucker.

12 Look at the facts and the evidence for what it is.  
13 Deliberate; use your common sense; discuss the case with  
14 one another. Watch that video over and over if you need  
15 to.

16 But find him guilty of what he's done: distributing  
17 crack cocaine. Thank you.

18 THE COURT: All right. Thank you, Solicitor.

19 Mr. Toney, you ready, sir?

20 MR. TONEY: Yes, I am, sir.

21 CLOSING ARGUMENT BY MR. TONEY

22 MR. TONEY: Ladies and gentlemen, once again, I'm  
23 Ivan Toney. I'm proud to represent Arthur Lee Williams.  
24 He's up here today. He's fighting for his life.

25 You -- you are here because the constitution

1 provides that we can come before twelve citizens and --  
2 and -- and they can follow they law. And they have to  
3 hold the state accountable. The state has to prove their  
4 case beyond any reasonable doubt. That is the law. The  
5 judge is going to instruct you on that.

6 And in this case, there is more than reasonable  
7 doubt. We have not only met our burden, we've exceeded  
8 it by a million miles. Because this case rests on Sammy  
9 Anderson.

10 Now, the state started out by talking about the  
11 bible. Well, I know the bible too. And I know the Ten  
12 Commandments say, "Thou shalt not bear false witness  
13 against thy neighbor." You cannot go up and down the  
14 land as a tale-bearer.. That's in the Book of Leviticus.

15 The bible also says: "Every man seems right till  
16 another man comes and searches him out." That's talking  
17 about cross-examination, what I do.

18 I go up and they put up a case, and then I search  
19 them out and I question them. And you have to do that  
20 too. You have to ask important questions.

21 Now, in this case, there's a transaction. There's  
22 something going, on or there's some sort of interaction  
23 or something. What happened in that room depends on  
24 Sammy Anderson.

25 Now, they have -- the solicitor's office has

1 admitted, in my opinion -- you have to read between the  
2 lines -- that he has lied. They have virtually admitted  
3 it. They can't come out and say it.

4 But they said, Well, you know, even if he lied, who  
5 -- who you going to believe, your lying eyes? You're  
6 going to watch the video instead?

7 And the problem I have with that is if Sammy  
8 Anderson lied even one time, then you, in my opinion,  
9 have to believe that that is reasonable doubt as to his  
10 credibility. Because he is the one that's bringing this  
11 case to you. He is the one who saying this is what  
12 happened and this is what I had on me and this is what we  
13 did.

14 And Sammy Anderson is a liar. Now, there's been  
15 something made about my questions and asking him about  
16 his head. And I didn't mean to embarrass him or  
17 humiliate him. And if you think I did, then blame me,  
18 okay? Please don't blame my client.

19 But I didn't mean to humiliate him. And if you  
20 remember, I -- I said I'm sorry for asking these  
21 questions. I was very nice; I was quiet. I said I don't  
22 mean to -- to -- to humiliate you or embarrass you. But  
23 I have to ask you these questions.

24 Because the questions I asked about his head injury  
25 is the elephant in the room. The man had been attacked.

1 Nobody knows who. He was missing what looked to be a  
2 quarter of his skull.

3 His credibility is at issue. You have to determine  
4 whether or not he knows what happened and can remember.  
5 And that man clearly had tremendous mental difficulties.

6 I asked him if he could remember how long he was in  
7 the hospital. And they say I badgered him. But I had to  
8 make sure that he answered it and he repeatedly told me,  
9 "I don't know. I don't know if I was in there a day or  
10 three months."

11 He had no idea. That right there is enough to find  
12 reasonable doubt in this case. I -- I could literally  
13 fold my notes up, sit down, and I believe you could go  
14 back there and you could say, You know what? This man  
15 does not remember anything. He doesn't remember if he  
16 was in the hospital a month, a day, three months, who  
17 visited. I don't -- I can't rely on him.

18 You would not rely on him. You would not hire him  
19 to babysit your kids, to mow your lawn, or do anything.  
20 You wouldn't rely on him. Nobody would hire him.

21 Sammy Anderson told many, many other lies. He said  
22 he hadn't used drugs in over ten years. The police all  
23 testified he was a known, current addict.

24 And you know he was. You could look at him, and you  
25 could tell. The way he acted, the -- the behavior, the

1 -- all the indications, he gave enough indications in his  
2 behavior to where you can see and with what he said that  
3 he was a current drug addict. He was currently accepted  
4 in the drug community as someone who buys drugs. That  
5 right there is enough to show that he was a current  
6 addict and current user.

7 And the police all testified that he was a current  
8 drug addict. And yet he said, "I haven't used drugs in  
9 over ten years." It's a lie.

10 Okay. This man said many other lies. He was asked  
11 if he had ever used alcohol to excess. And he said no.  
12 And yet he -- he admitted he had public-drunk convictions  
13 on his criminal record.

14 He claimed that those were his initials on the  
15 video. And he pointed the different stuff and agreed  
16 with what they were pointing at. And then, when I  
17 questioned him, he said he couldn't see.

18 Well, which was it? Was he able to identify things  
19 on the video or not? Clearly, we don't -- we don't know.  
20 Because he -- he lied.

21 So I questioned him. I said, "Well, how many" --  
22 just like on My Cousin Vinny, I said, "How many fingers  
23 am I holding up?"

24 "Three. Five." So he clearly could see. So which  
25 was it? Could he not see, or could he see?

1           He not only lied about the details of this case. He  
2           lied about the basics, like whether he could see; where  
3           -- whether he was in the hospital -- how long. He -- he  
4           didn't even really -- he wasn't even really trying to --  
5           he wasn't even pretending to tell the truth.

6           He was getting up here and laughing. And as a  
7           matter of fact, the man did laugh. I -- I asked him some  
8           question, and he laughed at me. I forget what it was --  
9           which one it was. But the man laughed.

10          Now, I'm up here, fighting for this man's life --  
11          not his physical life, but, you know, I'm fighting for,  
12          you know, his future. And I don't want him to be a  
13          statistic.

