

8
ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

SHELDON ALONZO WATSON,

APPELLANT

APPELLATE CASE NO 2018-002246

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
)
 -VS-)
)
 SHELDON ALONZO WATSON,)
)
 DEFENDANT.)
 _____)

2017-GS-23-08109

TRANSCRIPT OF RECORD

DECEMBER 11 - 12, 2018
GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE EDWARD W. MILLER

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

ATTORNEY FOR PLAINTIFF:

KIMBERLY HOWARD, ASST. SOLICITOR

ATTORNEYS FOR DEFENDANT:

CHRISTOPHER GRUBBS, ASST. PUBLIC DEFENDER
TEAL JOHNSON, ASST. PUBLIC DEFENDER

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

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1 Tuesday, December 11, 2018:

2 (Whereupon State's exhibits 1 and 2 were marked for
3 identification)

4 **THE COURT:** Thanks very much. Please be seated. Do I
5 have witness lists, and voir dire and all that?

6 **MS. HOWARD:** I submitted a witness list to the clerk,
7 Your Honor. There should be one on your desk.

8 **THE COURT:** Okay.

9 **MS. HOWARD:** And I don't have any specific voir dire.
10 I believe the defense has a few motions for Your Honor.

11 **MR. GRUBBS:** We do have motions, Your Honor, but no
12 voir dire or any witness list.

13 **THE COURT:** What kind of motions?

14 **MR. GRUBBS:** Motion to suppress, a couple of motions in
15 *limine*, Your Honor. I'd be happy to give you a copy of
16 those motions.

17 **THE COURT:** Well, just tell me what they are right now.

18 **MR. GRUBBS:** Sure. I've got one motion to suppress
19 based on lack of reasonable suspicion. I've got a motion in
20 *limine* to exclude all testimony having to do with my
21 client's citizenship status.

22 So I spoke with Ms. Howard about that briefly earlier.
23 We didn't quite iron out whether or not we would stipulate
24 to that.

25 There was another motion in *limine* that had to do with

1 an arrest that had occurred five days prior to this one that
2 was mentioned quite a bit during the incident report of this
3 case. We did stipulate that they would not be bringing
4 anything about that prior arrest as it has not been
5 adjudicated yet.

6 In addition, I've got another motion to suppress events
7 that happened at the Spinx station based on character
8 evidence and prior bad acts. So I have those three motions
9 in *limine* as well as a motion to suppress, Your Honor.

10 **THE COURT:** Any reason not to pick the jury before we
11 do any of that?

12 **MR. GRUBBS:** No, Your Honor. I'm happy to go whichever
13 way the Court wants to go.

14 **MS. HOWARD:** No, Your Honor. And we might have a small
15 bit of a scheduling issue also. One of my witnesses, the
16 evidence custodian, with the -- there was a mixup in
17 subpoenas. We subpoenaed the supervisor literally at the
18 same time that her leave request was crossing over in
19 inneroffice mail. So it was served, but we were never
20 notified that she was on leave.

21 Now, again, that then falls on us, but the actual
22 person who did check the evidence into P&E and had it
23 submitted for staging for lab testing is there today. But I
24 called her this morning, she was available. She gets off at
25 3:30. She's not under subpoena. I can rush one over for

1 her. But I didn't know what Your Honor was thinking about
2 the rest of the day, if you felt we could finish this today
3 or if I could ---

4 **THE COURT:** I don't know. I don't know how long the
5 witnesses are.

6 **MS. HOWARD:** Well, I plan -- I told her I would call
7 her first, just kind of going out of order of what I
8 normally do. So I could just -- we can just let this ride
9 and see how long we go.

10 **THE COURT:** Well, just tell her to be on standby. She
11 might -- was she going to be your last witness or where ---

12 **MS. HOWARD:** She could be my first. She was going to
13 be in between officer and chemist.

14 **THE COURT:** Well, how you going to -- how's that going
15 to happen? Don't you have to have an arrest first? You've
16 got to have some drugs for her to take custody of.

17 **MS. HOWARD:** I know.

18 **THE COURT:** So ...

19 **MS. HOWARD:** And, I mean, I can always try to go
20 forward without her. I know that the defense was not going
21 to stipulate to that, but we could just see how far ---

22 **THE COURT:** Well, we just, you know, we'll see -- is
23 she available tomorrow?

24 **MS. HOWARD:** She's available tomorrow. I feel --
25 actually I would need to call her. With the snow, it threw

1 everything off, as you know. And my investigator's out
2 having a medical procedure. So I didn't have yesterday to
3 get in touch with all the people that were off. So I can
4 call to see if she's available tomorrow.

5 I just don't want to hold the Court up ---

6 **THE COURT:** Well, ---

7 **MS. HOWARD:** --- anymore than necessary. So I
8 apologize for that.

9 **THE COURT:** Okay. All right. Well, let's get the jury
10 picked and then we'll ---

11 **MS. HOWARD:** We'll go from there? Okay.

12 **THE COURT:** --- crank.

13 **MR. GRUBBS:** Sounds good, Your Honor.

14 (Pause)

15 (Whereupon the jury panel entered the courtroom at 2:47
16 pm)

17 **THE COURT:** All right. Ladies and gentlemen, welcome
18 up to courtroom four. Hope y'all had a pleasant lunch. And
19 as I've told you already, you've been qualified to serve as
20 jurors under our law for this week. And now we have to
21 qualify you to serve as jurors for this particular case.

22 And so in order for me to do that, I need to introduce
23 the case to you. And this is the State of South Carolina
24 versus Sheldon Alonzo Washington [sic]. It's an indictment
25 for trafficking methamphetamine.

1 This indictment alleges that Sheldon Alonzo Watson did
2 in Greenville County on or about the 24th day of April of
3 2017 knowingly sell, manufacture, deliver or bring into the
4 State of South Carolina or did knowingly provide financial
5 assistance or otherwise aid, abett, attempt or conspire to
6 sell, manufacture, deliver or bring into the State or was
7 knowingly in actual or constructive possession of more than
8 twenty-eight (28) grams, but less than one hundred (100).
9 grams of methamphetamine, also known as crank, in violation
10 of the statutes and laws of this State.

11 Now to that indictment Mr. Watson has pled not guilty.
12 And as such, certain rights attach, which belong to every
13 person charged with a crime in this country, and that is he
14 is presumed innocent unless and until the charging body, in
15 this case, the State of South Carolina, can prove to a jury
16 beyond any reasonable doubt each and every element of the
17 offense with which he is charged. Please keep that in mind
18 throughout the course of these proceedings.

19 I would also tell you that the indictment which I have
20 just read to you is nothing more than it appears to be. It
21 contains the allegations against this defendant, and it's
22 just the formal document which allows this case to wind its
23 way through the system to arrive here in court for
24 resolution.

25 And you should make no presumption or take any

1 inference from the fact that this indictment has issued. It
2 is not evidence. And evidence is only produced here in the
3 courtroom. So make no presumption, take no inference as to
4 guilt or innocence because this indictment has been issued.

5 Now, ladies and gentlemen, before I go any further with
6 the qualification questions, I would ask the attorneys to
7 stand and introduce themselves and their client. Ms.
8 Howard.

9 **MS. HOWARD:** I'm Kimberly Howard. I work for the
10 Thirteenth Circuit Solicitor's Office and our Solicitor,
11 Walt Wilkins. And this is the investigating officer in the
12 case, Corey Chadwick. And he works for the Greenville
13 County Sheriff's Office.

14 **THE COURT:** Thank you.

15 **MR. GRUBBS:** My name is Chris Grubbs. I'm an attorney
16 with the Thirteenth Circuit Public Defender's Office, my co-
17 counsel, Teal Johnson. And I'd like to introduce my client,
18 Mr. Sheldon Watson.

19 **THE COURT:** All right. Thank you very much. All
20 right. Ladies and gentlemen, is there any member of the
21 jury panel related by blood or marriage or who has a
22 business, personal or social relationship with any of the
23 attorneys involved in this case or any member of the
24 Thirteenth Circuit Solicitor's Office or the Thirteenth
25 Circuit Public Defender's Office? If so, please stand.

1 (No response)

2 **THE COURT:** All right. Is there any member of the jury
3 panel related by blood or marriage or who has a personal,
4 business or social relationship with Sheldon Alonzo Watson?
5 If so, please stand.

6 (No response)

7 **THE COURT:** I'm going to read a list of potential
8 witnesses. And I need to know the same thing about each of
9 these folks. C.J. Chadwick with the sheriff's office,
10 Melanie Watson with the Department of Public Safety, Kristen
11 McCall with the Department of Public Safety. Is there any
12 member of the jury panel related by blood or marriage or who
13 has a business, personal or social relationship with any of
14 those potential witnesses whose names I have just read? If
15 so, please stand.

16 (No response)

17 **THE COURT:** Is there any member of the jury panel who
18 has any knowledge about the events that are alleged in the
19 indictment? If so, please stand.

20 (No response)

21 **THE COURT:** Is any member of the jury panel aware of
22 any bias or prejudice towards either the State or the
23 defendant? If so, please stand.

24 (No response)

25 **THE COURT:** Is there any member of the jury panel a

1 member of or contributor to a group whose primary concern is
2 the promotion of law enforcement or victim's rights? And
3 examples would be MADD, SADD or CAV. If so, please stand.

4 (No response)

5 **THE COURT:** Is there any member of the jury panel or a
6 family member who has ever been charged with a similar type
7 offense? If so, please stand.

8 (No response)

9 **THE COURT:** Is there any juror who knows of any reason
10 whatsoever why you should not serve in this case with
11 particular emphasis on your ability to be fair and impartial
12 to both the State and the defense and to judge this case
13 based solely on the merits of the law and the evidence
14 that'll be presented in this courtroom? If you can't do
15 that, please let us know right now.

16 (No response)

17 **THE COURT:** All right. Anything further from the
18 State?

19 **MS. HOWARD:** Nothing from the State, Your Honor.

20 **THE COURT:** From the defense?

21 **MR. GRUBBS:** Nothing from the defense, Your Honor.

22 **THE COURT:** All right, ladies and gentlemen, we're
23 about to strike the jury. But you all, when your name is
24 called, please just stand, remain in place and await further
25 instructions. Yes, ma'am.

1 **JUROR:** I apologize, Your Honor, ---

2 **THE COURT:** Well, if you would, stand and identify your
3 number.

4 **JUROR:** 108.

5 **THE COURT:** Okay.

6 **MS. LAWRENCE:** You asked if I might have a family
7 member or someone that may have been ...

8 **THE COURT:** Charged with this type of offence.

9 **MS. LAWRENCE:** Yes. And I think that might be the case
10 ---

11 **THE COURT:** Okay. If that is a fact, ma'am, would that
12 impair your ability to be fair and impartial in this case to
13 either the State or the defense? And could you judge this
14 case based solely on the merits of the evidence?

15 **MS. LAWRENCE:** I can, yes, sir.

16 **THE COURT:** Okay. All right. Thank you very much.
17 All right. Ms. Troop.

18 **MADAME CLERK:** Juror number 4, Susan Alexander.

19 (Whereupon juror 4, Susan Alexander, a white female,
20 stood)

21 **MADAME CLERK:** What says the State?

22 **MS. HOWARD:** Please present this juror.

23 **MADAME CLERK:** What says the defendant?

24 **MR. GRUBBS:** Please excuse the juror.

25 **MADAME CLERK:** You may be seated, ma'am. You've been
)

1 excused from this case. You may be seated.

2 Juror 96, Vau -- is it Vau Johnson?

3 **JUROR:** Vau.

4 **MADAME CLERK:** Vau Johnson.

5 (Whereupon juror 96, Vau Johnson, a black male, stood)

6 **MS. HOWARD:** Please present this juror.

7 **MADAME CLERK:** Thank you. What says the defendant?

8 **MR. GRUBBS:** Please seat Mr. Johnson.

9 **MADAME CLERK:** Mr. Johnson, please, would you come
10 around, have a seat in the jury box. Just come right up
11 here. There you go.

12 Juror 67, Cindy Giles.

13 (Whereupon juror 67, Cindy Giles, a white female,
14 stood).

15 **MADAME CLERK:** What says the State?

16 **MS. HOWARD:** Please present this juror.

17 **MADAME CLERK:** What says the defendant?

18 **MR. GRUBBS:** Please seat Ms. Giles.

19 **MADAME CLERK:** Ms. Giles, please come have a seat in
20 the jury box.

21 Juror 76, Noellen Groff.

22 (Whereupon juror 76, Noellen Groff, a white female,
23 stood)

24 **MADAME CLERK:** What says the State?

25 **MS. HOWARD:** Please excuse this juror.

1 **MADAME CLERK:** You may be seated, ma'am. You've been
2 excused from this case.

3 Juror 151, Heather Owen.

4 (Whereupon juror 151, Heather Owen, a white female,
5 stood)

6 **MADAME CLERK:** What says the State?

7 **MS. HOWARD:** Please present this juror.

8 **MADAME CLERK:** What says the defendant?

9 **MR. GRUBBS:** Please seat Ms. Owen.

10 **MADAME CLERK:** Ms. Owen, please come have a seat in the
11 jury box.

12 Juror 13, Cheryl Beasley.

13 (Whereupon juror 13, Cheryl Beasley, a white female,
14 stood)

15 **MADAME CLERK:** What says the State?

16 **MS. HOWARD:** Please present this juror.

17 **MS. HOWARD:** What says the defendant?

18 **MR. GRUBBS:** Please excuse Ms. Beasley.

19 **MADAME CLERK:** You may be seated, ma'am. You've been
20 excused from this case.

21 Juror 98, Ronald Jordan.

22 (Whereupon juror 98, Ronald Jordan, a white male,
23 stood)

24 **MADAME CLERK:** What says the State?

25 **MS. HOWARD:** Please excuse this juror.

1 **MADAME CLERK:** You may be seated, sir. You've been
2 excused from this case.

3 Juror 48, Samuel Dombrosky.

4 (Whereupon juror 48, Samuel Dombrosky, a white male,
5 stood)

6 **MADAME CLERK:** What says the State?

7 **MS. HOWARD:** Please present this juror.

8 **MADAME CLERK:** What says the defendant?

9 **MR. GRUBBS:** Please seat Mr. Dombrosky.

10 **MADAME CLERK:** Sir, please come have a seat in the jury
11 box.

12 Juror 137, Alissa Morris.

13 (Whereupon juror 137, Alissa Morris, a black female,
14 stood)

15 **MADAME CLERK:** What says the State?

16 **MS. HOWARD:** Please present this juror.

17 **MADAME CLERK:** What says the defendant?

18 **MR. GRUBBS:** Please seat Ms. Morris.

19 **MADAME CLERK:** All right. Ms. Morris, please have a
20 seat in the jury box.

21 Juror 113, George Marion.

22 (Whereupon juror 113, George Marion, a white male,
23 stood)

24 **MADAME CLERK:** What says the State?

25 **MS. HOWARD:** Please excuse this juror.

1 **MADAME CLERK:** All right. Sir, you may be seated.
2 You've been excused from this case.

3 Juror 20, Kenneth Briggs.

4 (Whereupon juror 20, Kenneth Briggs, a white male,
5 stood)

6 **MADAME CLERK:** What says the State?

7 **MS. HOWARD:** Please present this juror.

8 **MADAME CLERK:** What says the defendant?

9 **MR. GRUBBS:** Please seat Mr. Briggs.

10 **MADAME CLERK:** Sir, please come have a seat in the jury
11 box.

12 Juror 104, Randall Knowlton.

13 (Whereupon juror 104, Randall Knowlton, a white male,
14 stood)

15 **MADAME CLERK:** What says the State?

16 **MS. HOWARD:** Please present this juror.

17 **MADAME CLERK:** What says the defendant?

18 **MR. GRUBBS:** Please excuse Mr. Knowlton.

19 **MADAME CLERK:** You may be seated, sir. You've been
20 excused from this case.

21 Juror 9, Wanda Ashville. Ashworth, excuse me.

22 (Whereupon juror 9, Wanda Ashworth, a white female,
23 stood)

24 **MADAME CLERK:** What says the State?

25 **MS. HOWARD:** Please present this juror.

1 **MADAME CLERK:** What says the defendant?

2 **MR. GRUBBS:** Please excuse Ms. Ashworth.

3 **MADAME CLERK:** You may be seated, ma'am. You've been
4 excused from this case.

5 Juror 145, Linzi Navarro.

6 (Whereupon juror 145, Linzi Navarro, an Hispanic
7 female, stood)

8 **MADAME CLERK:** What says the State?

9 **MS. HOWARD:** Please present this juror.

10 **MADAME CLERK:** What says the defendant?

11 **MR. GRUBBS:** Please seat Ms. Navarro.

12 **MADAME CLERK:** Ma'am, please come have a seat in the
13 jury box.

14 Juror 66, Eugene Gibson.

15 (Whereupon juror 66, Eugene Gibson, a white male,
16 stood)

17 **MADAME CLERK:** What says the State?

18 **MS. HOWARD:** Please excuse this juror.

19 **MADAME CLERK:** You may be seated.

20 Juror 95, Rebecca Johnson.

21 (Whereupon juror 95, Rebecca Johnson, a white female,
22 stood)

23 **MADAME CLERK:** What says the State?

24 **MS. HOWARD:** Please present this juror.

25 **MADAME CLERK:** What says the defendant?

1 **MR. GRUBBS:** Please seat Ms. Johnson.

2 **MADAME CLERK:** Ma'am, please come have a seat in the
3 jury box.

4 Juror 168, Teresa Rhodes.

5 (Whereupon juror 168, Teresa Rhodes, a white female,
6 stood)

7 **MADAME CLERK:** What says the State?

8 **MS. HOWARD:** Please present this juror.

9 **MADAME CLERK:** What says the defendant?

10 **MR. GRUBBS:** Please seat Ms. Rhodes.

11 **MADAME CLERK:** Ma'am, please come have a seat in the
12 jury box.

13 Juror 239, Jamison Medlin.

14 (Whereupon juror 239, Jamison Medlin, a white male,
15 stood)

16 **MADAME CLERK:** What says the State?

17 **MS. HOWARD:** Please present this juror.

18 **MADAME CLERK:** What says the defendant?

19 **MR. GRUBBS:** Please seat Mr. Medlin.

20 **MADAME CLERK:** Sir, please come have a seat in the jury
21 box.

22 Juror 194, Brandon Stenersen.

23 (Whereupon juror 194, Brandon Stenersen, a white male,
24 stood)

25 **MADAME CLERK:** What says the State?

1 **MS. HOWARD:** Please present this juror.

2 **MADAME CLERK:** What says the defendant?

3 **MR. GRUBBS:** Please seat Mr. Stenersen.

4 **MADAME CLERK:** Sir, please come have a seat in the jury
5 box.

6 Juror 34, Robin Choice.

7 (Whereupon juror 34, Robin Choice, a black female,
8 stood)

9 **MADAME CLERK:** What says the State?

10 **MS. HOWARD:** Please present this juror.

11 **MADAME CLERK:** What says the defendant?

12 **MR. GRUBBS:** Please seat Ms. Choice.

13 **MADAME CLERK:** All right. Ma'am, please come have a
14 seat in the jury box.

15 **THE COURT:** Let's get one alternate, one and one.

16 **MADAME CLERK:** Juror 85, Seth Haynes.

17 (Whereupon juror 85, Seth Haynes, a white male, stood)

18 **MADAME CLERK:** What says the State?

19 **MS. HOWARD:** Please present this juror.

20 **MADAME CLERK:** What says the defendant?

21 **MR. GRUBBS:** Please seat Mr. Haynes.

22 **MADAME CLERK:** Sir, please come have a seat in the jury
23 box.

24 **THE COURT:** Any exception or objection to the jury as
25 empaneled pursuant to Batson or J.E.B., from the State?

1 **MS. HOWARD:** Your Honor, I don't have any objection. I
2 do have one point of clarification on just from hearing a
3 name called versus a number called. I just want to make
4 sure that they are accurate. We did call number -- juror
5 number 137, correct?

6 **THE COURT:** Yes.

7 **MS. HOWARD:** Okay. Alissa Morris?

8 **MADAME CLERK:** Yes.

9 **MS. HOWARD:** Okay. I'm just making sure that ---

10 **THE COURT:** Okay. Any objection from the defense?

11 **MR. GRUBBS:** No, Your Honor.

12 **THE COURT:** Okay. All right. Ladies and gentlemen,
13 with that I am -- been told to excuse you all for the day
14 and to call back after 6:00. Okay? Thank you.

15 (Whereupon the remaining jurors exited the courtroom)

16 **THE COURT:** All right. Ladies and gentlemen, thank
17 y'all. And I would, I guess, say congratulations to you.
18 It's a rare thing to be called up. It's rare to -- very
19 rare to get called to serve on a jury. So, anyway, I hope
20 you feel fortunate in that regard.

21 I want to tell you we have a dispute about the facts in
22 this case which can't be resolved in any fashion other than
23 to ask a jury to come up, listen to the evidence in the
24 courtroom, and the law in the courtroom and come to a
25 decision that resolves that dispute. And that's the job

1 that you all have before you.

2 I would remind you that the indictment that I read to
3 you is not evidence. And you should make no presumption or
4 take any inference from the fact that it issued. It's just
5 the formal document which allows this case to wind its way
6 through the system for resolution.

7 I also remind you that every person tried in this court
8 is presumed -- or charged with a crime in this court is
9 presumed to be innocent unless and until the State can prove
10 beyond a reasonable doubt each and every element of the
11 offense of the charge that is made against that person.
12 Please keep that in mind throughout the course of the
13 proceedings.

14 Now for your benefit I break a trial into five parts so
15 you'd have kind of a procedural roadmap that tells you where
16 you are and what's coming next. We're going to begin the
17 trial. And the first part of the trial will be when the
18 attorneys get up and make their opening statements to you.
19 They're brief and they are non-argumentative.

20 The second part of the trial is the meat and potatoes
21 of every case, and that's the presentation of the evidence
22 in the case. And I will tell you that the evidence will
23 come to you most likely in one of three ways.

24 The most common way that I think of is through oral
25 testimony from the witness stand. The second most common

1 way is through the introduction of tangible items or
2 documents. And the third most common way is when the
3 parties agree that some fact is so beyond dispute that you
4 should accept it as being true, and that's what we call a
5 stipulation of the parties. I don't know what combination
6 the evidence will come to you in, but it will likely be in
7 one of those three forms.

8 The third part of the trial is after all of the
9 evidence has been presented, the attorneys will make their
10 closing arguments to you. And they will, in that instance,
11 argue the facts and the law to you, and they will advocate
12 their position, and they will urge you to resolve the
13 dispute in their favor.

14 The fourth part of the trial will be when I charge you
15 as to what the law is as it pertains to this case. And the
16 fifth part of the trial will be when you retire to your jury
17 room to deliberate the case and resolve this dispute. Parts
18 are not of equal length, but you'll have an idea about where
19 you are and what's coming next if you can kind of remember
20 that.

21 I'm sure I'm going to ask you to do a number of things
22 in the trial. The first thing, but there are three main
23 things I ask of you, and the first is to keep an open mind.
24 We go through the questioning to ensure that we have a fair
25 and impartial jury that does not come in with a preset

1 notion of how to resolve the case. So keep an open mind.
2 Wait til the end, all the evidence is in and you've heard
3 the law before you make a decision.

