

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

APR 08 2019

S.C. SUPREME COURT

Certiorari to York County

Honorable William A. McKinnon, Circuit Court Judge

JASON ALAN JOHNSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000216

APPENDIX

JESSICA M. SAXON
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

JANELL GREGORY
Assistant Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR PETITIONER

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JANUARY 23-27, 2012.....	1
APPLICATION FOR POST-CONVICTION RELIEF	977
STATE’S RETURN.....	984
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	989
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED JULY 3, 2018	991
ORDER OF DISMISSAL.....	1123
MOTION FOR 59(e)	1149
MOTION TO WITHDRAW 59(e)	1151
ORDER DISMISSING MOTION FOR 59(e).....	1152
INDICTMENTS	1153

State of South Carolina.,)
)
)
)
)
County of York.,)

In The General Sessions
 Court of York

Case No.: 2011-GS-46-01746
 2011-GS-46-01752

State of South Carolina.,)
)
 Plaintiff,)
)
 -vs.-)
)
 Corey Seth Catoe.,)
 Jason Alen Johnson.,)
)
 Defendants.)
 _____)

Transcript of Record

January 23 thru 27, 2012
 York, South Carolina

B E F O R E:

Honorable Lee S. Alford, Judge, and a jury.

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

Ms. Jennifer Colton
 Ms. Teasa Weaver
 Assistant Solicitor's
 Sixteenth Judicial Circuit
 1675-1A York Highway
 York, South Carolina 29745-742204
 803-628-3020
 For the Plaintiff

ORIGINAL

Mr. Michael Brown
 Mr. Jarrus Yates
 Mr. Bradford Rawlinson
 Rock Hill, South Carolina
 For the Defendants

Wanda Nelson, CVR, Master
 Circuit Court Reporter
 Sixteenth Judicial Circuit

I-N-D-E-XE-X-A-M-I-N-A-T-I-O-N

<u>WITNESS</u>	<u>BY:</u>	<u>PAGE NO.</u>
Deputy Tony Bolin	Ms. Colton	13-32 (In Camera)
		51 (In Camera)
		366-377
	Mr. Yates	32-37 (In Camera)
	Mr. Brown	37-50 (In Camera)
		50-51 (In Camera)
		378-381
Deputy John Stagner	Ms. Colton	53-95 (In Camera)
		120 (In Camera)
		326-355
	Mr. Yates	95-107 (In Camera)
	Mr. Brown	107-118 (In Camera)
		119-120 (In Camera)
		355-365
Jay Raja	Ms. Colton	121-126 (In Camera)
		129-130 (In Camera)
	Mr. Yates	126-127 (In Camera)
	Mr. Cronin	127-129 (In Camera)
Deputy John Clark	Ms. Colton	133-141 (In Camera)
		385-389
	Mr. Yates	141-144 (In Camera)
	Mr. Brown	144-151 (In Camera)

E-X-A-M-I-N-A-T-I-O-N CON'T

	<u>WITNESS</u>	<u>BY:</u>	<u>PAGE NO.</u>
1			
2			
3	Deputy John Clark	Mr. Brown	389-390
4	Deputy Rachael Gladden	Ms. Colton	170-193- (In Camera)
5			403-418
6		Mr. Brown	193-198 (In Camera)
7			418-424
8	Detective Joshua Welch	Ms. Colton	281-307
9		Mr. Brown	307-309
10	Deputy Travis Shealy	Ms. Colton	391-398
11		Mr. Brown	399
12	Investigator Lee Allen	Ms. Colton	425-435
13		Mr. Brown	435-437
14	Brandi Quinn	Ms. Colton	447-454 (In Camera)
15			457-517
16		Mr. Brown	518-540
17	Shelley Pettigrew	Ms. Colton	558-610
18			610-612 (In Camera)
19			616-624
20		Mr. Brown	624-629
21	Officer Scott Cribb	Ms. Colton	630
22			639-645
23	Amanda Caudle	Ms. Colton	649-691
24			705-708
25		Mr. Brown	691-704

E-X-A-M-I-N-A-T-I-O-N CON'T

	<u>WITNESS</u>	<u>BY:</u>	<u>PAGE NO.</u>
1			
2			
3	Christopher Matuse	Ms. Colton	711-736
4		Mr. Brown	736-745
5	Cassidy Cooper	Ms. Colton	746-759
6		Mr. Brown	759-761
7	Brandy Hager	Ms. Colton	762-777
8		Mr. Brown	777-778
9	Cynthia Mitchum	Ms. Colton	797-804
10		Mr. Brown	805-806
11	Nicholas Schifferle	Ms. Colton	806-870
12		Mr. Brown	871-874
13	Closing	Ms. Colton	893-918
14		Mr. Brown	919-936
15	Charge on the Law		936-955
16	Verdict		964-965
17	Sentencing.		968-972
18	Reporter's Certificate Page		974
19	Voir Dire/Batson Sheet.		975
20			
21			
22			
23			
24			
25			

<u>E-X-H-I-B-I-T-S</u>				
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	ST.1	Photo/Hotel Room		339
4	ST.2	Photo/Hotel Room		339
5	ST.3	Photo/Hotel Room		339
6	ST.4	Photo/Hotel Room		339
7	ST.5	Photo/Hotel Room		339
8	ST.6	Photo/Hotel Room		339
9	ST.7	Photo/Hotel Room		339
10	ST.8	Photo/Hotel Room		339
11	ST.9	Photo/Hotel Room		339
12	ST.10	Photo/Hotel Room		339
13	ST.11	Photo/Hotel Room		339
14	ST.12	Photo/Hotel Room		339
15	ST.13	Photo/Hotel Room		339
16	ST.14	Photo/Hotel Room		339
17	ST.15	Photo/Hotel Room		339
18	ST.16	Photo/Hotel Room		339
19	ST.17	Photo/Hotel Room		842
20	ST.18	Photo		842-847
21	ST.19	Photo		842
22	ST.20	Photo		842-507
23	ST.21	Photo		842-507
24	ST.22	Photo		842-507
25	ST.23	Photo		507

	<u>E-X-H-I-B-I-T-S - CON'T</u>			
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	ST.24	NONE (Same as Ct.32)		
4	ST.25	Photo/Spoon	353	354
5	ST.26	Photo/Mason jar	832	833
6	ST.27	Photo/Hotel Room	491	492
7	ST.28	Meth Plaster (car)	491	492
8	ST.29	Spoon w. Meth	434	434
9	ST.30	Shealy Car Video/CD	393	394
10	ST.31	Shealy Car Video/CD	394	395
11	ST.32	Gladden Car Video/CD	406	407
12	ST.33	NONE		
13	ST.34	NONE		
14	ST.35	Cell Phone	433	850
15	ST.36	Cell Phone	432	850
16	ST.37	Fake Driver's Lic.	432	847
17	ST.38	T-Mobile Cell Phone	432	850
18	ST.39	Digital Scale	430	
19	ST.40	Paperwork - make ID's	433	856
20	ST.41	Meth Pkg. Material	431	852
21	ST.42	Meth/Mason jar	343-798	804-852
22	ST.43	Photo/Apts.	467	469
23	ST.44	Photo/Apts.	467	469
24	ST.45	NONE	4	
25	ST.46	Photo/home in pines	479	480

E-X-H-I-B-I-T-S - CON'T

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	ST.47	Craig Kilson SCDL		845
4	ST.48	Bojangles trash		845
5	ST.49	Counterfeit SCDL's	640	641
6	ST.50	Photo/Hotel Room	643	644
7	ST.51	SCDL's		644
8	ST.52	Case History/Ronald Boozer		857
9	ST.53	Bond/Ronald Boozer		857
10	ST.54	Bail/Christopher Matuse		857
11	ST.55	Photo/Clover Mobile Home	565	566
12	ST.56	Photo/Galway Lane	565	566
13	ST.57	Photo/Lauren Petit's	604	604
14	ST.58	Photo/Workman Residence	606	606
15	ST.59	NONE		
16	ST.60	Photo	622	623
17	ST.61	Photo Johnson/Pettigrew	598	599
18	ST.62	Photo/Johnson in Mask	602	603
19	ST.63	Cell Phone Log		862
20	ST.64	Text Messages Summary		864
21	ST.65	Incoming Phone calls		863
22	ST.66	NONE		
23	ST.67	Letter (2 pages)	676	677
24	ST.68	Letter (2 pages)	676	677
25	ST.69	Letter (2 pages/dated)	676	677

E-X-H-I-B-I-T-S - CON'T

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	ST.70	Photo	622	623
4	ST.71	Photo	558	623
5	ST.72	Johnson Audio-CD		780
6	ST.73	Items of Evd. 1/27/12	804	804
7	ST.74	Person Summary	820	
8	ST.75	Person Summary	820	
9	ST.76	Person Summary	820	829/871
10	CT.1	Photo (St.1)	22	80
11	CT.2	Photo (St.2)	22	80
12	CT.3	Photo (St.3)	22	80
13	CT.4	Photo (St.4)	22	80
14	CT.5	Photo (St.5)	22	80
15	CT.6	Photo (St.6)	22	80
16	CT.7	Photo (St.7)	22	80
17	CT.8	Photo (St.8)	22	80
18	CT.9	Photo (St.9)	22	80
19	CT.9	Photo (St.10)	22	80
20	CT.10	Photo (St.11)	22	80
21	CT.11	Photo (St.12)	22	80
22	CT.12	Photo (St.13)	22	80
23	CT.13	Photo (St.14)	22	80
24	CT.14	Photo (St.15)	22	80
25	CT.15	Photo (St.16)	22	80

E-X-H-I-B-I-T-S CON'T

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
CT.16	Photo (St.16)	22	80
CT.17	Photo (St.17)	22	80
CT.18	Diagram	30	80
CT.19	Jason Johnson CD	80	82
CT.20	Hotel Receipt	122	123
CT.21	Search warrant	136	140
CT.22	NONE		
CT.23	Quinn Arrest Warrant	171	172
CT.24	Gladden In Car Video/CD	174	175
CT.25	3 letters	783	784
CT.26	NONE		
CT.27	NONE		
CT.28	NONE		
CT.29	NONE		
CT.30	NONE		
CT.31	NONE		
CT.32	Gladden In-Car Video		956
CT.33	Jury Note/Question		960
CT.34	Jury Note/Question		963
CT.35	Johnson Convictions		969
	Certified Copies		
	(ALL EXHIBITS WERE FILED WITH THE YORK COUNTY CLERK OF		
	COURT'S OFFICE.)		

1 (COURT IN SESSION MONDAY, JANUARY 23, 2012.)

2 THE COURT: Solicitor.

3 MS. COLTON: Your Honor, we're prepared to call the
4 case State versus Johnson and Corey Catoe, but I know its
5 got a little bit late, I thought it would be a little bit
6 earlier. I don't know if Your Honor is prepared or wants to
7 wait -

8 THE COURT: Well it is about lunch time. We've been
9 so busy I haven't paid much attention to the time. It's
10 about ten minutes till One, we probably ought to go ahead
11 and get some lunch and come back and get started in
12 pretrial about Two.

13 MS. COLTON: Did you want us to go back and speak to
14 you briefly about the case?

15 THE COURT: That will be fine. I don't know anything
16 about it; if you want to come back -

17 MS. COLTON: Yes, sir.

18 THE COURT: --- and give me the heads up that will be
19 fine.

20 MR. BROWN: Can we come back in chambers and --

21 THE COURT: Sure.

22 MR. BROWN: Logistical matters that has to do with the
23 case?

24 THE COURT: Sure.

25 (COURT IN LUNCH RECESS AT 12:52 PM.)

-11-

1 (COURT BACK IN SESSION AT 02:20 PM.)

2 THE COURT: Thank you. Please be seated.

3 (DEFENDANT JASON JOHNSON REENTERS COURTROOM AT 02:26
4 PM.)

5 (DEFENDANT COREY CATOE REENTERS COURTROOM AT 02:26
6 PM.)

7 THE COURT: You ready to proceed, Solicitor?

8 MS. COLTON: Yes, Your Honor.

9 Your Honor, at this time, the State would call the
10 case State versus Corey Seth Catoe, True Bill Indictment
11 2011-GS-46-0-1-7-4-6, trafficking methamphetamine. The
12 State alleges that this occurred in an amount over a
13 hundre4 grams in a period of time from August 1st, 2010 to
14 February 27th, 2010.

15 The verbiage of the indictment is the same for Jason
16 Alen Johnson, True Bill Indictment 2011-GS-46-1752.

17 THE COURT: Mr. Yates, you represent Mr. Catoe; is
18 that right?

19 MR. YATES: Yes, Your Honor.

20 THE COURT: And you are prepared for trial and ready
21 to go forward today?

22 MR. YATES: Yes, Your Honor.

23 THE COURT: You calling another case as well?

24 MS. COLTON: Yes, Your Honor. I'm calling -- I
25 mentioned that it's Jason Alen Johnson. It's the same

1 charges, Your Honor. I mentioned the indictment number.

2 And he's represented by Michael Brown.

3 THE COURT: Counselor, are you prepared for trial and
4 ready to go forward today?

5 MR. CRONIN: Yes, sir.

6 THE COURT: All right, let me hear you with regard to
7 any pretrial motions you wish to make at this time.

8 Mr. Yates.

9 MR. YATES: Yes, Your Honor. I previously filed a
10 pretrial motion on this case dealing with the suppression
11 of the evidence. Would you like for me to -

12 THE COURT: Yes, sir.

13 MR. YATES: Your Honor, it's our contention that on
14 February 27th when this incident occurred, that the room
15 was actually illegally searched. All evidence found as a
16 result of that illegal search would be inadmissable at
17 trial today. We have the video footage from the Sheriff's
18 cars that show the arrest of Brandi Quinn for a prior act
19 that happened the night before, I think it was malicious
20 destruction of property and that, that's the reason the
21 officers were at the Best Way Motel that day. They had her
22 secured and in the back seat of the car, and the search
23 continued in the motel.

24 THE COURT: Does Mr. Johnson join in that motion?

25 MR. BROWN: Yes, Your Honor. For simplicity sake,

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-13-

1 unless I state otherwise, I'm joining in, in all his
2 motions.

3 THE COURT: Solicitor.

4 MS. COLTON: Your Honor, the State is prepared to
5 offer a proffer testimony with regard to the search warrant
6 and the underlying basis for the legal entry into the room
7 by the officers.

8 THE COURT: Proceed.

9 MS. COLTON: The State would call Deputy Tony Bolin.

10 MADAME CLERK: Please raise your right hand, place
11 your left on the Bible.

12 (WHEREUPON: TONY BOLIN, BEING
13 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

14 DIRECT EXAMINATION - IN CAMERA

15 DEPUTY TONY BOLIN BY MS. COLTON:

16 Q. For the record, can you please state your full name
17 and where you work?

18 A. Anthony James Bolin, the York County Sheriff's Office.

19 Q. How long have you been with the York County Sheriff's
20 Office?

21 A. It will be four years in May.

22 Q. And where are you currently assigned?

23 A. The Rock Hill District, District 3.

24 Q. And what does District 3 cover?

25 A. Pretty much the same thing as the school district for

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-14-

1 the York County. It covers all the way from 274 all the
2 way down to the Catawba Indian Reservation.

3 Q. And were you working in District 3 back in February
4 27th?

5 A. Yes, ma'am.

6 Q. 2011? Okay. And did you have an occasion to
7 encounter the defendants?

8 A. Yes.

9 Q. Mr. Catoe?

10 A. Yes.

11 Q. And Mr. Johnson ---

12 A. Yes.

13 Q. --- the third defendant? Please tell the Court how
14 you came to be involved with these defendants on that day.

15 A. I received a phone call from another deputy saying
16 that we were looking for a Ms. Brandy Quinn in reference to
17 a warrant for malicious injury to property.

18 Q. When -- Do you know when that warrant was issued?

19 A. The day prior.

20 Q. And which -- Do you remember which deputy told you
21 that?

22 A. Well actually, I believe the warrant was issued that
23 morning.

24 Q. And what time was this that you think you got this
25 phone call?

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-15-

1 A. Early in the morning, between 6:00 and 7:00.

2 Q. What time do you come on shift?

3 A. At 5:45 in the morning.

4 Q. And with that information, what did you do?

5 A. We began looking for Ms. Quinn at various other
6 places, I believe the address that we had on file for her.
7 And then I received a phone call from Deputy Stagner
8 stating that he had located her vehicle at the Best Way Inn
9 on Riverview Road in Rock Hill. So I started heading in
10 that direction.

11 Q. And when you say -- When you talk about "we," who are
12 the we that are involved with locating Ms. Quinn?

13 A. Deputy Stagner, myself, and Deputy Gladden.

14 Q. And what happens when -- well, did you make any stops
15 in the interim?

16 A. No.

17 Q. Did you plan on making any stops in the interim?

18 A. Well I was in route to another location to see if she
19 was there.

20 Q. Okay.

21 A. It was a house. I don't remember the address. And
22 then while I was in route there, I got the phone call from
23 Deputy Stagner.

24 Q. And based on the information, you went to a motel
25 room?

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON -- IN CAMERA

-16-

1 A. Yes.

2 Q. What hotel did you go to?

3 A. Best Way Inn, Riverview Road in Rock Hill.

4 Q. And that's in York County?

5 A. In York County.

6 Q. And when you arrived there, what occurs?

7 A. I went to the front office, I guess the check-in desk
8 to see which room number came back -- well the room number
9 -- her vehicle was parked in front of the room number. And
10 I went to verify that was the room she was in, spoke to the
11 front desk, the person at the front desk, and showed me the
12 log. Her name was on the room.

13 Q. Okay.

14 A. And I verified that and asked them how long she'd been
15 there, and they said for a day, since the day prior.

16 Q. So she checked in the day before and was still there?

17 A. Yes, ma'am.

18 Q. And then what do you do with that information?

19 A. I relay that to Deputy Stagner and Deputy Gladden.

20 Q. And then what do you all do next?

21 A. We knock on the door to locate -- see if Ms. Quinn is
22 in the room.

23 Q. And did she immediately open the door?

24 A. No.

25 Q. What happened?

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-17-

1 A. Well we -- we're knocking. Deputy Stagner is telling
2 her that we're not there for -- I believe she had a pick-up
3 order, a commitment order issued by her family or someone
4 else. And Deputy Stagner was telling her that we weren't
5 here for that. We need to speak to her in regards to
6 another matter. We heard movement in the room, voices in
7 the room, and then finally after a couple of minutes, she
8 opens -- she opens the door.

9 Q. What does she do when she opens the door?

10 A. Steps -- stays behind the door, opens it. Doesn't
11 open it all the way and we can only see about half of her
12 body.

13 Q. Was -- They were obscuring the other half of her body?

14 A. Yes, it was.

15 Q. And what's your thoughts as a law enforcement officer
16 at that point?

17 A. She had something behind the door. She could have a
18 weapon. There could be someone else behind the door. The
19 room was very dark. When -- We couldn't really see much of
20 anything in the room. So basically we thought that she
21 could have something behind the door that could harm us.

22 Q. So what do you do when you see her half-exposed body
23 behind the door?

24 A. We enter -- We enter the room to -- so we can see her,
25 all of her, and everything else in the room.

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-18-

1 Q. And when you get in the room, what happens with Ms.
2 Quinn?

3 A. She steps back into the room. We follow her in --
4 into the room. She's placed under arrest ---

5 Q. Okay.

6 A. --- and moved out -- moved out of the room.

7 Q. And the ensuing time between you walking in the room
8 to her being removed from the room, what happens?

9 A. We located -- Well we observed two other individuals.
10 When you enter the room, there's a bed here and a bed here.

11 (WITNESS INDICATES.)

12 Q. Okay.

13 A. And there was -- Mr. Catoe was in the first bed when
14 we stepped to the door. Mr. Johnson was in the second bed,
15 both of them under covers. Officer -- or Deputy Stagner
16 was the first one in the room. I was right behind him.
17 Deputy Stagner started giving commands to Mr. Johnson for
18 us to see his hands. He's under the cover. He can have
19 weapons. He can have anything under there that can harm
20 us. I started giving orders to Mr. Catoe to let us see
21 your hands.

22 Q. Did Mr. Johnson comply?

23 A. Not -- Not immediately, no, ma'am.

24 Q. What did he do?

25 A. He initially brought his hands out, and then shot his

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-19-

1 hands back under the covers.

2 Q. Did Catoe comply?

3 A. He did.

4 Q. And he immediately -- Catoe, Mr. Catoe showed you his
5 hands immediately?

6 A. Yes, he did.

7 Q. And again, please for the records, did you have any
8 concerns for your safety with Mr. Catoe at that point?

9 A. Not Mr. Catoe. Once we saw his hands and got to him,
10 but like I said, Mr. Johnson.

11 Q. So, and how did you feel about that?

12 A. That -- That scared us that he was shooting back under
13 the covers.

14 Q. And at that point, did you all detain Mr. Catoe and
15 Mr. Johnson?

16 A. Yes.

17 Q. And what did you all do next?

18 A. Did a sweep of the -- checked the bathroom to make
19 sure there's no one else in the room.

20 Q. Okay.

21 A. And observed things in the room such as electronics
22 and other items related to drug use in the room.

23 Q. When did you see all those items?

24 A. Within a minute, within 30 seconds to a minute of
25 entering the room.

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-20-

1 Q. Was that during the course of your protective sweep?

2 A. Yes.

3 Q. Were you looking for weapons in the hands of these
4 defendants ---

5 A. Yes.

6 Q. --- or within their reach?

7 A. Yes.

8 Q. Were you looking for other people in there?

9 A. Yes.

10 MS. COLTON: At this point, Judge, I'm going to make
11 these court -- I ask that these be made Court Exhibits.

12 THE COURT: I thought we agreed on sequestration?

13 MS. COLTON: Yes.

14 I'm sorry, Your Honor, Mr. Brown did talk to me about
15 having a motion to sequester, and I agreed on that. I'm
16 sorry, I did not bring that to the Court's attention.

17 THE COURT: First I've heard that.

18 MR. BROWN: My fault.

19 THE COURT: Are you moving to sequester the witnesses?

20 MR. BROWN: Yeah, I thought we had an agreement on
21 that.

22 MS. COLTON: Yes, sir. We agreed to that.

23 THE COURT: It's all right to have an agreement, but
24 you bring it to the attention of the Court -

25 MR. BROWN: Yes, sir. My fault.

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-21-

1 THE COURT: Let's do this. Of course, let me say this
2 before anybody leaves. Let me explain to you this that a
3 Motion to Sequester is implied equally across the board as
4 far as the State and also each defendant is concerned. And
5 what that means is that none of the witnesses can be
6 present in the courtroom until after they've testified.
7 And they can't discuss their testimony with anyone else who
8 has not yet testified or tell them what the questions are
9 ask of them or anything else that goes on. It's the
10 attorney's responsibility, it's also the Court's to make
11 sure they're not in here when any testimony is going on.
12 If they fail to do that, they might be prevented from
13 testifying themselves. So with that understanding then,
14 we'll sequester all the witnesses.

15 MS. COLTON: Your Honor, for the record, can I ask
16 that my case agent ---

17 THE COURT: You're always entitled to have --

18 MR. BROWN: Without objection.

19 THE COURT: --- your case agent.

20 MS. COLTON: Thank you, Your Honor.

21 THE COURT: Of course, the defendants obviously can
22 stay, but everybody else will need to -- that's going to
23 testify as a witness in this case, needs to leave.

24 Has either defendant got any witnesses here present
25 that's going to testify?

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-22-

1 MR. BROWN: No, sir.

2 THE COURT: Well let's keep an eye out. It's your
3 responsibility.

4 Proceed please.

5 MS. COLTON: Thank you, Your Honor.

6 (WHEREUPON: COURT'S EXHIBITS ONE THROUGH SEVENTEEN
7 PRE-MARKED FOR IDENTIFICATION.)

8 BY MS. COLTON:

9 Q. Deputy Bolin, I'm going to ask that you look at these
10 photographs individually and identify them as to which one
11 it is. For example, Court Exhibit Seventeen. And if you
12 look through them, can you tell me if Court Exhibit
13 Seventeen, the one you're starting with -- or we'll start
14 with -- well, let's start with Seventeen. Do you recognize
15 that photograph?

16 A. Yes, ma'am.

17 Q. Does that -- Is that truthfully and accurately like
18 what you saw in the room?

19 A. Yes, ma'am.

20 Q. How about Sixteen?

21 A. Yes, ma'am.

22 Q. That was ---

23 A. No, ma'am. No, ma'am. It was not.

24 Q. Tell the Court what's different about that one.

25 A. This binder was not open at the time. I don't

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-23-

1 remember seeing any of the stuff that's on the binder in
2 the bed. It's looks like ID's.

3 MR. BROWN: Your Honor, if she's offering these to
4 show this is what the Deputy saw when he walked in the
5 room, I'm going to object unless it's contemporaneous with
6 what he saw in the room.

7 MS. COLTON: Well that's what we're trying to make a
8 determination of, Your Honor, because I'm asking which ones
9 he saw when he walked in, the condition of what he saw when
10 he walked in. The pictures were taken after the search
11 warrant was executed, but he can testify to what he saw
12 when he went into the room and if those particular areas
13 were in the same condition, I think. So if...

14 MR. BROWN: Your Honor, and I...

15 THE WITNESS: It's on Fifteen.

16 THE COURT: Well let's identify them by exhibit
17 numbers so we know which one we're talking about.

18 MR. BROWN: And, Your Honor, just for the record, so
19 we don't have to jump up and down together. He has agreed
20 with me that if I object, I do one of his objects unless
21 specifically stated otherwise, if that's okay with the
22 Court?

23 THE COURT: That's fine.

24 BY MS. COLTON:

25 Q. Let's start with this. What did you see when you went

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-24-

1 in that room when you were detaining this defendant?

2 A. A large amount of electronics, computer equipment
3 mostly; aluminum foil, small balls of aluminum foil, and
4 wrapped-up aluminum foil on the floor, consistent with drug
5 packaging. I saw syringes on the TV table. It's more of a
6 long TV table. Syringes and --

7 Q. How many? How many?

8 A. Three.

9 Q. Okay.

10 A. And razor blades also on that TV table and some more
11 razor blades down here in a bag with other computer
12 electronic-type stuff. I don't know what to call it.

13 Q. Now when you say "various computers," approximately
14 how many do you think there were?

15 A. I'd say 10 to 15.

16 Q. And were they functioning?

17 A. No.

18 Q. What was their condition?

19 A. They were in various stages of being taken apart.
20 Some of them were whole, some of them were not. I saw
21 various -- I don't know what they call them, but it's like
22 the boards in the computer where you see the inside parts.

23 Q. Right.

24 A. A lot of that was laying around the room, a lot of
25 monitors, keyboards, the actual CPU towers, things like

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-25-

1 that.

2 Q. I'm going to show you what's been marked for
3 identification purposes, Court's Exhibit Fourteen.

4 A. Yes, ma'am.

5 Q. Does that accurately reflect the condition of the item
6 -- that item when you were in the room?

7 A. Yes.

8 Q. What about Court Exhibit Thirteen? Is that an
9 accurate reflection of what you saw ---

10 A. Yes, ma'am.

11 Q. --- when you entered the room and did the protective
12 sweep?

13 A. Yes, ma'am.

14 Q. Court Exhibit Twelve, is that an accurate reflection
15 of what you saw in the room when you entered it?

16 A. Yes, ma'am.

17 Q. Court Exhibit Eleven, is that an accurate reflection?

18 A. Yes, ma'am.

19 Q. And I ask you that with regard to Exhibit Eight and
20 Exhibit Ten. Are both of those pictures what you saw when
21 you entered the room?

22 A. Yes, ma'am.

23 Q. How about Court Exhibit Five, Six, and Seven? Do all
24 three of them reflect when you entered the room?

25 A. Yes, ma'am.

1 Q. Court Exhibit Two?

2 A. Yes, ma'am.

3 Q. That reflects what you saw when you entered the room?

4 A. Yes, ma'am.

5 Q. Court Exhibit One, does that reflect what you saw in
6 the room -

7 A. Yes, ma'am.

8 Q. --- at the time you entered it?

9 A. Yes, ma'am.

10 Q. Finally, Court Exhibit Seventeen, does that reflect
11 what you saw in the room?

12 A. Yes, ma'am.

13 Q. I want you to look at Court Exhibit Fifteen and
14 Sixteen. Does that reflect what you saw when you
15 immediately entered the room?

16 A. No.

17 Q. What is different about that than when you first
18 entered the room?

19 A. The binders are open. These black -- there's black
20 binders here that look like a lot of print-offs of ID's,
21 South Carolina drivers' licenses. I didn't -- I didn't see
22 that. Those were closed at the time, and we didn't open
23 them.

24 Q. And at that time, what did you think about the
25 computers at that time? Or the components?

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-27-

1 A. That there's a possibility that they are being stolen.

2 Q. Why do you believe that?

3 A. They'd only been in the hotel room overnight, and
4 there's a large quantity of them being taken apart.

5 Q. Okay.

6 A. There's Intel out there that people are taking hard
7 drives, stuff like that out of computers, get people's
8 information out, things along those lines.

9 Q. And you knew that based upon your training and
10 experience as a law enforcement officer?

11 A. My experience as a police officer yeah.

12 Q. And you said the delay between you seeing those items
13 and the protective sweep that you just mentioned, the
14 syringes, the razor blades in two separate locations, and
15 the tin-foil package ---

16 A. Uh-huh.

17 Q. --- was within --

18 A. Thirty seconds to a minute.

19 Q. Of your entry -- okay, your entry to --

20 A. Within my entry from the time I stepped into that door
21 from the time I made it back out of the bathroom to check
22 the bathroom to make sure that we were safe, I had seen all
23 of -- all of those items.

24 Q. Did you yourself, or did you observe any other officer
25 open any closed containers to make those items visible?

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-28-

1 A. No.

2 Q. Did you yourself lift anything up to make it apparent?

3 A. No.

4 Q. Did you have to tamper with them in any fashion?

5 A. No.

6 Q. Did you observe any other officer move anything to
7 make those items visible?

8 A. No.

9 Q. And at this point, what was your role with these two
10 defendants?

11 A. Cover Officer. I -- I was watching them to make sure
12 that we remained safe.

13 Q. And where is Deputy Gladden?

14 A. She's outside.

15 Q. Did she come --

16 A. With Ms. Quinn.

17 Q. With Ms. Quinn?

18 A. Uh-huh.

19 Q. Does she come in a few times after that?

20 A. Yes, yes she does.

21 Q. And where is Deputy Stagner?

22 A. He's in there with me, transferring from being in
23 there with me, and then going out and relaying information
24 from inside there to Deputy Gladden.

25 Q. Did you ever tell Deputy Stagner about the syringes,

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-29-

1 the tin foil, or any of that other information?

2 A. Yes.

3 Q. Did you ever personally tell Deputy Gladden that?

4 A. Yes.

5 MS. COLTON: Court's indulgence, Your Honor.

6 (PAUSE AT 02:45 PM.)

7 Q. Did you ever see any powder in the room anyplace?

8 A. Yes.

9 Q. Where did you see that?

10 A. On the bed. Or not on the bed, I'm sorry. Near the
11 foot of the bed on the carpet. It looked like a small
12 amount of white powder may have been rubbed into the
13 carpet. I saw that after -

14 Q. After your initial ---

15 A. After the initial sweep.

16 Q. And while you were -

17 MR. BROWN: After the initial what?

18 THE WITNESS: Sweep, protective sweep.

19 MS. COLTON: Sweep.

20 Q. So after you went through, you were -- where were you
21 positioned in that room at that point after you did the
22 protective sweep?

23 A. About where that was at near the second bed in the
24 room. Like I said, they were longways this way.

25 (WITNESS INDICATING.)

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-30-

1 A. I was in between. I was at the foot of the bed, but
2 in between them, between the two subjects.

3 MS. COLTON: Can I have that marked as a Court Exhibit
4 as well?

5 (WHEREUPON: COURT'S EXHIBIT NUMBER EIGHTEEN PREMARKED
6 FOR IDENTIFICATION.)

7 Q. Deputy Bolin, I'm going to show you this. It's Court
8 Exhibit Eighteen.

9 A. Uh-huh.

10 Q. I'm not going to ask you to reference the specific
11 items found in the room at this time.

12 A. Uh-huh.

13 Q. But the layout of that room ---

14 A. Uh-huh.

15 Q. --- is that an accurate reflection of the layout or
16 not?

17 A. It is.

18 Q. And what -- Is there marked on there any items that
19 were found in the location that you saw ---

20 A. Yes.

21 Q. --- during your protective sweep?

22 A. Yes.

23 Q. Which items did you see during your protective sweep?

24 A. The foil that's marked, the trash that's marked, the
25 bottle that's marked, and that's -- that's all that's

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA

-31-

1 marked on here that I saw.

2 Q. Well you saw the bottle when you first walked in?

3 A. No, that's all just trash around the room. I mean, I
4 saw bottles and trash around the room.

5 Q. Okay. And it's hard, I've got it blown up.

6 A. I --

7 Q. Okay. And this would be the doorway to enter in?

8 A. Uh-huh.

9 Q. Mr. Catoe would be on the first bed closest to the
10 door?

11 A. Yes. That would be where Mr. Catoe was. And that's
12 Mr. Johnson in the second --

13 Q. It would be in the far end.

14 A. Yes.

15 Q. You indicated the far end by the bathroom door.

16 A. Yes.

17 Q. Okay. And where were you in reference to the
18 defendants while you were detaining them?

19 A. Mr. -- Mr. Catoe was detained on this bed sitting on
20 this bed. Mr. Johnson was detained on this bed, sitting on
21 this bed. I was here between them so I could watch both of
22 them.

23 Q. Between, at the end of the foot of the bed?

24 A. At the end of both -- kind of in between, but at the
25 foot of the bed.

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON - IN CAMERA
CROSS BY MR. YATES - IN CAMERA

-32-

1 Q. Okay. And where was the powder that you later saw and
2 located?

3 A. Here.

4 (WITNESS INDICATED.)

5 MR. BROWN: Where was what?

6 MS. COLTON: The powder that he later saw located.

7 THE WITNESS: At the foot of the second bed, on the --
8 in the carpet.

9 Q. And where were the syringes located?

10 A. Right here on the -- on the dresser, by the TV.

11 Q. And where was the foil again?

12 A. There was multiple things of foil. The first one I
13 saw on the sweep would have been right when I walked into
14 the room right here beside the first bed on the floor.

15 Q. Okay. Thank you. Please answer any questions the
16 defense counsel may have for you.

17 CROSS EXAMINATION

18 DEPUTY TONY BOLIN BY MR. YATES:

19 Q. Good afternoon, Officer Bolin.

20 A. Good afternoon. How are you?

21 Q. I'm doing all right. How are you?

22 I just have a couple of questions for you. You stated
23 that when Ms. Quinn originally opened the door, she was
24 halfway behind the door?

25 A. Uh-huh.

OFFICER TONY BOLIN: CROSS BY MR. YATES - IN CAMERA

-33-

1 Q. How -- When she opened the door, how long did it take
2 before you actually went in to get her? What was your time
3 frame?

4 A. Seconds.

5 Q. Seconds. And how long did it take for you to arrest
6 her and bring her -- or apprehend her and bring her outside
7 of the hotel?

8 A. Not long. Twenty seconds, maybe.

9 Q. Would it be safe to say that all this occurred within
10 less than a minute, her opening the door, and you getting
11 her outside of the door?