14          Now, he couldn't even walk up these steps. And in  
15          my opinion -- and you're going to have to make your own  
16          judgment. You're going to have to say -- you know, I  
17          asked him if he'd taken drugs today. He said no.

18          You, as the jury, are entitled to make your own  
19          decisions, though. You are the judge of the facts. And  
20          the judge is going to instruct you, you're allowed to  
21          make decisions about the credibility of the witnesses.

22          You cannot say for sure -- and I'm sure you may  
23          think that he was high on the witness stand. And, in  
24          fact, the police took him to the hospital after the  
25          hearing. I don't know if he used drugs after the

1 hearing, before the hearing ---

2 MR. SCOTT: Judge, this is misleading to say that he  
3 was on drugs, and then that's why he went to the hospital.  
4 The testimony was ---

5 THE COURT: Right.

6 MR. SCOTT: --- he went to the hospital for  
7 wheezing.

8 THE COURT: Right. The -- the jury will remember  
9 what was testified to. I'm -- I'm sure their memory will  
10 be -- will be fine and rely on their -- on their  
11 remembering.

12 MR. TONEY: Okay.

13 THE COURT: You may proceed.

14 MR. TONEY: I ask that you look and determine  
15 whether or not this witness was capable physically and  
16 mentally of testifying truthfully and look at his  
17 behavior and his actions and then what he -- where he  
18 subsequently went to and that you make decisions based on  
19 that.

20 Now, the -- the man admitted that what he does is  
21 walk around and plays people. And I think that's the  
22 word he used. And that's how he makes his money.

23 The police tried very hard to wash their hands of --  
24 of what they do. They all said they gave him money; they  
25 didn't know if he used. And yet they also testified he

1 was a current drug user. And they knew darn well where  
2 that money was that they gave him was going.

3 They testified that it was the middle of the month.  
4 So they had to make up a story because it was just  
5 assumed that he would've spent his money by the middle of  
6 the month. He didn't have any bills. He was living with  
7 his mother.

8 The man -- I want to emphasize this -- claimed that  
9 he couldn't even see. He claimed he -- he is such a liar  
10 that he claims he's not even able to see the video or  
11 anything. How can you trust a man who's caught lying  
12 about that? And I don't think you can.

13 Now, in his testimony he said he was sold five  
14 rocks. There's only two of them in this bag. In his  
15 testimony he -- which was very argumentative, by the way  
16 -- there is testimony from the police there was a drug  
17 transaction.

18 And yet the only drug transaction you can possibly  
19 see is there is a rock on a table, on Sammy's side of the  
20 table. And he hands it across the table.

21 They say, Well, you don't see anything else. But we  
22 know it's the only explanation that makes sense. They  
23 don't have a video of a drug transaction from someone on  
24 the other side of the table to Sammy Anderson. All they  
25 have is a video of a transaction going the other way.

1           They -- they never really searched him. They have a  
2 video showing him in the car. But you can't search  
3 someone inside a vehicle. It's not possible to even pat  
4 them down.

5           They never searched him. And even they admitted  
6 they didn't strip-search him. They don't know what he  
7 had on him or what he brought there. They have no idea.  
8 All we know is this is how Sammy makes a living.

9           The -- the police -- the solicitor started this  
10 story -- this -- this closing, his closing by saying  
11 there's a sucker born every minute. And -- and I don't  
12 like that. But his argument is that you should not be  
13 suckers.

14           And he -- he tells a story about a fake giant, which  
15 is buried in the ground for money. And in this case, the  
16 only fake that's being sold for money in this case is  
17 Sammy Anderson. That is the fake giant that is being  
18 peddled in this case. And they want you to buy this fake  
19 giant.

20           But if you go back there and you say to yourselves,  
21 In my opinion, I don't believe I can trust Sammy  
22 Anderson, a man that cannot even tell the truth about the  
23 most basic things, I really don't know what he was up to  
24 in -- in -- in this thing that went down. I have no  
25 idea. I don't know if he was searched. I don't believe

1 him. He's a liar or he's mentally ill or there's  
2 something wrong with his mind or he can't remember. He  
3 is so unreliable. Anything he says, all I can do is just  
4 say I just can't deal with it. I -- he's just -- he's  
5 just not someone I can trust or believe.

6 And if you can't believe him, then you don't know  
7 what happened. So I would ask that you find that the  
8 state has not met their burden of proof; that they did  
9 not prove their case beyond a reasonable doubt. And I'd  
10 ask that you return a verdict of not guilty.

11 Now, I have a -- a -- this gentleman that I  
12 represent has not been -- he's not -- he's been allowed  
13 to testify, but he has chosen not to testify. The judge  
14 is going to instruct you not to hold that against him.

15 The fact that he had not testified does not mean  
16 that he has not asked for this trial. He has come before  
17 you, and he is putting his life in your hands. And what  
18 he's asking is that you will follow the instructions of  
19 this Court.

20 This Court says if there's any reasonable doubt,  
21 that you must return a verdict of not guilty, lest --  
22 lest you make a mistake that -- that you -- you maybe  
23 can't fix; that you're not fair to my client. So please,  
24 please follow these instructions.

25 Please look at the credibility of their witness.

1 And -- and really, this case is about one witness. And  
2 based on that witness who's so incredibly -- he's such a  
3 liar -- I think you have to return a verdict of not  
4 guilty. Thank you very much.

5 THE COURT: All right. Thank you, Mr. Toney.

6 Ladies and gentlemen, we're going to take a breath  
7 and take a real short break before I charge you the law.  
8 So if you'll go back to the jury room.

9 Again, don't begin your discussions yet. And we'll  
10 bring you back out shortly and I will instruct you on the  
11 law.

12 (Whereupon, the jury exited the courtroom at 2:11  
13 p.m.)

14 (Off the record briefly.)