4 The second thing I ask you to do, which is fairly
5 simple, and if any of you are school teachers, you have
6 probably used this quite often with your students, and that
7 is to pay attention. It sounds very simple. It's something
8 that I know I was instructed by my teachers throughout my
9 unstoried educational career.

10 But if you are to let your mind wander off at some
11 point during the trial, you might miss an answer to a
12 question or the way a witness answers a question, what we
13 call their demeanor, which might become important in your
14 deliberations. And if you're not paying attention, then you
15 would be at a disadvantage during those deliberations.

16 The third thing I'll ask you to do and instruct you to
17 do is to not discuss this case with anyone until you are
18 free to deliberate. Don't talk about the facts of this
19 case. So you can't do it with the bailiffs. You can't do
20 it amongst yourselves. You can't do it if we break, and
21 likely we will not finish this trial today, so when you go
22 home you can't talk about it with the people you'll see
23 tonight; family, friends, anyone that you might know.

24 The reason for that is that even an innocent comment
25 from someone who you like and trust could have an impact on

1 your state of mind. And we're not interested in what those
2 people think. It wouldn't be fair to these parties. It
3 wouldn't be fair to your fellow jurors. And most
4 importantly, it wouldn't be fair to yourself to allow
5 someone who is not making the sacrifices that each of you
6 are making to have any input in the outcome of this trial.
7 So don't talk about the facts of the case.

8 And we all know it's human nature that people are going
9 to want to ask you about it. And you're going to want to
10 talk about it, but you can't do that. And you're going to
11 swear an oath in just a second to abide by that.

12 I would tell you that you, the jury, are the sole
13 judges of the facts in this case. And the trial judge by
14 law is not allowed to have an opinion about the facts. So
15 don't think by anything I might say or do in the trial that
16 I have the opinion. I don't. It's up to you all to decide
17 what to believe and what not to believe, and what you find
18 to be true and what you find to be not true. It's entirely
19 up to you.

20 That same law makes me the sole judge of the law. So
21 if you have some idea as to what you think the law is or
22 what the law ought to be, and it differs from what I tell
23 you the law is during the course of the trial and at the
24 conclusion of the trial, the oath that you're going to swear
25 to in just a moment precludes you from applying any other

1 law other than the law that I give to you. And that ensures
2 that everyone tried up here in this court is tried under the
3 same law.

4 I'm sure I'll ask you to do a number of other things,
5 and -- but a couple of things I want to tell you is that
6 from time to time you might see me call the lawyers up here
7 and we'll have -- right here have what we call a bench
8 conference. Or I might excuse you all to your jury room so
9 we can discuss some issue, which might pertain to a piece of
10 evidence that's disputed. And if it shouldn't be admitted,
11 then, of course, I think you can understand why you all
12 shouldn't hear it.

13 But I'm telling you this because you might -- what I
14 don't want you to think is that we're trying to deceive you.
15 We are not. We may be trying to keep something from you,
16 but we are certainly not trying to deceive you.

17 That's about all I can think of right now except that
18 I'm going to ask you to do your -- well, do your first duty.
19 We're going to get you to stand, take the oath, and then I'm
20 going to excuse you to your jury room and let you all see if
21 you can decide from among the first twelve who you would
22 like to be your foreperson.

23 And the foreperson is the moderator of discussions at
24 the conclusion of the trial and the jury's spokesperson in
25 the courtroom should that become necessary. I always like

1 to let the jury see if you all can decide who you'd like to
2 do that. If not, I can help you out. With that I will ask
3 you to stand and take the oath.

4 **MADAME CLERK:** Please stand and raise your right hand.
5 The proper response is I will. You shall well and truly try
6 the case 2017-GS-23-8109, the State versus Sheldon Alonzo
7 Watson, indicted for trafficking methamphetamine and a true
8 verdict rendered according to the law and the evidence so
9 help you God. I will?

10 **THE JURY:** I will.

11 **THE COURT:** All right. Y'all don't have to sit down.
12 We're going to -- and let me just tell you while you're
13 standing there, I'm going to -- we may have some issues to
14 discuss right now. If it -- I don't know how long it'll
15 take.

16 If it's going to be lengthy, we may go ahead and break
17 for the day. I'll just -- I'll have to get back with you as
18 soon as I can make a determination about that. But for
19 right now, if y'all would go to your deliberation room.
20 Thank you.

21 (Whereupon the jury exited the courtroom at 3:13 pm)

22 **THE COURT:** Okay. What you got?

23 **MS. HOWARD:** Your Honor, before we begin motions would
24 you grant me about three minutes to call my two witnesses
25 and tell them we can do them tomorrow morning? What do you

1 think?

2 **THE COURT:** I don't know how long these motions are
3 going to take.

4 **MS. HOWARD:** I still don't think we would get -- by the
5 time we did that, motions, opening and then my officer, I
6 don't know if we would go into anybody else.

7 **THE COURT:** We'll see how long these motions will take.
8 But do you need to call somebody?

9 **MS. HOWARD:** I do need to call and let her know. She
10 got -- she says she gets off at 3:30. And, again, I
11 apologize. This is kind of ---

12 **THE COURT:** Yeah, it's all ---

13 **MS. HOWARD:** --- an unusual day.

14 **THE COURT:** Okay. We'll take just a short break.

15 **MS. HOWARD:** Okay. Just one moment, and I'll be right
16 back.

17 (Whereupon court was in recess at 3:15 pm)

18 (Whereupon court reconvened at 3:19 pm)

19 **THE COURT:** All right. What y'all want to tell me?

20 **MR. GRUBBS:** Your Honor, the defense first has a motion
21 to suppress based on lack of reasonable suspicion. I have
22 handed the Court up a memo in support of that motion. I've
23 also provided the same to Ms. Howard.

24 **THE COURT:** All right. It's a warrantless search.

25 Shifts the burden.

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 **MS. HOWARD:** Your Honor, before going into any argument
2 in response, the State would call Deputy Corey Chadwick to
3 the stand.

4 **THE COURT:** Okay. Come on around.

5 **MADAME CLERK:** Please place your left hand on the
6 Bible.

7 Corey Chadwick, being
8 duly sworn testified as follows;

9 **MADAME CLERK:** Thank you. Please be seated. Please
10 state your name for the record.

11 **DEPUTY CHADWICK:** Corey Chadwick.

12 **MADAME CLERK:** Thank you.

13 Direct Examination by Ms. Howard (IC):

14 Q. Deputy, where do you work?

15 A. Greenville County Sheriff's Office, Uniform Patrol
16 Division.

17 Q. And how long have you been there?

18 A. Been there for three years now.

19 Q. And were you working on the night of April 23rd into
20 the morning of April 24th, 2017?

21 A. Yes, I was.

22 Q. Or the night ---

23 A. It's the night ---

24 Q. --- of the 24th?

25 A. --- of the 24th, I believe, yes.

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 Q. Tell me about the area you were working and how you
2 became to encounter the defendant in this case, Mr. Sheldon
3 Watson.

4 A. I was assigned to area four, which is the southern end
5 of Greenville County.

6 Q. And tell us how you came into contact initially with
7 Mr. Watson.

8 A. I was patrolling the area of Fairview Road and Highway
9 418 this particular night. Most nights when I would work
10 this specific beat area, due to numerous cases that we've
11 made around there, narcotics sales, stolen vehicles,
12 especially this specific Spinx gas station, most likely,
13 usually around the back side of the lot because it's kind of
14 poorly lit, so we have a lot of criminal activity that goes
15 back there.

16 As I was turning into the rear of the gas station of
17 the back entrance off of Fairview Road, I observed a car
18 sitting in the back. It wasn't by a pump.. It was just kind
19 of out in the middle of the open.

20 As my headlights -- as I turned in and my headlights
21 hit the vehicle, I observed a black male driver, who I later
22 identified as the defendant, a white male passenger, and
23 then there was a white male, unidentified, that was leaning
24 over the passenger's side window, leaning over with his --
25 at an odd angle, not kind of like with his hands pressed on

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 the door, but his hands were deep inside of the window.

2 As soon as my headlights hit all three of those
3 subjects, they kind of looked at me real quick with like a
4 wide eyed look. The male leaning over the window
5 immediately turned around and just started walking in the
6 opposite direction. And the vehicle immediately -- the car
7 was put in drive, and they started driving off.

8 Q. And, again, this defendant was in the -- Mr. Watson was
9 the one driving?

10 A. Yes. He was later identified as the driver.

11 Q. Okay. So what did you do at that point?

12 A. At that point, based on the activity at the back side
13 of the Spinx, you know, my history with, you know, finding
14 narcotics use and stuff like that at this Spinx, I believed
15 that I possibly witnessed some sort of hand-to-hand
16 transaction in narcotics. And I had to decide at that point
17 whether to follow the person on foot or the vehicle.

18 In that split-second I felt like if there was any
19 transaction of the narcotics themselves rather than money, I
20 believed it probably would have been in the vehicle most
21 likely. So I decided to follow the vehicle.

22 Got behind the vehicle. They were going southbound on
23 Fairview Road. It didn't have a legitimate tag on there.
24 It had one of the paper, temporary tags. I was ---

25 Q. Were you able to see -- was the paper tag legible?

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 A. I could not -- I couldn't make out who the -- by the
2 way the print was on the tag, the print and the, I guess,
3 the marker drawing, it was a little smaller, and I wasn't
4 able to really read it to tell the legitimacy of it. That,
5 and based on the activity that I had just witnessed, I
6 decided to conduct a traffic stop on the vehicle.

7 Q. And tell us, about how far away from the Spinx were you
8 when that occurred?

9 A. I would say maybe a quarter to a half a mile. I did
10 follow the vehicle for about a minute and just kind of
11 observed their behavior, the direction they were traveling.
12 And then so it was about -- I would say about a quarter to a
13 half a mile.

14 Q. So you initiated a traffic stop, as you said. Did you
15 turn your blue lights on? Did the car ---

16 A. I did. I activated my blue lights. We pulled onto a
17 side road. I don't recall exactly what it was. They made a
18 left hand turn onto the road and then pulled over to the
19 side of the road there.

20 Q. Okay. And did, at that point, you make contact with
21 the passengers in the vehicle?

22 A. Yes. I made a driver's side approach of the vehicle.
23 I approached the driver's side of the vehicle. I made
24 contact with the defendant first. I stated who I was, the
25 department, asked him if he had a driver's license,

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 registration, proof of insurance or any documentation on the
2 legitimacy of the car or recent purchase.

3 He informed me that he didn't have a driver's license.
4 He didn't have insurance. He didn't have any insurance
5 information on the vehicle or any paperwork to prove the
6 purchase of the vehicle.

7 He did inform me that the vehicle belonged to his
8 cousin. I believe it was, let me check my notes, Jonathan
9 Simmons is who he told me his cousin was.

10 I did run the VIN number to the vehicle, and it was
11 registered to a Jonathan Simmons. I asked kind of what he
12 was doing. He told me that he was a mechanic and that he
13 was working on the vehicle.

14 Q. And what time of day was this?

15 A. This was just shy of, I think, nine pm. It was 8:50 pm
16 that night.

17 Q. And were you able to figure out, did he have a valid
18 driver's license at all ---

19 A. No, he ---

20 Q. --- and it just ---

21 A. --- did not. No.

22 Q. He did not ---

23 A. He did not have a driver's license at all. He had no
24 form of identification on him.

25 Q. Okay. So at that point what did you do?

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 A. So at this point I just kind of -- based on what I, you
2 know, my suspicion with the possible narcotics activity, I
3 just kind of worked on my investigation of the stop, asked
4 him where he was going to. He told me he was going to a
5 residence on Nash View Drive.

6 I asked him what he was doing at the Spinx because I
7 told him I observed him there. He said I was just there
8 dropping off a friend.

9 You know, I found this odd that at this time of night
10 that a mechanic is test driving a vehicle. He told me he
11 was test driving it, why he's test driving a vehicle, but
12 dropping a friend off, and then there's another unknown
13 passenger in the car.

14 As I was ---

15 Q. What was their behavior like?

16 A. So as I was talking to him, he was visibly shaking and
17 he was speaking at a very, very high rate of speed with like
18 a slight stutter. And then the passenger in the vehicle --
19 the passenger was just sitting dead still, but would not
20 make eye contact with me. Really wouldn't look over at me
21 at all, which is another thing that I found odd.

22 Q. Did you ask the driver -- the passenger for his
23 identification?

24 A. Yes, I did. He did hand me a valid driver's license.

25 Q. And did you issue any citations or tickets? Or tell us

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 how you got to finding the drugs from this stop.

2 A. So at this point in time he doesn't have -- there was
3 no insurance on the car. I had no way to verify the
4 insurance. He didn't have a valid driver's license. There
5 was no way to tell the validity of the temporary tag, if the
6 car had been purchased in the past forty-five days or not.

7 At this point I called for a backup unit. I stepped
8 the driver and the passenger out of the vehicle. You know,
9 I asked for their consent to search their person. They both
10 consented.

11 After a while, once a backup unit arrived, I asked the
12 driver, the defendant for consent to search the vehicle. I
13 asked them if there was anything illegal in the vehicle.
14 They denied it and said there was nothing illegal in the
15 vehicle. I asked for consent to search the vehicle. He
16 told me again there was nothing illegal in the vehicle, to
17 go ahead and search the vehicle.

18 Once my backup unit was there, he remained with the two
19 occupants of the vehicle as I conducted a vehicle search.

20 Q. And what did you find as a result of that search?

21 A. So as I searched the vehicle, one of the things that
22 stood out -- the first thing I noticed on the passenger's
23 side of the vehicle in between the center console and the
24 seat there was a glass bowl-style pipe, which is very common
25 with the consumption of methamphetamine, which is a pipe

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 used to smoke methamphetamine.

2 The pipe was clear. It didn't have any residue on it
3 like it had been recently used. But in the seat and kind of
4 speckled on the seat and the floorboard I was finding these
5 real small crystal, rock-like flakes, which, you know, with
6 my knowledge and experience in this line of work, I believed
7 at the time that it was possibly methamphetamine.

8 But it was very odd to me because methamphetamine is
9 not the type of drug commonly like we'd find with marijuana
10 that's just -- you find sprinkled around the car. Just
11 because of the street value and how much it costs, it's not
12 something that they just drop and spill. So I believe
13 something was trying to be concealed in the vehicle.

14 As I searched throughout the vehicle I didn't find
15 anything, but then there was a Spinx styrofoam coffee cup in
16 the center console. This coffee cup, I had originally seen
17 with the defendant, sitting in his hand.

18 I decided to pop the top open. Half of it was filled
19 with coffee and then there was a plastic baggie with just a
20 very large amount of that crystal -- that crystal, rock
21 substance shoved in the -- in the bag, was shoved in the
22 coffee cup concealed in there.

23 Q. And did you field test that or ---

24 A. I did. I believed it was methamphetamine. I put it in
25 a methamphetamine field test kit, and it did test positive.

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 Q. And did you -- what did you do at that point? Did you
2 arrest -- who did you arrest, if anyone?

3 A. So at that time I detained -- I detained both -- both
4 of the occupants. I separated them between my car and
5 Deputy Derossa, who was my backup unit at the time. Both of
6 them were Mirandized. They were willing to waive their
7 rights and speak with me.

8 Spoke with them about the drugs. Both denied any
9 knowledge of the -- of the narcotics. They both pretty much
10 blamed each other. Passenger said, you know, it was the
11 driver. Driver said it was the passenger. At this point
12 with it, you know, being in the center console, you know, I
13 know the passenger had the coffee cup, but I felt like any
14 of them could have quickly, you know, concealed that in the
15 cup.

16 Reason being is while I was waiting for a backup unit,
17 it took a minute or two for them to get there, they were
18 still in the vehicle. So at any point in time that could
19 have been concealed in the coffee cup. Without any of them
20 admitting to it and both blaming each other, I decided to
21 arrest both subjects.

22 Q. And I have one question about the Spinx area itself.
23 Did you attempt to further investigate the possibility of
24 the hand-to-hand? Was there video or anything there you
25 could have obtained?

COREY CHADWICK - CROSS-EXAMINATION BY MR. GRUBBS - (IC)

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1 A. So from my experience with that Spinx gas station and
2 several cases that I've had there, actually obtaining video,
3 I'm pretty familiar with all the video cameras that they
4 have in the store. They have several in the store and
5 several in the front. They don't really cover -- they don't
6 cover the sides of the buildings where we have a lot of
7 activity, and they don't cover the back of the building.

8 Q. And, again, tell us where this occurred.

9 A. This was all in the back of the building in the back
10 parking lot.

11 Q. At this time I don't have any questions. I may have
12 some followup for you. If you'll answer any that defense
13 counsel has for you, please.

14 **Cross-Examination by Mr. Grubbs (IC):**

15 Q. Deputy Chadwick, you saw the defendant's car with
16 another white male who was leaning inside?

17 A. Yes, sir.

18 Q. And in your report you actually referenced him as a
19 suspect, didn't you?

20 A. Yes, I believe so.

21 Q. Okay. And you said also in your report that you had
22 had -- I believe the word you used was believed that you had
23 just witnessed a hand-to-hand exchange, correct?

24 A. Yes, sir.

25 Q. Okay. You didn't write in your report that you saw any

COREY CHADWICK - CROSS-EXAMINATION BY MR. GRUBBS - (IC)

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1 money change hands?

2 A. No. The distance that the car was from where I was
3 pulling in, hands were deep inside in the vehicle. The low
4 light -- the back lot's not lit up. The only lighting that
5 there was was my headlights as I turned in. So I wasn't
6 able to actually see his hands or anything that was
7 happening inside of the vehicle.

8 Q. So you were a pretty good distance away?

9 A. Yes.

10 Q. And it was pretty dark outside?

11 A. Yes.

12 Q. And the only thing that you could see was what was
13 illuminated by your headlights?

14 A. Yes.

15 Q. And so going along with that you didn't see anybody
16 take a package out of the vehicle or put a package inside
17 the vehicle?

18 A. No.

19 Q. You didn't see anybody put anything in their jackets as
20 they were walking away?

21 A. No.

22 Q. And your report doesn't mention anything else other
23 than the white male leaning inside this car and then the
24 fact that they walked away?

25 A. Yes.

COREY CHADWICK - CROSS-EXAMINATION BY MR. GRUBBS - (IC)

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1 Q. So you had a hunch that there was something going on?

2 A. Yes.

3 Q. Did you ever message dispatch about a potential
4 transaction that occurred at the Spinx? As in did you radio
5 it in? Did you call anybody to let them know that maybe you
6 had just witnessed that?

7 A. No, I did not. At that point in time at night, the
8 southern end with the few deputies that we had, I was the
9 only one available at the time.

10 Q. Okay. But you never radioed it in?

11 A. No. I never radioed it in because everybody else was
12 on calls.

13 Q. Okay. Was your body-worn camera, your in-car camera
14 active during that occurrence where you would have caught
15 this -- this alleged transaction on video?

16 A. Body-worn was not on. The camera doesn't activate
17 until our -- our traffic lights turn on. So it didn't
18 activate until the actual stop ---

19 Q. So there's no video of this -- of this occurrence ---

20 A. No.

21 Q. --- at all? And you didn't immediately try to go in
22 and box this car in and investigate, did you?

23 A. No. They -- because they split in separate directions,
24 as I went to pulling my car around, I had to figure out, you
25 know, who am I going to go after at this point? And it took

COREY CHADWICK - CROSS-EXAMINATION BY MR. GRUBBS - (IC)

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1 me a second to pick the best one because I could only go
2 after the pedestrian that walked away or the vehicle.

3 Q. Never turned on your blue lights to see if anybody were
4 going to run?

5 A. No, I didn't.

6 Q. So then you began following the defendant's car?

7 A. Yes, I did.

8 Q. And you got down, you said, about a mile to half mile,
9 but by my look on the map it was about a mile to mile and a
10 half.

11 A. Okay.

12 Q. Is that fair? You said you followed him for about a
13 minute?

14 A. Yeah, it was about a minute or so. I figured a quarter
15 mile to a half a mile. I don't know the exact distance.

16 Q. Okay. And during that time that you were following him
17 you didn't witness any traffic violations?

18 A. I did not. They were driving very cautious. They were
19 going the exact speed limit, no faster, not under, very
20 straight, used turn signals.

21 Q. And so at that point you decided to initiate the
22 traffic stop based solely on your view of the paper tag?

23 A. Yes.

24 Q. Subsequent to your arrest you recovered some cell
25 phones of the -- of the two defendant's, didn't you?

COREY CHADWICK - CROSS-EXAMINATION BY MR. GRUBBS - (IC)

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1 A. I did. That's correct.

2 Q. And I believe also in your report you said Vice wanted
3 to get search warrants and search those phones?

4 A. Yes. I contacted one of the Vice investigators, the
5 Narcotics and Vice investigators who we had had previous
6 role call training with. And I had numbers of a few of
7 them.

8 They said if we ever found large amounts of narcotics,
9 usually over the basic possession weight, to give them a
10 call and just kind of give them particulars of the case,
11 which I did once I got to the jail. I called Deputy Chris
12 Voyz (ph.) at the time who worked with the Vice.

13 I gave him the particulars of the case, told him how
14 much I found, everything like that. He asked me if there
15 were any cell phones. I said, yes, they both -- both
16 occupants did have cell phones.

17 And then he asked me to seize the cell phones, place
18 them in Property and Evidence. And then he informed me that
19 they would -- they would further investigate as far as the
20 cell phones. And I sent him a message with the case number
21 and everything.

22 Q. Did you ever retrieve any information from the cell
23 phones that would corroborate your belief that this was some
24 sort of hand-to-hand drug transaction?

25 A. No. I don't know if Vice ever did anything with the

COREY CHADWICK - REDIRECT EXAMINATION BY MS. HOWARD - (IC)

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1 cell phones. I have no information as far as that.

2 Q. So when you were at Spinx you acted on a hunch,

3 correct?

4 A. Yes.

5 Q. And then you followed the vehicle, correct?

6 A. Correct.

7 Q. And then you pulled them over for a paper tag?

8 A. Yes. Correct.

9 Q. Okay.

10 **MR. GRUBBS:** Nothing further, Your Honor.

11 **Redirect Examination by Ms. Howard (IC):**

12 Q. Deputy Chadwick, one other thing -- question that Mr.
13 Grubbs asked you was if the traffic stop was based solely on
14 the paper tag. Is that the case or was it from everything
15 you had ---

16 A. It was -- it was the collection of everything. It was
17 the -- it was the suspicion of what I had observed along
18 with the paper tag.

19 Q. And, again, you said as soon as your -- as soon as your
20 lights -- you testified, and I'm just clarifying, as soon as
21 your lights hit them and y'all first saw each other that
22 everyone left, scattered ---

23 A. It was immediate, yes.

24 Q. Immediate? Okay. And then tell me about this hunch.

25 When he keeps saying hunch, I think -- I'm just curious what

COREY CHADWICK - RECROSS-EXAMINATION BY MR. GRUBBS - (IC)

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1 -- would you describe what you mean by hunch? Is it just a
2 one-time gut feeling? Is it training and experience?
3 Explain that a little bit to us.