12 A. Uh-huh.

13 Q. Less than a minute?

14 THE COURT: Sir, I'm going to get you to answer "Yes"
15 or "No," so the record will be clear.

16 A. Yes, yes. I apologize.

17 Q. Yes, thank you.

18 And when you went inside the room, you said it was
19 dark inside the room; that's correct?

20 A. It was.

21 Q. The thing that made you nervous was the fact that Mr.
22 Johnson stuck his hands back under ---

23 A. After being ordered not to.

24 Q. How long did it take -- how long was the time frame
25 when you -- from getting Ms. Quinn out of the room to when

OFFICER TONY BOLIN: CROSS BY MR. YATES - IN CAMERA

-34-

1 Mr. Johnson shoved his hands back under?

2 A. She was detained. We entered. Ms. Quinn was
3 detained.

4 Q. Right.

5 A. We saw the other two subjects. She was moved behind
6 us since there's two other people here -- moved behind us
7 and passed to Deputy Gladden.

8 Q. Okay.

9 A. And then, me and Deputy Stagner dealt with those two
10 individuals.

11 Q. And how long --

12 A. It was immediate. It was from -

13 Q. So all ---

14 A. She was detained, get behind us, deal with those two
15 subjects right after that.

16 Q. In all, it would be safe to say, this entire process
17 has been -- we're still under a minute?

18 A. Getting close to it, yeah.

19 Q. Getting close to it.

20 A. Right around a minute.

21 Q. So then you conducted the sweep of the room?

22 A. Yes.

23 Q. After you had Mr. Catoe and Mr. Johnson apprehended?

24 A. Detained.

25 Q. Detained.

OFFICER TONY BOLIN: CROSS BY MR. YATES - IN CAMERA

-35-

1 A. Yes.

2 Q. And how long was your -- How long did the sweep
3 actually take?

4 A. From detaining them?

5 Q. Yes, sir.

6 A. Then checked the bathroom, probably another 30
7 seconds.

8 Q. Just 30 seconds.

9 And you stated that all the items were -- they were
10 apparent --

11 A. Apparent and visible.

12 Q. And this is -- Did you cut a light on before you did
13 your sweep?

14 A. No, but there -- the door was open, and remained
15 opened, and the sunlight was shining inside.

16 Q. And you -- Which officer relayed all this information
17 to receive the search warrant?

18 A. Deputy Gladden.

19 Q. Deputy Gladden. And you relayed all this information
20 to Deputy Gladden?

21 A. I relayed what I saw to Deputy Gladden.

22 Q. And you saw the computers; is that correct?

23 A. Uh-huh, yes, sir.

24 Q. And you saw aluminum foil?

25 A. Yes, sir.

OFFICER TONY BOLIN: CROSS BY MR. YATES - IN CAMERA

-36-

1 Q. Syringes?

2 A. Yes, sir.

3 Q. And razor blades?

4 A. Yes, sir.

5 Q. All in plain view?

6 A. Yes, sir.

7 Q. So Deputy Gladden would have relayed all that
8 information on the first -

9 MS. COLTON: Objection, Your Honor. That calls for
10 speculation. He doesn't know what Deputy Gladden -

11 THE COURT: Yes, sir, you can ask it another way. You
12 can't speculate on what somebody else would have thought.

13 MR. YATES: Yes, Your Honor.

14 Q. It would have been protocol to list everything that
15 you saw in the search warrant?

16 A. Yes.

17 Q. How long were you in the room with Mr. Catoe and Mr.
18 Johnson detained?

19 A. Detained?

20 Q. Before the search warrant actually came?

21 A. Before it arrived on scene?

22 Q. Yes.

23 A. I'd say -- I can't say for sure, but I'd say an hour.

24 Q. And where were you during that time?

25 A. Where I advised Ms. Colton, between those two beds

OFFICER TONY BOLIN: CROSS BY MR. YATES - IN CAMERA
CROSS BY MR. BROWN - IN CAMERA

-37-

1 watching -

2 Q. You stayed in the hotel room for the entire hour?

3 A. Not the entire hour. I probably walked outside.

4 Deputy Gladden switched with me a few times to -- so she

5 could go into the room. And I'd step outside with Ms.

6 Quinn, and we probably did that a couple of times. I'd --

7 a majority of the hour, I was in that room.

8 Q. No further questions right now.

9 MR. BROWN: Can I have a 30 second recess?

10 THE COURT: Yes, sir.

11 (PAUSE AT 03:05 PM.)

12 MR. BROWN: Your Honor, if I may?

13 THE COURT: Yes, sir.

14 CROSS EXAMINATION - IN CAMERA

15 DEPUTY TONY BOLIN BY MR. BROWN:

16 Q. How long have you been with the York County Sheriff's
17 Department, Officer?

18 A. This May will be four years.

19 Q. Four years. And during that time, what were your
20 duties?

21 A. Patrol.

22 Q. Patrol. So you've been on uniform patrol the whole
23 time?

24 A. In Rock Hill, yes, sir.

25 Q. So you don't do detective work?

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-38-

1 A. No, sir.

2 Q. All right. How many computer crimes have you
3 investigated?

4 A. None.

5 Q. None?

6 A. No.

7 Q. So what made you assume earlier that these computer
8 parts you saw were stolen, as you testified to?

9 A. From training that I've received.

10 Q. From training?

11 A. Yes.

12 Q. What training is that, and where is that training?

13 A. I've -- I've taken a basic detective class. I've
14 taken various classes at the academy involving larcenies of
15 computers and larcenies of different crimes and things that
16 can be stolen out and as well as intelligence reports that
17 we receive in our e-mail.

18 Q. What intelligence report did you receive that this
19 computer parts were stolen?

20 A. That these parts were stolen?

21 Q. Yeah.

22 A. None, sir.

23 Q. What information at all did you have that they were
24 stolen?

25 A. None, sir.

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-39-

1 Q. None?

2 A. No.

3 Q. So you're making an assumption with no basis and fact.
4 Correct? When you testified earlier.

5 A. No, sir. What I was doing was observing --

6 Q. Excuse me.

7 A. Okay.

8 Q. Did you not testify earlier that these computer parts
9 would lead you to believe that they were stolen?

10 A. Yes, sir.

11 Q. What evidence do you have that any part of that was
12 stolen?

13 A. At that time, none, sir.

14 Q. What probable cause or belief that a crime had been
15 committed that you had that these were stolen?

16 A. Probable cause?

17 Q. Yeah.

18 A. The period of time in the hotel room, the amount --

19 Q. How long you --

20 MS. COLTON: Let him --

21 THE COURT: Counsel, let him finish his answer.

22 MR. BROWN: Yes, sir.

23 A. The amount of time that they were in the hotel room,
24 the amount of computers in the -- in the hotel room, and
25 the work that was being done to them.

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-40-

1 Q. Okay. How do you know what was being done to them?

2 Did you watch them working on it?

3 A. I don't know, sir.

4 Q. Do you stake out that motel room and know how long
5 they had been in there?

6 A. No, sir.

7 Q. So you're guessing again; are you not?

8 A. No, sir, I checked with the front office as to how
9 long they'd been in there.

10 Q. And they'd been there one day. Right?

11 A. Yes, sir. Since the day prior.

12 Q. So what's that evidence of?

13 A. At that point in time, none, sir.

14 Q. So when you walked in and saw the computer parts, you
15 really have nothing to verify that these were stolen.

16 Correct?

17 A. No, sir.

18 Q. Thank you. It took you, I believe, under cross
19 examination, my co-counsel took you 20 seconds to arrest
20 Ms. Brandy Quinn, I think's her name?

21 A. Ms. Quinn.

22 Q. Twenty seconds; is that right?

23 A. To get her detained and behind us, yes, sir.

24 Q. Well handcuffed and out the motel room?

25 A. Handcuffed and -- yes, sir.

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-41-

1 Q. All right. And what time of morning was this?

2 A. Earlier around 8:00. Sun was up.

3 Q. Anything unusual about going in a motel room at Eight
4 o'clock in the morning and people sleeping?

5 A. No, sir.

6 Q. As a matter of fact, that's normally what most people
7 do in a motel room that early in the morning, unless they
8 have someplace to be. Correct?

9 A. Yes, sir.

10 Q. What day of the week was this?

11 A. I don't know -- I don't know the day of the week, sir.

12 Q. You don't remember what day it was?

13 A. No, sir.

14 Q. Was it Saturday or Sunday?

15 A. I -- I don't know, sir.

16 Q. Monday?

17 A. I don't know what day of the week it was.

18 Q. Who called you to this scene?

19 A. Deputy Stagner.

20 Q. Deputy Stagner?

21 A. Yes, sir.

22 Q. Did you have a conversation prior to going there with
23 the female deputy -- I apologize.

24 A. Deputy Gladden?

25 Q. Yes, sir. Did you have a conversation with her prior

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-42-

1 to going there?

2 A. No, no, sir.

3 Q. You didn't talk on the cell phone?

4 A. No, sir.

5 Q. Prior to going into the room, was there conversation
6 that you and Deputy Stagner and Deputy Gladden had about
7 being on the outlook for drugs in there?

8 A. Not that I had, no, sir.

9 Q. You didn't overhear that?

10 A. No, sir. I did not.

11 Q. Oh okay, if it's on videotape, you didn't hear it?

12 A. I did not hear that.

13 Q. All right. Anybody make any threatening moves towards
14 you?

15 A. No, not toward me. No sir.

16 Q. Anybody threaten you in any shape, manner, or form?

17 A. No, sir.

18 Q. Any weapons found?

19 A. No, sir.

20 Q. Any knives, guns, et cetera found?

21 A. No, sir.

22 Q. Once you had Ms. Quinn in custody, what further
23 business did you have there?

24 A. Once -- well, we had protected our self. Like I said,
25 sir, his hands went under the covers. That leads us to

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-43-

1 believe there may be a weapon.

2 Q. Okay.

3 A. So I have a duty to protect myself and do a sweep of
4 the room, make sure there's no one in the room.

5 Q. But at this point in time, Ms. Quinn's in custody.
6 You've got her outside going to the patrol car. Why didn't
7 you shut the door and leave?

8 A. Because once we were in the room, sir, we had to --
9 the door was open. We're in this hotel room with two
10 individuals. We have to make sure that we're safe, and
11 then we observed these things during that.

12 Q. Safe from what? Your business there is over.

13 A. Safe from these two individuals.

14 Q. I know but your business there is over. You've
15 arrested Ms. Quinn. You're leaving. Why are you staying?

16 A. Once we saw the other items, our business wasn't over.

17 Q. Okay. And nobody made any threatening gestures
18 towards you?

19 A. Past the -- under -- going back under the covers, no,
20 sir.

21 Q. You asked the -- Let me go back and make sure I got
22 this down pat too. You ordered them to show their hands.
23 Correct?

24 A. Yes, sir.

25 Q. And he showed you his hands. Right?

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-44-

1 A. Yes, sir.

2 Q. You didn't say, "Keep your hands out," you said, "Show
3 me your hands." And he did that. Correct?

4 A. For -- for a brief second.

5 Q. Okay. You didn't say, "Keep them out."

6 A. No, sir, I didn't.

7 Q. All right. So he did what you asked him to do.

8 A. Yes, sir.

9 Q. So where's the threat then?

10 A. Going back under the covers. That's the threat. Or
11 could be -- Could be a threat.

12 Q. Somebody sticking their hands under the covers is a
13 threat?

14 A. Yes, sir.

15 Q. And your business there is completed because you
16 arrested Ms. Quinn. That was the sole purpose of you being
17 there; isn't that correct?

18 A. Initially, yes, sir.

19 Q. And after you arrested her, again, why didn't you just
20 leave, shut the door because nobody's threatened you.
21 Correct?

22 A. Well we are in the room. We had to step into the room
23 to retrieve Ms. Quinn. And once we entered that room, we
24 saw other items in the room that gave us probable cause to
25 believe that there was either stolen property or drugs in

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-45-

1 that hotel room.

2 Q. Syringes were clean; were they not?

3 A. I don't know, sir, I didn't -- I didn't touch --

4 Q. Did you notice anything like drugs on those syringes?

5 A. No, sir. I did not.

6 Q. The tin foil, you didn't -- no drugs in that. Right?

7 A. We didn't open it. I wasn't there for -- for the
8 actual search.

9 Q. But to your plain view, there was no drugs in that?

10 A. No.

11 Q. As a matter of fact, after everybody's in custody and
12 detained, is when you notice a white powder at the end of
13 Mr. Johnson's bed?

14 A. Yes, sir.

15 Q. So prior to that, all you've seen is some computer
16 parts; two or three syringes, allegedly.

17 A. Yes, sir.

18 Q. And that's it?

19 A. Oh no, the aluminum foil and some razor blades.

20 Q. So nobody said for you to go in there and be on the
21 lookout for drugs. Right?

22 A. Not me, no, sir.

23 Q. All right. Do you recall a conversation other
24 officers had before they entered the room about, we're
25 probably going to find drugs here?

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-46-

1 A. No, I never had a conversation like that.

2 Q. You don't know anything about that?

3 A. No.

4 Q. All right. Could that have been taken place between
5 -- well, you wouldn't know.

6 A. No.

7 Q. When you do a protective sweep, and you're worried
8 about your safety, shouldn't your attentions be focused on
9 the two individuals?

10 A. Yes, sir.

11 Q. And the two individuals are in the bed. Right?

12 A. I can't see. Yes, sir.

13 Q. And all the syringes and stuff over here are next to
14 the TV. Right?

15 A. Yes, sir.

16 Q. So why don't you look -- why don't you take your eyes
17 off of these two, look over there, if you're concerned
18 about their -- your safety?

19 A. Well -- well initially when we came in, we detained
20 them. That means we put them in handcuffs. Okay?

21 Q. Why?

22 A. For our safety.

23 Q. What's so --

24 A. And then ---

25 Q. I'm still confused. Where's your threat?

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-47-

1 A. --- kept walking.

2 Q. Where's the threat?

3 A. From individuals in the room.

4 Q. Do you walk in any room and put them in detainment
5 when you arrest somebody if they're just sitting there
6 doing nothing or sleeping?

7 A. Not -- no, sir, not unless they make threatening
8 movements like Mr. Johnson.

9 Q. What threat did he ever make toward you? Verbally or
10 --

11 A. None verbally.

12 Q. Okay. And you asked him to show his hands?

13 A. Yes, sir.

14 Q. He showed his hands?

15 A. Yes, sir.

16 Q. Then put them back under the covers?

17 A. Yes, sir.

18 Q. You didn't say, "Keep them out"?

19 A. Not initially. No, sir, no, sir.

20 Q. Okay. So he complied with your commands?

21 A. Yes, sir.

22 Q. Where's the threat?

23 A. There turned out not to be one. That's what we had to
24 investigate.

25 Q. The truth of the matter is, there was no threat to

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-48-

1 start with; was there?

2 A. Not that I knew at that time, no, sir.

3 Q. You didn't notice the white powder until after
4 everybody is detained. Correct?

5 A. Yes, sir.

6 Q. Matter of fact, y'all basically searched the room
7 before the search warrant got there, for all practical
8 purposes; did you not?

9 A. No, sir.

10 Q. Well you went in there, saw all this stuff, and you
11 put everybody into handcuffs.

12 A. We saw plain view, but we did not move or touch
13 anything in that room.

14 Q. These gentlemen had committed no crime. Correct?

15 A. At that point in time?

16 Q. Correct.

17 A. No, sir.

18 Q. Motel room's not in their name?

19 A. No, sir.

20 Q. They presented no threat to you whatsoever?

21 A. No, sir.

22 Q. Obeyed your commands when you said, "Show your hands"?
23 You didn't say, "Keep them out," you said, "Show your
24 hands." They did that. Right?

25 A. I didn't say, "Keep them out."

DEPUTY TONY BOLIN: CROSS BY MR. BROWN - IN CAMERA

-49-

1 Q. And there's nothing unusual about people sleeping --
2 you don't remember what day it was?

3 A. I don't remember the day of the week.

4 Q. Okay.

5 A. But I remember it was in the morning.

6 Q. And there's nothing unusual about people sleeping in a
7 motel room early in the morning; is there?

8 A. No, sir.

9 Q. You didn't get the search warrant; did you? That was
10 Officer --

11 A. No, I did not.

12 Q. So you had nothing to do other than relay ---

13 A. Other than relaying what I seen to the officer.

14 Q. I got you. I don't have any further questions.

15 MS. COLTON: The State would call Officer -- Deputy
16 Stagner, Your Honor.

17 THE COURT: Well let me ask the officer a question.

18 I want to be sure I understand you. On these
19 computers that you say you observed in plain view when you
20 went in there.

21 THE WITNESS: Yes, sir.

22 THE COURT: You were saying something about having
23 training that with these computers that could be stolen,
24 with taking hard drives out and getting personal
25 information. -

DEPUTY TONY BOLIN: CROSS BY MR. BROWN
RECROSS BY MR. BROWN

-50-

1 THE WITNESS: Yes, sir.

2 THE COURT: --- is what I understood you to say?

3 THE WITNESS: I've had -- just had -- I've had
4 different training at the academy, training classes.

5 THE COURT: Is that what I understood you to say ---

6 THE WITNESS: Yes, yes.

7 THE COURT: --- that thieves sometimes get the hard
8 drives out and get personal information.

9 THE WITNESS: And steal people's personal information,
10 social security numbers, birthdays.

11 THE COURT: I just wanted to be sure I understood you.

12 THE WITNESS: Yes, sir.

13 THE COURT: Any follow-up questions to the question I
14 asked?

15 RECROSS EXAMINATION - IN CAMERA

16 DEPUTY TONY BOLIN BY MR. BROWN:

17 Q. How many hard drives were there?

18 A. I don't know.

19 Q. I thought you had training on what hard drives look
20 like?

21 A. I know what hard drives look like. I don't know how
22 many there were.

23 Q. Okay. How many were there?

24 A. I don't --

25 Q. One, two, three, four, five?

DEPUTY TONY BOLIN: RE-CROSS BY MR. BROWN - IN CAMERA
REDIRECT BY MS. COLTON - IN CAMERA

-51-

1 A. Multiple. I don't -

2 Q. Multiple. Give me a number, in your training.

3 A. I can't give you a number of how many were in that
4 room.

5 Q. Because you don't know. Isn't that true?

6 A. That's right. I don't know.

7 Q. No further questions.

8 REDIRECT EXAMINATION - IN CAMERA

9 TONY BOLIN BY MS. COLTON:

10 Q. Deputy Stagner [sic], that's because you weren't
11 searching the room at that time; is that not correct?

12 A. That's correct. I was not searching.

13 Q. That was Deputy Bolin?

14 A. I was -- I was not searching. I actually had nothing
15 to do with the actual search of the --

16 Q. And y'all called detectives in?

17 A. Yes -- yes, ma'am.

18 Q. From --

19 A. From Property Crimes and CID too.

20 Q. And who were those officers?

21 A. It was Detective Pete Branham and Detective Moore.

22 Q. Thank you. No further questions.

23 THE COURT: Thank you, sir. You may stand down, sir.

24 THE WITNESS: Leave these up here?

25 MADAME COURT REPORTER: Yeah.

1 MS. COLTON: Yeah.

2 (WITNESS LEAVING WITNESS STAND.)

3 MS. COLTON: We call Deputy Stagner, Your Honor.

4 THE COURT: Did the Court Reporter get a copy?

5 Did you get a copy?

6 MADAME COURT REPORTER: Yes I do. Yes I do.

7 THE COURT: Please make her a copy, Madame Clerk.

8 MADAME CLERK: You got one?

9 MADAME COURT REPORTER: Yes.

10 MADAME CLERK: She has one.

11 MADAME COURT REPORTER: I have one. Yes, sir, Judge,
12 I do.

13 THE COURT: Oh I misunderstood.

14 MADAME COURT REPORTER: I'm sorry.

15 THE COURT: Proceed.

16 MS. COLTON: Thank you.

17 Deputy Stagner, please be sworn.

18 (WHEREUPON: JOHN T. STAGNER,

19 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

20 MADAME CLERK: Thank you. You may have a seat.

21 (SIDE BAR BETWEEN ATTORNEY BROWN AND SOLICITOR
22 COLTON.)

23 MR. BROWN: I don't think he would intentionally
24 violate it but I saw him come over and start talking. I
25 just want to make sure he understands. I thought you were

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-53-

1 telling him. I just wanted to make sure.

2 MS. COLTON: I told him he didn't have to leave.

3 MR. BROWN: Right.

4 THE COURT: Well I don't know. He probably does have
5 to leave because we still got the trial to go forward.

6 MS. COLTON: Yes, sir. He ask if he could leave now
7 or does he have to stay the rest of the afternoon.

8 THE COURT: Oh, I thought you meant in the courtroom.

9 MS. COLTON: Yeah. And he thought in the trial,
10 courtroom. He got confused.

11 THE COURT: All right.

12 DIRECT EXAMINATION - IN CAMERA

13 DEPUTY JOHN T. STAGNER BY MS. COLTON:

14 Q. Deputy Stagner, can you please state your full name
15 for the record and where you work?

16 A. My name is Deputy John T. Stagner. I work for the
17 York County Sheriff's Office.

18 Q. How long have you worked for the Sheriff's Office?

19 A. This April will be five years.

20 Q. Five years, okay. And do you have any other law
21 enforcement experience before that?

22 A. No, ma'am.

23 Q. Where are you assigned currently?

24 A. Currently, I'm in District 4, that's Fort Mill. I've
25 just recently been reassigned from District 3 to

1 District 4.

2 Q. Were you working in District 3 on February 27th, 2011?

3 A. Yes, I was.

4 Q. And did you have an occasion on that date -- what
5 shift were you working? Let me ask you that.

6 A. Charlie rotation.

7 Q. What time is that for us?

8 A. That's -- that -- at that time it was 5:45 to 5:45.

9 Q. In the morning to -

10 A. Well 5:45 in the morning to 5:45 p.m., 12 hour shift.

11 Q. And did -- on the 27th of February of last year, did
12 you encounter these defendants, Mr. Catoe and Mr. Johnson?

13 A. I did.

14 Q. How did that occur? What -- How did your day start?

15 A. We sign on between 5:30 and 5:45. A co-worker, Deputy
16 Gladden, either I called her or she called me. She -- she
17 informed me that she was heading to York to obtain an
18 arrest warrant for Brandi Quinn for malicious damage to
19 property or injury to property. She -- she asked me if I
20 could start doing some research and try to get some current
21 addresses of where Brandi Quinn might be located.

22 Q. Okay.

23 A. So myself -- myself and Deputy Bolin started looking
24 in different locations for Brandi Quinn's vehicle.

25 Q. And so at this time, you knew that Deputy Gladden was

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-55-

1 getting an arrest warrant ---

2 A. Yes.

3 Q. --- for malicious damages.

4 A. Yes.

5 Q. Okay. And where's the first place you go to look?

6 A. I went to her grandmother's house, and Deputy Bolin
7 was heading to another location. I don't remember the
8 addresses.

9 Q. And by "her," you mean Brandi Quinn?

10 A. Brandi Quinn.

11 Q. And when you went to her grandmother's house, do you
12 recall her grandmother's name at this time?

13 A. I -- I do not recall her name.

14 Q. When you got there, what happened?

15 A. She came to the door. She gave me a little bit of
16 history of Brandi Quinn. She informed me that she -

17 MR. BROWN: Objection, hearsay.

18 THE COURT: Sustained as to the hearsay.

19 MS. COLTON: Okay.

20 A. Go on?

21 Q. No, let me ask you this. What action did you take
22 after having that conversation with the grandmother?

23 A. We -- I started looking for Brandi Quinn, the vehicle
24 around the Riverview Hotels.

25 Q. How many hotels are out there?

1 A. At least 10, 12.

2 Q. And why did you look for her at this particular time?

3 A. Because I had -- I had -- I was looking for her
4 vehicle parked in one of the --

5 Q. You can say it. They won't object if you say it.

6 It's okay, you can say it.

7 A. I was told that -- I was -

8 MR. BROWN: Your Honor, if he would just testify as
9 the result of "Well I was informed; I did this," and I'll
10 be fine with the objection.

11 THE COURT: All right.

12 A. I went to the hotels because I was told that she goes
13 to sleep most -- sleeps most of the day.

14 Q. Why is that?

15 A. That she did -- she did meth to stay up all night, and
16 she did heroine to go to sleep.

17 Q. And based upon that, that's why you went to that hotel
18 to look for her?

19 A. Yes, ma'am.

20 Q. Why? Why on that particular time?

21 A. It was early. It was the morning. I knew that Deputy
22 Gladden was en route with the warrant. We already checked
23 a couple of locations down at Catawba where her, I guess,
24 home of record would have been.

25 Q. Okay.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-57-

1 A. And so the other option is that she was hanging out
2 with friends.

3 Q. Did you know Mr. Johnson at the time?

4 A. No.

5 Q. Did you know Mr. Catoe at the time?

6 A. No.

7 Q. Did you know anything about them at the time?

8 A. I'd seen Mr. Johnson's picture. It -- they had --
9 they had a picture and description of Brandi Quinn's
10 vehicle on the bulletin board at District -- the District 3
11 office.

12 Q. Of Ms. Quinn. What about Mr. Johnson?

13 A. It had a picture of him.

14 Q. With the car?

15 A. With the -- with the vehicle -- most I can recall is
16 that -- I know it was a picture of him giving a kind of
17 warning, law enforcement sensitive for safety issues and
18 possible drug, narcotic activity.

19 Q. Did you know that Mr. Johnson and Mr. Catoe would be
20 in that room when you were looking for Ms. Quinn?

21 A. No, I did not.

22 Q. And who finds the car at the hotel room?

23 A. I did.

24 Q. What happens when you get to the hotel room -- the
25 hotel? What do you see there?

1 A. Well I get a -- a get a message -- I -- I -- I was
2 around Mt. Gallant and Riverview heading towards the Rock
3 Hill City jurisdiction hotels. One side is county
4 jurisdiction. The other side is Rock Hill City. I get a
5 message on my computer by -- from Deputy Gladden saying
6 look at the Best Way Inn, Room 124. She got information
7 that the vehicle might be in that vicinity. I send
8 messages back, I believe, in -- maybe not exactly the words
9 -- I'm just -- I'm right in the area, let me look. I
10 pulled right in the parking lot and identified her vehicle
11 parked in the middle of the hotel parking -- parking lot in
12 front of Room 124.

13 Q. And then what did you do when you saw that car?

14 A. I immediately called Deputy Bolin. I think I -- I
15 think I only sent a message to Deputy Gladden on the
16 computer saying, "I've got the vehicle. I'm standing by
17 till another units arrive." I called Deputy Bolin on the
18 phone and said, "Hey, basically not to waste your time
19 looking out at Catawba. I've got the vehicle. It's parked
20 at the hotel -- motel."

21 Q. And what did you do at this point?

22 A. I stayed -- stayed in my vehicle and observed to see
23 if anybody was -- to ensure no one left the -- the --
24 Brandy Quinn would not leave the room, I sat kind of back
25 across the parking lot to observe the room.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-59-

1 Q. And you were waiting for officers to show up ---

2 A. Yes, ma'am.

3 Q. --- to assist you, back you up?

4 A. Because we were going to execute an arrest warrant.

5 Q. And what do you do next? Where do you go after the --
6 who arrived when you started this?

7 A. Deputy Bolin arrived and then shortly after, Deputy
8 Gladden arrived.

9 Q. And where do you go?

10 A. We all make sure that our cameras are activated. I
11 remember that I was having problems with my mic initially,
12 but I -- I fiddled with it and got everything in order. We
13 went -- went to the -- the motel door to the room.

14 Q. All three of you went to the motel door?

15 A. Initially it was -- I believe -- yeah, I believe all
16 -- all of us did.

17 Q. How did you know she was in that hotel room once --

18 A. We got verification from the manager. Basically,
19 Deputy Bolin parked on -- on the other side of the hotel.
20 I was in the rear parking lot, and he went to verify what
21 room and whose name the room was in.

22 Q. Okay. And then he joined you?

23 A. Yes.

24 Q. Okay. And who -- what happens -- well, then what
25 happens next when you get to that door?

1 A. Myself, Deputy Bolin, and Deputy Gladden, we go to the
2 door. We start knocking on the door trying to get Brandi
3 Quinn to come to the door.

4 Q. And does she?

5 A. Yes.

6 Q. Does she come immediately?

7 A. Not at first.

8 Q. What happens?

9 A. As we're knocking, it was brought to my attention that
10 she was scared to death of a probate order.

11 Q. Okay.

12 A. It's a type of pickup order for mental instability -

13 MR. BROWN: I'm going to object to that, Your Honor.

14 How could he know what she's possibly afraid of?

15 THE COURT: I sustain the objection in that form. He
16 can rephrase, if you wish. Find out how he has any
17 knowledge.

18 Q. You knew that -- You believe that she had a probate
19 order?

20 A. I believe -- I believe she had a probate order.

21 Q. And what tactic do you -- did you use to try to get
22 her to come to the door?

23 A. I tried -- I tried to reinforce the fact that we were
24 not there for -- to execute the pickup order. We were
25 there for another issue -- another issue that happened the

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-61-

1 day prior.

2 Q. And did -- How long do you think it took for her to
3 answer the door?

4 A. A couple of minutes.

5 Q. And what did you hear in the interim?

6 A. We could hear movement inside the room. We could hear
7 whispering, possible stuff being moved around. I'm not
8 unsure of that because I couldn't see in the door, but we
9 definitely heard movement and whispering.

10 Q. And why did that -- did that concern you at all?

11 A. It concerned me that there might be some other people
12 in that room.

13 Q. And why would that concern you?

14 A. When we were entering the room, I had Deputy Bolin and
15 Deputy Gladden with me, officer safety, kind of like -- It
16 concerned me that if there was other people, there might be
17 weapons, there might be other stuff in the room, and I was
18 concerned for my safety and the safety of my fellow
19 officers.

20 Q. You didn't know what they were doing in the room?

21 A. I had no idea.

22 Q. You didn't know how many people were in the room?

23 A. No, I didn't.

24 Q. You didn't know who they were?

25 A. Didn't know who they were.

1 Q. Other than Ms. Quinn?

2 A. Yes, ma'am.

3 Q. Well at that time, you didn't even know Ms. Quinn was
4 in the room for certain?

5 A. I didn't know until she opened the door and saw her
6 face peaking.

7 Q. How does she open the door?

8 A. She opened the door kind of suddenly with her -- with
9 her only showing her face. Couldn't see what was behind
10 her or behind the door. The room, I remember, was really
11 dark initially because she just barely cracked it. And it
12 just -- it was kind of an eery feeling because, I mean, I
13 didn't have a clue who was behind the door, if anybody was
14 behind the door.

15 Q. Why were you concerned about how she opened the door?

16 A. She was concealing something.

17 Q. And that was your belief at that time?

18 A. Yes.

19 Q. What did -- What did you think she was concealing?

20 A. It's hard to say at that time.

21 Q. And then you enter the room, and what happens?

22 A. Well she stepped back. We entered the room to execute
23 the arrest warrant, and I saw movement. When the door
24 opened all the way, I could see movement in the farthest
25 bed.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-63-

1 Q. Okay.

2 A. Deputy Bolin was behind me, so he covered the bed
3 closest to the door.

4 Q. Okay.

5 A. I immediately saw movement underneath the sheets like
6 there was a -- a person, male or female, I wasn't -- I
7 wasn't sure. But I saw someone trying to possibly hide or
8 underneath the sheets of the bed.

9 Q. Okay. And what happened -- What did you do after you
10 saw that movement in that bed?

11 A. I immediately told him to show me his hands.

12 Q. Okay.

13 A. "Show me your hands." Gave him a moderate, verbal
14 commands that turned out to be a little bit more loud --
15 louder and clearer when I was getting non-compliance.

16 Q. What do you mean by "non-compliance"? What did he do?

17 A. Basically I saw -- I think we caught -- everybody got
18 caught off guard. I said, "Show me the hands." I observed
19 Mr. Johnson. He initially raised his hands, and then he
20 put his hands back underneath the sheets and blankets.

21 Q. Okay.

22 A. In my mind, I thought he -- possibly, he was going for
23 some type of shotgun or -- or pistol or something, which in
24 turned to be, I believe, I can't -- that he was pushing his
25 pants that had his ID's and everything over on the side of

1 the bed because his bed was closer to the wall next to the
2 bathroom.

3 Q. Okay.

4 A. But initially, I had -- when he went back under, I
5 didn't have a clue what he had under there with him.

6 Q. And when he put his hands back under, what did you do?

7 A. That's when I immediately put hands on and detained
8 him.

9 Q. Did you tell him to show you his hands again?

10 A. Yes.

11 Q. How many times do you think you told him to show his
12 hands?

13 A. A lot.

14 Q. Why?

15 A. Officer safety.

16 Q. Why?

17 A. He could have had a gun, a shotgun. I had no clue
18 what was under there.

19 Q. You were concerned for your safety?

20 A. I was concerned for my safety and the safety of the
21 other officers.

22 Q. How long does it take for this to happen from the time
23 you enter the room, see Ms. Quinn, see the movement, and
24 see his non-compliance, and detain him? How long does that
25 take?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-65-

1 A. It was pretty quick, 30 seconds to a minute. It was
2 -- I announce my verbal commands several times. He
3 initially, like I said, showed me his hand, and then he
4 went non-compliant on me, and that's when we got -- when I
5 got concerned.

6 Q. What happens after you have Mr. Johnson detained, what
7 did you see Mr. -- where did you see Deputy Bolin go?

8 A. Deputy Bolin - another -- when I saw Mr. Johnson
9 wasn't wearing a shirt, and I saw gang-related tattoos on
10 him, that also was a factor of detaining him.

11 Q. Okay.

12 A. And I believe I told Deputy Bolin I -- I think I told
13 him simultaneously as he was detaining Mr. Catoe.

14 Q. Okay. Did you recognize Mr. Johnson at the time from
15 that poster?

16 A. Not initially, but once I started seeing -- once I had
17 them detained and started seeing the tattoos, I recognized
18 who he was from the poster.

19 Q. What type of tattoos are you talking about?

20 A. He had gang-related tattoos. I remember seeing
21 tattoos, I said I believe, skinhead, kind of like some
22 Nazi-Germany tattoos. He had a teardrop coming down that
23 sometimes signifies, you know, on the streets, gang-related
24 murders and stuff.

25 Q. And did that heighten or lessen your concern for your

1 safety?

2 A. It heightened.

3 Q. Where do you go -- Where's Deputy Bolin at that time?
4 What's he doing once you get them both detained?

5 A. He's basically providing security for the other
6 officers. He's -- he's watching them.

7 Q. And they didn't have weapons?

8 A. No.

9 Q. But what types of things could happen, in your
10 experience, when someone who's handcuffed on a bed?

11 A. They could come at you with a shoulder. They could
12 get up and run. They could kick, spit. They can still --
13 they can still use other means of physical --

14 Q. Physical force?

15 A. Physical force against you, yes.

16 Q. Okay. And so what do you do while Deputy Bolin is
17 watching these two defendants?

18 A. I finished the protective sweep of the hotel to make
19 sure no one's in the bathroom, no one's under the bed, no
20 one else is in the room.

21 Q. And what did you see during your protective sweep?

22 A. I first -- initially -- initially I went into the --
23 into the restroom of the motel room, verified no one was in
24 the bathroom, no one was in the shower. So I walked back,
25 started looking around the beds. I noticed that there was

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-67-

1 a large amount of computers that were torn apart all
2 throughout the room. I observed there was razor blades on
3 some computers that were torn apart that were on top of
4 some computers. They were right next to the restroom and
5 bed. I noticed there was needles, syringes that were on
6 the counter top where the TV sits. I noticed that there
7 was aluminum foil, rolled up balls on the floor. Passing
8 the bed close to the door, I observed a couple of wrappers
9 that were actually in the bed.

10 Q. Okay.

11 A. And I believe we -- I know I did, but I believe Deputy
12 Bolin did too. I can't remember which one of us made the
13 comment, we saw some ash that was on the floor next to the
14 door.