15 THE COURT: All right. We'll take a real short  
16 recess.

17 (Off the record from 2:11 p.m. until 2:21 p.m.)

18 THE COURT: All right. Let's bring the jury out,  
19 Mr. Hair.

20 (Off the record briefly.)

21 (Whereupon, the jury entered the courtroom at 2:22  
22 p.m.)

23 THE COURT: Okay.

24 THE BAILIFF: All present, Your Honor.

25 THE COURT: All right. Thank you, Mr. Hair.

## 1 CHARGE OF THE COURT

2 THE COURT: Madam Forelady and ladies and gentlemen  
3 of the jury, I now will charge you the law applicable to  
4 this case. You must consider the charge as a whole and  
5 not focus on some portions to the exclusion of other  
6 portions.

7 The indictment charges the defendant with  
8 distribution of crack cocaine. I remind you, the fact  
9 the defendant was arrested, charged, and indicted in this  
10 case is not evidence in this case and cannot be  
11 considered by you as evidence of guilt in this case, nor  
12 does it create any presumption or inference of guilt.

13 This document is simply the formal written  
14 instrument which contains the charge made against the  
15 defendant. This is the formal document by which this  
16 case is brought into this Court.

17 Once again, the defendant has pled not guilty to  
18 this indictment. And that plea puts the burden on the  
19 state to prove the defendant guilty. A person charged  
20 with committing a criminal offense in South Carolina is  
21 never required to prove himself innocent.

22 I charge you that it is an important rule of the law  
23 that the defendant in a criminal trial, no matter what  
24 the seriousness of the charge may be, will always be  
25 presumed to be innocent of the crime for which the

1 indictment was issued, unless guilt has been proven by  
2 evidence satisfying you of that guilt beyond a reasonable  
3 doubt. This presumption of innocence does not end when  
4 you begin your deliberations, but it accompanies the  
5 defendant throughout the trial, unless you reach a  
6 verdict of guilt based on evidence satisfying you of that  
7 guilt beyond a reasonable doubt.

8 This presumption of innocence is like a robe of  
9 righteousness placed about the shoulders of the  
10 defendant, which remains with the defendant, unless it  
11 has been stripped from the defendant by evidence  
12 satisfying you of the defendant's guilt beyond a  
13 reasonable doubt.

14 The presumption of innocence is not mere legal  
15 theory. It's not just a legal phrase. It is a  
16 substantial right to which every defendant is entitled  
17 unless you, the jury, are satisfied, from the evidence,  
18 of the defendant's guilt beyond a reasonable doubt.

19 Now, concerning reasonable doubt, some of you may  
20 have served as jurors in civil cases, where you were told  
21 that it is only necessary to prove that a fact is more  
22 likely true than not true, such as by the greater weight,  
23 or preponderance, of the evidence. In criminal cases the  
24 state's proof must be more powerful than that. It must  
25 be beyond a reasonable doubt.

1           Proof beyond a reasonable doubt is proof that leaves  
2 you firmly convinced of the defendant's guilt. Now,  
3 there are very few things in this world that we know with  
4 absolute certainty. And in criminal cases the law does  
5 not require proof that overcomes every possible doubt.

6           If, based on your consideration of the evidence, you  
7 are firmly convinced that the defendant is guilty of the  
8 crime charged, you must find the defendant guilty. If,  
9 on the other hand, you think there is a real possibility  
10 that the defendant is not guilty, you must give the  
11 defendant the benefit of the doubt and find him not  
12 guilty.

13           Now, I remind you once again that during this trial,  
14 you and I have had certain duties to perform. As the  
15 trial judge, it has been my responsibility to preside  
16 over the trial of this case. And I also have the duty --  
17 have had the duty to rule on the admissibility of the  
18 evidence offered during this trial.

19           You are to consider only the competent evidence  
20 before you. If there was any testimony ordered stricken  
21 from the record in this case during this trial -- and I  
22 don't believe that there was. But if there was, you must  
23 disregard that testimony.

24           You are to consider only the testimony which has  
25 been presented from this witness stand, any exhibits

1 which have been made a part of the record in this case,  
2 and any stipulations of counsel.

3 I have the additional duty to charge you the law  
4 applicable to this case. As the presiding judge, I am  
5 the sole judge of the law of this case. And it is your  
6 duty as jurors to accept and apply the law as I now state  
7 it to you.

8 If you already have any idea as to what the law is  
9 or what the law ought to be and it does not agree with  
10 what I now tell you the law is, you must abandon your  
11 idea, because you are sworn to accept the law and apply  
12 the law exactly as I state it to you.

13 In every case tried in this Court before a jury, the  
14 jury becomes the sole and exclusive judge of the facts in  
15 a case. A trial judge cannot intimate, state, comment  
16 on, or make any statement to a trial jury about the facts  
17 in a case.

18 Since you, the jury, are the sole judge of the facts  
19 in this case, you are not to infer, from what I have said  
20 during the progress of this trial in ruling upon the  
21 admissibility of evidence or otherwise, or anything that  
22 I say now during the course of this instruction to you,  
23 that I have any opinion about the facts in this case.  
24 The law does not allow me to have an opinion about the  
25 facts in this case. This is a matter solely for you, the

1 jury, to determine. As jurors it is your duty to  
2 determine the effect, value, and weight of the evidence  
3 presented during this trial.

4 Now, there are two types of evidence which are  
5 generally presented during a trial, that being direct  
6 evidence and circumstantial evidence. Direct evidence  
7 directly proves the existence of a fact and does not  
8 require deduction. Circumstantial evidence is proof of a  
9 chain of facts and circumstances indicating the existence  
10 of a fact.

11 Crimes may be proven by circumstantial evidence.  
12 The law makes no distinction between the weight or value  
13 to be given to either direct or circumstantial evidence.  
14 However, to the extent the state relies on circumstantial  
15 evidence, all of the circumstances must be consistent  
16 with each other and, when taken together, point  
17 conclusively to the guilt of the accused beyond a  
18 reasonable doubt. If these circumstances merely portray  
19 the defendant's behavior as suspicious, the proof has  
20 failed.