4 A. It was a collection of a lot of things. It was their
5 behavior as soon as they saw me, the backlit or the non-
6 backlit lot, the dark lot, the fact that the vehicle was
7 back there with a third party leaning over where his hands
8 couldn't be seen, the vehicle wasn't near any fuel pump, the
9 air pumps for tires were around the front. The only thing
10 usually around the back is where employees park and where
11 like big rig truckers, there's an area back there where they
12 can park.

13 So I found it, you know, suspicious that this vehicle's
14 back there, this third party's there, that and all the, you
15 know, all the previous cases that I've made and beat
16 partners have made down there getting out with suspicious
17 vehicles and people and finding narcotics and stolen
18 property in vehicles back there.

19 Q. Thank you. No further questions at this time.

20 **MR. GRUBBS:** Very brief recross, Your Honor.

21 **THE COURT:** Okay.

22 **Recross-Examination by Mr. Grubbs (IC):**

23 Q. This happened around 8:50 pm, correct, Deputy Chadwick?

24 A. Yes, that's correct.

25 Q. And the Spinx was open for business at that time?

COREY CHADWICK - RECROSS-EXAMINATION BY MR. GRUBBS - (IC)

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1 A. That is a 24 hour Spinx.

2 Q. Okay.

3 MR. GRUBBS: Nothing further, Your Honor.

4 THE COURT: Okay. You can step down. Thanks.

5 MS. HOWARD: Your Honor, the State doesn't have any
6 further witnesses to, for lack of better word, contradict
7 what is in the motion from Mr. Grubbs. I -- he's relying on
8 the fact that -- in the cases he cites to that it was just a
9 hunch. And he even put those words in the witness' mouth.
10 So that's why, Your Honor, we had -- I had Deputy Chadwick
11 expound on what he meant by that.

12 What you have here and what was testified to was an
13 officer who was familiar with the area, familiar with the
14 location and saw what he believed to be a hand-to-hand
15 exchange, followed, could not read a paper tag and stopped
16 the vehicle. He didn't do anything further at that time
17 until he discovered that the driver did not have a driver's
18 license. There was not a search or any kind of prolonged
19 detention after, you know, the initial stop, once he was
20 able -- until he discovered that there was no valid paper
21 for either the car or for the defendant, himself, driving.

22 Another thing I would point to, Your Honor, is in
23 addition to him, the experience of what -- the knowledge of
24 the area, seeing what he believed to be the hand-to-hand,
25 not being able to read the paper tag, there is a Fourth

1 Circuit case, Your Honor, that talks about the lateness of
2 the hour that could be another reason ---

3 **THE COURT:** 8:30? Is that what I heard?

4 **MS. HOWARD:** Eight -- yes, Your Honor.

5 **MR. GRUBBS:** 8:50, Your Honor.

6 **THE COURT:** 8:50. Okay.

7 **MS. HOWARD:** 8:50. For being another time.

8 And then also the fact, Your Honor, that it was high
9 crime, plus the evasive nature of leaving upon immediately
10 seeing the law enforcement officer. Those would be the
11 things that we would submit to you, Your Honor, that would
12 say he had enough reasonable suspicion to stop the vehicle.

13 And, again, just to reiterate, it did not go any
14 further once -- past that until he determined that there was
15 other illegal activity going on in terms of not having
16 appropriate paperwork.

17 **THE COURT:** Okay.

18 **MR. GRUBBS:** Your Honor, defense's position is that it
19 doesn't matter what happened after that because this is all
20 an unconstitutional detention.

21 The motion itself that I presented to the Court and
22 also Ms. Howard, it does, in fact, make a reference to a
23 hunch. And that language comes straight out of State v.
24 Butler where it clearly says reasonable suspicion must be
25 based on specific and articulable facts. That entails some

1 minimal level of objective justification for detention,
2 something more than an inchoate and unparticularized
3 suspicion or hunch.

4 And, Your Honor, here we have a situation where the
5 officer pulls up into the parking lot within normal business
6 hours, even though it's open 24 hours a day, this is only
7 8:50. This is not one am, or two am or some factor where it
8 would give rise to some additional level of suspicion.

9 When Deputy Chadwick comes up, he testified he had --
10 he had no observations of any hand-to-hand type transaction
11 that would involve money, packaging. It's just that they
12 walked away.

13 Your Honor, there's plenty of cases that say that
14 nervousness around law enforcement is not reasonable
15 suspicion. Just because they got up and walked away as soon
16 as he got there has absolutely no bearing on whether or not
17 they were engaged in any kind of criminal activity.

18 I would refer to a couple of different cases, Your
19 Honor. The United States v. Sprinkle is a Fourth Circuit
20 case that specifically dealt with people who were huddled to
21 the center console of the vehicle with their hands close
22 together. But in that case they were looking like they were
23 about to pass him something.

24 There was also -- there was also particular other bases
25 for that in that case such as knowing that the person had a

1 criminal record, subject spotted in a neighborhood known by
2 officers for high crime, huddled towards the center console
3 as the officer walked by the car, the defendant put his head
4 down and tried to hide his face and also drove away as soon
5 as the officers walked to the car.

6 First off, to address the high crime area. The
7 Sprinkle court here says that in areas dispositioned toward
8 criminal activity is an articulable fact that can be
9 considered, but it would take more for this impression to
10 qualify as reasonable suspicion because that's a factor
11 outside of the defendant's control. He doesn't have any
12 ability to control whether or not a particular Spinx was
13 involved in a high crime area.

14 And specifically in this case, in this Fourth Circuit
15 case it says as Officer Riccio walked by he could see into
16 the car and the hands of both men, who saw no drugs, no
17 money, no weapons, no drug paraphernalia, nor did he see any
18 of them trying to conceal that object. And in that court
19 the court ruled that there was not reasonable suspicion.

20 So, Your Honor, here they had even more than we have in
21 the present case in this U.S. v. Sprinkle that, in fact,
22 they didn't find reasonable suspicion for that. Much less
23 the situation that we have here where there's even less of
24 those factors.

25 There is no indication that my client had any criminal

1 history, he didn't try to hide himself, he didn't do
2 anything -- he didn't speed off in some crazy way, that was
3 not noted. He just drove away. Nothing illegal about that,
4 Your Honor.

5 In ---

6 **MS. HOWARD:** Your Honor, if I may. I don't mean to
7 interrupt. I would love to see a copy of that Fourth ---

8 **MR. GRUBBS:** Sure.

9 **MS. HOWARD:** --- Circuit case. Thank you.

10 **MR. GRUBBS:** So, Your Honor, in State v. Butler, it
11 does go into some of the -- some of the reasonable suspicion
12 that I just discussed. And the important thing about --
13 about Butler is that it had to do with a paper tag. He was
14 stopped for a paper tag.

15 The holding in Butler said that a stop for a paper tag
16 alone is insufficient to give the rise for reasonable
17 suspicion. So here, Your Honor, we have to decide whether
18 or not the events that occurred at the Spinx or that more
19 that the Butler court referred to.

20 And what I would posit to the Court and what I argue is
21 that those events that happened at the Spinx, those
22 themselves don't even give rise to reasonable suspicion.
23 Deputy Chadwick himself testified he didn't try to go in
24 there right away, he didn't try to stop this transaction, he
25 didn't try to blue-light and see if anybody ran, he didn't

1 try to go in there in any way, shape or form and try to
2 immediately investigate the crime.

3 **THE COURT:** Well, as soon as his headlights got on the
4 guy, he left.

5 **MR. GRUBBS:** That's true, Your Honor.

6 **THE COURT:** That's ---

7 **MR. GRUBBS:** But again ---

8 **THE COURT:** --- conduct.

9 **MR. GRUBBS:** But again, walking away, nervousness,
10 those things don't give rise to reasonable suspicion when an
11 officer's around.

12 **THE COURT:** That's part of the -- yes, they can
13 consider nervousness.

14 **MR. GRUBBS:** They can, Your Honor. It's ---

15 **THE COURT:** Totality ---

16 **MR. GRUBBS:** --- a totality of ---

17 **THE COURT:** --- of the circumstances.

18 **MR. GRUBBS:** --- circumstances. That's correct, Your
19 Honor. But here, going just based on a hunch with nothing
20 else, which the Butler court directly goes to, and speaks to
21 a hunch or a suspicion, there's got to be more. There has
22 to be objective things to point to ---

23 **THE COURT:** Where did that word come from?

24 **MR. GRUBBS:** It came from -- it came straight out of
25 the State v. Butler, was the hunch language.

1 **THE COURT:** No, I'm talking about in this case. Who
2 came up with that word?

3 **MR. GRUBBS:** I -- when I was questioning him, I came --
4 I questioned him on hunch based on that's the language that
5 was used in the Butler court, which Deputy Chadwick
6 testified that it was a hunch. A hunch, a suspicion, I
7 think you can use whatever synonym you want.

8 I think that the point is the same and that it's got to
9 be more. It's got to ---

10 **THE COURT:** It comes down to the totality of the
11 circumstances. I agree with you. This is very slim, but
12 his experience at that -- the cases he had made at that
13 Spinx station in particular and in that neighborhood, the
14 fact that as soon as his lights -- his headlights shined on
15 the car, the guy left in a furtive manner. Although, he
16 didn't use the word furtive. Who came up with that word?
17 Oh, that was me. Sorry.

18 So, yeah, I agree it's slim, but I'm going to find that
19 he had reasonable suspicion based on all the factors and the
20 totality of the circumstances. So ...

21 **MR. GRUBBS:** Thank you, Your Honor.

22 **THE COURT:** Okay.

23 **MS. HOWARD:** Thank you, Your Honor.

24 **MR. GRUBBS:** I have a couple of other motions in *limine*
25 as well.

1 **THE COURT:** Yeah. I thought some of those were worked
2 out.

3 **MR. GRUBBS:** Number 2 was definitely worked out with
4 Ms. Howard.

5 **MS. HOWARD:** And, Your Honor, I can instruct my officer
6 on making sure he does not discuss his immigration status.

7 **THE COURT:** What is his immigration status?

8 **MS. HOWARD:** He's illegal. I don't -- I ---.

9 **THE COURT:** Okay.

10 **MR. GRUBBS:** He's illegal. He's been here for almost
11 nineteen years, never been in trouble before this stretch of
12 about five days.

13 **MS. HOWARD:** Well, that's not necessarily the case.

14 **MR. GRUBBS:** He has no prior criminal convictions.

15 **MS. HOWARD:** He has some ---

16 **MR. GRUBBS:** Besides traffic violations.

17 **MS. HOWARD:** Right, traffic. He was ---

18 **THE COURT:** Well, who used the word trouble? He's
19 never had any -- oh, that was you.

20 **MS. HOWARD:** But, I mean, Your Honor, I would like the
21 leniency, though, for him to be able to say that -- where
22 the defendant is from and why he doesn't have a driver's
23 license. He doesn't have to use the word illegal, but I do
24 think it's -- I do think it's relevant to why, you know, to
25 why the officer did what he did, why he thought there might

1 be more going on and further went through a stop and
2 searched the vehicle. But I will instruct him not to use
3 the word illegal.

4 **THE COURT:** Well, he's right there. He's listening to
5 you.

6 **MS. HOWARD:** He is.

7 **MR. GRUBBS:** And respectfully, Your Honor, I disagree
8 with Ms. Howard in that I think referencing where he's from,
9 I think that a jury could draw a conclusion that, perhaps,
10 especially when, you know, if -- well, we're not playing the
11 videos, right, Ms. Howard? We're not playing videos? She's
12 not listening to me.

13 Anyways, so I think that -- I think that by referencing
14 that -- I don't think there's any need to get into the fact
15 that he didn't have a driver's license at all. I think that
16 if Your Honor has already ruled that there's enough to pull
17 him over, the paper tag, we're going to hear about that, but
18 there's no need to go into the fact that he didn't have a
19 driver's license.

20 I don't think that that is relevant to the search. I
21 don't think it's relevant to finding ---

22 **THE COURT:** Well, wasn't there a consent to search?

23 **MR. GRUBBS:** There was a consent ---

24 **MS. HOWARD:** There was ---

25 **MR. GRUBBS:** --- to search.

1 **MS. HOWARD:** --- a consent to search.

2 **MR. GRUBBS:** Which is why I don't think it's relevant
3 -- why we need to get into his driver's license status at
4 all because I think a reference to that could be confusing,
5 mislead the jury, potentially put thoughts in their head
6 that we don't want in there, Your Honor.

7 So I think that would run afoul of 403 and ---

8 **THE COURT:** Well, just because you don't want them in
9 there doesn't mean the State doesn't want them in there.

10 **MS. HOWARD:** Right, Your Honor. And ---

11 **MR. GRUBBS:** I can imagine she does.

12 **MS. HOWARD:** And the deputy just told me he -- at the
13 time he didn't know where he was from. So he will not
14 testify to that. He said that the defendant did tell him he
15 is not a U.S. citizen, but he did not say anything else.

16 **THE COURT:** Okay.

17 **MS. HOWARD:** But just because you're, I mean, we ---

18 **THE COURT:** Okay.

19 **MS. HOWARD:** I'm fine to leave that part out. I would
20 like to be able to discuss the fact that he did not have a
21 driver's license. It all leads to why the officer did what
22 he did. And ---

23 **THE COURT:** Yeah, I think that's relevant, and it's
24 part of the *res gestae* of what happened out there.

25 **MR. GRUBBS:** Very well, Your Honor.

1 **THE COURT:** He's not going to talk -- he's not going to
2 -- he doesn't know where he's from. He just knows he
3 doesn't have a -- he's not a citizen of -- isn't that right?

4 **MS. HOWARD:** He said he's not a citizen of the United
5 States.

6 **THE COURT:** And he doesn't have ---

7 **MS. HOWARD:** And he didn't have ---

8 **THE COURT:** --- a driver's license.

9 **MS. HOWARD:** --- a passport and didn't have a driver's
10 license.

11 **THE COURT:** Okay.

12 **MS. HOWARD:** So he didn't have the proper
13 identification.

14 **THE COURT:** Okay. All right. Anything else?

15 **MR. GRUBBS:** Two things, Your Honor. The third motion
16 in *limine*, which I believe has pretty much substantively
17 been ruled on, which would be the motion to exclude any and
18 all the testimony and evidence relating to that hand-to-hand
19 transaction based on 403 and 404(b).

20 As you see in there, it discusses essentially what
21 amounted to a prior bad act that doesn't have any clear and
22 convincing evidence to show that anything actually happened.
23 That would be the argument to keep out any reference to that
24 particular event.

25 **MS. HOWARD:** And I would respectfully disagree, Your

1 Honor. At that point in time when he sees what he believes
2 to be a hand-to-hand is when he initiates -- is what begins
3 his investigation. Then he goes in to initiate the traffic
4 stop.

5 I would say the evidence that we would present that
6 something happened is the ---

7 **THE COURT:** Well, it goes to your officer's state of
8 mind. And based on his training and experience -- he didn't
9 see a hand-to-hand, but he definitely had, based on the time
10 of day, the furtive activity of the person who was at the
11 car, his conclusion was that illegal activity had occurred.

12 He can't testify to something he didn't actually see.
13 So he can say based on my experience I believed that there
14 was criminal conduct afoot, and ---

15 **MS. HOWARD:** And I think that's fair, Your Honor. I
16 don't ---

17 **MR. GRUBBS:** That's fair, Your Honor.

18 **MS. HOWARD:** I mean, he would not -- the deputy himself
19 would not say he absolutely without a doubt saw it. So I
20 will make sure he doesn't use the language hand-to-hand.

21 **THE COURT:** Okay.

22 **MS. HOWARD:** If that's what we're concerned about.

23 **THE COURT:** I don't know that it matters, but if that's
24 what you're concerned about ...

25 **MR. GRUBBS:** I'm fine with that, Your Honor.

1 **THE COURT:** Okay. All right.

2 **MR. GRUBBS:** And then lastly, I think this wasn't part
3 of the written motion, it's just something Ms. Howard let me
4 know just before we walked in here this morning, ---

5 **MS. HOWARD:** Oh, can I take a second to tell you ---

6 **MR. GRUBBS:** Yes.

7 **MS. HOWARD:** Okay. I apologize.

8 (Pause)

9 **MR. GRUBBS:** Never mind, Your Honor. That's withdrawn.
10 We're clear on the issue now.

11 **THE COURT:** All right. Well, it's ten til four. How
12 long is your witness going to take?

13 **MS. HOWARD:** About -- a little bit longer than what you
14 saw right there, thirty -- well, it also depends on cross-
15 examination. Maybe ---

16 **THE COURT:** I don't know, he's ---

17 **MS. HOWARD:** --- forty-five minutes.

18 **THE COURT:** Look at all those papers he's got. He's
19 going to rip him.

20 **MR. GRUBBS:** Your Honor, these are just for the
21 motions. I think ---

22 **THE COURT:** Okay. Well, I mean, do we start today or
23 do we go to tomorrow?

24 **MS. HOWARD:** That is totally up to you. I can -- I can
25 do whatever. My -- I have contacted my Property and

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1 Evidence and crime analyst -- Crime Lab analyst, and they
2 are available first thing in the morning. So ---

3 **THE COURT:** Okay.

4 **MS. HOWARD:** But ---

5 **THE COURT:** Well, why don't we go ahead and do openings
6 and see if we can get the first witness done.

7 **MS. HOWARD:** Okay.

8 **THE COURT:** All right?

9 **MR. GRUBBS:** That's fine, Your Honor.

10 **THE COURT:** Okay.

11 (Whereupon the jury entered the courtroom at 3:55 pm)

12 **THE COURT:** All right. Mr. Medlin, thank you very much
13 for agreeing to serve as foreperson. And at this time we'll
14 begin the first part of the trial with the opening
15 statements of the attorneys.

16 (Whereupon Court's exhibit 1 was marked)

17 **MS. HOWARD:** May it please the Court?

18 **THE COURT:** Yes, ma'am.

19 **MS. HOWARD:** Good afternoon, ladies and gentlemen. My
20 name is Kimberly Howard. And I represent the State of South
21 Carolina.

22 As the Judge told you, we're here today because the
23 defendant in this case has been charged with trafficking in
24 methamphetamine, over twenty-eight (28) grams.

25 What that means for you and what that means that the

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1 State has to prove throughout the course of the trial is
2 that in Greenville County, Mr. Watson, the defendant, was
3 involved in the trafficking of methamphetamine. And we have
4 to be able to show you that that substance that he was
5 trafficking was indeed methamphetamine and weighed over
6 twenty-eight (28) grams.

7 The State anticipates a fairly short trial. We will
8 probably go into tomorrow. But we will be calling three
9 witnesses. First we will start with Deputy Corey Chadwick
10 with the Greenville County Sheriff's Office. He will
11 testify as to his arrest and his investigation of the
12 defendant and as well as the stop, the car stop, and the
13 passenger in the car that the defendant was driving.

14 He will -- you will also hear from the Property and
15 Evidence, one of the custodians there that made sure the
16 evidence was secured. And you will also hear from one of
17 Greenville County's Crime Lab analysts, who tested the
18 substance that was recovered from the car that this
19 defendant was driving, and who will testify to the weight of
20 those drugs as being fifty-five (55) grams of
21 methamphetamine.

22 Now, the State, again, like I said, has to prove the
23 weight and the location as well as trafficking in
24 methamphetamine. And what that means under South Carolina
25 law is not just one or two things.

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1 Trafficking is the way that our Legislature has defined
2 it, involves many different activities. It doesn't have to
3 be just the one person that is selling it, that is holding
4 it, that is using it, that is sharing it. Possession can be
5 shared.

6 You can actually possess, have it on you, and be
7 involved in trafficking. You can have it in a vicinity
8 that's under your control. And you also can be helping,
9 aiding and abetting, conspiring or otherwise in agreement
10 with someone as to the movement, the use or just the
11 existence of the -- of the drugs, has to weigh over ten (10)
12 grams in South Carolina to be eligible for a trafficking
13 offense.

14 Here we will prove to you that it is over twenty-eight
15 (28) grams of methamphetamine, that this defendant was
16 involved in, that he knew about, that he was aware of. And
17 at the end of the trial you will go back to the jury room.

18 And the Judge will charge you on the law. He will tell
19 you the law that you're to apply to the facts that the State
20 presented to you throughout the course of the trial. And
21 the State feels confident that that -- that at that time you
22 will be able to render a guilty verdict of this defendant
23 and his involvement with trafficking methamphetamine. Thank
24 you.

25 **THE COURT:** All right. Mr. Grubbs.

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1 **MR. GRUBBS:** Thank you, Your Honor. May it please the
2 Court?

3 Ladies and gentlemen, again, my name is Chris Grubbs
4 with the public defender's office, Teal Johnson, my co-
5 counsel and Mr. Sheldon Watson.

6 This arrest happened 595 days ago. Now here we are on
7 a big day for Mr. Watson. This is probably going to go into
8 tomorrow. So we just want to say thank you for being here
9 and for paying attention because it's really important.

10 Because you see, sometimes things are exactly what they
11 look like. And we kind of heard the opposite of that,
12 sometimes things aren't as they seem. But other times
13 there's facts and there's evidence that tend to show exactly
14 what you think it does. And in this case, that's what we
15 have.

16 Ms. Howard, for the State, mentioned to you about a
17 passenger in the car. This passenger in the car's name is
18 Douglas Carroll Davis. Probably not going to hear from him
19 today or tomorrow. He's not here.

20 But you're going to hear facts that are going to come
21 out during the trial from Deputy Chadwick, who was the
22 responding officer, who investigated this case, who ended up
23 making an arrest. And these facts, as you're going to find,
24 are all going to point to possession of the methamphetamines
25 by Mr. Davis.

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1 Now, Ms. Howard made reference that you can have actual
2 possession, two people can be in possession and some other
3 things. And I think that you're going to see when the
4 evidence starts to come out that there's only one person
5 that really had possession. The facts of the case are going
6 to show this.

7 Deputy Chadwick's going to testify that when he's --
8 that when he initially responded to the scene, he saw Mr.
9 Davis holding a cup. He saw Mr. Davis drinking out of the
10 cup. He saw Mr. Davis set it down in the center console in
11 the cupholder nearest to Mr. Davis. Now that cup eventually
12 is where the methamphetamines were found.

13 You're also going to hear Deputy Chadwick say that in
14 the seat, exactly where Mr. Davis was sitting, he found
15 shards of methamphetamine. You're also going to hear
16 evidence that he also found a pipe that is commonly used for
17 smoking meth between the center console and Mr. Davis' seat.

18 So why is Mr. Watson here at all? Well, he was the
19 driver. He was there in the car. You're going to hear, you
20 know, testimony regarding that. And he denied having
21 anything to do with the drugs. Because both people denied
22 possession of the drugs, both people were charged with the
23 crime. Deputy Chadwick will let you know that.

24 So sometimes things are going to be exactly what they
25 look like. And I appreciate you all listening, just like

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1 Judge Miller said, because it's important to listen to all
2 of the facts and details. And I encourage you to continue
3 to do that because I think that after you listen, after you
4 take into consideration all of the evidence, the entire
5 presentation, everything together, you're going to find that
6 there is only one person that possessed that methamphetamine
7 in that car, and it was not Sheldon Watson.

8 Now the State also has a couple of other things that
9 they need to do. They need to prove the case. The State
10 has the burden of proof. The burden of proof in a criminal
11 case is beyond a reasonable doubt. We've heard that.