15 Q. You saw some ash?

16 A. I saw some white substance.

17 Q. But you didn't know what it was?

18 A. I didn't know what it was.

19 Q. What about the tin foil? What did you think about the
20 tin foil?

21 A. Well first it was the -- the computer was torn apart,
22 so initially we were thinking, well all right, maybe
23 they're using some kind of substance out there to make some
24 type of narcotics. We saw packaging with the aluminum
25 foil. That's common with packaging narcotics.

1 Q. Did you think it was consistent with the packaging of
2 narcotics?

3 A. Yes, I did.

4 Q. Based on your training and experience?

5 A. Through my training and experience.

6 Q. Tell us about the computers in the room.

7 A. The computers were -- it was very suspicious because
8 they -- they were only spending, supposedly, a day or two
9 at that motel, but they had a large amount of appliances.
10 Some of them looked like they were capable of working, and
11 some looked like they were torn apart. There was pieces of
12 computers all throughout the -- the room. It just wasn't
13 consistent with someone that would just stay at a motel for
14 a day or two, especially when it was Brandi Quinn's room,
15 and we confirmed that she had a residence. I can't
16 remember what road it was. It was down at Catawba because
17 she lived with her grandmother.

18 Q. How far away is Catawba?

19 A. It would be probably 15, 20 minute drive.

20 Q. Okay. And at that point, you didn't know whose
21 computers they were?

22 A. I did not. I didn't have a clue.

23 Q. You didn't know if they were Mr. Johnson's?

24 A. I did not.

25 Q. You didn't know if they were Mr. Catoe's?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-69-

1 A. I did not.

2 Q. You didn't know if they were Ms. Quinn's?

3 A. No, I didn't.

4 Q. Do you remember approximately how many there were?

5 A. Probably at least six or eight.

6 Q. I'm going to show you what's been marked as Court's
7 Exhibit Seventeen, One, Two, Seven, Six, Five, and I
8 believe -- No, it's One through Seventeen inclusive, okay?

9 A. Did...

10 Q. Just --

11 A. I'll also let you know.

12 Q. Okay.

13 A. I also observed during the protective sweep when I
14 checked the bed closest to the window, what appeared to be
15 a digital scale.

16 Q. Okay. Based upon your training and experience, the --
17 those items; the scales, the razor blades, powder on the
18 floor, and syringes, those three items together, what did
19 that indicate to you?

20 A. It's --

21 Q. Or make you suspicious of?

22 A. Indicators of narcotics use.

23 Q. I'm going to show you what's been marked as Court's
24 Exhibit One through Seventeen. I want you to look through
25 One through Seventeen and answer this question with regard

1 to each one of them, naming it Court Exhibit One. Is that
2 accurate -- Does that accurately reflect what you saw when
3 you entered the room and did your protective sweep?

4 A. Exhibit One, yes.

5 Q. And what's in Exhibit One?

6 A. Exhibit One is the syringes that we immediately saw.
7 I remember they -- they made a comment that it was for a
8 diabetic dog.

9 Q. Okay.

10 A. But they didn't have a dog that was there.

11 Q. Okay. And who gave -- who told you it was for their
12 diabetic dog that was in --

13 A. I cannot recall who said that, but I know one -- one
14 of the people staying in that room said that.

15 Q. Okay.

16 A. And Exhibit Two, I did see the ID's. I did not notice
17 that it was the same picture of Mr. Johnson. I saw him in
18 passing when I was doing the protective sweep, but
19 initially I did not. And put one and one together that was
20 like -- at the time when I was doing the sweep I just saw
21 the two drivers' license, so I didn't --

22 Q. You didn't look at them and examine them ---

23 A. No.

24 Q. --- to see if they were real ID's or not?

25 A. No, no, I did not.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-71-

1 Q. Next thing.

2 A. Exhibit Five. Exhibit Five, I don't recall. I mean,
3 I'm pretty sure I saw them, but Exhibit Five, I don't...

4 Q. Let's talk about it. That would be the helicopter in
5 Exhibit Five and ---

6 A. The helicopter and the bowl.

7 Q. --- the bowl and the batteries, etc. You don't recall
8 seeing Exhibit Five?

9 A. I don't recall seeing it.

10 Exhibit Six was the room with the -- I initially found
11 and saw the computers. Right here -- let me see the
12 picture over here. Over here -- here's the computers. I
13 saw those. I saw those computers.

14 Q. Let me hold it up for you so I can show the Court,
15 okay?

16 (EXHIBIT PUBLISHED TO THE COURT.)

17 A. Is that Six?

18 Q. And that would be -- you saw the computer on the bed
19 that's a laptop?

20 A. Yes. And a computer hard drive that's been torn
21 apart.

22 Q. And there's a laminater in the room as well?

23 A. Yes.

24 Q. And this truthfully and accurately reflects what you
25 saw?

1 A. Yes.

2 Q. I'm going to ask you to put that on the bottom right
3 there.

4 A. Exhibit -- is that Seven?

5 Q. Yes, it is.

6 A. All right, Exhibit Seven, the tool bags that have the
7 miscellaneous tools because I remember I asked either Mr.
8 Johnson or Mr. Catoe, I asked them if they were mechanics
9 or they worked on computers because it -- it was odd to
10 have that type of tools. It may be possibly burglary
11 tools.

12 Q. But you didn't know that?

13 A. I didn't know that. I just -- I asked one of them
14 where, was a mechanic. And...

15 Q. Did you see the propane in the duffle bag?

16 A. I did not.

17 Q. You didn't see the propane ---

18 A. I did not.

19 Q. --- tank in there at that time?

20 A. Right.

21 Q. You just saw the tools?

22 A. I saw the tools that were -- were next to like the
23 computers and miscellaneous stuff.

24 Q. Thank you.

25 A. And Exhibit Eight, more computers. The far computers

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-73-

1 back here is where I saw some razor blades there. We found
2 some -- right there is where the syringes were at.

3 (WITNESS INDICATED TO EXHIBIT EIGHT.)

4 A. And right back here, a little bit is where we started
5 seeing the foil on the ground and white powder substance.
6 And right there, next to that laptop, piece of keyboard
7 there, were more aluminum foil.

8 Q. And that's Exhibit Eight?

9 A. Exhibit Eight. Exhibit Ten, more of the hard drives,
10 we recognized.

11 Q. And that's...

12 A. Exhibit Ten.

13 Q. Do you know what that item is over there in the
14 corner? Do you remember?

15 A. I don't recall.

16 Q. But you saw -- Do you recall seeing this?

17 A. I -- I remember the computers and stuff like that.

18 Q. Okay.

19 A. Exhibit Eleven --

20 Q. Were they plugged into the wall? Do you remember?

21 A. I think a couple of them were. But the majority of
22 them were like torn apart all over -- scattered right next
23 to the room.

24 Q. Were any monitors attached to them to see what --

25 A. You had -- you had monitors.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-74-

1 Q. Monitors?

2 A. You had keyboards. You had big hard drives.. You had.
3 little laptops.

4 Q. Okay. And the next exhibit. Do you recall ---

5 A. I recall seeing it.

6 Q. --- seeing Exhibit Eleven?

7 A. Exhibit Eleven?

8 Q. Yes.

9 A. I remember seeing it.

10 Q. Do you know what's contained in there?

11 A. Just miscellaneous items at the time.

12 Q. Did you open that up and look through it?

13 A. I did not.

14 Q. Okay.

15 A. And then again, Exhibit 12, there's more -- a lot more
16 wires and stuff that we saw, accessories and stuff that
17 belong to the computers.

18 Q. And what -- Do you know what area of the hotel room
19 that is?

20 A. That's -- that's right as you walk all the way to the
21 end of the room, all the way towards where the bathroom --
22 the restroom is -- the restroom facilities bathtub, it's
23 the counter top. It was in that location right next to the
24 bed.

25 Q. And these computer parts were located on the floor?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON.- IN CAMERA

-75-

1 A. Uh-huh, yes.

2 Q. And that was what it looked like when you went into
3 the room?

4 A. Yes.

5 Q. And the bathroom is right here to the left of that
6 photograph?

7 A. Right, uh-huh.

8 Q. And then the sink would be --

9 A. The sink would be right there.

10 Q. Right there. And there just in the middle of the
11 floor?

12 A. Middle of the floor.

13 Q. Straight across the floor?

14 A. Uh-huh.

15 Q. Okay. Thank you.

16 A. And --

17 Q. And that would be Exhibit Twelve.

18 A. Exhibit Twelve. Now Exhibit Thirteen, more
19 accessories, more appliances that were located in the
20 corner. Exhibit Thirteen.

21 Q. And that is in the corner, and Exhibit Thirteen -- do
22 you know what these five items -- five or six items are?

23 A. They look like transformers to me.

24 Q. But do you know what they are?

25 A. No.

1 Q. Other than that any idea?

2 A. Just --

3 Q. Okay. Did you open this red bag and look inside that?

4 A. No, I did not.

5 Q. And where is this location?

6 A. That's -- If you have the toilet and shower behind you
7 it's straight ahead, next to the sink.

8 Q. Thrown on the ground?

9 A. Thrown on the ground --

10 Q. You all didn't put that on the ground?

11 A. No.

12 Q. And that is the exact same condition you saw it when
13 you did your protective sweep?

14 A. Yes.

15 Q. Okay.

16 A. And Exhibit Fourteen is another hard drive that's torn
17 apart. I'm thinking maybe they're -- they're using some of
18 the stuff inside the computer, maybe possibly, maybe some
19 type of narcotics.

20 Q. But you don't know that for a fact from the time you
21 enter that room?

22 A. I don't know that, uh-huh.

23 Q. No? Please answer "Yes" or "No" for the court
24 reporter.

25 A. No.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-77-

1 Q. She has to record everything.

2 A. Okay.

3 Q. And this is -- what is that item right there?

4 A. That's the CD that was laying on the ground.

5 Q. And there's -- is that another computer underneath it?

6 A. It looks like it's in some form, yes.

7 Q. In that is -- in the background, that's the pictures
8 from, I believe --

9 A. Yes, right there in the --

10 Q. Court Exhibit Twelve, that's the items on the bathroom
11 floor that were thrown on the floor there?

12 A. Yes.

13 Q. Or there? Or you find ---

14 A. Yes.

15 Q. --- on the floor in there. Excuse me.

16 A. Yes.

17 Exhibit Seventeen, I don't -- I don't recall seeing
18 Exhibit Seventeen.

19 Q. Okay.

20 A. That would be it.

21 Q. Okay. So you observed all that stuff in your
22 protective sweep?

23 A. Yes.

24 Q. And then leave Bolin with the two suspects who are
25 detained?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-78-

1 A. Yes.

2 Q. Where do you go?

3 A. I go -- I leave Deputy Bolin inside to watch the two
4 individuals that were detained. I went and spoke to Deputy
5 Gladden.

6 Q. Outside?

7 A. Outside.

8 Q. At this point -- Well let me ask you this. Did you
9 have to move any items to view those things you talked
10 about, the tin foil ---

11 A. No.

12 Q. --- the syringes, the razor blades, the computers?

13 A. That -- that hotel -- motel room had wires and
14 accessories all out throughout the room. It was...

15 Q. Did you open any drawers to find those items?

16 A. No.

17 Q. Did you touch them in any fashion?

18 A. No.

19 Q. And in the picture, that's where they were when you
20 saw them?

21 A. Yes, like I said, there was computer appliances all
22 throughout the -- the -- the floor. The whole layout of
23 the room, there's computers everywhere, stacked-up wires
24 everywhere, and the needles were sitting on the counter
25 right out next to the TV. The foil, everything was on the

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-79-

1 floor, in the bed. The room was in total disarray.

2 Q. Did you observe any other officer move any items to
3 see those?

4 A. No.

5 Q. Did they open any drawers to ---

6 A. No.

7 Q. --- take those items out and put them out in the
8 counter?

9 A. No.

10 Q. Did they manipulate anything in that environment
11 whatsoever ---

12 A. No.

13 Q. --- other than the defendants when they put them in
14 handcuffs?

15 A. No.

16 Q. And where's Ms. Quinn?

17 A. By that point, we -- By that point, Deputy Gladden is
18 putting her in her -- is moving her patrol car from where
19 we eventually were parked, up to the -- up to the sidewalk
20 right in front of the room. And she placed Brandi Quinn in
21 the back of her patrol car.

22 Q. Do you recall if Ms. Quinn asked you or Deputy Gladden
23 to enter back into the room?

24 A. I believe Deputy Gladden. It wasn't me.

25 Q. And do you take -- well, I'm going to...

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-80-

1 MS. COLTON: Nineteen.

2 MADAME COURT REPORTER: I'm going to write on top of
3 that. Court?

4 MS. COLTON: Court for right now.

5 (WHEREUPON: COURT EXHIBIT NUMBER NINETEEN PRE-
6 MARKED FOR IDENTIFICATION.)

7 MS. COLTON: Your Honor, I move to have Court's
8 Exhibit One through Eighteen admitted into evidence as
9 Court Exhibit'S only at this point in time.

10 MADAME COURT REPORTER: What number did you say?

11 MR. BROWN: Without objection for the purpose of this
12 motion.

13 THE COURT: For the purpose only of this motion,
14 pretrial motion, is it submitted.

15 MS. COLTON: Sorry, I moved One through Eighteen into
16 evidence.

17 MADAME COURT REPORTER: Okay.

18 (WHEREUPON: COURT'S EXHIBIT NUMBER ONE THROUGH
19 EIGHTEEN IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE, FOR
20 THE PURPOSE ONLY OF THIS PRETRIAL.)

21 THE COURT: Counsel, are you getting ready to play
22 that?

23 MS. COLTON: Yes, sir, Your Honor. I'm sorry.

24 THE COURT: Well we've been in here about an hour-and-
25 a-half, let's take a short break.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-81-

1 MS. COLTON: Thank you, Your Honor.

2 THE COURT: Let me explain to the witness. You can
3 stand down, refresh yourself during the break. You cannot
4 discuss the case with anyone including the attorneys or
5 anybody else. Okay?

6 THE WITNESS: Yes, Your Honor.

7 THE COURT: Thank you. You may stand down. Thank
8 you.

9 We'll take about 10 minutes.

10 (COURT IN RECESS AT 03:50 PM.)

11 (COURT BACK IN SESSION AT 04:05 PM.)

12 THE BAILIFF: Come to order.

13 THE COURT: Keep your seats, please, thank you. Keep
14 your seats.

15 (SIDE BAR BETWEEN ATTORNEYS OFF THE RECORD.)

16 MS. COLTON: I'm sorry, Your Honor. I'm trying to
17 work out some logistics to get through the video so it goes
18 quicker.

19 THE COURT: Okay.

20 MS. COLTON: Judge, I cannot remember during the
21 break, if I showed him the video.

22 Did I show you the -- that has to be published, unless
23 there's no objection to ---

24 THE COURT: I don't know if you all indicated or not.
25 I know you pulled it out.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-82-

1 MS. COLTON: Yes, sir.

2 THE COURT: But I'm not sure what you did with it.

3 MS. COLTON: Unless there's no objection for me
4 displaying this to the Court and this officer here is going
5 to testify -

6 MR. BROWN: Your Honor, I don't have -

7 MS. COLTON: --- to the video.

8 MR. BROWN: --- an objection.

9 THE COURT: Okay.

10 Please proceed.

11 MS. COLTON: Thank you, Your Honor.

12 And, Your Honor, I move to have Deputy Stagner's
13 videos entered as Court Exhibits only for purposes of going
14 in their files.

15 MR. BROWN: Without objection.

16 MS. COLTON: And that would be Court Exhibit Nineteen,
17 Your Honor.

18 THE COURT: Okay, for the purpose of this hearing.

19 (WHEREUPON: COURT'S EXHIBIT NUMBER NINETEEN
20 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE FOR THE
21 PURPOSE OF IN-CAMERA HEARING.)

22 DIRECT EXAMINATION - IN CAMERA CON'T

23 DEPUTY JOHN STAGNER BY MS. COLTON:

24 Q. Deputy Stagner, this is a video in your car -- taken
25 out of your car?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-83-

1 A. Yes.

2 Q. And that -- who's that officer in the back?

3 A. That's Deputy Gladden.

4 Q. Who is the officer all the way to the left?

5 A. That's Deputy Bolin and on up front.

6 MS. COLTON: And, Madame Clerk, can I ask you to dim
7 the lights, please?

8 (COURTROOM LIGHTS DIMMED.)

9 (WHEREUPON: COURT'S EXHIBIT NUMBER NINETEEN PUBLISHED
10 TO THE COURT.)

11 Q. Is that you knocking?

12 A. Yes, ma'am.

13 Q. On Room 124?

14 A. Yes, Room 124.

15 MS. COLTON: If you could pause it for one minute.

16 Q. Deputy Stagner, when you say, "Show me your hands,"
17 who are you speaking to?

18 A. Mr. Johnson.

19 Q. And then you repeat it again?

20 A. To Mr. Johnson.

21 Q. And then what does he do after you repeat it the
22 second time?

23 A. He put his hands back under the covers.

24 Q. And is that when your voice got louder?

25 A. That's when my verbal -- verbal commands went a lot

1 more firmer and louder.

2 Q. When he put his hands back under the covers?

3 A. Yes.

4 Q. Did he comply right after that?

5 A. Yes, eventually.

6 (WHEREUPON: COURT'S EXHIBIT NUMBER NINETEEN, VIDEO,
7 CONTINUED TO PLAY.)

8 Q. At this point, your mic is -- what's the problem with
9 your mic?

10 A. This is the new video cameras. We're still kind of
11 getting to -- to learn about how our equipment works and
12 what not. When you get to a certain distance, it will
13 start to vibrate. And then if you go into like a hallway
14 or something at a certain distance, you'll get a vibration,
15 and your mic can cut in and out.

16 Q. And were you parked pretty far from the room?

17 A. Yes.

18 Q. The tips -- was it about -- was it at the tip of where
19 you got out of range?

20 A. Yes.

21 Q. And is that the reason why it cut in and out?

22 A. Yes. At that time, it was still a learning curve on
23 our new camera system.

24 Q. Did you park on purpose so you might cut in and out?

25 A. Absolutely not.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-85-

1 (WHEREUPON: COURT'S EXHIBIT NUMBER NINETEEN. VIDEO,
2 CONTINUED TO PLAY.)

3 MS. COLTON: Is that good enough for you?

4 MR. BROWN: If that's all you have.

5 MS. COLTON: Yeah, that's all --

6 Q. At that point, you placed him under -- in handcuffs.
7 You can't really hear too much of the tape.

8 A. At that time, they both -- the male subjects were
9 detained.

10 Q. And you did the protective -- you did the protective
11 sweep?

12 A. I completed the protective sweep.

13 Q. And after you detained them, you came out and you
14 spoke to Deputy Gladden, was that your testimony?

15 A. Yes.

16 Q. What did you tell Deputy Gladden?

17 A. The observations of what I saw in the room.

18 Q. Was Deputy Gladden -- Who was she with when you walked
19 outside of the room after --

20 A. She was dealing with executing the arrest warrant with
21 Brandi Quinn.

22 Q. And did you have to watch Ms. Quinn at some point?

23 A. For a few minutes.

24 Q. Why?

25 A. I don't recall.

1 Q. Did Deputy Gladden move the car at anytime or move her
2 car?

3 A. Yes, she was parked, I believe, right behind me. And
4 she went to pull her patrol car closer to the room.

5 Q. Okay.

6 A. That's why.

7 Q. When she pulled her patrol car closer to the room,
8 what did Deputy -- what did you observe Deputy Gladden do?

9 A. Deputy Gladden conducted a search --

10 Q. Of Ms. --

11 A. Of Brandi Quinn to make sure she didn't have any
12 weapons or contraband.

13 Q. And did she place her in a patrol car at that point?

14 A. Yes.

15 Q. Who ran -- Who read Ms. Quinn her *Miranda Rights*?

16 A. Initially I remember Deputy Gladden made a comment to
17 me that Deputy Bolin read *Miranda*, that his card that we
18 keep in our pocket might have been in his room. And there
19 was just -- everything was happening so fast. There was
20 confusion. So I went ahead and pulled my card out of my
21 pocket and reread her *Miranda* verbatim.

22 Q. And did you ask for consent to search the room?

23 A. Yes.

24 Q. And did she consent to search the room?

25 A. No.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-87-

1 Q. Did you take her out of that room so that she -- so
2 that the other defendants couldn't hear what she saying
3 about consent?

4 A. No.

5 Q. Were you going to ever let her remain in that room?

6 A. Say again.

7 Q. Were you going to let her remain in that room or
8 return her to that room?

9 A. No.

10 Q. Where was she going to go?

11 A. She was going to detention.

12 Q. Whose room was that room in?

13 A. Brandi Quinn.

14 Q. And what time -- Do you recall what time their
15 checkout was?

16 A. I believe Eleven o'clock.

17 Q. And what time was all this happening when you were
18 effectuating your arrest on Ms. Quinn?

19 A. Around 8:30, 8:45, around that time frame.

20 Q. After you read her *Miranda Rights*, what do you do?
21 After you read Ms. Quinn her *Miranda Rights*, what do you do
22 next?

23 A. I went back into the room to make -- check on Deputy
24 Bolin.

25 Q. Do you ultimately search Ms. Quinn's car?

1 A. Yes, Deputy Gladden -- I don't remember if she asked
2 me to or I just did it, but we did it -- conducted an
3 inventory of her personal vehicle.

4 Q. And was that car towed?

5 A. Yes, it was towed.

6 Q. Do you all have a policy regarding that?

7 A. Yes, we have to conduct a inventory and annotate
8 what's inside it on the tow slip.

9 Q. What did you find inside that car?

10 A. I found miscellaneous trash. I found -- well, it was
11 a gym bag with contents in it that matched what Mr. Catoe
12 initially said. He told us they were painters or something
13 in that field. I saw a mask.

14 Q. He told you they were painters?

15 A. Something in that form, either contractors, painters,
16 or handymen, something. And when I opened the bag, just
17 from my inventory sheet, I observed a mask and a bunch of
18 hoses. I actually -- at that time, I wasn't quite sure
19 what I stumbled onto.

20 Q. What type of mask was it?

21 A. It looked like a --

22 Q. Little ones?

23 A. It looked like a face mask, kind of like what a
24 fireman would wear with something like a protective mask.

25 Q. So it wasn't just a plastic, the little paper cup?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-89-

1 A. No, it was a full mask with a cylinder and stuff like
2 that.

3 Q. What else did you find in the car?

4 A. I found a little baggy that was in the front of the
5 vehicle. It was a little baggy that had like a little
6 clear piece of substance that I thought at the time was a
7 piece of meth.

8 Q. Was it a full baggy?

9 A. No, it was just like a corner, a little bit.

10 Q. And what did you think about that based on your
11 training and experience?

12 A. Narcotics activity.

13 Q. And you took that into evidence?

14 A. Yes.

15 Q. But you didn't take the mask into evidence?

16 A. At that time, I -- a lot of things were going on in my
17 head at that time, and I didn't put one and one together,
18 what that mask and stuff actually was.

19 Q. Okay. Did you ever ask Jason Johnson or Mr. Catoe for
20 consent to search the room?

21 A. No.

22 Q. What did Mr. -- What did you observe Mr. Catoe do in
23 the room after he was placed in detainment?

24 A. A lot of profanities. He was -- he wanted to know --

25 Q. Mr. Catoe or Mr. Johnson?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-90-

1 A. Mr. Johnson. He was -- Mr. Catoe pretty much seemed
2 like he just kind of laid back down, and that was the end
3 of it. We had most of our problems with Mr. Johnson,
4 asking about a search warrant. And then through the
5 process of everything, he wanted us to inventory the
6 computers.

7 Q. Did he ever say y'all - what did he say regarding --

8 A. We do not need a search warrant. We can search -- we
9 can -- he'll even help lay out the computer so we can run
10 all the serial numbers and make sure they're not stolen
11 because none of them were stolen.

12 Q. And he volunteered that?

13 A. Yes.

14 Q. He also asked for a lawyer?

15 A. Yes.

16 Q. At some point? Okay. He asked for the search
17 warrant?

18 A. Yes.

19 Q. And before you even mentioned a search warrant to him?

20 A. Yes.

21 Q. And although he was cuffed, did you point a firearm at
22 him? Did you threaten him?

23 A. No.

24 Q. At all?

25 A. No.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-91-

1 Q. Did you tell him you were going to get a search
2 warrant if he didn't consent?

3 A. No.

4 Q. What did you mention to him about consent?

5 A. I didn't.

6 Q. Did you ask him if it was okay if you looked around?

7 A. No.

8 Q. And do you -- And he voluntarily invited you to look
9 into those items?

10 A. Yes.

11 MR. BROWN: Voluntarily ask him to do what?

12 MS. COLTON: To look into those items.

13 MR. BROWN: The computer items?

14 MS. COLTON: I don't -- well --

15 Q. Computer items?

16 A. Yes.

17 Q. And its going to be on tape whatever it was. Do you
18 recall if he said -- well, we'll leave the nuances until
19 after the tape.

20 Why did -- well, what did you convey to Deputy Gladden
21 about obtaining a search warrant at that point or the
22 consent issue? Let's ask you this. What did -- did you
23 and Deputy Gladden talk about the consent, if you remember?

24 A. I don't recall.

25 Q. What did you all talk about as far as the search.

1 warrant?

2 A. We talked about getting a search warrant, one that
3 would cover us and cover all bases to kind of double-tap
4 things to -- one that's -- because the way -- the way the
5 circumstances were, we were looking at all these computers.
6 We were thinking if one of them had been reported stolen,
7 you know probably, more of them were reported stolen. We
8 talked. At that time, I reported to Deputy Gladden what --
9 what else we saw around the room that would indicate
10 narcotics activity.

11 Q. Did you know at one point -- do you recall at what
12 point -- well let me ask you this. Do you know if she ever
13 called the magistrate?

14 A. Yes.

15 Q. Do you remember at one point she called the
16 magistrate? Was that before you talked about the narcotics
17 or after?

18 A. I don't recall.

19 Q. And when you were doing the protective sweep and
20 Deputy Bolin were doing the protective sweep, and getting
21 these two defendants under control, where was Deputy
22 Gladden while you were in that room?

23 A. She was out -- she was outside dealing with Brandi
24 Quinn.

25 Q. And did you see her do a protective sweep?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-93-

1 A. A little bit.

2 Q. Okay.

3 A. Once we got Brandi Quinn in custody, she pretty much
4 took care of that while we were -- it was all kind of
5 happening at the same time.

6 Q. Okay. And you conveyed to Deputy Gladden what you saw
7 with regard to the narcotics?

8 A. Yes.

9 Q. You don't know if Deputy Gladden saw those items or
10 not?

11 A. No.

12 Q. And then do you know -- was it you that called the
13 magistrate? Did you call and talk to the magistrate at all
14 about what you'd found?

15 A. No, I -- while -- I do know while Deputy Gladden was
16 on the phone, I went out and explained to her the items
17 that I saw, the needles, the aluminum foil that was rolled
18 up in little balls was all relates to narcotic activity.

19 Q. Okay.

20 A. I talked to her about the powder. I just named off a
21 bunch of the items that I saw that were laying around the
22 room.

23 Q. And what was your contact with Deputy Alex Wallace? I
24 mean Alex Clark?

25 A. My contact?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

-94-

1 Q. Yeah. What did you convey to him?

2 A. Earlier that morning?

3 Q. Yeah.

4 A. I -- He was training Deputy Shealy.

5 Q. Okay.

6 A. And initially when I got on scene because of
7 information that I received, I believed that there was
8 going to be some type of like narcotics, heroine, or what
9 not. I called them as soon as I got Deputy Bolin heading
10 to the hotel. I let Deputy Gladden know that I found the
11 vehicle. I called him on my phone and asked him if he
12 could kind of go towards the District 3 office in case we
13 needed a search warrant.

14 Q. And you conveyed that -- So you conveyed your concern
15 about the narcotics activity to --

16 A. From the information that I received when I was
17 looking for in the vehicle, there was a strong possibility.

18 Q. And do you ever recall Deputy Clark back to follow up
19 with that --

20 A. No, Deputy Gladden.

21 Q. Deputy Gladden called Deputy Clark?

22 A. Yes.

23 Q. Okay. Did you think you had consent to search the
24 room from Mr. Johnson?

25 A. No.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON - IN CAMERA

1 Q. Were you -- you were clear that you did not have
2 consent? In your mind?

3 A. Yes, in my mind.

4 Q. And why was that? Why did you think you had consent?

5 A. Why I did not?

6 Q. Yeah.

7 A. The way he was initially acting, especially when he
8 started offering that -- he even offered to help lay out
9 the computers. It was like he wanted us out of that room
10 to -- that something else, you know, was going on because
11 nothing added up from what we saw initially in there.
12 Initially he was -- tells that we -- you know, we're
13 harassing him. We explain to him that we're executing an
14 arrest warrant, and that's what we -- we sought, you know.
15 They were there only to execute an arrest warrant
16 initially, and it just -- his whole -- his whole attitude
17 initially, you know, about him being harassed and that we
18 came there specifically for him when we didn't have any
19 idea he was even going to be in there.

20 Q. Okay. Thanks. Please answer any questions defense
21 counsel has.

22 CROSS EXAMINATION - IN CAMERA

23 DEPUTY JOHN STAGNER BY MR. YATES:

24 Q. Mr. Stagner.

25 A. Yes, sir.

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-96-

1 Q. How are you doing this afternoon?

2 A. Good, how are you?

3 Q. Pretty good.

4 I just have a couple of questions for you. First off,
5 let's start just with that last statement you made. You
6 were just there executing the arrest warrant; is that
7 correct?

8 A. Initially.

9 Q. And correct me if I've wrong. You had Brandi Quinn
10 under arrest ---

11 A. Yes.

12 Q. --- before you started talking with Mr. Johnson?

13 A. Yes.

14 Q. She was already under arrest?

15 A. It all kind of -- her being placed in custody and the
16 protective sweep all kind of happened together.

17 Q. No, no, the actual conversation that you had when you
18 said Mr. Johnson asked "Why were you harassing me?"

19 A. Right. Once he found out that -- I guess he overheard
20 something. He -- We let him know that we were working on
21 getting a search warrant. That's when it changed.

22 Q. And I just want to be clear on one other thing, one of
23 the statements that you made. Mr. Johnson was given
24 permission to actually inventory the computers. Correct?
25 Not the room?

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-97-

1 A. Yes.

2 Q. Now these next questions, I just want to get the
3 timing, the time frame of everything that happened. So
4 when you first entered the room, and you stated that it
5 appeared Ms. Quinn was concealing something with the way
6 she opened the door, how long did she stay in that
7 position, roughly?

8 A. I would estimate 30 seconds. I'm not sure. It wasn't
9 that long. It was --

10 Q. Less than 30 seconds?

11 A. I'd say about -- I'd say around 30 seconds to a
12 minute.

13 Q. And that's the time where she, as you said, was -- she
14 was peaking her head around the door, and she did that for
15 about 30 seconds. You thought that she may have had
16 something in her hand -- you felt that she had something in
17 her hand?

18 A. No, I felt there could be some kind of danger on the
19 other side of that door by the way her nonverbal
20 communication when she answered the door. I felt there was
21 something else behind that door possibility, and we did
22 hear whispering, and we knew that for safety reasons, there
23 was other people in that room.

24 Q. Was there anything behind that door?

25 A. No.

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-98-

1 Q. When you entered into the room, how long did -- how
2 long were you in the room before you got Ms. Quinn out?

3 A. I'd have to look at -- look at the video, I mean --

4 Q. If you had to guess, would you say less than 30
5 seconds?

6 A. I would say a minute or two. I mean, it just happened
7 so fast. The -- It all kind of happened together. We were
8 entering the room to place her under arrest, we see
9 movement, finish the protective sweep.

10 Q. Well I'm just asking when you entered in the room to
11 get Brandi Quinn, and you actually got her outside of the
12 room. And so from the time that you walked in to get her
13 outside, about how long did that take?

14 A. To include the protective sweep?

15 Q. No, sir, just getting her outside of the room.

16 A. Say a minute.

17 Q. So right now, 30 seconds with her behind the door, and
18 then it took you a minute to actually get her outside of
19 the room.

20 A. Well she was being placed in handcuffs as we were
21 going in and saw the movement. Just when we went in to
22 place her under arrest, that's when we observed the
23 movement on the beds. And then myself and Deputy Bolin
24 went --

25 Q. Right, and I understand. I'm going to get to the

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-99-

1 movement on the beds, I'm just trying to get a time frame
2 so I can see how long was -- how long were you actually
3 inside the room before you placed her under arrest. And
4 you're saying that there was -- I want to get your words.
5 About how long did that take?

6 A. Estimating, ballpark, 30 to 45 seconds, maybe.

7 Q. Okay, so in total from the time she opened the door to
8 the time you got her outside of the room, we're at less
9 than two minutes, estimating in a ballpark figure?

10 A. I can't -- I don't recall. It's --

11 Q. But you said it happened quickly?

12 A. It happened really -- and -- it happened fast.

13 Q. So would you be opposed to saying that it was less
14 than two minutes?

15 MS. COLTON: Your Honor, I'm going to object because
16 he's asked and answered it, and the officer's testified
17 that he doesn't recall, and he's guessing to the -

18 MR. YATES: That's fine. I'll move on.

19 I'll move on.

20 Q. Next you asked to show your hands to Mr. Johnson and
21 Mr. Catoe?

22 A. I did, Mr. Johnson.

23 Q. Just to Mr. Johnson? And he showed you his hand.
24 About how long was that?

25 A. That he showed me initially?

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-100-

1 Q. Yes.

2 A. A second or two. He was quick, and then they went
3 right back under.

4 Q. And then you stated that, that's when you felt
5 threatened at that point?

6 A. When he went back under the covers, I didn't know what
7 was under the covers.

8 Q. And what did you do at that time?

9 A. I raised my verbal commands, the volume.

10 Q. And then he --

11 A. Showed me his hands, and that's when the sheet -- the
12 sheet or blanket came back down. That's when I started
13 seeing the gang-related tattoos.

14 Q. So at the time that he showed you his hands, you
15 didn't -- that's when you didn't feel there was any threat
16 anymore.

17 A. Once I got him detained in handcuffs and pulled the
18 covers down and ensured there was no weapons or everything,
19 that's when the level went down a little bit.

20 Q. And just so I can get -- so I can have it clear, you
21 saw his -- the gang tattoos, as you say -- you saw that
22 before or after you saw the computers and the hardware?

23 A. We saw them as we were going in. We saw the computers
24 everywhere. There was computers all over that motel room.
25 It was kind of stumbling over just to get to whatever that

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-101-

1 movement was.

2 Q. So you saw the computer hardware first? Or the
3 tattoos on Mr. Johnson?

4 A. I saw the computer hardware. It was just -- it was
5 everywhere because when I saw the movement, that was where
6 I directed -- focused my attention on Mr. Johnson.

7 Q. And at that time, the computers -- now, the computers
8 were the only thing that you actually saw first?

9 A. Initially. A bunch of trash.

10 Q. Trash and the computers. No weapons?

11 A. No weapons.

12 Q. And was the room fairly dark at that time?

13 A. When we first entered the room, when the door first
14 propped open with her head out, it was extremely dark in
15 the room.

16 Q. Did you ever turn on any lights?

17 A. I don't recall.

18 Q. Never turned on any lights?

19 A. I mean, eventually we did.

20 Q. Eventually. But not within that protective-sweep
21 time?

22 A. Well we're trained when we do our protective sweep to
23 use any light switches like we're clearing a house, what
24 not. We go in the kitchen, we're flipping the lights on.
25 We hit the living room, we're -- if we see a light switch,

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-102-

1 we flip it on to kind of turn the tables, you know, to get
2 it light. But yeah, we'll utilize any lamp, any light
3 switch that we see if it's safe and convenient.