21 Once again, the state has the burden of proving the  
22 defendant guilty beyond a reasonable doubt. And this  
23 burden rests with the state regardless of whether the  
24 state relies on direct evidence, circumstantial evidence,  
25 or some combination of the two.

1           Necessarily, Madam Forelady and ladies and gentlemen  
2 of the jury, you must determine the credibility of  
3 witnesses who have testified in this case and the  
4 evidence presented. Credibility simply means  
5 believability. It becomes your duty as jurors to analyze  
6 and to evaluate the witnesses and the evidence and  
7 determine the credibility of the witnesses /and the  
8 evidence.

9           In determining the credibility of witnesses who have  
10 testified in this case, you may believe one witness over  
11 several witnesses, several witnesses over one witness.  
12 You may believe a part of the testimony of a witness and  
13 reject the remaining part of the testimony of that same  
14 witness. You may believe the testimony of a witness in  
15 its entirety or reject the testimony of a witness in its  
16 entirety.

17           You may consider whether any witness has exhibited  
18 to you any interest, bias, prejudice, or other motive in  
19 this case. You may also consider the appearance and  
20 manner of a witness while on the witness stand.

21           Now, in order to establish criminal liability,  
22 criminal intent is required. For example, the mental  
23 state required to be proven by the state for a particular  
24 crime might be purpose, intent, knowledge, recklessness,  
25 or criminal negligence.

1 Criminal intent must be proven by the state beyond a  
2 reasonable doubt. Criminal intent is always a matter  
3 that must be determined by the jury from the  
4 circumstances surrounding the situation.

5 Now, there's no way to prove intent to a  
6 mathematical certainty. There is no way medical science  
7 can dissect a person's brain and determine what the  
8 person had in mind. So the law says that criminal intent  
9 may be inferred from the circumstances shown to have  
10 existed. This is how you make a determination of whether  
11 or not the element requiring intent was present.

12 It is not necessary to establish intent by direct  
13 and positive evidence. But intent may be established by  
14 inference in the same way as any other fact, by taking  
15 into consideration the acts of the parties and all the  
16 facts and circumstances of the case.

17 Criminal intent is a mental state, a conscious  
18 wrongdoing. It is up to you to determine what the  
19 defendant intended to do, based on the circumstances  
20 shown to have existed.

21 Now, I instruct you and emphasize that the fact the  
22 defendant did not testify is not a factor to be  
23 considered by you in any way in your deliberation and in  
24 your consideration on the question of the guilt or  
25 innocence of the defendant. It must not be considered by

1 you in any manner whatsoever.

2 A defendant has the constitutional right to remain  
3 silent. And the assertion of this right must not be  
4 considered by you in your deliberations.

5 I repeat, under your oath, you are to draw no  
6 conclusion whatsoever from the fact that the defendant in  
7 this case did not testify. The fact that this defendant  
8 did not testify should not even be discussed in the jury  
9 room.

10 The burden of proof, as I have stated to you, is on  
11 the state. The defendant is not required to prove his  
12 innocence. The burden of proof remains on the state to  
13 prove guilt beyond a reasonable doubt.

14 Now, once again, the defendant is charged with  
15 distribution of crack cocaine. The state must prove  
16 beyond a reasonable doubt that the defendant  
17 manufactured, distributed, dispensed, delivered,  
18 purchased, or otherwise aided, abetted, attempted, or  
19 conspired to manufacture, distribute, dispense, deliver,  
20 or purchase, or possessed with -- with the intent to  
21 distribute, dispense, or deliver crack cocaine.

22 Distribute means to deliver or to actually,  
23 constructively, or attempt to transfer a drug, other than  
24 by administering or dispensing. Deliver means to  
25 actually, constructively, or attempt to transfer a drug.

1 A transfer can involve an exchange for money, a barter,  
2 or a gift. There does not have to be anything given in  
3 exchange for the drugs for a transfer to constitute  
4 distribution.

5 Now, Madam Forelady, ladies and gentlemen of the  
6 jury, there are two possible verdicts in this case on  
7 this one charge, that being not guilty and that being  
8 guilty. And your verdict that you reach, ladies and  
9 gentlemen must be unanimous among the 12 of you. And  
10 when you have reached a unanimous verdict, then just  
11 notify the bailiff by a knock on the door. And they can  
12 -- and the bailiff can let the Court know that you have  
13 reached a verdict.

14 If, at any time, you believe that you need to ask a  
15 question of the Court, write it down and sign it, Madam  
16 Forelady, if that need arises. I am going to give you a  
17 copy of what I have just read to you, and you can use  
18 this written charge in any manner that you feel like is  
19 necessary.

20 Now, I'm going to come down and I'm going to show  
21 you the verdict form. It's very easy to complete. And  
22 this is how you will indicate what your verdict is.

23 This just indicates the name of the case, the  
24 indictment number, and as to the indictment number which  
25 charges the defendant with distribution of crack cocaine,

1 we, the jury, find the defendant and -- guilty or not  
2 guilty. And whatever line represents your verdict, you  
3 will put your initials, Madam Forelady, on the  
4 appropriate line, indicating your verdict. And you will  
5 sign it. And it has already been dated for you.

6 Now, I need to talk with the lawyers to make sure  
7 that there no additions or corrections to my charge.  
8 Consequently, I need for all thirteen of you to go back  
9 to the jury room and do not begin your deliberations yet.

10 If there are no additions or corrections to the  
11 Court charge, then the verdict form, a copy of my charge,  
12 and the exhibits will be delivered to you, along with a  
13 computer.

14 If you decide that you want to look at the video,  
15 that's your choice. But if you do, then we're providing  
16 you with a computer to use to view that video. That's  
17 your decision to do.

18 So if all that's brought to you, Madam Forelady,  
19 then two things will happen. I'll need the alternate to  
20 exit the jury room and come back into the courtroom for  
21 further instructions. And then you can begin your  
22 deliberations.

