

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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SC Court of Appeals

Appeal from York County General Sessions Court  
The Honorable Brian Gibbons, Circuit Court Judge

Appellate Case No. 2018-000423

The State

Respondent,

v.

Jonathan Ostrowski, Appellant.

RECORD ON APPEAL – VOLUME II

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1 There is no difference in the top three that we would all  
2 agree on and the bottom two which are what Mr. Ostrowski is  
3 charged with.

4 MR. PHILLIPS: Your Honor, may we approach real quick?

5 THE COURT: Yes.

6 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF  
7 THE JURY AT 12:37 P.M.)

8 SOLICITOR HAYES: Back to what I was saying, a gun at  
9 someone's bedside table. Ladies and gentlemen, use your  
10 common sense. People don't wake up in the morning and  
11 check their bedside table for guns that have been planted  
12 there over night. Guns do not appear in bedside tables.  
13 Guns are placed at bedside tables by the people that sleep  
14 in those bedrooms. Common sense.

15 The meth in someone's pants in their closet:

16 Investigator Harrelson at the very beginning of this  
17 case told you some facts about the valuation of  
18 methamphetamine. And this is very important for this part  
19 of the case. Methamphetamine sells on the street for a  
20 hundred dollars a gram. The dose unit for methamphetamine,  
21 if you are a user, is less than a gram, much less than a  
22 gram. So think about this. If you are a meth user, this  
23 is 31.66 grams of methamphetamine, this is a bank vault for  
24 you. If you are a meth user this is not a trifling object.  
25 This is thousands of dollars of methamphetamine in my hand.

1 That is not something that is carelessly tossed away by  
2 somebody who uses meth. This is something that is hidden  
3 and protected by somebody who sells it and somebody who  
4 uses it. 31.66 grams of meth, a hundred dollars per gram  
5 on the street. Dose unit is less than a gram.

6 Two or more persons may have joint possession of a  
7 drug. Why is that significant? Mr. Ostrowski told you  
8 that his house is a meth party house. And I ask him, well  
9 does that mean that you're friends know where to go? I  
10 guess they do. I guess they do. So if a bunch of people  
11 want to get in a room and have a bunch of meth together  
12 they can all own it. So even under the Defense's  
13 explanation that he just had a meth party house, well,  
14 everybody joining in the party can have an ownership  
15 interest in those drugs. Remember that.

16 It just so happens this is a phrase that we use to  
17 highlight how the Defendant is either guilty beyond a  
18 reasonable doubt or the unluckiest person who has ever  
19 walked on the face of the earth. It just so happens that  
20 gas bill points to 162 Bailey Avenue; his family pictures  
21 are inside, he has text messages admitting it's his  
22 address. He testified it's his address, his address is on  
23 the court form. He left the house that morning; he  
24 admitted to meth pipes in the house, it just so happens he  
25 has a bunch of meth text dealing. It just so happens he

1 has a bunch of meth paraphernalia; it just so happens  
2 there's a pair of men's size 38 pants, it just happens that  
3 it was all found in his house. It just so happens. When  
4 you say it like that you understand how unreasonable any  
5 other explanation is.

6 We're not talking about fire trucks people. We're  
7 talking about getting caught in the rain.

8 Possession of more than 28 grams of methamphetamine is  
9 trafficking. These, I'll click through these because the  
10 same logic for the methamphetamine or the same possession  
11 rules for the drugs apply to the guns. I don't want to  
12 belabor, I'm taking a long time here, sorry about that. I  
13 just want to go through everything.

14 Bedside table: That's a connection. That's a  
15 connection between gun ownership and drug trafficking. The  
16 gun is accessible to the person sleeping in the master bed.

17 Serial number obliterated: Knowingly possess a  
18 handgun with the serial number obliterated. That's there  
19 for you. That's very straight forward.

20 And then possession of a handgun by a person convicted  
21 of a crime of violence. He has the AGHAN convection. He  
22 is not supposed to have a gun at his bedside table. That's  
23 there for you. That's straight forward.

24 I want to talk to you about some of the things that  
25 Mr. Phillips brought up in his closing because at the end

1 of the day their nothing more than distractions. It's  
2 nothing more than telling you that a fire truck sprayed  
3 your co-worker when they really just got caught in the  
4 rain, okay.

5 Fingerprints, DNA. If you want fingerprints or DNA  
6 look at his cell phone. What a person says about what they  
7 do is more valuable than fingerprints or DNA. But you know  
8 you heard the fingerprint experts testify. Sometimes these  
9 things are found, sometimes they're not. You know they  
10 ask, they looked into it and they didn't find any. We're  
11 not trying to hind that. Because the fact that somebody's  
12 fingerprints are not on an object doesn't mean they don't  
13 own it. Think about that for a second.

14 Just use your common sense. Fingerprints don't just  
15 pop up everywhere. Sometimes there's a print, sometimes  
16 there's not. It doesn't mean somebody doesn't own it.  
17 It's an avenue that law enforcement pursued, and certainly  
18 being thorough , but at the end of the day it doesn't mean  
19 he didn't own it.

20 December 28th, 2016. That was another thing brought  
21 up by Mr. Phillips. That was the day that the DEA did  
22 drive-by surveillance of Mr. Ostrowski's house and saw a  
23 bunch of cars in the parking lot. Don't really know where  
24 Mr. Phillips is going with that. Sounds like to me that  
25 December 28th, 2016 was a day they were having a party at

1 the meth party house.

2 And then also I want you to remember that the police  
3 are people too. And nothing in this world that human  
4 beings do is perfect. And I want to address that with you  
5 because Mr. Phillips said, you know I ask the officers  
6 this, did you do that, and the officer may have said I  
7 don't remember, or an officer may have said we could have  
8 done that differently, or if we do it in a different order.  
9 I can't hide that; I wouldn't try. But any human endeavor  
10 is gonna have minor things like that.

11 But those things don't change the over whelming  
12 mountain of evidence against Mr. Jonathan Ostrowski. It  
13 just shows that police are people too that don't remember  
14 things, they, you know, make decisions. Maybe in hindsight  
15 we could a done that a little bit differently. But at the  
16 end of the day the police collected an over whelming amount  
17 of evidence against Jonathan Ostrowski.

18 Please don't loose sight of that. The police are  
19 people too. That doesn't mean there's a reasonable doubt  
20 in the case.

21 And then also Defense witnesses. Ms. Peters  
22 testified. I won't spend much time on her because at the  
23 end of the day she doesn't have much to add. She testified  
24 she was working for Jonathan Ostrowski at the time. Didn't  
25 really go through his personal stuff, doesn't know what's

1 in his personal stuff. You know, she broke up with him  
2 because she don't want to be around the party atmosphere  
3 any more. That's really what her testimony is about.

4 Jonathan Ostrowski: Please remember every word he  
5 said because every word he said points to the same  
6 conclusion that I'm about to reach. Jonathan Ostrowski was  
7 running a meth party house in his own words. Jonathan  
8 Ostrowski was the go to place for his friends. Look at the  
9 amount of meth pipes that are found in the house. It all  
10 makes sense. It all makes sense.

11 I'm here in Great Falls. It ties it all together.  
12 That is the key that unlocks the phone and the phone  
13 unlocks the case and the rest of the testimony from Mr.  
14 Ostrowski puts a bow on it.

15 So where has this road map led us? I appreciate your  
16 time and attention. I've gone through a lot because  
17 there's a lot of evidence. But this road map has led us to  
18 four very specific conclusions. And this is a lot like the  
19 form you're about to get. The conclusions are simple. Mr.  
20 Ostrowski is guilty of trafficking methamphetamine. Take a  
21 look at the phone, take a look at the other evidence, there  
22 is no reasonable doubt he is guilty of trafficking  
23 methamphetamine.

24 Mr. Ostrowski is guilty of possessing a weapon during  
25 the commission of a violent crime. That gun was in the

1 master bedside table in a house with 31.66 grams of  
2 methamphetamine in it. Why do guns and drugs go together?

3 Mr Ostrowski is guilty of being in possession of a  
4 handgun and having a conviction of crime of violence. That  
5 is very straight forward. Not suppose to ahve that gun.

6 Mr. Ostrowski is guilty of possession of a handgun  
7 with the serial number obliterated. There is no serial  
8 number on that gun.

9 Ladies and gentlemen, that is the entire case from the  
10 State. We ask that you consider very carefully and  
11 thoroughly, and we know that you will, and at the end of  
12 the day this is the verdict on your verdict form. Mr.  
13 Ostrowski is guilty as charged.

14 THE COURT: Thank you, Solicitor.

15 Ladies and gentlemen of the jury, let's take about a  
16 five minute comfort recess, grab some water, do whatever  
17 you need. I have ordered lunch for all of you. You will  
18 be provided lunch. Okay. After I give you the law. Don't  
19 discuss the case because I have not given you the law yet.  
20 Don't talk about it. But I want to take about five minutes  
21 and we can all refresh and ya'll listen to me. Okay.

22 Y'all can go back to your jury room.

23 (JURY OUT ON RECESS AT 12:48 P.M..)

24 THE COURT: All right, Mr. Phillips, what did you want  
25 to say?

1           MR. PHILLIPS: Thank you, your Honor. During the  
2 discussion regarding ownership and knowledge there was --  
3 and I understand it is argument -- but there was what I  
4 would say was close to as possible using the word simply  
5 because he is the owner of the home and he is guilty. I  
6 understand the inference charge is proper but I think in  
7 the way it came out, certainly I'm not saying it was an  
8 intentional act, I'm just saying it's -- the way it was  
9 phrased is simply because he's the ownership of the home  
10 you can be found guilty.

11           Now I know that's something I would say that because  
12 of that I would make a motion for a mistrial; that its  
13 improper burden shifting, it invades the providence of the  
14 jury. And I would also highlight as far as my prior  
15 objections during the trial, as far as the improper lay  
16 opinion testimony regarding the value of the drugs, the  
17 scales, sandwich baggies, the terminology of clear, and the  
18 razor blades, I think that shows the enhanced prejudice  
19 since Detective or Investigator Leland Harrelson was not  
20 qualified as an expert and he provided that opinion  
21 evidence. I think that enhances the prejudice and we would  
22 make a motion for a mistrial at this time.

23           THE COURT: Thank you.

24           MR. PHILLIPS: Oh, and the selfie. That selfie that  
25 had been highlighted ---

1 THE COURT: Right.

2 MR. PHILLIPS: --- significantly.

3 THE COURT: Right. Solicitor.

4 SOLICITOR HAYES: Your Honor, as to my closing  
5 argument, I simply reiterated they were entitled to draw  
6 the inference, which you're about to charge them that they  
7 are entitled to draw the inference.

8 And then I said, and you can take it even further if  
9 you want too and look at the rest of the evidence. I think  
10 I was just arguing the inference to the jury. I don't  
11 really understand Mr. Phillips' objections to that because  
12 it's black letter. The jury is entitled to infer because  
13 he controlled the house he controlled the drugs.

14 But we are entitled -- So we're entitled to tell the  
15 jury that. And we're also entitled to tell them to dig  
16 deeper which is what we did. I think that was entirely the  
17 State's argument on that point.

18 THE COURT: Okay. Motion for mistrial denied. I am  
19 gonna charge mere presence. Of course I've said it, I said  
20 it right before y'all started talking them 'em but closing  
21 argument are not evidence. I'll tell 'em what the -- I've  
22 told 'em that several times. I think we made a very very  
23 good record both from the lawyers as well as from me as to  
24 what my rulings were and what -- and why my decisions were  
25 made the way they were. So all those decisions will remain

1 as is. And you're protected in the record.

2 All right, let's take a three minute recess, and by  
3 three minutes I mean three minutes, and then we will start  
4 my charge.

5 SOLICITOR HAYES: One matter after you come back, your  
6 Honor.

7 THE COURT: What's that?

8 SOLICITOR HAYES: One matter after you come back.

9 THE COURT: What? Tell me now.

10 SOLICITOR HAYES: We would object to a third party  
11 guilt instruction.

12 THE COURT: No. I'm charging it. All right, let's  
13 go.

14 (COURT IN RECESS AT 12:51 P.M.)

15 (COURT BACK IN SESSION AT 12:55 P.M.)

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

17 (DEFENDANT REENTERS COURTROOM.)

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

19 (JURY REENTERS COURTROOM AT 12:57 A.M.)

20 THE COURT: All right, all members of the jury are  
21 present.

22 Ladies and gentlemen, I want to thank you again for --  
23 I know you don't have a choice as to your civic  
24 responsibilities serving on a jury, but I do want to thank  
25 you for your attention all during this trial, I've noticed

1 that. And you've listened carefully to everything and I  
2 want to thank you for that and I want to ask that you  
3 listen very carefully to what I tell you because now you're  
4 gonna hear the law. Okay.

5 CHARGE TO THE JURY:

6 THE COURT: Madam Forelady, members of the jury,  
7 you've heard the testimony and evidence and both the  
8 arguments from the State and the Defense, I will now  
9 explain to you the law that applies to this case.

10 Now under the *Constitution* and the laws of South  
11 Carolina you are the finder's of facts. I do not have a  
12 right to pass upon the facts, or even express any opinion  
13 that I may have as to the facts because that's solely for  
14 you the jury to determine. It is your duty to determine  
15 the effect, the value, weight, and truth of the evidence  
16 presented during this trial.

17 As the trial judge it has been my responsibility to  
18 preside over the trial of this case, and to rule upon  
19 various legal issues and the admissibility of evidence  
20 offered during this trial. You are to consider, as I've  
21 told you several times, only the testimony which has been  
22 presented from that witness stand, together with any  
23 exhibits which have been made a part of the record in this  
24 case.

25 I'm the sole judge of the law. It's your duty to

1 accept as correct and to apply the law as I now state it to  
2 you and use that to reach your verdict.

3 Now the fact that I may instruct you on various  
4 subjects in this case, must not be taken by you as  
5 indicating what you think my opinion of the facts are.

6 Finally, I charge you you should not be concerned with  
7 what you think the law ought to be, but rather what I  
8 charge you the law is.

9 You're the judges, the sole judges of the credibility,  
10 that is, the believability of the witnesses who have  
11 testified, and of the evidence which has been presented  
12 during this trial. You know in passing upon credibility  
13 you can take into consideration many things such as the  
14 demeanor, or the manner in which a witness has testified.  
15 Whether a witness had a reason to be biased or prejudiced,  
16 or whether or not a witnesses' testimony was contradicted  
17 on the one hand, or supported, or corroborated on the other  
18 hand. All these things you will consider bearing in mind  
19 that you should give the Defendant the benefit of any  
20 reasonable doubt.

21 There are two types of evidence which are generally  
22 presented during a trial. You have direct evidence and  
23 circumstantial evidence. Now, direct evidence is the  
24 testimony of a person who claims to have actual knowledge  
25 of a fact such as an eyewitness. Direct evidence is

1 evidence which immediately establishes the main fact to be  
2 proved. I'm gonna give you some law school definitions but  
3 I'm gonna give you some examples to help you understand  
4 some things. And the lawyers have both done an excellent  
5 job of kind of stealing my thunder in that regard.

6 Remember, I'm the judge of the law, not them okay, so  
7 listen to what I say.

8 Circumstantial evidence is the proof of a chain of  
9 facts and circumstances which indicate the existence of a  
10 fact. It's evidence which immediately establishes  
11 collateral facts from which the main fact can be inferred.

12 Circumstantial evidence is based on inference and not  
13 on personal knowledge or observation. For example: On a  
14 winter night you look outside and you see brown grass on  
15 your lawn before you go to bed. Wake up the next morning  
16 and you see snow on your front lawn with footprints going  
17 through it. Well first, you can infer that it snowed;  
18 secondly, you can infer that somebody was walking on your  
19 front lawn. See, these are things you can infer even  
20 though you didn't actually see it happen, okay.

21 That's circumstantial evidence.

22 Now the law makes absolutely distinction between the  
23 weight, or value, to be given to either direct or  
24 circumstantial evidence. Nor is there a greater degree of  
25 certainty required of circumstantial evidence than of

1 direct evidence. Now however to the extent the State  
2 relies on circumstantial evidence, all the circumstances  
3 must be consistent with each other and when taken together  
4 point conclusively to the guilt of the defendant beyond a  
5 reasonable doubt.

6 Now if these circumstances merely portray the  
7 Defendant's behavior as suspicious, the proof has failed.  
8 You should weigh all the evidence in this case and after  
9 weighing all the evidence in this case, if you're not  
10 convinced of the guilt of the Defendant beyond a reasonable  
11 doubt you must find the Defendant not guilty.

12 The fact that the Defendant was arrested charged and  
13 indicted is not evidence in this case, and cannot be  
14 considered by you as evidence of guilt in this case. Nor  
15 does it create any presumption or inference of guilt. An  
16 indictment is simply a formal written instrument which  
17 contains a description of the charge, or charges, made  
18 against the Defendant. That's the formal document by which  
19 a case comes to court.

20 As you know the Defendant has pled not guilty to these  
21 charges and that plea has placed the burden upon the State  
22 to prove the Defendant guilty beyond a reasonable doubt.  
23 A person charged with committing a criminal offense is  
24 never required to prove innocence. I charge you, ladies  
25 and gentlemen, it is an important rule of law that the

1 defendant in a criminal trial, no matter what the  
2 seriousness of the charge may be, will always be presumed  
3 to be not guilty of the crime for which the indictment was  
4 issued unless guilt has been proven by evidence satisfying  
5 you of that guilt beyond a reasonable doubt.

6 Now this presumption of innocence does not end when  
7 you start your deliberations, but it accompanies the  
8 Defendant throughout the trial and your deliberations until  
9 you've reached a verdict. This presumption of innocence is  
10 like a robe of righteousness. You see the robe I'm  
11 wearing, it's like a robe placed about the shoulders of the  
12 Defendant which remains with him until it's been stripped  
13 from him by evidence satisfying you of his guilt beyond a  
14 reasonable doubt.

15 Now this is not just a mere legal theory, presumption  
16 of innocence is not a mere legal theory, its not just a  
17 legal phrase. It's a substantial right to which every  
18 defendant is entitled unless you the jury are satisfied  
19 from the evidence of the Defendant's ~~guilt beyond a~~  
20 reasonable doubt. I've said that word twenty times. What  
21 is a reasonable doubt?

22 A reasonable doubt is a doubt which makes an honest  
23 sincere conscientious juror in search of the truth to  
24 hesitate to act. Proof beyond a reasonable doubt must  
25 therefore be proof of such a convincing character that a

1 reasonable person would not hesitate to rely and act upon  
2 in the most important of his or her own affairs.

3 Now proof beyond a reasonable doubt can also be  
4 described as proof that leaves you firmly convinced of the  
5 Defendant's guilt. Now there are very few things we know  
6 in this world with absolutely certainty and in criminal  
7 cases the law does not require proof that over comes every  
8 possible doubt. If, based upon your consideration of the  
9 evidence, you're firmly convinced that the Defendant's  
10 guilty, you must find him guilty. If on the other hand,  
11 you think there is a real possibility that he's not guilty,  
12 you must give him the benefit of the doubt and find him not  
13 guilty.

14 Let's talk about expert witnesses. Normally as I told  
15 you during the trial when a person testifies they can't  
16 give opinions. Normally they can only testify about what  
17 they saw, heard, or sensed by smell, or something like  
18 that. However, there is an exception when someone is  
19 qualified because of education, experience, or a  
20 particularized knowledge or skill. If they're qualified as  
21 an expert in a certain field they're permitted to give an  
22 opinion.

23 Now there were several expert witnesses in this case  
24 and to give an opinion doesn't mean you have to accept the  
25 opinion but its simply evidence for you to use in any way

1     you see fit and give it the weight and credibility you  
2     believe is appropriate when you weigh everything together.

3             The Defendant in this case contends another person  
4     committed these crimes. The burden is on the State to  
5     prove beyond a reasonable doubt of the Defendant's guilt  
6     for each charge. The State must prove the allegations  
7     along with all the other elements of the offense beyond a  
8     reasonable doubt. The law places no burden on the Defense  
9     to prove that someone else committed the crime, and there  
10    is no burden upon the Defendant to prove another person's  
11    guilt.

12            During the presentation of this case, ladies and  
13    gentlemen,, you may notice that -- when you look through  
14    the evidence you may notice a certain section of the  
15    evidence may be redacted. Now this is due to legal reasons  
16    and rules of the Court and that was a decision made by me,  
17    okay.

18            Now please do not speculate as to what's been redacted  
19    and you are not to hold these portions, these redacted  
20    portions, for or against anybody. Remember the whole goal  
21    and the whole reason we have these rules of evidence is to  
22    let you have the best evidence possible, okay.

23            Now in order to establish criminal liability criminal  
24    intent is required. For example the mental state required  
25    to be proven by the State for a particular crime might be

1 purpose, intent, knowledge, recklessness, or criminal  
2 negligence. Criminal intent must be proved by the State  
3 beyond a reasonable doubt. Criminal intent is always a  
4 matter that must be determined by a jury from the  
5 circumstances surrounding a situation. There is no way to  
6 prove intent to a mathematical certainty. There is no way  
7 that medical science can dissect a person's brain and  
8 determine what the person had in mind. So the law says  
9 that criminal intent can be inferred from the circumstances  
10 which have been shown to have existed. That's how you make  
11 a determination of whether or not the element requiring  
12 intent may have been present.

13 Its not necessary to establish intent by direct and  
14 positive evidence, but intent can be established by  
15 inference in the same way as any other fact taken into  
16 consideration the acts of the parties and all the facts and  
17 circumstances of the case.

18 Criminal intent is a mental state, a conscious wrong  
19 doing. It's up to you to determine what the Defendant  
20 intended to do based upon the circumstances shown to have  
21 existed.

22 Let's talk about trafficking. The Defendant is  
23 charged with trafficking in methamphetamine. The State  
24 must prove beyond a reasonable doubt that the Defendant  
25 knowingly sold, manufactured, cultivated, delivered,

1 purchased, brought into this state, provided financial  
2 assistance, or, otherwise aided, abetted, attempted or  
3 conspired to sell, manufacture, cultivate, deliver,  
4 purchase, or bring into this state, or was knowingly in an  
5 actual or constructive possession, or knowingly attempted  
6 to become in actual or constructive possession of  
7 methamphetamine.

8 Now methamphetamine includes any salt, isomer, or salt  
9 of an isomer, or any mixture or compound containing  
10 amphetamine or methamphetamine. Methamphetamine is  
11 commonly referred to as crank, ice, or crystal meth.

12 The State must also prove beyond a reasonable doubt  
13 that the amount of the methamphetamine was 28 grams or more  
14 but less than 100 grams.

15 To prove possession the State must prove beyond a  
16 reasonable doubt that the Defendant had both the power and  
17 the intent to control the disposition, or, use of the  
18 methamphetamine. Now possession may be either actual or  
19 constructive. Actual possession means that the meth was in  
20 the actual physical custody of the Defendant.

21 Constructive possession means that the Defendant had  
22 dominion and control, or, the right to exercise dominion  
23 and control over either the meth itself, or, the property  
24 on which the meth was found.

25 The Defendant's knowledge and possession may be

1       inferred when a substance is found on the property under  
2       the Defendant's control. However, this inference is simply  
3       an evidentiary fact to be taken into consideration by you,  
4       along with all the other evidence, and to be given the  
5       weight you decide it deserves. Two or more persons may  
6       have joint possession of a drug.

7       Mere presence at the scene where drugs were found is  
8       not enough to prove possession. The burden is on the State  
9       to prove every element of the crime charged, and if you  
10      find after reviewing all the evidence that the State has  
11      proved that the Defendant was only present at the scene of  
12      the crime, and if you find that they have not proved beyond  
13      a reasonable doubt any other participation in the crime,  
14      then you would find the Defendant not guilty.

15      Now the Defendant is also charged with possession of a  
16      weapon during the commission or attempt to commit a violent  
17      crime. The State must prove beyond a reasonable doubt that  
18      the Defendant was in possession of a firearm, or visibly  
19      displayed what appeared to be a firearm, during the  
20      commission of a violent crime.

21      The same law I've given you about possession applies  
22      here.

23      A firearm means any revolver or pistol or any weapon  
24      which will or is designed to or may readily be converted to  
25      expel a projectile. In order to find the Defendant guilty

1 of possession of a weapon during the commission of a  
2 violent crime, you must first find the Defendant guilty of  
3 either committing a violent crime or attempting to commit a  
4 violent crime. Trafficking in methamphetamine is a violent  
5 crime.

6 The Defendant is charged with possession of a handgun  
7 by a person convicted of a crime of violence. The State  
8 must prove beyond a reasonable doubt that the Defendant did  
9 possess, or acquire, a handgun after having been convicted  
10 of a crime of violence in any court in the United States.  
11 The same law of possession applies to this charge as well.  
12 Assault and battery of a high and aggravated nature is a  
13 crime of violence.

14 The Defendant is charged with possession of a handgun  
15 with the serial number obliterated. The State must prove  
16 beyond a reasonable doubt that the Defendant knowingly  
17 possessed a handgun that have the original serial number  
18 removed or obliterated. Knowingly means having general  
19 knowledge of the content of the material, or performance,  
20 or failing after a reasonable opportunity to exercise  
21 reasonable inspection which would have shown in the content  
22 of the material or performance. The same law of possession  
23 applies to this charge.

24 Now let me say something about your deliberations,  
25 ladies and gentlemen. The word deliberation is defined as

1 a careful consideration weighing up with a view to a  
2 decision. The genius of our jury system is that it allows  
3 twelve good people, both men and women, from different  
4 backgrounds, life experiences and perspectives, to consider  
5 the evidence and talk about it and ultimately reach a  
6 verdict. Now the task of the jury is called deliberations  
7 for a reason. You, the jurors are to consider the evidence  
8 in this case carefully and deliberately. Discuss it in a  
9 calm thorough and courteous manner. Remember, you're not  
10 partisans or advocates for either side favoring one side or  
11 the other. You're the judges of the facts. Your sole duty  
12 is to sort through the information that you've received in  
13 this trial and find your verdict from the evidence  
14 presented in this courtroom.

15 The supreme law of our land, the *United State's*  
16 *Constitution*, affords everyone their day in court and in a  
17 fair trial, so this case is very important to both sides  
18 because its their day. I charge you, ladies and gentlemen,  
19 to listen very carefully to the views of your fellow  
20 jurors. Carefully consider the reasonableness, courteously  
21 discuss the evidence. Remember you are doing something  
22 deliberately, you're not in a big hurry, and you are task  
23 with a duty of upmost importance.

24 And in conclusion you've been selected by both the  
25 State and the Defense to be fair and impartial jurors. It

1 is your duty then in your deliberations to determine your  
2 verdict in this case giving the Defendant the benefit of  
3 every reasonable doubt on these charges, and from the facts  
4 which you determine to be true, you take and apply the law  
5 which I have just given you and thus arrive at a verdict.

6 You have no friends to reward or enemies to punish, to  
7 not be swayed by sympathy caprice or passion. You're the  
8 judges of the facts, the facts alone.

9 I have told you the standards you have to apply to  
10 these charges in these indictments. You've heard the  
11 evidence and now you've heard the law. Whatever your  
12 verdict is as to each indictment guilty or not guilty,  
13 Madam Forelady, you will indicate it by marking the jury's  
14 decision in the blank on the Verdict Form. You will then  
15 sign and date the Verdict Form.