4 Q. And I want to -- I just want to get this clear. The
5 gang-related tattoos, as you say on Mr. Johnson, that's
6 what caused some alarm to you; is that correct?

7 A. It was part of it.

8 Q. And is that the -- that would probably be one of the
9 main reasons that you paid more attention to what was
10 actually in the room after Ms. Quinn was out; is that
11 correct?

12 Q. It kind of all happened at the same time. It just --
13 it -- we entered the room. I know Deputy Gladden was
14 dealing initially. I saw the threat here. I went and
15 ensured he didn't have any weapons when Deputy Bolin went
16 and took care of the bed closest to the door. I asked him
17 to show him his hands. When he came up, I remember seeing
18 -- the first thing I saw was, I believe, it was a teardrop
19 or some kind of tattoo. Then when he went back in, that's
20 when we elevated verbal commands, and then he was detained.
21 And then I believe that the -- Deputy Bolin watched the two
22 individuals -- males that were detained, and I finished the
23 protective sweep.

24 Q. And how long did the protective sweep take?

25 A. Thirty seconds. 30 -- 30 seconds to a minute.

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-103-

1 Q. And within the 30 seconds, that's where you saw the
2 computers?

3 A. Computers, needles. When I checked underneath the
4 beds and make sure -- because motel rooms usually have that
5 -- that like built-in box where no one can go underneath
6 it, but you still need to check. And some motels don't
7 come equipped with that. I went to the bathroom,
8 stumbling, trying not to step and knock anything over.
9 That's when I saw the razor blades. I wanted to -- I don't
10 -- I don't remember if I identified that to Deputy Bolin or
11 not, but I took that as also another threat because there
12 was razor blades right at the face of the bed where Mr.
13 Johnson was at. When I was on my way to check around that
14 side of the beds -- because there was stuff piled up
15 everywhere, where someone could have been underneath hiding
16 them. As I'm looking to make sure no one's in -- no one's
17 in the room, that's when I saw the needles. I saw aluminum
18 foil. That's all consistent with narcotic activity.

19 Q. So after you finished this search, how much time
20 passed in between the end of your search and when you went
21 and told Deputy Gladden what you saw before the --

22 A. She was on the phone with -- with Judge Davenport, and
23 she was either on the phone with Judge Davenport or Deputy
24 Clark when they were getting the arrest warrant request
25 done. And at that time, initially, after I read Brandi

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-104-

1 Quinn *Miranda*, that's when I talked to her trying to get a
2 feel -- when I asked her for consent, it wasn't necessarily
3 getting consent from the room. I mean, she said no. I was
4 trying to feel -- feel out if she was nervous, any
5 indicators that there might be something stolen.

6 Initially, we think the computers are stolen. Deputy
7 Gladden's --

8 Q. Well let me stop you for just a second. My question
9 was just related to the time frame ---

10 A. Okay.

11 Q. --- for -

12 A. It wasn't long. It was --

13 Q. When you actually told Deputy Gladden what you saw in
14 order for her to relay that for the search warrant?

15 A. It was after I talked to Brandi Quinn, around there.
16 I went in and walked out.

17 Q. Do you have any idea as far as minutes from the time
18 that you actually -- this initiated. From the time of your
19 protective sweep till you tell Deputy Gladden?

20 A. I'd have to look at my -- I don't recall. I'd have to
21 look at my video. It wasn't long done.

22 Q. And you thought that there were going to be narcotics
23 at this room before you went?

24 A. I thought?

25 Q. Yes.

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-105-

1 A. I actually -- I thought there was going to be possible
2 narcotics in the vehicle. Then once we did a protective
3 sweep, this gave us indicators that are related with
4 narcotics activity. That's when we start --

5 Q. I'm sorry. I thought -- and maybe I misheard you --
6 but I thought that during your direct you said, you were
7 speaking to them because -- to Deputy Clark because you
8 believe there to be drug paraphernalia in the room when you
9 got there?

10 A. Right. Could -- could you rephrase that? I don't
11 understand what you're asking.

12 Q. Did you say earlier ---

13 A. Yes.

14 Q. --- that during your direct that you believed there
15 would be narcotics in the room? That's what you told to
16 Deputy Clark.

17 A. Yeah, either -- either in the vehicle or in the room,
18 yes.

19 Q. And so you had a heightened sense of actually looking
20 for more when you went to the room? More than just the
21 arrest? More than just effectuating the arrest or ---

22 A. For me a priority was --

23 Q. --- destruction of property?

24 A. Our main priority was executing an arrest warrant.
25 During the events that took place during executing that

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA

-106-

1 arrest warrant, that's when I observed, and we as a team
2 observed indicators that were in the room.

3 Q. And no one gave you consent to search the room; is
4 that correct?

5 A. No one?

6 Q. Yes.

7 A. Eventually once the process of obtaining a search
8 warrant was happening, that's when you could hear Mr.
9 Johnson say that you can -- you can look, you can look.
10 You can check out the computers. You can check out what
11 you want.

12 Q. I -- yeah, I asked you before. I said the -- when he
13 was saying that he was just saying, inventory the
14 computers, not the room. So no one actually gave you
15 consent to search the room; is that correct? One of the
16 first questions I asked was Mr. Johnson's statement was
17 related to the computers?

18 A. Yes.

19 Q. Searching the computers, not the room?

20 A. Right. Like I said, yeah, like I said, he was trying
21 to get us out of the room. He said, "Yeah, you can search
22 anything you want, let me line them up out here for you,"
23 which I found strange. It was like he was trying to push
24 us out of the room. And -- yes.

25 Q. At the time that Mr. Catoe and Mr. Johnson were

DEPUTY JOHN STAGNER: CROSS BY MR. YATES - IN CAMERA
CROSS BY MR. BROWN - IN CAMERA

-107-

1 detained, you said that you were -- at that point, you were
2 no longer concerned about your safety; is that correct?

3 A. Anytime you have anyone detained, or even placed under
4 arrest, you still have to stay on your toes. There's
5 always other dangers that could happen. They have their
6 feet, their mouth, their teeth. You always have to stay on
7 your toes.

8 Q. Imminent danger?

9 A. Once they were detained, the imminent danger was to a
10 minimum.

11 Q. That's all I have at this time. Thank you.

12 MR. BROWN: If it please the Court.

13 CROSS EXAMINATION - IN CAMERA

14 JOHN T. STAGNER BY MR. BROWN:

15 Q. Is Deputy Gladden your partner, for lack of a better
16 term?

17 A. Yes, at one time.

18 Q. At one time or at this time?

19 A. Well I've been recently transferred to Fort Mill.

20 Q. But on this particular day and point and time, were
21 You all partners?

22 A. The same as Deputy Bolin. Typically we're all on the
23 same shift.

24 Q. So you were -- well you were working the same
25 shift -

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-108-

1 A. Yes.

2 Q. --- you don't really ride together?

3 A. No, we don't ride together.

4 Q. You had your car, and she's got her car?

5 A. Yes.

6 Q. And you checked in with her when you came on shift.

7 Correct?

8 A. Yes, either I called her, or she called me about where

9 she was at with her -- her incident that happened -- a

10 shift change the night before.

11 Q. Brandi Quinn incident?

12 A. Yes.

13 Q. And that incident was about damage to another vehicle.

14 Correct?

15 A. Yes.

16 Q. And if I remember from discovery correctly that her
17 car had hit another individual's car who made a complaint
18 with the Sheriff's Department. Correct?

19 A. Yes.

20 Q. And I believe you testified earlier that Deputy
21 Gladden went and got a warrant for her arrest?

22 A. Yes.

23 Q. And came to York and got that warrant?

24 A. Yes.

25 Q. For malicious injury to property. Correct?

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-109-

1 A. Yes.

2 Q. And did -- Were you with her when she got the warrant
3 or not?

4 A. No.

5 Q. And as a result of telephonic communication, you and
6 Deputy Gladden had back and forth, did you ask her to meet
7 you, or did she ask you to meet her at the Best Way Inn?

8 A. Well, typically neither. Can you say that question
9 again?

10 Q. Well you all had a telephone conversation. Right?

11 A. Yeah, we had a telephone conversation.

12 Q. About Brandi Quinn?

13 A. About Brandi Quinn.

14 Q. About her location?

15 A. Right.

16 Q. And if you don't remember, I understand, but who
17 initiated the phone call?

18 A. I don't remember.

19 Q. And do you recall, if you remember, if that phone
20 conversation was Deputy Gladden? It was Gladden?

21 A. Yes, sir.

22 Q. The female deputy, was she already there?

23 A. She was en route to York.

24 Q. Well, did you receive a phone call from her when she
25 was at the Best Way Inn?

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-110-

1 A. No.

2 Q. Who got there first?

3 A. I did.

4 Q. You were already there?

5 A. Yes.

6 Q. Do you have a conversation with her about where she
7 states, "We're probably going to find drugs there too."

8 A. Say again.

9 Q. Do you recall a conversation you had with her on video
10 where she states to you, "We'll probably find drugs there
11 too."

12 A. I don't recall that. Probably.

13 Q. And so you all arrive there. Correct?

14 A. Yes.

15 Q. All right. On a side note, did anybody, to your
16 knowledge, check these computer parts out?

17 A. Say again.

18 Q. Did anybody check these computer parts out?

19 A. We looked as they -- where they were located.

20 Q. Well, did anybody run the numbers to see if they were
21 stolen?

22 A. No.

23 Q. So --

24 A. Not until the search warrant got there and was
25 executed. Then the detective showed up, CID, and they ran

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-111-

1 them.

2 Q. Okay. And I assume they weren't stolen?

3 A. As far as I know.

4 Q. So the computers were legal?

5 A. As far as I know.

6 Q. And watching the videotape, your initial command --
7 let me ask you this. And the time zone, it's approximately
8 8:30. Correct?

9 A. Say again.

10 Q. It's approximately 8:30 when you go knock on the door?

11 A. I believe so, yes.

12 Q. Do you remember what day this was?

13 A. It was on a -- I believe it was a Sunday.

14 Q. Anything unusual about people sleeping in a motel room
15 at 8:30 on a Sunday morning?

16 A. No.

17 Q. And when you knocked on the door, a matter of fact,
18 Ms. Quinn was probably getting dressed. Did you learn that
19 later? To answer the door?

20 A. No I didn't.

21 Q. Let me back up. Mr. Johnson, when you went in there,
22 he was naked under the covers. Was he not?

23 A. He had shorts on, some type of shorts.

24 Q. Underwear?

25 A. Possible.

1 Q. It was obvious everybody had been sleeping. Correct?
2 The lights were off.

3 A. Probably.

4 Q. And you woke them up?

5 A. I believe so.

6 Q. Who placed the handcuffs on Ms. Quinn?

7 A. I believe Deputy Gladden.

8 Q. And when Ms. Quinn opened the door, was she scantily
9 clad?

10 A. Could you rephrase that?

11 Q. She had little clothing on?

12 A. She had shorts and a t-shirt.

13 Q. The same thing I saw on video where she's arrested in.
14 Correct? The tank top and little --

15 A. Yes.

16 Q. It looked like a man's underwear?

17 (PAUSE.)

18 Q. Shorts, whatever?

19 A. Yes. Something like that.

20 Q. It took you -- Once you got her arrested, you had no
21 further business there. Correct?

22 A. Well we saw stuff throughout the room. Like -- like I
23 said earlier, at first, you know, we start seeing a bunch
24 of computers where people who have just stayed in a hotel.
25 That gave us a little suspicion. Then we saw some

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-113-

1 syringes, some needles. Then we saw aluminum foil. That
2 gave us more suspicion. White powder, ash something, right
3 there by the door. They gave us a lot of indicators, they
4 were nervous.

5 Q. Nervous?

6 A. Well --

7 Q. I thought they were asleep?

8 A. Well, once we were completed, I know they were
9 probably shocked that we were knocking on the door coming
10 in to execute the arrest warrant. But while we were doing
11 the protective sweep, that's when we start seeing other
12 things that were just laying around the room.

13 Q. Nobody ever threatened you?

14 A. No.

15 Q. Neither one of these defendants?

16 A. No.

17 Q. Verbally or physically or any other manner?

18 A. No.

19 Q. You on twice on tape say, "Show me your hands."

20 Correct?

21 A. Yes. Well, a few times.

22 Q. But the tape was accurate what we hear?

23 A. Yes.

24 Q. Okay. And he showed you his hands. Correct?

25 A. Eventually. Yes.

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-114-

1 Q. And then he put them back under the covers?

2 A. Yes.

3 Q. And you said, "Show me your hands" again and he did.
4 Correct?

5 A. Uh-huh.

6 Q. You didn't say, "Show me your hands and keep them
7 out." Did you?

8 A. No, I didn't.

9 Q. So he complied with your initial request. Correct?

10 A. Yes.

11 Q. And no weapons were found?

12 A. No weapons except the razors. No firearms.

13 Q. Now Ms. Quinn was arrested --

14 MR. BROWN: I beg the Court's indulgence one second.

15 (PAUSE.)

16 Q. -- for malicious injury to property; is that correct?

17 A. Yes.

18 Q. And in the protective sweep or search incident to
19 arrest, whatever you want to call it, were you were looking
20 for evidence of that crime?

21 A. No.

22 Q. So you were looking for other stuff?

23 A. Well during the protective sweep for our safety,
24 making sure that no one else was in the room while we're
25 checking our environment, that's when we observed the items

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-115-

1 around the room.

2 Q. Yeah but I'm confused. She's under arrest, and she's
3 in custody. There's no threat to you all. Nobody
4 threatens you verbally. There's no weapons found. Your
5 business there is finished. Why didn't you leave?

6 A. Because we saw indicators around the room that are
7 consistent with narcotics activity.

8 Q. Computers?

9 A. We saw needles, syringes, that were unused. We saw
10 aluminum foil packaging around the room. We saw computers
11 that were torn apart, possibly using components from inside
12 of it to maybe go through the filter process.

13 Q. But you didn't see this until Ms. Quinn's already in
14 custody?

15 A. We --

16 Q. Ms. Quinn's handcuffed outside the room when you go in
17 to look at all of this.

18 A. Initially it all happened pretty much the same time.
19 I -- I made entry. Well, we -- we got Brandi Quinn right
20 at the door, right like, I guess, the dining little area.
21 That's when we saw movement. That's when we were going in,
22 conducting our protective sweep. He wasn't compliant at
23 first, eventually he was.

24 Q. Well --

25 A. He didn't make any threats.

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-116-

1 Q. Well, let me stop you there one second. When you say
2 he wasn't compliant, your command was "Show me your hands."
3 You didn't say, "Show me your hands, and keep them out."
4 You said, "Show me your hands." Correct?

5 A. Yes, sir.

6 Q. So he was compliant.

7 A. For a second or so.

8 Q. But you didn't say, "Keep them out. I want to see
9 your hands all the time. Put them on top of your head."
10 Or "Get out from under the covers" or whatever. You just
11 said, "Show me your hands," and he did that?

12 A. Yes, he did.

13 Q. So with your literal command, he was literally
14 compliant?

15 A. Yes.

16 Q. So the non-compliance is not a factor then; is it?

17 A. When he -- in my experience, I believe --

18 Q. I'm not talking about your experience. I'm asking
19 you ---

20 A. I believe ---

21 Q. --- the command you asked him that day and what he
22 did. Did he comply with your command, yes or no? Your
23 literal command?

24 A. Literal, yes.

25 Q. I'm still confused. She's under arrest. You're there

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-117-

1 to execute an arrest warrant on her. That's been
2 accomplished, and you stay. Correct?

3 A. Yes.

4 MR. BROWN: I beg the Court's indulgence one second.

5 (PAUSE.)

6 Q. You never drew your weapon or anything. Right?

7 A. I -- I know I put my hand on it.

8 Q. All right.

9 A. And broke the first retention.

10 Q. You draw it, was the question.

11 A. I didn't pull. I dropped my first retention. I
12 didn't pull it out of the holster, no.

13 Q. Nobody resisted or anything?

14 A. No.

15 Q. And Ms. Quinn's in custody when you go back in and
16 detain these two. Correct?

17 A. It was all -- it all happened about the same -- like I
18 said, simultaneously, it all kind of happened. She --

19 Q. Ms. Quinn was in custody within 20 seconds of this
20 tape was she not when they opened the door?

21 A. I believe so. It was pretty quick.

22 Q. Okay.

23 A But Deputy Gladden was handling that. I took the
24 threat across the room.

25 Q. So your attention in that 20 seconds was focused on the

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN - IN CAMERA

-118-

1 two individuals on the bed. Correct?

2 A. Pretty much, yes.

3 Q. And the only thing you could see from there was
4 computer parts. Correct?

5 A. Yes.

6 Q. The syringes were then behind you if your attention
7 was focused on the threat. Correct?

8 A. Yes.

9 Q. In your training, have you learned that computer parts
10 come in foil packaged? Did you know that?

11 A. I knew that.

12 Q. So if a bunch of computers are there and tin foil,
13 that wouldn't have been unusual if you were repairing
14 computers or changing parts out to make a new one; would
15 it?

16 A. I don't really know. I --

17 Q. No further questions.

18 MS. COLTON: The State has no further questions for
19 this officer, Your Honor.

20 THE COURT: I have a question for you. I want to be
21 sure I understand you as I did with the other officer. He
22 testified that sometimes these computers, they take the
23 hard drives and collect personal information off of them,
24 people who want to use them for an improper purpose. That
25 was his training. And to get personal information off of

DEPUTY JOHN STAGNER: RECROSS BY MR. BROWN - IN CAMERA

-119-

1 those.

2 Your testimony as I understand it was with regard to
3 the computer, you correct me if I'm wrong about your
4 testimony. Did you testify that a computer could be used
5 for bringing in drugs or doing something with drugs. What
6 was your testimony on that issue?

7 THE WITNESS: Your Honor, the -- we've had small bits
8 and pieces of training in that area. I know that they use
9 different types of batteries, different types of metals,
10 different types of -- from propane to different types of
11 stuff to filter out in the process of making it. I
12 initially see a lot of computers torn apart. I don't know
13 if they were using any of the -- some of words that I can't
14 even pronounce, you know, different types of batteries and
15 chips, and stuff from internal accessories. From the
16 training that we receive, we see it. You know, I think,
17 three or four hours initially, they use all kinds of
18 different methods.

19 THE COURT: Thank you.

20 Any questions related to the questions I asked him?

21 MR. BROWN: Just one.

22 RECROSS EXAMINATION - IN CAMERA

23 JOHN T. STAGNER BY MR. BROWN:

24 Q. Did you see any evidence the batteries were pulled out
25 and used in a meth lab?

DEPUTY JOHN STAGNER: RE-CROSS BY MR. BROWN - IN CAMERA
REDIRECT BY MS. COLTON - IN CAMERA

-120-

1 A. I just saw a bunch of -- no, I saw a bunch of
2 computers torn apart.

3 Q. No further questions.

4 REDIRECT EXAMINATION - IN CAMERA

5 JOHN T. STAGNER BY MS. COLTON:

6 Q. But your concern was that it could be stolen or that
7 it could be used for drugs?

8 A. Yes.

9 Q. But you didn't specifically know what you were looking
10 for?

11 A. No, I did not.

12 Q. But you knew that it was suspicious to you?

13 A. It was enough -- yes, it was enough to raise an
14 eyebrow.

15 Q. And that coupled with the -- What was the condition of
16 the tin foil?

17 A. They were rolled up. Some of them were rolled up in
18 little balls, and then some of them looked like they were
19 rolled balls and unrolled.

20 Q. Did -- and -- that's all I'll ask you. Thank you.

21 THE COURT: Thank you, sir. You may stand down, sir.

22 MS. COLTON: Your Honor, the State would call Jay
23 Raja.

24 MR. BROWN: Who is this?

25 MS. COLTON: The hotel manager.

JAY RAJA: DIRECT BY MS. COLTON - IN CAMERA

-121-

1 MR. BROWN: Okay.

2 MS. COLTON: The motel manager.

3 MR BROWN: Okay.

4 MADAME CLERK: Please raise your right hand, place
5 your left on the Bible.

6 (WHEREUPON: JAY RAJA, BEING FIRST
7 CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

8 MADAME CLERK: Thank you, have a seat.

9 DIRECT EXAMINATION - IN CAMERA

10 JAY RAJA BY MS. COLTON:

11 Q. Mr. Raja, can you state your full name for the record?

12 A. Jay Raja.

13 Q. And how do you spell your last name?

14 A. R-a-j-a.

15 Q. And what do you currently do for a living?

16 A. I'm a hotel owner.

17 Q. What hotel do you own?

18 A. I own Best Way Inn in Rock Hill, and I own Motel 6 in
19 Richburg.

20 Q. And back in February of 2011, did you own the Best Way
21 then?

22 A. No, I was a manager at that time, general manager.

23 Q. The manager. Okay.

24 MADAME COURT REPORTER: Twenty.

25 MS. COLTON: Twenty.

JAY RAJA: DIRECT BY MS. COLTON - IN CAMERA

-122-

1 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY, PREMARKED
2 FOR IDENTIFICATION.)

3 Q. Mr. Raja, I'm going to show you what's been marked as
4 Court's Exhibit Twenty. Okay? And can you look at Court's
5 Exhibit Twenty and tell me if you know what that is?

6 A. Yes, this is a registration card for our hotel, which
7 means whenever a guest walks in into a front desk office
8 and try to rent a room, they have to fill this card out
9 stating their first and last name and their address and --

10 Q. Okay. And it states -- Does it indicate how long that
11 individual's going to stay there?

12 A. Yes.

13 MR. BROWN: Your Honor, if this will expedite, I'll
14 stipulate Brandi Quinn rented that room. I hope that helps
15 them out.

16 MS. COLTON: Okay.

17 THE COURT: Any other information on there you want?

18 MS. COLTON: No, Your Honor. No, Your Honor.

19 And we move to enter Twenty as a Court Exhibit, Your
20 Honor, for purpose of this hearing.

21 MR. BROWN: Without objection.

22 THE COURT: All right.

23 MS. COLTON: Mr. Yates?

24 MR. YATES: No objection.

25 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY IDENTIFIED

JAY RAJA: DIRECT BY MS. COLTON - IN CAMERA

-123-

1 AND MARKED, RECEIVED INTO EVIDENCE FOR PURPOSES OF THIS
2 HEARING.)

3 Q. What's your normal policy? I mean, you create the
4 policy at the time. As a manager, you're familiar with the
5 policy of running that hotel?

6 A. Uh-huh.

7 Q. You have to answer "Yes" or "No," I'm sorry.

8 A. Yes.

9 Q. Thank you.

10 And when someone is arrested, an occupant is arrested
11 -- Well, let me ask you this. Did Ms. Quinn on this
12 document, to your knowledge, indicate who was going to be
13 staying with her?

14 A. No.

15 Q. Do you know who was responsible for the condition of
16 the room?

17 A. The person who registered for the room, which is Ms.
18 Quinn.

19 Q. And if something was broken in the room, who would be
20 responsible for that room?

21 A. She is.

22 Q. And if you found something missing from that room, who
23 would you look for?

24 A. Ms. Quinn.

25 Q. And at this point, if an individual such as Ms. Quinn,

JAY RAJA: DIRECT BY MS. COLTON - IN CAMERA

-124-

1 would it be your normal business practice if she's arrested
2 in that room, removed from the room, do you ever come
3 across the occasion when other people are left in the room?

4 A. Yes, I have.

5 Q. And when someone's arrested, the person who is --
6 whose name that room's in, and removed from that room by
7 law enforcement, what do you do with those other
8 individuals that are left in the room?

9 A. We ask them to leave the property.

10 Q. And do you just go and ask them to leave and walk
11 away?

12 A. If the officer is over there, then we would ask the
13 officer to ask them to leave the property.

14 Q. Okay.

15 A. Or if the officers are gone, then we'll gladly ask
16 them to leave the property because the room is not
17 registered on their name. The registered person has not
18 been in the room and not going to be in the room anymore.

19 Q. Would you supervise them leaving?

20 A. Yes.

21 Q. Would you ask law enforcement if you could supervise
22 to the room?

23 A. Yes.

24 Q. And would you have done that in this situation?

25 A. Yes.

JAY RAJA: DIRECT BY MS. COLTON - IN CAMERA

-125-

1 Q. And to your knowledge as -- Do you recall if you were
2 working that particular day at the hotel?

3 A. I have to work -- I work twenty-four hours over there.
4 It's not a set time where I have to be in the office
5 because I have to back and forth on my properties.

6 Q. Did you know -- So did you know anything personally
7 about what would have happened in the hotel room at that
8 time with these defendants? Do you remember this incident?

9 A. Yes, I do.

10 Q. Okay. And do you remember the officers coming to
11 speak to you about it?

12 A. No.

13 Q. Okay.

14 A. The reason is because by the time I got on the
15 property, it was already late. But my father was on the
16 property. He got on the property earlier because I was in
17 Richburg.

18 Q. Okay.

19 A. I was far away from the property that day.

20 Q. And you would have asked that the officers remain and
21 observe these defendants?

22 A. Yes.

23 Q. Why would you want them to observe these people
24 leaving the room after Ms. Quinn was gone?

25 A. Because that way they wouldn't damage or they

JAY RAJA: DIRECT BY MS. COLTON - IN CAMERA
CROSS BY MR. YATES - IN CAMERA

-126-

1 wouldn't, you know, just create any kind of problem with
2 us.

3 Q. And that's your policy? Your personal policy?

4 A. Yes.

5 Q. That's the store policy?

6 A. Yes.

7 Q. Is that conveyed to your employees as well?

8 A. Yes.

9 Q. Please answer any questions defense counsel may have.

10 CROSS EXAMINATION - IN CAMERA

11 JAY RAJA BY MR. YATES:

12 Q. How are you doing this afternoon?

13 A. Good, how about you today, sir?

14 Q. Doing well.

15 So you stated earlier that you actually weren't at the
16 property when the arrest happened?

17 A. Yes, because it was early in the morning, and I was at
18 my other property.

19 Q. What time did you actually get to the property?

20 A. About Seven o'clock, 7:00, 7:30, I would say. In
21 between that time.

22 Q. P.M.?

23 A. No, a.m.

24 Q. To the Best Way Inn?

25 A. To the Best Way Inn.

JAY RAJA: CROSS BY MR. YATES - IN CAMERA
CROSS BY MR. CRONIN - IN CAMERA

-127-

1 MS. COLTON: I'm sorry, Your Honor, I didn't hear --
2 catch what time he said.

3 THE COURT: He said 7:30. 7:00, 7:30.

4 MS. COLTON: Okay, thank you, Your Honor.

5 BY MR. YATES:

6 Q. But you do recall the events ---

7 A. Yes.

8 Q. --- on this day?

9 A. Yes.

10 Q. No further questions.

11 MR. CRONIN: May it please the Court, Your Honor?

12 THE COURT: Yes, sir.

13 CROSS EXAMINATION - IN CAMERA

14 JAY RAJA BY MR. CRONIN:

15 Q. Now, sir, you said that it's a policy that when the
16 officer is there, you'll go to the officer and ask them to
17 have these other people leave?

18 A. Yes.

19 Q. Is that correct? Were you there when this was taking
20 place at the time?

21 A. No, I wasn't there on that time, but by the time I got
22 there everybody was already gone. The room was completely
23 empty with just their luggage in that room.

24 Q. So everything was gone?

25 A. Everything was gone.

JAY RAJA: CROSS BY MR. CRONIN - IN CAMERA

-128-

1 Q. Okay. What time did you get on the property again?

2 I'm sorry.

3 A. About 7:00, 7:30, in between that time. Early in the
4 morning.

5 Q. Okay. Do you know if by any chance they had checked
6 out before check-out time? Do you recall?

7 A. I'm not sure on that.

8 Q. You didn't -- Were you there the previous night?

9 A. Yes.

10 Q. Did you see Mrs. -- Ms. Quinn check in?

11 A. No, I didn't witness that.

12 Q. Did you see any of the defendants you have here, Mr.
13 Catoe or Mr. Johnson? Did you see them enter the hotel
14 room?

15 A. No, we wouldn't just go in and knock at anyone's door
16 by just, you know, who is staying in that room unless there
17 is a problem and a, you know, officer would come to us
18 that, "Is there a person staying?" Then, we would look for
19 that specific person. Okay. Yes, there is a person
20 staying by that name, and this is the room number.

21 Q. Okay so, but you didn't witness either of these two
22 defendants enter that motel room?

23 A. No, not --

24 Q. You had no idea when they got there?

25 A. No.

JAY RAJA: CROSS BY MR. CRONIN - IN CAMERA
REDIRECT BY MS. COLTON - IN CAMERA

-129-

1 Q. Okay. And you said that if there was a problem, you
2 would have the police go to the room. There weren't any
3 complaints, no problems with these defendants at that time?

4 A. No.

5 Q. Nothing further.

6 MS. COLTON: Thank you, Your Honor. Your Honor, we'd
7 ask that this witness be excused. We don't have any
8 further questions.

9 THE COURT: Well I don't think it makes a lot of
10 difference, but I'm confused as to how he got there at
11 7:00, 7:30, and the incident occurred about 8:30. And yet
12 he got there after the whole incident was over. And I -- I
13 don't know that, that's important to anything in this case,
14 but his testimony is he got there about 7:00, 7:30, and
15 everybody was already gone. The whole incident didn't take
16 place until about 8:30, so it took a little while after
17 that. So I'm confused as to exactly what he knew of when
18 he got there. Anyway, I just throw that out for what it's
19 worth. I don't know that it's that important to the case.

20 REDIRECT EXAMINATION - IN CAMERA

21 JAY RAJA BY MS. COLTON:

22 Q. Was it 7:30 a.m. or 7:30 p.m.?

23 THE COURT: He said it was 8:00.

24 A. It was -- I was notified in a.m. that -- but
25 everything was already done by that time because it was

JAY RAJA: REDIRECT BY MS. COLTON - IN CAMERA

-130-

1 next day when I was notified because I wasn't on that
2 property at all.

3 Q. Okay. You're talking a day -- this was Sunday --

4 A. Yes. And then --

5 Q. --- and you weren't notified till Monday?

6 A. Right. And then when I was notified, and then someone
7 from Drug Enforcement Unit called me regarding the lab
8 people coming into my property to clean up, and that's when
9 I end up going at the property to find out what exactly
10 going on to my property. Why are the lab people coming in
11 because I have no clue about what's going on. I have no
12 idea what went on that time until I found out, I heard
13 everything, I saw everything. And then I saw the bill,
14 and...

15 Q. The bill? Well tell me what bill you saw?

16 A. You know. The bill was for eighteen or Nineteen
17 Hundred Dollar worth of bill when I'm looking at this, that
18 I made a business of \$45 dollars, but because of this right
19 here, I'm paying Two Thousand dollars to someone that I
20 have no clue about for something that I have no clue about.

21 THE COURT: I think that clears it up. He didn't get
22 the word to go over there until the next day after that.

23 MS. COLTON: Yes, sir.

24 THE COURT: So this was in relation to a call. So
25 that clears it up. He didn't go there that morning before

-131-

1 the incident occurred. Okay. That clears it up. I
2 appreciate it. The records clear.

3 Thank you, sir. You may stand down.

4 THE WITNESS: Thank you.

5 MS. COLTON: I am going to ask that this witness, Your
6 Honor, not be released from the subpoena. He can leave for
7 the day. But we're just going to leave him on standby just
8 in case he has to testify.

9 THE COURT: Sir, you can go back to your business and
10 everything. You're still under subpoena. You may be
11 called back in at a later time.

12 THE WITNESS: Sure, not a problem.

13 THE COURT: Yes, sir.

14 THE WITNESS: Thank you.

15 THE COURT: Yes, sir. You're free to go.

16 (WITNESS LEAVING WITNESS STAND.)

17 THE COURT: I'm going to probably go to about 5:30,
18 maybe 25 or so till. But I've got drug court tonight and
19 --

20 MS. COLTON: Judge, our last witness is probably going
21 to be lengthy because the defense has indicated, and I
22 think as well the Court, to run the whole video. It will
23 last about an hour-and-a-half, the entire video.

24 THE COURT: We're not going to do that today.

25 MS. COLTON: But I can call Alex -- I can call Deputy

1 Wallace, he'll be short, he -- Deputy Wallace. Deputy
2 Clark. He's the officer that got the search warrant, and
3 add him in.

4 THE COURT: Well, we'll do him, and then we'll quit
5 for the day. I've got drug court.

6 MS. COLTON: Yes, sir.

7 THE COURT: I need to be freed up, get out of here by
8 5:30 or twenty-five 'till 6:00. So we'll have drug court.

9 MS. COLTON: We have to leave a message from the jury,
10 Your Honor. And we've already told them not to report the
11 first thing in the morning, and now I'm kind of inclined to
12 not -- to have them call back first thing in the morning,
13 maybe play it by ear tomorrow morning, Your Honor, 11:30 or
14 so. I think that should give us enough time. The video's
15 are lengthy, and then we have to argue.

16 THE COURT: I didn't understand what you said. You
17 want to leave a message for them to report back at a
18 certain time or have them call back at a certain time?

19 MS. COLTON: I'm not real sure what the best way to do
20 that is. That's what I'm asking, Your Honor. I don't
21 necessarily think we're going to -- we may not get to it at
22 11:30.

23 MADAME CLERK: It's after 5:00. I'm sure Melissa's
24 gone now.

25 MS. WEAVER: Your Honor, I think they were told to

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON - IN CAMERA

-133-

1 call back at 10:00 in the morning. And so we would just
2 leave a message -

3 THE COURT: Okay. well, if they were told to call
4 back -- as long as we -- we need to get a message on there
5 shortly after 9:00 then, I think.

6 MS. COLTON: Yes, sir.

7 THE COURT: So let's don't forget to do that.

8 MR. BROWN: How much more -

9 THE COURT: Then we'll know better where we stand in
10 the morning.

11 MS. COLTON: Gladden and Clark in regard to this
12 issue.

13 MR. BROWN: I'm sorry.

14 MS. COLTON: Gladden and Clark.

15 MR. BROWN: Okay.

16 MS. COLTON: The State would call John Clark.

17 MADAME CLERK: I need to swear you in.

18 (WHEREUPON: JOHN CLARK, BEING
19 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

20 DIRECT EXAMINATION - IN CAMERA

21 DEPUTY JOHN CLARK BY MS. COLTON:

22 Q. Deputy Clark, please state your full name for the
23 record.

24 A. I'm John Alexander Clark.

25 Q. Do you go by Alex Clark?

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON - IN CAMERA

-134-

1 A. Yes, ma'am.

2 Q. And where do you work?

3 A. I work for the York County Sheriff's Office.

4 Q. How long?

5 A. For over six years now.

6 Q. And where are you assigned to patrol?

7 A. Currently assigned to the Rock Hill District.

8 Q. And what district's that?

9 A. It includes the Newport area all the way out to the
10 Indian reservation and parts of Rock Hill South.

11 Q. And do you remember -- were you assigned to that in
12 February 27th, 2011?

13 A. Yes, ma'am.

14 Q. And did you encounter these defendants on that date?

15 A. Yes, ma'am, I did.

16 Q. What were the events leading up to you encountering
17 that?

18 A. I received a phone call stating that -- there were
19 three deputies, Deputy Stagner, Deputy Gladden, Deputy
20 Bolin that were going to serve an arrest warrant at a motel
21 on Riverview Road. I received a phone call asking that I
22 go and meet with Judge Davenport and possibly obtain a
23 search warrant. That's all the information I had at the
24 moment. I started working my way over toward the office.

25 Q. And you worked your way over to the office. Did you

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON - IN CAMERA

-135-

1 get another phone call from Deputy Gladden?