12 What that means is that you have to leave this room at
13 the conclusion of all the evidence, and after you
14 deliberate, firmly convinced that Mr. Watson is guilty. And
15 I just don't think that at the end of this you're going to
16 be able to say that.

17 Because one thing that they have to prove is that
18 Sheldon Watson knowingly possessed, aided and abetted,
19 financially assisted and that other long list of things that
20 Ms. Howard is going to tell you about, you know, in addition
21 to here, but also tomorrow in closing argument. He has to
22 know about it, ladies and gentlemen.

23 It was found in a coffee cup held by the passenger of
24 the car, inside with coffee still in it with the lid over
25 the top. So that's one thing I want you to consider as you

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1 hear some of this evidence.

2 And at the end of this I'm confident, as Mr. Watson is
3 confident, that you'll come back with the only verdict that
4 you can based on the evidence, which is a verdict of not
5 guilty. So thank you.

6 **THE COURT:** Okay. Call your first witness.

7 **MS. HOWARD:** Your Honor, at this time the State would
8 call Deputy Corey Chadwick.

9 **MADAME CLERK:** Sir, if you would, please, place your
10 left hand on the Bible and raise your right hand.

11 **Corey Chadwick,** being
12 duly sworn testified as follows;

13 **MADAME CLERK:** Thank you. And please state your name
14 for the record.

15 **DEPUTY CHADWICK:** Corey Chadwick.

16 **MADAME CLERK:** Thank you.

17 **Direct Examination by Ms. Howard:**

18 Q. Deputy Chadwick, tell us where you work and how long
19 you've been there.

20 A. I work for the Greenville County Sheriff's Office in
21 the Uniform Patrol Division. I have been there for three
22 years now.

23 Q. And what is your position with the Greenville County
24 Sheriff's Office?

25 A. I'm a uniform patrol deputy.

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD

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1 Q. And what does that mean in terms of your duties and
2 your day-to-day routine and responsibilities?

3 A. I answer calls for service when people call the
4 sheriff's office, call for 911. I respond to those calls
5 for service. When I am not responding to specific calls for
6 service, it's to patrol communities, deter criminal
7 activity, proactive police work.

8 Q. And what sort of training and experience did you have
9 or schooling to get to be a deputy with the Greenville
10 County Sheriff's Office?

11 A. I have a degree from the University of Clemson,
12 bachelor's degree with sociology with an emphasis in
13 criminal justice. I attended the South Carolina Criminal
14 Justice Academy. I went through -- it is fourteen weeks of
15 field training before becoming a regular patrol deputy.

16 Q. And do y'all have continuing training or is it just you
17 complete the Academy and then you ---

18 A. No. We do continuing training. We have what's called
19 inservice -- it's an annual training once a year. Our
20 platoon, our uniform patrol platoon itself at the end of
21 every -- our schedule runs from six weeks of night shift to
22 day shift. At the end of every day shift coming into night
23 shift we have a night training that our platoon does. We do
24 a platoon training event. We train on a multitude of
25 things.

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD

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1 Q. So you said you've been there three years, correct?

2 A. Correct.

3 Q. Approximately? And do you have an area that you're
4 assigned to or that you are -- most commonly patrol?

5 A. At the time of this incident I was assigned to the
6 southern end of Greenville County. Shortly after then I was
7 reassigned to the west side of Greenville County.

8 Q. So on April 24th of 2017 your area was the south end of
9 Greenville County?

10 A. That is correct.

11 Q. Okay. And is that the date that this incident that
12 we're going to get into occurred?

13 A. Correct, April 24th.

14 Q. And it was in Greenville County?

15 A. That's correct.

16 Q. So tell us a little bit about what was going on on
17 April 24th, 2017, the time and the area you were in. And
18 describe for the jury how you came upon this defendant.

19 A. On that night I started -- we were on night shift,
20 which runs from seven pm to seven am. It was roughly close
21 to nine pm at night. That time of year -- around this time
22 it was low light conditions. The sun was completely down.
23 It was dark outside.

24 I decided to patrol the area of Highway 418 and
25 Fairview Road. Located at that intersection is a Spinx gas

COREY CHADWICK - DIRECT EXAMINATION BY MS. HOWARD

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1 station. It's a 24 hour Spinx gas station, which I
2 regularly patrol.

3 That area is known for a lot of criminal activity, the
4 use -- personal use and sale of drugs and narcotics. We
5 find stolen vehicles there, the surrounding neighborhoods,
6 tips that we get from Vice and Narcotics. There are certain
7 neighborhoods around there that are known for the
8 manufacturing and sale of methamphetamine.

9 So this night I decided to, once I had time and I
10 wasn't on my way to a call for service, I decided to patrol
11 this Spinx and those neighborhoods. I had pulled into the
12 rear side of this Spinx.

13 This particular Spinx gas station on the back side,
14 it's not very well lit. There's usually a light in the far
15 corner. This is a larger -- it's got a larger back lot to
16 house 18-wheelers, truckers and stuff like that.

17 So I decided to pull into the back lot. I usually do a
18 loop around the store to kind of see any, you know,
19 suspicious vehicles or people walking just on the back side
20 of the gas station where there's not normal foot traffic.

21 As I turned into the back side off of Fairview Road, I
22 turned in and there was a vehicle behind the store. It
23 wasn't in a parking spot. It was, I would say, just in the
24 middle -- middle of the lot.

25 As soon as I turned in, my headlights hit the vehicle.

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1 I observed a black male driver, who's the defendant, a white
2 male passenger. And then there was another unknown white
3 male who was leaned over inside of the window. He was deep
4 inside the window to where I couldn't see his hands. I
5 couldn't see what they were doing.

6 As soon as my headlights hit all three, they quickly
7 looked at me, had like a wide-eyed, you know, deer in the
8 headlights look. And as soon as they saw my marked patrol
9 vehicle, because I was in a marked patrol vehicle, the male
10 leaning over the window immediately turned around and
11 started walking in an opposite direction, and the vehicle
12 immediately went in drive. There was no hesitation. It
13 just went straight as soon as they saw my vehicle.

14 At this point in time, that sort of behavior on the
15 back side of the Spinx, low light conditions, the area, you
16 know, of my knowledge and my experience of this particular
17 gas station, I believed that there was some sort of criminal
18 -- possible criminal activity going on.

19 Q. And let me ask you a few questions. Was there anything
20 back there -- you said they were not parked in a parking
21 spot. Was there like a place to blow up your tire? Was
22 there a gas pump? Was there anything right beside them?
23 Were they close to the front of the building? Just ---

24 A. No. The gas pumps for normal gasoline are up front in
25 the lit area. So is the tire pump. The only thing in the

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1 back is there is a couple of diesel fueling stations for the
2 bigger trucks, but that was a little further back in the
3 lot. And their vehicle wasn't around that.

4 Q. And what kind of vehicle was this?

5 A. It was a -- I believe it was a silver Chevrolet Impala.

6 Q. All right. Keep going. I'm sorry to interrupt you.

7 A. Okay. So at this time based on the, you know, what I
8 believed was some sort of criminal activity afoot, I had to
9 make a quick split-second decision to either follow the male
10 who walked off on foot or the vehicle with the two
11 passengers. I chose the vehicle.

12 At this time the vehicle made a left out of the gas
13 station heading southbound on Fairview Road towards Laurens
14 County. I began to follow the vehicle for a little while
15 and just trying to see if they did anything, any irregular
16 driving habits.

17 They were driving exactly the speed limit, no more, no
18 less, which to me is a little odd. Most people usually at
19 the sight of police, they try and act like they're not doing
20 anything. I mean, used all proper turn signals. I mean,
21 just regular daily traffic, everybody forgets to use turn
22 signals.

23 And they had a -- it was explained a paper, temporary
24 tag. At the time it was -- it was a little illegible. I
25 couldn't read the tag. I couldn't tell the validity of the

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1 tag or what dealership that it came from.

2 So at this point in time I decided to -- the totality
3 of everything that I had, their activity, their movements
4 and this illegible paper tag, I decided to activate my blue
5 lights, and I conducted a traffic stop.

6 Q. And when you say you followed them for a little while,
7 do you mean miles and miles, approximate -- tell us a little
8 bit about that.

9 A. It could have been anywhere from a quarter mile to a
10 mile, mile and a half. It wasn't -- it wasn't a long time.
11 I didn't want to follow them too long and them continue down
12 Fairview Road and into Laurens County.

13 Q. So you turn on your blue lights and conducted a traffic
14 stop?

15 A. Yes.

16 Q. Take us from there, please.

17 A. So as soon as I activated my blue lights, the first
18 road that we approached on the left the driver put on his
19 left hand turn signal, turned on the road and pulled over to
20 the side of the road.

21 I did a driver's side approach of the vehicle. I
22 introduced myself, stated what department I was from, asked
23 him if he had a driver's license, registration, proof of
24 insurance or any sort of documentation on the car that would
25 be required with a paper tag, any sort of proof of sale.

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1 At that time the driver told me that he did not have a
2 driver's license. He did not have any documentation on the
3 vehicle and he did not have insurance on the vehicle.

4 He told me -- I asked him if he had any form of
5 identification, picture identification on him. He stated he
6 did not. He told me that he was not a current U.S. citizen.
7 So I asked him if he had a passport.

8 **MR. GRUBBS:** Objection, Your Honor.

9 **THE COURT:** Based on?

10 **MR. GRUBBS:** Based on prior ruling on motion in *limine*
11 that we had formerly discussed. May we ---

12 **THE COURT:** No, that's ---

13 **MR. GRUBBS:** --- approach?

14 **THE COURT:** Come up here for a second.

15 (Whereupon a bench conference was held off the record
16 in the presence of the jury, but out of their hearing)

17 **THE COURT:** All right. Proceed.

18 **MR. GRUBBS:** May I have my objection noted for the
19 record, Your Honor?

20 **THE COURT:** Yep, yep.

21 **Direct Examination by Ms. Howard Continued:**

22 Q. So you were -- you were able to determine that there
23 was no valid paperwork for the defendant's -- for his
24 driving status or for the car itself?

25 A. No. There was -- he had -- he had nothing. I asked

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1 him whose vehicle it was. He said it belonged to his
2 cousin, he stated was a Jonathan Simmons, who was his
3 cousin. I did run the VIN number to the vehicle. It did
4 come back registered to a Jonathan Simmons, but there was no
5 -- there was nothing else on the vehicle.

6 As I was talking to him and the -- his -- his demeanor
7 in the car, he was very -- he was visibly shaking. His
8 hands were shaking. He kept kind of waving his hands
9 around. He was speaking at a very, very high rate of speed,
10 kind of like a slight stutter, which I felt that he was
11 pretty nervous.

12 Then looking over at the passenger, the passenger was
13 dead-eyed, just staring straight ahead, wouldn't make eye
14 contact with me at all.

15 Q. Were you able to determine who the passenger was?

16 A. I did. I did ask him for -- if he had any form of
17 identification. Since the driver did not have a driver's
18 license, you know, I did ask the passenger if he did have
19 any form of identification. He did have -- he did hand me a
20 valid South Carolina driver's license.

21 Q. And what was his name? The passenger, what was his
22 name?

23 A. Douglas Carroll Davis.

24 Q. All right. So once you figured out that there was not
25 the valid paperwork, what did you do from that point?

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1 A. At this point in time I still believed, based on their
2 demeanor and their behavior, I still believed that there was
3 some sort of criminal activity going on. But without any
4 sort of valid driver's license on the driver, any sort of
5 insurance or verifiable insurance information, I wasn't
6 going to be able to let the car drive from there.

7 I did call for a backup unit at that point in time just
8 in case, you know, I needed to inventory the vehicle prior
9 to towing it. I did ask the driver and the passenger out of
10 the vehicle.

11 Q. And can I back up ---

12 A. Yes.

13 Q. --- one second? When you approached the vehicle and
14 were speaking with the defendant in this case, did they say
15 what they were -- did they give any sort of justification
16 for what was going on ---

17 A. Oh, ---

18 Q. --- at the Spinx?

19 A. Yes. I apologize. So I did ask -- I asked the driver,
20 you know -- you know, what he was doing, where he was --
21 where he was going to. He did inform me that he was going
22 to a residence on Nash View Drive.

23 I asked him at that point in time, you know, what he
24 was doing at -- he informed me that he was a mechanic. He
25 said, I'm a mechanic and I'm just out test driving this car.

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1 And then I asked him, you know, what were you doing at
2 the Spinx? I just observed you at the Spinx. And he said
3 ---

4 Q. And, again, what time of day was this?

5 A. It was -- the time of the stop was around 8:50 at
6 night. So just close to nine pm. And then I asked him what
7 he was doing at the Spinx. And he told me, I was just
8 dropping off a friend.

9 Which at this point I was trying to determine his --
10 where his story was going. It didn't make sense to me why
11 he was a mechanic test driving a car at nine pm at night,
12 you know. But if he's test driving the car, he's also
13 dropping a friend off at this Spinx. But he also has
14 another male passenger in the car who is not the owner of
15 the car. So all these -- all these kind of stuck out as odd
16 to me.

17 Q. And so you called for backup?

18 A. I did. I called for a backup unit. At this point I
19 stepped them out of the vehicle. I asked for consent to
20 search their person. They both consented.

21 I asked the -- I asked them if there was anything
22 illegal in the car, if there was, you know, anything that I
23 needed to know about. They both denied that there was
24 anything in the car.

25 Finally, once a backup unit arrived I had him stand by

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1 with the -- the two occupants of the vehicle. I did -- I
2 did speak with the driver. I asked him again if there was
3 anything illegal in the vehicle. He stated there wasn't.

4 I asked him for his consent to search the car. He told
5 me again that there was nothing illegal in the vehicle, that
6 I could -- he consented me searching the car.

7 At this point in time when I was searching the car, the
8 first thing I noticed on the passenger's side of the vehicle
9 in between the center console and the seat, kind of shoved
10 in the crack down below, there was a glass bowl-style pipe,
11 which is, from my experience, is very common -- commonly
12 used for the consumption of methamphetamine. The pipe did
13 not have any residue like it was recently used, but I've
14 never seen those pipes used in anything else but the
15 consumption of methamphetamine.

16 Then looking around the vehicle, especially on the
17 passenger's seat, there was -- I was seeing these small
18 little flakes of like a crystal-like rock substance, which
19 basically, you know, based on my experience in this line of
20 work I found to be, you know, I believed was possibly
21 methamphetamine.

22 But it was very odd because methamphetamine is not one
23 of those types of drugs that we find, you know, just kind of
24 haphazardly spread around the car. Usually we find things
25 like that with marijuana where they're trying to roll a

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1 cigarette while driving and they drop little flakes of it
2 and you see the green leafy substance around, but not with
3 methamphetamine. Just because the street value is much
4 higher, they're a lot more careful.

5 So at this point in time I believed if this was, in
6 fact, methamphetamine, they were trying to conceal it in a
7 hurry. So I continued to search the rest of the car. I
8 didn't find anything.

9 And then there was a -- in the center console there was
10 a large Spinx styrofoam coffee cup, which I had previously
11 seen with the passenger holding it in his hand. Nothing
12 more, he was just sitting there holding it in his hand while
13 he was staring straight forward.

14 I decided to pop the top off the cup and shoved in the
15 cup was a large plastic bag, like a sandwich baggy,
16 containing a very large amount of that crystal -- crystal-
17 like substance, much larger shards of it.

18 Q. Deputy, I'm going to interrupt you real fast and show
19 you what's been marked as State's exhibit number 1. Take a
20 look at this, please. Do not open it and show it to the
21 jury at this time. It is not in evidence. But if you could
22 tell me if State's exhibit 1 is what you found in the coffee
23 cup in this defendant's car.

24 A. Yes. This is -- this is exactly what was found in the
25 car.

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1 Q. And so you found the drugs or what you believed to be
2 the drugs in the coffee cup. What did you do at that time?

3 A. So at this time, you know, I pulled the bag out. The
4 bag had been punctured on a side of it to where some of it
5 had spilled out. And I believe that's where -- I don't know
6 at what point that happened. I think that's probably where
7 some of it spilled out when it was trying to be concealed.

8 The baggy even had -- some coffee had actually seeped
9 -- seeped into the bag, which is not something normal, that
10 they would have allowed coffee to touch it. So that's why I
11 believed it was put away quick and in a hurry.

12 So at this point in time, since I believed it was
13 methamphetamine, we detained both of the subjects and we
14 separated them between my car and my backup unit's car. I
15 did have a field test kit for methamphetamine. It did field
16 test positive for methamphetamine.

17 So at this point I read both subjects their Miranda
18 rights, which they were willing to waive and still speak
19 with me. I questioned them about the meth that I found.
20 Both denied any sort of possession. Both denied any sort of
21 knowledge. They both blamed it on each other. The driver
22 said, nah, it was all the ---

23 **MR. GRUBBS:** Objection, Your Honor. Hearsay.

24 **THE COURT:** Yep, don't -- go ahead.

25 Q. So you -- once you detained them and Mirandized them,

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1 at what point did you place them under arrest and did you
2 charge both of them?

3 A. So at this point the -- it did field test positive.
4 The fact that such -- the large amount -- the field weight
5 at the time was basic possession weight that we normally
6 find for methamphetamine is usually a fraction of a gram.
7 This was much more. This is a very, very large amount.
8 Much more than the average user is going to ---

9 **MR. GRUBBS:** Objection, Your Honor, to the
10 characterization ---

11 **THE COURT:** Yeah.

12 Q. If you would just tell us ---

13 **THE COURT:** Sustained.

14 Q. --- just off your initial field test, was it over the
15 ten (10) gram or twenty-eight (28) gram threshold to charge
16 ---

17 A. Yes. It was -- it was well over the trafficking
18 weight.

19 Q. And so you charged both this defendant and the
20 passenger, correct?

21 A. Yes. Since they both denied any knowledge of it and
22 the amount -- the total amount that I found, I didn't
23 believe that there was any way that just one person was sort
24 of concealing this on their person to where the other one
25 wouldn't know about it.

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1 Q. And so what -- did you ever -- once you found that and
2 had them charged and arrested did you test that baggy for
3 fingerprints?

4 A. I did not put it in for fingerprints. I didn't believe
5 that I was going to be able to get fingerprints off of it
6 just because -- since the whole bag had been submerged in
7 that hot coffee.

8 Q. Now did you recover anything else like cell phones or
9 anything?

10 A. Yes. There were two cell phones. I usually, with drug
11 cases, when we find more than possession weight of drugs, I
12 usually consult with our Vice and Narcotic detectives. I
13 called one this night, gave him the particulars of the case,
14 the field weight of what I found.

15 He asked me to -- he asked me if there was any cell
16 phones in the car. I told him that there were, both of the
17 occupants had cell phones. He told me to -- he requested
18 that I seize the cell phones, place them in Property and
19 Evidence and they would possibly later follow up, maybe
20 searching, getting search warrants for the phones and seeing
21 other information that could lead them to any other sales of
22 narcotics.

23 Q. Do you know if anything came about from the -- from you
24 passing along the cell phones?

25 A. I do not. I was never followed up with our Vice and

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1 Narcotics investigators.

2 Q. And so tell me this, from just your experience with the
3 approximate weight that you found, what would you say the
4 street value of that would be?

5 A. Usually about an ounce, which is around -- roughly
6 around a little more than twenty-eight (28) grams, an ounce
7 goes anywhere from three hundred (300) to six hundred
8 dollars (\$600.00). We found just shy of two (2) ounces -- I
9 found just shy of two (2) ounces. So I believe anywhere
10 from six hundred (600) to a thousand dollars' (\$1000.00)
11 worth of methamphetamine.

12 Q. And just a few more questions. When you found these
13 drugs, and had them detained, and arrested, and charged,
14 what did you do with the drugs at that point?

15 A. So the drugs were seized after they were placed into
16 the detention center. I immediately took the drugs -- I
17 weighed them again and I placed them into Property and
18 Evidence in the drop-box along with the Property and
19 Evidence form that we fill out. And I also put it in for a
20 drug analysis request form.

21 Q. So tell us where Property and Evidence is.

22 A. Property and Evidence is the bottom basement level of
23 the law enforcement center.

24 Q. And is it a secure location? You just said something
25 about a drop-box. What -- what is that?

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1 A. Yes. So the -- there's a drop-box -- Property and
2 Evidence, the personnel that work there only work Monday
3 through Friday from about eight to five. Anything on the
4 weekends, anything after hours, there is a secure room, it's
5 a drop-box. It's a one way drop-box. There's no way to get
6 anything out.

7 The drugs were heat-sealed in a -- heat-sealed in a
8 bag, in a secure bag, along with the paperwork in an
9 envelope that was sealed up and marked with my signature on
10 there. It goes into that drop-box.

11 And then the next morning when the Property and
12 Evidence personnel come in, they find that, you know, the --
13 since everything's heat-sealed with a signature that has its
14 -- it's tamper proof. It'll show any signs of tampering,
15 anything like that.

16 Q. So the drugs you found, did you do anything with them
17 or take them anywhere other than straight to the Property
18 and Evidence ---

19 A. It was straight to Property and Evidence.

20 Q. Okay. So will you take a look at that and tell me
21 again, State's exhibit number 1, if your initials are on
22 there and if that's what you placed in Property and
23 Evidence.

24 A. Yes, my initials are on there.

25 Q. You placed that in the drop-box, correct?

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1 A. I did.

2 Q. Okay. No further questions at this time. I may have
3 some redirect. If you'll answer any questions that the
4 defense counsel has for you.

5 **Cross-Examination by Mr. Grubbs:**

6 Q. Deputy Chadwick, as part of your training and
7 experience you're trained to write reports, correct?

8 A. That's correct.

9 Q. And when you're trained in writing those reports you're
10 supposed to be complete and accurate, is that fair?

11 A. Yes.

12 Q. And you're supposed to put important information into
13 those reports?

14 A. Yes.

15 Q. And you're supposed to put evidence as you find them in
16 those reports?

17 A. Yes.

18 Q. And is it fair to say that you're going to have better
19 memory of an event at the time that you're writing that
20 report versus today, five hundred and ninety-five (595) days
21 after the arrest?

22 A. That's what they're supposed to be there for, yes.

23 Q. And that's why you need to make sure all the important
24 stuff is in those reports?

25 A. Correct.

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1 Q. Okay. When you initially went and made the stop on Mr.
2 Watson did you ask him his name?

3 A. I asked him to -- I asked his -- after there was no
4 form of identification, that's the name he gave me, yes.

5 Q. So he gave you the name of Sheldon Watson?

6 A. Yes.

7 Q. And you checked that out?

8 A. I did.

9 Q. And it came back that that was the truth, right?

10 A. I had no way of confirming that name since there was no
11 valid driver's license with that name.

12 Q. Have you since confirmed that he gave you a truthful
13 name?

14 A. No.

15 Q. No? So you don't know if his name is Sheldon Watson?

16 A. The only way I was able to identify is anything prior
17 with his information. Our systems that allow us to check
18 for any -- any run-ins to -- with law enforcement whether
19 it's they've made calls or called in or anything like that.
20 There was no way for me to verify photos, but there was a
21 name with Sheldon Watson in our system with that date of
22 birth.

23 Q. Your training and experience, do people who are engaged
24 in criminal activity sometimes give you false information?

25 A. They do.

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1 Q. And Mr. Watson, he gave you his birth date, correct?