23 But don't start yet. So I need all thirteen of you  
24 to go back to the jury room.

25 (Whereupon, the jury exited the courtroom at 2:34

1 THE COURT: All right. It's my understanding that  
2 the jury has informed us that they have a verdict.

3 Mr, Hair, we'll bring the jury out, please.

4 (Off the record briefly.)

5 (Whereupon, the jury entered the courtroom at 3:10  
6 p.m.)

7 THE BAILIFF: All present, Your Honor.

8 THE COURT: All right. Thank you, Mr. Hair.

9 Madam Forelady, without telling me what the verdict  
10 is, it's my understanding that you have reached a  
11 verdict. Is that correct?

12 THE FOREPERSON: Yes, sir.

13 THE COURT: And is the verdict unanimous among the  
14 twelve of you?

15 THE FOREPERSON: Yes, sir.

16 THE COURT: Would you hand Mr. Hair the verdict form  
17 and he'll hand it to me.

18 THE FOREPERSON: (Complied.)

19 THE COURT: All right. Madam clerk, would you  
20 publish the verdict.

21 Mr. Williams, would you please stand.

22 THE DEFENDANT: (Complied.)

23 VERDICT OF THE JURY

24 CLERK OF COURT: Your Honor (As read): "In the  
25 case of the *State of South Carolina v. Arthur Lee*

1        *Williams, III*, Case No. 2015-GS-30-1488, as to Indictment  
2        No. 2015-GS-30-1488, which charges the defendant with  
3        distribution of crack cocaine, we, the jury, find the  
4        defendant guilty. Signed by the forelady, Mary Anne  
5        Weaver, dated May 25th, 2018."

6                Ladies and gentlemen, if that be your verdict,  
7        please indicate it by raising your right hands.

8                (Whereupon, each juror raised his/her right hand.)

9                CLERK OF COURT: Thank you.

10               THE COURT: All right. Let the record reflect that  
11        all twelve hands were raised.

12               Does the defense request individual polling of the  
13        jury?

14               MR. TONEY: I'll waive it.

15               THE COURT: Okay. You waive it? Okay. And ---

16               MR. TONEY: I saw them raise their hands.

17               THE COURT: Okay. All right. Very good. You can  
18        have a seat.

19               Madam Forelady and ladies and gentlemen of the jury,  
20        let me thank you for your jury service. As I told you  
21        the other day, we have the greatest justice system in the  
22        world. And juries play a very vital and important role  
23        in our justice system.

24               Sitting on a jury is not -- is not easy. It's  
25        difficult. But I believe you have performed your duties

1 conscientiously and efficiently.

2       And I hope that you have experienced something that  
3 you've not experienced before and that maybe you've  
4 learned some things that you did -- did not know before.  
5 But once again, I do thank you for your service.

6       Madam Forelady, I'll need for you in just a moment  
7 to sign the back of the indictment indicating your  
8 verdict.

9       But I like to shake the hands of my jury. So I'm  
10 going to come down. And as you are exiting, I'll shake  
11 your hand.

12       Checks will be mailed to you in the near future. If  
13 you need a work excuse, you'll -- you'll just go down to  
14 the clerk's office on the other side and they'll be glad  
15 to give you a -- a work excuse.

16       But you are free to go. If you want to stay around  
17 for sentencing, they'll -- they'll take you around and  
18 you can sit at the back if you would like to. You  
19 certainly don't have to. But if you'd like to stay for  
20 sentencing, then you can just sit at the back. Okay?

21       (Whereupon, the jury exited the courtroom at 3:13  
22 p.m.)

23       (Off the record from 3:13 p.m. until 3:25 p.m.)

24       THE COURT: Okay. We're in the sentencing phase of  
25 the case of *State of South Carolina v. Arthur Lee*

1       *Williams, III*, Indictment 15-GS-30-1488. As it relates  
2 to sentencing, I'll hear from the state first and then  
3 from the defense.

4       So Solicitor Boykin, you may proceed.

5       MS. BOYKIN: Thank you, Your Honor. First off, I  
6 just would like to place on the record the defendant's  
7 criminal history.

8       THE COURT: If you'll read that into the record --  
9 and I'm going to write it out, so don't read real fast  
10 ---

11       MS. BOYKIN: Okay. Yes ---

12       THE COURT: --- okay?

13       MS. BOYKIN: --- Your Honor. 2007 he has a public  
14 disorderly conduct; 2008, possession with intent to  
15 distribute marijuana. He also has a distribution of  
16 marijuana in 2008. Receiving stolen goods, possession of  
17 cocaine, auto-breaking and driving under suspension.  
18 2011 he has a simple possession of marijuana, hit-and-  
19 run, failure to stop for a blue light.

20       2012 driving under suspension, simple possession of  
21 marijuana. 2013 he has a possession of cocaine. In 2013  
22 he also has a trafficking of cocaine, 10 to 28 grams.

23       THE COURT: Okay.

24       MS. BOYKIN: And, Your Honor, I have certified  
25 convictions for the drug offenses that would make this a

1 fourth offense, if you would like to see those, Your  
2 Honor.

3 Do you want to see them?

4 THE COURT: No. I'm -- that -- that's fine.

5 Mr. Toney, if you want to look at that and if you  
6 disagree with his prior record, I'll need to hear from  
7 you on that.