2 A. Yes, ma'am. Deputy Gladden called and gave me the
3 specifics on what was going on. She gave me the address
4 and told me that she was at the Best Way Inn on Riverview
5 Road in York County. She started giving -- providing
6 details about the -- what they had been out on, what they
7 had observed in the motel room that they were --

8 Q. What specifically did she tell you about where they
9 were, what they were doing, and when this occurred?

10 A. I knew -- I mean, I'm on the same radio frequency they
11 are. I knew that they were going to the hotel to serve an
12 arrest warrant.

13 Q. Okay.

14 A. When Deputy Gladden called me, she said, "Hey, there's
15 some stuff in the room here." She told me about the
16 electronics, that they were torn apart. She -- We had two
17 phone calls. She also told me that there were some
18 aluminum packaging laying n the floor that was consistent
19 with drug packaging. She told me there were two uncapped
20 needles that they had observed, some razor blades in the
21 room. And I had also -- I remember being told that one of
22 the defendants was a gang member. They told me that. And
23 I was en route to meet with Judge Davenport.

24 Q. In en route to meet with Judge Davenport, where did
25 you type the affidavit?

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON - IN CAMERA .

-136-

1 A. The affidavit was typed in the new office of Rock
2 Hill. It's -- I'm not sure what the address is. It's
3 right beside Judge Davenport's office. It's on Cherry Road
4 in Rock Hill.

5 Q. And you typed it?

6 A. Yes, ma'am.

7 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-ONE
8 PREMARKED FOR IDENTIFICATION.)

9 Q. And I'm going to show you four sheets marked for
10 identification purposes as Court Exhibit Twenty-One. Do
11 you know what that document is?

12 A. This is the search warrant that I signed on that day
13 for that motel room.

14 Q. And the affidavit in there is what you typed up?

15 A. Yes, ma'am.

16 Q. And in there, you indicate that the address is the
17 Best Way Motel?

18 A. Yes, ma'am.

19 Q. You put the address in there?

20 A. Best Way Inn.

21 Q. Best Way Inn. You put the address in there?

22 A. Yes, ma'am.

23 Q. And what do you say in the affidavit about what the
24 items are - found?

25 A. It -- the property sought?

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON - IN CAMERA

-137-

1 Q. Yeah, what you put in the affidavit?

2 A. I put that we were seeking any unlawful drug or drug
3 paraphernalia to include marijuana, crack cocaine,
4 methamphetamine; stolen electronic equipment including
5 laptop computers, monitors, and/or processors.

6 Q. And what was your basis for the -- for that? What did
7 you swear to?

8 A. Oh, I'm sorry. I put "Deputies arrested a female
9 suspect from this room on a warrant for malicious injury to
10 property. While deputies were in the room, deputies
11 observed numerous laptop computers and electronic
12 equipment, two unused cap syringes, a package of razor
13 blades, and," excuse me, "and multiple, small tin foil
14 packages consistent with that of drug packaging. And the
15 female taken into custody also had a prior drug-related
16 conviction."

17 Q. And you brought that over to Judge Davenport's office?

18 A. Yes, ma'am.

19 Q. Did you call Judge Davenport and ask Judge Davenport
20 to come out there?

21 A. Deputy Gladden actually called Judge Davenport first.

22 Q. Okay.

23 A. And then I spoke with him, and we met at the office
24 after I had typed the warrant.

25 Q. And what happened when you went in to see Judge

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON - IN CAMERA

-138-

1 Davenport?

2 A. He read the warrant. I explained to him, kind of,
3 what we had. And he agreed that we had the probable cause
4 necessary, and we signed the search warrant.

5 Q. Did you tell him that the officers were waiting over
6 at the location for that --

7 A. I didn't -- I didn't specifically tell him that. It
8 was understood. He knew that -- he knew that we were
9 waiting. And part of our conversation was that they are
10 waiting, you know, and...

11 Q. Did you add anything about -- Was there anything that
12 Deputy Gladden had told you that you didn't add to that?
13 That you didn't ---

14 A. Yes.

15 Q. --- add to that affidavit, the written document?

16 A. One specific thing that I do remember talking to Judge
17 Davenport about was that, that one of the -- we had
18 information that the female in the room was using
19 methamphetamine and heroine, and that she was alternating
20 the two to stay up for days at a time.

21 Q. Was there anything else that Deputy Gladden had told
22 you that you did not -- So that was the only thing that
23 Deputy Gladden had told you that you didn't make in the
24 search warrant?

25 A. That I remember.

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON - IN CAMERA

-139-

1 Q. Was there -- Did you talk to Stagner? Was there
2 anything Stagner had told you that you didn't put in the
3 search warrant that you knew at the time?

4 A. Other than knowing that -- or other than having the
5 information that one was a known gang member and the
6 information about the heroine and methamphetamine. I don't
7 recall anything else.

8 Q. And you didn't talk to Deputy -- Did you talk to
9 Deputy Bolin on the phone?

10 A. No.

11 Q. Okay. Judge Davenport issued a search warrant?

12 A. Yes, ma'am.

13 Q. And when he issued a search warrant, what did you do
14 then?

15 A. After we obtained the search warrant, I took it to the
16 address on Riverview Road to the motel -

17 Q. Hold on, let me stop you.

18 A. Oh, I'm sorry.

19 Q. I'm sorry, that's my fault.

20 You were the affiant on that search warrant?

21 A. Yes, ma'am.

22 Q. And you gave your affirmation that, that was the truth
23 and what you told the judge that, that was the truth. Do
24 you remember that it was the truth?

25 A. Yes.

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON - IN CAMERA

-140-

1 Q. Did you do that before or after you communicated that
2 information to the judge? The warrant information.

3 A. This was while he was reading the warrant -- or
4 reading over the -- the -- the print -- I mean, he was
5 reading over what I had typed up for him.

6 MS. COLTON: Your Honor, we ask that we enter this
7 Court Exhibit Twenty-one for purposes of this
8 questionnaire, Your Honor.

9 MR. BROWN: For purposes of this motion without
10 objection.

11 MR. YATES: No objection, Your Honor. /

12 THE COURT: For purposes of this hearing only, without
13 objection.

14 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-ONE
15 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

16 BY MS. COLTON:

17 Q. Deputy, then you brought that -- you drove that over
18 to the Best Way Inn?

19 A. Yes, ma'am.

20 Q. And who executed the search warrant?

21 A. When I arrived, Detectives Branham and Detective Moore
22 came up right before we entered the premises with the
23 search warrant to begin the search. And the three of us
24 were in there executing it.

25 Q. And you read the search warrant?

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON - IN CAMERA
CROSS BY MR. YATES - IN CAMERA

-141-

1 A. Yeah, the search was read, and a copy was left in the
2 hotel room.

3 Q. And did you file a return on that search warrant?

4 A. No, ma'am, I did not. After we had located the items
5 we believed to be part of the meth lab, we contacted the
6 Drug Enforcement Unit, and one of the investigators
7 actually filed the return on the search warrant.

8 Q. Who was at the hotel room when you arrived there?
9 What officers were there?

10 A. Deputy Stagner, Deputy Gladden, and Deputy Bolin. And
11 I had a recruit with me at the time, Deputy Shealy, but he
12 arrived on the scene with me.

13 Q. And then was Pete Branham and Fred Moore, were they
14 there when you got there, or did they meet you there
15 thereafter?

16 A. They showed up like right after we got there.

17 Q. Simultaneously?

18 A. Yeah.

19 Q. Thank you. Please answer any questions defense
20 counsel may have for you.

21 CROSS EXAMINATION - IN CAMERA

22 JOHN CLARK BY MR. YATES:

23 Q. Good afternoon, sir. How are you today?

24 A. Pretty good. yourself?

25 Q. Good.

DEPUTY JOHN CLARK: CROSS BY MR. YATES - IN CAMERA

-142-

1 So, a couple of quick questions for you.

2 A. Okay.

3 Q. You stated that Deputy Gladden made two phone calls to
4 you; is that correct?

5 A. I believe she actually made a total of three.

6 Q. A total of --

7 A. She made at least two.

8 Q. A total of three calls. And could you break those
9 three calls down for me? What did she -- or when she
10 called the first time, what was that call for?

11 A. Specifically trying to break down each call, I really
12 can't say exactly what was told during each phone call.
13 Before I went before the judge, it was a cumulative -- you
14 know, everything that I had to -- to try to obtain a search
15 warrant was all, you know, brought together to present it
16 to the judge.

17 Q. About what time was the first call placed, if you can
18 recall that?

19 A. I don't recall the first time. It was right as they
20 were going to the -- or right after they got to the hotel
21 to serve the warrant -- serve the arrest warrant.

22 Q. So before they actually went into the room?

23 A. I received a phone call as they were going because
24 they had received the information that one of the -- that
25 Ms. Quinn was possibly alter -- or switching marijuana and

DEPUTY JOHN CLARK: CROSS BY MR. YATES - IN CAMERA

-143-

1 methamphetamine and heroine to stay up for days at a time.

2 MR. BROWN: I'm sorry. Could you repeat that, please?

3 A. Yeah, I was -- I was stating that I was first called
4 because they thought there -- there was a possibility there
5 could be drugs in the room based off the information they
6 had that she was alternating methamphetamines and heroine
7 to stay up for days at a time.

8 Q. So then the second phone call would have been after
9 they were in the room; is that correct? I mean, I'm sorry,
10 after they had Ms. Quinn in custody?

11 A. I believe so.

12 Q. And then on the third -- what you believe is the third
13 phone call, that would have been some additional
14 information that they were giving you for --

15 A. Right, it would have been additional information. The
16 second phone call, I have no doubt, was when I received
17 most of the information for the search warrant.

18 Q. And then -- and just to make it clear. So then, the
19 third call, additional information was given?

20 A. Yes.

21 Q. Do you have any idea of the time frame as far as
22 between the second and third call?

23 A. I remember when I got the first phone call, I was on
24 Ebenezer Road in Rock Hill. I'm not sure why I remember
25 that, but I remember taking the first phone call. It

DEPUTY JOHN CLARK: CROSS BY MR. YATES - IN CAMERA
CROSS BY MR. BROWN - IN CAMERA

-144-

1 couldn't have been more than 10 to 15 minutes, maybe 20
2 because the office isn't far from where I took the original
3 phone call.

4 Q. That's in between the first and second or the second
5 and third?

6 A. I -- I'm not sure.

7 Q. Do you have any idea of the total time frame between
8 the first call and the last call?

9 A. Not right off I don't.

10 Q. Do you have a guess?

11 A. I mean -- it's been a year. I really don't remember
12 how long it's been -- how long it was between the calls.

13 Q. And from your recollection, there were only three
14 calls, or is there a possibility that there was more than
15 three?

16 A. I believe that there was three.

17 Q. No further questions, Your Honor.

18 CROSS EXAMINATION - IN CAMERA

19 DEPUTY JOHN CLARK BY MR. BROWN:

20 Q. Deputy Clark, of course you weren't present at the
21 Best Way Inn, Room 124. Right?

22 A. Not before the search warrant.

23 Q. And basically this information is being relayed to you
24 from Officer Gladden; is that correct?

25 A. Most -- yes, sir.

DEPUTY JOHN CLARK: CROSS BY MR. BROWN - IN CAMERA

-145-

1 Q. Did you speak to anyone else about this information
2 other than Officer Gladden?

3 A. I spoke to Deputy Stagner also.

4 Q. And you, for lack of a better term, condensed that
5 information into an affidavit for Judge Davenport.

6 Correct?

7 A. I translated what they were telling me into an
8 affidavit, yes.

9 Q. And did Judge Davenport ask you any questions about
10 that information?

11 A. I don't remember if he asked me anything specific. I
12 knew he read the affidavit, and he agreed that there was a
13 probable cause, and he signed it.

14 Q. So it never came out -- or, you didn't tell the judge
15 that this is not my information, this is from somebody
16 else. Correct?

17 A. No, Deputy Gladden actually called him first. So he
18 knew that it was coming from me, and I was not --

19 Q. You knew, or are you assuming he knew? Or you knew he
20 was going to bring -- that you were going to prepare the
21 warrant?

22 A. I knew that Deputy Gladden had already contacted him.

23 Q. How did you know that?

24 A. She told me.

25 Q. He did, or she did?

DEPUTY JOHN CLARK: CROSS BY MR. BROWN - IN CAMERA

-146-

1 A. She did.

2 Q. And did Judge Davenport ask you any questions about
3 how this information was obtained or anything?

4 A. Not that I remember.

5 Q. Basically, you just presented it to him, and he signed
6 it?

7 A. I presented it to him -- I mean, we discussed the
8 case. I mean, we discussed the specifics of --

9 Q. They're out there at the Best Way Inn, stuff like
10 that? Is that what you discussed with him?

11 A. Yes, I did. The address and everything was here.

12 Q. He didn't ask you with any specificity, though, about
13 who said what, who gave you this information, or anything;
14 did he?

15 A. I don't believe so.

16 Q. Now the first phone call about alternating heroine and
17 meth, I believe; was that correct?

18 A. Yeah, she was alternating the two.

19 Q. You got that phone call from whom?

20 A. I believe the first time I heard that, it came from
21 Deputy Stagner.

22 Q. And when was that phone call placed?

23 A. It was around the same time I started speaking to
24 Deputy Gladden.

25 Q. Was that before or after they'd entered -- made the

DEPUTY JOHN CLARK: CROSS BY MR. BROWN - IN CAMERA

-147-

1 arrest?

2 A. I believe it was before.

3 Q. So before the arrest is made, they -- they have not
4 been in the room, obviously. Correct?

5 A. That was my understanding.

6 Q. And they are conveying information to you with the
7 affiant on the search warrant that she's alternating
8 heroine and meth; is that correct?

9 A. Yes, I believe so.

10 Q. Now do we have any underlying information or any
11 criteria that shows that information to be valid or
12 reliable?

13 A. I -- I'm not quite sure what you're asking me. I'm
14 sorry.

15 Q. Well, how do we know the information they conveyed
16 you, the first phone call, is reliable?

17 A. The phone call came from another deputy that was
18 involved in the original arrest warrant ---

19 Q. From malicious injury to property?

20 A. --- and it was -- Yes.

21 Q. I'll buy it. How are those two related?

22 A. That was the original reason they were at the motel.

23 Q. The original reason they were what?

24 A. That they went to the motel. They had the arrest
25 warrant, which was --

1 Q. Oh, I understand that. I understand that. But she's
2 alternating -- there was no heroine found, to your
3 knowledge, on that return; is it?

4 A. Not to my knowledge.

5 Q. And the first thing conveyed to you as affiant on this
6 warrant is that she's alternating methamphetamine and
7 heroine; is that correct?

8 A. Yes.

9 Q. And you start preparing the affidavit based on that;
10 is that correct?

11 A. No, sir.

12 Q. Well, we don't know where that information came from;
13 do we?

14 A. I -- I believe it was her mother-in-law or possibly
15 her grandmother that I knew it was --

16 Q. You believe -- let's make sure. Do you know or are
17 you guessing?

18 A. No, I believe. I do not know for sure.

19 Q. So you don't know where the basis of that information
20 was at the time you presented it to Judge Davenport?

21 A. For that specific information, was not in the search
22 warrant, but...

23 Q. But I notice -- everybody's talking about computer
24 parts. And the first thing you've got there is any
25 unlawful drug, drug paraphernalia to include marijuana,

DEPUTY JOHN CLARK: CROSS BY MR. BROWN - IN CAMERA

-149-

1 crack, cocaine, and methamphetamine; is that correct?

2 A. Yes, sir.

3 Q. What led anybody to believe there was marijuana there?

4 A. When we got -- I mean, when we start searching for a
5 drug ---

6 Q. Yes, sir.

7 A. --- at this point we had -- I'd been told about the tin
8 foil that was on the floor, the razor blades, the syringes,
9 and when we, you know -- typically when we find one
10 narcotic, especially something heavier than methamphetamine
11 or -- I'm sorry -- something heavier than marijuana, we
12 tend to find more than one or two drugs together. It's not
13 always just one specific drug.

14 Q. What's consistent with smoking marijuana in any of
15 this return that was found?

16 A. The only thing that I remember them talking about was
17 a -- it was a wrapped Phillies -- a cigar consistent with a
18 Phillies Blunt. And through my experience --

19 Q. Is that on the return?

20 A. I don't -- it was -- it had not been cut open. It was
21 still tobacco. So I do not believe it was seized.

22 Q. And that was conveyed to you, there was a unused
23 cigar in there?

24 A. Yes.

25 Q. And you conveyed that information to Judge Davenport?

DEPUTY JOHN CLARK: CROSS BY MR. BROWN - IN CAMERA

-150-

1 A. I -- I really don't remember if I told him about the
2 cigar or not.

3 Q. What evidence was there, there was any cocaine use?
4 There was no cut straws or anything like that; was it?

5 A. No, but we -- when they were talking about the tin
6 foil on the floor, we expected that we were going to find
7 some type of cocaine or cocaine base, possibly crack.

8 Q. Cocaine and cocaine base is usually packaged in cut
9 baggies; is it not?

10 A. Powder cocaine, yes.

11 Q. Have you ever seen any powder cocaine in tin foil,
12 ever?

13 A. I don't think so.

14 Q. Crack. Crack usually comes in cut baggies; doesn't
15 it?

16 A. Actually crack -- I've seen crack come in numerous
17 different packages.

18 Q. Isn't tin foil usually generally used in the drug
19 industry for methamphetamine and heroine?

20 A. This -- I -- I'm really not an expert on meth-
21 amphetamine. We find tin foil and aluminum foil when we
22 found crack. We found, I mean, all kinds of different
23 drugs.

24 Q. Nobody conveyed you the information that you presented
25 to Judge Davenport there was any illicit contraband in the

DEPUTY JOHN CLARK: CROSS BY MR. BROWN - IN CAMERA

-151-

1 tin foil; did they?

2 A. No, they said that it was consistent with drug
3 packaging.

4 Q. Nobody said there was anything in the tin foil,
5 though. Correct?

6 A. The tin foil hadn't been opened at the time.

7 Q. Is Item Number 5 on the return, meth packaging
8 material, is that the tin foil you make reference to?

9 A. I did not file the return. I'm not exactly sure.

10 Q. Okay. I understand.

11 MR. BROWN: I beg the Court's indulgence one second.

12 (PAUSE.)

13 MR. BROWN: No further questions, Your Honor.

14 MS. COLTON: Your Honor, we don't have any further
15 questions for this officer.

16 MR. BROWN: No objection to him being excused.

17 THE COURT: Thank you, sir. You may stand down.

18 (WITNESS LEAVING WITNESS STAND.)

19 THE COURT: Let's call it a day. What time do you
20 want to start in the morning?

21 MR. BROWN: Eleven o'clock.

22 THE COURT: Nice try.

23 MS. COLTON: The earlier the better, Your Honor.

24 Whatever time you all can -

25 THE COURT: I can't remember if I've got the thing

1 first thing or not. Let's start at about 9:15.

2 MS. COLTON: We have to have the message for the jury
3 by 9:00 o'clock, Your Honor.

4 I have -- that witness is going to be lengthy. I
5 think the video will be an hour-and-a-half.

6 MR. BROWN: I would suggest that we tell the jury to
7 come in at 1:30 or 2:00. I really think -- I'm not trying
8 to belabor the point, but she's correct. And when --
9 that's just on her end of it. By the time we get through,
10 it's going to be lunchtime.

11 MS. COLTON: Yeah, I think that would be a good idea.

12 THE COURT: Why don't we do this. Let's have them
13 come -- I'm wanting to start as soon as possible, but let's
14 -- we still have to get some lunch as well. So I guess
15 just have them come -- we can do this at 1:30 or 2:00,
16 whatever you think. We've still got to get some lunch in
17 here.

18 MS. COLTON: Yes, sir.

19 THE COURT: Save some time in there for us to get some
20 lunch. So whatever you think for them.

21 MS. COLTON: I think if we call them at 2:00 and we're
22 ready to go, we can probably get through at least a couple
23 of witnesses.

24 THE COURT: Let's -- and we'll put the message on to
25 tell them to have had lunch before they get here, so...

-153-

1 MR. BROWN: I would also -- I'll throw out. We'll
2 probably need some time after all this is over for us to
3 stay and talk, that's why I said after lunch.

4 THE COURT: That's fine.

5 (COURT IN RECESS FOR THE DAY AT 05:37 PM.)

6 (COURT BACK IN SESSION TUESDAY, JANUARY 24, 2012 AT
7 11:02 AM.

8 THE COURT: Okay, Solicitor.

9 MS. COLTON: Thank you, Your Honor. Your Honor, in
10 regard to Mr. Johnson and Mr. Catoe, they have indicated
11 through their attorneys that they wish to enter a guilty
12 plea to these charges, the State has entered into plea
13 negotiations with them.

14 With regard to Mr. Johnson 2011-GS-46-1752, the State
15 has agreed to reduce his trafficking methamphetamine more
16 than a hundred grams charge to trafficking in
17 methamphetamine twenty-eight to a hundred grams as a first
18 offense. That would carry seven to twenty-five years
19 without parole, it's violent, it's serious. We're capping
20 that at eighteen years, Your Honor.

21 With regard to Mr. Catoe which is 2011-GS-46-1746 -

22 THE COURT: Excuse me.

23 MS. COLTON: I'm sorry.

24 THE COURT: Mr. Johnson, he's pleading No Contest?

25 MS. COLTON: He's pleading No Contest. I apologize,

1 Your Honor. That is true.

2 THE COURT: I'm sorry. Go ahead then, Solicitor.

3 MS. COLTON: Okay. Sorry, Your Honor. With regard to
4 Mr. Catoe 2011-GS-46-1746, he was originally charged with
5 trafficking methamphetamine in an amount over a hundred
6 grams as well. The State has agreed to reduce his charge
7 to manufacturing methamphetamine first offense, carries
8 zero to fifteen years and it is a violent offense, it is
9 not serious; and it is parolable, a parolable offense upon
10 eighty-five percent. There is no recommendation with
11 regard to Mr. Catoe other than the reduction in the
12 sentencing.

13 THE COURT: All right, Counsel, please bring them
14 around to the bar.

15 (DEFENSE ATTORNEYS AND DEFENDANTS APPROACH THE BAR.)

16 MADAME CLERK: Can I get each of you to raise your
17 right hand.

18 (WHEREUPON: DEFENDANT'S COREY
19 SETH CATOE, JASON ALEN JOHNSON, BEING CALLED AND DULY
20 SWORN, TESTIFIED AS FOLLOWS:)

21 THE COURT: Counsel, approach just a minute.
22 Solicitor.

23 (BENCH CONFERENCE AT 11:05 AM, OFF THE RECORD.)

24 THE COURT: All right, let's take Mr. Johnson's case
25 first.

1 MR. JOHNSON: Your Honor. Your Honor, I'd like to
2 withdraw my plea.

3 MS. COLTON: Take him out. I'll take his if he wants
4 to do it.

5 Its not contingent on what Mr. Johnson does, but if he
6 wants to do it we can do Mr. Catoe's plea.

7 THE COURT: All right. We'll take Mr. Catoe's plea.

8 MS. COLTON: Sir, your Corey Seth Catoe?

9 MR. CATOE: Yes, sir.

10 THE COURT: How old are you, Mr. Catoe?

11 MR. CATOE: Twenty-eight, sir.

12 THE COURT: How far did you go in school?

13 MR. CATOE: Eleventh.

14 THE COURT: What do you do for a job or occupation?

15 MR. CATOE: I'm a mechanic, sir.

16 THE COURT: Are you married, sir?

17 MR. CATOE: No.

18 THE COURT: Do you have any children?

19 MR. CATOE: Yes, sir.

20 THE COURT: What's the age of your children?

21 MR. CATOE: Seven and - -

22 MS. COLTON: Judge, can we approach briefly.

23 THE COURT: Yes.

24 MS. COLTON: I'm sorry, I hate to interrupt.

25 Mike.

1 (BENCH CONFERENCE AT 11:16 AM OFF THE RECORD.)

2 (DEFENDANT JASON JOHNSON ESCORTED FROM THE COURTROOM.)

3 THE COURT: I'm sorry, what was your answer, sir?

4 MR. CATOE: Seven and three months.

5 THE COURT: How much time have you served in jail on
6 this charge?

7 MR. CATOE: Right at eleven months.

8 MADAME COURT REPORTER: I'm sorry, Judge. Judge, I'm
9 sorry, I could not hear his responses.

10 THE COURT: Mr. Catoe, let me get you to speak up just
11 a little bit so the court reporter has to record everything
12 we say.

13 How much time did you serve; eleven months?

14 MR. CATOE: Yes, sir.

15 THE COURT: Have you all calculated it out?

16 MR. RAWLINSON: He was arrested on February 27, 2011,
17 Your Honor. I haven't, I haven't calculated the exact, the
18 exact days.

19 THE COURT: February the 27th?

20 MR. RAWLINSON: Yes, sir.

21 THE COURT: 2011?

22 MR. RAWLINSON: Yes, Your Honor.

23 THE COURT: Mr. Catoe, you are charged today, or are
24 being allowed to plead to manufacturing methamphetamine,
25 first offense, which offense is classified as a felony and

-157-

1 carries a maximum sentence of fifteen years and twenty-five
2 thousand dollar fine. It's classified as a violent offense
3 which could affect your eligibility for parole. And also
4 could affect your eligibility to participate in certain
5 programs down at the South Carolina Department of
6 Corrections if you go there. Do you understand that?

7 MR. CATOE: Yes, sir.

8 THE COURT: Understanding the -- Is this a lesser,
9 Solicitor?

10 MS. COLTON: Yes, it is, Your Honor.

11 THE COURT: It is a lesser? Okay.

12 Do you understand the charge against you and also the
13 maximum punishment you could receive on this charge?

14 MR. CATOE: Yes, sir.

15 THE COURT: Understanding that, how do you plead to
16 this charge today, guilty or not guilty?

17 MR. CATOE: Guilty, sir.

18 THE COURT: Do you understand that by pleading guilty
19 you give up your right to remain silent?

20 MR. CATOE: Yes, sir.

21 THE COURT: Do you understand that by pleading guilty
22 you give up your right to a trial by a jury?

23 MR. CATOE: Yes, sir.

24 THE COURT: And if you give up your right to a trial
25 by a jury you also give up your right to assert any legal

1 defenses that you might have in a jury trial.

2 MR. CATOE: Yes, sir.

3 THE COURT: I know your attorney has gone over that
4 right with you and I am going to do so as well.

5 At trial you have the right to confront and cross
6 examine all witnesses against you and have the right to
7 present any witness's and or evidence in your own defense.
8 You would have the right to testify in your own defense if
9 you wish to do so, but no one can make you testify in your
10 own trial. If you decided to go to trial and not testify,
11 the Judge would tell the jury they could not hold your
12 failure to testify against you. In fact, the jury couldn't
13 even consider your failure to testify in their
14 deliberations on your guilt or innocence. You would be
15 presumed innocent throughout your trial and the State would
16 have to prove you guilty beyond a reasonable doubt to a
17 jury of twelve people; all twelve people would have to
18 unanimously agree that you were guilty in order for you to
19 be convicted. Even if you were convicted you still have
20 the right to appeal that conviction. Do you understand
21 your rights with regard to a trial by a jury?

22 MR. CATOE: Yes, sir.

23 THE COURT: Understanding that right, do you still
24 want to plead guilty or do you want to go forward with your
25 trial?

1 MR. CATOE: Guilty, sir.

2 THE COURT: The State has agreed to reduce your charge
3 from trafficking in an amount of more than one hundred
4 grams of methamphetamine, reduce it down to manufacturing
5 methamphetamine first offense. Is that your understanding
6 of the agreement you have with the Solicitor's office in
7 order to plead guilty to this charge?

8 MR. CATOE: Yes, sir.

9 THE COURT: Has anybody promised you anything other
10 than that in order to get you to plead guilty?

11 MR. CATOE: No, sir.

12 THE COURT: Has anybody threatened you, coerced you or
13 made you plead guilty against your will?

14 MR. CATOE: No, sir.

15 THE COURT: Are you satisfied with the manner in which
16 your attorney has advised and represented you in this case?

17 MR. CATOE: Yes, sir.

18 THE COURT: Have you and your attorneys' fully
19 discussed the charges, the charge against you?

20 MR. CATOE: Yes, sir.

21 THE COURT: Has your attorney told you the witnesses
22 and evidence the State has available to present at trial to
23 prove your guilt?

24 MR. CATOE: Yes, sir.

25 THE COURT: Has your attorney discussed with you any

1 possible legal defenses that might be available to you if
2 you were go to trial?

3 MR. CATOE: Yes, sir.

4 THE COURT: Have you told your attorney the names of
5 any and all witnesses you know of that your attorney could
6 subpoena and bring to trial to assist you in your defense
7 if you were to go to trial?

8 MR. CATOE: Yes, sir.

9 THE COURT: Are you today under the influence of any
10 mind altering substance such as alcohol, drugs, or
11 prescription medications which interfere with your judgment
12 or ability to understand what you are doing in court?

13 MR. CATOE: No, sir.

14 THE COURT: Do you have any mental, emotional, or
15 nervous condition that interferes with your judgment or
16 ability to understand what you are doing in court?

17 MR. CATOE: No, sir.

18 THE COURT: Are you pleading guilty today of your own
19 free will?

20 MR. CATOE: Yes, sir.

21 THE COURT: Are you in fact guilty of this charge?

22 MR. CATOE: Yes, sir.

23 THE COURT: Please give me the facts, Solicitor.

24 MS. COLTON: Thank you, Your Honor.

25 Mr. Catoe's prior record is a shoplifting in 2002. A

-161-

1 federal forgery and uttering charge in 2005. A burglary 2d
2 in '08 with a petit larceny and a breaking and entering of
3 an automobile all occurring at one time. And a possession
4 of marijuana in 2009.

5 This incident was investigated on February 27 of last
6 year, 2011, in York County when officers responded or were
7 searching for a female with an arrest warrant for malicious
8 damage to property. Officers ultimately executed a search
9 warrant in that hotel room within the city limits of Rock
10 Hill in York County, South Carolina and they recovered a
11 methamphetamine lab, a bottle that had been half way
12 through the process. The test of that methamphetamine
13 solution, or what was in that solution, came back positive
14 for methamphetamine, weighed approximately sixty grams, was
15 a small sample that officers were able to recover. They
16 weren't able to recover the full amount of liquid because
17 the volatility of the chemicals involved.

18 Through the investigation officers were able to
19 procure the pseudoephedrine purchase records which were the
20 precursors to making methamphetamine. Mr. Catoe along with
21 other unindicted co-conspirators and Mr. Johnson, his co-
22 defendant, are seen on those pseudo records buying
23 pseudophedra in unusually large quantities. Law
24 enforcement went out and interviewed these other
25 individuals, individuals having gone to trial they would

1 have testified that back in July of 2010 Mr. Catoe's co-
2 defendant began manufacturing methamphetamine utilizing a
3 lot of "smurfs" -- people that go out and get the
4 pseudophedra, trading pseudophedra for methamphetamine;
5 that this occurred all throughout the end of that year up
6 until their arrest at that hotel room. So the State is
7 prepared to offer evidence of all those manufacturing
8 distribution sales and in adding to the weight of the sixty
9 grams that were sampled as well, Your Honor.

10 THE COURT: Mr. Catoe, you've heard the facts recited
11 to the Court by the Solicitor's office, do you disagree in
12 any way with what they say happened?

13 MR. CATOE: No, sir.

14 THE COURT: I find the decision of the defendant,
15 Corey Seth Catoe, to plead guilty to this charge to be made
16 freely voluntarily and intelligently; he's had the
17 representation of a competent attorney with whom he says he
18 is satisfied, I find the facts presented to the Court by
19 the Solicitor's office incurred in by the defendant fully
20 support the guilty plea in this case and I'll accept the
21 plea as freely and voluntarily made.

22 Mr. Catoe, if you disagree with the proceeding in
23 which you are currently involved, you have ten days from
24 today's date within which to file a Notice of Intent to
25 Appeal. Do you understand your right to appeal today's

1 proceeding?

2 MR. CATOE: Yes, sir.

3 THE COURT: All right. Does the State wish to be
4 heard on sentencing?

5 MS. COLTON: We do, Your Honor.

6 Your Honor, Mr. Catoe certainly it's not the State's
7 position that he was the head cook so to speak. He was one
8 of the direct errand runners for the head cook in this
9 case. Certainly he knew what was going on, acting almost
10 as side kick. He was assisting in the manufacture of
11 methamphetamine, I don't believe he got any benefit from
12 it. All the indications from the witnesses that we've
13 spoken to that would testify I believe they would testify
14 at court that Mr. Catoe was being used by this head cook to
15 run his errands and do these things. He was getting
16 pseudoephedrine in the process. To help make it he engaged
17 in the assisting in the process to make it. He was getting
18 methamphetamine in return for doing that. However I don't
19 believe there is anyone that would testify that he actually
20 cooked it in and of himself through the entire process from
21 start to finish. I believe that he was used by the main
22 cook to do this and that he was exploiting Mr. Catoe's
23 addiction to -- in order to make, you know, to do these
24 things. But certainly he had -- he's just as culpable
25 under the theory the hand of one is the hand of all as Mr.

1 Johnson would be because but for the procurement of the
2 pseudoephedrine that they wouldn't be able to manufacture
3 the methamphetamine in that quantity.

4 THE COURT: Counsel.

5 MR. RAWLINSON: Your Honor, Brad Rawlinson on behalf
6 of the defendant. Mr. Catoe grew up in Rock Hill. He went
7 to Rock Hill High School, he's twenty-eight years old. As
8 he said he has two kids, seven and three months. Before
9 this arrest he was fixing computers as a side job and he
10 was also working at C&K Automotive. If this were to go to
11 trial Kim Davis who is a client of his for his computer
12 operating business and his boss would have testified that
13 he was a good worker, et cetera. He was a relatively
14 productive citizen during this time before he got arrested.
15 But he does not have a significant drug history in terms of
16 convictions. His only drug conviction is a possession of
17 marijuana. He is here to take responsibility regardless of
18 his co-defendant's decision. He realizes that what he did
19 was wrong. And as the Solicitor -- but as the Solicitor
20 says in mitigation he was not the main cook, he was not
21 distributing this product. It seems to have stemmed from a
22 drug use problem and for that we certainly are sorry he's
23 here to take responsibility for that. Since I have met him
24 and in my limited involvement in this case he's always been
25 sincere in his regret for his actions and I believe he does

-165-

1 want to take responsibility. He does want to get back to
2 both of his young children and go back to being a
3 productive citizen in the automotive business and also in
4 the computer repair business. We would respectfully ask
5 the court after ten and a half months would -- the court
6 would find mercy and give him a lesser sentence - time
7 served or on the smaller end of the range of zero to
8 fifteen years. We believe again in mitigation his level of
9 involvement in these offenses certainly indicates I believe
10 that, that would be an appropriate sentence. And at the
11 appropriate time I believe Mr. Catoe would like to make a
12 statement.

13 THE COURT: Mr. Catoe.

14 MR. CATOE: Yes, sir. I just want to take
15 responsibility for my actions. I apologize and lay myself
16 at the mercy of the Court.

17 MR. RAWLINSON: And, Your Honor, one additional note,
18 just to put on the record. There's two additional
19 indictments and as a part of this plea those indictments
20 will be dismissed. There is a direct indictment for
21 conspiracy. I just wanted to put that in the record.

22 MS. COLTON: I believe they've already been -- I think
23 I've already dismissed them, Judge. I can't recall but, of
24 course, we'll do that when he pleads guilty to this.