2 A. Correct.

3 Q. And that matched up with a Sheldon Watson in the
4 computer system, correct?

5 A. Yes, correct.

6 Q. Okay. And he told you also that the car belonged to a
7 Jonathan Simmons, is that correct?

8 A. Correct.

9 Q. And you checked that out?

10 A. I did.

11 Q. And the car did, in fact, belong to someone named
12 Jonathan Simmons?

13 A. It did.

14 Q. So he told you the truth about all those things that I
15 just asked you about?

16 A. Yes, correct.

17 Q. Okay. He also told you that he dropped a friend off at
18 that Spinx location?

19 A. Correct.

20 Q. And you did, in fact, see somebody leaving that Spinx
21 location where you initially encountered him?

22 A. Yes, someone leaning over the window.

23 Q. Okay. But someone was there and ---

24 A. Yes, someone was there. Correct.

25 Q. Okay. Would you characterize Mr. Watson's responses to

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- 1 you as compliant?
- 2 A. (No response)
- 3 Q. I'm sorry. Strike that. Let me ask that a little bit
- 4 -- a little bit more clearly. Was he -- was he combative
- 5 with you in any way?
- 6 A. No.
- 7 Q. So he was pretty respectful in his responses to you?
- 8 A. Correct.
- 9 Q. And when you asked for consent to search the car, he
- 10 gave it to you?
- 11 A. Correct.
- 12 Q. And then you pulled both Mr. Watson and Douglas Davis
- 13 out of the car?
- 14 A. Correct.
- 15 Q. And let's go to Mr. Davis real quick. You mentioned
- 16 about him that you went and you ran his information.
- 17 A. I did.
- 18 Q. Did you find anything particular about him that would
- 19 stand out to you?
- 20 A. About Mr. ---
- 21 Q. About Mr. Davis.
- 22 A. --- the passenger?
- 23 Q. Yes, about Mr. Davis.
- 24 A. Other than the fact that he had a valid -- valid
- 25 driver's license, I believe. Or he had a verifiable form of

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1 South Carolina identification.

2 Q. Do you recall putting in your report that he was
3 wanted?

4 A. No.

5 **MR. GRUBBS:** May I approach, Your Honor?

6 **THE COURT:** Yeah.

7 Q. Deputy Chadwick, I'm going to direct you to a portion
8 of your report.

9 (Pause)

10 Q. Deputy Chadwick, after reviewing your report do you
11 remember anything about putting that he was a wanted person
12 in your report?

13 A. I do not remember that.

14 Q. And is it, in fact, in your report that he was a wanted
15 person?

16 A. There's a -- there's a checkbox that we check. And it
17 had been checked. Apparently it had been checked wanted.

18 Q. Okay. And part of -- you testified earlier that part
19 of what you do with a report is to make sure that it's
20 accurate?

21 A. Yes, correct.

22 Q. But that's not accurate?

23 A. No. I can't -- I do not remember the particulars of
24 that.

25 Q. Okay. So let's go back to your search of the -- of the

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1 vehicle here, of Mr. Watson's car. You testified earlier
2 that you found a pipe?

3 A. Correct.

4 Q. And that pipe was found in between the center console
5 and where Douglas Davis was sitting?

6 A. Correct.

7 Q. And you also testified that you found shards of what
8 you believed at the time to be methamphetamine?

9 A. Correct.

10 Q. And those were found in Douglas Davis' seat?

11 A. Correct.

12 Q. And you also found a Spinx coffee cup?

13 A. Correct.

14 Q. And that coffee cup was the same one that Douglas Davis
15 was drinking out of?

16 A. I did not see him drinking out of it. I just -- I saw
17 it in his hand.

18 Q. Do you recall if it's in your report ---

19 A. I ---

20 Q. --- whether ---

21 A. --- do not.

22 Q. --- or not someone was drinking out of it, whether or
23 not he was drinking ---

24 A. I can ---

25 Q. --- out of it?

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1 A. --- check my notes.

2 (Pause)

3 Q. Would it help refresh your recollection if I could show
4 you where I'm referring to ---

5 A. Yes, ---

6 Q. --- in the report?

7 A. --- please.

8 **MR. GRUBBS:** May I approach again, Your Honor?

9 **THE COURT:** Yeah.

10 Q. Deputy Chadwick, let me ask you again, did you ever put
11 in your report that you witnessed Douglas Davis -- Douglas
12 Davis drinking out of the Spinx coffee cup?

13 A. I did.

14 Q. Okay. So presumably what's in your report's accurate
15 and you did, in fact, see him ---

16 A. That's correct.

17 Q. --- drinking out of the cup? Okay. And that cup had a
18 lid on it?

19 A. It did.

20 Q. And when you witnessed -- and when you saw it in the
21 center console it was sitting in the cup holder nearest to
22 Douglas Davis?

23 A. It was -- it was two cups in line with each other.

24 There was no -- in line with each other, not, you know, a
25 driver one and a passenger one. They were both in line and

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1 it was sitting in the center console.

2 Q. There was two cans there?

3 A. No, there was just one -- two cup holders, but one cup
4 in the cup holder. And it was the Spinx cup.

5 **MR. GRUBBS:** A moment, Your Honor?

6 **THE COURT:** Yep.

7 (Pause)

8 Q. Ms. Howard asked you if you ever took forensics of the
9 cup, as in finger -- I'm sorry, fingerprints of the baggy of
10 the meth, is that correct?

11 A. Yes, correct.

12 Q. And you didn't -- you didn't do that because you
13 thought it wouldn't turn up anything?

14 A. Not with the -- not with the bag being fully submerged
15 in the -- in the hot coffee.

16 Q. But you didn't even submit it for testing to try?

17 A. I did not.

18 Q. And you also didn't submit the cup itself for testing?

19 A. No, I did not.

20 Q. Did you submit anything in the car for forensics
21 testing?

22 A. Other -- just the drug analysis request for the -- the
23 ---

24 Q. Just for the drugs themselves?

25 A. Yes, correct.

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- 1 Q. Okay. Did you ever submit that meth pipe for testing?
- 2 A. No, I did not.
- 3 Q. But that was found next to Douglas Davis?
- 4 A. Yes, correct.
- 5 Q. And he was avoiding eye contact with you?
- 6 A. Yes.
- 7 Q. And you collected the cell phones after the arrest as
- 8 well, right?
- 9 A. Correct.
- 10 Q. But you don't have anything from those cell phones that
- 11 would indicate that Mr. Watson was involved in any kind of
- 12 drug activity?
- 13 A. I do not.
- 14 Q. And I just want to go back to one thing you said that I
- 15 wrote down here. And I'm sorry to jump around, but you
- 16 mentioned that when you got behind them that they were going
- 17 the speed limit and obeying all the traffic laws?
- 18 A. Yes, correct.
- 19 Q. And you found it odd that they were following the law?
- 20 A. Usually when I get behind vehicles on traffic stops,
- 21 especially quickly pulling out behind cars, usually people
- 22 go below the speed limit. Usually the very cautious traffic
- 23 drivers are the ones that stick out to me.
- 24 Q. So, Deputy Chadwick, do you remember -- do you have any
- 25 recollection at all of there being another -- another can of

COREY CHADWICK - CROSS-EXAMINATION BY MR. GRUBBS

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- 1 drink in that console?
- 2 A. I do not.
- 3 Q. So if I were able to show you a picture that, in fact,
- 4 indicated that there was a second drink in there, would that
- 5 -- would that help you?
- 6 A. Yes, if you have a picture.
- 7 Q. Okay. And also as far as the layout of that -- of that
- 8 cup holder, is -- do you recall -- I know you testified
- 9 earlier, but are you sure that it was one in front of the
- 10 other or was it side by side?
- 11 A. I don't remember one hundred percent.
- 12 Q. Okay.
- 13 A. This was a long time ago. I just -- the memory's a
- 14 little hazy on that -- the specifics of that cup holder.
- 15 Q. Okay. You found meth in the passenger's seat?
- 16 A. Correct.
- 17 Q. That's where Douglas Davis was sitting?
- 18 A. Correct.
- 19 Q. You found a meth pipe next to the passenger's seat?
- 20 A. Correct.
- 21 Q. Where Douglas Davis was sitting?
- 22 A. Correct.
- 23 Q. You saw him drinking out of the Spinx cup?
- 24 A. Correct.
- 25 Q. And that's where you found the meth?

COREY CHADWICK - REDIRECT EXAMINATION BY MS. HOWARD

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1 A. Correct.

2 MR. GRUBBS: Nothing further, Your Honor.

3 THE COURT: All right. Any redirect?

4 MS. HOWARD: Just two brief questions.

5 **Redirect Examination by Ms. Howard:**

6 Q. Deputy Chadwick, if the coffee cup had been side by
7 side or front to back, would that have changed your
8 investigation of who you would have charged in this case?

9 A. No.

10 Q. And then just to further clarify, since we got tripped
11 up on it at the very beginning of the cross-examination, the
12 defendant that was driving -- the person that was driving
13 the silver Impala that you stopped on April 24th, 2017,
14 subsequently found the methamphetamine in the car, is he in
15 the courtroom today?

16 A. I'm sorry, can you say that again?

17 Q. The person that you arrested and stopped and then
18 ultimately arrested the driver of the vehicle, is he in the
19 courtroom today?

20 A. Yes, the driver is.

21 Q. Okay. And could you point to him, please.

22 A. It's the defendant over there.

23 (Whereupon the witness pointed to the defendant)

24 Q. And that's Mr. Sheldon Watson?

25 A. Correct.

COREY CHADWICK - RECROSS-EXAMINATION BY MR. GRUBBS

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1 Q. Okay. Thank you.

2 MS. HOWARD: No further questions, Your Honor.

3 THE COURT: All right. Anything else?

4 MR. GRUBBS: Brief recross, Your Honor.

5 **Recross-Examination by Mr. Grubbs:**

6 Q. You stated that you arrested both occupants of the
7 vehicle.

8 A. Correct.

9 Q. So was Douglas Davis charged with the same offense as
10 Mr. Watson?

11 A. Yes, correct.

12 Q. Are you aware of his whereabouts right now?

13 A. I am not.

14 MR. GRUBBS: Nothing further.

15 THE COURT: Okay. Thank you. You can step down.

16 All right, ladies and gentlemen, this is probably a
17 good time to break for the evening. Please remember what I
18 asked you to do about not discussing the case. If you're
19 like me, it's kind of hard to decide what to have for dinner
20 without talking to somebody.

21 So -- but you just have to -- you've sworn an oath,
22 you've given your word. And just tell them that. And when
23 it's all over you'll be able to talk about it, but not til
24 then. Y'all have a pleasant night. We'll see you back at
25 9:30 in the morning.

1 (Whereupon the jury exited the courtroom at 4:40 pm)

2 **THE COURT:** All right. Anything else before we break?

3 **MS. HOWARD:** No, Your Honor.

4 **THE COURT:** Okay. Well, I'm going -- based on what
5 I've heard today and the seriousness of the charges, I'm
6 going to take Mr. Watson into custody. Okay.

7 **MR. GRUBBS:** I understand, Your Honor.

8 **MS. HOWARD:** What time would you like for us to be
9 back, Your Honor?

10 **THE COURT:** Well, the jury's going to be back at 9:30.
11 So probably ought to shoot for that.

12 **MS. HOWARD:** Okay.

13 (Whereupon court was in recess at 4:41 pm)

25 Q. And is that a secured area?

MELANIE WATSON - DIRECT EXAMINATION BY MS. HOWARD

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1 A. Yes, ma'am.

2 Q. So can just anyone enter that area or do you have to be
3 authorized?

4 A. You have to be authorized. There's only four of us
5 that can get in or out.

6 Q. And is Property and Evidence closed at night?

7 A. Yes.

8 Q. Is Property and Evidence commonly referred to as P&E?

9 A. Yes.

10 Q. Okay. So tell me what happens to evidence that's
11 collected at night and then brought to P&E.

12 A. They can place it in either what we call a drop-box
13 where it's behind a secure door until the person comes in
14 and takes it back out. They can put it in a locker and lock
15 it. There are some lockers inside and outside. And then
16 there's refrigeration that they can put it in. They all
17 have locks except the drop-box, which goes behind a door
18 that you can't get into.

19 Q. So you can't go back, unless you're authorized, and get
20 any evidence?

21 A. Right.

22 Q. Okay. Does a property report or a piece of paper,
23 basically, accompany each piece of evidence?

24 A. Yes, a P&E sheet.

25 Q. Okay. I'm going to show you what's been marked as

MELANIE WATSON - DIRECT EXAMINATION BY MS. HOWARD

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1 State's exhibit number 1. If you'll just take it out.

2 Please do not show it to the jury at this time. But is
3 there a property sheet that accompanies that piece of
4 evidence?

5 A. Yes.

6 Q. Okay. And is your name on that sheet?

7 A. It is.

8 Q. Okay. So tell me what that means and what happened
9 with that evidence.

10 A. Okay. That means on the date of 4/25/2017 I took this
11 property out of the drop-box, and I entered it into our
12 filing cue system, which is our electronic system. And then
13 once I entered it, it was placed into a staging area at that
14 time.

15 Q. And is that also secure?

16 A. Yes, it is.

17 Q. And what time did you do this from the drop-box?

18 A. 7:20 is when I took it out.

19 Q. Okay. Was it sealed when you got it?

20 A. Yes.

21 Q. How do you know it was sealed?

22 A. This would have to be sealed because it would have the
23 officer's initials, the date and the case number inside the
24 heat-sealed package.

25 Q. And if you get something that's not heat-sealed, what

MELANIE WATSON - DIRECT EXAMINATION BY MS. HOWARD

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1 do you do?

2 A. If it's not heat-sealed and it needs to be, then it's
3 still brought into the area. It's put into a secure
4 location where we have a staging area for the officer to
5 come back and seal it.

6 Q. Okay. Did that happen in this case?

7 A. No, ma'am.

8 Q. And did you have any further involvement once you
9 checked the evidence in and then placed it into staging
10 before it was tested for lab analysis?

11 A. Not before it was tested, no, ma'am.

12 Q. Okay. Have you had any further ---

13 A. The only other further part that I had in it was on
14 11/28 I took the property from the staging locations and put
15 it in the court staging so it would be ready to come to
16 court.

17 Q. Thank you. I have no further questions.

18 **MR. GRUBBS:** No questions, Your Honor.

19 **THE COURT:** All right. Thank you, ma'am. You may
20 stand down.

21 A. Thank you.

22 **MS. HOWARD:** Your Honor, I would like to ask for this
23 witness to be excused.

24 **THE COURT:** Any objection?

25 **MR. GRUBBS:** No objection.

23 A. I have a bachelor's in biology, minor in chemistry. I
24 am certified in marijuana analysis through SLED. I've
25 studied under our two senior chemists, who've been there for

KRISTEN McCALL - DIRECT EXAMINATION BY MS. HOWARD

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1 twenty plus years on drug analysis. I also have
2 instrumentation. I constantly get courses on the
3 instrumentation -- courses for instrumentations that we use
4 in the lab.

5 Q. So tell us what -- what tasks you perform. What are
6 your job duties as a crime lab chemist?

7 A. Working in the lab I test suspected controlled
8 substances and report my findings.

9 Q. And how many substances would you say you've been asked
10 to test?

11 A. In the past -- in the three years ---

12 Q. In the three years, yes, ma'am.

13 A. Thousands.

14 Q. Okay. Have you ever been asked to test a substance
15 that turned out to be methamphetamine?

16 A. Yes.

17 Q. Have you ever testified in court?

18 A. Yes, ma'am.

19 Q. Have you ever been qualified as an expert in chemical
20 analysis?

21 A. Yes, ma'am.

22 Q. And how many times?

23 A. Three times.

24 Q. And have you ever been qualified as an expert?

25 A. Yes, ma'am.

KRISTEN McCALL - DIRECT EXAMINATION BY MS. HOWARD

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1 **MS. HOWARD:** Your Honor, at this time the State would
2 move to qualify Ms. Kristen McCall as an expert in the field
3 of chemical analysis.

4 **THE COURT:** Any voir dire?

5 **MR. GRUBBS:** No voir dire, Your Honor. No ---

6 **THE COURT:** Any objections?

7 **MR. GRUBBS:** --- objection.

8 **THE COURT:** Okay. All right. So qualified.

9 **Q.** So were you asked to analyze a chemical substance in
10 this case?

11 **A.** Yes, ma'am, I was.

12 **Q.** Okay. And how did you -- let me pass it up to you.

13 **A.** Okay.

14 **Q.** Tell me how you -- when you're asked to analyze
15 something, tell me how that comes to you and what you do in
16 that process.

17 **A.** Well, I go down to Property and Evidence with Melanie
18 who was just -- was on the witness stand. She's over there.
19 So I come and I pull a whole bunch of envelopes like this.

20 And then all of -- inside each envelope is the drug
21 that's in -- the suspected controlled substance is inside
22 the envelope. And then I go out and I print off a request.
23 And then I do a chemical analysis and a gas chromatograph
24 mass spectrometer on the substance.

25 **Q.** Could you explain that just briefly ---

KRISTEN McCALL - DIRECT EXAMINATION BY MS. HOWARD

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1 A. Uh-huh (affirmative).

2 Q. --- for the jury?

3 A. So when I get the suspected controlled substance, I do
4 a chemical analysis and it gives me a color change. So I
5 know which direction and which instrumentation I need to use
6 to take the step further. So with this one I had a color
7 change of orange, which gives me an indication that I may be
8 looking at something that's in the amphetamine group drug
9 classification.

10 So then I took it over to the gas chromatograph mass
11 spectrometer, which is basically a huge oven which is
12 allowed to separate different drugs that are maybe combined
13 together. So if you go into your drug cabinet and you mix
14 up a whole bunch of drugs together, it's able to separate
15 out each one and you can tell what's in it.

16 Q. So what you have in front of you is State's exhibit
17 number 1. Is that something that you checked out of
18 Property and Evidence? And if so, will you tell us when?

19 A. Yes. It says I -- it says the date was on 5/4/2017 at
20 12:31 pm. And I have my signature right here of where I
21 checked it out, and then I get it.

22 And then once I get it I check to make sure that the
23 officer's name is on here and that it is sealed and that it
24 has not been tampered with. And then, of course, I take it
25 out, I put it -- I take the -- I take it and I give it a

KRISTEN McCALL - DIRECT EXAMINATION BY MS. HOWARD

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1 weight. And then I do my analysis.

2 And then I put it back in here and I put it back in the
3 sealed package that has my initials and my date. And here
4 is the item. And then here is the weight. And then my
5 initials are on the package. And then I take it back to
6 Property and Evidence after I write my report and -- and
7 then wait to see if I get called to court.

8 **MS. HOWARD:** Your Honor, at this time the State would
9 offer to the Court to move State's exhibit number 1 into
10 evidence.

11 **THE COURT:** Any objection?

12 **MR. GRUBBS:** Yes, Your Honor, we object on the basis of
13 -- for argument that we made pretrial and just stand on that
14 objection.

15 **THE COURT:** Okay. Same ruling. All right. Go ahead.

16 (Whereupon State's exhibit 1 was admitted into
17 evidence)

18 Q. Okay. So if you'll -- if you will hold State's number
19 1 up for the jury to see. Will you tell us -- I know you've
20 described how you analyzed it already, but can you tell us
21 what the results of your analysis was?

22 A. Do you have the copy of the report?

23 Q. I could use -- would it help refresh your memory to
24 look ---

25 A. Yeah, I mean, -- yeah, I mean, I just -- I have it. I

KRISTEN McCALL - DIRECT EXAMINATION BY MS. HOWARD

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- 1 just ---
- 2 Q. Okay.
- 3 A. --- didn't know ...
- 4 Q. Do you know the substance that that was or ---
- 5 A. Yes. Yes, I do.
- 6 Q. Here's a copy of your ---
- 7 A. Okay. Thank you.
- 8 Q. --- report. Okay.
- 9 A. It says item CJCl, bag with crystal substance, was
- 10 methamphetamine found, fifty-five point six five (55.65)
- 11 grams, C2.
- 12 Q. Okay. So is that what ---
- 13 A. Yes.
- 14 Q. --- I'm describing as State's exhibit number 1, ---
- 15 A. Yes.
- 16 Q. --- is that that CJ ---
- 17 A. Uh-huh (affirmative). And then CJ -- CJ just -- CJCl
- 18 is right here also, yes. And this is your State exhibit 1.
- 19 Q. And that is fifty-five point six five (55.65) grams of
- 20 methamphetamine, correct?
- 21 A. Yes. It's fifty-five point six five (55.65), um-hum
- 22 (affirmative).
- 23 Q. Thank you. No further questions.
- 24 **THE COURT:** Cross.
- 25 **MR. GRUBBS:** No questions, Your Honor.

1 **THE COURT:** All right. Thank you, ma'am. You may step
2 down.

3 A. Yes, sir.

4 **MS. HOWARD:** Your Honor, the State would ask for this
5 witness to be excused.

6 **THE COURT:** Any objection?

7 **MR. GRUBBS:** No objection.

8 **THE COURT:** All right. Okay. Call your next witness.

9 **MS. HOWARD:** Your Honor, at this time the State rests
10 its case.

11 **THE COURT:** All right. Okay. Mr. Foreman and ladies
12 and gentlemen of the jury, this is one of those times that I
13 need to discuss legal issues with the attorneys. And -- so
14 I'm going to excuse you to your jury room. We'll get right
15 back with you. Don't discuss the case. Thank you.

16 (Whereupon the jury exited the courtroom at 10:03 am)

17 **THE COURT:** Any motions?

18 **MR. GRUBBS:** Yes, Your Honor. First, we'd like to
19 renew all prior motions made pretrial.

20 **THE COURT:** Okay. Same rulings.

21 **MR. GRUBBS:** Thank you, Your Honor.

22 And in addition we'd like to make a motion for a
23 directed verdict in a light viewed most favorably to the
24 State. We would argue that there's not enough evidence to
25 go to the jury.

1 The particulars of this case; the actual possession of
2 the drugs by the co-defendant, who is not here, the --
3 everything else that would point to Mr. Sheldon's [sic]
4 knowledge or ownership is speculation. There's no evidence
5 pointing to it.

6 There's no forensics that would tend to show that he
7 had his -- ever had his hands on the cup or was ever in any
8 physical possession of it. Based on those grounds, Your
9 Honor, we would move for a directed verdict.

10 **THE COURT:** Okay. I see the evidence in a slightly
11 different colored light than you do. I think there's a
12 reasonable inference that a jury could draw from what's in
13 there. So I'm going to deny that motion.

14 **MR. GRUBBS:** Thank you, Your Honor.

15 **THE COURT:** All right. Mr. Watson, would you stand for
16 me, please, and raise your right hand. Do you swear to tell
17 the truth?

18 **MR. WATSON:** Yes, sir.

19 **THE COURT:** Okay. You can put your hand down. I want
20 you to understand you have an absolute constitutional right
21 to be represented by -- excuse me. You have an absolute
22 constitutional right to testify in your own defense. You
23 have an equal absolute constitutional right not to testify.
24 And it cannot be held against you.

25 Whether or not you testify involves -- is a

1 multifaceted decision and involves strategy to some extent
2 and a number of other different factors. I understand that
3 you have no prior criminal history that would allow the
4 State to impeach your credibility. That is one factor to
5 take into consideration, but there are many others.