16 Here's the Verdict Form, you're gonna have it in  
17 there, and I will read it to you. It says:

18 "We the jury unanimously find the Defendant Jonathan  
19 Stanley Ostrowski as to the offense of trafficking meth 28  
20 grams or more either not guilty or guilty." You check one.

21 And then "possession of a weapon during the commission  
22 of a violent crime" either not guilty or guilty. You check  
23 one.

24 "Possession of a handgun by a person convicted of a  
25 crime of violence" not guilty or guilty. You check one.

1           "Possession of a handgun with the serial number  
2 obliterated" either not guilty or guilty. You check one.

3           Then after you've checked 'em, you sign it down at the  
4 bottom certifying that the decision was unanimous.

5           Unanimous means all twelve of you must agree to the  
6 verdict.

7           Now, ladies and gentlemen, I'm going to send you back  
8 to your jury room but do not begin discussing the case  
9 until you receive all the evidence and the Verdict Form.  
10 Once you get those things, that's your signal to finally  
11 start talking about this case. And once you start  
12 deliberating you'll keep deliberating until you reach a  
13 verdict at which time you'll knock on the door and let the  
14 bailiff know and we'll bring you out here to receive your  
15 verdict. So at this point in time I'll ask all members of  
16 the jury please go back to the jury room except my  
17 alternates.

18           SOLICITOR HAYES: Your Honor, a matter before we all  
19 leave.

20           THE COURT: Yes, sir.

21           SOLICITOR HAYES: May I approach.

22           THE COURT: Yeah.

23           That's Ms. McQueen and Ms. Rose.

24           (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF  
25 THE JURY AT 01:16 P.M.)

1 THE COURT: All right, ladies and gentlemen, the  
2 lawyers want me to charge you one more thing so listen  
3 carefully.

4 All right, for a defendant to be guilty of possession  
5 of a weapon during the commission of a violent crime, and  
6 if the violent crime is a drug offense, there must be a  
7 connection, or a nexus, between the firearm and the drugs.

8 A nexus may be established by showing that the firearm  
9 further advanced or helped in the commission of the crime.  
10 A nexus between possession of a firearm and drug  
11 trafficking would exist if the firearm is accessible to the  
12 trafficker and thereby provides a defense against anyone  
13 who may attempt to rob a trafficker of his drugs or drug  
14 profits, okay.

15 All right, and I believe that's all I need to charge  
16 you at this point in time so everybody except for the  
17 alternates go back to your jury room.

18 But, Alternates, y'all can have some pizza as well,  
19 okay. Yes, ma'am, Madam Forelady.

20 MADAM FORELADY: Yes, if we have any questions to  
21 submit for any answers can we do that?

22 THE COURT: If you have any questions you can write  
23 'em down on a piece of paper and hand 'em to the bailiff.

24 Okay. Thank y'all. Head on back to your jury room.

25 (JURY EXITS COURTROOM AT 01:19 P.M.)

1 THE COURT: All right. Are there any other exceptions  
2 to the charge from the State?

3 SOLICITOR HAYES: No, sir.

4 THE COURT: Any exception to the charge from the  
5 Defense?

6 MR. PHILLIPS: Just one, your Honor.

7 THE COURT: Yes, sir.

8 MR. PHILLIPS: The in search for the --

9 SOLICITOR HAYES: Your Honor, in case we need the  
10 alternates at some point, shouldn't they be taken to a  
11 different room?

12 THE COURT: No because I'm gonna release 'em.

13 SOLICITOR HAYES: Oh. Okay.

14 THE COURT: But I hadn't talked to 'em yet.

15 Go ahead.

16 MR. PHILLIPS: The in search for the truth language in  
17 *State v. Daniels* and *State v. Beatty*, we have essentially  
18 an improper burden shifting in invading the providence of  
19 the jury. I think it was only mentioned once in the charge  
20 but I did -- I do have it written down that the in search  
21 for the truth language was contained in there which  
22 improperly shifts the burden and invades the providence of  
23 the jury. The most recent case is the *State v. Beatty* case  
24 from our Supreme Court. A previous case I believe was the  
25 *State v. Daniels*.

1 THE COURT: I've read 'em.

2 MR. PHILLIPS: And because of that we would request a  
3 mistrial.

4 THE COURT: All right. The mistrial request is  
5 denied. Madam Clerk, how do you swear in the jury? Read  
6 your jury oath, trial jury oath.

7 MADAM CLERK: "You shall well and truly try in true  
8 deliverance make between the State of South Carolina and  
9 the Defendant at the bar whom you shall have in charge and  
10 a true verdict give according to the evidence and the laws  
11 so help you God. Please respond by saying I will."

12 THE COURT: Right. You object to that as well for the  
13 record?

14 MR. PHILLIPS: Absolutely.

15 THE COURT: All right. Good. Maybe we'll have some  
16 appellate decision on that because that's the standard  
17 trial juror oath which is given to ever single trial jury  
18 that I've ever tried. And that they say the word true no  
19 less than three times in that so, *State versus Beatty* is  
20 not the law of the land at this point in time. It's in  
21 rehearing, it's in the process of being reheard, but I am  
22 familiar with the law on that and you're protected in the  
23 record.

24 MR. PHILLIPS: Thank you, your Honor.

25 THE COURT: All right. Anything other than that?

1 MR. PHILLIPS: No, your Honor. Thank you.

2 THE COURT: All right. Thank you.

3 Ladies and gentlemen of the jury, thank you so much,  
4 okay. Y'all's jury service is now ended as alternates,  
5 okay, so y'all are not allowed to deliberate on your  
6 verdict. You are certainly welcome to hang around if you  
7 want to but you don't have to. You're released for the  
8 rest of the week as well. I know it's only one day but  
9 still you're released for the rest of the week.

10 Now, I will have the bailiff go in and get you some  
11 pizza if y'all want to eat. If you can you can do that, if  
12 not, you can leave. But if you do eat, if you do decide  
13 then you have to eat separately from the rest of the jury  
14 and the bailiff's can show you a room and you can grab you  
15 something to eat in okay.

16 ALTERNATE JUROR: I have some personal items in there.

17 THE COURT: The bailiff will go in there and get your  
18 personal items, okay. Thank y'all very much for your  
19 service. You are free to leave.

20 (ALTERNATE JURORS DISMISSED AT 01:21 P.M.)

21 THE COURT: All right, we are in recess.

22 (COURT IN RECESS AT 01:22 P.M..)

23 (WHEREUPON, COURT'S EXHIBIT NUMBERS EIGHT AND NINE,  
24 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

25 (WHEREUPON, COURT'S EXHIBIT NUMBER TEN, IDENTIFIED AND

1 MARKED, RECEIVED INTO EVIDENCE.)

2 (COURT BACK IN SESSION AT 01:57 P.M.)

3 THE COURT: Okay. Thank you.

4 All right, Question No. 1: How do they tie the weapon  
5 to the defendant? Question No. 2: Why were DNA or  
6 fingerprints not or protocol at the very beginning for any  
7 case for that matter?

8 SOLICITOR HAYES: Your Honor, I'll wait until the  
9 Defendant gets out here to respond.

10 THE COURT: Right. Well I'm not gonna tell the jury.  
11 What I always tell 'em you have to consider only the  
12 testimony and evidence from this witness stand received in  
13 this trial.

14 SOLICITOR HAYES: That's all you can say.

15 THE COURT: That's it.

16 SOLICITOR HAYES: Does your Honor prefer to answer  
17 those questions in writing or bring 'em back in?

18 THE COURT: Oh, no, I'm gonna bring 'em out.

19 Hopefully that will be the only time I have to do it.

20 I just always like to bring 'em out.

21 (DEFENDANT REENTERS COURTROOM AT 01:59 P.M.)

22 THE COURT: All right, let's bring out the jury.

23 (JURY REENTERS COURTROOM AT 02:00 P.M.)

24 THE COURT: All right, all members of the jury are  
25 present. Thank you, ladies and gentlemen. I received your

1 note. Question No. 1: How did they tie the weapon to the  
2 Defendant? I will charge you again that you have received  
3 the evidence in this case along with the testimony. You  
4 are only to consider the testimony offered from this  
5 witness stand and the evidence which you have in your jury  
6 room to consider. You can't speculate about other stuff  
7 because that would be inappropriate. You only go by the  
8 evidence presented in this courtroom.

9 Question No. 2: Why were DNA or fingerprints not  
10 protocol at the very beginning or for any case for that  
11 matter? You are only to consider the testimony and  
12 evidence offered in this case and use that in reaching your  
13 verdict. Thank you, very much. Please return to your jury  
14 room.

15 (JURY EXITS COURTROOM AT 02:01 P.M.)

16 THE COURT: Recess.

17 (COURT IN RECESS AT 02:01 P.M.)

18 (WHEREUPON, COURT'S EXHIBIT NUMBER ELEVEN, IDENTIFIED  
19 AND MARKED, RECEIVED INTO EVIDENCE.)

20 (COURT BACK IN SESSION AT 02:11 P.M.)

21 (DEFENDANT REENTERS COURTROOM AT 02:12 P.M.)

22 THE COURT: All right, we have a verdict.

23 You may go get the jury.

24 (JURY REENTERS COURTROOM 02:14 P.M.)

25 THE COURT: All right, all members of the jury are

1 present. Madam Forelady, it's my understanding the jury has  
2 reached a verdict.

3 MADAM FORELADY: Yes.

4 THE COURT: And is the verdict unanimous?

5 MADAM FORELADY: Yes.

6 THE COURT: All right. Thank you. You can hand that  
7 up to my bailiff please.

8 (VERDICT RECEIVED UP BY THE COURT.)

9 THE COURT: Madam Clerk, you may publish the verdict.

10 MADAM CLERK: *The State of South Carolina versus*  
11 *Jonathan Stanley Ostrowski* Indictment No. 2017-GS-46-02573  
12 Indictment No. 2017-GS-46-02573(A); 2017-GS-46-02575; 2017-  
13 GS-46-02576, trafficking methamphetamine 28 grams or more,  
14 guilty. Possession of a weapon during the commission of a  
15 violent crime, guilty. Possession of a handgun by a person  
16 convicted of a crime of violence, guilty. Possession of a  
17 hand gun with the serial number obliterated, guilty; signed  
18 by the Foreperson dated today's date.

19 THE COURT: All right, ladies and gentlemen of the  
20 jury, I want to thank you very much for your jury service.  
21 At this point in time I'm gonna ask that you head back to  
22 your jury room where you will receive further information.  
23 It won't be too long. Thank you very much.

24 (JURY EXITS COURTROOM AT 02:16 P.M.)

25 THE COURT: Post trial motions.

1 MR. PHILLIPS: First, request a polling of the jury.

2 THE COURT: All right.

3 MR. PHILLIPS: And then the second would be renewed  
4 all prior motions and objections and then a motion for a  
5 new trial, your Honor. Essentially a motion for a new  
6 trial is renewing the Directed Verdict Motion as well as  
7 all pre-motions made pretrial and during the trial.

8 THE COURT: All right. All those motions and objects  
9 are -- previously been ruled on and shall remain the same.  
10 The motion for a new trial is denied. I will however allow  
11 for the polling of the jury.

12 Madam Clerk, can y'all do that?

13 MADAM CLERK: Yes.

14 THE COURT: Okay. All right, let's bring the jury  
15 back out and they can be polled.

16 Y'all be working up on sentencing sheets because I'm  
17 gonna take a recess after we poll the jury before  
18 sentencing.

19 (JURY REENTERS COURTROOM AT 02:18 P.M.)

20 THE COURT: Thank you again for your patience, ladies  
21 and gentlemen. One more matter of law I had to deal with  
22 with the lawyers, but there is a request for polling of the  
23 jury. After we do this I promise you this will be the last  
24 time you have to be in this courtroom. You can head on  
25 back to your jury room and wait and receive further

1 instructions before you leave.

2 Madam Forelady, you are gonna have to sign one more  
3 piece of paper before you leave. But just head on back  
4 there after we finish polling of the jury.

5 Madam Clerk, you may proceed.

6 MADAM CLERK: If you all will please stand.

7 Juror No. 226.

8 (ASIAN FEMALE STANDING.)

9 MADAM CLERK: Is this your verdict of guilty?

10 JUROR NO. 226: Yes.

11 MADAM CLERK: Is this still your verdict?

12 JUROR 226: It is.

13 MADAM CLERK: You may be seated. 55.

14 (WHITE MALE STANDING.)

15 MADAM CLERK: Is this your verdict?

16 JUROR 55: Yes.

17 MADAM CLERK: Is this still your verdict?

18 JUROR 55: It is.

19 MADAM CLERK: You may be seated. 189.

20 (WHITE MALE STANDING.)

21 JUROR 189: Yes.

22 MADAM CLERK: Is this your verdict?

23 JUROR 189: This is my verdict.

24 MADAM CLERK: Is this still your verdict?

25 JUROR 189: Yes, it is.

1 MADAM CLERK: You may be seated. 23.  
 2 (BLACK MALE STANDING.)  
 3 JUROR 23: Yes.  
 4 MADAM CLERK: Is this your verdict?  
 5 JUROR 23: Yes.  
 6 MADAM CLERK: Is this still your verdict?  
 7 JUROR 23: Yes.  
 8 MADAM CLERK: You may be seated. 57.  
 9 (ASIAN MALE STANDING.)  
 10 MADAM CLERK: Is this your verdict?  
 11 JUROR 57: Yes, ma'am.  
 12 MADAM CLERK: Is this still your verdict?  
 13 JUROR 57: Yes, ma'am.  
 14 MADAM CLERK: You may be seated.  
 15 JUROR 57: Thank you.  
 16 MADAM CLERK: 2-0-2.  
 17 (BLACK FEMALE STANDING.)  
 18 MADAM CLERK: Is this your verdict?  
 19 JUROR 202: Yes.  
 20 MADAM CLERK: Is this still your verdict?  
 21 JUROR 202: Yes.  
 22 MADAM CLERK: You may be seated. 113.  
 23 (HISPANIC MALE STANDING.)  
 24 MADAM CLERK: Is this your verdict?  
 25 JUROR 113: Yes, ma'am.

1 MADAM CLERK: Is this still your verdict?

2 JUROR 113: Yes, ma'am.

3 MADAM CLERK: You may be seated. 210.

4 (BLACK FEMALE STANDING.)

5 MADAM CLERK: Is this your verdict?

6 JUROR 210: It is.

7 MADAM CLERK: Is this still your verdict?

8 JUROR 210: It is.

9 MADAM CLERK: You may be seated. 4.

10 (WHITE MALE STANDING.)

11 MADAM CLERK: Is this your verdict?

12 JUROR 4: Yes.

13 MADAM CLERK: Is this still your verdict?

14 JUROR 4: Yes.

15 MADAM CLERK: You may be seated.

16 JUROR 4: Thank you.

17 MADAM CLERK: 151.

18 (WHITE FEMALE STANDING.)

19 MADAM CLERK: Is this your verdict?

20 JUROR 151: Yes.

21 MADAM CLERK: Is this still your verdict?

22 JUROR 151: Yes.

23 MADAM CLERK: You may be seated. 233.

24 (WHITE MALE STANDING.)

25 JUROR 233: Yes.

1 MADAM CLERK: Is this your verdict?

2 JUROR 233: It is.

3 MADAM CLERK: Is this still your verdict?

4 JUROR 233: Yes.

5 MADAM CLERK: You may be seated. 91.

6 (WHITE MALE STANDING.)

7 JUROR 91: Yes.

8 MADAM CLERK: Is this your verdict?

9 JUROR 91: Yes, ma'am.

10 MADAM CLERK: Is this still your verdict?

11 JUROR 91: Yes, ma'am.

12 MADAM CLERK: You may be seated.

13 THE COURT: Thank you, ladies and gentlemen, the poll  
14 is now complete. Now, you can head back to your jury room  
15 for a final time. Just remain there until you receive  
16 further instructions within the next minute, okay. Thank  
17 you very much. Thank you so much for your service.

18 (JURY EXITS COURTROOM AT 02:21 P.M.)

19 THE COURT: All right, Court's in recess while you get  
20 all the paperwork done, okay.

21 SOLICITOR HAYES: Its ready, your Honor.

22 THE COURT: All right. Just give me a moment.

23 SOLICITOR HAYES: Yes, sir.

24 (COURT AT EASE AT 02:22 P.M.)

25 (COURT BACK IN SESSION AT 02:28 P.M.)

1 THE COURT: Thank you, you can be seated.

2 All right, Solicitor.

3 SOLICITOR HAYES: Your Honor, to start with I would  
4 like to make a Court's Exhibit the Defendant's Rap Sheet.  
5 I would like to hand that up to your Honor for your Honor's  
6 consideration. I do have a summary of it.

7 (WHEREUPON, COURT'S EXHIBIT NUMBERS 12, IDENTIFIED AND  
8 MARKED, RECEIVED INTO EVIDENCE.)

9 (DOCUMENTS RECEIVED UP BY THE COURT.)

10 SOLICITOR HAYES: Your Honor, if I may?

11 THE COURT: Yes, sir.

12 SOLICITOR HAYES: I believe that that Rap contains the  
13 following convictions. 1990 Unlawful Weapon conviction;  
14 1991 Unlawful Entry Into an Aircraft, six counts; 1991  
15 Trespassing Upon An Airport; 1992 Minor in Possession of  
16 Alcohol; 1992 Littering; 1993 Assault and Battery of a High  
17 and Aggravated Nature; 1994 Attempted Drug Law Violation,  
18 and 2013 Criminal Domestic Violence, first offense.

19 Your Honor, we are where we are so I will keep my  
20 remarks brief.

21 THE COURT: Yeah.

22 SOLICITOR HAYES: But I would like to be heard on a  
23 few matters that I believe bear on this sentence.

24 THE COURT: Okay.

25 SOLICITOR HAYES: Your Honor knows the toll that

1 methamphetamine takes on our state and our counties. I  
2 know your Honor sees it everyday, as I do I, as we have to  
3 deal in this business. Your Honor knows the type of  
4 activities that accompany methamphetamine and the  
5 methamphetamine trade, and I think those are best evidenced  
6 by the text messages that your Honor has already reviewed,  
7 and those give an ugly glimpse into this world.

8 Sex for drugs, violence for debts due, and the list  
9 goes on and on. It is a plague on our community. And Mr.  
10 Ostrowski has been convicted by a jury of trafficking  
11 methamphetamine in excess of 28 grams which carries 7 to 25  
12 years. And we ask that your Honor not hesitate, we ask  
13 that you impose a severe sentence on Mr. Ostrowski that  
14 sends him a clear message that you cannot do this in our  
15 county.

16 But there is one overwhelming consideration that I  
17 would like your Honor to know about with respect to 162  
18 Bailey Avenue. A few years ago law enforcement unearthed  
19 an infant from the backyard of 162 Bailey Avenue.

20 MR. PHILLIPS: Objection, your Honor.

21 SOLICITOR HAYES: Present in the courtroom is  
22 Investigator Jim Lubin who, at the time, was assigned to  
23 the Rock Hill PD Homicide Team, so he is present in the  
24 courtroom if your Honor has any questions about that  
25 incident.

1           Now Mr. Ostrowski was not charged with respect to  
2           that, nor do I put the blame for that incident on him. I  
3           don't. But I would like the Court to know that that baby  
4           perished, and was unearthed by the police, from a mom who  
5           admitted to taking drugs while she was pregnant.

6           Now I say I do -- I make this mistake all the time, we  
7           consider drugs to be a victimless crime in casual  
8           conversation around the courthouse but in reality it's not.  
9           Drugs have a ripple effect that touches anywhere and  
10          everywhere in our community and I think it is a fair  
11          construction of what happened at 162 Bailey that the worst  
12          has already happened there.

13          And again, I'm not blaming Mr. Ostrowski for that. I  
14          point that out to your Honor because I think that goes to  
15          Mr. Ostrowski's true heart; that even without fault of his,  
16          a baby died there.

17          MR. PHILLIPS: Objection, your Honor.

18          SOLICITOR HAYES: Even without fault of his.

19          THE COURT: All right. Hang on a second.

20          It's a sentencing hearing, Mr. Phillips. I'm only  
21          gonna consider matters which I deem to be relevant, okay.

22          Thank you.

23          SOLICITOR HAYES: To continue to traffic  
24          methamphetamine out of 162 Bailey Avenue I think is the  
25          most important and the best insight into Mr. Ostrowski's

1 mind set on January 25th, 2017.

2 And so I ask your Honor to send Mr. Ostrowski a very  
3 clear message, that if you traffic methamphetamine in our  
4 county your day will come, and that day is today.

5 Thank you, your Honor.

6 THE COURT: Thank you, Solicitor.

7 Mr. Phillips, obviously I'll be glad to hear from you  
8 in mitigation.

9 MR. PHILLIPS: Thank you, your Honor.

10 THE COURT: You can tell me anything you want to tell  
11 me just like I allowed the State to tell me anything they  
12 want to tell me. Go ahead.

13 MR. PHILLIPS: I understand, your Honor.

14 THE COURT: Yes, sir.

15 MR. PHILLIPS: I just -- I hope you understand why I  
16 have --

17 THE COURT: Absolutely, I understand that. In fact  
18 the Solicitor said he's not blaming Mr. Ostrowski for that  
19 situation but, you know, your client did testify under oath  
20 that was where people used a lot of drugs and that kind of  
21 thing. You know, I think that's something that I'm not  
22 saying I'll directly consider in whatever sentence I'm  
23 gonna hand down but it's something I glad I know. Let's  
24 put it that way. Go ahead.

25 MR. PHILLIPS: Thank you, your Honor.

1           THE COURT: Tell me about -- I want to hear about your  
2 client with what I haven't heard over the past four days.

3           MR. PHILLIPS: Going directly to what I can tell you  
4 when he came and our attorney client relationship started  
5 just a few months ago -- I am the third attorney on the  
6 case -- but I can tell you that in my dealings with him I  
7 have not seen a violent person; I have not seen, I mean  
8 spirited person. I have not seen anything that would  
9 encounter me to believe that he would be someone that would  
10 try to hurt another individual. Obviously what he admitted  
11 to on the witness stand as far as his drug addiction, and  
12 the text messages as far as the selling, is one of the  
13 things that we had to deal with in this case.

14           And what I can tell you is, although we have these  
15 issues with the common place where someone is supporting a  
16 drug habit through distribution, I can tell you that I  
17 don't believe in my dealings with him he is a menace so  
18 called to society.

19           I think obviously the State disagrees based on the  
20 very nature of the trial and it's a illegal act in itself.  
21 I can tell you that he maintained his innocence from day  
22 one with me. He came in and part of one of the things for  
23 me to take this case being a subsequent lawyer because it's  
24 always harder to be a lawyer that's coming in late in the  
25 game, and taking a case especially one where it you taking

1 the case pretty much knowing it's going to trial because he  
2 was rejected a plea offer, is he had maintained his  
3 innocence as far as those drugs.

4 He had always been open and honest about his drug  
5 addiction, the other stuff in the house, but he had been  
6 adamant that those were not his drugs. I know that seems  
7 far fetched to believe and that --

8 THE COURT: It does seem far fetched to believe. I'm  
9 well familiar and as I know you are as well you are, and  
10 I'm sure your client has heard this, if you lay down with  
11 dogs you gonna get fleas, or you're judged by the company  
12 you keep, you know. And I think, you know, clearly that's  
13 what this case was about. Whether, you know, one could  
14 argue whether or not the drugs were actually his, I think  
15 the State clearly proved they were in my opinion. However,  
16 my opinion doesn't count as far as the evidence is  
17 concerned.

18 But clearly he constructively possessed. You know  
19 it's kind of what this case is hinged on and that was the  
20 problem here.

21 MR. PHILLIPS: Well, what I can tell you what I've  
22 seen in my encounters with him and what you don't have in  
23 front of you before this trial that goes to the heart of  
24 mitigation is that he is a very devoted and loving father.

25 It's something that's been on his heart every time

1 we've met. He's very concerned, again, one of the issues  
2 we had about trying to get him released yesterday was  
3 having the opportunity to go see his son and having that  
4 chance to at least get that last contact and hug in case  
5 what happened today did happen. And it's something that he  
6 hadn't had that opportunity.

7 I can tell you when it comes to the remorse of having  
8 to go through this process and having to accept, you know,  
9 the ultimate conclusion of this because that's one of the  
10 things we discussed that obviously when you go to trial you  
11 never know -- And again I had this discussion -- you never  
12 know what a jury will ultimately do and we reviewed the  
13 evidence and it's one of those where --

14 Again, as your Honor said he maintained his innocence  
15 and I can tell you he's a loving father; it's something  
16 that's not contrived, it's something that is even sincere.  
17 I don't see a violent mean spirited person. I don't  
18 believe he's a danger to society. Again, given I think  
19 based on everything that's occurred in this, case he had  
20 been out on bond for a significant amount of time, and I  
21 don't think there's any evidence to show that he's been  
22 anything other than a hard working productive citizen, law  
23 abiding.

24 He's been out on bond and there hasn't -- I think  
25 that's probably at the heart of it, the essence of his

1 character since this has occurred. So even if we were to  
2 make the assumption as your Honor said based on your belief  
3 that there was, since this arrest we could easily classify  
4 that as the wake up call that was needed in the change in  
5 his life to have that rock bottom moment to definitely see  
6 this is not the way to live. And I can tell you he comes  
7 in, he's got manual labor hands, he's working, working to  
8 the bone. And I believe because every time I've seen him  
9 he's in work clothes and hey, I'm coming by your office  
10 when I get off of work.

11 Since he's been out on bond I think he's been --  
12 there's no evidence that he has been anything other than a  
13 law abiding citizen, a hard working individual, a loving  
14 father. And going into the background information that I  
15 know is needed before the Court, he is forty-five years  
16 old. He has a tenth grade education. Again he is a self-  
17 employed as you heard through testimony painter and  
18 drywall. He's done some landscaping on the side. He's a  
19 subcontractor for two local people here in Rock Hill.  
20 Before that he worked construction.

21 You will see when he addresses the Court how sincere  
22 he is and his over all responsibility and where he's going  
23 in life. I personally, and I hope your Honor feels this  
24 through when he addressed the Court, the sincerity and  
25 having just genuine nature that he will present is that

1 one: I don't believe a super severe sentence in this case  
2 is necessary. I know obviously the State had offered him  
3 because that's when he came to me is when they had to  
4 reject it on the record -- ten years. I do think based on  
5 that that somewhere around that range is appropriate.

6 I don't believe that a severe sentence that keeps him  
7 locked away for most of the rest of his -- the good years  
8 of life at 45 years old, would one, serve the citizen's of  
9 South Carolina. And certainly wouldn't do anything to  
10 rehabilitate him. And certainly imposing a sentence, any  
11 punitive measure, obviously is not the point. I know your  
12 Honor wouldn't do that, and that's the reason why I don't  
13 believe a super long and super severe sentence would be  
14 appropriate in this case. And I hope that he is able  
15 through his passion to bring out that being in your Honor  
16 and we absolutely request all the leniency and mercy that  
17 you can provide him in your sentence.

18 THE COURT: Thank you, Mr. Phillips.

19 Let me comment while I'm waiting on any other  
20 mitigation evidence. Mr. Phillips, I find your  
21 representation of Mr. Ostrowski to be excellent. I think  
22 you covered everything you need to cover and you very very  
23 properly defended your client.