25 THE COURT: You will dismiss those?

1 MS. COLTON: Yes, sir.

2 MR. RAWLINSON: Thank you, Your Honor.

3 THE COURT: You appointed or retained in this case?

4 MR. YATES: Appointed, sir.

5 THE COURT: Sir?

6 MR. YATES: Appointed.

7 THE COURT: All right. In Case No. 2011-GS-46-01746
8 Corey Seth Catoe having pled guilty to manufacturing
9 methamphetamine, first offense, -- Let me say this, Mr.
10 Catoe. I've taken into consideration though you do have a
11 little bit of a record although it's not for drugs. You do
12 have a burglary and some other things on your record. I
13 have to take that into consideration to in sentencing.

14 Again, Case No. 2011-GS-46-1746 Corey Seth Catoe
15 having pled guilty to manufacturing methamphetamine, first
16 offense, sentence of the Court is he be committed to the
17 State Department of Corrections for a determinate term of
18 five years; provided upon the service of two years. The
19 balance is suspended with probation for two years. He's
20 given credit for time served since 2/27/2011, the sentence
21 begin effective on that date. As part of his probation he
22 has to pay the Five Hundred Dollar fee to the Public
23 Defense Fund required by statute. So he would get credit
24 for the time he served. He won't be down there too long
25 but he is to get exposed to it. Thank you.

-167-

1 MR. RAWLINSON: Thank you, Your Honor.

2 THE COURT: You can take all that down now.

3 MR. BROWN: Your Honor, may Ms. Colton and I approach?

4 THE COURT: Yes, sir. I've run completely out of
5 patience, sir.

6 MR. BROWN: Yes, sir.

7 THE COURT: I've got a jury coming in shortly and we
8 haven't gotten through this plea yet. We'll have to move
9 on, okay.

10 (BENCH CONFERENCE OFF THE RECORD AT 11:32 AM.)

11 (PAUSE AT 11:35 AM.)

12 MR. BROWN: I want to put on the record before he
13 comes out here a couple of things.

14 THE COURT: Well I think we need him out here. We're
15 gonna put it on the record.

16 MR. BROWN: Fine.

17 THE COURT: Bring him on out.

18 (DEFENDANT JASON JOHNSON REENTERS THE COURTROOM AT
19 11:40 AM.)

20 THE COURT: Yes, sir, Counselor.

21 MR. BROWN: Your Honor, I have some concerns about
22 continuing representation in this case. The relationship
23 between me and the defendant is broke down somewhat. I
24 thought I did the best thing possible for him this morning
25 and my best interest. Also suggest that we get a mental

1 evaluation of the defendant before he proceeds.

2 THE COURT: What's your basis for that, a mental
3 evaluation?

4 MR. BROWN: I think it speaks for itself, Your Honor.

5 THE COURT: Well I haven't heard anything to indicate
6 that to me. He's speaking out maybe when he shouldn't be
7 speaking out during the proceeding thus far in the
8 proceedings but what other basis do you have to get a
9 mental evaluation done?

10 MR. BROWN: Just based on my conversations leading up
11 to what happened today.

12 THE COURT: Such as? Now he presumes to be competent.
13 I don't see anything to indicate that he's not.

14 Put your hands down. Sir, you don't sit in the
15 courtroom with your arms folded in my courtroom.

16 Yes, sir.

17 MR. BROWN: Your Honor, that's it, the basis of what
18 happened today. I don't know that I can. I will do what
19 the Court tells me to do. I have some grave concerns about
20 continuing representation in this case.

21 THE COURT: Well it may be difficult, Counselor, but I
22 don't see any need to relieve you. You're well prepared,
23 we're ready, we put a lot of time this afternoon in this
24 case already got the jury coming in and hear this case so
25 we need to proceed on with it. I haven't seen anything to

-169-

1 indicate that he is not competent and understands what's
2 going on and be able to assist you once we actually get
3 started with the trial and pretrial for that matter. And
4 so the fact that you all don't have no meeting of the minds
5 on how to proceed in this, wouldn't mean that he would need
6 a mental evaluation and he would not require it. Often
7 times attorneys and a defendant are not in agreement on how
8 to proceed on a case but we need to proceed on today with
9 the trial.

10 Let's proceed on. What's next?

11 MS. COLTON: Judge, what we've done, we have, I
12 believe defense counsel is going to enter a stipulation.
13 We have documents from various pharmacies, Walmart, BiLo,
14 several pharmacies, they are basically data bases that are
15 printed out for each pharmacy that contain the
16 pseudoephedrine records and then the records from the
17 central data base where the entire state now is required
18 now to send all of their information and believe defense
19 counsel is willing to stipulate that those are business
20 records so that we don't have to bring additional
21 pharmacist - to bring them in.

22 THE COURT: Is that correct? You're willing to
23 stipulate they are business records rather than have
24 someone come in?

25 MR. BROWN: That's correct.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-170-

1 MS. COLTON: The State would call Deputy Rachael
2 Gladden.

3 MADAME CLERK: Please raise your right hand, place
4 your left on the bible.

5 (WHEREUPON: DEPUTY RACHAEL
6 GLADDEN, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
7 FOLLOWS:)

8 MADAME CLERK: Thank you. You may have a seat.

9 DIRECT EXAMINATION - IN CAMERA

10 DEPUTY RACHAEL GLADDEN BY MS. COLTON:

11 Q. Deputy, can you please state your full name for the
12 record?

13 A. Rachael Gladden.

14 Q. And where do you work?

15 A. York County Sheriff's Office.

16 Q. How long have you been working for the Sheriff's
17 Office?

18 A. Four years in April.

19 Q. And where are you assigned?

20 A. I'm assigned to District 3, Rock Hill area.

21 Q. And is that a patrol assignment?

22 A. Yes, Uniform Patrol.

23 Q. Were you working on February 27th, 2011?

24 A. Yes.

25 Q. And did you have -- Well, what happened that morning

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-171-

1 when you came on duty? What did you do when you first came
2 on duty that morning?

3 A. I obtained a warrant.

4 Q. Why did you obtain a warrant?

5 A. The previous night I had received a phone call in
6 reference to damaged property, a damaged car. The suspect
7 was Brandi Quinn. The next morning when I signed off for
8 duty around 5:45 a.m., I went to see the judge in York and
9 obtained a warrant for malicious injury to property on Ms.
10 Brandi Quinn.

11 MADAME COURT REPORTER: This is Twenty-three.

12 MS. COLTON: All right.

13 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-THREE
14 PREMARKED FOR IDENTIFICATION.)

15 Q. Deputy Gladden, I'm going to show you what's been
16 marked as Court's Exhibit Twenty-three. Do you recognize
17 that document?

18 A. Yes.

19 Q. Is that a copy of the search warrant -- the arrest
20 warrant that you had for Ms. Quinn?

21 A. Yes, it is.

22 Q. When was that issued?

23 A. February 27th, 2011.

24 MS. COLTON: Your Honor, at this time, we move to
25 enter that as a Court Exhibit. It's Exhibit Twenty-three.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-172-

1 THE COURT: No objection?

2 MR. BROWN: Without objection as to this hearing, Your
3 Honor.

4 THE COURT: Be without objection, it's entered.

5 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-THREE
6 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

7 Q. Deputy Gladden, who were you working with that day?
8 What other officers?

9 A. I was working with Deputy Stagner, Deputy Bolin,
10 Deputy Clark, Sergeant Clevenger.

11 Q. And after you obtained the warrant, what did you do
12 next?

13 A. I contacted Deputy Stagner who -- I asked him to go to
14 her parents house, try to locate her, figure out where she
15 was while I was attaining this warrant.

16 Q. So you could arrest her?

17 A. Correct.

18 Q. And did you get a call that your officers had located
19 Ms. Quinn -- your other officers had located Ms. Quinn?

20 A. I received a call from Ms. Quinn's boyfriend, the
21 victim of the malicious injury.

22 Q. And what -- do you recall what his name was?

23 A. I don't recall, but it's on the warrant, if you want
24 me to look?

25 Q. If that assists you, please refer to it.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-173-

1 A. I apologize. It's not on the warrant. I don't recall
2 his name.

3 Q. Don't worry about it. Don't worry about it.

4 And when he called you, what did you do in response to
5 his phone call?

6 A. He advised me that she was staying at the Best Way
7 Inn.

8 Q. Okay.

9 A. I contacted Deputy Stagner who was in the area. He
10 -- He advised me that he was checking hotels in the area on
11 Riverview Road, and that he was nearby, and he would go to
12 the hotel room.

13 Q. And did you -- Did he give you a call back and tell
14 you that he had located her car?

15 A. Yes, he did.

16 Q. And what did you do when he told you that?

17 A. I met him at the Best Way Inn.

18 Q. And when you got there, Deputy Stagner was there, and
19 you were there. Where was Deputy Bolin?

20 A. He was also there before me.

21 Q. Before you, okay. Do you -- Are you equipped with
22 video surveillance in your car?

23 A. Yes.

24 Q. Does that also pick up audio?

25 A. Yes.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-174-

1 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR
2 PREMARKED FOR IDENTIFICATION.)

3 Q. Deputy Gladden, I'm going to show you what's been
4 marked for identification purposes as Court's Exhibit
5 Twenty-four. Do you recognize that?

6 A. Yes.

7 Q. And what do you recognize about it?

8 A. It appears to be a copy of the CD from the incident at
9 the Best Way Inn.

10 Q. Have you had an opportunity to review that?

11 A. Yes.

12 Q. And isn't that your initials right there, R.G.?

13 A. Yes.

14 Q. After reviewing it? Okay. And does it truthfully,
15 accurately reflect what you recorded on your camera?

16 A. Yes, it is.

17 Q. Okay.

18 MS. COLTON: Your Honor, I move to have Court Exhibit
19 Twenty-four moved into evidence for the purpose of this
20 hearing.

21 MR. BROWN: For the purpose of this hearing, without
22 objection.

23 THE COURT: Without objection.

24 MS. COLTON: And, Your Honor, I'd ask permission to
25 publish it to the Court.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-175-

1 THE COURT: You may publish it.

2 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
3 VIDEOTAPE IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE,
4 PUBLISHED TO THE COURT AT 11:51 AM.)

5 Q. That -- Is that knocking on the door that we hear?

6 A. Yes, it is.

7 Q. And whose voice is that we hear in the background? Do
8 you recall?

9 A. Inside the room?

10 Q. No, that you hear in the background to that noise?

11 A. I don't know.

12 Q. Where are you when they start knocking -- other
13 officers start knocking on the door?

14 A. Stagner's at the door, Tony's at the door. I'm behind
15 Tony.

16 Q. Okay.

17 MR. BROWN: I would ask that she speak up --

18 THE COURT: Please, ma'am, if you'll speak up -

19 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
20 VIDEOTAPE, CONTINUED.)

21 Q. And at this point, Brandi still hasn't come to the
22 door. What do you -- do you hear anything? What if
23 anything do you hear inside that hotel room?

24 A. I'm not directly at the door, so I don't hear
25 anything.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-176-

1 Q. Okay. Is there a delay in her coming to the door?

2 A. Yes.

3 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
4 VIDEOTAPE, CONTINUED.)

5 Q. That's you speaking right now?

6 A. Yes.

7 Q. Where are you now?

8 A. I walked away from them towards an employee of the
9 hotel -- motel..

10 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
11 VIDEOTAPE, CONTINUED.)

12 Q. And at that point, what's occurring? Do officers in
13 the room walk toward -- back towards the room?

14 A. Yes. When I finished speaking with the manager or the
15 employee of the motel, and I turn around, I see they're
16 inside the room so I walk towards the room. When I get to
17 the room, Deputy Stagner asked Brandi to step outside and
18 speak with me. So I'm speaking with her right outside the
19 doorway of the motel room.

20 Q. And then after -- is Ms. Quinn outside the door with
21 you when he yells, "Show me your hands"? Or is it -- is
22 she walking out the door while he's saying, "Show me your
23 hands"?

24 A. I don't -- I don't recall.

25 Q. It kind of all happened at one time?

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-177-

1 A. Yes.

2 Q. And at that point, it's Mr. Johnson, Mr. Catoe, and
3 Ms. Quinn in the room with Deputy Stagner and Deputy Bolin?

4 A. Yes.

5 Q. So there's two officers, three defendants?

6 A. Yes.

7 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
8 VIDEOTAPE, CONTINUED.)

9 Q. Now you're -- Are you still right outside the doorway
10 with Ms. Quinn?

11 A. Yes.

12 Q. And what are you doing with Ms. Quinn at that point?

13 A. Placing handcuffs on her.

14 Q. And did you begin to search her at that point?

15 A. Not at that point.

16 Q. And why didn't you just take her and put her in your
17 patrol car? Why were you still standing up at that door?

18 A. Because there were two other subjects inside the room,
19 and I knew that Deputy Stagner was giving them verbal
20 commands.

21 MR. BROWN: Your Honor, again, I'm going to ask the
22 witness to speak up. I cannot -- I can't hear her.

23 THE COURT: Please, ma'am, you have a soft voice. If
24 you could speak up just a little bit. They need to hear
25 you.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-178-

1 THE WITNESS: Yes, Your Honor.

2 MS. COLTON: You want to lean that way a little bit?

3 There's a microphone. That might help a little bit.

4 Q. Were you concerned about the other officers safety?

5 A. Yes.

6 Q. And where was your car located with Ms. Quinn -- where
7 was your car located when you were standing outside the
8 front with Ms. Quinn? Had you moved your car yet?

9 A. No.

10 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
11 VIDEOTAPE, CONTINUED TO PLAY.)

12 Q. And was that Deputy Stagner's voice in the background
13 saying, "Sit back down"?

14 A. Yes.

15 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
16 VIDEOTAPE, CONTINUED TO PLAY.)

17 Q. And Ms. Quinn's talking about the black one right
18 there. What are you talking about?

19 A. Her jacket.

20 Q. Did she ask you for her jacket at that point?

21 A. Yes.

22 Q. Did she ask you to go back in and get it for her?

23 A. Yes.

24 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
25 VIDEOTAPE, CONTINUED TO PLAY.)

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-179-

1 Q. So now at this point in time, you've asked Deputy
2 Bolin to step outside and to secure Ms. Quinn?

3 A. Yes.

4 Q. While you moved your car?

5 A. Yes.

6 Q. And where was Deputy Stagner?

7 A. He was inside the motel room, and both subjects were
8 in handcuffs.

9 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
10 VIDEOTAPE, CONTINUED TO PLAY.)

11 Q. And who did you ask for their *Miranda* card for --
12 from? Was it Bolin or Stagner?

13 A. Bolin.

14 Q. And when you said, "Is this her sweater," whose
15 sweater were you referring to?

16 A. Ms. Quinn.

17 Q. And that was the sweater she asked you to go get for
18 her previously?

19 A. Yes.

20 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
21 VIDEOTAPE, CONTINUED TO PLAY.)

22 Q. Is that the same coat you initially went in with?

23 A. No.

24 Q. Tell us that happened with the coat?

25 A. I had gotten the wrong jacket.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-180-

1 Q. And so you went back in to get the correct jacket?

2 A. Yes.

3 Q. And when you were in there, you asked Deputy Bolin
4 about the *Miranda* card?

5 A. Yes.

6 Q. And why did you ask him about the *Miranda* card?

7 A. I asked him if he read Ms. Quinn *Miranda*.

8 Q. Okay. And he said yes, and you asked him where his
9 card was?

10 A. Yes.

11 Q. He said in the car?

12 A. Yes.

13 Q. Why are you asking these questions?

14 A. Because she was under arrest, and I could not speak
15 with her unless she had been read *Miranda*.

16 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR
17 VIDEOTAPE, CONTINUED TO PLAY.)

18 MR. BROWN: I cannot hear her.

19 MS. COLTON: Okay.

20 Deputy, I ask you to speak up a little bit because
21 it's hard to hear back here with the, the background noise
22 in the courtroom.

23 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
24 VIDEOTAPE, CONTINUED TO PLAY.)

25 Q. And do you hear that information coming through the

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-181-

1 police radio in the background?

2 A. Yes.

3 Q. Why was the dispatcher giving that information?

4 A. Deputy Stagner contacted them to run Mr. Johnson's
5 identification.

6 Q. Do you know if he ran Mr. Catoe's identification too
7 or not?

8 A. I don't know.

9 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
10 VIDEOTAPE, CONTINUED TO PLAY.)

11 Q. And you were asking Deputy Stagner, "Did you see
12 anything?"

13 A. Yes.

14 Q. And did he respond to you?

15 A. I don't recall.

16 Q. What did you initially see when you were standing at
17 the door, and you took custody at this point, in the room?

18 A. I could not see very much. I could just tell there
19 were two subjects in the room.

20 Q. And when you went back in to get her jacket, what did
21 you see in the room?

22 A. A large amount of computer equipment.

23 Q. How was it in the room? Was it piled up neatly? Was
24 it --

25 A. It was, throughout the room, disassembled.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-182-

1 Q. And at this point, do you see anything else in the
2 room?

3 A. No.

4 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
5 VIDEOTAPE, CONTINUED TO PLAY.)

6 Q. And at that point, Deputy Bolin leans over to you and
7 whispers something in your ear. Do you recall what he said
8 to you at that time?

9 A. I don't recall.

10 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
11 VIDEOTAPE, CONTINUED TO PLAY.)

12 Q. Now at that point, you're commenting on the tattoos on
13 Mr. Johnson?

14 A. Yes.

15 Q. What was significant about that to you as a law
16 enforcement officer?

17 A. They were indicative of gang affiliation.

18 Q. And would that give you a heightened sense of concern
19 about these defendants or a lessor sense of concern about
20 these defendants?

21 A. Much higher, which is the reason that I reentered the
22 room when I found out that he was affiliated with the
23 skinhead.

24 Q. And why did you reenter the room once you found out he
25 was affiliated with the skinheads?

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-183-

1 A. That was an officer-safety issue.

2 Q. Why is it an officer-safety issue?

3 A. I -- I didn't know what he was going to do.

4 Q. And even though they were both handcuffed, did you
5 feel a potential threat from both of them?

6 A. There's always a potential threat. Anyone can escape
7 from handcuffs. Not anyone, but it has happened.

8 Q. And they weren't -- shackled or anything like that?

9 A. No. They could have also run. There -- there were
10 many issues.

11 Q. And at that time, only Deputy Bolin's in the room
12 because Deputy Stagner is in the process of walking out
13 with Mr. Catoe?

14 A. I believe so.

15 Q. Okay.

16 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
17 VIDEOTAPE, CONTINUED TO PLAY.)

18 Q. Now at that point, that Mr. Johnson's referencing Ms.
19 Quinn's malicious damage to property case?

20 A. Yes.

21 Q. Okay. And you start talking to him about the
22 malicious damage to property case?

23 A. Yes.

24 Q. Okay. And you also told -- I think it's clear, I just
25 want to make sure that -- that everyone can hear it. Mr.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-184-

1 Johnson asked you if he's under arrest, and you say, "No,
2 not at this point" --

3 MR. BROWN: Your Honor, I'm going to object to
4 leading. Best Evidence Rule, it speaks for itself.

5 MS. COLTON: I can go back and rewind it, if we didn't
6 all hear the same thing. I'm just asking about -

7 THE COURT: Well -- Go ahead.

8 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
9 VIDEOTAPE, CONTINUED TO PLAY.)

10 Q. I'm going to ask you a question. At that point, has
11 anyone asked Mr. Johnson for consent?

12 A. No.

13 Q. And he tells you -- He asks you if you have a search
14 warrant? At that point, he asked you if you had a search
15 warrant?

16 A. He said, "You cannot search without a search warrant."

17 Q. Okay. And... okay...

18 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
19 VIDEOTAPE, CONTINUED.)

20 Q. What did Mr. Johnson say right there?

21 A. You don't have to have a search warrant.

22 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
23 VIDEOTAPE, CONTINUED TO PLAY.)

24 Q. And what did Mr. Johnson say right there?

25 A. He said two other times, "You don't need a search

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-185-

1 warrant."

2 Q. So a total of three times he said, "You don't need a
3 search warrant."

4 A. Correct.

5 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
6 VIDEOTAPE, CONTINUED TO PLAY.)

7 Q. Who are you on the phone with right now?

8 A. Deputy Clark.

9 Q. Okay. And -

10 MR. BROWN: I'm sorry, who?

11 A. Deputy Clark.

12 Q. And you asked him if he's at the judge's office? What
13 did you ask him?

14 A. I didn't hear.

15 Q. Why did you call Deputy Clark?

16 A. To obtain a search warrant.

17 Q. Okay.

18 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
19 VIDEOTAPE, CONTINUED TO PLAY.)

20 Q. Now you're walking away from Mr. Johnson. Why did you
21 walk away from Mr. Johnson while you're talking to Deputy
22 Clark?

23 A. First and foremost because it's a safety issue.

24 Q. Okay.

25 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-186-

1 VIDEOTAPE, CONTINUED TO PLAY.)

2 Q. At that point when you were talking to Deputy Clark,
3 what were you all talking about?

4 A. When I was speaking with Deputy Clark on the phone?

5 Q. Yes.

6 A. Talking about the elements for the search warrant?

7 Q. Okay. And at -

8 MR. BROWN: I'm sorry, talking about what?

9 A. Talking about the search warrant.

10 Q. And at that time, did you think you had consent from
11 Mr. Johnson?

12 A. Yes.

13 Q. Why did you go ahead and get the search warrant even
14 though you thought you had consent at that point in time?

15 A. Just out of an abundance of caution.

16 Q. Were you concerned because he had said no, and then he
17 said yes afterwards?

18 A. Yes.

19 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,

20 VIDEOTAPE, CONTINUED TO PLAY.)

21 Q. And at this point, you've called Judge Davenport. You
22 don't know -- You haven't seen any drug paraphernalia or
23 anything else in the room at this point?

24 A. No, I haven't.

25 Q. And the officers hadn't conveyed to you what they saw

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-187-

1 in the room at this point?

2 A. No.

3 Q. And why weren't you all talking about what they saw in
4 the room at this point?

5 A. All our main focus was on the suspects and the safety
6 of everyone.

7 Q. And so when you called Judge Davenport, you conveyed
8 to him what you had personally observed?

9 A. Yes.

10 Q. And then you called Alex? Was that the individual you
11 were on the phone with after that -- the -- Deputy Clark?

12 A. Yes.

13 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
14 VIDEOTAPE, CONTINUED TO PLAY.)

15 Q. I'm going to ask you, why did you step outside with
16 Deputy Stagner?

17 A. Deputy Stagner asked to speak with me outside.

18 Q. And when you were in the room with Deputy Bolin, did
19 you observe anything at that point in time?

20 A. Yes.

21 Q. What did you observe when you were in the room with
22 Deputy Bolin?

23 A. Hypodermic needles that were capped; small aluminum
24 tin foil packages consistent with the packaging of
25 narcotics; a wrapped blunt, I'm not sure what the brand

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-188-

1 was, but it was a resemblance -- the resemblance was of a
2 Philly Blunt; and a box of razors.

3 Q. And did Deputy Bolin tell you about those items?

4 A. Not verbally.

5 Q. Okay. What did he do?

6 A. He made some sort of gesture. I'm not exactly sure
7 what it was, but I know -- I know that we gestured towards
8 each other. And we both knew that they were there.

9 Q. And is that -- Why did you ask him about it when he
10 gestured towards them?

11 A. We weren't speaking -- we weren't putting emphasis on
12 the -- the narcotics.

13 Q. How come?

14 A. Because at this point in time, Johnson was cooperative
15 regarding consent when he -- when he thought our focus was
16 on the computers.

17 Q. Okay. And you didn't want to let him know that you
18 had noticed those things in the room?

19 A. Right.

20 Q. And is that something you worked with Deputy Stagner
21 and Deputy Bolin a lot on your shift?

22 A. Yes.

23 Q. Is that something that you commonly do in your
24 practice with them?

25 A. Yes.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-189-

1 Q. How long have you been working with those officers?

2 A. At that point, I had been almost three years.

3 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
4 VIDEOTAPE, CONTINUED TO PLAY.)

5 Q. Let me ask you this, before you talked to Deputy
6 Stagner.

7 I'll play it back, Mr. Brown, to preserve it.

8 And you have no knowledge of when Deputy Bolin had
9 noticed those items?

10 A. No.

11 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
12 VIDEOTAPE, CONTINUED TO PLAY.)

13 Q. I'm going to stop it there. What -- I know that was
14 quick. What did Deputy Stagner say to you right before you
15 said, "Are you searching that?" Do you recall?

16 A. I didn't hear what he said. I don't recall.

17 Q. Let me run it for you.

18 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
19 VIDEOTAPE, CONTINUED TO PLAY.)

20 Q. At that point, you're telling Deputy Stagner that you
21 saw the needles at that point?

22 A. Yes.

23 Q. Why did you ask Deputy Stagner if he was going to go
24 on in and search? Or is that what you -- I'm sorry, is
25 that what you meant? Why did you say, "Are you searching

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-190-

1 in there"?

2 A. I was asking, "Are you searching?"

3 Q. Why were you asking him that?

4 A. He said something about consent, but I don't recall
5 what it was.

6 Q. Did you know if any of those other officers were
7 gaining consent from anyone at that point in time?

8 A. No.

9 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
10 VIDEOTAPE, CONTINUED TO PLAY.)

11 Q. At this point, who are you on -- you're still on the
12 phone with Alex Clark?

13 A. Yes.

14 Q. And you are running through with the search warrant?

15 A. Yes.

16 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,
17 VIDEOTAPE, CONTINUED TO PLAY.)

18 Q. And at that point when you say you are getting a
19 search warrant, what did Mr. Catoe tell you -- I mean, Mr.
20 Johnson tell you?

21 A. He said that we could line the computers up.

22 Q. And at that point, he specifies what you could search?

23 A. Yes. He tells them we can line them up and take
24 pictures.

25 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR,

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-191-

1 VIDEOTAPE, CONTINUES TO PLAY.)

2 Q. If I may ask defense counsel a question.

3 (SIDE BAR DISCUSSION BETWEEN ATTORNEYS OFF THE
4 RECORD.)

5 THE COURT: How much longer do you think you've got to
6 go on this?

7 MS. COLTON: I think -- Your Honor, I -- defense
8 counsel's gotten what they want out of the tape. There's
9 only one other portion that I want to put in, that I can --
10 I've got it marked on here so I can move right to that part
11 of the tape.

12 THE COURT: How long does that take?

13 MS. COLTON: Probably only about three or four minutes
14 worth of tape if I can queue it up to the right spot.

15 THE COURT: Okay.

16 (WHEREUPON: COURT'S EXHIBIT NUMBER TWENTY-FOUR
17 VIDEOTAPE, CONTINUES TO PLAY.)

18 MS. COLTON: I'm sorry. I couldn't find what I was
19 looking for.

20 Q. Did you go back and have another conversation with
21 Brandi about the items in the room that are hers?

22 A. Yes.

23 Q. And what did you ask Brandi about the items that she
24 still had in the room?

25 A. If she wanted to take them with her to detention or

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON - IN CAMERA

-192-

1 leave them in the room with her boyfriend.

2 Q. And what did she say?

3 A. She wanted to take them.

4 Q. And were you trying to get her to leave stuff in the
5 room?

6 A. Yes.

7 Q. How come?

8 A. It's just easier.

9 Q. And she -- Did she finally agree to let the boyfriend
10 keep the stuff?

11 A. No.

12 Q. And what did you do when she told you she wanted her
13 stuff?

14 A. I went in and retrieved her items for her.

15 Q. Did she tell you what those items were? Do you
16 remember?

17 A. Pocketbook. I'm not sure if anything else.

18 Q. At that time, Alex Clark came back and executed a
19 search warrant?

20 A. Yes.

21 Q. And what did you do?

22 A. Shortly thereafter, I transported her to detention.

23 Q. Okay. Please answer any questions defense counsel may
24 have for you.

25 MS. COLTON: Madame Clerk, --

DEPUTY RACHAEL GLADDEN: CROSS BY MR. BROWN - IN CAMERA

-193-

1 THE COURT: Let's take a break. We've been at it a
2 couple of hours here. Let's take about 10 quick minutes or
3 so.

4 Ma'am, you may stand down during the break, but you
5 cannot discuss the case with anyone.

6 THE WITNESS: Yes, sir.

7 (COURT IN RECESS AT 01:04 PM.)

8 (COURT BACK IN SESSION 01:20 PM.0

9 THE COURT: Thank you. Please be seated.

10 Let's try to finish this witness right quick before we
11 go to lunch.

12 (WITNESS RETURNS TO WITNESS STAND.)

13 THE COURT: I'm sorry, I didn't realize the defendant
14 wasn't out here.

15 (DEFENDANT JASON JOHNSON REENTERS THE COURTROOM.)

16 CROSS EXAMINATION - IN CAMERA

17 DEPUTY RACHAEL GLADDEN BY MR. BROWN

18 Q. Office Gladden, that's when you first arrived at the
19 Best Way Inn. Correct?

20 A. Yes.

21 Q. And the first words out of your mouth is there's
22 probably gonna be drugs in there. Correct?

23 A. Yes.

24 Q. Okay. You went in there, you arrested Ms. Quinn.
25 Correct?

DEPUTY RACHAEL GLADDEN: CROSS BY MR. BROWN - IN CAMERA

-194-

1 A. Yes.

2 Q. And within twenty or thirty seconds she's secured
3 outside the room. Correct?

4 A. Yes.

5 Q. And when you first called Deputy Clark or Judge
6 Davenport, the only thing you made reference to is computer
7 equipment; is that correct?

8 A. Yes.

9 Q. So at that point in time when everybody's secured and
10 everybody's in handcuffs and nobody is a threat to anyone,
11 the only thing you've seen is computer equipment; is that
12 correct?

13 A. There was still a threat but yes, sir, at that time I
14 had only seen computer equipment.

15 Q. Well you say it's a threat but let me make sure the
16 facts are right. Mr. Johnson's in handcuffs. Correct?

17 A. Yes.

18 Q. Mr. Catoe is in handcuffs. Correct?

19 A. Yes.

20 Q. Ms. Quinn's arrested and in the back of the car.
21 Correct?

22 A. Yes.

23 Q. So would it be safe to say that you neutralized
24 whatever alleged threat there was to the best of your
25 ability, as your's and Officer Stagner's and Officer - I

DEPUTY RACHAEL GLADDEN: CROSS BY MR. BROWN - IN CAMERA

-195-

1 apologize, I forgot the other officers name you work with.
2 The three officers there, everybody's in handcuffs and
3 everybody's in cars. Correct?

4 A. Correct.

5 Q. Nobody offered a physical or a verbal threat to any of
6 the officers did they?

7 A. No.

8 Q. During the whole time while you were waiting for the
9 search warrant did you, officer Stagner, Officer Bolin keep
10 going in and out of the room?

11 A. Yes.

12 Q. So you pretty much searched the room by the time the
13 search warrant gets there. Correct?

14 A. No.

15 Q. Oh you hadn't? Let me ask you this. Did you discover
16 anything else that's not on that tape after the fact; the
17 razor blades, the computers, the powder on the floor and
18 the syringes? Was anything else found after the search
19 warrant got there?

20 A. Yes.

21 Q. What?

22 A. I wasn't there. I'm just -- I can't testify to what I
23 didn't see.

24 Q. All right. The motel room was in the name of Brandi
25 Quinn. Correct?

1 A. I believe so. I cant' say for sure.

2 Q. I'm showing you State's Exhibit Twenty. Is that the
3 registration of Room 124 at the Best Way Inn you went in on
4 that day?

5 A. Yes.

6 Q. And whose name is that registered in?

7 A. Brandi Quinn.

8 Q. Did you ever ask her for consent to search?

9 A. No.

10 Q. Do you have any information these computers were
11 stolen?

12 A. No.

13 Q. And after hearing Mr. Catoe's plea that he's a
14 computer repairman, would that be more contiguous with the
15 facts that he may have been working on those computers?

16 A. Not considering that they had only been there two days
17 and were planning on leaving.

18 Q. Why? What does that matter?

19 A. What would be the point of bringing an abundance of
20 computers into a room that you know you can't fix in that
21 amount of time?

22 Q. What if you were working on them there and moving them
23 later?

24 A. I'm just telling you my thoughts at the moment.

25 Q. Were your thoughts indicative to that first comment on

DEPUTY RACHAEL GLADDEN: CROSS BY MR. BROWN - IN CAMERA

-197-

1 the tape where there is probably drugs in there? Was that
2 in your thought process too when you went in the room?

3 A. I thought there may be drugs yes.

4 MR. BROWN: I beg the Court's indulgence once second.

5 (PAUSE.)

6 MR. BROWN: I have no further questions, Your Honor.

7 MS. COLTON: No, sir. I have no further questions for
8 this witness, Your Honor.

9 THE COURT: Let me ask you a question. I'm not sure I
10 understood clearly on what your testimony was.

11 When you arrested Brandi Quinn, and the question is
12 when was -- were you there the whole time when officers
13 went into the room and was knocking on the door you were
14 there?

15 A. I was there while they were knocking on the door, I
16 left briefly to speak with an employee at the hotel. I was
17 not far from them. When I turned around they were inside
18 the room.

19 THE COURT: All right. So when you turned around they
20 were inside the room?

21 A. Yes, sir.

22 THE COURT: Who was inside the room?

23 A. Deputy Stagner and Deputy Clark; Mr. Johnson, Mr.
24 Catoe, Ms. Quinn.

25 THE COURT: All right, more specifically Ms. Quinn,

DEPUTY RACHAEL GLADDEN: CROSS BY MR. BROWN - IN CAMERA

-198-

1 where was she when you turned around?

2 A. She was inside the room.

3 THE COURT: All right. I think that's all the
4 questions I have.

5 Any questions related to the followup questions that I

6 --

7 MR. BROWN: No, sir.

8 MS. COLTON: No, Your Honor.

9 THE COURT: Thank you, ma'am. You may stand down.

10 (WITNESS LEAVING WITNESS STAND.)

11 MS. COLTON: Your Honor, that would be the State's
12 proffer with regard to the entry and the search warrant.

13 THE COURT: All right. Counsel, do you have anything
14 to proffer on that other than argument, if you have some
15 testimony on that?

16 MR. BROWN: I have no proffer, Your Honor. I do have
17 a brief argument.

18 THE COURT: All right.

19 MR. BROWN: Before I do that can I inquire what the
20 logistical for the rest of the day is?

21 THE COURT: We're gonna grab a bite to eat and we're
22 gonna come back and we're gonna try this case.

23 MR. BROWN: Yes, sir, I understand that. We'll pick
24 the jury, striking the jury?

25 THE COURT: Yeah we're gonna do that. The jury's

-199-

1 coming in at Two o'clock, I have no control over that. We
2 lost about two hours or two and a half hours this morning
3 jockeying around with regard to pleas, so we lost that time.
4 We had planned to start about 9:15 and then we would have
5 been finished by now and we would have been ready to draw
6 the jury at Two o'clock. Now I think what we have to do,
7 I'm gonna listen to you on arguments on this and make a
8 ruling on the evidence and then we'll have to get some
9 lunch. I don't know how long we're gonna take for lunch
10 because the jury's coming in at Two; obviously we're not
11 going to start at that time, but I plan to start not long
12 thereafter. That's where we are.

13 MR. BROWN: Yes, sir. Your Honor, at this time I
14 would move to suppress the evidence in the search as being
15 fruits of the poisonous tree in essence. These officers go
16 there for the specific purpose with an arrest warrant to
17 arrest Brandi Quinn. Within twenty seconds of the first
18 tape we saw the other day Ms. Quinn's under arrest and in
19 custody. There is no threat in the tape that I saw. The
20 officer said "show me your hands". And then yesterday in
21 cross examination he showed his hands. He didn't say keep
22 them out, he didn't say put them over his head and even
23 when he said it a second time he left them out. He didn't
24 make his commands specific. Every officer here has
25 testified there was no threat observed physical or verbal.