8 MR. TONEY: This is fine.

9 MS. BOYKIN: All right.

10 THE COURT: Are you in agreement with his prior  
11 record ---

12 MR. TONEY: Yes, sir, I am.

13 THE COURT: Okay. Thank you ---

14 MR. TONEY: Yes, Your Honor.

15 THE COURT: --- very much. Okay.

16 MS. BOYKIN: Your Honor, I just would -- I think  
17 Officer Matt Veal would like to speak.

18 THE COURT: Okay.

19 MS. BOYKIN: You know, we've had, you know, a lot of  
20 run-ins Mr. Williams; that law enforcement's had a lot of  
21 run-ins with him. He is constantly shown that he will  
22 not conform to the laws of society. He is, I guess, a  
23 thorn in their side. I think they would like to be heard  
24 at ---

25 THE COURT: Okay.

1 MS. BOYKIN: --- the appropriate time as for  
2 sentencing.

3 THE COURT: Okay. All right. Sergeant Veal, I need  
4 for you to be sworn in.

5 Madam clerk?

6 MATT VEAL, having been first duly sworn,  
7 responded and stated as follows:

8 THE COURT: Okay. Yes, sir. Be glad to hear from  
9 you, Sgt. Veal.

10 MR. VEAL: Judge, I've been a narcotics officer for  
11 10, going on 11, years. And I've heard Mr. Williams'  
12 name a lot. He's a menace to society. I think he needs  
13 to be placed in -- in SCDC for a very long time.

14 Myself and Sgt. Prather here, we've dealt with him  
15 on numerous occasions. I -- I think the jury got it  
16 right. I think the Court will do its justice. And I  
17 think he needs to -- he -- he needs to spend a long time  
18 in jail.

19 THE COURT: Okay. All right. Thank you very much.  
20 Anything further from the state as it relates to  
21 sentencing ---

22 MS. BOYKIN: No ---

23 THE COURT: --- Solicitor?

24 MS. BOYKIN: --- Your Honor.

25 THE COURT: Okay. Mr. Toney, I'll be glad to hear

1 from you.. And I don't -- well, he -- I have seen some --  
2 some ladies sitting behind him. I don't know if that's  
3 family.

4 MR. TONEY: Yes.

5 THE COURT: If -- if they want to address the Court,  
6 I'll be glad to hear from them. That's your call.

7 MR. TONEY: Your Honor, he's 28 years old. This  
8 happened about three years ago. He hopes to have a  
9 future.

10 He has people that love him. He has two children.  
11 He loves his children.

12 He was in a tough spot. He rolled the dice. I  
13 understand that.

14 He does have a bit of a record. But the fact is --  
15 is he -- he has hopes for a future. He can be  
16 rehabilitated.

17 I'm not going to make any of the arguments about not  
18 giving people lengthy drug sentences. But I will say the  
19 range is very high. And I think it's perhaps excessive  
20 under -- even under our constitution.

21 I think that a more appropriate sentence, other than  
22 the maximum, might be 10 to 15 years. That would be  
23 enough to -- to basically punish him. He would be doing  
24 85 percent time.. It's a long time. Ten years is not  
25 insignificant.

1 I've been dealing with people in SCDC now for a long  
2 time. And I'm starting to understand more and more about  
3 it. It's very dangerous.

4 I was up in a prison last year. And in the one ward  
5 I was in, three people were stabbed in the neck on three  
6 separate occasions in just one -- one dorm. It's very  
7 violent. It's 100 times worse than what's on the news,  
8 and what's on the news is bad.

9 The -- the risk to his safety while he's there,  
10 tremendous. And I think those risks, which are now a  
11 subject of -- of political campaigning and -- and are  
12 well-known, should be taken to -- into account by the  
13 Court, the fact that it is well-known that South Carolina  
14 has a very violent prison system. It's very dangerous.  
15 And it's -- it's -- it's -- it's unsafe.

16 And -- and his mother would like to speak.

17 THE COURT: Okay.

18 MR. TONEY: And he would like to say something.

19 THE COURT: Okay. Would you come up here please,  
20 ma'am? And you can just stand over here.

21 (Whereupon, Ms. Butler came forward.)

22 THE COURT: I'll need to have you sworn in, and then  
23 identify yourself once you -- once you are.

24 LEOMIA BUTLER, having been first duly sworn,  
25 responded and stated as follows:

1 THE COURT: Yes, ma'am. Would you state your name?

2 MS. BUTLER: Leomia Butler.

3 THE COURT: Okay. Ms. Butler, be glad to hear from  
4 you.

5 MS. BUTLER: I would like to say -- and to add to  
6 what defense attorney has already said, that we all have  
7 a history. We all have done things that you know is not  
8 pleasing to -- to our life now. Yes. My son had done  
9 some things that is not appropriate.

10 And with the sentence that the solicitor want to  
11 give him, I feel, you know, it -- it's unfair. It's  
12 unfair to what was already brought forth towards the  
13 jury. And we ask -- ask -- ask the jury to hear what was  
14 said.

15 In his past life, yeah. He -- he did those things.  
16 He -- now he's a -- he's a father. He has two young  
17 children who -- who needs him: 15 months old and just  
18 recently had a 3-month-old baby who has yet to get to see  
19 him -- have seen due to the fact that, you know, he's  
20 been incarcerated on charges that he's already been  
21 somewhat faced with.

22 And with the time that they want to give him now,  
23 he's going -- it's going to take away his life, his life  
24 from his children, his life from his family, me as his  
25 mother. And to -- to close on that, you know, I just

1 find that, you know -- that we have a heart. We have a  
2 heart. Just have a heart and doing what is right, doing  
3 what is fair, based on what was already presented and  
4 what was -- and what was given beyond his past.

5 THE COURT: Okay. Thank you, ma'am.

6 MS. BUTLER: You're welcome.

7 THE COURT: And did you say that Mr. Williams would  
8 like to address the Court? You're ---

9 MR. TONEY: Yes ---

10 THE COURT: --- more than ---

11 MR. TONEY: --- yes ---

12 THE COURT: --- welcome.

13 MR. TONEY: --- Your Honor.

14 THE COURT: I'll be glad to hear from you, Mr.  
15 Williams.

16 THE DEFENDANT: Just I'd like to start by saying  
17 that yes, once upon a time, I did do some things I  
18 shouldn't have done. Those were years ago.

19 At that time I actually thought I was just -- I was  
20 living. I -- I thought I was living. But now that I  
21 understand what living actually is, I know I wasn't  
22 living.