24 MR. PHILLIPS: Thank you, your Honor.

25 THE COURT: For whatever that's worth. All right.

1 MR. PHILLIPS: Well we'll deal with that matter after  
2 sentencing.

3 THE COURT: Absolutely. Okay. Who wishes -- Anybody  
4 else wish to speak?

5 MR. PHILLIPS: Ms. Alexandra Peters is present in the  
6 courtroom. She -- I did explain again that we couldn't  
7 have that conversation directly because she's represented  
8 by Attorney Jim Boyd. As you can see she is very  
9 physically upset and present in the courtroom. I'm sure  
10 she does wish to address the Court ---

11 THE COURT: Sure.

12 MR. PHILLIPS: --- in mitigation and I would not want  
13 to do anything to impede that.

14 THE COURT: Absolutely. Ma'am, if you'll come on up.

15 You can stand there right beside Mr. Phillips.

16 Just speak loudly. And I know who you are, I met you  
17 earlier today. Yes, ma'am, what would you like to say?

18 MS. PETERS: I was here earlier, I said the truth. He  
19 is not a harm to society. He is a good father. He made  
20 mistakes in his past and that being brought up for this  
21 case I believe to be wrong. Everybody makes mistakes. I've  
22 made mistakes. I am four years sober. He needs a chance  
23 to show that if you're given a chance that you can turn it  
24 around and make something of yourself and not send him away  
25 and give him the strictest punishment. What is that

1 proving to anybody? I mean the drugs were not caught on  
2 him. That doesn't matter. But the punishment sending him  
3 away for the rest of his good years and when his son grows  
4 up how does that teach anybody a lesson? It's insane to  
5 send him away and he's done for the rest of his life pretty  
6 much. That doesn't give him the chance to right his  
7 wrongs. He's never been in any trouble to the severity. He  
8 is a good father and his son . . .

9 (MS. PETERS CRYING UNCONTROLLABLY.)

10 MS. PETERS: I as a mother know that feeling. And I  
11 would hate -- My father passed away and I don't want his  
12 son to do that to grow up without his dad.

13 (MS. PETERS CRYING UNCONTROLLABLY.)

14 MS. PETERS: My dad was an attorney what we expect to  
15 hear is a horrible feeling not to have your parent there  
16 for you and his son. And I'm asking if you please take  
17 that into consideration. This man would do anything to  
18 show and prove that he is not the person that he's wrongly  
19 made out to be. There is a personal vendetta against him  
20 and we don't even know why. And I know it. There are  
21 other things but there is a personal vendetta and it is  
22 very clear and it's been told point blank by the Drug  
23 Enforcement to my face and I don't even understand how this  
24 is being considered. It should have been gone a long time  
25 ago when they point blank said we will not drop your

1 charges Ms. Peters until we stick it to Mr. Ostrowski even  
2 though we will drop your charges because we've had proof  
3 for a year that we charged you with your own medication  
4 that you were legally prescribed.

5 How can someone look you in the face and say that?  
6 Ah, don't worry your fine, after we convict him because we  
7 want him. And look you in the eyes and tell you that now  
8 doing this So punishing him because they just want him,  
9 how does that teach anybody that America is against  
10 bullying, correct?

11 Bullying is an issue in America, right? Well this is  
12 bullying in my opinion. You are giving someone not a  
13 chance. You're telling them if you don't take this plea  
14 then pretty much you have no choice because we are gonna  
15 stick it to you and give you the highest, you know,  
16 conviction we can. So bullying is being used in our court  
17 system right now. When you're bullying an innocent person  
18 that a heart knows he's innocent. He was at work working  
19 hard to support his son and comes -- His world is rocked  
20 upside down in a matter of minutes. You're bullying him  
21 into taking a plea for several months because --

22 THE COURT: Ma'am, just address me.

23 MS. PETERS: I'm sorry. Because if you don't we're  
24 gonna get you because we can. That's bullying. That's  
25 what we teach our children not to do. Can you imagine your

1 child being told you have to say you did something you did  
2 not do or else you're gonna be in more trouble? Do you  
3 think innocent people are sitting in prison right now  
4 because they were too scared to take it to trial and fight  
5 for their rights? We're supposed to be innocent until  
6 proven guilty and unfortunately we are guilty until we  
7 prove out innocence.

8 That is not Constitutional. It's not the way it should  
9 be. It's not what America - This is not how we're built.  
10 We're supposed to setting an example. How is this setting  
11 an example to stop the bullying; stop the lying, and if  
12 you're gonna lie to put somebody behind bars and ruin their  
13 life for what reason?

14 You can only have a reason. You -- this man has never  
15 had any drug charges why not give him drug court? He's  
16 admitted that he has a drug problem. Give him a chance.  
17 If he messes up then stick it to him. Then that he showed  
18 that he was not being, you know, truthful. He has shown  
19 not to answer. Give him the chance to show you better than  
20 he can tell you. Its not giving someone an opportunity to  
21 prove to the system that it can be done. Because once you  
22 go behind those bars you come out a different person. And  
23 it's been known and proven, the statistics, people never  
24 come out a better person. They come out and that's what  
25 they're used to, the prison life, and they just can't make

1 it. So I'm asking you pleas take that into consideration.

2 THE COURT: I'll take all of that into consideration.

3 MS. PETERS: Thank you very much --

4 THE COURT: Thank you, ma'am. Yes, ma'am.

5 Mr. Phillips, anybody else?

6 MR. PHILLIPS: Mr. Ostrowski, your Honor.

7 THE COURT: Okay. Yes, sir, just stand right there.

8 MR. OSTROWSKI: I just beg for your leniency and I'm  
9 not a bad person. I'm a father and --

10 THE COURT: How old is your son?

11 MR. OSTROWSKI: He's sixteen. And my dad he's been  
12 diagnosed with cancer not too long ago. And I just want a  
13 chance to spend with him and help him out. And I'm very  
14 sorry for the things I have did and I just want an  
15 opportunity to be with my father and my son before he grows  
16 up and before maybe he passes away which --

17 THE COURT: How old is your father, sir?

18 MR. OSTROWSKI: My dad he's 69. And I beg you for  
19 your leniency, please.

20 THE COURT: Thank you, sir. You know, the Solicitor  
21 is absolutely correct when -- Solicitor, you got the  
22 sentencing sheet? Hand 'em up to me.

23 SOLICITOR HAYES: Madam Clerk does.

24 THE COURT: Oh, Madam Clerk's got 'em.

25 MR. PHILLIPS: We still haven't signed 'em.

1 THE COURT: Okay. Well, do that and then I'll talk.

2 (PAUSE.)

3 THE COURT: Now here's the thing with these, a lot of  
4 these drug laws, my hands are tied with mandatory minimum  
5 sentences. And of course the legislature has spoken, I  
6 gotta uphold the law. I mean the minimum sentence you can  
7 get, Mr. Ostrowski, is seven years in prison. That's the  
8 minimum. I can't go any below that. I can't suspend the  
9 sentence. Each one of the weapon charges carries five  
10 years.

11 And I certainly emphasize and sympathize with you. I  
12 have sons, I'm not too much older than you. You know, but,  
13 I think the Solicitor is absolutely correct when he talks  
14 about, you know, drugs and the effect they have on society.  
15 I mean its just horrible. I mean I've seen it in my own  
16 family. I bet you every lawyer or every person in here has  
17 a family member who's addicted to some type of substance  
18 and its sad. And I feel for you, because I can't imagine  
19 how you got addicted to substances, and as you testified  
20 that, you know, you're a user. And I'm sorry you got to  
21 that cycle. I had a -- I think some of these lawyers  
22 probably heard this before, I know Mr. Phillis has never  
23 heard this, and I had a first cousin who I'm very close to  
24 who's been in and out of rehab his whole life. He was a  
25 civil engineer in Greenville, South Carolina currently

1 living in a half-way house because he's addicted to crack  
2 cocaine.

3 I have another cousin, first cousin, who in this very  
4 courtroom was sentenced by Judge Alford to ten years in  
5 prison suspended upon the service of three for a felony DUI  
6 which involved great bodily injury. And my own cousin when  
7 he was reassigned to Chester County to serve out the  
8 remainder of his sentence cleaned my office. Talk about  
9 shame and humiliation. That's what drugs will do to you.

10 I am considering the fact that the amount that were in  
11 your possession were on the extremely low end of the scale  
12 from 28 grams to a 100 grams. They were three grams over  
13 the minimum necessary for this enhanced charge against you,  
14 so I am taking that into consideration. I'm also taking  
15 into consideration your relatively lack of a significant  
16 prior record at least as far as a drug record's concern.

17 But I just think about all the people who have come in  
18 and out of that house, or the people that you may have  
19 delivered drugs to, or transferred drugs to, and the  
20 effects those drugs have had on them and that's what's very  
21 concerning to the Court.

22 Having said all that, Mr. Ostrowski, I sentence you as  
23 follows: I'm doing it in reverse order. As to Indictment  
24 17-GS-46-2576 having been found guilty of the obliterated  
25 pistol charge, handgun charge, the sentence of the Court is

1 five years in the South Carolina Department of Corrections.

2 As to Indictment 2575 having been found guilty of the  
3 crime of violence, possession of a pistol or a handgun,  
4 firearm charge, the sentence of the Court is five years  
5 concurrent to the previous sentence.

6 As to Indictment 17-GS-46-2573(A) count two,  
7 possession of a weapon during the commission of a violent  
8 crime the sentence of the Court is five years in the South  
9 Carolina Department of Corrections, concurrent.

10 And as to the lead Indictment 17-GS-46-2573 the  
11 sentence of the Court is 18 years in the South Carolina  
12 Department of Corrections. Good luck to you.

13 All right, court is adjourned for the remainder of the  
14 day. I will see y'all tomorrow morning at 10:00 a.m.

15 MR. PHILLIPS: Your Honor.

16 THE COURT: Yes, sir.

17 MR. PHILLIPS: Your Honor, one matter that I  
18 respectfully -- For the purpose of the record,  
19 respectfully, I didn't get a ruling on whether you  
20 considered it as relevant about the child being buried --

21 THE COURT: Irrelevant. Didn't even think about it at  
22 all in my sentence. In fact prior to me coming out here I  
23 had in my mind anywhere from a range of 15 years on the low  
24 end to 23 years on the high end and I kind of ended up  
25 about right in the middle. Actually lesser than right in

1 the middle so you kind of talked me down a little.

2 MR. PHILLIPS: Thank you, your Honor.

3 THE COURT: So that's my decision. All right.

4 Good luck to you, sir, and God bless you.

5 Good luck to you, ma'am.

6 SOLICITOR HAYES: Thank you, your Honor.

7 (DEFENDANT EXITS COURTROOM.)

8 (COURT ADJOURNED AT 03:00 P.M.)

9 (END OF TRANSCRIPT OF RECORD.)

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CERTIFICATE OF REPORTER

State of South Carolina    )  
                                  )  
County of York                )

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions Court for York County, South Carolina, on the 27th, 28th, days of February, and the 1st day of March, 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

\_\_\_\_\_  
Wanda S. Nelson, CVR-M  
Certified Verbatim Reporter,  
Circuit Court Reporter,  
Notary Public, in and for  
The State of South Carolina.

My Commission Expires: 1/21/2021

DATE: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

## STATE OF SOUTH CAROLINA

## IN THE COURT OF GENERAL SESSIONS

## COUNTY OF YORK

STATE VS.

JONATHAN STANLEY OSTROWSKI

AKA: Jonathan Ostrowski, Jonathan S Ostrowski

Race: White Sex: M Age: 45

DOB: 1/1972 SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: Rock Hill, SC 29730

DL# \_\_\_\_\_ SID# SC00726327

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: **Trafficking Methamphetamine 28g or more 1st Offense**

In violation of § 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0392

INDICTMENT/CASE#: 2017GS4602573  
 A/W: 2017A4610200144  
 Date of Offense: 01/25/2017  
 S.C. Code §: 44-53-375(C)  
 CDR Code #: 0392

555

## SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

\_\_\_\_\_  
 Aaron J. Hayes, Assistant Solicitor SC Bar # 100114

\_\_\_\_\_  
 Defendant

\_\_\_\_\_  
 Attorney for Defendant SC Bar # 77712

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center,  
 for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which  
 are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

☐ Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Proviso 61.6 (Public Def/Prob) \$500 \$ \_\_\_\_\_

§14-1-212 (Law Enforce. Funding) \$25 \$ 25§14-1-213 (Drug Court Surcharge) \$150 \$ 150

§50-21-114 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

§56-5-2942(I) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

3% to County (if paid in installments) \$ \$ \_\_\_\_\_

TOTAL \$ 275☐ Ordered PTUP \_\_\_\_\_ days/hours Public Service/EmploymentObtain GED ☐

Attend Voc. Rehab. Or Job Corp \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling \_\_\_\_\_

Random Drug/Alcohol Testing \_\_\_\_\_

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Appointed PD or appointed other counsel,

Proviso §61.6 requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge: \_\_\_\_\_

Judge Bar ID: \_\_\_\_\_ Judge Code: 2108Sentence Date: 3/1/18Clerk of Court/Deputy Clerk: Daric HamiltonCourt Reporter: Wanda Nelson

SCCA/217 (07/2016)

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 MAR 08 2018  
 SC Court of Appeals

## STATE OF SOUTH CAROLINA

## IN THE COURT OF GENERAL SESSIONS

## COUNTY OF YORK

STATE VS.

JONATHAN STANLEY OSTROWSKI

INDICTMENT/CASE#: 2017GS4602573A  
 A/W: 2017A4610200154  
 Date of Offense: 01/25/2017  
 S.C. Code §: 16-23-0490  
 CDR Code #: 0549

554

AKA: Jonathan Ostrowski, Jonathan S Ostrowski

Race: White Sex: M Age: 45

DOB: 1972 SSN: [REDACTED]

Address: [REDACTED]

City, State, Zip: Rock Hill, SC 29730

DL#: [REDACTED] SID# SC00726327

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADS

TO: Possession Of A Weapon During The Commission Of A Violent Crime

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

## SENTENCE SHEET

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45  
 (CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Aaron J. Hayes, Assistant Solicitor 100114  
 SC Bar # [REDACTED]

Defendant

Daye [Signature] 77712  
 Attorney for Defendant SC Bar # [REDACTED]

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,  
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which  
 are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

☐ Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

|                                        |         |        |
|----------------------------------------|---------|--------|
| *Fine:                                 |         | \$     |
| §14-1-206 (Assessments 107.5%)         |         | \$     |
| §14-1-211 (A)(1)(Conv. Surcharge)      | \$100   | \$ 100 |
| §14-1-211 (A)(2)(DUI Surcharge)        | \$100   | \$     |
| §56-5-2995 (DUI Assessment)            | \$12    | \$     |
| §56-1-286 (DUI Breath Test)            | \$25    | \$     |
| Proviso 61.6 (Public Def/Prob)         | \$500   | \$     |
| §14-1-212 (Law Enforce. Funding)       | \$25    | \$ 25  |
| §14-1-213 (Drug Court Surcharge)       | \$150   | \$     |
| §50-21-114 (BUI Breath Test Fee)       | \$50    | \$     |
| §56-5-2942(J) (Vehicle Assessment)     | \$40/ea | \$     |
| 3% to County (if paid in installments) | \$      | \$     |
| <b>TOTAL</b>                           |         | \$ 125 |

☐ Ordered PTUP \_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel

Proviso §61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: \_\_\_\_\_

Judge Bar ID: \_\_\_\_\_

Sentence Date: \_\_\_\_\_

Judge Code: 2108

Clerk of Court/Deputy Clerk: David Hamilton  
 Court Reporter: Wanda Nelson  
 SCCA/217 (07/2016)

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 SC Court of Appeals

2017 MAR -1 PM 3:37  
 CLERK OF COURT  
 YORK COUNTY, SC

## STATE OF SOUTH CAROLINA

## IN THE COURT OF GENERAL SESSIONS

## COUNTY OF YORK

STATE VS.

JONATHAN STANLEY OSTROWSKI

AKA: Jonathan Ostrowski, Jonathan S Ostrowski

Race: White Sex: M Age: 45

DOB: 1/1972 SS#:

Address:

City, State, Zip: Rock Hill, SC 29730

DL# SID# SC00726327

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Unlawful Sale Or Delivery Of Pistol To And Possession By Certain Persons

In violation of § 16-23-0030 of the S.C. Code of Laws, bearing CDR Code # 2364

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)
The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Aaron J. Hayes, Assistant Solicitor 100114 SC Bar #

Defendant

Attorney for Defendant 77712 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

☐ Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \$ \_\_\_\_\_

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Proviso 61.6 (Public Def/Prob) \$500 \$ \_\_\_\_\_

§14-1-212 (Law Enforce. Funding) \$25 \$25

§14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

§50-21-114 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

3% to County (if paid in installments) \$ \$ \_\_\_\_\_

TOTAL \$125

Clerk of Court/Deputy Clerk: David Hamilton

Court Reporter: Wanda Jackson

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017GS4602575  
A/W: 2017A4610200153  
Date of Offense: 01/25/2017  
S.C. Code §: 16-23-0030  
CDR Code #: 2364

## SENTENCE SHEET

☐ Ordered PTUP \_\_\_\_\_ days/hours Public Service EmploymentObtain GED ☐

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel

Proviso §61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: \_\_\_\_\_

Judge Bar ID: \_\_\_\_\_

Sentence Date: 3/1/18

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MAR 08 2018  
SC Court of Appeals

## STATE OF SOUTH CAROLINA

## COUNTY OF YORK

STATE VS.

JONATHAN STANLEY OSTROWSKI

AKA: Jonathan Ostrowski, Jonathan S. Ostrowski

Race: White Sex: M Age: 45

DOB: 1972 SS#:

Address:

City, State, Zip: Rock Hill, SC 29730

DL# SID# SC00726327

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADSTO: Unlawful Sale Or Delivery Of Pistol To And Possession By Certain Persons

In violation of § 16-23-0030 of the S.C. Code of Laws, bearing CDR Code # 2364

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:

☒ As indicted.☐ Lesser Included Offense.☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation.☐ Negotiated Sentence.☐ Recommendation by the State.

ATTEST:

Aaron J. Hayes, Assistant Solicitor

100114  
SC Bar #

Defendant

Attorney for Defendant

77712  
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED ☐☐ Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \$ \_\_\_\_\_

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Proviso 61.6 (Public Def/Prob) \$500 \$ \_\_\_\_\_

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

§50-21-114 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

3% to County (if paid in installments) \$ \$ \_\_\_\_\_

TOTAL \$ 125Clerk of Court/Deputy Clerk: David HamiltonCourt Reporter: Wanda Nelson

SCCA/217 (07/2016)

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4602576

A/W: 2017A4610200155

Date of Offense: 01/25/2017

S.C. Code §: 16-23-0030

CDR Code #: 2364

## SENTENCE SHEET

Presiding Judge: \_\_\_\_\_

Judge Bar ID: \_\_\_\_\_

Sentence Date: \_\_\_\_\_

Judge Code: \_\_\_\_\_

2168

3/1/18

558

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SC Court of Appeals

**WITNESSES**

DEU / Hager

**ARREST WARRANT NUMBER**

COUNT ONE 2017A4610200144  
COUNT TWO *Amend Ind.*

**ACTION OF GRAND JURY  
TRUE BILL**

/s/ E. Stevens, 6-15-17 (counts one and two)

(amendment to count two)

Foreperson of Grand Jury

Date: *1-18-18* *mlb*

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-46-02573  
DOCKET NO. 2017-GS-46-02573A (AMENDED)

**The State of South Carolina**

County of York

COURT OF GENERAL SESSIONS

JANUARY 18, TERM 2018

THE STATE

VS.

**JONATHAN STANLEY  
OSTROWSKI**

INDICTMENT FOR:

COUNT ONE - TRAFFICKING  
METHAMPHETAMINE 28G OR MORE

SC Code: § 44-53-375(C)  
CDR Code: 0392

COUNT TWO - POSSESSION OF A WEAPON  
DURING THE COMMISSION OF A VIOLENT  
CRIME

SC Code: § 16-23-0490  
CDR Code: 0549

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I  
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

**RECEIVED**  
MAR 08 2018  
SC Court of Appeals

559

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on January 18, 2018, the Grand Jurors of York County present upon their oath:

**COUNT ONE - TRAFFICKING METHAMPHETAMINE 28 GRAMS OR MORE**

The defendant, Jonathan Stanley Ostrowski, did on or about January 25, 2017, in York County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of twenty-eight (28) grams or more of methamphetamine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), Code of Laws of South Carolina (1976, as amended).

**COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME**

The defendant, Jonathan Stanley Ostrowski, did on or about January 25, 2017, in York County, South Carolina, while committing the violent crime of Trafficking Methamphetamine, possess a pistol. All in violation of 16-23-0490, *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.

  
AARON J. HAYES  
ASSISTANT SOLICITOR

**WITNESSES**

DEU / *Hager*

**ARREST WARRANT NUMBER**

COUNT ONE 2017A4610200144  
COUNT TWO 2017A4610200154

**ACTION OF GRAND JURY**

**TRUE BILL**

*Edrew*  
Foreperson of Grand Jury  
Date: *6-15-17*

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2017-GS-46-02573  
2017-GS-46-02573A

**The State of South Carolina**

County of York

**COURT OF GENERAL SESSIONS**

**JUNE 15, TERM 2017**

**THE STATE**

**VS.**

**JONATHAN STANLEY  
OSTROWSKI**

**INDICTMENT FOR**

**COUNT ONE - TRAFFICKING  
METHAMPHETAMINE 28G OR MORE**

SC Code: § 44-53-375(C)  
CDR Code: 0392

**COUNT TWO - POSSESSION OF A  
WEAPON DURING THE COMMISSION OF  
A VIOLENT CRIME**

SC Code: § 16-23-0490  
CDR Code: 0549

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

**Defendant**

I  
hereby appear in my own proper person and plead guilty to the within indictment or to

**Defendant**

**Witness:**

**C.C.C. PLS. AND G.S.**

**RECEIVED**  
MAR 08 2018  
SC Court of Appeals

561

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on June 15, 2017, the Grand Jurors of York County present upon their oath:

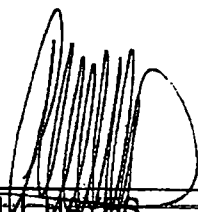
**COUNT ONE - TRAFFICKING METHAMPHETAMINE 28 GRAMS OR MORE**

The defendant, Jonathan Stanley Ostrowski, did on or about January 25, 2017, in York County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of twenty-eight (28) grams or more of methamphetamine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), Code of Laws of South Carolina (1976, as amended).

**COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME**

The defendant, Jonathan Stanley Ostrowski, did on or about January 25, 2017, in York County, South Carolina, while committing the violent crime of Trafficking Methamphetamine, possess a .380 caliber pistol. All in violation of 16-23-0490, *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.

  
\_\_\_\_\_  
AARON J. MATYS  
ASSISTANT SOLICITOR

**WITNESSES**

DEU

Witnessing Officer: T. Hager

**ARREST WARRANT NUMBER**

2017A4610200153

**ACTION OF GRAND JURY**

**TRUE BILL**

*E. Hager*  
Foreperson of Grand Jury  
Date: 6-15-17

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2017-GS-46- 02575

**The State of South Carolina**

County of York

**COURT OF GENERAL SESSIONS**

JUNE 15, TERM 2017

THE STATE

VS.

**JONATHAN STANLEY  
OSTROWSKI**

**INDICTMENT FOR**

**POSSESSION OF A HANDGUN BY A  
PERSON CONVICTED OF A CRIME OF  
VIOLENCE**

SC Code: § 16-23-0030  
CDR Code: 2364

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

**Defendant**

I  
hereby appear in my own proper person and plead guilty to the within indictment or to

**Defendant**

**Witness:**

**C.C.C. PLS. AND G.S.**

**RECEIVED**  
MAR 08 2018  
SC Court of Appeals

543

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

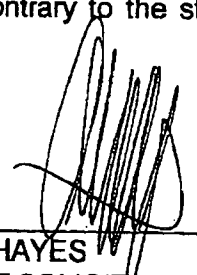
INDICTMENT

At a Court of General Sessions, convened on June 15, 2017, the Grand Jurors of York County present upon their oath:

**POSSESSION OF A HANDGUN BY PERSON CONVICTED OF A CRIME OF  
VIOLENCE**

The defendant, Jonathan Stanley Ostrowski, did on or about January 25, 2017, in York County, South Carolina, unlawfully possess or acquire a handgun after having been convicted of a crime of violence in any court of the United States, the several states, the commonwealths, territories, possessions or the District of Columbia or is otherwise a fugitive from justice. , all in violation of Section 16-23-0030, *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
AARON J. HAYES  
ASSISTANT SOLICITOR

**WITNESSES**

DEU

Witnessing Officer: T. Hager

**ARREST WARRANT NUMBER**

2017A4610200155

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 6-15-17

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-46- 02576

**The State of South Carolina**

County of York

**COURT OF GENERAL SESSIONS**

JUNE 15, TERM 2017

THE STATE

VS.

**JONATHAN STANLEY  
OSTROWSKI**

**INDICTMENT FOR**

**POSSESSION OF A HANDGUN WITH  
SERIAL NUMBER OBLITERATED**

SC Code: § 16-23-0030

CDR Code: 2364

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

**Defendant**

I \_\_\_\_\_  
hereby appear in my own proper  
person and plead guilty to the within  
indictment or to

**Defendant**

**Witness:**

**C.C.C. PLS. AND G.S.**

**RECEIVED**  
MAR 08 2018  
SC Court of Appeals

515

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

INDICTMENT

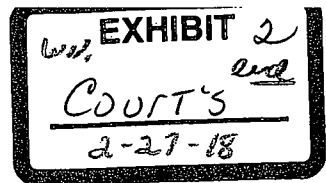
At a Court of General Sessions, convened on June 15, 2017, the Grand Jurors of York County present upon their oath:

**POSSESSION OF A HANDGUN WITH SERIAL NUMBER OBLITERATED**

The defendant, Jonathan Stanley Ostrowski, did on or about January 25, 2017, in York County, South Carolina, unlawfully possess or acquire a handgun from which the original serial number had been removed or obliterated., all in violation of Section 16-23-0030, *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
AARON J. HAYES  
ASSISTANT SOLICITOR



STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK )

SIXTEENTH JUDICIAL CIRCUIT

State of South Carolina, )

Indictment Nos.: **2017GS4602573 – 2576**

v. )

**JONATHAN OSTROWSKI,** )

**SECOND MOTION TO COMPEL DISCOVERY**

Defendant. )

The Defendant, by and through the undersigned Counsel, moves for the Court to compel disclosure of specifically requested evidence. See U.S. Const. amends. V, VI, XIV; S.C. Const. art. I, §§ 3 and 14; Rule 5(a), (c), and (d), SCRCrimP. Defense Counsel has filed a Supplemental Motion for Discovery, Second Supplemental Motion for Discovery, and Motion to Compel, containing these requests. In due candor to the Court, the Second Supplemental Motion for Discovery was filed after the original Motion to Compel and contained additional requests for evidence.

This Second Motion to Compel Discovery contains all the relevant requests that are before the Court and can be divided into four sections:

- (1) DEA and York County Sheriff's Department (DEU) Investigation records.
- (2) Electronically Stored Information (ESI) related to the above investigation.
- (3) Identity of Confidential Informants.
- (4) Agreements, deals, and/or contracts between any of the witnesses and law enforcement and/or the Solicitor's Office.