6 And I urge every person in your position to consult
7 with their attorney, to listen carefully to what the
8 attorney advises or recommends. But in the end, that
9 decision belongs to you and to you alone.

10 Have you made a decision -- well, before we -- I even
11 ask that, I'm going to give y'all just a few minutes to
12 discuss that before I get that answer. But while I'm
13 thinking about it, do y'all have any proposed jury charges?

14 **MS. HOWARD:** Yes, Your Honor.

15 **THE COURT:** Okay.

16 **MS. HOWARD:** Some of these, Your Honor, may already be
17 included in your -- that's yours, yes.

18 **MR. GRUBBS:** The only proposed jury instruction the
19 defense has, Your Honor, is just the standard mere presence
20 charge.

21 **THE COURT:** Yeah, I think that's part of my -- all
22 right. I got to go get my charge book. I didn't realize it
23 was going to be this efficient this morning. So ...

24 **MR. GRUBBS:** We try to do the best we can, Judge.

25 **MS. HOWARD:** You told us to be ready.

1 **THE COURT:** All right. I'm going to let y'all spend a
2 few minutes with your client, discuss that issue. And when
3 we come back we'll have to know about it. Okay? So we'll
4 just be at ease for five, ten minutes.

5 (Whereupon court was in recess at 10:07 am)

6 (Whereupon court reconvened at 10:19 am)

7 **THE COURT:** All right. Mr. Watson, have you had ample
8 time to discuss the situation with your attorneys?

9 **MR. WATSON:** Yes, I have, sir.

10 **THE COURT:** Have you made a decision?

11 **MR. WATSON:** Yes, sir.

12 **THE COURT:** And what is it?

13 **MR. WATSON:** I'm going to testify, sir.

14 **THE COURT:** You're going to testify?

15 **MR. WATSON:** Yes, sir.

16 **THE COURT:** Okay. All right. Very good. Y'all ready?

17 **MR. GRUBBS:** Yes, Your Honor.

18 **THE COURT:** Okay.

19 (Whereupon Defendant's exhibit 1 was marked for
20 identification)

21 (Whereupon the jury entered the courtroom at 10:21 am)

22 **THE COURT:** All right, ladies and gentlemen, welcome
23 back. All right. Mr. Grubbs.

24 **MR. GRUBBS:** Thank you, Your Honor. Defense calls
25 Sheldon Watson to the stand.

SHELDON WATSON - DIRECT EXAMINATION BY MR. GRUBBS

1 Sheldon Watson, being

2 duly sworn testified as follows;

3 **MADAME CLERK:** Please sit down. Please state your name
4 for the record.

5 **MR. WATSON:** Sheldon Alonzo Watson.

6 Direct Examination by Mr. Grubbs:

7 Q. Mr. Watson, how old are you?

8 A. I'm 53 years of age.

9 Q. And where are you from?

10 A. Trinidad and Tobago.

11 Q. How long have you been here in the United States?

12 A. 15 years.

13 Q. What is your current citizenship status?

14 A. Working on my paperwork.

15 Q. Okay. Are you here legally?

16 A. Yes.

17 Q. How long have you been here in Greenville?

18 A. 12 years.

19 Q. Where were you before you were in Greenville?

20 A. New York.

21 Q. Why did you come down to Greenville?

22 A. To work.

23 Q. What kind of work do you do?

24 A. Mechanic.

25 Q. Tell me about that mechanic work. Do you work for a

SHELDON WATSON - DIRECT EXAMINATION BY MR. GRUBBS

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- 1 particular company?
- 2 A. No, I work for myself.
- 3 Q. Okay. Doing what kinds of things?
- 4 A. Fixing transmission, tuning up vehicles, changing
- 5 plugs, air filters, checking relays, electrical work in
- 6 vehicles.
- 7 Q. Do you have any work hours that you keep normally in
- 8 doing this kind of work?
- 9 A. No, I work from home.
- 10 Q. Okay. And where is your home?
- 11 A. At [REDACTED] Nash View Drive, Fountain Inn, South Carolina.
- 12 Q. How far is that away from the Spinx on 1301 Fairview
- 13 Road?
- 14 A. About an eighth of a mile.
- 15 Q. An eighth of a mile, you said?
- 16 A. Yeah, from where -- from where I -- from where I live.
- 17 Q. Okay. And, Mr. Watson, I know you're -- you're from
- 18 Trinidad. You've got a little bit of a thick accent. Would
- 19 you please just try to slow down and enunciate so the ---
- 20 A. I'm sorry.
- 21 Q. --- jury and the court reporter can catch what you're
- 22 saying.
- 23 A. I'm sorry.
- 24 Q. All right. I'm going to take you to April 24th of
- 25 2017. Do you recall the events of that day?

SHELDON WATSON - DIRECT EXAMINATION BY MR. GRUBBS

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- 1 A. Yes, sir. Yes, I do.
- 2 Q. What were you doing that day?
- 3 A. I was helping my cousin check his car.
- 4 Q. Who is your cousin?
- 5 A. Jonathan Simmons.
- 6 Q. How did Jonathan Simmons contact you about doing any
- 7 work on his car?
- 8 A. Came -- came to where I live.
- 9 Q. All right. And what kind of things were going on with
- 10 his car?
- 11 A. He was having problems with his transmission. He tried
- 12 -- it wasn't changing. He wanted me to check and see if I
- 13 could figure out what's wrong with it.
- 14 Q. How were you going to check and see what's wrong with
- 15 it?
- 16 A. By driving the vehicle.
- 17 Q. So did you drive the vehicle?
- 18 A. Yes, I did.
- 19 Q. Where did you drive the vehicle?
- 20 A. Up by Spinx, the New Harrison Bridge Road.
- 21 Q. What about from your house to the Spinx?
- 22 A. He drove from my house to the Spinx.
- 23 Q. Okay. Why did he drive from your house to the Spinx?
- 24 A. Because he was -- when I -- when he came to my house he
- 25 was in the vehicle. He asked me to sit down with it, drive

SHELDON WATSON - DIRECT EXAMINATION BY MR. GRUBBS

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1 with him to feel something, to see how the car was pulling.

2 Q. Was that something you'd typically do when you do
3 mechanic work and trying to diagnose some mechanical
4 problems?

5 A. Yes. A transmission -- with a transmission, after you
6 drive ---

7 **MADAME COURT REPORTER:** I'm sorry, can you repeat
8 that?

9 A. I said with a transmission, without the computer to
10 diagnose it, so I have to drive it to see if it -- how it
11 changing, if foot (ph.) needs changing because you've
12 strickened, having problems with it, to see if I could
13 figure it out.

14 Q. Okay. So you drove to the Spinx, or sorry, Mr.
15 Simmons, your cousin, drove to the Spinx?

16 A. Yeah, he drove to the Spinx.

17 Q. What happened after you got to the Spinx?

18 A. He came -- he came -- he came out of the vehicle and
19 asked if I wanted some chicken to eat. I said, yes. He
20 said, okay, go on back. I said I'll take the vehicle, I'll
21 go around the block and see how it feel. When he came out
22 of the car, I came to the driver seat, I sit down.

23 Q. So you were there at the Spinx and you told him to go
24 get some chicken?

25 A. Yeah.

SHELDON WATSON - DIRECT EXAMINATION BY MR. GRUBBS

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- 1 Q. And that was what you two were going to have ---
2 A. To eat.
3 Q. --- that night?
4 A. Yeah.
5 Q. Okay. Did you ever encounter Douglas Davis when you
6 were at the Spinx?
7 A. Yes. He came out the back door.
8 Q. Do you know Douglas Davis?
9 A. Yes, I do.
10 Q. How long have you known him?
11 A. I'd say six months to a year doing work on his -- on
12 his vehicle.
13 Q. Okay. So the way that you were familiar with him is
14 because you had done work on his vehicle?
15 A. Yes.
16 Q. Okay. Did you -- did you have a conversation with him
17 at that point?
18 A. Yes. He said -- he said -- he told me if he could have
19 a ride to go to his sister's house to check his sister's
20 vehicle for him. He said he believed the brakes were bad.
21 Q. So he needed a ride to his sister's house?
22 A. Yes, he did.
23 Q. Where was his sister's house?
24 A. On New Harrison Bridge Road.
25 Q. How far away is that from the Spinx?

SHELDON WATSON - DIRECT EXAMINATION BY MR. GRUBBS

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1 A. I'd say a quarter -- quarter -- about a quarter of a
2 mile, half a mile from the Spinx.

3 Q. Okay. So just to kind of sum up, your cousin Jonathan
4 drove you to the Spinx ---

5 A. Yeah.

6 Q. --- so that you could feel -- feel what's going on with
7 the car, ---

8 A. Yeah.

9 Q. --- is that right? Okay. And then you switched seats?

10 A. Yeah.

11 Q. And at some point Mr. Davis asked you for a ride?

12 A. Yeah. My cousin was in the car. He was going to go
13 get the -- order the chicken at Spinx.

14 Q. How long were you -- were you there at the Spinx?

15 A. Five, ten minutes at the most.

16 Q. Okay. And so you were going -- what was your plan
17 after you were leaving the Spinx?

18 A. To go back home.

19 Q. Go back home after you dropped off Mr. Davis?

20 A. No, to come back up to pick up my cousin and go back
21 home.

22 Q. So you -- hang on. So you were going to go back to the
23 Spinx to pick up your cousin after you dropped off Mr.
24 Davis?

25 A. Yes.

SHELDON WATSON - DIRECT EXAMINATION BY MR. GRUBBS

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1 Q. Okay. So at some point Deputy Chadwick here -- you saw
2 blue lights behind you and he pulled you over?

3 A. Yes, on Fairview Road.

4 Q. What happened after he pulled you over?

5 A. Pulled me over. He asked if I had a driver's license.
6 I told him, no. Told him I was just test driving the car, I
7 do mechanical work. He said, okay. He left me. He went
8 back to his vehicle.

9 He came back, got me to step out of the vehicle. I
10 stepped -- I stepped out of the vehicle. He took me to the
11 back of my vehicle and asked me could he search the vehicle.
12 I said, of course, go ahead.

13 Q. Okay. Did both of you get out of the vehicle, both you
14 and Davis get out of the vehicle at the same time?

15 A. No, we did not.

16 Q. Who got out first?

17 A. I did.

18 Q. Okay. How long was Davis in the car by himself?

19 A. About five minutes.

20 Q. All right. Now are you familiar with the inside of the
21 vehicle that you were driving?

22 A. Yes, sir.

23 Q. Your cousin's vehicle?

24 A. (No response)

25 Q. Your cousin's vehicle, correct?

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1 A. Yes, sir.

2 Q. Can you describe the cup holders in the seat?

3 A. Yeah. There's two cup holders side by side.

4 Q. Did you have a drink that day?

5 A. Yes, sir. Yes, I did.

6 Q. What were you drinking?

7 A. Peach -- peach tea.

8 **MR. GRUBBS:** May I approach, Your Honor?

9 **THE COURT:** Yeah.

10 Q. I'm going to hand you what's been previously marked as
11 Defendant's exhibit 1. Could you tell me what that looks
12 like to you?

13 A. Coffee cup.

14 Q. What else is in the picture?

15 A. A peach tea drink.

16 Q. Now, looking at that picture, which seat is closest to
17 you?

18 A. This one right here, the left side.

19 Q. Is it the driver's seat or the passenger's seat?

20 A. The driver's seat.

21 Q. Which cup is beside the driver's seat?

22 A. The coffee cup.

23 Q. Look again. Here's the -- here's the gear shift, ---

24 A. Um-hum (affirmative).

25 Q. --- driver's seat. Which one's closest?

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- 1 A. This one here.
- 2 Q. Which one is that?
- 3 A. The peach tea, my -- that's my drink.
- 4 Q. The peach tea, that was your drink was closest to the
5 driver's seat?
- 6 A. Yes, sir.
- 7 Q. And what is next to that?
- 8 A. A coffee cup.
- 9 Q. Whose coffee cup was that?
- 10 A. Douglas.
- 11 Q. Did you ever see inside that coffee cup?
- 12 A. No, I never did.
- 13 Q. Was there a lid on it?
- 14 A. Yes, it was.
- 15 Q. Was the lid on it the whole time that you saw it?
- 16 A. Yes, sir.
- 17 Q. Now this -- this picture of the inside of the center
18 console of the car, is that a fair and accurate
19 representation of how that looked the night of April the
20 24th, 2017?
- 21 A. Yes, sir.
- 22 Q. Is it substantially the same? Have you noticed
23 anything that would have been changed in that?
- 24 A. No.
- 25 **MR. GRUBBS:** At this time, Your Honor, I'd like to

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1 admit Defense 1 into evidence. \

2 **THE COURT:** Any objection?

3 **MS. HOWARD:** No objection, Your Honor.

4 **THE COURT:** Okay.

5 (Whereupon Defendant's exhibit 1 was admitted into
6 evidence)

7 **MR. GRUBBS:** Permission to publish to the jury, Your
8 Honor.

9 **THE COURT:** Sure.

10 Q. So what happened after you had gotten out of the -- out
11 of the car and then Davis was out of the car? And, I'm
12 sorry, you said that you had given consent to search?

13 A. Yes, I did.

14 Q. Okay. What happened after that?

15 A. He went to Davis -- to get Mr. Davis out of the vehicle
16 for him to sit down on the side of the road. And he went
17 and searched the vehicle.

18 Q. Did Deputy Chadwick find anything in the vehicle?

19 A. He came back with a bag and said he found this in the
20 coffee cup ---

21 Q. In the coffee cup?

22 A. I said I have no knowledge of that. I said I knew -- I
23 knew nothing about it.

24 Q. Now Deputy Chadwick said that both of you denied
25 ownership of what was found inside that coffee cup. Do you

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1 recall that?

2 A. Yeah.

3 Q. Why did you deny ownership of what was in that coffee
4 cup?

5 A. I didn't know it was in the coffee cup.

6 Q. Did you have any knowledge whatsoever of what Douglas
7 Davis had in that coffee cup?

8 A. No, I didn't know it was in the coffee cup. I knew
9 nothing about what he had in it.

10 Q. Mr. Watson, do you normally pat down people who you
11 give a ride?

12 A. No, I don't.

13 Q. And you knew Mr. Davis who'd done previous work?

14 A. Yes, that's -- that's it.

15 Q. Do you have any other close, personal relationship with
16 him?

17 A. No, I don't.

18 Q. Do you have any reason at all to know that he might
19 have had drugs on him?

20 A. No, I don't.

21 **MR. GRUBBS:** Nothing further, Your Honor.

22 **THE COURT:** All right. Cross.

23 **Cross-Examination by Ms. Howard:**

24 Q. Good morning, Mr. Watson.

25 A. Good morning.

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1 Q. A few questions for you. Just to start out, tell us
2 again what you were doing at the Spinx.

3 A. My cousin bring me to Spinx to buy some chicken for me.
4 He told me that he was going to order the chicken. I came
5 up on the driver's seat to drive the vehicle around the
6 block just to see what was wrong with the transmission.

7 Q. And at what time of night was this?

8 A. I want to say it was -- it was 8:15, 8:30, wasn't
9 really sure.

10 Q. And why did you pick or I guess I should say do you
11 usually pick the back unlit corner of the parking lot to
12 drop off people that are going into the Spinx to buy
13 chicken?

14 A. No. He was going in the back door. It's easier
15 because the chicken is right in -- right at the back.

16 Q. So this chicken story, this would be -- would you not
17 agree that this would be the third version of what you said
18 you were doing that night?

19 A. Chicken? No.

20 Q. Okay. Well, do you not recall telling the officer when
21 he first stopped you that you were going home to Nash View
22 Drive?

23 A. No.

24 Q. Do you ---

25 A. He asked me what I was doing. I said I was test

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1 driving the vehicle to see -- to check on the transmission.

2 I ---

3 Q. So you did not say you were headed home to Nash View
4 Drive?

5 A. No.

6 Q. So I don't need to pull -- do I need to pull the video?

7 A. If you want to.

8 Q. Hold on one second.

9 (Pause)

10 Q. So you were -- what if I told you the other thing that
11 you just said today that you were driving in the direction
12 of -- that you were headed to New Harrison Bridge Road to
13 drop off Mr. Douglas? That's what you testified to,
14 correct?

15 A. Yes, I did.

16 Q. So what if I told you that the direction that you
17 turned out of the Spinx and where you were stopped was the
18 opposite direction of New Harrison Bridge Road? Would you
19 not agree?

20 A. No, ma'am.

21 Q. Well, -- and would you say that -- so you said you
22 drove up to the Spinx, parked in the back lit -- corner of
23 the parking lot, dropped off your cousin, switched -- you
24 switched places, this is your testimony, correct?

25 A. Yes, we did.

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1 Q. At that point in time Mr. Davis also jumped in the car?

2 A. No. Mr. Davis asked for a ride.

3 Q. He asked for a ride at the Spinx?

4 A. At the Spinx.

5 Q. Okay.

6 A. To his sister's house.

7 Q. And then at that point in time you take off to drive --
8 test drive the car, ---

9 A. Yeah, ---

10 Q. --- and that's what you're telling us?

11 A. Yes, ma'am.

12 Q. At 9:00 at night?

13 A. I didn't say -- 8:30, 8:15, around there.

14 Q. And you testified that you were -- you told the officer
15 you were going home even though you ---

16 A. I told the officer I'm a mechanic, I'm just test
17 driving the car. He even allowed me to call my -- my
18 cousin.

19 Q. Yes. And did you -- so you are saying you were not
20 driving? You're disputing the fact that the ---

21 A. I was driving.

22 Q. Right. But you're disputing the fact that the
23 direction you went was away from New Harrison Bridge Road,
24 which is where you just told us you were going?

25 A. I was going to New Harrison Bridge Road. If I'm not

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1 mistaken, you have New Harrison Bridge Road and New Harrison
2 Church Road. Because New Harrison Bridge Road is going to
3 Simpsonville. And I believe New Harrison Church Road is
4 going to Hickory Tavern side.

5 Q. So ---

6 A. To New Harrison Bridge ---

7 Q. --- this arrest ---

8 A. --- Road.

9 Q. --- was April 24th of 2017, correct?

10 A. Excuse me?

11 Q. Your arrest was April 24th of 2017, ---

12 A. Yes, ma'am.

13 Q. --- correct? So you've had approximately a year and a
14 half to come up with a story to tell us today?

15 A. No, I'm talking the truth.

16 **MS. HOWARD:** No further questions.

17 **THE COURT:** All right. Any redirect?

18 **MR. GRUBBS:** No redirect, Your Honor.

19 **THE COURT:** All right. Thank you. You can step down.

20 A. Thank you.

21 **THE COURT:** All right. Call your next witness.

22 **MR. GRUBBS:** Defense has no further witnesses, Your
23 Honor.

24 **THE COURT:** Okay. Is there a case in reply?

25 **MS. HOWARD:** No, Your Honor.

1 **THE COURT:** Okay. All right. Ladies and gentlemen,
2 this, again, is a time when I need to discuss a legal issue
3 with the attorneys. So we'll get right back with you.
4 Don't discuss the case yet.

5 (Whereupon the jury exited the courtroom at 10:36 am)

6 **THE COURT:** All right. Anything? Any motions?

7 **MR. GRUBBS:** Your Honor, I just renew all previous
8 motions I made ---

9 **THE COURT:** All right.

10 **MR. GRUBBS:** --- as well as ---

11 **THE COURT:** Same ruling. All right. What about the
12 jury charge? Do you have any motions from the State? I
13 don't mean to pass you by, but you weren't paying attention.

14 **MS. HOWARD:** The State has no motions, Your Honor.

15 **THE COURT:** All right.

16 **MR. GRUBBS:** I have no objections to the State's
17 requests to charge and again just ask you to read the mere
18 presence charge.

19 **THE COURT:** Yeah. Yeah. All right. Here's what I
20 intend to charge.

21 **MS. HOWARD:** Your Honor, could I just ask for a point
22 of clarification? Just to make sure that I do not do
23 anything inappropriately. So I can open on the law, but I
24 can also fully open. And he then replies to that. He then
25 does his summation, and I will have a chance to reply after

1 that, correct?

2 THE COURT: Correct.

3 MS. HOWARD: That's the way ---

4 MR. GRUBBS: Yes, Your Honor. We just ask that they --
5 they ---

6 THE COURT: Open fully.

7 MR. GRUBBS: --- open fully on the law and the facts,
8 we ---

9 THE COURT: Yeah.

10 MR. GRUBBS: --- respond and then she ---

11 THE COURT: Full opening and then she can reply.

12 MR. GRUBBS: That's right, Your Honor.

13 THE COURT: Okay. Duties of the judge and jury, the
14 indictment's not evidence, credibility of the witnesses,
15 short thing on expert witnesses, do you want that?

16 MS. HOWARD: Yes.

17 THE COURT: Yes. Presumption of innocence, reasonable
18 doubt. You want hand of one is the hand of all?

19 MS. HOWARD: Yes, please.

20 THE COURT: How about direct and circumstantial
21 evidence? Any circumstantial evidence charge requested?

22 (Pause)

23 THE COURT: From anybody?

24 MS. HOWARD: Yes.

25 MR. GRUBBS: That's fine, Your Honor. I have no

1 objection to either one.

2 **THE COURT:** Okay.

3 **MS. HOWARD:** We like to hear you talk.

4 **THE COURT:** Oh, God. Okay. All right. So we'll do
5 that. Then the mere -- I'm not going to charge what you
6 put, but I've got a charge that will -- it's a little bit
7 more lengthy since you like to hear me talk. And then
8 trafficking. And it's ten to -- what is it? Ten to ---

9 **MR. GRUBBS:** Twenty-eight (28) to one hundred (100).

10 **THE COURT:** Twenty-eight (28) to one hundred (100),
11 yeah. Okay. All right. That's it. Y'all need any time or
12 you ready to go?

13 **MR. GRUBBS:** I just need a few minutes. I've got a
14 PowerPoint I want to put up on the screen. I've got
15 everything set up there, I just need to plug it in.

16 **THE COURT:** This is a modern world.

17 **MR. GRUBBS:** I'm trying to bring us into the 21st
18 century, Judge.

19 **THE COURT:** Yeah, you're going to have to get a big tow
20 truck to get me there.

21 (Whereupon court was in recess at 10:39 am)

22 (Whereupon court reconvened at 10:47 am)

23 **THE COURT:** Y'all ready to roll?

24 **MR. GRUBBS:** Yes, sir.

25 **THE COURT:** Okay.

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1 (Whereupon the jury entered the courtroom at 10:48 am)

2 **THE COURT:** All right. Ladies and gentlemen, welcome
3 back. If you can remember my little roadmap I gave you
4 yesterday, the five parts, we've now completed the first two
5 parts. So all of the evidence that's going to be presented
6 in this case is before you.

7 And at this time we're going to move to the third part
8 of the trial, which are the closing arguments of these
9 attorneys. So please give them your full attention. All
10 right.

11 **MS. HOWARD:** May it please the Court, Your Honor?

12 **THE COURT:** Yes.

13 **MS. HOWARD:** Sometimes things are exactly as they
14 appear to be. That's what we heard in the beginning of the
15 trial. Sometimes you have a car that's being operated by
16 someone, and sometimes you have an officer who believes he
17 sees suspicious activity, illegal activity, and sometimes
18 that illegal activity turns out to be true.