23 Once I had children, I really understood what it  
24 was. I thought I was a man. It changed my life  
25 completely. I never have just -- I had three month -- at

1 the time my son was 3 months old. I got incarcerated.  
2 That opened my eyes up even more.

3 I just had a daughter. She's 4 months old. I never  
4 held her. It hurts me every day. This is the reason why  
5 I have been fighting like I have.

6 I've even tried to compromise with the solicitors to  
7 even get a short sentence to satisfy both sides of the  
8 party to get home to my children. It's not just me at  
9 stake that I feel; it's them, my family, loved one. I  
10 mean, it -- it tears me apart.

11 I'm just asking if you could be as light on  
12 sentencing as you could, I would greatly appreciate it,  
13 Your Highness, Your Honor, Your Majesty, all the great  
14 things above, Your Perfectness. I wish I could be on the  
15 level that you are.

16 I've messed up. So if you could be as lenient as  
17 you can, I would greatly appreciate it.

18 THE COURT: All right. Thank you, sir.

19 I need a -- a -- a credit amount. Do we have that  
20 figure handy?

21 MR. TONEY: I know he did ten months and then some  
22 before that.

23 MS. BOYKIN: As for this charge, Judge, I -- I'm not  
24 exactly sure the amount. We'd have to calculate that.

25 THE COURT: All right.

1 MS. BOYKIN: He's been in the jail, I believe, since  
2 January of this year ---

3 MR. TONEY: Is that it?

4 MS. BOYKIN: --- or February?

5 THE DEFENDANT: I've been incarcerated since August  
6 of last year.

7 MS. BOYKIN: So ---

8 MR. TONEY: On this charge?

9 MS. BOYKIN: That wasn't on this charge, though. So  
10 I -- that wouldn't be credit for that.

11 THE COURT: Right. As far as the amount of time he  
12 has been incarcerated on this charge, can y'all just  
13 maybe step back, put your heads together? Because I want  
14 to go ahead and have that determined.

15 (Off the record from 3:34 p.m. until 3:37 p.m.)

16 MR. TONEY: Your Honor, I guess he did five days and  
17 then he was picked up on a bench warrant. But the  
18 bondsman never went off his bond. I think they should  
19 give him credit for all the time he's been in since then.  
20 Because the bondsman should've gone off his bond.

21 MS. BOYKIN: I ---

22 THE COURT: Okay. He was picked up on a bench  
23 warrant. But for whatever reason, bond was not revoked?

24 MS. BOYKIN: Judge, so he was arrested on July 16th,  
25 2015. He spent five days in the detention center; bonded

1 out. A bench warrant was issued on November 4th, 2015.

2 He eventually was picked up. He did 39 days in the  
3 detention center. And the bench warrant was lifted April  
4 1st, 2016.

5 THE COURT: Okay.

6 MS. BOYKIN: The charge he is in on now -- and  
7 that's what I wanted to go over -- he has multiple other  
8 pending charges with our office. He is in right now, I  
9 believe, on the newest distribution of crack cocaine,  
10 which is 2017, as a bench warrant. And I believe ---

11 MR. TONEY: I would ask that the Court not consider  
12 that.

13 MS. BOYKIN: Well, for bench warrant purposes of why  
14 he's in the detention center and also ---

15 THE COURT: I -- I will not consider pending  
16 charges, as far as sentencing. Be assured of that.

17 But I think we need to go through this so he can --  
18 he -- he can get the credit that he is entitled to. I  
19 want to make sure that he gets every day that he has been  
20 incarcerated.

21 MS. BOYKIN: And the other charge he has a bench  
22 warrant on is the strong-arm robbery, I believe. And  
23 that is why he is currently being held at the detention  
24 center, not for this charge.

25 THE COURT: Okay.

1 MS. BOYKIN: So the state would ask that he not get  
2 credit for those -- that time, because he's not entitled  
3 to it for this case.

4 THE COURT: Okay. All right.. So for this charge,  
5 then, Solicitor, you're saying 44 days?

6 MS. BOYKIN: Yes, Your Honor.

7 THE COURT: Okay. And, Mr. Toney, are you asking  
8 for credit that he's been in jail on unrelated charges?

9 MR. TONEY: Yes, I am. Because they could've very  
10 easily or perhaps should've gone off his bond immediately  
11 upon him being picked up. And he has basically been  
12 serving time on this charge also, I think.

13 I -- I just believe that they -- bondsmen sometimes  
14 just say, Well, let's just let it ride. And basically,  
15 he's out on bond while he's in jail. It doesn't make any  
16 sense.

17 THE COURT: Well, is it -- is it -- does it even  
18 apply -- if he's picked up on a bench warrant and the  
19 bond is still there but he's in jail because of the bench  
20 warrant, then whether or not the bondsman comes off his  
21 bond, that's not -- I don't see where that's really  
22 important. He's in jail.

23 And then, we have to look at: Is he in jail because  
24 of this charge, or is he in jail because of something  
25 else? Isn't that how we are supposed to look at it?

1 MS. BOYKIN: Yes, Your Honor..

2 MR. TONEY: I think the Court could give him credit  
3 for the time he's been in. I -- I believe the Court can.

4 THE COURT: Let -- let ---

5 MS. BOYKIN: And, Judge, I believe he's been in the  
6 detention center in Laurens here since -- is it January  
7 or February? He went down to SCDC for a few months and  
8 then was brought here to the Laurens Detention Center, I  
9 believe, in -- the end of January or beginning of  
10 February of this year and was being held on the bench  
11 warrants for those other charges.

12 THE COURT: Right. Okay. All right. Everybody be  
13 at ease just a moment.

14 (Off the record briefly.)

15 THE COURT: All right. Under 24-13-40, it says that  
16 (As read): "Provided, however, that credit for time  
17 served prior to trial and sentencing shall not be given"  
18 -- and No. 1 deals with escape, so that's not applicable  
19 -- "shall not be given when the prisoner is serving a  
20 sentence for one offense and is awaiting trial and  
21 sentence for a second offense, in which case he shall not  
22 receive credit for time served prior to trial in a  
23 reduction of his sentence for the second offense."