Notably, the requested evidence is necessary to ensure the Defendant's right to a fair trial; specifically, his right to confrontation of witnesses, compulsory process, meaningful opportunity to present a complete defense, and effective assistance of counsel. See *Brady*

*v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); *Kyles v. Whitley*, 514 U.S. 419 (1995); *United States v. Bagley*, 473 U.S. 667 (1986); *Giles v. Maryland*, 386 U.S. 66 (1967); *United States v. Agurs*, 427 U.S. 97 (1976); *Strickler v. Greene*, 527 U.S. 263 (1999); *Crane v. Kentucky*, 476 U.S. 683 (1986); *State v. Gullede*, 326 S.C. 220, 487 S.E.2d 590 (1997).

### DUE PROCESS REQUIRES DISCLOSURE

"[T]he Constitution guarantees criminal defendants a meaningful opportunity to present a complete defense." *Crane v. Kentucky*, 476 U.S. 683 (1986). Our Supreme Court has reiterated that "[d]ue process requires that a criminal defendant be afforded a meaningful opportunity to present a complete defense." *State v. Mabe*, 306 S.C. 355, 358, 412 S.E.2d 386, 388 (1991) (citing *California v. Trombetta*, 467 U.S. 479 (1984)). The opportunity to present a full and complete defense includes "a defendant's privilege to request and obtain material evidence from the state." *Id.* (emphasis added); see also *Town of Fairfax v. Smith*, 285 S.C. 458, 330 S.E.2d 290 (1985). U.S. Const. amends. V, VI, XIV; S.C. Const. art. I, §§ 3, 14.

The Supreme Court of the United States emphasized the importance of specific requests for undisclosed *Brady* material in *United States v. Bagley*: "When the prosecutor receives a specific and relevant request, the failure to make any response is seldom, if ever, excusable." *Id.*, 473 U.S. 667, 681 (1985) (emphasis added). *Brady* requires the State to disclose evidence in its possession favorable to the accused and material to guilt or punishment. See *State v. Bryant*, 307 S.C. 458, 415 S.E.2d 806 (1992). Notably, the due process rights recognized by *Brady* also apply to impeachment evidence. See *Bagley*, 473 U.S. 667.

In *Kyles v. Whitley*, 514 U.S. 419, 442 n.134, 445-451 (1995), the Court noted that due process requires disclosure of any evidence that provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state's witnesses, or to bolster the defense case against prosecutorial attack. The *Kyles* Court found that "the individual prosecutor has a duty to learn of any favorable evidence known to others acting on the government's behalf in the case, including the police." *Id.* 514 U.S. 419; See *Gulledge*, 326 S.C. 220, 487 S.E.2d 590.

Rule 5 of the South Carolina Rules of Criminal Procedure is this State's mechanism for complying with due process. Rule 5(a)(1)(C), SCRCrimP, provides that, upon request of the Defendant, "the prosecution shall permit the defendant to inspect and copy books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are *material to the preparation of his defense* or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant." (emphasis added).

Without disclosure of these specific requests for evidence, the Defendant is unable to conduct a reasonable investigation, determine which witnesses to subpoena for trial, and prepare an adequate defense to the allegations against him. U.S. Const. amends. V, XIV; S.C. Const. art. I, § and 3.

### **DENIAL OF RIGHT TO CONFRONT WITNESSES**

"The Sixth Amendment guarantees a criminal defendant the right 'to be confronted with the witnesses against him.'" *State v. Dinkins*, 339 S.C. 597, 601, 529 S.E.2d 557, 559 (Ct. App. 2000) (quoting U.S. Const. amend. VI); See S.C. Const. art. I, § and 14. The

right of confrontation is essential to a fair trial because it promotes reliability and insures that convictions will not result from testimony of individuals who cannot be challenged at trial. *Id.* Although the confrontation clause is not identical to the hearsay rule, when the State offers hearsay evidence in a criminal case, the accused's Sixth Amendment right to confront accusers is directly implicated. See *Idaho v. Wright*, 497 U.S. 805 (1990).

Without disclosure of these specific requests for evidence, the Defendant is unable to adequately prepare for cross-examination and is denied his right to confrontation of witnesses. U.S. Const. amends. VI, XIV; S.C. Const. art. I, § and 14.

#### **RELEVANT AND NECESSARY EVIDENCE**

The Defendant respectfully moves for the Court to compel disclosure of the following evidence:

**(1) *DEA and York County Sheriff's Department (DEU) Investigation Records***

(a) All evidence, including but not limited to documents, images, and video recordings related to the investigation and surveillance of the address and phone number allegedly linked to the Defendant (phone number 803-372-3065 and address 162 Bailey Avenue, Rock Hill, South Carolina) by the Drug Enforcement Administration, Special Agent Jason Satterwhite, and York County Sheriff's Department's DEU.

(b) Unredacted copy of the DEA Report of Investigation, including but not limited to the tag number for the "blue Chevrolet truck" noted in the report and the SC Department of Motor Vehicles listed owner for the "1996 Chevrolet".

(c) All documents, images, and video recordings related to any surveillance cameras used during the investigation of the residence; including but not limited to the make and model of the type of cameras used and the evidence documented via notes and

recordings during their investigation.

(d) All written statements or notes of verbal statements by witnesses to law enforcement and/or Solicitor's Office, including but not limited to, confidential informants and Alexandra Peters.

**(2) *Electronically Stored Information (ESI) related to the investigation***

(a) All ESI concerning interviews, statements, or notes taken by the State related to the Defendant Jonathan Ostrowski, Co-Defendant Alexandra Peters, Confidential Informants, and any other material witnesses. This request includes, but is not limited to, e-mail, text, word processing, or any other type of ESI file used to record, transcribe, or in any way memorialize interviews, statements, or notes (this request also includes all drafts).

(b) All ESI related to the investigation into phone number 803-372-3065 and the subsequent surveillance of 162 Bailey Avenue, Rock Hill, South Carolina, by the DEA and York County Sheriff's Department DEU; including but not limited to text messages, emails, documents, images, and video recordings.

(c) All ESI concerning investigative summaries, chronologies, or reports created by the State in this case. This request includes, but is not limited to, e-mail, text, word processing, or any other type of ESI file used to record, transcribe, or in any way memorialize investigative summaries, chronologies, or reports. This request also includes all drafts.

(d) A listing or inventory of every computer, including make, model, location and serial number, the State's law enforcement officials had access to during the communication with, interrogation or, and/or interview of Defendant Jonathan Ostrowski, Co-Defendant Alexandra Peters, Confidential Informants, or any witness or possible

witness in this case. For each computer, provide the name of employees with access.

(e) All communications, including ESI such as e-mail and text messages, generated by the State concerning the investigation of this case.

(f) All policies relating to law enforcement's communications, interrogations, and/or interviews with suspects and/or persons subject to custodial detention.

(g) All policies relating to the preparation of (a) notes, (b) reports, and (c) statements in a criminal investigation.

(h) All policies relating to the storage or retention of (a) notes, (b) reports, and (c) statements in a criminal investigation.

(i) All policies relating to video or audio recording of communications, interrogations, and/or interviews in a criminal investigation.

(j) All policies relating to the storage or retention of video or audio recording of communications, interrogations, and/or interviews in a criminal investigation.

(k) All notes, communications, and reports, including ESI, concerning and drug forensic testing done by the State in this case.

(l) All video footage and/or sound captured by equipment at the York County Sheriff's Department related to this investigation.

#### **Procedure for Collection and Production of ESI.**

The procedure for the collection and production of ESI is described below and the Defense Counsel requests strict compliance with these instructions to ensure preservation of ESI material. Documents shall be produced as they are kept in the usual course of business or organized and labeled to correspond to the categories in this Request. Documents attached to each other should not be separated. Documents not otherwise

responsive to this Request shall be produced if such documents mention, discuss, refer to, or explain the documents that are called for by this request, or if such documents are attached to documents called for by this document request and constitute routing slips, transmittal memoranda, or letters, comments, evaluations, or similar materials.

In making production of electronically stored information (ESI), including, without limitation, electronic data compilations, electronic email, or documents that are kept in electronic format (such as, without limitation, Microsoft Outlook, Microsoft Word, Microsoft Excel, Microsoft PowerPoint, or any similar program or platform), produce them in their native formation along with all passwords necessary to access the documents and with all metadata fully intact. If documents are processed into image format to apply bates numbers or another form of identification, the native file should be provided along with the image and all metadata should be retained within the native file fully intact.

#### **Definitions Related to Request for ESI.**

*"ESI"* means electronically stored information, electronically stored data or electronic data, and is to be interpreted broadly to include all types of information, regardless of the storage media (e.g., hard drive, CD-ROM, DVD, disc, tape, thumb drive, etc.), that requires a computer or other machine to read or process it.

*"The State"* means the State of South Carolina and any law enforcement agency or prosecutorial authority playing any role in the investigation or prosecution of this case, including the Drug Enforcement Administration (DEA), York County Sheriff's Department (DEU), and the Sixteenth Judicial Circuit Solicitor's Office, as well as any expert, company, or consultant retained by the State to offer assistance in the investigation or prosecution of this case.

"*Communications*" means the transmittal of oral or written information, facts, or ideas, including, without limitation, communications in the form of any discussion, conversation, inquiry, negotiation, agreement, understanding, meeting, telephone conversation, letter, correspondence, note, memorandum, e-mail, text message, instant message, telegram, advertisement, or other form of exchange of words, whether oral or written.

"*Documents*" or "*document*" shall have the broadest meaning permitted under Rule 5 of the South Carolina Rules of Criminal Procedure, and include, without limitation, all writings of any nature whatsoever (including, specifically, all drafts), whether originals or copies, including all non-identical copies (whether different from the original because of notes made on or attached to them or otherwise), whether drafts, preliminary, proposed or final versions, whether printed, recorded, produced or reproduced by any other mechanical or electronic process, whether written or produced by hand, within your possession, custody or control, including without limitation, understandings, communications, including intra-office communications, intra-department communications, correspondence, telegrams, records, reports, memoranda (including memoranda of telephone, personal, intra-office or intra-department conversations and memoranda of conferences, notes, notices) diaries, summaries, lists, recordings, tapes, minutes, stenographic, handwritten or any other notes, working papers, disks, or any other document or writings of whatever description, including, without limitation, CD-ROMS, e-mails, instant messages, text messages and any information contained in any computer or memory system, network attached storage or server, although not yet printed out, or any material underlying supporting or used in the preparation of any such documents. "Documents" or "document"

includes ESI.

"*Native File*" means the original file stored in its native application, regardless of the storage media (e.g., hard drive, CD-ROM, DVD, disc, tape, thumb drive, etc.), that requires a computer or other machine to read or process it.

"*Policy*" means any and all written or recorded administrative work instructions adopted or enacted by the State of South Carolina, the County of Lexington the Lexington County Sherriff's Department, or any law enforcement authority involved in this case pertaining to law enforcement professionals.

"*Employee*" means any person employed by the State or its law enforcement agencies, in any capacity including law enforcement, clerical, or support staff.

"*Computer*" means all electronic processing equipment provided to employees of the State to perform duties or work. The term computer shall include employee issued laptops, desktop personal computers, printers, networked attached storage or server compiling and storing ESI, mobile devices including tablets, mobile phones or any other device utilized by law enforcement or State employees.

### **(3) *Revealing the Identity of the Confidential Informants***

The leading case on the "informant's privilege" is *Roviaro v. United States*, 353 U.S. 53 (1957). See *State v. Diamond*, 280 S.C. 296, 312 S.E.2d 550 (1984). The Supreme Court of the United States explained in *Rovario* that "[t]he scope of the privilege is limited by its underlying purpose" and that "where the disclosure of the contents of a communication will not tend to reveal the identity of an informer, the contents are not privileged." *Id.*, 353 U.S. at 60. The Court also found that "[a] further limitation on the applicability of the privilege arises from the fundamental requirements of fairness." *Id.*

Notably, the *Rovario* Court held:

Where the disclosure of an informer's identity, or the contents of his communication, is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause, *the privilege must give way*. In these situations the trial court may require disclosure and, *if the Government withholds the information, dismiss the action*.

*Roviaro v. United States*, 353 U.S. at 59-61 (emphasis added). *Rovario* specifically found that the "informer's privilege" is limited by due process. Rule 5, SCRCrimP, is this State's mechanism for complying with due process.

As to the issue of balancing the "public interest in protection the flow of information against the individual's right to prepare his defense[.]" the *Roviaro* Court explained, "Whether a proper balance renders nondisclosure erroneous must depend on the particular circumstances of each case, taking into consideration the crime charge, the possible defense, and the possible significance of the informer's testimony, and other relevant factors." *Id.*

Fundamental fairness, the right to confrontation of witnesses, and the right to present a complete defense trumps the minimal showing for disclosure of an informant, as no privilege exists for a sole eye-witness in a murder case. Confidential informants assume the risk of having their identity disclosed by participating in active criminal investigations. Disclosure of the informant's identity is essentially meaningless without the Defendant having a reasonable opportunity to locate, investigate, and attempt to interview the informant. *State v. Burns*, 294 S.C. 338, 364 S.E.2d 465 (1988).

**(4) *Agreements, Deals and/or Contracts between any of the Witnesses and Law Enforcement***

- (a) All plans to grant immunity to any of the State's witnesses in this case or

other cases involving the Defendant or the witnesses, including but not limited to the Confidential Informants and Alexandra Peters.

(b) All grants of immunity to any of the State's witnesses in this case or other cases involving the Defendant or the witnesses.

(c) All agreement(s), arrangement(s), or offer(s) by law enforcement or any Solicitor's Office to provide any benefit to any of the State's witnesses in this case or other cases involving the Defendant or the witnesses (e.g., payment; charge reduction; offer not to prosecute; offer to recommend sentence).

(d) All discussions held between state officials, including but not limited to law enforcement officers or prosecutors, and any State's witness or their representative concerning any matter the State "may" be willing to do in return for their cooperation and/or testimony for the State.

(e) All agreements, wherein the prosecutor avoids offering a specific plea agreement to a State's witness, but expressly or impliedly offers to help the witness after he testifies for the State;

(f) All agreements, wherein the prosecutor expressly or impliedly offers not to prosecute a State's witness for uncharged crimes or misconduct of which the State is or should be aware of in return for the witness's testimony.

The reliability and credibility of the State's witnesses may well be determinative on the issue of guilt or innocence in this case. Disclosure of this requested information is imperative for the purposes of showing any bias, prejudice, or interest in the outcome of the case that the Defendant know of the existence of such negotiations and/or deals between the State of South Carolina and any of the witnesses prior to trial.

Without disclosure of this specifically requested evidence, the Defendant is unable to conduct a reasonable investigation, prepare a defense, and conduct an adequate cross-examination of those witnesses. Therefore, disclosure of any such negotiations, promises, or deals must be done within an adequate amount of time to conduct a reasonable investigation. See *State v. Hinson*, 293 S.C. 406, 361 S.E.2d 120 (1987).

### **DISCLOSURE IS ESSENTIAL AND NECESSARY**

The disclosure, production, and inspection of this requested information is essential to ensuring the Defendant's constitutional rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, Sections 3 and 14 of the South Carolina Constitution (fair trial/due process, compulsory process, confrontation of witnesses, effective assistance of counsel, and meaningful opportunity to present a complete defense). See *Kyles*, 514 U.S. at 442 n.134 and 445-451 (finding due process requires disclosure of any evidence that provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state's witnesses, or to bolster the defense case against prosecutorial attacks).

### **WORK-PRODUCT AND PRIVILEGED EVIDENCE**

The Defendant further moves for the State to make available to the Court all evidence that may be subject to a claim of "work product" privilege for the to make an *in camera* inspection of any evidence not produced to the defense. See *Pennsylvania v. Ritchie*, 480 U.S. 39 (1987) (finding that due process entitles a criminal defendant to have potentially privileged records reviewed *in camera* to determine whether they contain material evidence). By permitting the Trial Judge to examine potential "work product"

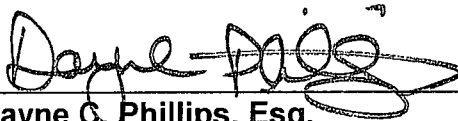
evidence, it serves to protect the legitimate interest of the State and ensures that the State has complied completely with the requirements of *Brady* and its progeny.

### CONCLUSION

These specific requests for evidence are necessary to ensure the Defendant's right to a fair trial; specifically, his right to confrontation of witnesses, compulsory process, opportunity to present a complete defense, and effective assistance of counsel under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitutions, and Article I, Sections 3 and 14 of the South Carolina Constitution. Therefore, the undersigned Counsel respectfully moves for the Court to compel the State to produce all the requested evidence and allow the Defendant the right to examine, inspect, copy, photograph such materials and information, and if necessary, at a specific time and place fixed by the Court that allows the Defendant a sufficient amount of time to prepare his defense. See *State v. Burns*, 294 S.C. 338, 364 S.E.2d 465 (1988); *State v. Hinson*, 293 S.C. 406, 361 S.E.2d 120 (1987).

IT IS SO MOVED.

Respectfully Submitted,

  
Dayne C. Phillips, Esq.

1614 Taylor Street, Suite D.  
Columbia, SC 29201  
O: 803-272-4503  
C: 803-807-0234  
F: 803-380-8035  
dayne@pricebenowitz.com

ATTORNEY FOR THE DEFENDANT

February 26, 2018

## REPORT OF INVESTIGATION

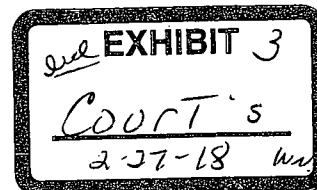
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|                                                                                                                                         |                                                                                                                                                           |               |                                |                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------|-----------------------------------|
| 1. Program Code                                                                                                                         | 2. Cross File<br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | Related Files | 3. File No.<br>[REDACTED]      | 4. G-DEP Identifier<br>[REDACTED] |
| 5. By: Ronald J Satterwhite, SA<br>At: Columbia DO                                                                                      |                                                                                                                                                           |               | 6. File Title<br>[REDACTED]    |                                   |
| 7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed<br><input type="checkbox"/> Action Requested By: |                                                                                                                                                           |               | 8. Date Prepared<br>01-05-2017 |                                   |
| 9. Other Officers:                                                                                                                      |                                                                                                                                                           |               |                                |                                   |
| 10. Report Re: Initiation of GPS Precision location information for (803) 372-3065 on 1-3-2017.                                         |                                                                                                                                                           |               |                                |                                   |

### DETAILS

1. On 12-14-2016, SA Jason Satterwhite obtained a court order to obtain precision location information for telephone (803) 372-3065, utilized by Jonathan OSTROWSKI, from Circuit Court Judge Jocelyn Newman.
2. On 1-3-17, SA Satterwhite executed the order with T-Mobile USA. T-Mobile USA began providing precision location information for (803) 372-3065 later that day.

### INDEXING



|                                                                 |                                                             |                        |
|-----------------------------------------------------------------|-------------------------------------------------------------|------------------------|
| 11. Distribution:<br>Division<br><br>District<br><br>Other SARI | 12. Signature (Agent)<br><br>Ronald J Satterwhite, SA       | 13. Date<br>01-05-2017 |
|                                                                 | 14. Approved (Name and Title)<br>/s/ Jefferie S Ludwick, GS | 15. Date<br>01-06-2017 |

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(Jul. 1996)

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Drug Enforcement Administration

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REPORT OF INVESTIGATION

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|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------|
| 1. Program Code                                                                                                                         | 2. Cross File                                                                                                                            | 3. File No.                    | 4. GDEP Identifier |
| 5. By: Ronald J Satterwhite, SA<br>AI; Columbia. DO                                                                                     | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | 6. File Title                  |                    |
| 7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed<br><input type="checkbox"/> Action Requested By: |                                                                                                                                          | 8. Date Prepared<br>12-28-2016 |                    |
| 9. Other Officers:                                                                                                                      |                                                                                                                                          |                                |                    |
| 10. Report Re: Surveillance on December 28, 2016.                                                                                       |                                                                                                                                          |                                |                    |

DETAILS

1. On 12-28-2016 at approximately 10:20am, SA Jason Satterwhite established surveillance on 162 Bailey Avenue, Rock Hill, South Carolina which is the residence of Jonathan OSTROWSKI.
2. SA Satterwhite observed a dark colored BMW passenger car in the yard; in addition, three pickup trucks, a Jeep Cherokee, and a Chevrolet Blazer were also parked along the drive way.
3. At approximately 10:27am, SA Satterwhite observed a blue Chevrolet truck depart from 162 Bailey Avenue; the vehicle was operated by a white male with a beard and displayed South Carolina registration plate '██████'. An inquiry with the SC Department of Motor Vehicles indicated that the vehicle was listed to a 1996 Chevrolet and registered to ██████ of ██████, Rock Hill, SC.
4. At approximately 10:30am, SA Satterwhite observed the blue Chevrolet truck return and park in the driveway of 162 Bailey Avenue.
5. At approximately 10:50am, surveillance was discontinued.

INDEXING

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| 11. Distribution:<br>Division | 12. Signature (Agent)<br><br>Ronald J Satterwhite, SA       | 13. Date<br>12-28-2016 |
| District                      | 14. Approved (Name and Title)<br>/s/ Jefferie S Ludwick, GS | 15. Date<br>01-03-2017 |
| Other SARI                    |                                                             |                        |

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U.S. Department of Justice  
Drug Enforcement Administration

REPORT OF INVESTIGATION

(Continuation)

1. File No.

2. G-DEP Identifier

3. File Title

4.

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5. Program Code

6. Date Prepared

12-28-2016

REPORT OF INVESTIGATION

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|                                                                                                                                         |                                                                                                              |                                |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------|
| 1. Program Code                                                                                                                         | 2. Case File                                                                                                 | 3. Related File                | 4. O-DEA Identifier         |
| 5. By: Ronald J Satterwhite, SA<br>At: Columbia DO                                                                                      | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |                                | 6. File Title<br>[REDACTED] |
| 7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed<br><input type="checkbox"/> Action Requested By: |                                                                                                              | 8. Date Prepared<br>12-20-2016 |                             |
| 9. Other Officers:                                                                                                                      |                                                                                                              |                                |                             |
| 10. Report Re: Case Initiation                                                                                                          |                                                                                                              |                                |                             |

BASIS OF INVESTIGATION

1. The DEA-Columbia DO received information that Jonathan OSTROWSKI is traveling to Greenville, SC to obtain multi-ounce quantities of crystal methamphetamine and distributing the crystal methamphetamine in the Rock Hill, SC area.
2. The Rock Hill Police Department obtained a telephone number through a Confidential Source for OSTROWSKI as (803) 372-3065.
3. OSTROWSKI currently resides at 162 Bailey Avenue, Rock Hill, SC.
4. The Rock Hill Police Department identified one of OSTROWSKI's methamphetamine customers as [REDACTED].

TARGET (S)

1. OSTROWSKI, Jonathan - NADDIS: PENDING. Crystal Methamphetamine distributor in Rock Hill, SC.

INDEXING

[REDACTED]

|                               |                                                             |                        |
|-------------------------------|-------------------------------------------------------------|------------------------|
| 11. Distribution:<br>Division | 12. Signature (Agent)<br>Ronald J Satterwhite, SA           | 13. Date<br>12-20-2016 |
| District                      | 14. Approved (Name and Title)<br>/s/ Jefferie S Ludwick, GS | 15. Date<br>12-20-2016 |
| Other SARI                    |                                                             |                        |

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## REPORT OF INVESTIGATION

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|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------------------|
| 1. Program Code                                                                                                                         | 2. Cross File<br>Related Files                                                                                                           | 3. File No.<br>[REDACTED]              | 4. G-DEP Identifier<br>[REDACTED] |
| 5. By: Ronald J Satterwhite, SA<br>At: Columbia DO                                                                                      | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | 6. File Title<br>[REDACTED] [REDACTED] |                                   |
| 7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed<br><input type="checkbox"/> Action Requested By: |                                                                                                                                          | 8. Date Prepared<br>01-26-2017         |                                   |
| 9. Other Officers: See Paragraph #6                                                                                                     |                                                                                                                                          |                                        |                                   |
| 10. Report Re: Execution of search warrant at 162 Bailey Avenue, Rock Hill, SC and arrest of OSTROWSKI and PETERS on 1-25-2017.         |                                                                                                                                          |                                        |                                   |

### SYNOPSIS

On 01-25-2017 agents and investigators with the York County Multijurisdictional Drug Enforcement Unit and DEA-Columbia conducted a search warrant on the residence of Jon OSTROWSKI, at 162 Bailey Avenue, Rock Hill, SC. The operation resulted in the arrest of Jon OSTROWSKI and Alexandra PETERS; and the seizure of approximately 30 grams of crystal methamphetamine and a firearm.

### DETAILS

1. On 01-25-2017 at approximately 7:00am, agents and investigators with the York County Multijurisdictional Drug Enforcement Unit and DEA-Columbia conducted surveillance on the residence of Jon OSTROWSKI, at 162 Bailey Avenue, Rock Hill, SC.
2. At approximately 11:11am, surveillance units observed an associate of OSTROWSKI, Alexandra PETERS, depart the residence in a gold Honda Accord. PETERS had an outstanding warrant related to possession of prescription medication. Surveillance observed PETERS travel to Family Trust Bank located at 2153 Ebenezer Road, Rock Hill, SC and pull into the parking lot. At approximately 11:15am, agents and investigators with the York County Multijurisdictional Drug Enforcement Unit and DEA-Columbia placed PETERS under arrest and transported her to the Rock Hill Police Department. PETERS was in possession of prescription medication at the time of her arrest and

|                               |                                                             |                        |
|-------------------------------|-------------------------------------------------------------|------------------------|
| 11. Distribution:<br>Division | 12. Signature (Agent)<br>Ronald J Satterwhite, SA           | 13. Date<br>01-30-2017 |
| District                      | 14. Approved (Name and Title)<br>/s/ Jefferie S Ludwick, GS | 15. Date<br>01-30-2017 |
| Other SARI                    |                                                             |                        |

DEA Form - 6  
(Jul. 1996)

DEA SENSITIVE  
Drug Enforcement Administration

This report is the property of the Drug Enforcement Administration.  
Neither it nor its contents may be disseminated outside the agency to which loaned.

Previous edition dated 8/94 may be used.

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U.S. Department of Justice  
Drug Enforcement Administration

|                                                         |                                        |                                   |
|---------------------------------------------------------|----------------------------------------|-----------------------------------|
| <b>REPORT OF INVESTIGATION</b><br><i>(Continuation)</i> | 1. File No.<br>[REDACTED]              | 2. G-DEP Identifier<br>[REDACTED] |
|                                                         | 3. File Title<br>[REDACTED] [REDACTED] |                                   |
| 4.<br>Page 2 of 3                                       |                                        |                                   |
| 5. Program Code                                         | 6. Date Prepared<br>01-26-2017         |                                   |

received additional charges for possession of prescription medication.