19 And in this case it came in the form of fifty-five (55)
20 grams -- fifty-five point six five (55.65) grams of
21 methamphetamine. What you heard from testimony is
22 approximately six hundred (600) to a thousand dollars
23 (\$1000.00) street value worth of methamphetamine.

24 Now at the beginning of the trial I told you that the
25 State had to establish three things, that we had to

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1 establish that in Greenville County this defendant was
2 trafficking methamphetamine and that it was over twenty-
3 eight (28) grams. That is what he's charged with. That is
4 what we're here today to establish to y'all.

5 You heard from the testimony that the incident location
6 where this defendant was stopped and searched and the car
7 searched was in Greenville County. You heard the chemist
8 testify that the substance turned out to be methamphetamine
9 and that it was fifty-five point six five (55.65) grams.
10 And you've heard testimony that establishes that this
11 defendant was involved in trafficking methamphetamine.

12 At the end of the trial once the State is finished and
13 the defense is finished with their closing arguments, the
14 Judge is going to charge you on the law. He told you that
15 in the beginning. He'll tell you the law that is to be
16 applied to the facts, and the testimony and the evidence
17 that you've heard and saw throughout this case.

18 Some of the things he's going to tell you is defining a
19 lot of the terms that you've heard, such as trafficking
20 methamphetamine. When the State Legislature and the case
21 law defined trafficking it did not limit it to one
22 situation, one method, one way to be involved. There are
23 many ways that you can be involved in the trafficking.

24 You can be conspiring with someone. You can be selling
25 it or you can be aiding and abetting. You can be helping

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1 someone pick up the drugs. You can be driving them
2 somewhere else to drop off the drugs. You can also be in
3 possession. And possession is one of the main ways.

4 And what the Judge will also tell you is that there are
5 two different kinds of possession in South Carolina. You
6 have actual possession, which would be me holding this pad
7 and this pen, and then you would also have a term, a
8 legalese term that we use that is called constructive
9 possession.

10 Constructive possession is when someone has an area
11 that they have control over. The legal term is dominion and
12 control, but basically responsibility over. And because of
13 that responsibility, because of that dominion and control,
14 they are responsible for what is in that area. They possess
15 it. That's the basic gist of constructive possession.

16 Another thing that the Judge will charge you on and the
17 law that he will tell you is settled in South Carolina is
18 that the driver, the operator of a vehicle has dominion and
19 control over that vehicle, responsible for what is found,
20 what is in there and what is taking place in that car.

21 So another thing that the Judge will tell you is that
22 possession can be shared. It doesn't -- just because one
23 person has something doesn't mean that the other can't also
24 join in in possessing that.

25 And what that means and what that -- why that is

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1 important in the case today is because, as you heard, there
2 were two individuals in the car that was stopped. There was
3 the driver, who was this defendant, and there was another
4 individual who's name we heard was Douglas Davis. The
5 State, the officer, no one has submitted to the jury that
6 one possessed and the other did not. That is not what the
7 State is saying to you today.

8 We are -- we have -- we know that the drugs were found
9 in the vehicle, there were flakes -- and it's not in dispute
10 that it was found in the coffee cup that the passenger was
11 driving [sic] and that the flakes of the methamphetamine
12 were also found in the passenger's side of the vehicle. But
13 the important thing is that this defendant, Mr. Watson, was
14 driving that vehicle where the -- where that illegal
15 activity was taking place, where those drugs were found at a
16 Spinx station in a dark lit area, saying initially when he
17 talked to law enforcement that he was a mechanic that was
18 headed home. And you heard the story he had here today a
19 year and a half later, that it was the cousin who had gotten
20 out of the car, and they had switched and there were some
21 chicken and all the things he was telling us.

22 And one of the things that is your job, ladies and
23 gentlemen, is to evaluate the credibility of the witnesses
24 and of the testimony that you heard. If you'll notice, when
25 the defendant first began testifying and is asked simple

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1 questions about where he worked and how long he's been in
2 America and some different things that was clear, and calm
3 and collected, as soon as we started discussing the night of
4 April 24th, 2017, in response to both defense questions and
5 State questions he became -- his mannerisms, or I guess, his
6 speech became fast, and slurred, and nervous, almost.

7 And that's one thing that is your job, ladies and
8 gentlemen, is to evaluate the credibility of what you saw
9 and what -- not just necessarily of what you heard, but the
10 demeanor and the manner in which the person delivered it to
11 you.

12 Now, as I said, the Judge at the end will charge you.
13 He's going to tell you that you have to find beyond a
14 reasonable doubt that this defendant was involved in
15 trafficking methamphetamine. What he'll say is -- what
16 he'll tell you is that means it's not beyond all doubt, but
17 it's what leaves you firmly convinced. Firmly convinced of
18 his involvement.

19 Firmly convinced that on that night everything appeared
20 exactly as it -- everything that night was exactly as it
21 appeared to be. He was driving a vehicle in a dark lit area
22 where there was an individual inside the car, hands inside
23 the car, as you heard, who immediately took off as soon as
24 they saw law enforcement. One scattered this way, the car
25 scattered that way.

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1 You heard that -- the defendant say he was driving to
2 New Harrison Bridge Road to drop somebody off, yet he told
3 law enforcement he was headed home, and he wasn't even
4 driving in the direction of New Harrison Bridge Road. He
5 was jittery. His story didn't make sense.

6 And once stopped and once searched, there was fifty-
7 five (55) grams of methamphetamine found in the vehicle.
8 And as the driver, he's responsible for what's in that
9 vehicle. And he knew -- we can assume -- we can draw the
10 conclusion that he knew and he was involved in the picking
11 up of the meth, driving it around, it's a thousand dollars'
12 (\$1000.00), close to a thousand dollars' (\$1000.00) worth of
13 methamphetamine in his car.

14 There was a lot of time that passed before, as he said,
15 that they were in the car that it could have been hidden.
16 And, again, the State is not disputing that it was in the
17 coffee cup that Mr. Davis was drinking. Those are not facts
18 in dispute.

19 But we would submit to you that everything is as it
20 appears to be, and evaluate the credibility of what you
21 heard and how you heard it, and the manner which you did,
22 and the State feels confident in that taking back -- seeing
23 fifty-five (55) grams of methamphetamine that you'll be
24 firmly convinced of this defendant's guilt of trafficking
25 methamphetamine. Thank you.

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1 **THE COURT:** All right.

2 **MR. GRUBBS:** Thank you, Your Honor.

3 Be patient with me as we're waiting for my projector
4 here to boot up. But I'm glad that the State reemphasized
5 what I told you in the beginning that things are sometimes
6 exactly what they appear to be because we have a situation
7 where somebody was in possession the entire time of those
8 drugs. And we know who it is. We heard it time and time
9 again throughout this trial. And that was Douglas Davis.

10 And I want to go into a little bit about what the State
11 said and a little bit about what we heard here today. But
12 first, I want to go into some of the details that we heard
13 regarding the burden of proof because this is important.
14 These are the things that you're going to use to decide this
15 case. These are the things you're going to take back with
16 you that is a roadmap, the guidelines, what you have to
17 evaluate, every piece of evidence.

18 When you're using all that together, these are the
19 things you need to know. The State has to prove every
20 element of the crime beyond a reasonable doubt. Not just
21 part of it, every single element. As Ms. Howard said, they
22 don't have to prove everything, it doesn't have to be beyond
23 all doubt, but if they fail to do that, you have no other
24 option than to find Mr. Watson not guilty.

25 So reasonable doubt is a doubt that would cause a

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1 reasonable person to act. All of you are reasonable people.
2 I know some that aren't, but I'd imagine that all of you
3 are.

4 So when you're back there in the jury room and you're
5 deliberating, if you lean back in your chair and you're just
6 thinking, gosh, I just don't know, that's a hesitation.
7 That's a reasonable doubt. That's all you need to know to
8 know that he's not guilty.

9 It requires you to be firmly convinced. Not just a
10 maybe. Not just a possibility. The State wants you to
11 assume all these things, you see. They want you to assume
12 that just because he was driving the car, he had dominion
13 and control over what was in it. We're going to get --
14 we're going to go into that in just a second.

15 They want you to assume that there's the evidence there
16 to say that he had possession of these drugs, but they
17 haven't given it to you. They want you to make a lot of
18 assumptions. And we know what they say about assumptions.
19 So if there's a real possibility that he's not guilty, you
20 must give him the benefit of the doubt and find him not
21 guilty.

22 So we mention these elements. And she's talking about
23 trafficking. Now, the Judge is going to read you the whole
24 statute. And it's pretty wordy. So I've tried to do my
25 best to break down exactly what the State has to prove to

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1 you.

2 Number one, they have to prove that Mr. Watson had
3 knowledge of these drugs. And, ladies and gentlemen, this
4 is where I think they're going to have problems. I think
5 they're going to have problems because they don't have
6 anything that shows that.

7 You heard testimony here today from Mr. Watson who
8 decided he wanted to testify. That's his absolute right.
9 He's waited five hundred and now ninety-six (596) days to
10 tell that story. And that's what you heard today.

11 And you heard him say that he got out of the car first,
12 that for five minutes Mr. Davis was in that car by himself
13 where no one saw what was going on because backup had not
14 yet arrived and Deputy Chadwick was with Mr. Watson. What
15 happened in those five minutes?

16 Deputy Chadwick testified that it looks like somebody
17 hurriedly tried to do something and that's why there is meth
18 spilled in the seat where the passenger was. Mr. Davis,
19 whose whereabouts is unknown, he's not here today. We don't
20 know where he is.

21 So he had to know -- he had to know it. He said the
22 lid was on the whole time. We saw Defense exhibit 1. When
23 I passed it around you see that the cup holders were side by
24 side, not front to back as Deputy Chadwick falsely
25 remembered, okay? He also said there wasn't another can or

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1 anything in there. He was wrong about that. You see
2 there's another can in there next to the driver.

3 Now when I have somebody riding in the car with me and
4 I have a side by side cup holder, usually I put mine next to
5 me and they put their drink next to them. That kind of
6 signifies whose drinks are what. So we know who had
7 possession of it. What we don't know and what the State
8 can't prove to you is that Mr. Watson knew that it was in
9 there.

10 Sells, manufactures, delivers, purchases, brings into
11 this State, is there any evidence of any of that? Is there
12 any evidence that he sold it? No. Is there any evidence
13 that he manufactured it? No. Is there any evidence that he
14 delivered it to anybody? No. Is there any evidence that he
15 purchased it? No.

16 There was no quantity of money found. There was no --
17 there was no anything like that that was in the Property and
18 Evidence report. Is there any evidence that he brought it
19 into the State? No. So we can go ahead and mark that off.

20 And let me back up. If you look at knowingly and you
21 feel that he doesn't know or he didn't have knowledge of it,
22 you can go ahead and stop everything right there. You can
23 stop your deliberations because if he doesn't have knowledge
24 of it, you can't get to the rest. He has to know about it.
25 And they have to prove that he knew it beyond a reasonable

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1 doubt. Every element of the crime has to be proven beyond a
2 reasonable doubt, not just one or two.

3 So moving on. Provides financial assistance? No
4 evidence of that. We move on to the next one. This is
5 where the State's banking on you to believe their case,
6 aids, abets, attempts, conspires to sell, manufacture,
7 deliver. So the aids, abetting and attempting, you have to
8 have knowledge of it. You have to be a participant in the
9 crime in order to do that.

10 And the Judge is going to give you an instruction and
11 we're going to talk about it in just a minute, that mere
12 presence in a particular place, the State tried to say that
13 just because you're a driver of a car that you automatically
14 have dominion and control over everything that's in it.
15 Well, that's not always true.

16 What is true is that if you are just physically present
17 and you are not an active participant in a crime, you are
18 not an aider, abetter, or anyone who has any involvement in
19 that crime. And they have to prove that to you beyond a
20 reasonable doubt. You have to go back there and be firmly
21 convinced of that fact. And the evidence isn't there to do
22 that.

23 Move on. Again, knowingly, if you don't think he had
24 knowledge of it, stop right there. In actual or
25 constructive possession. Ms. Howard and I actually had the

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1 exact same demonstration as far as how I would describe
2 actual and constructive possession.

3 I have actual possession of this pen. If I were to set
4 it right here, everyone in the front row might have
5 constructive possession of that pen because we all have
6 equal access to it. But you all see this in my hand. You
7 can look at it and you can know that this is my pen because
8 I have it in my hand. Actual possession. One person was in
9 actual possession of that cup. And that was Douglas Davis.

10 And then, finally, knowingly attempts to become in
11 actual or constructive possession is kind of the same as we
12 said earlier. Again, he's got to know. And you've got to
13 prove that he was a participant. They have to prove that he
14 was a participant in that crime. And I don't think they can
15 do that.

16 We talked a little bit about that actual and
17 constructive possession. Now I want to go into this mere
18 presence. You read that up there. Mere presence at the
19 scene is not sufficient to prove someone guilty of a crime.
20 Just because you're there doesn't mean you're guilty. Just
21 because you're the driver in a car where drugs are found
22 does not make you guilty.

23 Let me give you a hypothetical. Say that all the
24 sudden South Carolina Legislature makes blue pens illegal.
25 Lawyers would freak out because we love our blue pens.

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1 But say that they gave you a new law that says blue
2 pens are illegal. And Ms. Howard and Deputy Chadwick were
3 riding in a car, I'm a law enforcement officer, I pull him
4 over. Ms. Howard gives me consent to search.

5 I look in here, I see this notebook sitting here in
6 front of Deputy Chadwick. I've seen it in his hand. It's
7 right in front of him. She's driving the car. She gives me
8 consent to search.

9 I open up my notebook, uh-oh, found a blue pen. Both
10 of them say it's not theirs. Why would Ms. Howard be
11 charged and convicted of something she had no knowledge
12 about? That's silly. Why would you charge someone for
13 something she didn't know about? Even though she's the
14 driver of the car? And that's the exact same thing that
15 happened here.

16 The defendant's presence where a crime is being
17 committed or mere association with a person who is
18 committing a crime doesn't make them an accomplice or an
19 aider and abetter. I just said that. They have to prove
20 beyond a reasonable doubt that they were a participant in
21 the crime. If he was just merely present, you cannot find
22 him guilty.

23 So let's talk a little bit about the investigation
24 because I think this is important. Mr. Watson, again, I
25 keep saying five hundred and ninety-six (596) days. That

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1 just goes to show you how long he's had to live with this
2 shadow over his head of this -- of this possible, you know,
3 crime that he's being accused of.

4 He deserves a good investigation, a serious
5 investigation because these are serious charges. He
6 deserves that and you deserve that. So let's talk about the
7 investigation. Let's talk about some things that Deputy
8 Chadwick didn't do.

9 He didn't immediately try to stop that car at the Spinx
10 when he saw it. And they made a good bit about this when
11 they saw the headlights, they scattered. I don't think that
12 scatter was ever a word that Deputy Chadwick used. I think
13 he said that they walked away.

14 But let's think about this. This was at night in a
15 dimly lit area that Mr. Watson's cousin drove him to, not
16 Mr. Watson. That was his testimony. And you see headlights
17 on you.

18 I've been in a situation where you see headlights, you
19 can't tell what kind of car that is. When you see
20 headlights, you just get out of the way. You can't tell
21 that that was a law enforcement vehicle. You just see
22 headlights and that's all you can see.

23 So, of course, they walked away. And that makes
24 perfect sense. That's not suspicious. That's what any
25 reasonable person would have done under that circumstance.

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1 So he didn't try to immediately stop them. He didn't
2 try to investigate it at that time. He didn't try to look
3 into anything at that time. He didn't try to blue-light
4 them and try to stop that other suspect, as he called them,
5 from walking away. He didn't do any of that. He let that
6 person go.

7 And he said he had to make a split-second decision and
8 follow the car. Fine. That's what he chose to do. But he
9 could have done that, and maybe that would have gotten us in
10 a different place here today.

11 The report was inaccurate. You heard him say that --
12 hang on. You heard him say that -- I apologize. I'm trying
13 to go back here. That it was his job to do complete and
14 accurate reports. It was his job to make sure that that
15 report was accurate when he came in here. He had to put all
16 the evidence in there. He had to put all this stuff that
17 was important in there. And you see that he made some
18 mistakes.

19 He said in there that Douglas Davis was wanted. That
20 was wrong. He didn't put in there that there was another
21 can. That's important. He missed that. He didn't put in
22 there how the cup holders were. He mis-remembered that.
23 That was wrong. It was sloppy. The State -- or Mr. Watson
24 deserves better. You deserve better.

25 He said that he didn't try to get fingerprints off of

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1 that bag because he didn't think that they would have --
2 that they'd be able to show up. But he didn't even try,
3 ladies and gentlemen. Didn't Mr. Watson deserve him to try?

4 If Davis' hands were on that meth and there was other
5 hands on that meth, wouldn't we have wanted to know that?
6 Wouldn't we have wanted to know that at least every resource
7 had been exhausted before that happened? Of course. But
8 that's not what happened.

9 Part of law enforcement's job is not only to charge
10 people with things that they potentially are guilty of and
11 committing crimes, it's also to thoroughly investigate to
12 make sure that they rule out people who are innocent. And
13 they have to go and they have to do the proper testing and
14 the proper investigations to make sure that happens.

15 Now there's no excuse whatsoever why he didn't run the
16 prints on that cup. We know that he was holding it. But if
17 this is some kind of shared possession or whatever as the
18 State might have you believe, wouldn't there have been more
19 than one set of fingerprints on there? Wouldn't that have
20 been something that you wanted to know? Would that have
21 firmly convinced you you had that information? But we don't
22 have that. We don't have any of that here today.

23 Never followed up with Vice or Narcotics about those
24 cell phones. If things aren't as they say they are, and Mr.
25 Watson is some drug trafficker, and he's trying to move

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1 fifty-five point six five (55.65) grams of methamphetamine
2 through Greenville County, wouldn't you think there'd be
3 some trace of it on a cell phone? That there'd be some
4 indication that he was messaging somebody, meet me here at
5 the Spinx at 1301 Fairview Road? Don't you think there
6 would have been any of that? But there's not. And there's
7 not because he didn't follow up on the investigation.

8 Mr. Watson deserved better. So do you. If you had all
9 that information, maybe we'd be having a different
10 conversation. But all of that's doubt. All of that forms
11 reasonable doubt.

12 Now, again, we go back to some things that we know for
13 sure because, really, that's what this is about. We've got
14 -- we've got evidence that's come in the form of physical
15 evidence as you see here, testimonial evidence, but back
16 there you're going to have to rely on your own experience,
17 your own -- your own common thoughts on what this evidence
18 is. And you have to give weight to what's important and
19 what's not important.

20 There is no dispute, none at all that what is in this
21 bag is methamphetamine. None. We're not trying to say that
22 it's not. We're not trying to fight it. We're just trying
23 to tell you what's clear, which is that Douglas Davis
24 possessed it. That's what we're trying to -- what we're
25 trying to show you.

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1 What we know is that Sheldon Watson told the truth
2 about his identification and his birth date. You heard
3 Deputy Chadwick testify that people who are -- sometimes
4 people who are involved in criminal activity give false
5 information. Sheldon didn't do that. He told the truth.
6 He told the truth about that. Told the truth about who the
7 owner of the car was, his cousin Jonathan Simmons. And
8 Deputy Chadwick checked that out. That was confirmed.

9 When you think about how the events went down at the
10 Spinx, it lines up exactly with what Sheldon said. He goes,
11 drops somebody off. Deputy Chadwick never said when he
12 pulled up. He didn't know how long they were there. He
13 said what Mr. Watson said, about five to ten minutes. All
14 that Deputy Chadwick saw is that when he got there, they
15 left. That's it. That's not suspicious.

16 He was compliant and he was respectful. He gave
17 consent to search the car. Why would a person who has
18 fifty-five (55) grams of meth in their car consent to
19 search? Why would anybody do that if you knew that it was
20 in there? Why not at least make this officer go through the
21 hoops of going and getting a search warrant and doing all
22 these other things he would have had to do? No, he
23 consented.

24 That's not the actions of somebody who's guilty.
25 That's the action of someone who is ignorant. Someone who

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1 didn't know. Because I can tell you, he was probably pretty
2 surprised when they told him what was in the car.

3 Because let's not forget, what was in the car was the
4 meth. And it was in Douglas Davis' seat. There was a meth
5 pipe between the console and where Douglas Davis was
6 sitting. And the meth was found in a coffee cup that was
7 being held and drunk by Douglas Davis.

8 There's no evidence showing that Mr. Watson had any
9 knowledge of that cup and what was the contents of it. We
10 know that there was a period of time when he was -- when
11 Davis was in there by himself. And there's no way to know
12 what could have happened in that time.

13 What we do know is that Mr. Watson told the truth about
14 everything that Deputy Chadwick agreed -- that he testified
15 to, the identification, the birth date, he consented to
16 search. He did all those things. He was one hundred
17 percent compliant. Did exactly what Deputy Chadwick told
18 him to do the whole time. He was respectful.

19 And there's no evidence showing that Sheldon Watson was
20 ever in actual or constructive possession. Just because it
21 was sitting in the center console and he had access to it
22 doesn't mean necessarily that he was in constructive
23 possession of the drugs because he has to know that they
24 were in there. And they can't prove the knowledge that he
25 knew it was in there.

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1 Everything -- everything they're wanting you to believe
2 is speculation. And going by -- trying to connect these
3 dots that are so far apart that they don't form a clear
4 picture. That's what they want you to believe. But rely on
5 what you know, on what's in front of you, on the facts, the
6 undisputed -- the undisputed facts, I believe that's what
7 Ms. Howard called them, was not in dispute that all of the
8 drugs were in the passenger's seat or beside the passenger
9 in the passenger's cup.

10 So, again, just to reiterate, where is Douglas Davis?
11 Where is the guy that actually possessed these drugs?
12 Whereabouts unknown. That's what I asked Deputy Chadwick.
13 Do you know anything about his whereabouts? He said, no.
14 We don't know where he is.

15 What kind of person do you think that is? Whereabouts
16 unknown, who was avoiding contact with the officer, who had
17 meth in his seat, who had the pipe in the console between
18 the seat that he was sitting in, that was holding the Spinx
19 cup that the drugs were found in. A plus B plus C. You
20 boil it down, it's all pretty simple.

21 Everything that is undisputed points to one person
22 possessing the drugs and that was Douglas Davis. He was in
23 actual possession of it.

24 So, ladies and gentlemen, that's about all I have. And
25 I've got to say that this is the hardest part of my job

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1 because I'm going to go, and I'm going to sit down, and I
2 don't get another chance to speak with you. Ms. Howard's
3 going to come up and she's going to reply to what I just
4 said.

5 And I appreciate you paying such close attention as I
6 know you have because this day was important to Mr. Watson
7 because he was waiting five hundred and ninety-six (596)
8 days for this very day so that you could tell him what we
9 already know. He had no knowledge of those drugs. He was
10 not in possession of those drugs. He was not a participant
11 in a crime. He's not guilty of this crime. Thank you.

12 **THE COURT:** Ms. Howard.

13 **MS. HOWARD:** May it please the Court?