24 MR. TONEY: I ---

25 THE COURT: I'm not ---

1 MR. TONEY: --- I would ---

2 THE COURT: --- sure exactly what that -- what that  
3 really is telling us.

4 Here's what -- here's what I'm going to do, Mr.  
5 Toney, is I'm going to give him credit -- and -- but hear  
6 me out completely. I'm going to give him credit for only  
7 the 44 days. However, I will allow you -- well, you're  
8 allowed ten days -- and I'll give you ten days -- to file  
9 any motions for new trial or whatever, if you feel like  
10 that is appropriate.

11 I'll allow you to file a motion for reconsideration  
12 of the credit issue. And we could look at it a little --  
13 a little further. I'm just -- I'm just extending that  
14 offer to you and let you make that -- let you make that  
15 decision.

16 MR. TONEY: Thank you.

17 THE COURT: Okay. All right.

18 I mean, I will say this: I typically don't give  
19 credit when it's unrelated to the charge. But in -- in  
20 -- in reading the statute, which I haven't read in -- in  
21 a -- in a while, it's not necessarily real clear. So  
22 that's why -- and I'm not suggesting, by my offer to you,  
23 Mr. Toney, to file a reconsideration of the credit issue.  
24 It wouldn't necessarily change the credit, but would  
25 certainly give us all an opportunity to maybe take a look

1 at it a little further. Okay.

2 Well, Mr. Williams, you've had a -- needless to say,  
3 a very long drug history. And we have got such a problem  
4 with drugs, not only in -- in this county, across the  
5 state, across the nation. Notwithstanding the work that  
6 these fine officers are -- have done and are doing, we  
7 still have a tremendous problem.

8 Whether or not the problem can ever be remedied, I'd  
9 love to be able to say yes. But I'm not -- I'm not  
10 convinced that we'll ever be able to -- to solve it.

11 But you -- you evidently have been -- been a major  
12 player in the -- in the drug problem in this county, just  
13 by virtue of your very significant drug record. And, I  
14 mean, even -- you were convicted two years or less with a  
15 trafficking in cocaine, and then, here you turn around in  
16 2015 and sell some cocaine.

17 There's got to be some significant consequences for  
18 your -- for your actions. I've said this before. And  
19 I'm going to say it again. I got a good friend who --  
20 who says: You can choose your sins, but you just can't  
21 choose your consequences.

22 Your consequences are determined by me. That's what  
23 the Supreme Court of this state has vested with me, the  
24 -- the authority to impose the consequences, which I  
25 believe are appropriate in this case.

## 1 SENTENCE OF THE COURT

2 THE COURT: Mr. Williams, on Indictment 15-GS-30-  
3 1488, sentence of the Court is you be committed to the  
4 State Department of Corrections for a period of 25 years,  
5 credit for 44 days. Good luck to you. Sheriff, take him  
6 into custody! Well, he's already in custody.

7 All right. This matter is adjourned.

8 MR. TONEY: Thank you.

9 MS. BOYKIN: Thank you, Your Honor.

10 (Whereupon, the proceedings were concluded at 3:44 p.m.)

11 --- END OF TRANSCRIPT OF RECORD ---  
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THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

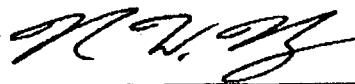
INDICTMENT FOR

Distribution Crack Cocaine  
§44-53-0375

At a Court of General Sessions, convened on the 2<sup>nd</sup> day of October, 2015, the Grand Jurors of Laurens County present upon their oath:

That Arthur Lee Williams III did, on or about July 10, 2015, 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.



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Assistant Solicitor

**WITNESSES**

Matthew Veal  
Laurens County Sheriff

**WARRANT NUMBER**

2015A3010101066

True Bills

Marietta Thompson  
Foreman of the Grand Jury

Date: 10-2-15

**VERDICT**

GUILTY  
Mary Ann Weaver 5/25/18  
Foreman

**THE STATE OF SOUTH CAROLINA**

COUNTY OF LAURENS

**COURT OF GENERAL SESSIONS**

October Term, 2015

Indictment # 15GS30- 1488

**THE STATE**

vs.

Arthur Lee Williams III

BW issued

**INDICTMENT FOR**

**Distribution Crack Cocaine**  
§44-53-0375

CDR: 3039

COUNTY OF LAURENS

STATE VS.

ARTHUR LEE WILLIAMS, III

AKA:

Race: Black Sex: M Age: 28

DOB: SS#:

Address:

City, State, Zip: Clinton, SC 29325

DL# SID#

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Distribution of Crack Cocaine 3rd or Sub. Offense

In violation of § 44-53-375(B) of the S.C. Code of Laws, bearing CDR Code # 3039

SENTENCE SHEET

INDICTMENT/CASE#: 15GS30-1488
A/W: 2015A3010101066
Date of Offense: 07/10/2015
S.C. Code §: 44-53-0375
CDR Code #: 3039

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Margaret Boykin, Assistant Solicitor

101017 SC Bar #

Defendant

Attorney for Defendant

2460 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections or County Detention Center, for a determinate term of 25 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

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. CREDIT 44 DAYS

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment
Payment Terms: Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Recipient:

\*Fine: \$

§14-1-206 (Assessments 107.5%) \$

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$

§56-5-2995 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Prob) \$500 \$

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

§50-21-114 (BUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ca \$

3% to County (if paid in installments) \$ \$ 18.25

TOTAL \$ 283.25

Clerk of Court/Deputy Clerk: Dana W. R...
Court Reporter: Margaret ...

Presiding Judge:

Judge Code: 21167

Sentence Date: 5/25/18

## 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,



Victor R Seeger  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 30th day of May, 2019.

**RECEIVED**

MAY 30 2019

SC Court of Appeals