3. At approximately 11:33am, Detective Leland Harrelson and SA Jason Satterwhite read PETERS her Miranda Warnings; PETERS acknowledged she understood her rights and agreed to answer questions. For additional information pertaining to this interview, see report by Detective Harrelson with Rock Hill Police Department.
4. At approximately 12:53pm, agents and investigators with the York County Multijurisdictional Drug Enforcement Unit and DEA-Columbia executed a search warrant at 162 Bailey Avenue, Rock Hill, SC. Investigators searched the unoccupied residence and located drug paraphernalia, a plastic bag containing approximately 30 grams of crystal methamphetamine, and a semi automatic handgun (the make, model, and serial number of the weapon had been removed from the weapon). The plastic bag containing approximately 30 grams of crystal methamphetamine, and a semi automatic handgun were seized by Detective Harrelson and the York County Multijurisdictional Drug Enforcement Unit for analysis and storage. At approximately 2:54pm, the search warrant service was concluded and the residence was secured.
5. At approximately 3:40pm, OSTROWSKI was located by the Chester County Sheriff's Office in the area of Dearborn Street and Chester Avenue in Great Falls, SC. OSTROWSKI was arrested on warrants obtained from the York County Multijurisdictional Drug Enforcement Unit based upon the items seized from the search warrant. OSTROWSKI was transported to the Chester County Jail pending transfer to York County Court.
6. Other Officers: SA Jason Satterwhite (DEA); Investiator Marvin Brown, Sgt. John Rainier, Leland Harrelson, Danny Burkhardt, Chris Rowe, Ryan King, and Robert Jenkins (York County Multijurisdictional Drug Enforcement Unit)

**CUSTODY OF EVIDENCE**

1. Exhibit 1 is plastic bag containing approximately 30 grams of crystal methamphetamine which was located a search warrant at the residence of 162 Bailey Avenue, Rock Hill, SC on 1-25-17. The suspected

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U.S. Department of Justice  
Drug Enforcement Administration

|                                                         |                                |                                   |
|---------------------------------------------------------|--------------------------------|-----------------------------------|
| <b>REPORT OF INVESTIGATION</b><br><i>(Continuation)</i> | 1. File No.<br>[REDACTED]      | 2. G-DEP Identifier<br>[REDACTED] |
|                                                         | 3. File Title<br>[REDACTED]    |                                   |
| 4.<br>Page 3 of 3                                       |                                |                                   |
| 5. Program Code                                         | 6. Date Prepared<br>01-26-2017 |                                   |

crystal methamphetamine was located and seized by Detective Leland Harrelson. Detective Harrelson processed the suspected methamphetamine as evidence and submitted the evidence to the York County Evidence Section for analysis and storage. This exhibit is documented as information only.

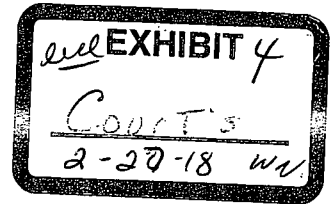
INDEXING

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

586

YORK COUNTY MUTIJURISDICTIONAL  
DRUG ENFORCEMENT UNIT

GENERAL SESSION CASE FILE SUMMARY



**Incident Report:** 201600034213, 201700002938, 201700002943

**Case Agent:** L. Harrelson

**Suspect(s):** Jonathan Stanley Ostrowski  
Alexandra Lydia Peters

**Charge(s):** Ostrowski: Trafficking Methamphetamine  
PWID Alprazolam  
Possession of Firearm by Person Prohibited  
Possession of Firearm with Serial number Obliterated  
Possession of a Weapon during a Crime of Violence

Peters: Distribution of Alprazolam  
Distribution of Alprazolam W/I Proximity of School  
Possession of Alprazolam  
Possession of Clonazepam  
Trafficking Methamphetamine  
PWID Alprazolam  
Possession of a Weapon during a Crime of Violence

**Witness/Officer(s):** 201600034213: Harrelson, Jenkins, Brown, Atwell,  
McGee (RHPD)  
201700002938: Harrelson, Atwell, Rainier, Burkhardt,  
Jenkins, Rowe, Brown, Satterwhite (DEA)  
201700002943: Harrelson, Atwell, Rainier, Burkhardt,  
Jenkins, Rowe, Brown, Satterwhite (DEA)

**Tape(s):** 201600034213: 4465E, 4463E  
201700002943: 4561E (Ostrowski cellphone pics)  
4550E (Ostrowski's cellphone data)

**Summary:** By L. Harrelson

**201600034213**

On September 15, 2016, a Thursday afternoon at approximately 6:45p.m., a confidential informant (CI) met with investigators of the YCMDEU at a predetermined meeting location. The CI called Alexandra Lydia Peters at (803)228-2995 and made arrangements to purchase some pills from her.

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One CI was searched by Officer McGee with no contraband being found. The other CI was searched by Investigator Atwell with no contraband being found. The CI's vehicle was searched by Investigator Atwell with no contraband being found. Investigator Harrelson issued the CI \$40 dollars in identifiable government funds to purchase the pills and gave the CI electronic audio and video surveillance equipment so investigators could monitor and record the drug deal.

The CI went to 117 Bollin Circle, Fort Mill, South Carolina where they met with Peters. The CI handed Peters \$20 dollars in identifiable government funds and Peters handed the CI six Alprazolam pills. The CI left and met Investigators at a predetermined meeting location. Investigator McGee searched one CI with no contraband being found. Investigator Atwell searched the other CI with no contraband being found. Investigator Atwell searched the CI's vehicle with no contraband being found. The CI picked Peters out of a police photo. Fort Mill High School is within a ½ mile from where this incident took place. Investigator Harrelson obtained warrants on Peters for Distribution of Alprazolam and Distribution of Alprazolam W/ Proximity of School.

201700002938

On January 25, 2017, a Wednesday morning at approximately 11:00a.m., investigators with the YMCDEU were conducting a surveillance operation at 162 Bailey Avenue, Rock Hill, South Carolina. Investigator Harrelson observed Alexandra Lydia Peters exit out of the side door at 162 Bailey Avenue and get into a tan Honda Accord (SC/LYD195). Peters was surveilled by investigators and she pulled into the parking lot of 2153 Ebenezer Road, Rock Hill, South Carolina (Family Trust Federal Union). Peters went through the bank drive thru and then pulled around the front of the bank and parked in the parking lot. Investigator Burkhardt placed Peters under arrest on the previous outstanding drug warrants and transported Peters to the Rock Hill Law Center, with Sergeant Rainier. Peters did state to Sergeant Rainier on the ride to the Rock Hill Law Center that she did live at 162 Bailey Avenue and at the Rock Hill Law Center Peters stated again she lived at 162 Bailey Avenue and was moving.

During a search of Peters purse incident to arrest Sergeant Rainier seized one Clonazepam pill and one white Alprazolam pill from a pill bottle in Peters' purse. The pills did not match the label on the bottle. Investigator Harrelson and DEA Special Agent Satterwhite interviewed Peters at the Rock Hill Law Center. Investigator Harrelson read Peters her Miranda Waring in the presence of Special Agent Satterwhite. Peters stated she understood her rights. Investigator Harrelson asked Peters if there were any drugs at 162 Bailey Avenue. Peters stated there was a marijuana bowl with marijuana in the house. Peters stated she and Jonathan Stanley Ostrowski have been together on and off and living on and off since April 2016. Peters stated that she does not have any of her stuff at the house and is moving out.

Investigator Harrelson asked Peters if she had a key to the residence. Peters stated yes and showed Investigator Harrelson the door key on her key ring. Peters stated that she no longer did drugs and was clean.

**201700002943**

On January 25, 2017, a Wednesday afternoon at approximately 12:00p.m., Investigator Burkhart was able to obtain a search warrant for 162 Bailey Avenue, Rock Hill, South Carolina. Investigators with the YCMDEU along with DEA Special Agent Satterwhite executed the search warrant at 162 Bailey Avenue and found the residence empty. Investigator Harrelson walked through the residence and observed pictures of both Ostrowski and Peters on the refrigerator and hanging on the wall. Investigator Harrelson observed female clothing and shoes in the master bedroom and in a hallway closet. Investigator Harrelson observed a make-up table with makeup supplies and medication with Peters name on it. Investigator Harrelson observed male clothing, jackets and shoes in the master bedroom and throughout the house. During a search of the residence Investigator Harrelson seized a glass pipe with approximately .01 grams methamphetamine, packaging materials, and a burnt piece of tin foil with approximately .01 gram of methamphetamine from a basket on top of the refrigerator. Investigator Jenkins seized a plastic baggie with 20 dose units of Alprazolam from under a vase in the kitchen. The 20 dose units of Alprazolam matched the dose unit of Alprazolam that was found in a pill bottle in Peters' purse. Sergeant Rainier seized one box of .32 caliber ammo and a .32 caliber unknown make, model, and a obliterated serial number, with one magazine from the dresser drawer in Ostrowski and Peters' bedroom. Investigator Harrelson seized a digital scale and a box of sandwich baggies from the outside workshop. Investigators Harrelson and Rowe observed three used methamphetamine pipes in the outside workshop. Investigator Harrelson observed razor marks on the coffee table in the living room that are common with cutting up drugs. Investigator Harrelson seized a digital scale from under the coffee table in the living room. Investigator Harrelson also observed a used methamphetamine pipe, packaging materials and a razor blade on the living room coffee table. Investigator Harrelson seized approximately 33 grams of methamphetamine in the right front pants pocket from a pair of men's Columbia pants sized 38 which were on a shelf in a make shift closet/makeup room. The room and shelves contained both male and female clothing.

Peters was charged with Distribution of Alprazolam, Distribution of Alprazolam W/ Proximity of School, Possession of Alprazolam and Possession of Clonazepam Trafficking Methamphetamine, PWID Alprazolam and Possession of a Weapon during a Crime of Violence. Fort Mill High School is within a ½ mile from Bollin Circle, Fort Mill, SC. In fact it is the apartment complex that Peters lives across from is directly across the street from Bollin Circle.

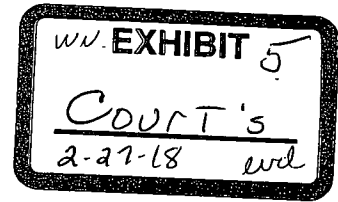
January 25, 2017 Chester County Narcotics Unit was serving a Trafficking Methamphetamine warrant on Ostrowski for the YCMDEU. Chester Narcotics found Ostrowski to be in possession with the intent to distribute methamphetamine and made the appropriate charges. Investigator Harrelson seized Ostrowski's LG cell phone from Major Neal with Chester Narcotics Unit. Investigators Harrelson and Atwell interviewed Jonathan Stanley Ostrowski at the Chester County Sheriff's Office. Investigator Harrelson read Ostrowski his Miranda warning before beginning the interview. Investigator Harrelson asked Ostrowski if he had any drugs at his residence. Ostrowski stated "no". Investigator Harrelson stated to Ostrowski that methamphetamine pipes were found at his residence and Ostrowski stated they did belong to him. Ostrowski stated he did not want to answer any more questions without a lawyer and Investigator Harrelson ended the interview.

Investigator Burkhardt obtained a search warrant for Ostrowski's cellphone. Investigator Harrelson observed text messages referring to selling drugs. "Need to know what u want", "Gram ¼ smoke and any p.o. you got.", "What do I owe you 30", "Yeah u owe me 30 so u want a g of clear ½ of smoke any pains", "Yes Pp also", "How many", "John if you got anymore pp bring them ill buy all of them..and I need another gram", "John I need something.", "Ok im home", "\$\$????\$\$", "Gram ..pot ½", "no weed right now", "Ok im in Richburg but I have them with me And I have some clear if you want it", "From now on alex can serve yall".

On January 28, 2017 Jonathan Stanley Ostrowski was transported from the Chester County Detention Center to the Moss Justice Center where he was charged with Trafficking Methamphetamine, PWID Alprazolam, Possession of Firearm by Person Prohibited, Possession of Firearm with Serial number Obliterated and Possession of a Weapon during a Crime of Violence.

Ostrowski is prohibited from owning a firearm due to having a prior ABHAN conviction on June 6, 1995.

STATE OF SOUTH CAROLINA



County of York

SEARCH WARRANT

Date January 25, 2017

Officer Any Lawful Officer

5911

STATE OF SOUTH CAROLINA

COUNTY OF York

AFFIDAVIT

Personally appeared before me, one D. Burkhardt  
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions  
of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Alprazolam, Clonazepam, marijuana, and marijuana paraphernalia any currency, records, receipts, to include written records,  
computers, computer software, hard drives, cell phones, and any data stored on these devices. Also any packaging materials, scales,  
any other equipment or materials used in the use, sale, and/or distribution of Alprazolam, Clonazepam and Marijuana.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)  
TO BE SEARCHED

162 Bailey Ave. Rock Hill, County of York, South Carolina 29732 to include any vehicles on the property and all outbuildings.  
Traveling west on Ebenezer Road, turn right on Bailey Ave. 162 Bailey is the 5th house on the right. 162 is clearly marked on the mail  
box.

Jonathan Ostrowski W/M 05-15-1972

REASON FOR AFFIANT'S BELIEF THAT THE  
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

See Attachment #1

Sworn to and Subscribed before me

this 25 day of January, 20 17

[Signature]  
Signature of Judge

(L.S.)

[Signature]

Affiant

Address 120 E. Black Street

Rock Hill, SC 29732

Phone 803-628-3069

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## Affidavit for Search Warrant

### Attachment #1

162 Bailey Avenue Rock Hill, York County, South Carolina  
Jonathan Ostrowski W/M 5-15-72

The affiant, D. Burkhardt, who is a certified law enforcement officer assigned to the York County Multijurisdictional Drug Enforcement Unit (YCMDEU) and has several years experience to include narcotic investigations, states the following facts to support probable cause to search the person and premises listed within.

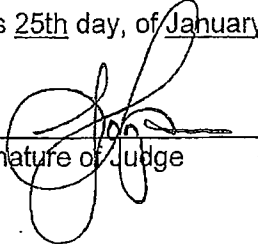
Officers of the YCMDEU and the US Drug Enforcement Administration have been conducting an ongoing investigation of Jonathan Ostrowski in reference to narcotic violations and on Wednesday January 25, 2017 officers of the YCMDEU conducted surveillance on 162 Bailey Avenue, Rock Hill, York County, South Carolina. Officers knew that Alexandria Peters, who officers had active distribution of alprazolam warrants for resides at the residence with Ostrowski. Furthermore Peters' vehicle a 2000 Honda Accord, South Carolina license plate LYD195, was parked within the curtilage of the residence. Officers also knew from over six months of continually ongoing surveillance of 162 Bailey Avenue, Rock Hill, York County, South Carolina that Alexandria Peters and Jonathan Ostrowski resides at the residence. Peters has been residing at the residence off and on but mostly at 162 Bailey Ave., Rock Hill, S.C. within the past 5 months. Officers continued constant surveillance of the residence, vehicle, and Peters who officers observed exit the residence and get into the 2000 Honda Accord. Peters then drove away from the residence and was surveilled by officers. Officers took Peters into custody shortly after leaving the residence for the active distribution warrants and officers had prior knowledge that Peters' driver's license were under suspension. Peters was stopped a short distance from the residence and the officers had Peters under constant surveillance the time from leaving the residence until the stop.

During Peter's arrest officers seized 4 dose units of alprazolam and 1 dose unit of clonazepam from within Peters' purse. Peters' was found in possession of several other medications in properly labeled prescription bottles. Peters' after having been advised her Miranda rights admitted there was some marijuana inside the residence.

Based on the affiant's training and experience in narcotic investigations, it is believed that drug dealers keep contraband, proceeds of drug transactions and records of drug transactions that may include written records, photographs, video tapes, audio tapes, computer hard drives and disks, and cellular phones within the secure locations of their residence, out buildings, and vehicles owned or operated by the residents.

Sworn to and Subscribed before me

This 25th day, of January, 2017

  
Signature of Judge

  
Affiant

593

COUNTY OF York

Form Approved by  
S.C. Attorney General  
Section 17-13-160  
March 15, 1979

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY  
OF York

it appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

162 Bailey Ave. Rock Hill, County of York, South Carolina 29732 to include any vehicles on the property and all outbuildings.

Traveling west on Ebenezer Road, turn right on Bailey Ave. 162 Bailey is the 5th house on the right. 162 is clearly marked on the mail box.

Jonathan Ostrowski W/M 05-15-1972

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

Alprazolam, Clonazepam, marijuana, and marijuana paraphernalia any currency, records, receipts, to include written records, computers, computer software, hard drives, cell phones, and any data stored on these devices. Also any packaging materials, scales, any other equipment or materials used in the use, sale, and/or distribution of Alprazolam, Clonazepam and Marijuana.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

Issuing Authority

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Rock Hill

U. S. C.

January 25

17 20

Signature of Judge

RETURN

I received the attached Search Warrant 1/25, 20 17, and have executed it as follows:  
On 1/25, 20 17 at 11:30 o'clock a M, I searched  
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Ostrowski  
Name of person searched or "at the place of search" with.  
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

1. glass pipe
2. packaging materials
3. tin foil with methamphetamine
4. 20 dose units of Alprazolam
5. 1 box of .32 caliber ammo
6. .32 caliber, unknown make, unknown model, serial # obliterated, with 1 magazine
7. digital scale and box of sandwich bags
8. glass pipe with marijuana
9. digital scale
10. Methamphetamine
11. LG cell phone

This inventory was made in the presence of Horneison  
AND Williams.

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 1  
day of February, 20 17  
[Signature] (L. S.)  
Signature of Judge

[Signature]  
(Signature of Officer Executing Warrant)

| #    | ON        | Officer            | FOR                                                    | Return                                                  |
|------|-----------|--------------------|--------------------------------------------------------|---------------------------------------------------------|
| 5504 | 1/24/2017 | DEU                | Smell of marijuana                                     | 1/24/2017 (Pearcy)                                      |
| 5505 | 1/25/2017 | DEU                | marijuana, controlled SUB                              | 2/1/2017 (Pearcy)                                       |
| 5506 | 1/25/2017 | Rowe (DUE)         | 3807 Eden Terr.                                        | various items<br>2/6/2017 (Rowe)                        |
| 5507 | 2/15/2017 | DEU (Marvin Brown) | Drugs<br>suspicious FEDEX package<br>1274 Ebenezer Rd. | 2/15/2017 (M. Brown)                                    |
| 5508 | 2/15/2017 | DEU (Marvin Brown) | 1107 Cedar Grove Lane<br>(drugs)                       | Fedex Package, marijuana, money<br>2/15/2017 (M. Brown) |
| 5509 | 2/23/2017 | TRIPP              | Playstation 4                                          | nothing taken<br>3/17/2017 (Tripp)                      |
| 5510 | 2/24/2017 | DEU                | Eden Terr.                                             | 3/8/2017 (DEU)                                          |
| 5511 | 2/27/2017 | DEU                | Drugs, currency, weapons<br>806 Bridge road Dr.        | various items<br>3/2/2017 (DEU)                         |
| 5512 | 2/27/2017 | Thomas             | Sprint                                                 | various items<br>3/14/2017 (Thomas)                     |
| 5513 | 2/27/2017 | Thomas             | Facebook                                               | 1 digital file<br>3/14/2017 (Thomas)                    |
| 5514 | 3/2/2017  | Thomas             | 203 Cherry Rd.<br>Dontrell Evans                       | 1 digital file<br>3/6/2017 (Thomas)                     |
| 5515 | 3/3/2017  | Smith              | Penal History (Darius Wilson)                          | various items<br>3/2/2017 (Smith)                       |
| 5516 | 3/10/2017 | DEU                | 134 Walcott St.                                        | Enterprise Penal History<br>3/23/2017 (DEU)             |
| 5517 | 2/8/2017  | Thomas             | Cells & tablet (Darryl Adkins)                         | various items<br>3/14/2017 (Thomas)                     |
| 5518 | 3/17/2017 | Tripp              | computer (Playstation 4 Ip<br>address)                 | 1 digital file<br>3/24/2017 (Tripp)<br>subscriber info  |

596

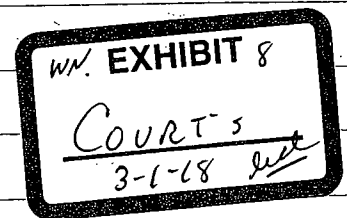
Will you please call Martene Spencer

@ 803.810.8005, tell her

you're calling for Jasmine.

Please get Zaria to

gymnastics, thank you!



Called  
3/1/18  
12:56 pm  
fob

## Clarification

- ① Why not check DNA or fingerprints prior?
- ② Why not wear gloves
- ③ Text messages
- ④ DNA / fingerprints
- ⑤ What brought ~~up~~ <sup>all this up</sup>
- ⑥ Is there a prior conviction
- ⑦ See text messages  
What kind of phone  
access to the text / PIX  
See PIX
- ⑧ ~~Search warrant~~  
Why didn't they question him  
about the text messaging
- ⑨ Why no witnesses from one with  
house
- ⑩ Why if guilty then ask for <sup>jury</sup> trial

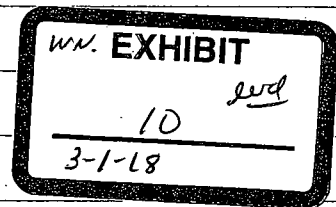
① ~~①~~ lost points - how did know he know  
know belong to son.

2

① How did they tie the weapon to the defendant.

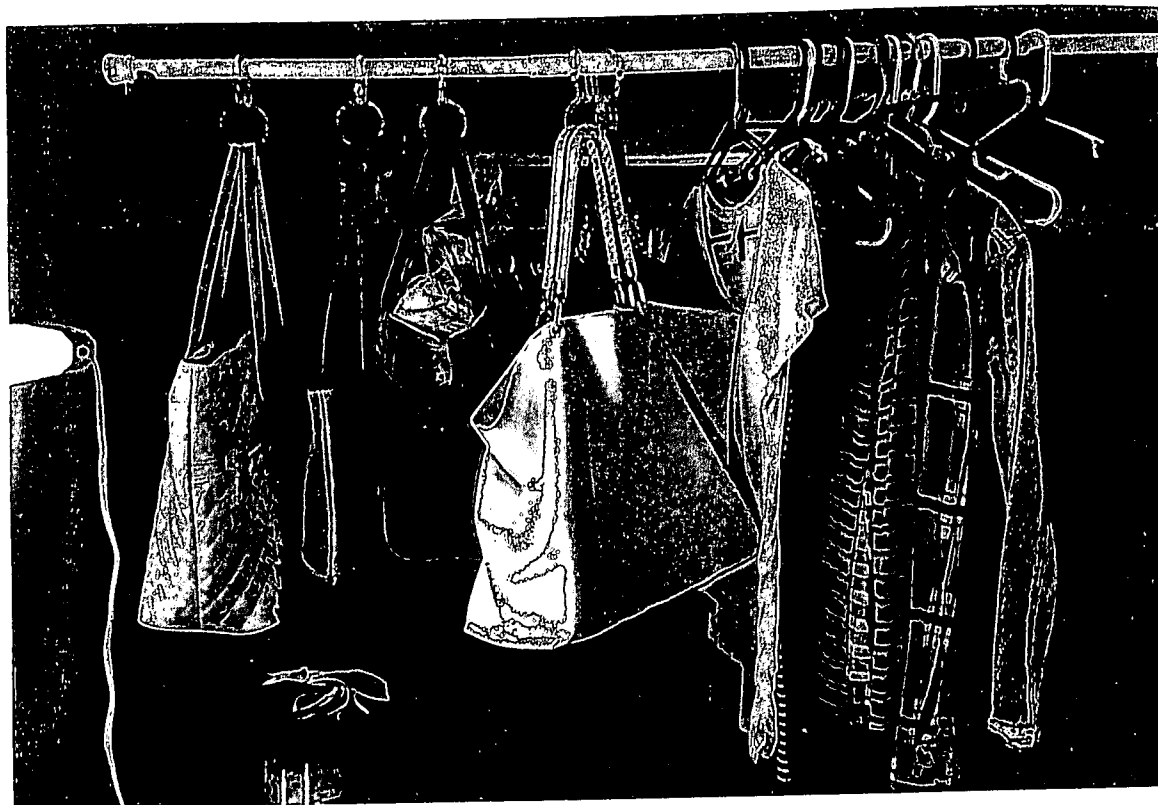
② Why were DNA or fingerprints not processed at the very beginning (or for any case for that matter)?