1 What happens next is, Your Honor, based on the fact
2 they searched the room which is evident by the tape while
3 waiting for the search warrant. That's my first motion,
4 Your Honor. You want me to continue with the second part
5 of it or...

6 THE COURT: This just on the evidence?

7 MR. BROWN: I have another motion as to the warrants,
8 Your Honor, as to the search warrant itself.

9 THE COURT: Go ahead.

10 MR. BROWN: Okay. But in any event, I submit once
11 she's in custody the effect of a protective sweep is over,
12 there is no more danger and therefore the evidence in plain
13 view should be suppressed.

14 My second motion goes to the search warrant itself,
15 Your Honor. By Deputy Gladden's own testimony when she
16 called to get the warrant she didn't see anything but
17 computer equipment. As you can see from the tape, Your
18 Honor, we just forty five minutes watching, they keep going
19 in and out, in and out, in and out, after everyone's in
20 handcuffs, everyone's secured, and they keep coming up with
21 more things to add to the search warrant. I submit to you
22 the original glance showed the computer equipment. I
23 submit to the Court that, that alone is not probable cause
24 to get the search warrant, the underlying facts behind the
25 affidavit possible stolen computer equipment with no

-201-

1 evidence other than an allegation based on that considered
2 in conjunction with the fact there's probably gonna find
3 drugs there I think is superfluous. It's, you know, we go
4 in there yeah yeah for computer equipment but they wind up
5 basically searching for drugs..

6 And I don't want to belabor this point for the Court
7 but a little package of drugs and a computer are two
8 different sized things. And I would submit to you the time
9 that she applied for the search warrant the underlying
10 affidavit is not enough or submit probable cause. And as
11 Deputy Clark himself testified yesterday he's required by
12 Code Section 17-13-140 I believe it is that when he - the
13 officer was doing the affidavit submits the proof for the
14 search warrant and he's not the one with the information,
15 its incumbent upon the magistrate to require the basis of
16 that information. By Deputy Clark's own testimony
17 yesterday Magistrate Davenport did not do that.

18 I beg the Court's indulgence one second.

19 (PAUSE.)

20 THE COURT: Counsel.

21 MS. COLTON: Your Honor, with regard to the initial
22 intrusion into the room, the pretext -- whether it's
23 pretextual or not is not an issue. The officer's
24 subjective intent to go into that room is irrelevant. They
25 were there to serve a search warrant but they also thought

1 that there may be drugs and they had information from Ms.
2 Quinn's grandmother that she's a drug user. That in and of
3 itself creates a safety issue. Drugs and guns go together.
4 The issue of being methamphetamine, Deputy Gladden ask if
5 there was methamphetamine in the room. These are
6 extenuating circumstances that they are trying to
7 ascertain. But it doesn't matter whether or not they think
8 drugs are going to be in the room, there is a valid search
9 warrant and that permits them to have entry. They could
10 have made entry without the knocking and announcing or any
11 of those other things because they had a reasonable belief
12 that Ms. Quinn was in the room.

13 We have two officers entering a room when the third
14 officer is away. She turns around and sees two officers in
15 the room realizes that there's three people in there.
16 There's Stagner in the room with Ms. Quinn placing her
17 under arrest. And I believe that when they entered the
18 room it begins at 8:35 and 30 seconds. There is thirteen
19 seconds because 8:35 and 43; in that 13 seconds Deputy
20 Stagner is interacting with Ms. Quinn. And at that point
21 Deputy Stagner says "show me your hands, show me your
22 hands" twice. He's speaking to Detective Johnson -- Mr.
23 Johnson. And then you'll hear on the tape five seconds
24 later "put your hands up, puts your hands up". And then
25 ten seconds later is when Deputy Stagner talks to Ms. Quinn

-203-

1 and says, "Step outside and speak to this officer" and
2 that's when Deputy Gladden is now on scene and they place
3 her out.

4 At this point is when you hear Deputy Stagner yell at
5 this defendant to "show me your hands". And raises his
6 voice and has inflection in his voice because he was
7 concerned about his safety. Mr. Johnson wasn't in custody
8 at that point and neither was Mr. Catoe. There is a
9 security threat at that period of time. You have two
10 officers in the room, Quinn's being handed off to Deputy
11 Gladden, you still have two unsecured officers at the time.
12 They testified that he had reached back under the bed; they
13 were concerned about a weapon, they were concerned about
14 their safety, that he didn't comply. Whether they said put
15 up your hands or not he continued to reach under the covers
16 and not show their hands. They believed that he proposed a
17 security threat. They performed a protective sweep. What
18 Detective - what Officer Bolin stated was he immediately
19 saw the tin foil, the syringes, and the razors. That's
20 what he testified to. He later mentioned that he saw
21 powder. But he didn't attribute that to a later search.
22 He was very honest about it. He said, "I saw that later
23 but that wasn't what I saw when I was initially in the
24 room."

25 So there is no reason to question what Deputy Bolin

1 saw; he's not lying about it, he's telling the truth. He
2 was honest about the other part. Deputy Stagner says that
3 he saw the razor blades and the tin foil on the floor as
4 well. And he said that he saw the syringes but I think
5 it's clear from the tape that he was surprised about the
6 syringes at a later time when he spoke to Deputy Gladden.
7 I think that was inaccurate in what he committed to the
8 Court. But in any event he saw the tin foil packages when
9 he first went in to do the protective sweep.

10 Deputy Gladden even though is outside with Ms. Quinn
11 while they're taking these defendants into custody,
12 detaining them doing the protective sweep and securing
13 them. At this point they don't know if they have Ms.
14 Quinn's consent. They haven't read her Miranda, they are
15 still in the process of arresting her so at this point
16 Deputy Quinn [sic] doesn't see what's in that room other
17 than the computer because she doesn't -- hasn't gotten into
18 the room. So when she calls Judge Davenport to inquire as
19 to whether or not the stolen property is sufficient she
20 doesn't have the knowledge of what Deputy Stagner has or
21 what Deputy Bolin has because she hasn't ask for that. She
22 can only convey in that preliminary inquiry to Judge
23 Davenport what she had seen with her own eyes. But she's
24 still allowed to go back -- and in any event just because
25 the judge says he's gonna give the warrant doesn't mean

1 it's a valid warrant. There's still has to be an affidavit
2 that's submitted.

3 She calls back to Deputy Wallace and going back to
4 Deputy Bolin and he tells her and points out what he had
5 seen. They don't speak about it, and I think Deputy Bolin
6 said that he did specifically tell her, Deputy Gladden,
7 remember that, but she remembered him pointing it out what
8 he had seen, the tin foil and the razor blades. So at that
9 time you have an officer, Deputy Bolin, telling Deputy
10 Gladden what he has seen in plain view immediately upon
11 entering that room. Just because he doesn't tell Gladden
12 that until later doesn't mean he didn't see it. And that
13 can be used as a basis for the search warrant. Then Deputy
14 Stagner tells Deputy Gladden what she [sic] saw.

15 The point is, Your Honor, it's the collective
16 knowledge of what those officers have. They don't have to
17 immediately walk out of the room and say okay what did you
18 see, what did you see, what did you see, what did you see,
19 to have a sufficient basis for a search warrant. The
20 question is does any of those officers in and of themselves
21 have probable cause to get that search warrant. And the
22 answer is yes. Stagner has probable cause to get that
23 search warrant based on the protective sweep and the plain
24 view doctrine when he saw those tin foil packaging.

25 Deputy Bolin has probable cause to obtain a search

1 warrant based upon the tin foil packaging, the syringes and
2 the razor blades that he saw immediately upon entering that
3 room. That's conveyed, that's what needs to be in the
4 arrest warrant, I mean the affidavit for the search
5 warrant, Your Honor. He conveys it to Deputy Wallace and
6 he obtains the valid search warrant from Judge Davenport.

7 So I think, Your Honor, just because -- just because it
8 doesn't appear on the tape that they conveyed the
9 information to Gladden until a later period of time, that
10 doesn't mean the officer didn't see it at first. They
11 didn't want to tell the defendants what they saw. They
12 didn't want to have that conversation in front of the
13 defense but certainly Bolin testified that he had probable
14 cause at that time and that appeared in the search warrant.

15 It's still Brandi Quinn's room, the officers don't
16 know who these individuals are, she doesn't deny consent at
17 first, she requested Officer Gladden to go back in the room
18 not once but twice because she gets the wrong sweater. And
19 even though she says the officer's can't search the room,
20 she indicates that she wants all of her property out of the
21 room to Deputy Gladden and instructs them to get her
22 property out from the room because she doesn't want it
23 there any more. So Deputy Gladden doesn't have to take her
24 handcuffs off and release the defendant under arrest and
25 let them go in and get their stuff, she's getting consent

1 at that point to go in. And at any point she could have
2 seen those things but that's regardless, the probable cause
3 existed when Bolin and Stagner saw those items.

4 Your Honor, I don't know if you want me to address the
5 reasonableness of the protective sweep as well, Your Honor.

6 THE COURT: It's up to you. Put whatever you want to
7 on the record.

8 MS. COLTON: Judge, and they hear whispering, the
9 officers hear whispering inside the door. There is a
10 significant delay in Ms. Quinn answering the door; she
11 opens the door half of her body is obscured. At that point
12 they don't see what's in her hands. That's a safety
13 concern, they know there is drugs associated with her and
14 they want to see her hands. It's a safety, legitimate
15 safety concern for the officers. And when they get into
16 the room there is the noncompliance so I think that's the
17 basis for the protective sweep.

18 And, Your Honor, with regard to the sufficiency of the
19 affidavit and what Judge Davenport knew at that time, he
20 had been conveyed by that -- he had been conveyed the
21 information from Deputy Gladden over the phone and where
22 they were, what they had seen with regard to the stolen
23 property. And then that information was also conveyed to
24 Deputy Clark, he conveyed that to Judge Davenport in his
25 affidavit and spoke to him about what occurred at that

1 period of time and swore that, that was appropriate
2 affirmation that, that was the truth. He's entitled to
3 arrive to hearsay from other officers and Judge Davenport
4 knew that, that came from other officers so I think that's
5 a sufficient basis for the judge to make the decision on
6 whether or not there is probable cause.

7 THE COURT: Thank you.

8 I have to put my reasoning on the record on that issue
9 but I also give my reasoning on the record regarding my
10 ruling in this case.

11 First of all, any warrantless search is presumed to be
12 invalid; presumed to be invalid in violation of the *Forth*
13 *Amendment* Right against unreasonable search and seizure,
14 that is to say without a warrant, a search warrant. In
15 this case -- I'm trying to get her name straight and make
16 sure I get it straight, Brandi -- what's her last name?

17 MS. COLTON: Quinn, Your Honor.

18 THE COURT: Quinn? Quinn. They had - For Brandi
19 Quinn they had an arrest warrant, a valid arrest warrant
20 for malicious injury to property from something that
21 happened the day before. Apparently she had run her car
22 into or did some damage to - they didn't say - did some
23 damage to her boyfriend's car. He had taken out a warrant
24 for her, went and taken out a warrant for her and he called
25 in and wanted to take out a warrant for her. So they went

1 and picked up a warrant. They had a valid arrest warrant
2 to arrest Brandi Quinn and they went there. And based on
3 all the officer's testimony - I heard nothing to the
4 contrary - they didn't know who else was in the room. When
5 they first got there, there might have been just Brandi
6 Quinn except that when they got up there and were outside
7 the room knocking and knocking and knocking, when they
8 didn't answer, she didn't answer, they had a valid arrest
9 warrant they could have busted in or got the key and gotten
10 in, but they didn't; they kept knocking and knocking and
11 telling her to come to the door. Now, obviously based on
12 what they were saying to her through the door, her
13 relative, I assume its her grandmother, but her relative
14 which is what it usually takes, had gone to the Probate
15 Court and gotten a pickup order for her to be picked up and
16 detained and evaluated for drug use, a chronic drug use.
17 And the officers knew that there was a probate order out
18 there to have her picked up and taken in for an evaluation.
19 And so, because they told her we're not here about that, so
20 they were aware based on that, that she was a drug user and
21 a chronic drug user because they wanted her picked up and
22 evaluated and committed to get treatment for her because
23 they considered her a danger to herself or others in her
24 condition.

25 They also were under the belief that she would take

1 these drugs and be up at night and sleep during the day.
2 And so they believed she was a drug user, a chronic drug
3 user. They go to the door they don't know who else is in
4 there. They didn't go there to search it; they went there
5 to arrest her.

6 Now, when they knocked on the door, the testimony of
7 the officers is that she finally opened the door. When she
8 did she kind of cracked the door and stuck her head out and
9 you can only see a portion of her, they couldn't tell what
10 else was going on. But importantly while they were there
11 at the door they heard voices in there, a commotion in
12 there, and so they knew there were other people in that
13 apartment -- excuse me, motel room. They knew there were
14 other people in there. They didn't know who was in there.
15 And so when she opened that door then they went in to make
16 the arrest. Said they didn't know what was behind the door
17 or who else was in the room and knew that some other people
18 were in the room and they were concerned about their own
19 safety.

20 You know they say there's a nexus between drugs and
21 guns and then the United States Supreme Court has held that
22 where there are drugs officers who have gone there is a
23 good possibility you are going to find guns along with
24 drugs. And so in any event in the officer's minds, you
25 know, what they knew of their own training and experience

-211-

1 can be considered by the Court as well. So they went in
2 and were talking to her and in the mean time they see
3 people in the bed and they see a moving. So their
4 testimony is we were concerned at that point. We didn't
5 know who was in there, we know that she abused drugs, we
6 didn't know who else was in there, we didn't know what was
7 going on. Officer safety comes first. So you have one
8 moving around in the bed and they say, "let us see your
9 hands, let me see your hands", and puts his hands out,
10 sticks them back under the cover..

11 Well I submit to you that showing your hands and going
12 back under the covers is the same as not showing your hands
13 at all. I mean that's just nonsensible to say that he
14 complied with their command. Because, you know, if you
15 show your hands and go back under therer and get a gun and
16 bring it out and shot em, I mean what good is that? They
17 say show your hands we want to see your hands so we
18 determine that you don't have anything or we're able to
19 detain you sufficiently to make sure you're not a threat or
20 danger to us. The same way with the other person in the
21 other bed who was hiding under the bed and wouldn't come
22 out and they kept hollering show me your hands. He finally
23 revealed himself and they said they saw drug insignia's on
24 him. I believe that would be Mr. Johnson. Saw a drug
25 insignia all over him including a tear drop which is

1 supposed to mean you killed somebody. I think that's just
2 one way of addressing it. There's too many of these things
3 out there for everybody to have killed somebody that's got
4 a teardrop. I think that's just to impress people. But
5 they saw the drug indicating insignia. That raises --
6 Certainly the officers are justified at that point in
7 having a heightened sense of concern for their own safety
8 or what might be going on. You don't know. As it turned
9 out it's not what you reveal. You know hind sights not
10 twenty twenty. So it's not what you actually found. It's
11 their perception at the time in what they see. At that
12 time they believe they could be in danger because these
13 people weren't showing their hands. And the thing for them
14 to do is show their hands and get up and hold their hands
15 up and get out of the bed and that might have been the end
16 of it. But they didn't do that and they didn't know who
17 else was in there. They were concerned about their safety.
18 They didn't know who else was in there so they did a
19 protective sweep to protect themselves. And you got a
20 bathroom over here that you can't see in that motel room.
21 They go to sweep that and come back.

22 Now, here's the thing. Each of these defendant's in
23 this case, Mr. Catoe and Mr. Johnson, of course Mr. Catoe
24 is no longer in the trial; Mr. Johnson, they were over
25 night guest of Brandi Quinn and so they are entitled to an

-213-

1 expectation of privacy in that room and the Court so finds.
2 We don't talk about standing any more because that's out
3 moded concept in so far as whether somebody can contest
4 search and seizure. The Court finds that they were
5 obviously over night guest in Brandi Quinn's room and they
6 had a reasonable expectation of privacy in that room the
7 same as Brandi Quinn had an expectation of privacy. But it
8 was Brandi Quinn's room, okay. And they came there and
9 arrested her in the room. Now an exception to having a
10 search warrant is whatever the officers if they are
11 lawfully on the premises, the Courts' say lawfully on the
12 premises, because they came into the room to effect an
13 arrest pursuant to an arrest warrant for Brandi Quinn, so
14 they were lawfully there. Once they are lawfully there,
15 whatever they can see with their own eyes in plain view
16 that appears to be evidence of a crime then obviously, then
17 they're able to see that and they would actually be able to
18 make an arrest based on that if it's probable cause,
19 constitutes probable cause.

20 Now, Officer Bolin, Officer Stagner, to a lesser
21 extent Gladden, who mostly spent more of her time outside
22 although back and forth getting stuff for Brandi Quinn out
23 of the room, which she had a right to do; Brandi Quinn had
24 a right to get her stuff out of her room, it was her room.
25 And she saw what she saw but mostly these two did the

1 protective sweep in there for their own safety. Whatever
2 they were able to see with their own naked eye then they're
3 able to see and it's evidence that they can see.

4 Now in this case they've testified, the question then
5 is, if you see people in a room, a motel room, with -
6 depending on what I heard - I don't know how many there
7 were, we haven't heard that yet, I heard anywhere from
8 about six to ten, twelve computers in there with wires
9 strung all over the place and these things in disassembled
10 forms all over the place. But you got all these computers
11 in there. And so the officers perception was brief that I
12 heard from the stand. By their training people take these
13 computers, take out the hard drives and they can get some
14 personal information out of the computers. Social security
15 numbers, date of birth, addresses; those kinds of things
16 out of a computer. That was the first one I heard.
17 The second one I heard is they take these batteries and
18 other things, this was Officer Stagner, and they use that
19 battery and everything to help run a meth lab. They need
20 some power and they use that to run it. I don't know,
21 that's what they testified from their training and
22 experience on. So that's two things.

23 The other thing is, why in the world would you have
24 any where from six to twelve computers in a motel room
25 where you only plan to stay two days? An explanation then

1 you're going to fix these computers because that's what you
2 do for a living makes actually no sense whatsoever.
3 Because if you were going to fix these computers you might
4 have one in there working on it or maybe two in there
5 working on it. You're not going to have twelve in there
6 working on them at one time when you're only going to be
7 there two days.

8 Now you can argue otherwise, but I submit to you that
9 the officer's perception is a reasonable basis for them to
10 believe that these computers could have been stolen or
11 might be otherwise used improperly to get information off
12 of them to use to process a meth lab or a drug lab. And
13 particularly with regard to whether these computers could
14 be stolen and you got that many. I mean face it, not many
15 people, you're not going to find anybody with ten or twelve
16 computers in a motel room. If you do, and certainly
17 establishes some probable cause that the reason for having
18 them is something other than making repairs to them.

19 Then you go and you've got syringes in there, capped
20 syringes in there, and they are exposed to public view.
21 Why would you have capped syringes in there except for drug
22 use and using drugs? Why would you have them? You might
23 give an explanation well you know my dog has some condition
24 I use them to give my dog a shot. In a motel room with no
25 dogs or anything? I mean, you know, I think that the.

1 officers seeing them is reasonable to believe that they are
2 probably being used for to administer drugs and for drug
3 use.

4 You got tin foil in there. And the officers testified
5 that this tin foil is often used for packaging drugs and
6 particularly methamphetamine and what have you. And that
7 they saw packages of this tin foil around the room. You
8 had razor blades in there. What do you use with a package
9 of razor blades in there unless you're using them to cut
10 drugs or do something with drugs which using razor blades
11 is a frequent way to proportion out drugs and divide drugs
12 and cut them up and that kind of thing. So that's just one
13 more reasonable suspicion I might have based on those razor
14 blades. You know another reasonable explanation for the
15 razor blades to be down there in the floor.

16 Now one officer testified - it's not in the search
17 warrant so I'll discount it pretty much expect that one
18 officer said when he did the protective sweep one of the
19 things he did was look up under the bed. That was Officer
20 Stagner, he looked up under the bed. Was going to look up
21 under the bed, most of them are kind of blocked out, some
22 of them aren't. So when he looked down there he saw
23 digital scales. That's not in the search warrant. He
24 testified he saw digital scales. Now digital scales are
25 obviously are evidence of illegal drug use and the way

-217-

1 drugs is used to weigh drugs. I don't know what else you
2 can use them for particularly in a motel room. You have
3 some other evidence even though its not listed in the
4 search warrant.

5 So it doesn't matter that the officers suspected that
6 there might be drugs found in the motel room. When they
7 went up there as far as they knew Brandi Quinn was there by
8 herself and she was a chronic drug user based on this
9 probate order that was out there and information provided
10 by her grandmother. And so they weren't there -- It's
11 reasonable to expect that if she's up there in a motel room
12 she might have drugs in there. But the fact is they
13 suspected that they might see drugs in there before they
14 went up there and they had no idea the other two persons
15 were even in there or who they were. But if they suspected
16 that it doesn't make any difference what ideas they had
17 about what they might find in there. That makes absolutely
18 no difference what they thought they might see when they
19 went in there. The question is, did they have the right to
20 be in the room? They had a right to be in the room for
21 they had an arrest warrant and they made an arrest inside
22 the room. They saw people in there, they were under the
23 covers, and they were concerned about their own safety, and
24 they made a protective sweep which is as far as the Court
25 is concerned presumptively reasonable when they had been

1 whispering and activity going on in that room before they
2 came in there, and the fact that Brandi Quinn only just
3 cracked open the door first and then they went in. That
4 testimony was that when they -- it was dark in the room,
5 and they were apparently had been sleeping when they start
6 knocking on the door and woke them up. When they first
7 cracked the door they really couldn't see but once they
8 went into the room to arrest Brandi Quinn, they opened the
9 door and it was day light outside. You could see on the
10 video that it was daylight outside, and you could see in
11 the room. They could see these things in the room with
12 their own eyes. Now they couldn't open a drawer or open a
13 suitcase or open any other kind of without looking in
14 anything. But what they could see in that room that was
15 evidence, obvious evidence of a crime or probable cause to
16 believe a crime had been committed, once they saw those
17 things in there from their own, they're in plain view, they
18 didn't have to move anything or open anything or anything
19 else to see then the Court's convinced and the magistrate
20 found and the Court finds in looking at all these things --
21 And one other thing that I didn't mention is the cigar and
22 that might seem like a small thing. But there are cases
23 probably United States Supreme Court cases which say that
24 an officer's knowledge about where drugs are used in
25 certain ways and form the police officers have that they

1 can use that as a probable cause, reasonable suspicion for
2 probable cause.

3 In this case you had a Philly blunt and I've heard it
4 said in many cases over the years that people hollow out
5 these Philly blunts. It's a favorite a Philly blunt.
6 Hollow them out put marijuana in there and smoke them.
7 They ride around town smoking a marijuana cigar. So I
8 think it's reasonable for the officer to believe that there
9 might be some marijuana in there based on this Philly
10 blunt. It turned out not to be. It's not a question of
11 what all you find. It's a question of what you have
12 probable cause to believe.

13 What the Court is required to do just like the
14 magistrate is required to do and as this court is required
15 to do, is you have got to look at the totality of the
16 circumstances confronting the officers when they went in.

17 The other thing, I think I mentioned it, the gang
18 insignia, and that gave them heightened sense that they
19 better protect themselves when they went in there. In any
20 event in looking at the totality of the circumstances the
21 officers had, this Court finds that they had probable cause
22 based on what they could see in plain view to get a search
23 warrant.

24 And just because I think Detective Gladden - excuse
25 me, Officer Gladden made the decision that we

1 probably ought to get a search warrant based on the
2 computers is what she saw and she had limited access. She
3 didn't do the protective sweep. But from the limited
4 access she saw the computers and she was seeking to get;
5 she called the magistrate, Judge Davenport, she called him
6 on his day off to ask him about the computers whether that
7 would be -- and she tried to get a search warrant based on
8 that and the indication was that, that probably would be
9 sufficient. But in the meantime she talked to, and he was
10 going to go to his office, and in the meantime of course it
11 has to be under the South Carolina statute it has to be a
12 written or typed affidavit to be turned in to the
13 magistrate to be valid - the search warrant.

14 And Officer Clark was talking back and forth to
15 Officer Gladden and relayed this additional information
16 about what they saw in plain view. And the other officers
17 say which I submit is reasonable. He typed all that up put
18 it in the warrant and then he went in and swore all that
19 was true that, that was the information that was given to
20 him at the scene of this or viewed over there. In any rate
21 I think the search warrant was properly issued by the
22 magistrate, that was properly done. I think the officers
23 did exactly what they should have done. They didn't go
24 start searching through drawers and they didn't go
25 searching through bags and under things and they didn't do

1 any of that. They went and got a search warrant.

2 Another reasonable suspicion could be created from the
3 fact that Mr. Johnson looked like he tried to pull them off
4 the track. They were primarily interested in the computers
5 he offered to line them up and let them take pictures to
6 help get them out of his way because you know why? He knew
7 he had a meth lab in there that they couldn't see in plain
8 view. He knew what was in there and he was trying to
9 distract them and get them out of there as quickly as
10 possible. But they didn't look for and find that meth lab
11 until after they got the search warrant and came back and
12 started searching. The Court finds that it should not be
13 suppressed and it's admissible into evidence.

14 Anything else?

15 MS. COLTON: Noth --

16 THE COURT: Whatever they found in the search is
17 admissible.

18 Yes, ma'am.

19 MS. COLTON: Nothing from the State, Your Honor.

20 THE COURT: Anything else?

21 MR. BROWN: Nothing, Your Honor.

22 THE COURT: Let's get some lunch. We got the jury
23 downstairs. I would like to do an abbreviated lunch.

24 Mr. Johnson,

25 You got any idea how long they may be able to get him

1 some lunch over there?

2 DEPUTY NEIL: I'll have to ask, sir. I don't know.

3 THE COURT: Let's do this. Let's take -- it's five
4 minutes after Two. Let's go to 2:45; let's be back at 2:45
5 and we'll get started then.

6 And, Madame Clerk, I'll ask you to call them down and
7 tell them, the jury, that we ran over and went to grab a
8 bite to eat and it's probably gonna be probably 2:45 or
9 3:00 before we get to them. All right. Thank you.

10 (COURT IN LUNCH RECESS AT 02:05 PM.)

11 (COURT BACK IN SESSION AT 02:55 PM.)

12 THE COURT: Please be seated.

13 All right, Counsel, anything we need to take up before
14 we get started with the jury?

15 MS. COLTON: Your Honor, there may be some statements
16 that may come under Denno and Mr. Brown and I have agreed
17 that before we go into those statements that we'll make a
18 proffer on them at a later time; not before trial. I think
19 they were talking about bringing the audio stuff from the
20 car. I haven't made the decision to my answer to that.
21 Both the defendants were in the back; this defendant was in
22 the back seat with another defendant and they spoke while
23 they were in custody. But that officer will not testify
24 until tomorrow so we think we can deal with that tomorrow.
25 And then there's one other issue where statements were made

1 to a detention center officer in the detention center or
2 overheard by a detention center officer and we'll make a
3 proffer Denno on that issue as well before we even get into
4 that, Your Honor.

5 And, Your Honor, in regard to that, I put a brief on
6 conspiracy. There may be some coconspirator statements in
7 furtherance of a conspiracy that will not be hearsay but
8 will establish the existence of that conspiracy before we
9 listen to any testimony as to those statements that are an
10 exception to the hearsay law.

11 MR. BROWN: Kind of in line with that, Your Honor,
12 I've got the indictment in my hand. It says that on or
13 about between August 1st, 2010 and February 27th, 2011 in
14 York County the defendant Jason Alen Johnson a/k/a Convict
15 knowingly sale and so forth, basically trafficking
16 methamphetamine. In line with that I'm gonna object to
17 tall those witness's. I will add and require the State to
18 elect because what they're trying to do is say add them all
19 up and make them with the weight one trafficking act. But
20 I submit to the Court they are individual acts.. If they
21 want to go back and indict him for what happened; obviously
22 this is by way of example, August 8th, August 16th and so
23 forth, you know that would be different. They are separate
24 and distinct offenses. But to combine six months time in
25 for individual acts and try to add it up to a whole I don't

1 think it encompasses the intent of the statute.

2 THE COURT: How are you going to tie them together and
3 make -

4 MS. COLTON: Your Honor, the co - there is a
5 coconspirator that is going to tie it together and then all
6 the other individuals involved know each other and are
7 acquainted with each other and there is a co-conspirator
8 that will tie everything up as far as how things are
9 related. They are going to present evidence of the
10 conspiracy; evidence of the conspiracy to take it back to
11 July 2010, that they were actively -- Just because Mr.
12 Catoe is a named co-conspirator, there is a third
13 unindicted co-conspirator that participated actively in the
14 creation of the elicitation of the distribution of
15 methamphetamine so that one person will testify to that.
16 All the other individuals are going to testify too to their
17 role as smurfs that basically they were feeding pseudoephed
18 and getting methamphetamine they observed other people what
19 they saw. And the conspiracy between Mr. Catoe and Mr.
20 Johnson and Shelley Pettigrew they are the co-conspirators
21 that are involved with all this throughout this time
22 period. So we don't need Mr. Catoe's testimony for that.
23 We can testify to how other people testify who saw them act
24 in consult.

25 THE COURT: You have to be able to show that these

1 were individual acts separate and distinct to each other.
2 You have to show there is some connection.

3 MS. COLTON: We have to show that there is an
4 agreement; there is an agreement and passive understanding.
5 Yes, sir, we're gonna show that.

6 THE COURT: You have to be able to tie it all together
7 into a conspiracy to be able to get it in. You can't
8 allege five, six, seven, eight different acts and say this
9 was a conspiracy. You have to be able to show that it was
10 part of a conspiracy.

11 MS. COLTON: Yes, sir.

12 THE COURT: Part of a conspiracy and there was an
13 agreement attached and an understanding or whatever, it was
14 an ongoing conspiracy.

15 MS. COLTON: Yes, sir.

16 THE COURT: That's what you've got to be able to show.
17 Whether you can do that or not I don't know. I'll be
18 listening to see if you do.

19 MR. BROWN: Yes, sir. I was just pointing out that
20 he's not indicted for conspiracy. Although I understand
21 the trafficking statute has the word to conspire and I
22 certainly understand that. I just point out my opinion
23 what she's trying to do is back door Lyle prior bad acts
24 evidence into evidence to convict this man and I would
25 object before and I put it on the record now and we can do

1 it individually. But to give the Court a heads up, it's
2 highly prejudicial. I mean we have one act, we have one
3 confiscation of alleged drugs here. And I think to go back
4 and allow her to do this is kind of back door the evidence
5 so to speak. If she wants to go back and indict him for
6 each act that she alleges I certainly understand that but
7 she hasn't done that.

8 THE COURT: Under the conspiracy theory if they can
9 show there was continuous operation going on, whether they
10 were individual sales or individual purchases of stuff to
11 go in it; if they can show it was an on going agreement
12 passive understanding and pursuant to that agreement, that
13 conspiracy, these things were done as a continuous
14 operation. That's not an objection that they were
15 individual sales and individual buys if they can tie it all
16 together if it was an on going conspiracy between certain
17 people or certain persons and they could tie it all
18 together then I think they can follow it on conspiracy a
19 theory under trafficking. But they're going to have to be
20 able to do that. You can't take individual acts,
21 individual separate acts and make those into a conspiracy
22 so as to reach the amount for trafficking. I have no idea
23 what they're going to produce at this point. I'll have to
24 listen and see.

25 MR. BROWN: And I don't either, Your Honor.

-227-

1 THE COURT: I understand your position. They have to
2 show a connection, an agreement, an on going ----- of
3 conspiracy. They gonna have to be able to show that. Now
4 if he's acting alone, just one person, there is no
5 conspiracy. You can't have it with one person acting
6 alone. If other people are accompanying him and they're
7 doing the same thing over pursuant to an agreement, then it
8 may very well be a conspiracy. I just have to wait and
9 see. But what you are saying is quite right if you're
10 talking about acting by him alone. You can't have a
11 conspiracy with one person. If you got other people
12 operating with him further from that and the same operation
13 and the same modus operandi its just a continuous operation
14 then I think they can show a conspiracy. I have a case
15 upheld on that where a guy from down in the Santee area,
16 one of those small communities down there sold some drugs
17 to someone down in Columbia or Lexington who in turn
18 knowing they were bringing it back to Rock Hill to sell,
19 the drug dealer, and then they had another one they caught
20 him in one of his runners, people who deliver the drugs, I
21 believe at Walmart or K Mart down in Columbia. They were
22 transferring drugs to somebody they knew they were coming
23 to Rock Hill because he had already come up here and talked
24 to somebody about it. And so that was upheld as a
25 trafficking and they were separate incidences but they were

1 the same people or the same people involved in it and it
2 happened on two separate occasions but that was part of the
3 conspiracy. And that was upheld on a PR and I can't
4 remember the case. But I'll listen to it and see. If it's
5 not, it can't be just individual acts. If its part of an
6 agreement, passive understanding, people working together
7 to accomplish illegal purpose it could be so I'll listen
8 and see.

9 MR. BROWN: Yes, sir. I have some request to voir
10 dire she has no objection to. They're very simple. I'm
11 assuming in your standard you cover the relation to law
12 enforcement and all.

13 THE COURT: No, no. I can. Let's see.

14 (DOCUMENTS RECEIVED UP BY THE COURT FROM THE DEFENSE.)

15 THE COURT: You have no objection to this?

16 MS. COLTON: I do not, Your Honor. And, Your Honor, I
17 think we're going to try to stay as far away from the gang
18 affiliation things as we can. I don't think it's proper
19 for us to put that before the Court. It has very little
20 relevancy on this case. As far as the nickname I
21 understand that I need to keep away from using his
22 nickname. However there may be one or two witnesses that
23 only know him by that nickname so I'll try to limit the use
24 of that. Unfortunately it's the name he goes by; its
25 either Convict or Vic. And even in interviewing

1 individuals they slip up quite a lot and I've instructed
2 them to use Mr. Johnson or Jason Johnson at all times. But
3 it may, it may slip up because that's his name commonly
4 associated but I'm trying to get them all to limit that as
5 much as possible so it's not prejudicial.

6 THE COURT: Well if it comes up my suggestion is say
7 that's a nickname or something like that, would be the way
8 of dealing with it I guess. Hopefully they'll stay away
9 from it, if not, we'll deal with it with some kind of
10 instruction.

11 MS. COLTON: Yes, sir.

12 THE COURT: Anything else?

13 MR. BROWN: No, sir.

14 THE COURT: Did you give me a witness list or do you
15 have a witness list?

16 MR. BROWN: Your Honor, just the defendant.

17 THE COURT: Okay. Anybody you want to eliminate from
18 your witness list or do you still want me to ask about all
19 of them? I don't mind asking unless they ask me.

20 MR. BROWN: Your Honor, I would not, I would like --
21 How can I say this? Due to concerns the Solicitor's office
22 had about potential witness tampering for lack of a better
23 word, I have not been given a witness list yet. I don't
24 know what's coming out of these people's mouths and I don't
25 think I'm entitled to discovery necessarily. But if

1 something comes up where I have a witness who says this
2 didn't happen, I would like to preserve that right. I
3 don't know that's gonna happen or not and probably won't.
4 I just don't want to be boxed in.

5 MS. COLTON: Judge, I thought in the package I gave
6 Mr. Brown yesterday it contained rap sheets on everyone. I
7 thought I gave him a witness list. If I did -

8 MR. BROWN: If she did I'll be honest with you I have
9 not looked at it.

10 I got your criminal records.

11 MS. COLTON: Yeah, in front of that there is a
12 witness list.

13 MR. BROWN: It's not. I don't anticipate that, Your
14 Honor. Just in case. You know he says they met at ABC
15 Store and -

16 THE COURT: If you got somebody you know you gonna
17 call; possibility you gonna call? I don't like to ask a
18 jury to make sure that they don't have any connection to
19 those persons. But you can't always anticipate that and
20 so sometimes somebody has to call in a reply but we'll
21 see.