14 The only thing I would submit to you in my -- in
15 finalizing of this is that defense made a big deal about
16 five hundred and ninety-six (596) days. You heard the story
17 that was told on the initial arrest on April 24th, 2017.
18 And even defense made a big deal about how accurate things
19 are that are written down and talked about at the time of
20 the incident.

21 What you have now is a year and a half later and the
22 defendant with a story that matches the facts that was
23 twisted to make it where it could look like he had no
24 involvement. But you heard the testimony and it's your job
25 to evaluate the credibility of everyone you saw and

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1 everything you heard and to apply the facts that we've told
2 you to the law that the Judge gives you.

3 Take this back, and again, it is not in dispute that it
4 was found in the car, and to think that -- and to remember
5 that possession doesn't have to just belong to one person.
6 Possession, especially when it comes to trafficking in
7 methamphetamine, can involve more than one person.

8 And, yes, Mr. Douglas' whereabouts are unknown
9 according to the officer that we heard and testifying, but
10 they were both charged. And today is about the defendant,
11 Mr. Watson, the driver of the vehicle. It's about his
12 involvement and his guilt.

13 Ladies and gentlemen, I think you will find and will be
14 firmly convinced and are firmly convinced when you go back
15 into the jury room and deliberate on all facts and
16 everything you've heard that he is guilty of this crime.
17 Thank you.

18 **THE COURT:** All right. Ladies and gentlemen of the
19 jury, during this trial you and I have certain duties to
20 perform. And as the trial judge it is my responsibility to
21 preside over the trial of the case and to rule on the
22 admissibility of the evidence offered during the trial.
23 It's also my duty to charge you the law applicable to the
24 case.

25 And it is your duty as jurors to accept and apply the

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1 law as I now state it to you. So as I told you previously,
2 if you have any idea as to what you think the law is or what
3 the law ought to be and it does not agree with what I now
4 tell you the law is, you have sworn an oath to set aside
5 your own opinion and apply the law precisely as I state it
6 to you.

7 I also remind you that in every court -- every case
8 tried in this court before a jury, the jury is the sole and
9 exclusive judge of the facts. So please don't think by
10 anything I may have said or done throughout the course of
11 the trial that I have such -- I have an opinion about the
12 facts. I do not. And it is up to you all to make that
13 determination.

14 I also again instruct you that the fact that the
15 defendant was arrested, charged and indicted in the case is
16 not evidence. Nor does it create any presumption or
17 inference of guilt. These documents are simply the formal
18 written instruments which allow the case to wind its way
19 through our system to arrive here in court for resolution.

20 Necessarily you must determine the credibility or
21 believability of the witnesses who have testified. And it
22 becomes your duty as jurors to evaluate the evidence and
23 determine which evidence convinces you that it is true.

24 And in determining the believability of the witnesses
25 you may believe one witness over several or several over

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1 one. You may believe a part of the testimony of a witness
2 and reject the remaining part. You may believe the witness
3 of a -- the testimony of a witness in its entirety or reject
4 that testimony in its entirety.

5 And you may consider whether the witness has an
6 interest in the result of the trial, whether the witness is
7 prejudiced towards either the State or the defense, the
8 opportunity for the witness to have seen the matters and
9 things about which the witness has testified, and the way
10 the witness acts on the witness stand, or what we call a
11 witness' demeanor.

12 Now the Rules of Evidence ordinarily do not permit
13 witnesses to testify to opinions or conclusions. However,
14 an exception exists to this Rule for witnesses that we call
15 experts. So a witness who by education and experience has
16 become expert in some art, science or profession may give an
17 opinion to the subject the witness has been qualified as an
18 expert in and may also give the reasons for that opinion.

19 Now the defendant has pled not guilty to the
20 indictment. And that plea puts the burden on the State to
21 prove the defendant guilty.

22 A person charged with committing a criminal offense in
23 South Carolina is never required to prove themselves
24 innocent. So I charge you that it is a cardinal and
25 insignia rule of the law that the defendant in a criminal

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1 trial will always be presumed to be innocent of the crime
2 for which an indictment has issued unless guilt has been
3 proven by evidence satisfying you, the jury, of his guilt
4 beyond a reasonable doubt.

5 And a reasonable doubt is the kind of doubt which would
6 cause a reasonable person to hesitate to act. And
7 reasonable doubt may arise from the evidence which is in the
8 case or from the lack or absence of evidence in the case.
9 And you, the jury, must determine whether or not reasonable
10 doubt exists as to the guilt of the defendant.

11 Now, there are two types of evidence which are
12 generally presented during a trial, direct evidence and
13 circumstantial evidence. Direct evidence directly proves
14 the existence of a fact and does not require deduction.
15 Circumstantial evidence is proof of a chain of facts and
16 circumstances indicating the existence of a main fact.

17 Crimes may be proven by circumstantial evidence. The
18 law makes no distinction between the weight or value to be
19 given to either direct or circumstantial evidence. However,
20 to the extent that the State relies on circumstantial
21 evidence, all of those circumstances must be consistent with
22 each other and when taken together proved conclusively to
23 the -- point conclusively to the guilt of the accused beyond
24 a reasonable doubt.

25 If the circumstances merely portray the defendant's

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1 behavior as suspicious, the proof will have failed. The
2 State has the burden of proving the defendant guilty beyond
3 a reasonable doubt. And the burden rests with the State
4 regardless of whether the State relies on direct evidence,
5 circumstantial evidence or any combination of the two.

6 Now if a crime is committed by two or more people who
7 are acting together in committing a crime, the act of one is
8 the act of all. A person who joins with another to
9 accomplish an illegal purpose is criminally responsible for
10 everything done by the other person which occurs as a
11 natural consequence of the acts done in carrying out the
12 common plan and purpose.

13 For example, two people can be guilty of killing
14 another person when only one of the two had a gun, there was
15 only one bullet and only one of the two fired the shot that
16 caused the death. So if two or more people are together,
17 acting together, assisting each other in committing the
18 offense, the act of one is the act of all, or as it is
19 sometimes said, the hand of one is the hand of all.

20 Now the defendant is charged with trafficking in
21 methamphetamine. The State must prove beyond a reasonable
22 doubt that the defendant knowingly sold, manufactured,
23 cultivated, delivered, purchased, brought into the State,
24 provided financial assistance or otherwise aided, abetted,
25 attempted or conspired to sell, manufacture, cultivate,

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1 deliver, purchase, or bring into this State or was knowingly
2 in actual or constructive possession, knowingly attempted to
3 become in actual or constructive possession of
4 methamphetamine.

5 The State must also prove beyond a reasonable doubt
6 that the amount of the methamphetamine involved was twenty-
7 eight (28) grams or more, but less than one hundred (100)
8 grams.

9 Now to prove possession the State must prove beyond a
10 reasonable doubt that the defendant had both the power and
11 the intent to control the disposition or use of the
12 methamphetamine. Possession may be either actual or
13 constructive.

14 Actual possession means that the methamphetamine was in
15 the actual physical custody of the defendant. Constructive
16 possession means that the defendant had dominion and control
17 or the right to exercise dominion or control over either the
18 methamphetamine or the property on which the methamphetamine
19 was found.

20 I would also tell you that mere presence at the scene
21 where the drugs were found is not enough to prove
22 possession. Actual knowledge of the presence of the
23 methamphetamine is strong evidence of the defendant's intent
24 to control its disposition or use. The defendant's
25 knowledge and possession may be inferred when a substance is

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1 found on the property under the defendant's control.
2 However, this inference is simply an evidentiary fact to be
3 taken into consideration by you along with all the other
4 evidence in the case and to be given the weight that you,
5 the jury, thinks it should have. I would tell you that two
6 or more persons may have joint possession of a drug.

7 Now, ladies and gentlemen, there are two possible
8 verdicts which you may reach in this case, they are guilty
9 or not guilty. There's no importance of the order I state
10 them. One's got to go first.

11 And we have prepared a verdict form, which we'll send
12 back into the jury room with you, which I think is self-
13 explanatory. I want to tell you that your verdict must be
14 unanimous. All twelve of you must agree on the verdict.
15 And when you have come to a unanimous decision, if you would
16 indicate on the verdict form and sign it, and then we'll
17 receive you back in the courtroom.

18 I want to tell you that your verdict cannot be based on
19 sympathy, passion, prejudice, emotion or any other
20 consideration which is not in evidence in the case. You all
21 have no friends to reward. You have no enemies to punish.

22 So at this time I'm going to excuse each of you back
23 into your -- into the jury room with the exception of Mr.
24 Haynes. And I ask you not to begin your deliberations until
25 I've had an opportunity to go over my charge on the law with

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1 the attorneys to make sure I didn't misstate something or
2 omit something.

3 But when the verdict form comes back along with the
4 evidence in the case, then you all can begin your
5 deliberations. All right? Thank you very much.

6 (Whereupon the jury exited the courtroom at 11:31 am)

7 **THE COURT:** All right. Any exception or objection to
8 the charge from the State?

9 **MS. HOWARD:** Your Honor, I was under the impression
10 that you were going to -- and, again, I should have had it
11 clarified in the record that you were going to do some form
12 of the State's request -- request to charge number 3,
13 talking about whether the defendant's owner/operator of the
14 vehicle has the right to exercise dominion and control to
15 constitute constructive possession from State v. Wise.

16 **THE COURT:** Well, I believe what I said was that if
17 they have dominion or control over the property in which the
18 vehicle or the drugs are found. I think that's synonymous
19 with that.

20 **MS. HOWARD:** Okay. Just wanted to put that on the
21 record.

22 **THE COURT:** Okay. All right. They may tell me it's
23 not specific enough, but ...

24 **MR. GRUBBS:** Nothing from the defense, Your Honor.

25 **THE COURT:** Okay. All right. Here's the verdict form.

1 Y'all look at the evidence and make sure it's all good and
2 get them going.

3 (Pause)

4 **THE COURT:** All right. I guess we'll be at ease.

5 (Whereupon the jury began deliberating at 11:34 am)

6 (Whereupon court was in recess at 11:34 am)

7 (Whereupon court reconvened at 12:37 pm)

8 **THE COURT:** Okay. I have a series of notes. Number 1,
9 why wasn't the owner of the car called as a witness? Where
10 is the coffee cup and pipe? Number 3, was the defendant's
11 cousin in the gas station when they drove away? Number 4,
12 are there body/dash-cams? Number 5, could the State or
13 defendant requested fingerprints of the cup and pipe? 6,
14 can we see the dash/body-cam video? 7, can we see the
15 officer's report? 8, is there video from Spinx that we can
16 see?

17 If there's no objection, since all these have come at
18 the same time, I will staple them and mark them as one
19 Court's exhibit. Any objection from the State?

20 **MS. HOWARD:** No, Your Honor.

21 **THE COURT:** From the defense?

22 **MR. GRUBBS:** No, Your Honor.

23 (Whereupon Court's exhibit 2 was marked)

24 **THE COURT:** Any comment from the State?

25 **MS. HOWARD:** No, Your Honor, just that what's in

1 evidence is in evidence.

2 **THE COURT:** Anything from the defense?

3 **MR. GRUBBS:** I tend to agree with the State. I don't
4 think anything else that they're asking for has been put in
5 and we can't provide them those answers.

6 **THE COURT:** Yeah. So I'm going to write on the first
7 -- page 1, all of the evidence that's going to be admitted
8 in this case is before you -- all the testimony and
9 evidence, sign it and let it go. Is that agreeable with the
10 State?

11 **MS. HOWARD:** Yes, Your Honor.

12 **THE COURT:** Defense?

13 **MR. GRUBBS:** Yes, Your Honor.

14 **THE COURT:** Could I see the lawyers up here for a
15 second?

16 (Whereupon a bench conference was held off the record)

17 **THE COURT:** Yeah, we'll just be at ease.

18 (Whereupon the jury continued deliberations)

19 (Whereupon court was in recess at 12:42 pm)

20 (Whereupon lunch was provided for the jury)

21 (Whereupon court reconvened at 2:28 pm)

22 **THE COURT:** Thanks. Please be seated. Thank you.

23 Okay. Y'all ready? I think we have a verdict.

24 **MS. HOWARD:** The State's ready, Your Honor.

25 **MR. GRUBBS:** The defense is ready, Your Honor.

VERDICT OF THE JURY

1 **THE COURT:** Okay.

2 (Whereupon the jury entered the courtroom at 2:30 pm)

3 **THE COURT:** All right. Mr. Foreman, I understand

4 you've reached a verdict.

5 **MR. FOREMAN:** Yes, Your Honor.

6 **THE COURT:** Okay. Thank you very much. Would you hand

7 it to the bailiff for me. Thank you.

8 (Pause)

9 **THE COURT:** All right. Madame Clerk, would you publish
10 for me, please.

11 **MADAME CLERK:** In the case of 2017-GS-23-8109, State of
12 South Carolina versus Sheldon Alonzo Watson, indicted with
13 the charge of trafficking methamphetamine, we, the jury,
14 find the defendant guilty. Ladies and gentlemen, if you
15 agree this is the verdict you reached in the deliberation
16 room, please raise your right hand.

17 (Whereupon all jurors raised their right hand)

18 **MADAME CLERK:** Thank you.

19 **THE COURT:** All right. Ladies and gentlemen, thank
20 you. Is there anything further from the jury from the
21 State?

22 **MS. HOWARD:** Nothing from the State, Your Honor.

23 **THE COURT:** From the defense?

24 **MR. GRUBBS:** Your Honor, we ask that you poll the jury.

25 **THE COURT:** Okay. Poll the jury. Y'all can have a

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1 seat. Thank you.

2 **MADAME CLERK:** The verdict that was just published was
3 the verdict you reached in the jury room. I ask you was it
4 your verdict then and is it your verdict now? When I call
5 your name, please answer yes or no. Jamison Medlin?

6 **MR. MEDLIN:** Yes.

7 **MADAME CLERK:** Vau Johnson?

8 **MR. JOHNSON:** Yes.

9 **MADAME CLERK:** Cindy Giles?

10 **MS. GILES:** Yes.

11 **MADAME CLERK:** Heather Owen?

12 **MS. OWEN:** Yes.

13 **MADAME CLERK:** Samuel Dombrosky?

14 **MR. DOMBROSKY?** Yes.

15 **MADAME CLERK:** Alissa Morris?

16 **MS. MORRIS:** Yes.

17 **MADAME CLERK:** Kenneth Briggs?

18 **MR. BRIGGS:** Yes.

19 **MADAME CLERK:** Linzi Navarro?

20 **MS. NAVARRO:** Yes.

21 **MADAME CLERK:** Rebecca Johnson?

22 **MS. JOHNSON:** Yes.

23 **MADAME CLERK:** Teresa Rhodes?

24 **MS. RHODES:** Yes.

25 **MADAME CLERK:** Brandon Stenersen?

VERDICT OF THE JURY

1 **MR. STENERSEN:** Yes.

2 **MADAME CLERK:** And Robin Choice?

3 **MS. CHOICE:** Yes.

4 **MADAME CLERK:** Thank you.

5 **THE COURT:** All right. Ladies and gentlemen, thank you
6 very much. I wish I could tell you that -- send you home,
7 but instead I'm going to send you down to the jury assembly
8 room. So thank you very much, okay?

9 (Whereupon the jury exited the courtroom at 2:32 pm)

10 **THE COURT:** All right. Any motions?

11 **MR. GRUBBS:** Your Honor, defense has a motion for
12 judgment notwithstanding the verdict as well as renewing all
13 prior motions throughout the trial.

14 **THE COURT:** Okay. I will deny those. All right. You
15 have a sentencing sheet? Are you ready?

16 **MS. HOWARD:** I do. Yes, Your Honor.

17 (Pause)

18 **THE COURT:** All right. How many jail days does he
19 have?

20 **MS. HOWARD:** Two days, Your Honor. Well, one day on
21 this. He had the arrest five days prior that was a day.

22 **THE COURT:** An arrest five days prior for?

23 **MS. HOWARD:** To this incident.

24 **THE COURT:** For what?

25 **MS. HOWARD:** Possession of meth.

SENTENCE OF THE COURT

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1 **MR. GRUBBS:** For a different charge, Your Honor.

2 **MS. HOWARD:** For a different charge.

3 **MR. GRUBBS:** And we understand it is being dismissed.

4 **MS. HOWARD:** It is being dismissed.

5 **THE COURT:** Okay.

6 **MS. HOWARD:** And, Your Honor, his -- if you'll allow me
7 to grab -- as we stated, his only prior record that he has
8 is from 2005, some driving offenses from 2005, 2013 to 2017.

9 He did have the arrest for the possession of
10 methamphetamine a few days prior. That is being dismissed
11 as long as the -- as well as the possession of drug
12 paraphernalia that the State would have to dismiss anyway.

13 **THE COURT:** How much meth did they get?

14 **MS. HOWARD:** The first time ---

15 **THE COURT:** Yeah.

16 **MS. HOWARD:** Yeah, it was possession weight, Your
17 Honor. Let me check in the file. I have it right here.
18 Point five two (.52) grams of meth.

19 **THE COURT:** Okay. Anything you want to tell me?

20 **MR. GRUBBS:** Your Honor, Mr. Watson's 55 years old as
21 you've heard in this trial. He's been here in the United
22 States for over ten years without getting into serious
23 trouble, as you've heard. He just had these driving
24 offenses.

25 He's been working the whole time. He was supporting

SENTENCE OF THE COURT

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1 himself. He was working as a mechanic, a fairly good
2 mechanic or that's what he tells me. He was trying to do
3 all the right things while he was here, Your Honor.

4 And although we understand what the jury's verdict was
5 here today, we certainly don't agree with it. And he
6 maintains his innocence even -- even now.

7 Your Honor, I think that in this case he -- if he had
8 pled on this case, Your Honor, I understand that here we
9 are, you know, after trial, we had -- we had talked about a
10 reduction down. Clearly that's not the results.

11 But, Your Honor, I do think that with his limited
12 record, the length of period, the time that he spent here in
13 this country without any major issues at all, the fact that
14 most likely when he is scheduled to be released from the
15 Department of Corrections, I'm fairly certain he'll have
16 some kind of immigration hold and he'll be deported at that
17 time. So ---

18 **THE COURT:** I'm not concerned with that.

19 **MR. GRUBBS:** No, no.

20 **THE COURT:** That's not part of this.

21 **MR. GRUBBS:** What I was -- why I was mentioning that --
22 the reason for that, Your Honor, is just that it seems like
23 at the end of this he's going to be out of this country.
24 So, Your Honor, I would ask that the Court just have mercy
25 on him based on his lack of criminal history, his length of

SENTENCE OF THE COURT

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1 time that he got through in the United States and in South
2 Carolina without any trouble at all. I would just ask for
3 leniency from the Court in sentencing.

4 **THE COURT:** How long you been on meth?

5 **MR. WATSON:** I don't do -- I don't do meth, sir.

6 **THE COURT:** You don't do meth?

7 **MR. WATSON:** No. I -- I ---

8 **THE COURT:** Two arrests in a week.

9 **MR. WATSON:** I have heart problems.

10 **THE COURT:** What?

11 **MR. WATSON:** Have heart problems.

12 **MR. GRUBBS:** He has heart problems, Your Honor, is what
13 he tells me. And so that's why he wouldn't do it or can't
14 do it.

15 **THE COURT:** Anything else?

16 **MR. GRUBBS:** Do you want to say anything?

17 **MR. WATSON:** Yes, sir. What can I say? I ---

18 **THE COURT:** I don't know. It just seems really unusual
19 that you'd be arrested twice within a week for
20 methamphetamine ---

21 **MR. WATSON:** The first time I found ---

22 **THE COURT:** --- and yet you claim that you don't do it.

23 **MR. WATSON:** The first time I found it in -- in -- in
24 the yard, I pick it up from the little kids, I put it in a
25 bag, I went inside, I fell -- I fell asleep.

SENTENCE OF THE COURT

1 **THE COURT:** I'm sorry, I don't -- didn't understand
2 what you were saying.

3 **MR. WATSON:** I said I was -- I came in -- I was coming
4 back from my -- the mailbox, saw a bag in the yard, I pick
5 it up to put it in the garbage, I went inside, I stuck it in
6 my pocket and fell asleep.

7 **MR. GRUBBS:** What he's trying to ---

8 **MR. WATSON:** From the little kids.

9 **MR. GRUBBS:** What I believe he's trying to say, Your
10 Honor, is that outside in his yard, he saw a bag, he picked
11 it up because he thought there were little kids around, he
12 meant to throw it in the trash and he forgot about it, it
13 was in his pocket, fell asleep. And then when the police
14 came, it was in his pocket.

15 **THE COURT:** You know, come on.

16 (Pause)

17 **THE COURT:** Twelve years. Good luck.

18 **MS. HOWARD:** Thank you, Judge.

19 (Hearing Ended at 2:40 pm)

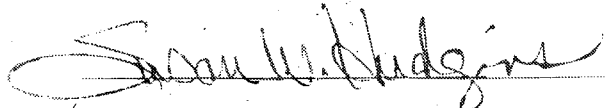
20 (End of Requested Transcript of Record)

Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenville County, South Carolina, on the 11th - 12th day of December 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 21, 2019

A handwritten signature in cursive script, reading "Susan W. Hudgins", is written over a horizontal line.

Circuit Court Reporter

WITNESSES

Corey J. Chadwick

WJA 8/28/18

Greenville County Sheriff's Office

4/24/2017

ARREST WARRANT NUMBER
2017A2330203958

ACTION OF GRAND JURY
TRUE BILL

Clay Tuttle
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Note:

16

DOCKET NO. 2017-GS-23-
KB

000109

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

2018
August

TERM 2017

THE STATE

vs.

SHELDON ALONZO WATSON

FILED

SEP 28 2017

Clerk of Court
Greenville County

Indictment for

0392

TRAFFICKING METHAMPHETAMINE

VIOLATION § 44-53-0375

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
TRAFFICKING METHAMPHETAMINE

At a Court of General Sessions, convened on
County present upon their oath:

AUG 28 2018 the Grand Jurors of Greenville

That SHELDON ALONZO WATSON did in Greenville County, on or about the 24th day of April, 2017, knowingly sell, manufacture, deliver or bring into the State of South Carolina or did knowingly provide financial assistance or otherwise aid, abet, attempt or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 28 grams but less than 100 grams of Methamphetamine (Crank). This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

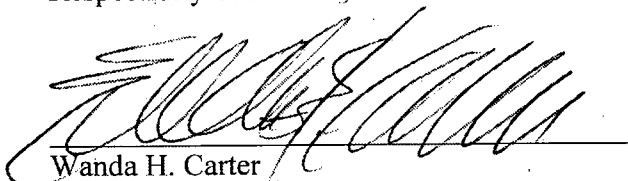
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

143 Howard
SOLICITOR BAR # 73639

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,

A handwritten signature in black ink, appearing to read "Wanda H. Carter", is written over a horizontal line.

Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

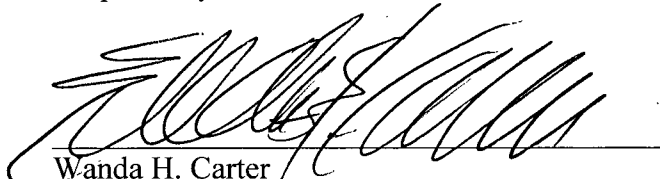
ATTORNEY FOR APPELLANT

This 1st day of May, 2019.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 1st day of May, 2019.

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SC Court of Appeals