③

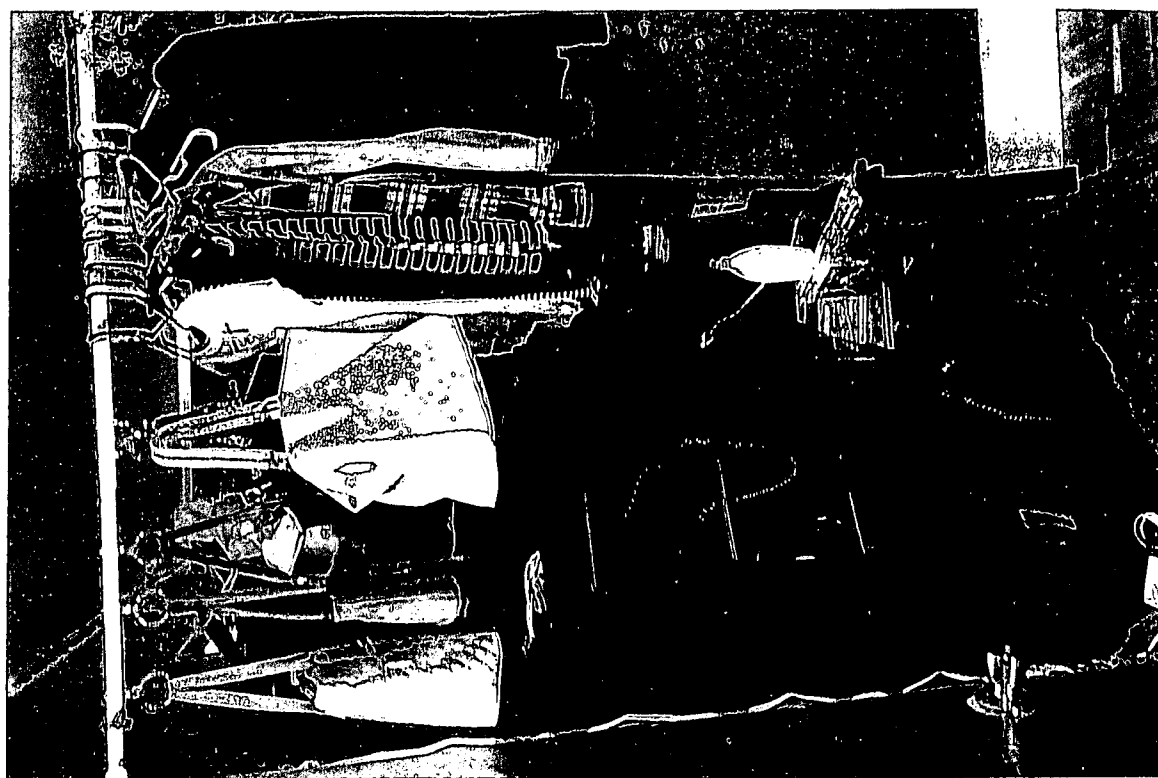


© 1:55

2C

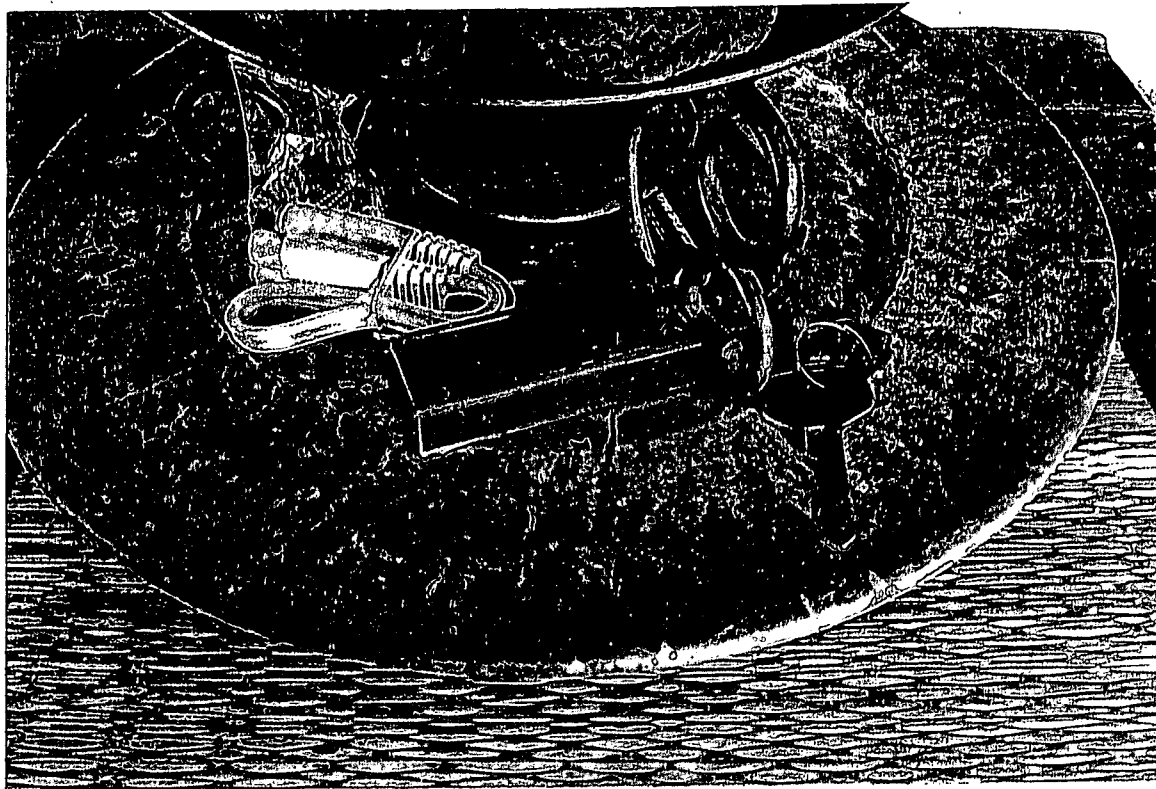


2D

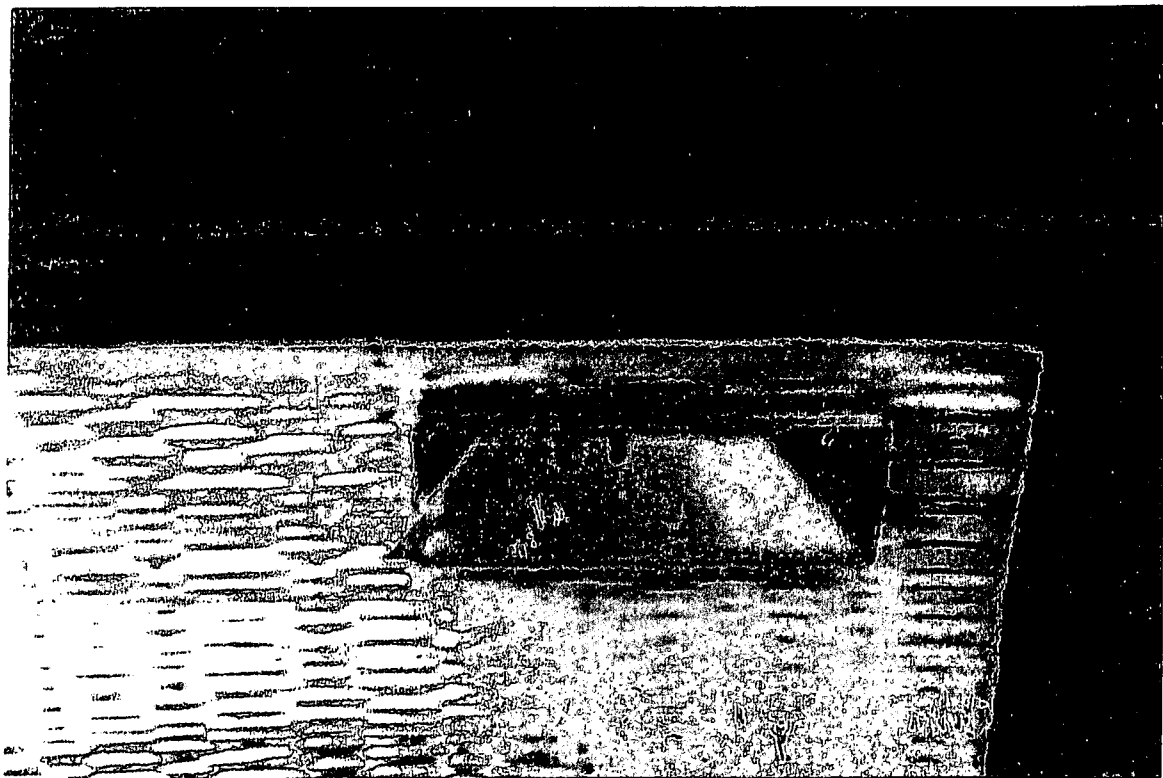


601

2E



2F

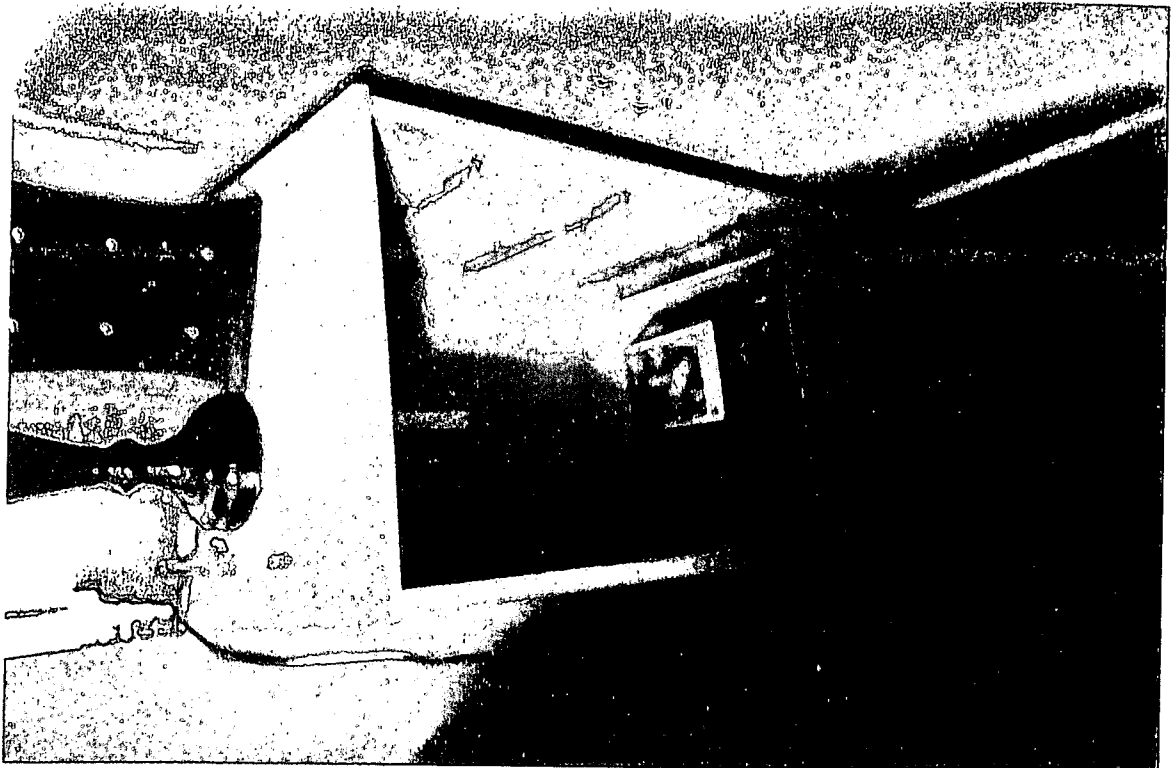


602

26

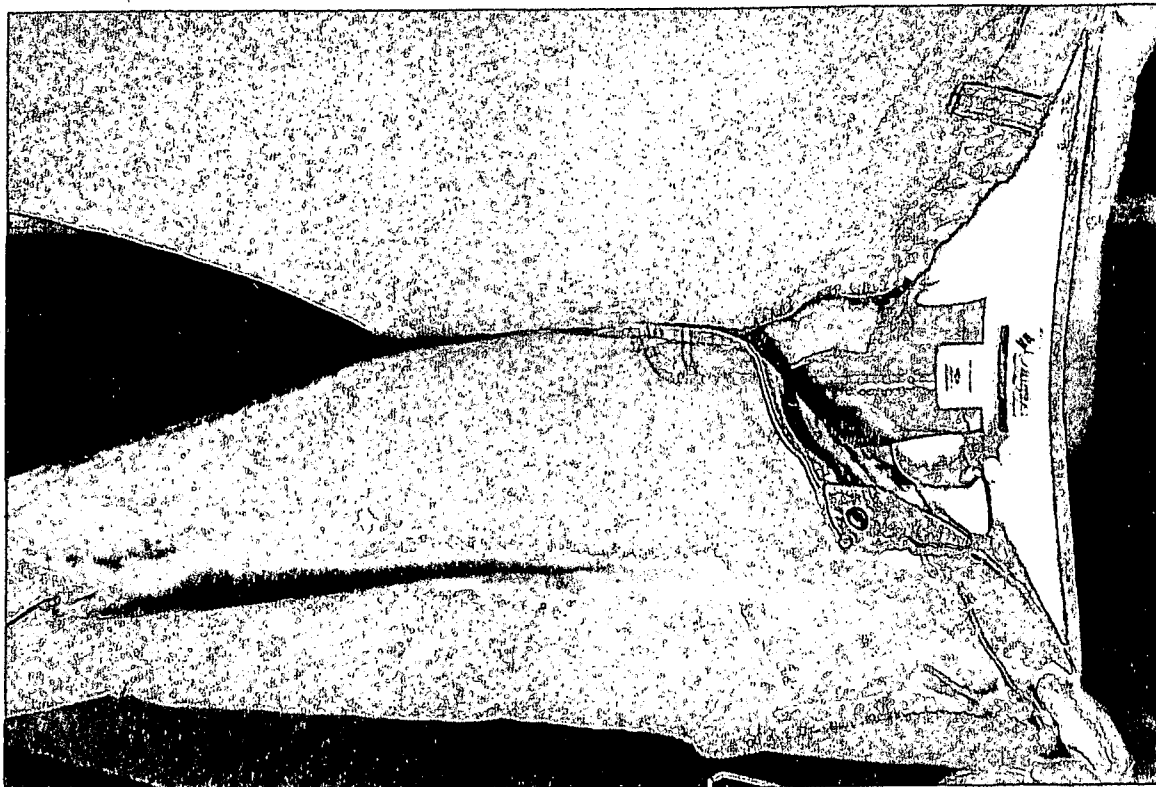


24

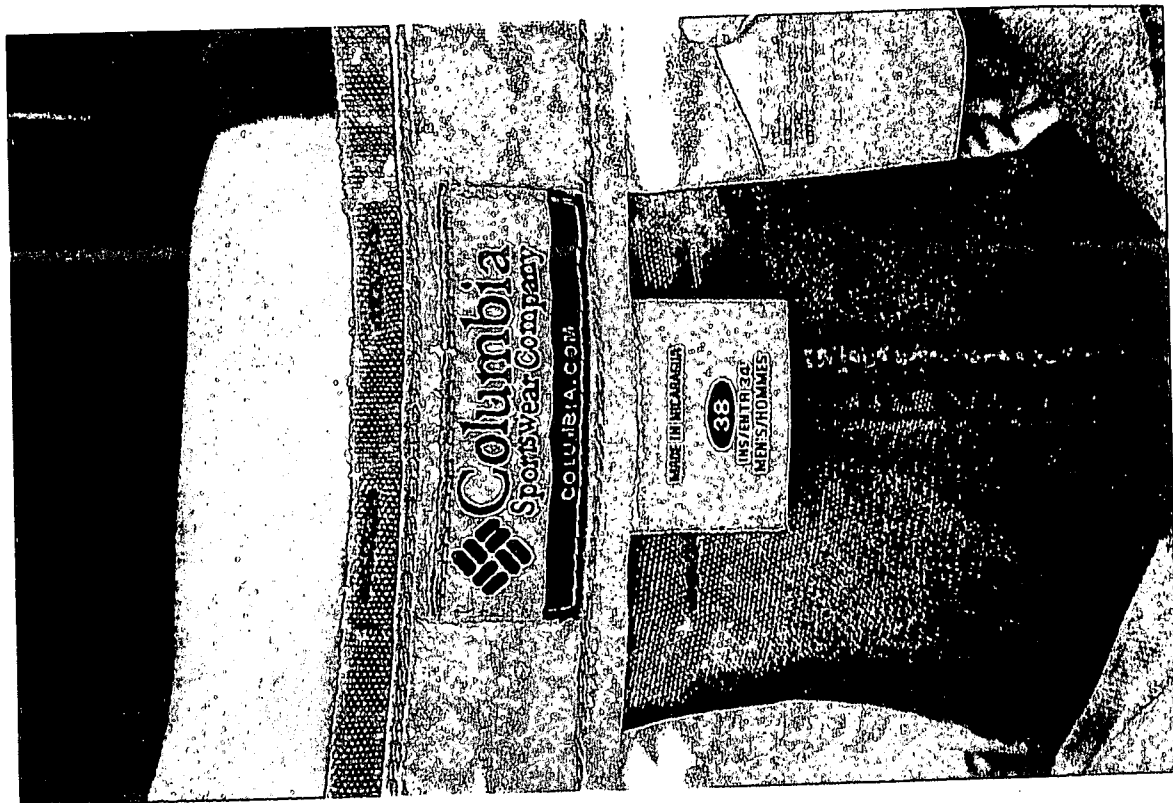


603

2I



2J

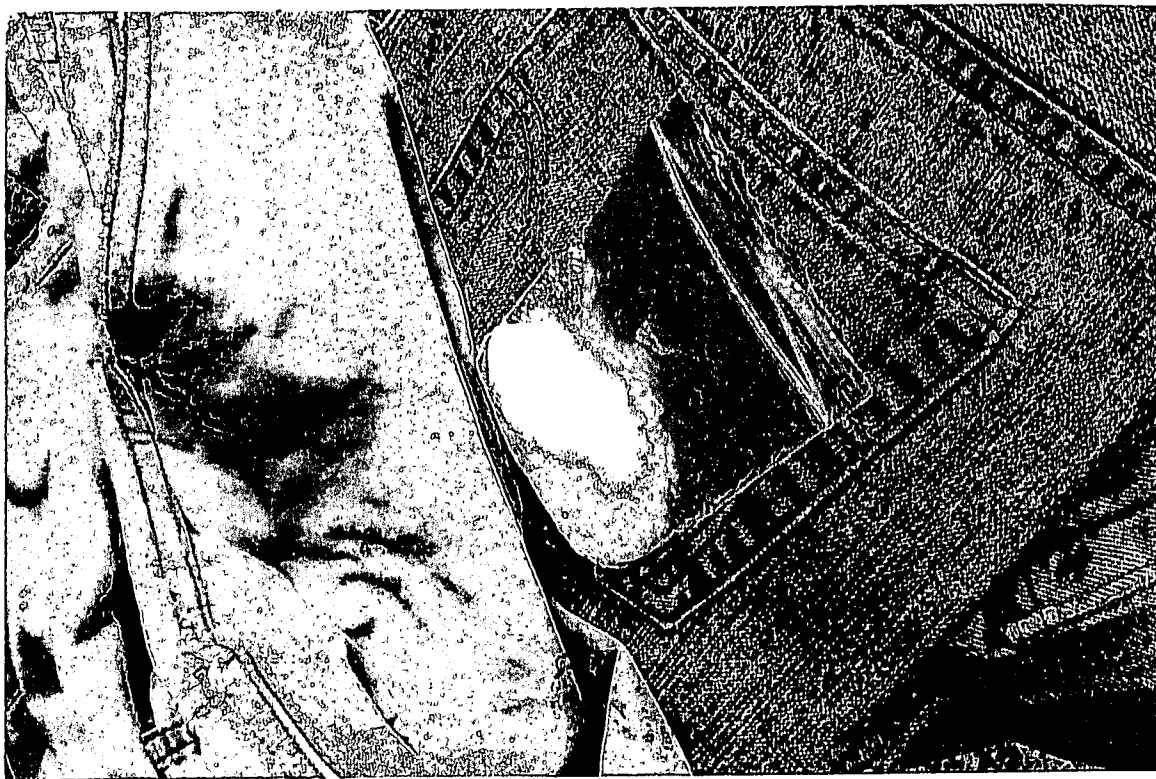


604

2K

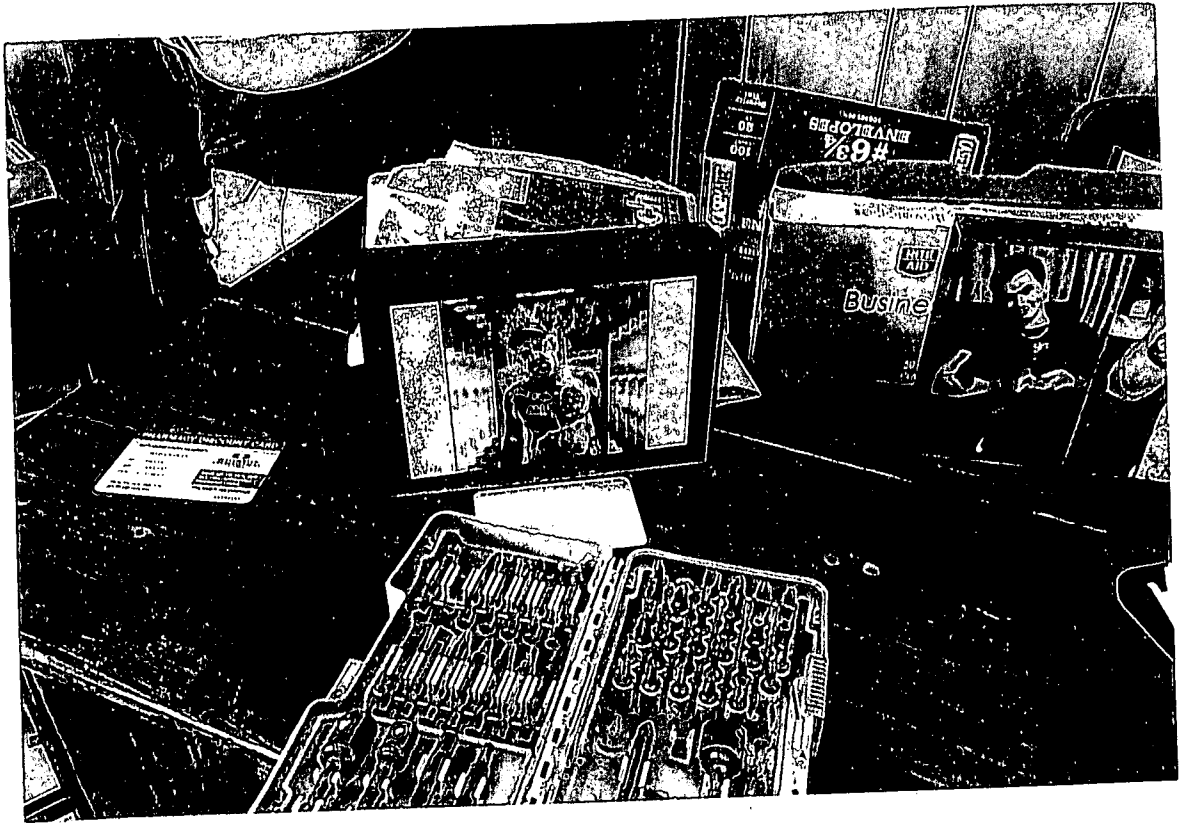


2L



605

2M



2N

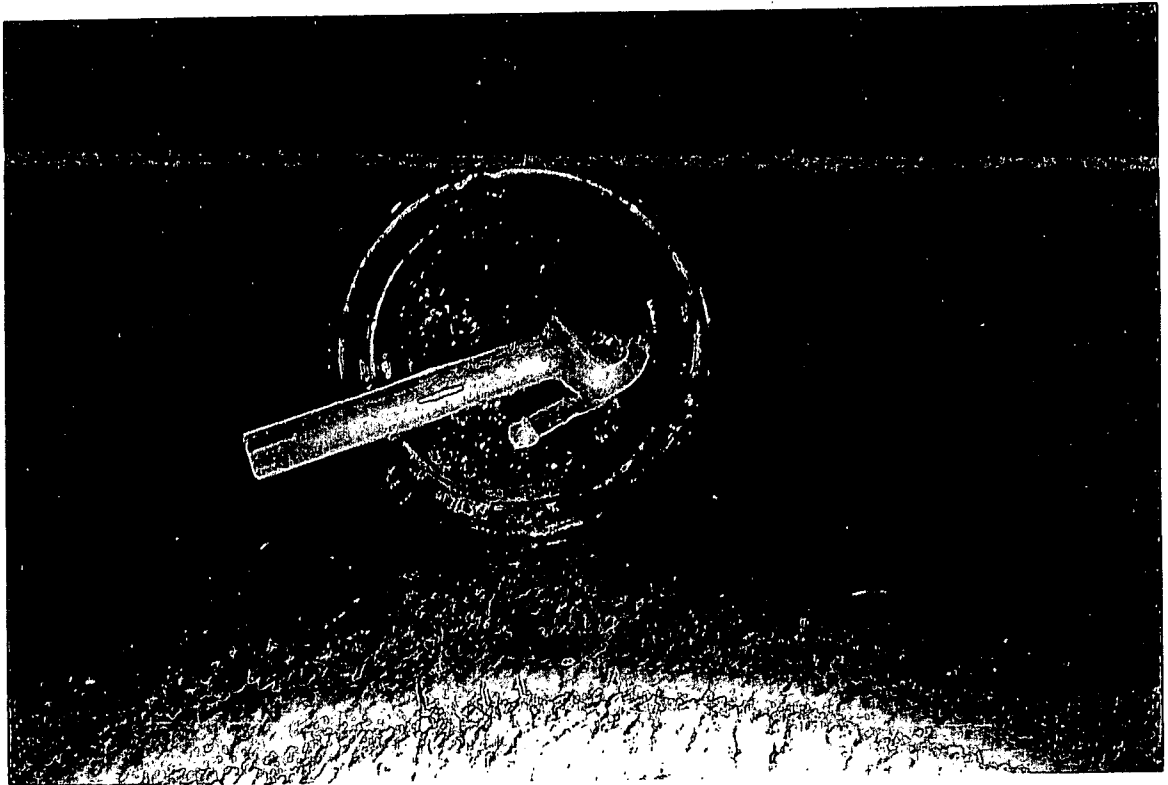


606

20



2P



607

2Q



2R

**YORK COUNTY NATURAL GAS**

15 CYCLE BILL

Gas Authority  
Hill, SC 29731-1907  
(803) 323-5304  
Service  
2ycnga.com  
Internet

Toll Free (866) 576-4427  
IVR (803) 323-5306  
Fax (803) 323-5400  
After Hours (866) 201-1001

Account Number 147741-001  
Customer Name JONATHAN OSTROWSKI  
Service Address 162 BAILEY AV  
Location Number 25110

Billing Date 01/04/17  
Due Date 01/20/17  
Billing Period 12/01/16-01/03/17

Auto Pay ☒ Budget Bill ☐ E-Bill Only ☐

**Account Summary**

Last Bill Amount 93.24  
Payment - Thank You - 12/09/16 93.24  
Adjustments/Late Charges 0.00  
Balance Forward 0.00

**Usage Information**

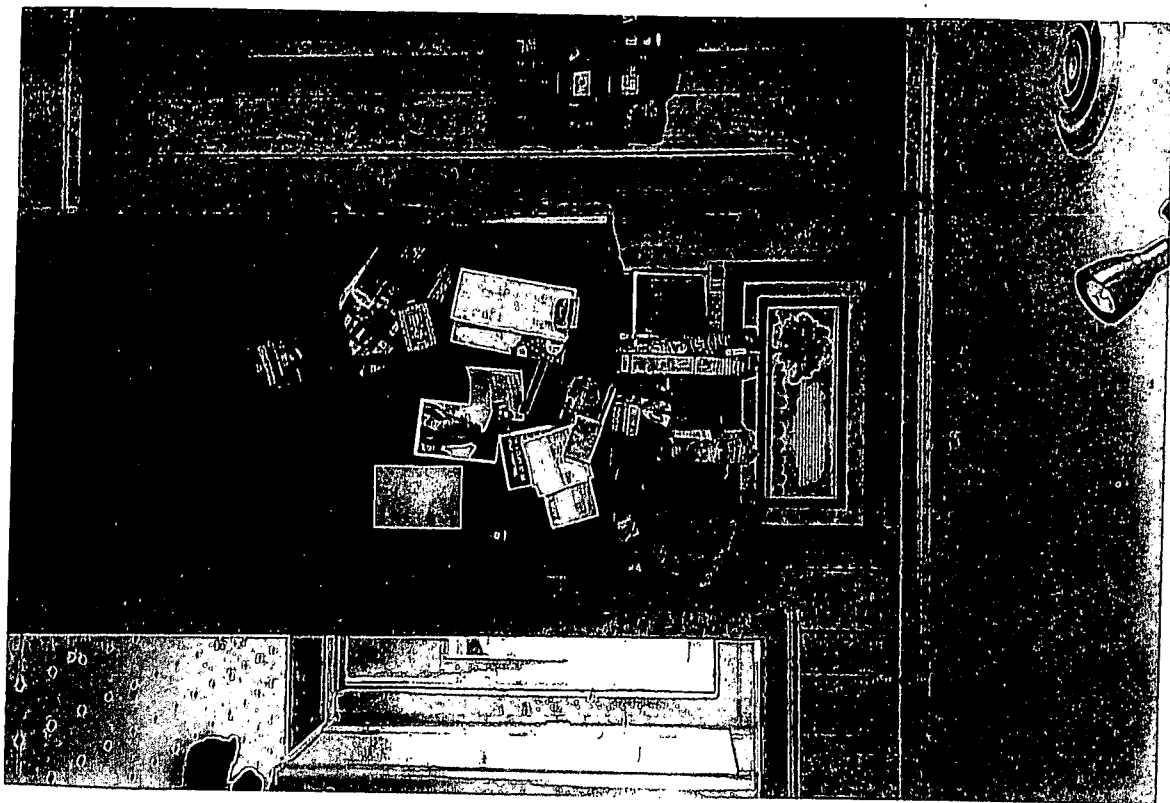
| Previous Read | Usage CCF | BTU Factor | Consumption Therms |
|---------------|-----------|------------|--------------------|
| 6725          | 103       | 1.029      | 105.987            |

| Billing Month | Period Days | CCF | Twelve-Month CCF |
|---------------|-------------|-----|------------------|
| Jan           | 33          | 103 | 183              |

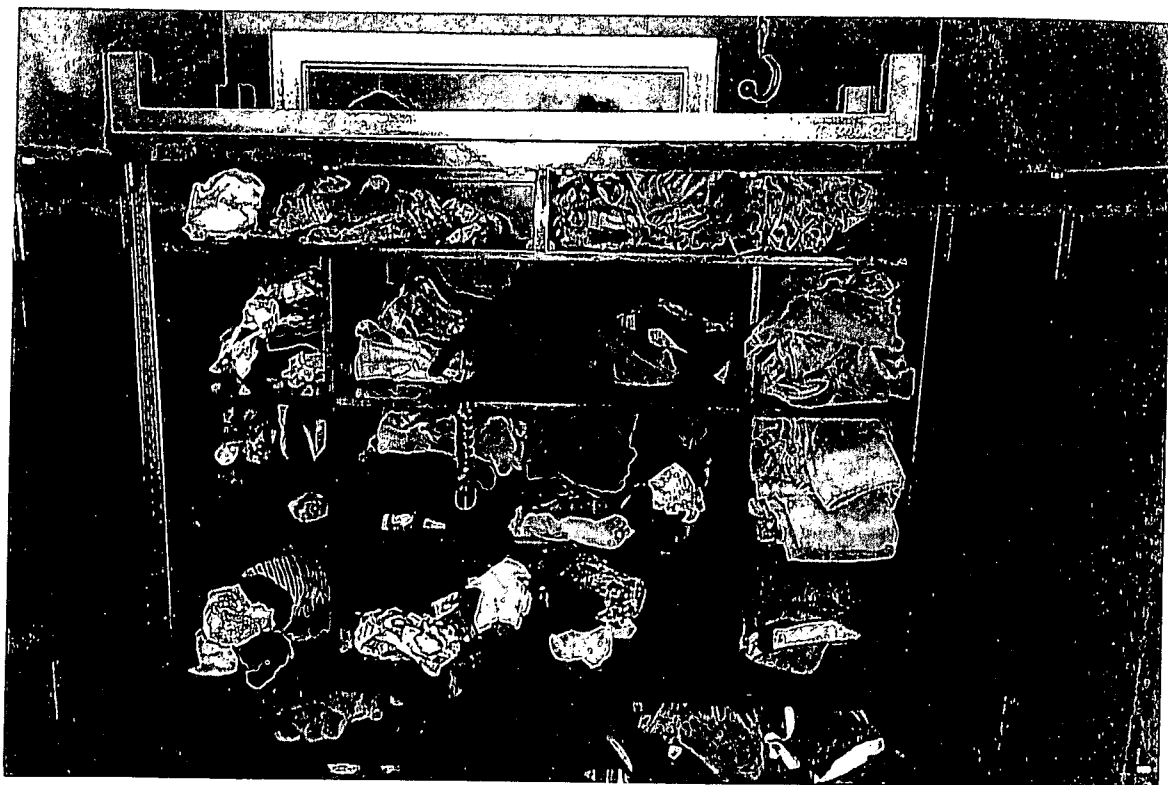
**Current Charges**

608

25



27

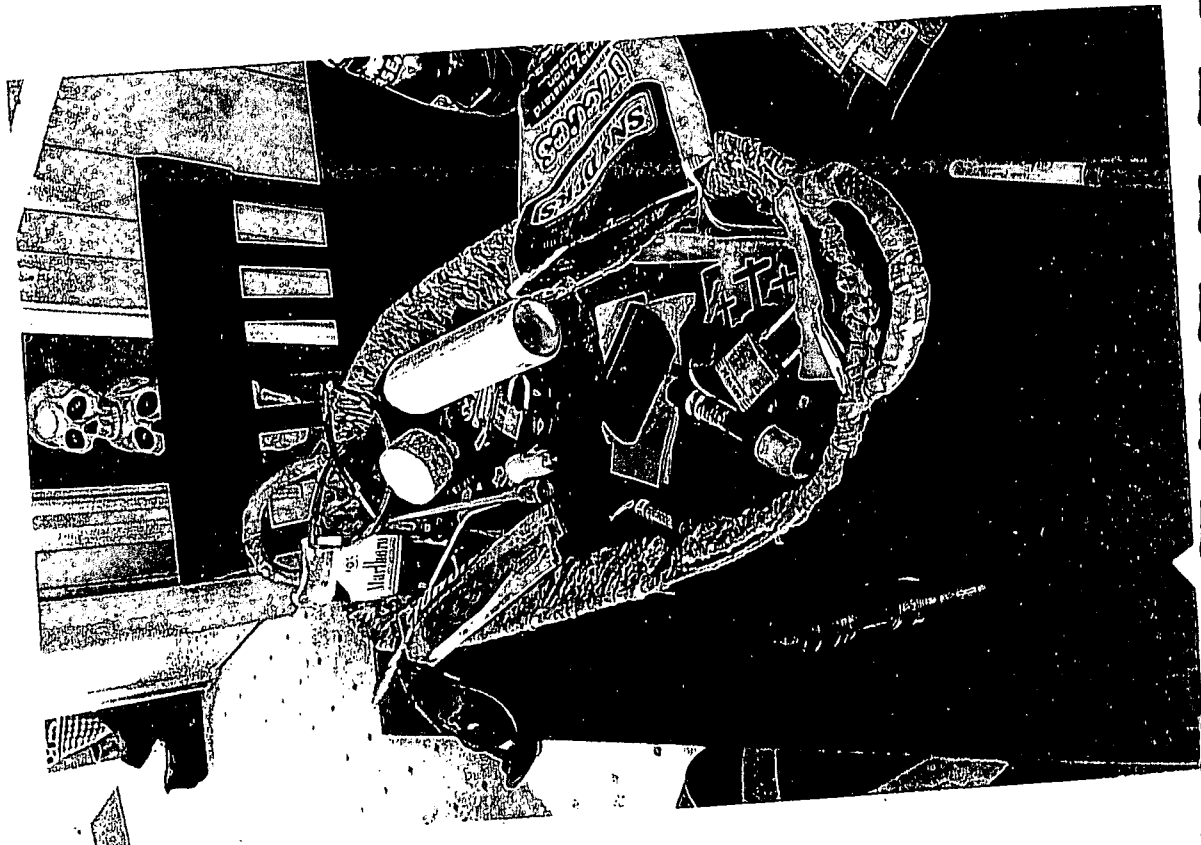


609

2u



2v

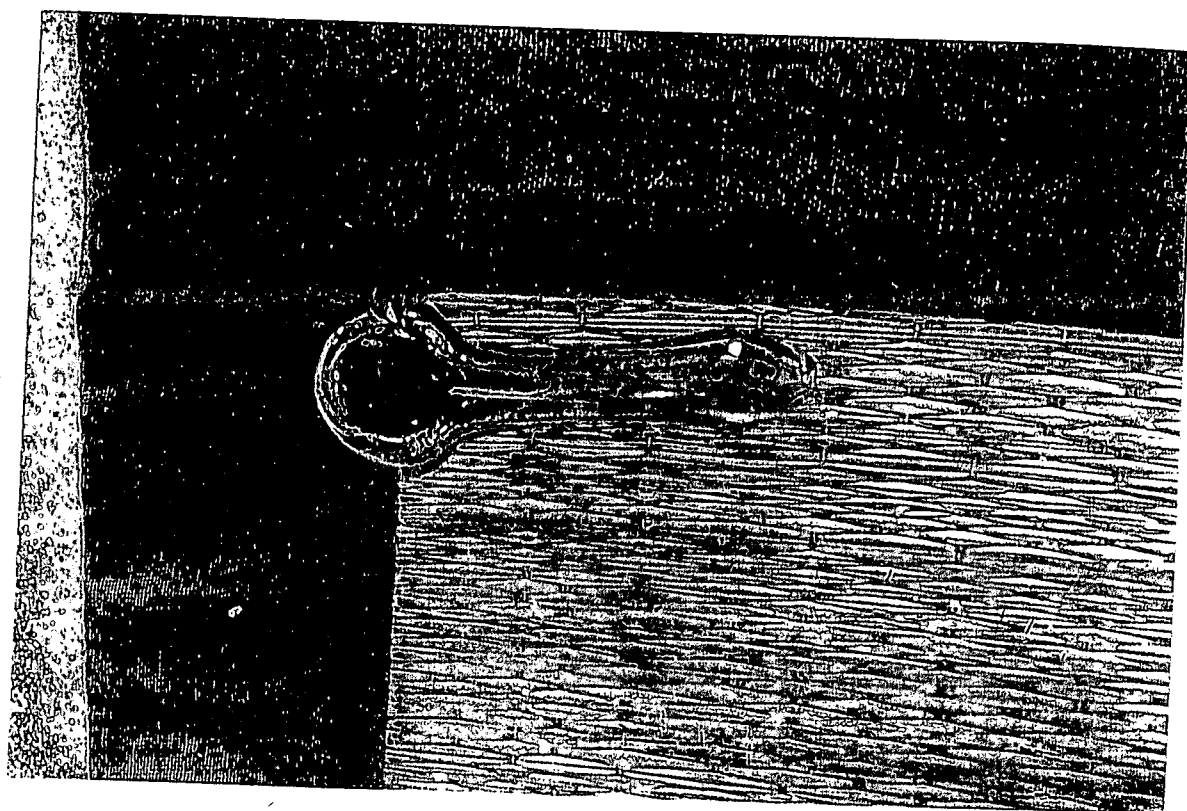


610

2W

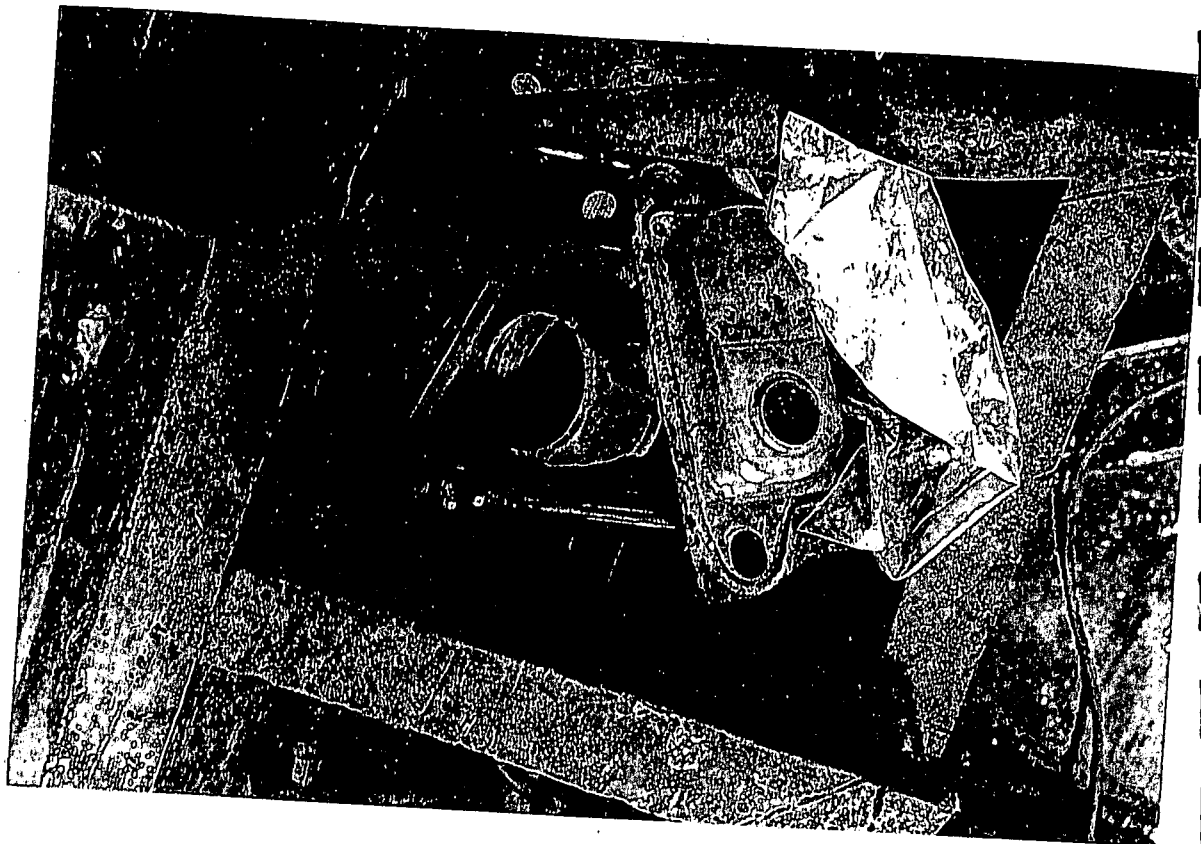


2X

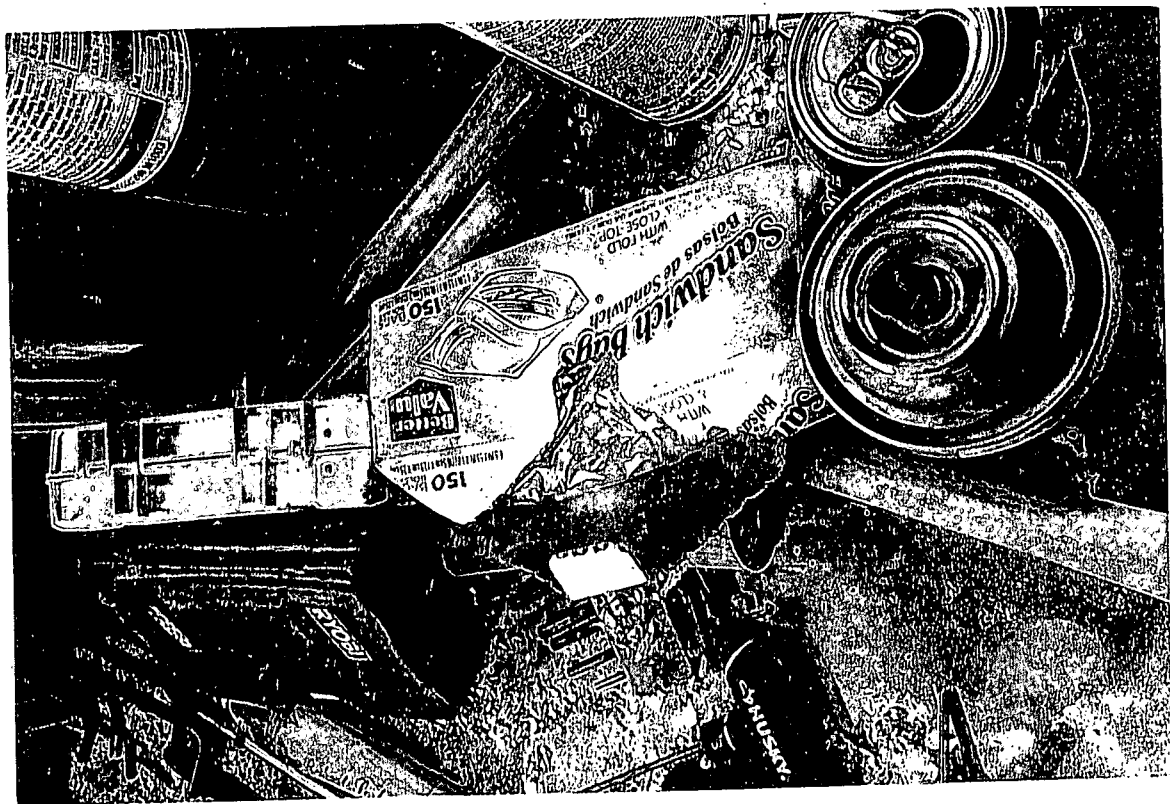


611

24

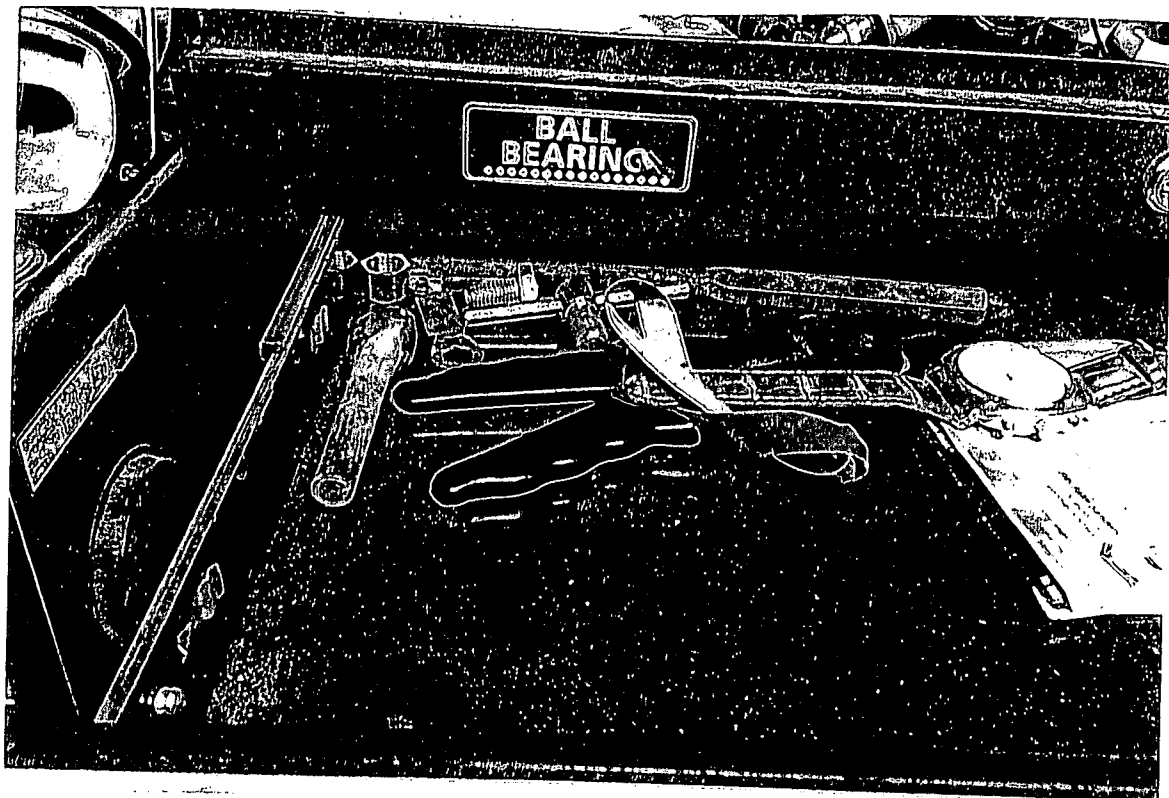


27

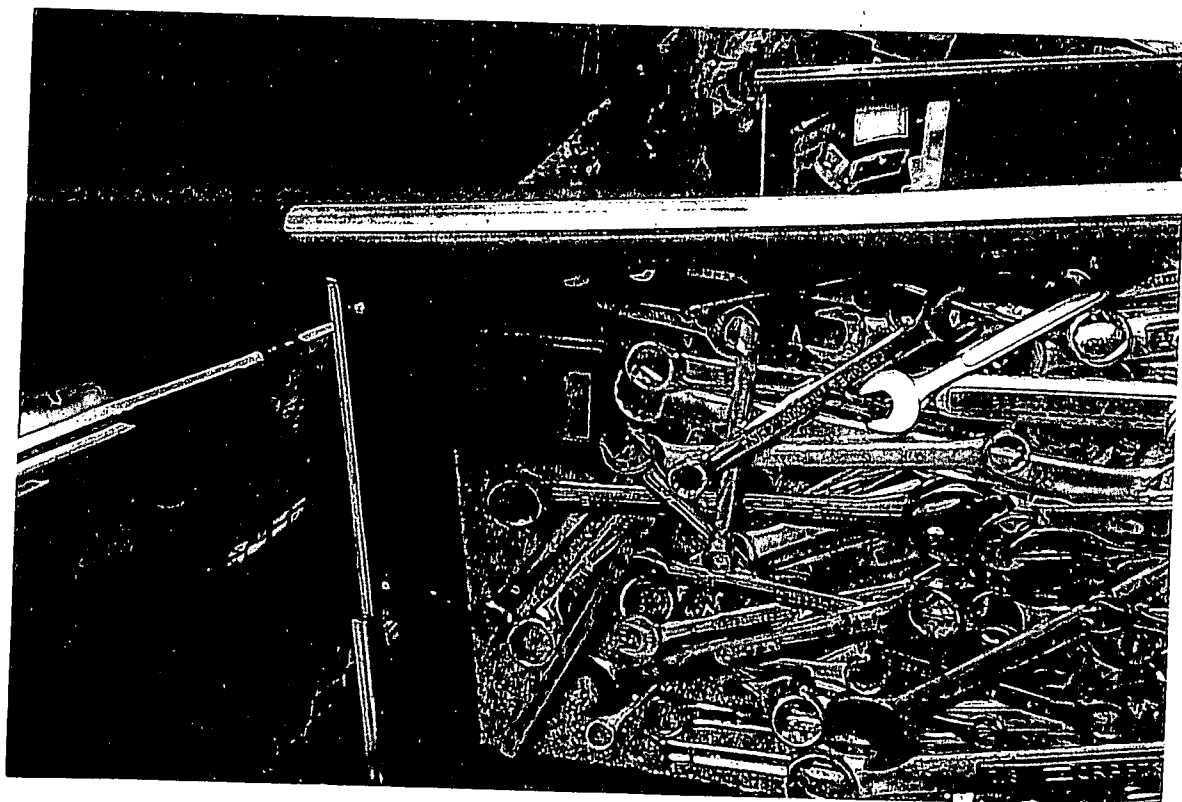


612

2AA



2BB



W

W/11/11/11

8:00:00-8:00:00 10-0001

Getting off now

Jan 5, 2017 9:27 AM

On my way

Jan 5, 2017 9:27 AM

01/06/2017

John if you got  
anymore pp bring  
them I'll buy all of  
them..and I need  
another gram

Jan 6, 2017 5:02 AM

Ok I got ya

Jan 6, 2017 8:25 AM

PERICAD 800-631-6559

STATE'S  
EXHIBIT

13

2-28-18 wn

Sand

614

W

1 803-801-0491

Jan 6, 2017 7:28 AM

01/08/2017

John.I need  
something..

Jan 8, 2017 10:42 AM

Ok im home

Jan 8, 2017 12:50 PM

\$\$????\$\$

Jan 8, 2017 12:57 PM

Gram ..pot 1/2

Jan 8, 2017 2:03 PM

No weed right now

P 9

Send

2

STATE'S  
EXHIBIT *wd*  
14  
2-28-18 UN

615



William

1 803-801-0491

OK man if you could

help us out that would  
be great

Jan 8, 2017 6:47 PM

I'm trying brother

Jan 8, 2017 6:49 PM

I got sme pp

Jan 8, 2017 7:29 PM

Ok I can't come  
tonight..but I can be  
there in the  
morning..I'll need a  
aram to..

P 9

Send

3

PER/CAD 800-631-6559

STATE'S  
EXHIBIT

15

2-28-18

614

Jan 11, 2017 5:17 AM

Ok im in Richburg but I  
have them with me

And I have some clear  
if you want it

Jan 11, 2017 5:17 AM

Ok

Jan 11, 2017 5:18 AM

Ok

Jan 11, 2017 5:18 AM

WILLIE RICHARDSON

100

4  
PENICAD 800-631-6583

wn STATE'S  
EXHIBIT *end*  
16  
2-28-18

617



WV79114-00000

1 2300.2 0000 004991

John ..I don't have  
enough money to get a  
gram..can I get a half

Jan 15, 2017 2:13 PM

Yes where are c

Jan 15, 2017 2:25 PM

You

Jan 15, 2017 2:25 PM

I'm in chester

Jan 15, 2017 2:26 PM

Its in my gold Blazer  
under driver side floor

P 9

5

|                     |                   |
|---------------------|-------------------|
| FENGAD 500-631-6559 | WV STATE'S        |
|                     | EXHIBIT <i>wd</i> |
|                     | <u>17</u>         |
| 2-28-18             |                   |

|     |
|-----|
| 618 |
|-----|

GL



WVH00-100  
1 800-360 0491

Jan 18, 2017 4:47 PM

01/19/2017

I'm leaving chester rite  
now heading your  
way..

Jan 19, 2017 5:06 AM

Ok

Jan 19, 2017 5:35 AM

Just put it in my truck  
floor board

Jan 19, 2017 5:55 AM

Ok

Jan 18, 2017 3:41 AM

P.9

Card

WV. STATE'S  
EXHIBIT *red*  
18  
2-28-17

619

all good

Jan 13, 2017 4:57 PM

Pretty low

Jan 13, 2017 4:58 PM

Want to do the  
same as last night?

Jan 13, 2017 4:59 PM

Yeah

Jan 13, 2017 4:59 PM

Guy: Find up at Mc

Dromedary. U want qt?

7

STATE'S  
EXHIBIT  
19  
2-28-18

620

Cuz I'm up at Mc  
Donald's. U want qt ?  
280

Jan 13, 2017 9:13 PM

Yeah u coming to the  
house i dont do parking  
lots

Jan 13, 2017 9:20 PM

Thats kinda high

Jan 13, 2017 9:21 PM

Delivered to u 275. I  
couldn't get but 1/2 so

Enter message

STATE'S  
EXHIBIT  
20  
2-28-18

621

James  
1 803-374-8181

Delivered to u 275. I  
couldn't get but 1/2 so

Jan 13, 2017 9:32 PM

Ok

Jan 13, 2017 9:32 PM

01/17/2017

Yo fresh bait 90 bushel

Jan 17, 2017 10:04 PM

Half 45

Jan 17, 2017 10:07 PM

Yes

Jan 17, 2017 10:29 PM

Ok im home

Enter message

9

STATE'S  
EXHIBIT  
21  
2-28-18

622

+1 910-208-2882

Mo shit

Jan 23, 2017 11:52 PM

01/24/2017

Not good at all... call u  
n a few...

Jan 24, 2017 12:24 AM

Fuck it i will head out  
of town

Jan 24, 2017 12:25 AM

Fixing to start selling  
all my shit

Jan 24, 2017 12:29 AM

10

PERGAD 600-631-6963

STATE'S  
EXHIBIT

22

2-28-18

623

Don't know if it was

Yo u think u can front  
me 50 till Tuesday

Yeah but not home  
right now bout an hour

City of New York

11  
PENAD 800-631-6969  
N.Y. STATE'S  
EXHIBIT *ad*  
23  
2-28-18

624

Jan 5, 2017 8:23 AM

Need to know what u  
want

Jan 5, 2017 8:23 AM

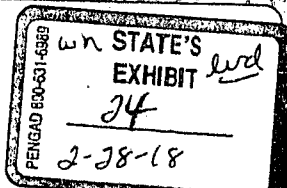
Gram 1/4 smoke and  
any p.o. you got what  
do I owe you 30

Jan 5, 2017 8:25 AM

Yeah u owe me 30 so  
u want a g of clear 1/4  
of smoke any pains

P-9

Send



625

Gram 1/4 smoke and  
any p.o. you got .what  
do I owe you 30

Jan 5, 2017 8:25 AM

Yeah u owe me 30 so  
u want a g of clear 1/4  
of smoke any pains

Jan 5, 2017 8:27 AM

Yes Pp also

Jan 5, 2017 8:27 AM

How many

P 9

13

STATE'S  
EXHIBIT *and*  
25  
2-28-18

626

How many

Jan 5, 2017 8:28 AM

10 give me a total on  
the money

Jan 5, 2017 8:28 AM

I think i only have half  
quarter smoke so total  
will be 230

Jan 5, 2017 8:32 AM

Ok I got it..

Jan 5, 2017 8:32 AM

On my way to the

P 9

Send

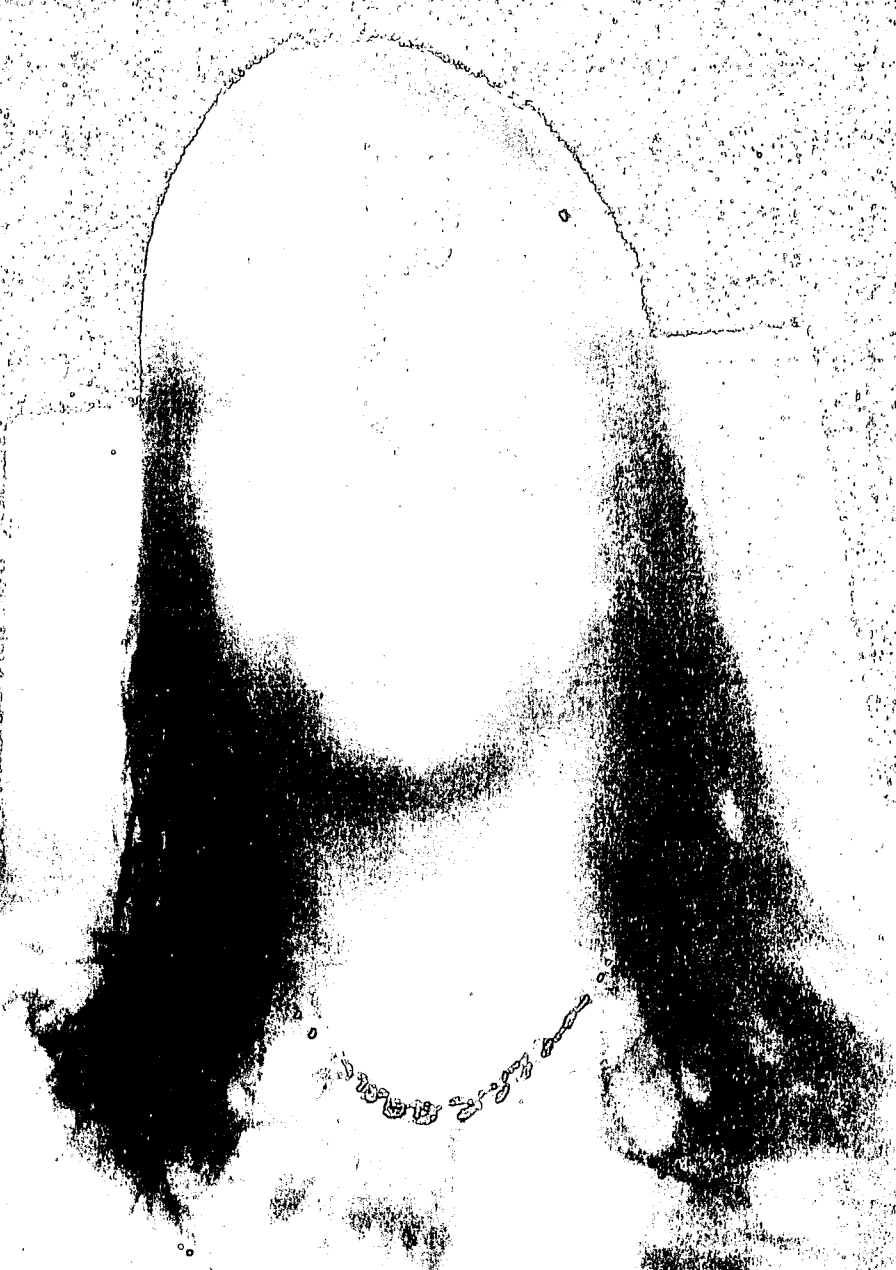
14

STATE'S  
EXHIBIT  
26  
2-28-18

627

15

WV STATE'S  
EXHIBIT *wd*  
*27*  
2-18-18



628

2016-12-08 05:34:05 +0000

Outgoing

SMS

Sent by: Self (803) 372-3085

Just come on got to get some in my system



2016-12-08 05:33:29 +0000

Outgoing

SMS

Sent by: Self (803) 372-3085

OK I will take it



2016-12-08 05:32:06 +0000

Outgoing

SMS

Sent by: Self (803) 372-3085

Add 100 get me half



2016-12-08 05:29:46 +0000

Outgoing

SMS

Sent by: Self (803) 372-3085

I know u gettin me but its cool just come on

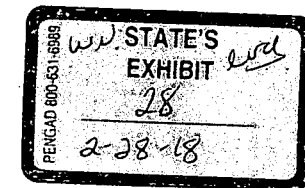
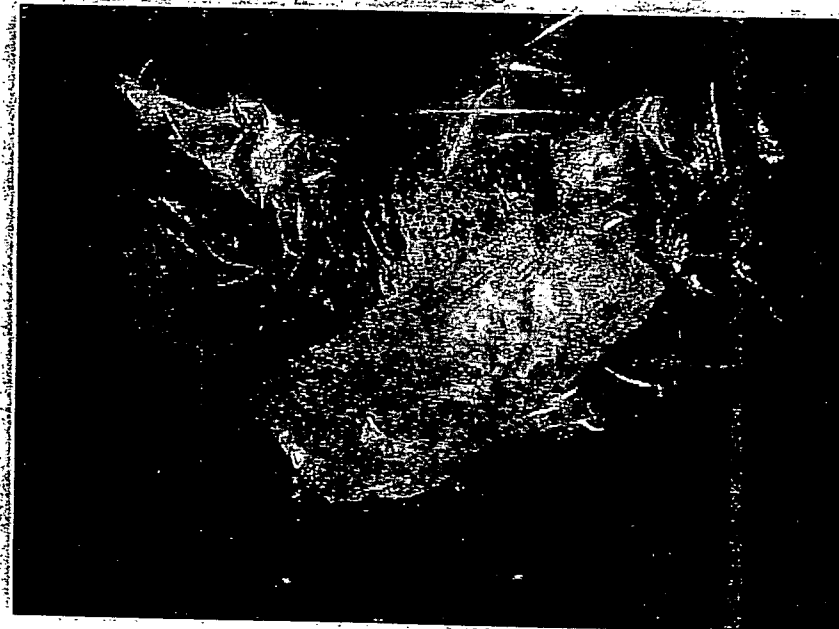


Received from: (803) 207-4606

2016-12-08 05:32:47 +0000

Incoming

MMS



629

2017-01-05 13:42:33 +0000

Outgoing

SMS

Sent by Self (803) 372-3055



On my way to the house now to get that stuff where can you meet me

Received from William (803) 801-0481

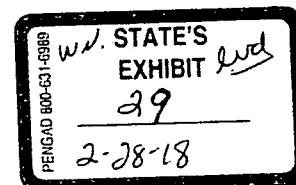
2017-01-05 13:32:46 +0000

Incoming

SMS

Date Delivered: 2017-01-05 13:32:44 +0000

Ok I got it.



2017-01-05 13:32:09 +0000

Outgoing

SMS

Sent by Self (803) 372-3055



I think I only have half quarter smoke so total will be 230

Received from William (803) 801-0481

2017-01-05 13:28:50 +0000

Incoming

SMS

Date Delivered: 2017-01-05 13:28:48 +0000

10 give me a total on the money

2017-01-05 13:28:09 +0000

Outgoing

SMS

Sent by Self (803) 372-3055



How many

Received from William (803) 801-0481

2017-01-05 13:27:55 +0000

Incoming

SMS

Date Delivered: 2017-01-05 13:27:54 +0000

Yes Pp also

2017-01-05 13:27:15 +0000

Outgoing

SMS

Sent by Self (803) 372-3055



Yeah u owe me 30 so u want a g of clear 1/4 of smoke any pains

Received from William (803) 801-0481

2017-01-05 13:25:47 +0000

Incoming

SMS

Date Delivered: 2017-01-05 13:25:45 +0000

Gram 1/4 smoke and any p.o. you got what do I owe you 30

2017-01-05 13:23:47 +0000

Outgoing

SMS

Sent by Self (803) 372-3055



Need to know what u want

17

630

18



2017-01-06 11:35:58 +0000

Outgoing

SMS

Sent by Self ((803) 372-3065)



Ok, got ya

Received from: William ( (803) 801-0491 )

2017-01-06 10:02:59 +0000

Incoming

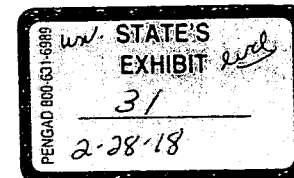
SMS

Date Delivered: 2017-01-06 10:02:59 +0000

John if you got anymore pp bring them I'll buy all of them and I need another gram

031

19



2017-01-07 00:34:55 +0000

Outgoing

SMS

Sent by: Self (1803) 372-3065



162 bailey ave

Received from: (304) 540-5105

2017-01-07 00:28:15 +0000

Incoming

SMS

Date Delivered: 2017-01-07 00:28:09 +0000

What the address again lol

Received from: (304) 540-5105

2017-01-07 00:25:41 +0000

Incoming

SMS

Date Delivered: 2017-01-07 00:25:41 +0000

K

Sent by: Self (1803) 372-3065

2017-01-07 00:25:10 +0000

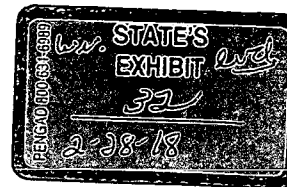
Outgoing

SMS



Ok come by my house im in building out back

632



20

2017-01-07 18:26:07 +0000

Outgoing

SMS

Sent by: Self (803) 272-3085



162 bailey ave im home now was asking if come by look at it

Received from: (803) 342-4757

2017-01-07 18:25:14 +0000

Incoming

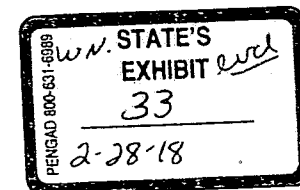
SMS

Date Delivered: 2017-01-07 18:25:13 +0000

Are you home ? How much?

633

21



Sent by: Self (803) 372-3065

2017-01-08 05:13:49 +0000

Outgoing

SMS

Thought u said they had bunch of them ok, see how it is



Sent by: Self (803) 372-3065

2017-01-08 05:13:03 +0000

Outgoing

SMS

Yeah got dope to



Sent by: Self (803) 372-3065

2017-01-08 05:12:20 +0000

Outgoing

SMS

Dsmn cant believe u tried to beat me out of 2 pills



Received from: B (803) 554-4182

2017-01-08 05:12:09 +0000

Incoming

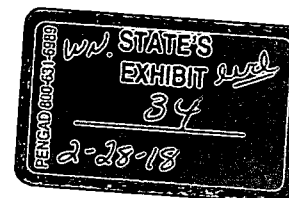
SMS

Date Delivered: 2017-01-08 05:12:07 +0000

They got dope

034

22



2017-01-09:00:32:53+0000

Outgoing

SMS

Sent by Self (803) 372-3065



Ok

Received from: William (803) 801-0491

2017-01-09:00:32:30+0000

Incoming

SMS

Date Delivered: 2017-01-09:00:32:30+0000

Ok I can't come tonight..but I can be there in the morning..I'll need a gram to..

2017-01-09:00:29:52+0000

Outgoing

SMS

Sent by Self (803) 372-3065



I got sme pp

1035

23

Received from: William ( (803) 801-0491 )

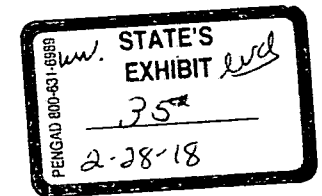
2017-01-11 14:18:32 +0000

Incoming

SMS

Date Delivered: 2017-01-11 14:18:32 +0000

Ok



Sent by: Self ( (803) 372-3065 )

2017-01-11 14:18:25 +0000

Outgoing

SMS

And I have some clear if you want it



Sent by: Self ( (803) 372-3065 )

2017-01-11 14:18:07 +0000

Outgoing

SMS

Ok in Richburg but I have them with me



Received from: William ( (803) 801-0491 )

2017-01-11 14:17:18 +0000

Incoming

SMS

Date Delivered: 2017-01-11 14:17:18 +0000

Ok ...I'm trying to get off work...I'm not feeling good...as soon as my money goes in I'll call you..

Sent by: Self ( (803) 372-3065 )

2017-01-11 14:15:53 +0000

Outgoing

SMS

Yes



Received from: William ( (803) 801-0491 )

2017-01-11 14:15:17 +0000

Incoming

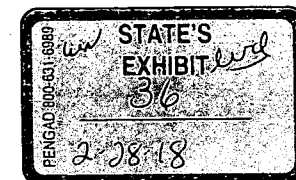
SMS

Date Delivered: 2017-01-11 14:15:17 +0000

Do you have anymore pp

636

24



Received from: Shang A/c (704) 964-1271

2017-01-12 01:16:40 +0000

Incoming

SMS

Date Delivered: 2017-01-12 01:16:41 +0000

Big black tool box in your building... top drawer

2017-01-12 01:15:18 +0000

Outgoing

SMS

Sent by: Sell (809) 372-3065

Where did you put my bowl



437

Sent by: Self (803) 272-3085

2017-01-12 19:37:41 +0000

Outgoing

SMS



I need my fucking cock sucked

Received from: B (803) 554-4122

2017-01-12 19:34:30 +0000

Incoming

SMS

Date Delivered: 2017-01-12 19:34:30 +0000

I need some fucking dope I get u when I puck if up

Sent by: Self (803) 272-3085

2017-01-12 19:34:22 +0000

Outgoing

SMS



I know

Received from: B (803) 554-4122

2017-01-12 19:33:58 +0000

Incoming

SMS

Date Delivered: 2017-01-12 19:33:56 +0000

Yeah but not cash

MomaB



Sent by: Self (803) 272-3085

2017-01-12 19:32:50 +0000

Outgoing

SMS



U already owe me one

Received from: B (803) 554-4122

2017-01-12 19:26:32 +0000

Incoming

SMS

Date Delivered: 2017-01-12 19:26:31 +0000

Well I need some dope on front

MomaB

Sent by: Self (803) 272-3085

2017-01-12 18:28:15 +0000

Outgoing

SMS



No but I need my cock sucked

Received from: B (803) 554-4122

2017-01-12 18:15:27 +0000

Incoming

SMS

Date Delivered: 2017-01-12 18:15:26 +0000

Hey u home

2017-01-18 03:54:09 +0000

Outgoing

SMS

Sent by: Self (503) 372-3055

Ok im home

Received from: James Brooks (503) 374-3131

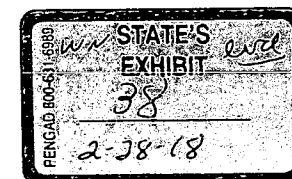
2017-01-18 03:29:17 +0000

Incoming

SMS

Date Delivered: 2017-01-18 03:29:18 +0000

Yes



2017-01-18 03:07:11 +0000

Outgoing

SMS

Sent by: Self (503) 372-3055

Half 45

Received from: James Brooks (503) 374-3131

2017-01-18 03:04:23 +0000

Incoming

SMS

Date Delivered: 2017-01-18 03:04:23 +0000

Yo fresh bait 90 bushel

2017-01-14 02:38:16 +0000

Outgoing

SMS

Sent by: Self (503) 372-3055

Ok

Received from: James Brooks (503) 374-3131

2017-01-14 02:32:31 +0000

Incoming

SMS

Date Delivered: 2017-01-14 02:32:31 +0000

Delivered to u-275. I couldn't get but 1/2 so

2017-01-14 02:21:25 +0000

Outgoing

SMS

Sent by: Self (503) 372-3055

Thats kinda high

2017-01-14 02:20:50 +0000

Outgoing

SMS

Sent by: Self (503) 372-3055

Yeah ur coming to the house dont do parking lots

Received from: James Brooks (503) 374-3131

2017-01-14 02:18:45 +0000

Incoming

SMS

Date Delivered: 2017-01-14 02:18:45 +0000

Cuz I'm up at Mc Donald's. U want qt 2-280

26

639

27

William ( (803) 801-0491 )

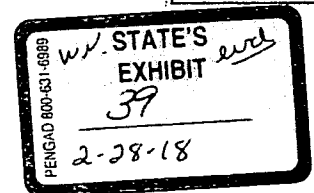
2017-01-15 19:30:57 +0000

Incoming

SMS

Date Delivered: 2017-01-15 19:30:57 +0000

Ok it will be an hour or so before I get there



Sent by: Self ( (803) 372-3065 )

2017-01-15 19:29:31 +0000

Outgoing

SMS

Its in my gold Blazer under driver side floor mat just put money there



Received from: William ( (803) 801-0491 )

2017-01-15 19:26:34 +0000

Incoming

SMS

Date Delivered: 2017-01-15 19:26:33 +0000

I'm in chester

Sent by: Self ( (803) 372-3065 )

2017-01-15 19:26:01 +0000

Outgoing

SMS

You



Sent by: Self ( (803) 372-3065 )

2017-01-15 19:25:58 +0000

Outgoing

SMS

Yes where are c



Received from: William ( (803) 801-0491 )

2017-01-15 19:10:12 +0000

Incoming

SMS

Date Delivered: 2017-01-15 19:10:10 +0000

John ..I don't have enough money to get a gram can I get a half...

10-10

28



2017-01-15 02:09:42 +0000

Outgoing

SMS

Sent by: Self; (803) 372-3035



No green, just clear

Received from: (803) 371-3035

2017-01-15 02:09:05 +0000

Incoming

SMS

Date Delivered: 2017-01-15 02:09:02 +0000

Yeah well kim does we in her room. When?? She say do you got some green.

1141

29

Sent by Self (803) 372-5065

2017-01-19 20:11:08 +0000 Outgoing SMS

Cash on front

Received from (803) 554-5521

2017-01-19 20:09:37 +0000 Incoming SMS  
Date Delivered: 2017-01-19 20:09:37 +0000  
Howmuch for 2 games babe



Received from (803) 554-5521

2017-01-19 17:15:55 +0000 Incoming SMS  
Date Delivered: 2017-01-19 17:15:55 +0000  
I wasn't even talking about that jackass!!!

Sent by Self (803) 372-5065

2017-01-19 17:14:00 +0000 Outgoing SMS

Go to hell hell I'm helping you you ain't helping me to come when I tell you to come or do without

Received from (803) 554-5521

2017-01-19 16:49:20 +0000 Incoming SMS  
Date Delivered: 2017-01-19 16:49:19 +0000  
Kiss my ass and be nice!!!

Sent by Self (803) 372-5065

2017-01-19 16:47:51 +0000 Outgoing SMS

Not problem

Received from (803) 554-5521

2017-01-19 16:38:57 +0000 Incoming SMS  
Date Delivered: 2017-01-19 16:38:57 +0000  
Yeah I'm sorry I'm having a fucked up morning. I still gotta get ready where you working at?

Sent by Self (803) 372-5065

2017-01-19 16:24:40 +0000 Outgoing SMS

U coming or not

Sent by Self (803) 372-5065

2017-01-19 15:18:44 +0000 Outgoing SMS

Yeah

Received from (803) 554-5521

2017-01-19 15:07:34 +0000 Incoming SMS  
Date Delivered: 2017-01-19 15:07:33 +0000  
Is it 120 for half game

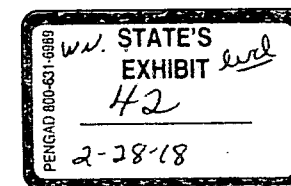
Sent by Self (803) 372-5065

2017-01-19 14:40:16 +0000 Outgoing SMS

I not something but its gonna be 240 b

642

30



2017-01-19 01:40:16 +0000

Outgoing

SMS

Sent by: Sell ( (803) 373-3065 )

Yes, soon as fire-up should be later tonight

Received from: Josh ( (803) 417-3806 )

2017-01-19 01:31:26 +0000

Incoming

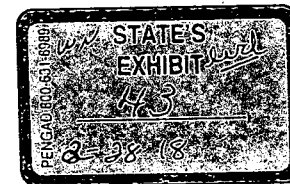
SMS

Date Delivered: 2017-01-19 01:31:24 +0000

Can you front me something a few days?

643

31



Sent by: Self ( (803) 372-3065 )

2017-01-21 00:02:03 +0000

Outgoing

SMS



Okay, I got you. I'll bring you one.

Received from: William ( (803) 601-0491 )

2017-01-21 00:01:00 +0000

Incoming

SMS

Date Delivered: 2017-01-21 00:00:59 +0000

Please bring a gram...tomorrow..do you have any pot..

1644

Received from (803) 207-4508

2017-01-23 20:16:57 +0000

Incoming

SMS

Date Delivered: 2017-01-23 20:16:57 +0000

Ok.. Was just trying to look out for your mean ass!!

2017-01-23 20:01:58 +0000

Outgoing

SMS

I already get that price

Sent by: Sent (803) 172-3065



Received from (803) 207-4508

2017-01-23 19:51:16 +0000

Incoming

SMS

Date Delivered: 2017-01-23 19:51:16 +0000

And that's delivered to me

Received from (803) 207-4508

2017-01-23 19:49:28 +0000

Incoming

SMS

Date Delivered: 2017-01-23 19:49:27 +0000

But that's not anyone's business..

Received from (803) 207-4508

2017-01-23 19:49:00 +0000

Incoming

SMS

Date Delivered: 2017-01-23 19:48:59 +0000

I know you told me.. My price without adding anything for myself is \$750 for one \$1400 for two etc..

2017-01-23 19:46:46 +0000

Outgoing

SMS

Gotva new plug

Sent by: Sent (803) 172-3065



Received from (803) 207-4508

2017-01-23 19:40:26 +0000

Incoming

SMS

Date Delivered: 2017-01-23 19:40:26 +0000

Well I may get a bit better if you were honest to me when we last talked about it..

2017-01-23 19:38:19 +0000

Outgoing

SMS

Im getting really good prices now prob just as good

Sent by: Sent (803) 172-3065



Received from (803) 207-4508

2017-01-23 19:37:20 +0000

Incoming

SMS

Date Delivered: 2017-01-23 19:37:18 +0000

Ok.. It's really good prices and just wanted to let you know.

2017-01-23 18:51:53 +0000

Outgoing

SMS

Im good got a good conned now

Sent by: Sent (803) 172-3065



Received from (803) 207-4508

2017-01-23 17:36:35 +0000

Incoming

SMS

Date Delivered: 2017-01-23 17:36:36 +0000

Got some new prices coming straight from ATL..

32

1945



Received from: Matt ( (803) 220-5151 )

2017-01-25 17:43:52 +0000

Incoming

SMS

Date Delivered: 2017-01-25 17:43:22 +0000

Not yet im looking for work

33

Sent by: Self ( (803) 372-3055 )

2017-01-25 17:29:28 +0000

Outgoing

SMS

Hello you lazy mother f-----

Sent by: Self ( (803) 372-3055 )

2017-01-25 17:27:45 +0000

Outgoing

SMS

You got my God damn money

Sent by: Self ( (803) 372-3055 )

2017-01-24 22:54:39 +0000

Outgoing

SMS

U better have it fucking soon bitch

Received from: Matt ( (803) 220-5151 )

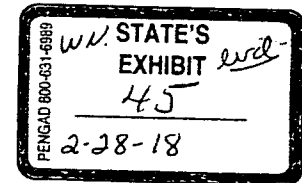
2017-01-24 22:53:53 +0000

Incoming

SMS

Date Delivered: 2017-01-24 22:53:52 +0000

Ill get to you in not going to not pay you as soon as I can you will have it



Sent by: Self ( (803) 372-3055 )

2017-01-24 22:51:33 +0000

Outgoing

SMS

I want my fucking money to bitch

Sent by: Self ( (803) 372-3055 )

2017-01-24 22:43:49 +0000

Outgoing

SMS

I guess u will motherfucker

Received from: Matt ( (803) 220-5151 )

2017-01-24 22:42:25 +0000

Incoming

SMS

Date Delivered: 2017-01-24 22:42:23 +0000

Well I guess ill have to quit then

646

Sent by: Self ( (803) 372-3055 )

2017-01-24 19:29:57 +0000

Outgoing

SMS

So u r not gonna finish what u started well dont ask me for dope anymore find u a new dealer

h2

Sent by: Self ((803) 372-3065)

2017-01-24 20:38:25 +0000

Outgoing

SMS



Come on

Received from: William ((803) 801-0491)

2017-01-24 20:37:39 +0000

Incoming

SMS

Date Delivered: 2017-01-24 20:37:38 +0000

Hey I'm leaving work now. you going to be at home..

Sent by: Self ((803) 372-3065)

2017-01-24 11:37:50 +0000

Outgoing

SMS



Received from: William ((803) 801-0491)

2017-01-24 10:07:02 +0000

Incoming

SMS

Date Delivered: 2017-01-24 10:07:02 +0000

Good morning...John can I get another gram....and a quarter of smoke....and pay you Thursday morning...! I be working today,,,

tho

2017-01-24 08:30:33 +0000

Outgoing

SMS

Sent by: Sell (803) 372-3065

Who told u this



2017-01-24 05:29:34 +0000

Outgoing

SMS

Sent by: Sell (803) 372-3065

Fixing to start selling all my shit



2017-01-24 05:25:57 +0000

Outgoing

SMS

Sent by: Sell (803) 372-3065

Fuck it I will head out of town



Received from Jones (980) 338-2882

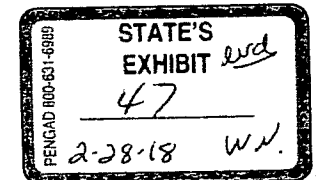
2017-01-24 05:24:18 +0000

Incoming

SMS

Date Delivered: 2017-01-24 05:24:17 +0000

Not good at all...call u in a few...



2017-01-24 04:52:28 +0000

Outgoing

SMS

Sent by: Sell (803) 372-3065

Mo shit



Received from Jones (980) 338-2882

2017-01-24 04:51:09 +0000

Incoming

SMS

Date Delivered: 2017-01-24 04:51:07 +0000

Me and u...

2017-01-24 04:46:09 +0000

Outgoing

SMS

Sent by: Sell (803) 372-3065

About who



Received from Jones (980) 338-2882

2017-01-24 04:37:03 +0000

Incoming

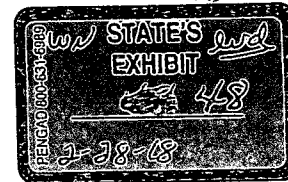
SMS

Date Delivered: 2017-01-24 04:37:02 +0000

Ain't rumors bro...promise u...not a false flag...real deal..

645

36



Received from: (803) 207-9042

2017-01-25 17:57:43 +0000

Incoming

SMS

Date Delivered: 2017-01-25 17:57:43 +0000

K

Sent by: Self : (803) 372-3065

2017-01-25 17:50:18 +0000

Outgoing

SMS

Im here in great falls

Sent by: Self : (803) 372-3065

2017-01-25 04:08:12 +0000

Outgoing

SMS

I take half

Received from: (803) 207-9042

2017-01-25 02:46:06 +0000

Incoming

SMS

Date Delivered: 2017-01-25 02:46:06 +0000

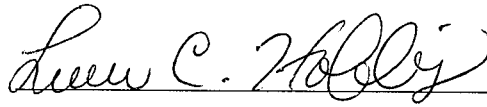
You need something tomorrow

649

**CERTIFICATE OF COUNSEL**

Pursuant to Rule 210(g), the undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by the parties and not any other material.

This 8 day of May, 2019



Lauren Carole Hobbis, SC Bar #103190  
William G. Yarborough III, Attorney at Law, LLC

**RECEIVED**  
MAY 13 2019  
SC Court of Appeals

650