22 MS. COLTON: And, Judge, some of the names I did put
23 on there because I know the names will arise in this that
24 will be testified to. We can take off Blake Whitman.
25 Blake Whitman is fifth from the bottom. Brett Stacy,

-231-

1 William Perkins, Layne Hepler, Andrew Patel, Judge
2 Davenport, and then from the top it's Kristy Self.

3 THE COURT: Strike her?

4 MS. COLTON: Yes, sir. And Jim Acquisto, the eighth
5 name down after law enforcement, Jim Acquisto.

6 THE COURT: Okay, I got it. All right. You knew you
7 weren't gonna call them now. I just wanted to not ask the
8 jury and not waste that much time.

9 MS. COLTON: Yes, sir.

10 (PAUSE.)

11 MS. COLTON: And, Your Honor, we would just ask that
12 you mentioned if there was any connection to Mr. Catoe,
13 Corey Catoe, the defendant as his name will arise in this
14 case, Your Honor. We do not intend to have him called as
15 a witness.

16 THE COURT: Corey Catoe.

17 MS. COLTON: Yes, sir.

18 MR. BROWN: Your Honor, the defendant just advised me
19 he wants to call him as a witness.

20 THE COURT: All right.

21 (PAUSE.)

22 THE COURT: Mr. Cronin assisting you on the case?

23 MR. BROWN: Yes, sir. He would also of course give -

24 THE COURT: I just need to introduce him to the jury,
25 if they are related. I would do that ---

1 MR. BROWN: Yes, sir.

2 THE COURT: --- all counsel who are participating.

3 All right. There's nothing else then strikes will be
4 five and five. We'll draw one alternate, strikes will be
5 two for the defense, one for the state.

6 All right, please, ma'am, bring the jury up.

7 MR. BROWN: While we're waiting on them, Your Honor.
8 Just so we don't have to jump up every time the evidence,
9 I have an objection made in pretrial during the
10 introduction of the evidence will continue throughout the
11 trial.

12 THE COURT: Yes, sir. I don't know what all was
13 seized, determined on the search warrant. And I don't
14 know what all was seized. Whatever was seized pursuant to
15 the search warrant.

16 Do you have any problems with their voir dire,
17 request to voir dire?

18 MR. BROWN: No, sir. I reviewed them, she gave me a
19 copy.

20 THE COURT: All of the ones the State has requested
21 I'm gonna have the jury come down front in response to.
22 Some of those questions will be personal and they won't
23 have to stand up in response to them in open assembly.

24 I think I'm gonna do the same thing with yours. I
25 don't want them to stand up and say something that might

1 prejudice the jury panel, if they've been a victim.

2 MR. BROWN: Yes, sir.

3 (JURY ENTERS COURTROOM AT 03:19 PM.)

4 THE COURT: Good afternoon, ladies and gentlemen of
5 the jury panel. If you'll give me your attention please.
6 Let me begin by apologizing for keeping you down in the
7 jury assembly room as long as we did. I didn't anticipate
8 doing that but matters we had going on this morning just
9 all ran over so we kind of squeezing everything together
10 and I apologize for the delay in getting you up. I
11 appreciate your patience today.

12 We are about to go into a trial in the matter of the
13 *State of South Carolina versus Jason Alen Johnson*. The
14 State charges Mr. Johnson with the offense of trafficking
15 methamphetamine. To this charge the defendant has pled not
16 guilty and we are about to go into a trial in that matter.

17 Now, the State is represented in this case by
18 Assistant Solicitor Jennifer Colton and Teasa Weaver.

19 Counsel, please stand and face the jury panel.

20 (SOLICITOR'S COLTON AND WEAVER STOOD.)

21 THE COURT: Thank you. You may be seated.

22 (SOLICITOR'S SEATED.)

23 THE COURT: Is anyone on the jury panel related by
24 blood or marriage, friends with, or have any other type
25 social, business or professional relationship with either

1 Jennifer Colton or Teasa Weaver; if so, please stand?

2 (NO ONE STANDS.)

3 THE COURT: Is anyone on the jury panel related by
4 blood or marriage, friends with, or have any other type
5 social, business or professional relationship with anyone
6 who works in the Sixteenth Circuit Solicitor's Office; if
7 so, please stand?

8 Yes, ma'am, please give us your name and number.

9 A. My name is Tracy Bolin, Juror Number 14. And my first
10 cousin is Douglas Sexton who works in the Solicitor's
11 office.

12 THE COURT: What's their name?

13 MS. BOLIN: Douglas Sexton.

14 THE COURT: Oh, Douglas. Okay. And is there anything
15 about that relationship, ma'am, that would interfere in any
16 way with your ability to give both sides a fair and
17 impartial trial in this case?

18 MS. BOLIN: No, sir.

19 THE COURT: Thank you.

20 Yes, ma'am.

21 A. My names Linda Nickolson, I'm Juror 171. My son is
22 really good friends with Erin Joyner in the solicitor's
23 office.

24 THE COURT: Okay. Assistant Solicitor. Ma'am, is
25 there anything about those relationships that would

1 interfere in any way with your ability to give both the
2 State and the defendant a fair and impartial trial in this
3 case?

4 MS. NICHOLSON: No, sir.

5 THE COURT: Thank you. Anyone else?

6 (NO RESPONSE.)

7 THE COURT: Now, Mr. Johnson is represented in this
8 case by Attorneys Michael Brown and Shawn Cronin.

9 Counsel, please stand. I also ask Mr. Johnson to
10 stand if you would and face the jury panel.

11 (DEFENSE ATTORNEYS MICHAEL BROWN AND SHAWN CRONIN AND
12 DEFENDANT JASON JOHNSON STOOD.)

13 THE COURT: Thank you. You may be seated.

14 (DEFENSE ATTORNEYS AND JASON JOHNSON SITTING DOWN.)

15 THE COURT: Is anyone on the jury panel related by
16 blood or marriage, friends with or have any other type
17 social, business or professional relationship with Jason
18 Alen Johnson; if so, please stand?

19 (NO RESPONSE.)

20 THE COURT: Is any member of the jury panel related by
21 blood or marriage, friends with or have any other type
22 social, business or professional relationship with, that is
23 to say currently or formerly represented by or any other
24 relationship to Michael Brown or Shawn Cronin; if so,
25 please stand?

1 Yes, ma'am, please give us your name and number.

2 A. Elizabeth Rainey, Number 193.

3 THE COURT: Yes, ma'am.

4 MS. RAINEY: I am an attorney in Rock Hill, South
5 Carolina and I've worked with Mr. Brown in a couple of
6 cases. We were also in the same building together for a
7 couple of years so I know his support staff and am friendly
8 with them.

9 THE COURT: All right. Let me ask you, ma'am, is
10 there anything about that relationship that would interfere
11 in any way with your ability to give both the State and the
12 Defendant a fair and impartial trial in this case?

13 MS. RAINEY: No, sir.

14 THE COURT: Thank you, ma'am. You may be seated.

15 Anyone else?

16 (NO RESPONSE.)

17 THE COURT: Ladies and gentlemen of the jury panel,
18 I'm going to go through a list of potential witnesses in
19 this case. All these witnesses may not be called but they
20 may be called. What I'm going to ask you to do is, when I
21 call the potential witnesses name, if you are related by
22 blood or marriage, friends with, have any other type
23 social, business or professional relationship with any of
24 these named potential witnesses. When I call their names I
25 would ask that you please stand.

1 From the York County Multi Jurisdictional Drug
2 Enforcement Unit: Sergeant Mike Ligon, spelled L-i-g-o-n.

3 Yes, ma'am, please give us your name and number,
4 ma'am.

5 A. My name is Kristin Barnes, Juror Number 3.

6 THE COURT: And how do you know Mr. Ligon?

7 MS. BARNES: We used to keep a minor day care center
8 and then he arrested my sister.

9 THE COURT: Ma'am, is there anything about those
10 relationships that would interfere in any way with your
11 ability to be fair and impartial to both sides if he were
12 to be called as a witness in this case?

13 MS. BARNES: No, sir.

14 THE COURT: Thank you, ma'am. You may be seated.

15 Anyone else?

16 Yes, ma'am, please give us your name and number.

17 A. Gail Rogers, 208. My -- Mike's brother works for my
18 husband.

19 THE COURT: Ma'am, is there anything about that
20 relationship that would interfere in any way with your
21 ability to give both sides a fair and impartial trial if he
22 were to be called as a witness in this case?

23 MS. BARNES: No.

24 THE COURT: Thank you, ma'am.

25 Anyone else?

1 (NO RESPONSE.)

2 THE COURT: Investigator Nick Schifferle, spelled
3 S-c-h-i-f-f-e-r-l-e.

4 (NO RESPONSE.)

5 THE COURT: Investigator Lee Allen.

6 (NO RESPONSE.)

7 THE COURT: Investigator Alan Canty, spelled
8 C-a-n-t-y.

9 (NO RESPONSE.)

10 THE COURT: Investigator Josh Welch, W-e-l-c-h.

11 (NO RESPONSE.)

12 THE COURT: From the Rock Hill Police Department,
13 Officer Scott Cribb, C-r-i-b-b.

14 And Officer Glenda Oliver.

15 (NO RESPONSE.)

16 THE COURT: From the York County Sheriff's Office,
17 Deputy Rachael Gladden, G-l-a-d-d-e-n.

18 (NO RESPONSE.)

19 THE COURT: Deputy Alex Clark.

20 MADAME COURT REPORTER: Judge.

21 THE COURT: I'm sorry. Yes, ma'am. Please give us
22 your name and number, ma'am.

23 A. Amy Mohauge, 165.

24 THE COURT: 165, did you say?

25 MS. MOHAUGE: 165, yes, sir.

1 THE COURT: Yes, ma'am.

2 MS. MOHAUGE: Our sons play football together.

3 THE COURT: All right. Ma'am, is there anything about
4 that relationship that would interfere in any way with your
5 ability to give both sides a fair and impartial trial in
6 this case?

7 MS. MOHAUGE: No, sir.

8 THE COURT: Thank you, ma'am.

9 Anyone else?

10 (NO RESPONSE.)

11 THE COURT: Deputy Travis Shealy, S-h-e-a-l-y.

12 MADAME COURT REPORTER: Judge.

13 THE COURT: Yes, ma'am, give us your name and number
14 please.

15 A. Kimberly Stevenson, Juror Number 225.

16 THE COURT: Yes, ma'am.

17 MS. STEVENSON: He's a friend of my sisters so I've
18 know him real well.

19 THE COURT: Ma'am, is there anything about that
20 relationship that would interfere in any way with your
21 ability to give both sides a fair and impartial trial in
22 this case?

23 MS. STEVENSON: No, sir.

24 THE COURT: Thank you.

25 Anyone else?

1 (NO RESPONSE.).

2 THE COURT: Deputy John Stagner.

3 (NO RESPONSE.)

4 THE COURT: Officer Solomon Hogg, spelled H-o-g-g.

5 (NO RESPONSE.)

6 THE COURT: Officer Gregory Winker, spelled
7 W-i-n-k-e-r.

8 (NO RESPONSE.)

9 THE COURT: Detective Pete Branham, spelled
10 B-r-a-n-h-a-m.

11 (NO RESPONSE.)

12 THE COURT: Detective Fred Moore.

13 (NO RESPONSE.)

14 THE COURT: Cynthia Mitchum, who is chemist with the
15 sheriff's department.

16 Yes, ma'am. Again please give us your name and number
17 again..

18 A. Kimberly Stevenson, Juror Number 225.

19 THE COURT: Yes, ma'am.

20 MS. STEVENSON: She lives across the road from me.

21 THE COURT: Ma'am, is there anything about that
22 relationship that would interfere in any way with your
23 ability to give both sides a fair and impartial trial if
24 she were to be called as a witness in this case?

25 MS. STEVENSON: No, sir.

1 THE COURT: Thank you, ma'am.

2 Anyone else?

3 (NO RESPONSE.)

4 THE COURT: Lieutenant Cheryl Guzman, spelled - last
5 name spelled G-u-z-m-a-n.

6 (NO RESPONSE.)

7 THE COURT: All right, from the York County
8 Solicitor's Office, Investigator Martha Parrish.

9 (NO RESPONSE.)

10 THE COURT: From the South Carolina Law Enforcement
11 Department Lieutenant Max Dorsey, D-o-r-s-e-y.

12 (NO RESPONSE.)

13 THE COURT: Corey Catoe, spelled C-a-t-o-e.

14 (NO RESPONSE.)

15 THE COURT: Robert Shaver.

16 (NO RESPONSE.)

17 THE COURT: Shelley Pettigrew, P-e-t-t-i-g-r-e-w.

18 (NO RESPONSE.)

19 THE COURT: Brandi Quinn, Q-u-i-n-n.

20 (NO RESPONSE.)

21 THE COURT: Sonya Burton, B-u-r-t-o-n.

22 (NO RESPONSE.)

23 THE COURT: Shannon Adkins-James.

24 (NO RESPONSE.)

25 THE COURT: Joshua Matuse, spelled M-a-t-u-s-e.

1 (NO RESPONSE.)
2 THE COURT: Taylor Zachery Brandon.
3 (NO RESPONSE.)
4 THE COURT: Amanda Caudle, C-a-u-d-l-e.
5 (NO RESPONSE.)
6 THE COURT: Lisa Simmers.
7 (NO RESPONSE.)
8 THE COURT: Regan Whittaker.
9 (NO RESPONSE.)
10 THE COURT: James Christopher Matuse.
11 (NO RESPONSE.)
12 THE COURT: Brandy Hager.
13 (NO RESPONSE.)
14 THE COURT: Cassidy Cooper, C-o-o-p-e-r.
15 (NO RESPONSE.)
16 THE COURT: John Thomasson, spelled
17 T-h-o-m-a-s-s-o-n.
18 (NO RESPONSE.)
19 THE COURT: Jay Raja, spelled R-a-j-a, last name.
20 (NO RESPONSE.)
21 THE COURT: Robert Lee Catoe.
22 (NO RESPONSE.)
23 THE COURT: Barbara Corder, C-o-r-d-e-r.
24 (NO RESPONSE.)
25 THE COURT: Amy Cook.

1 (NO RESPONSE.)

2 THE COURT: Joshua Johnson.

3 (NO RESPONSE.)

4 THE COURT: Is any member of the jury panel employed
5 by any city, county, state or federal law enforcement
6 agency either at the present time or in the past; if so,
7 please stand?

8 Yes, sir, please give us your name and number, sir.

9 A. James Zacharias, 249, AT.

10 THE COURT: Sir, is there anything about -- you're
11 formerly or currently?

12 MR. ZACHARIAS: I'm retired.

13 THE COURT: Okay. Sir, is there anything about that
14 employment that would interfere in any way with your
15 ability to give both the State and the Defendant a fair and
16 impartial trial in this case?

17 MR. ZACHARIAS: Not that. But my son passed away in a
18 car accident where there were drugs involved, last year,
19 June of last year. So that may weigh --

20 THE COURT: All right. Let me do this. If you'll
21 just be seated and I'll call you down front momentarily.

22 Anyone else?

23 (NO RESPONSE.)

24 THE COURT: Is any member of the jury panel related by
25 blood or marriage or a close friend to any person employed

1 by any city, county, state or federal law enforcement
2 agency either at the present time or in the past?

3 Yes, ma'am, please stand. Give us your name and
4 number, ma'am.

5 A. Grace Sandwich, Juror Number 211.

6 THE COURT: Yes, ma'am.

7 MS. SANDWICH: My exhusband and my ex-brother-in-law
8 and my son are all former police officers in the state of
9 Ohio.

10 THE COURT: In Ohio. Ma'am, is there anything about
11 those relationships that would interfere in any way with
12 your ability to give both sides a fair and impartial trial
13 in this case?

14 MS. SANDWICH: No.

15 THE COURT: I'll begin over here.

16 Yes, ma'am, give us your name and number. We're on
17 the record so we have to get your name and number each
18 time.

19 A. Kimberly Stevenson, Juror Number 225. My father is
20 retired from York County as a detective. He retired in
21 2002.

22 THE COURT: All right. Ma'am, is there anything about
23 those relationships that would interfere in any way with
24 your ability to give both sides a fair and impartial trial
25 in this case?

1 MS. STEVENSON: No, sir.

2 THE COURT: Thank you, ma'am.

3 Yes, ma'am.

4 A. Jane Beverly, Juror Number 9. I am friends with
5 Officer Caldwell, at the detention center.

6 THE COURT: Ma'am, is there anything about that
7 relationships that would interfere in any way with your
8 ability to give both sides a fair and impartial trial in
9 this case?

10 MS. BEVERLY: No, sir.

11 THE COURT: Let me ask you further just out of the
12 abundance of caution. Have you discussed this case at all
13 with him, ma'am?

14 MS. BEVERLY: No, sir. I've not seen him about three
15 months now.

16 THE COURT: Thank you, ma'am.

17 Back over here. Yes, sir.

18 A. Larry Groves, Juror 82.

19 THE COURT: Yes, sir.

20 MR. GROVES: My father worked with the Federal Prison
21 system.

22 THE COURT: Sir, is there anything about that
23 relationship that would interfere in any way with your
24 ability to give both sides a fair and impartial trial in
25 this case?

1 MR. GROVES: No, sir.

2 THE COURT: Thank you, sir.

3 Yes, ma'am.

4 A. Elizabeth Raine, Number 193.

5 THE COURT: Yes, ma'am.

6 MS. RAINE: I have a good friend who worked in the
7 York County Sheriff's Department with the sheriff, and her
8 husband is currently in the Sheriff's department as well.

9 THE COURT: Okay. Ma'am, is there anything about
10 those relationships that would interfere in any way with
11 your ability to give both sides a fair and impartial trial
12 in this case?

13 MS. RAINE: No, sir.

14 THE COURT: Thank you, ma'am.

15 Anyone else?

16 (NO RESPONSE.)

17 THE COURT: Is any member of the jury panel employed
18 by any city, county, state or federal prosecutor's officer
19 either at the present time or in the past; if so, please
20 stand?

21 (NO RESPONSE.)

22 THE COURT: Is any member of the jury panel related by
23 blood or marriage or a close friend to any person employed
24 by any city, county, state or federal prosecutor's office
25 either at the present time or in the past; if so, please

1 stand?

2 Yes, ma'am, please give us your name and number
3 please.

4 A. Number 84. My husband worked for the Solicitor's
5 Office in the past.

6 THE COURT: And, ma'am, is there anything about that
7 relationship that would interfere in any way with your
8 ability to give both sides a fair and impartial trial in
9 this case?

10 JUROR NUMBER EIGHTY-FOUR: Yes.

11 THE COURT: Pardon me.

12 JUROR NUMBER EIGHTY-FOUR: Yes.

13 THE COURT: You think it would?

14 JUROR NUMBER EIGHTY-FOUR: I think it would.

15 THE COURT: All right. I'm going to get you to come
16 down front and let me get your response. If you'll just
17 hold on for just a minute; I'll have you down momentarily.

18 Is any member of the jury panel related to or a close
19 friend to any person who volunteers with any law
20 enforcement agency or persecutor's office either at the
21 present time or in the past; if so, please stand?

22 (NO RESPONSE.)

23 THE COURT: Ladies and gentlemen of the jury panel,
24 I'm gonna ask you a series of -- looks like about eight
25 questions now. The responses to some of these questions,

1 if you need to respond to them, may be rather personal.
2 For that reason I'm not going to require you to stand up in
3 open assembly and respond to these questions. What I would
4 do instead is ask that you listen very carefully as I go
5 through these questions. If you think one or more of these
6 questions may apply to you, or you need to respond to one
7 or more of these questions, I'll ask you to wait until I
8 have gone through all eight questions, and then I'll give
9 you an opportunity to come forward one at a time down front
10 next to the court reporter here so we can just get your
11 responses and so that with a little more privacy down
12 front.

13 Now here are the questions.

14 Is any member of the jury panel been a victim of a
15 violent crime?

16 Next question: Has any member of the jury panel been
17 a victim of a drug related offense?

18 Has any member of the jury panel been the victim of a
19 gang related offense?

20 Has any member of the jury panel or a member of your
21 immediate family ever had a substance abuse problem?

22 Have you or a member of your immediate family ever
23 been arrested for a drug offense?

24 Have you or a member of your immediate family ever
25 been convicted of a drug related offense?

1 Do you believe that the use of any illegal drug should
2 be legalized?

3 Do you have any beliefs, religious or otherwise, that
4 would prevent you from rendering judgment against another
5 person?

6 If you need to respond to one or more of these
7 questions, I ask you to come to the center aisle at this
8 time and come forward one at a time as the bailiff may
9 direct you.

10 (COURT LEFT THE BENCH, MOVED TO COURT REPORTERS
11 BENCH.)

12 THE COURT: Let me ask, there are two jurors I told I
13 would have you come down momentarily, if you'll come on.

14 And, you are already there, sir.

15 Come right here please, ma'am.

16 You all come up close.

17 If you'll give us your name and number again.

18 A. Grace Sandwich, 211.

19 THE COURT: Yes, ma'am.

20 MS. SANDWICH: My only brother had a problem with
21 drugs, my son had substance abuse as a teenager but he's
22 cured.

23 THE COURT: Let me ask you whether there's anything
24 about your experience in that regard that would interfere
25 in any way with your ability to give both sides a fair and

1 impartial trial in this case?

2 MS. SANDWICH: No, sir, I don't believe so.

3 THE COURT: All right, thank you, ma'am.

4 MR. BROWN: I couldn't hear her. What did she say?

5 THE COURT: No, I don't believe so.

6 MR. BROWN: No, what did she say?

7 THE COURT: Her son had some drug use back when he was
8 young. He's fine now.

9 MR. BROWN: Okay.

10 THE COURT: Come right here please, ma'am.

11 Give us your name and number please, ma'am.

12 A. Lena Brumfield, Number 19.

13 THE COURT: Yes, ma'am.

14 MS. BRUMFIELD: The first question you ask, I used to
15 work in a pharmacy. I was pulled over the counter several
16 times because I couldn't give the people their medications,
17 and threatened. I also had to have somebody watch me for a
18 month because they kept threatening me.

19 THE COURT: Let me ask you about whether there was
20 anything about your experience with that that would
21 interfere in any way with your being able to give both
22 sided a fair and impartial trial in this case?

23 MS. BRUMFIELD: No.

24 THE COURT: Thank you, ma'am.

25 Come right here.

1 A. Uh-huh.

2 THE COURT: Give us your name and number please.

3 A. Lynna Pubertz, Number 191..

4 THE COURT: Yes, ma'am.

5 MS. PUBERTZ: My brother is an alcoholic and a drug
6 addict.

7 THE COURT: Ma'am, is there anything about your
8 experiences in that regard that would interfere in any way
9 with your ability to give both sides a fair and impartial
10 trial in this case?

11 MS. PUBERTZ: No, sir.

12 THE COURT: Thank you, ma'am.

13 Come right here, sir.

14 A. Your Honor, James Zacharias.

15 THE COURT: 249?

16 MR. ZACHARIAS: Yes. My son passed away in a car
17 accident in June of last year, a graduate of Fort Mill
18 High. He was given drugs by someone. They have yet been
19 determined but might have been something like your client
20 over here.

21 THE COURT: Let me ask you, then you indicated you
22 thought that might interfere with your ability to be fair
23 and impartial in the case. Do you still feel that way?

24 MR. ZACHARIAS: Yes, sir..

25 THE COURT: All right. I'm not going to require you

1 to sit on this particular jury, so if you'll just go back
2 to your seat. Just follow instructions but stay with the
3 jury.

4 MR. ZACHARIAS: Thank you.

5 MR. BROWN: 249, right?

6 THE COURT: Right.

7 Come right here ma'am. Come on up here a little more
8 close. Give us your name and number.

9 A. Mary Ann Waggoner. Its 233.

10 THE COURT: Yes, ma'am.

11 MS. WAGGONER: I taught special education for twenty-
12 three years and my students were like family. A lot of
13 them were students, were like family, a lot of them were
14 drug babies. I feel like I'm gonna be prejudiced in this
15 issue.

16 THE COURT: All right. You don't think you can be
17 fair and impartial in the case?

18 MS. WAGGONER: (Negative head shake.

19 THE COURT: All right. Thank you. I appreciate you
20 honesty and I'm not going to require you to sit. Please go
21 back and have a seat with the jury panel and follow
22 instructions.

23 MS. WAGGONER: Thank you.

24 THE COURT: Give us your name and number please.

25 A. Dennis Jones.

1 THE COURT: Your number is right on your badge there.

2 MR. JONES: 118.

3 THE COURT: Yes, sir.

4 MR. JONES: Okay. My son is in the Moss Justice
5 Center and I'm pretty sure it was for drugs. I think he
6 had a prior. His name is Patrick Devone Jones. This was
7 maybe four years, four or five years ago. I think that
8 qualifies --

9 THE COURT: Let me ask you. The question is did your
10 experiences in that regard interfere in any way with your
11 ability to give both the State and the Defendant a fair and
12 impartial trial in this case? Can you be fair and
13 impartial?

14 MR. JONES: No it wouldn't.

15 THE COURT: You would be fair and impartial?

16 MR. JONES: Yeah I can be fair.

17 THE COURT: Thank you, sir. Please return to your
18 seat.

19 Come on up here. Please give us your name and number
20 please.

21 A. Kristin Barnes, Number 3.

22 THE COURT: Yes, ma'am.

23 MS. BARNES: My sister was arrested for possession and
24 gave my name as the person she was. Of course she also
25 been found guilty of drug charges.

1 THE COURT: Ma'am, is there anything about your
2 experiences in that regard that would interfere in any way
3 with your ability to be fair and impartial as to both the
4 State and the Defendant in this case?

5 MS. BARNES: No, sir.

6 THE COURT: Thank you.

7 Come right here. Give us your number again.

8 A. Eighty-four. Kathy Hall. I should have said that I'm
9 acquainted with the prosecutors.

10 THE COURT: Well, --

11 You know this is Dan Hall's wife?

12 MR. BROWN: Yeah, yeah.

13 THE COURT: And you said you thought you would have
14 trouble being fair and impartial?

15 MS. HALL: Yes.

16 THE COURT: Why is that?

17 MS. HALL: Well, I'm just not sure.

18 THE COURT: Well let me ask you this. Could you
19 listen to the testimony and the evidence that comes in
20 during the course of the trial, and the instruction by the
21 Court on the law that applies to the issues in this case
22 and render judgment that would be fair and impartial?
23 Could you do that or not do that?

24 MS. HALL: Yes.

25 THE COURT: Could you do that?

1 MS. HALL: Uh-huh.

2 THE COURT: Okay. All right, please return to your
3 seat.

4 Come on up please, ma'am, give us your name and number
5 please.

6 A. Lynn Hovis, 107.

7 THE COURT: Yes, ma'am.

8 MS. HOVIS: My brother in law was actually in jail
9 here. Substance abuse.

10 THE COURT: Is there anything about your experiences
11 in that regard that would interfere in any way with your
12 ability to give both sides a fair and impartial trial in
13 this case?

14 MS. HOVIS: I don't think so.

15 THE COURT: I have to have a more definitive answer.
16 A yes or no.

17 MS. HOVIS: No.

18 THE COURT: Thank you. A lot of people say that.
19 Give us your name and number again for the record.

20 A. Elizabeth Raine, 193.

21 THE COURT: Yes, ma'am.

22 MS. RAINE: I have a family member that's been
23 arrested multiple times for drug and alcohol offenses. But
24 additionally but it was for court, I actually spoke to
25 Melanie from Mr. Brown's office today just very very

1 briefly. Just kind of one of those things. "In the office
2 I have jury duty again like seating a jury that is the
3 extent of it" but I thought I needed to go ahead and say
4 that.

5 THE COURT: Let me ask you. Did you all discuss this
6 case at all?

7 MS. RAINE: No, sir. She said she would see me at
8 trial.

9 THE COURT: All right. Let me ask you again then. Do
10 you think there's anything about your relationship there;
11 or anything that would interfere in any way with your
12 ability to give both the State and the Defendant a fair and
13 impartial trial?

14 MS. RAINE: No.

15 THE COURT: Thank you.

16 MS. RAINE: Thank you.

17 THE COURT: Give us your name and number please.

18 A. Angelika Purtell, 1-9-2.

19 THE COURT: 1-9-2.

20 MS. PURTELL: I feel like marijuana should be
21 legalized because alcohol is legal so I don't think
22 marijuana, I can't get a buzz of alcohol right.

23 THE COURT: Let me -

24 MS. PURTELL: That's just me coming from Europe.

25 THE COURT: Well you're entitled to have an opinion.

1 But let me ask you whether there is anything about that
2 view that would interfere in any way with your ability to
3 give both sides a fair and impartial trial in this case
4 given the nature of the charges?

5 MS. PURTELL: No. No.

6 THE COURT: Thank you, ma'am.

7 Just give us your name and number, sir.

8 A. Darrell Danner, 47.

9 THE COURT: Yes, sir.

10 MR. DANNER: I support the legalization of marijuana.

11 THE COURT: Let me ask you whether there is anything
12 about your support of the legalization of marijuana that
13 would interfere in any way with your ability to give both
14 sides, the State and the Defendant, a fair and impartial
15 trial in this case given the charge?

16 MR. DANNER: I'd be honest.

17 THE COURT: Sir?

18 MR. DANNER: I'd be honest with it.

19 THE COURT: Okay. Thank you, sir.

20 Come right here please. Give us your name and number
21 please.

22 A. Kelly Brunson, Number 20.

23 THE COURT: Yes, ma'am.

24 MS. BRUNSON: My mother went to rehab for Valium
25 addiction like twenty-five years ago.

1 THE COURT: Okay. Is there anything about your
2 experiences in that regard that would interfere in any way
3 with your ability to give both sides a fair and impartial
4 trial in this case?

5 MS. BRUNSON: No.

6 THE COURT: Thank you, ma'am.

7 (COURT RETURNED TO THE BENCH AT 03:49 PM.)

8 THE COURT: Just a few more questions, ladies and
9 gentlemen of the jury panel.

10 Has any member of the jury panel had any prior
11 knowledge about this case from any source before coming
12 here to court today; if so, please stand?

13 (NO RESPONSE.)

14 THE COURT: Has any member of the jury panel formed or
15 expressed an opinion as to the guilt or innocence of the
16 defendant Jason Alen Johnson; if so, please stand?

17 (NO RESPONSE.)

18 THE COURT: Is any member of the jury panel conscious
19 of any interest, bias, or prejudice for or against the
20 defendant Jason Alen Johnson; if so, please stand?

21 (NO RESPONSE.)

22 THE COURT: Can each member of the jury panel give
23 both the State and the Defendant Jason Alen Johnson a fair
24 and impartial trial in this case; if not, please stand?

25 (NO RESPONSE.)

STRIKING OF THE JURY

-259-

1 THE COURT: Does any member of the jury panel know of
2 any reason whatsoever why he or she should not serve as a
3 juror in this particular case; if so, please stand?

4 (NO RESPONSE.)

5 THE COURT: Any additional questions requested of the
6 jury panel from the State?

7 MS. COLTON: Nothing from the State, Your Honor.

8 THE COURT: From the Defense?

9 MR. BROWN: No, sir.

10 THE COURT: All right.

11 Madame Clerk, please give us a jury.

12 MADAME CLERK: If your name is called please bring any
13 personal belongings you have and come stand by the bailiff.

14 Number 179, Barbara Penny.

15 (WHITE FEMALE COMING FORWARD.)

16 MADAME CLERK: What say you for the State?

17 MS. COLTON: Please present this juror.

18 MADAME CLERK: Defense?

19 (JUROR STARTED TO LEAVE.)

20 MADAME COURT REPORTER: Wait, wait.

21 THE COURT: What's going on?

22 THE BAILIFF: I thought you dismissed her.

23 MADAME CLERK: Not yet.

24 MR. BROWN: Seat the juror.

25 MADAME CLERK: Sit in the jury box.

STRIKING OF THE JURY

-260-

1 Number 19, Lena Brumfield.

2 MR. BROWN: Madame Clerk, what number?

3 MADAME CLERK: Nineteen.

4 (WHITE FEMALE COMING FORWARD.)

5 MADAME CLERK: What say you for the State?

6 MS. COLTON: Please present this juror.

7 MADAME CLERK: Defense?

8 MR. BROWN: Please excuse the juror in this particular
9 case.

10 MADAME CLERK: You're excused from this case.

11 Number 28, Barbara Catan.

12 (WHITE FEMALE COMING FORWARD.)

13 MADAME CLERK: What say you for the State?

14 MS. COLTON: Please present the juror.

15 MADAME CLERK: Defense?

16 MR. BROWN: Please seat the juror.

17 MADAME CLERK: Sit in the jury box.

18 Number 144, Susan Lyle.

19 (WHITE FEMALE COMING FORWARD.)

20 MADAME CLERK: What say you for the State?

21 MS. COLTON: Please present the juror.

22 MADAME CLERK: Defense?

23 MR. BROWN: Excuse the juror in this case.

24 MADAME CLERK: You're excused in this case.

25 Number 14, Tracy Bolin.

STRIKING OF THE JURY

-261-

1 (WHITE FEMALE COMING FORWARD.)

2 MADAME CLERK: What say you for the State?

3 MS. COLTON: Please present the juror.

4 MADAME CLERK: Defense?

5 MR. BROWN: Please seat the juror.

6 MADAME CLERK: Sit in the jury box.

7 Number 246, Franklin Wingate.

8 MR. BROWN: 246, Madame Clerk?

9 (WHITE MALE COMING FORWARD.)

10 MADAME CLERK: What say you for the State?

11 MS. COLTON: Please excuse this juror.

12 MADAME CLERK: You're excused in this case.

13 Number 191, Lynne Pubentz.

14 (WHITE FEMALE COMING FORWARD.)

15 MADAME CLERK: What say you for the State?

16 MS. COLTON: Please present this juror.

17 MADAME CLERK: Defense?

18 MR. BROWN: Please seat the juror.

19 MADAME CLERK: Have a seat in the jury box.

20 Number 85, Kristi Hall.

21 (WHITE FEMALE COMING FORWARD.)

22 MADAME CLERK: What say you for the State?

23 MS. COLTON: Please present Ms. Hall.

24 MADAME CLERK: Defense?

25 MR. BROWN: Please seat the juror.

STRIKING OF THE JURY

-262-

1 MADAME CLERK: Sit in the jury box.
2 Number 33, Belinda Clark.
3 (BLACK FEMALE COMING FORWARD.)
4 MADAME CLERK: What say you for the State?
5 MS. COLTON: Please present Ms. Clark.
6 MADAME CLERK: Defense?
7 MR. BROWN: Please seat the juror.
8 MADAME CLERK: Sit in the jury box.
9 Number 82, Larry Groves.
10 (WHITE MALE COMING FORWARD.)
11 MADAME CLERK: What say you for the State?
12 MS. COLTON: Please excuse this juror.
13 MADAME CLERK: You're excused in this case.
14 Number 3, Kristin Barnes.
15 (WHITE FEMALE COMING FORWARD.)
16 MADAME CLERK: What say you for the State?
17 MS. COLTON: Please excuse this juror.
18 MADAME CLERK: Your excused from the case.
19 Number 47, Darrell Danner.
20 (WHITE MALE COMING FORWARD.)
21 MADAME CLERK: What say you for the State?
22 MS. COLTON: Please excuse this juror.
23 (JUROR RETURNED TO HIS SEAT.)
24 MADAME CLERK: Number 193, Elizabeth Raine.
25 (WHITE FEMALE COMING FORWARD.)

STRIKING OF THE JURY

-263-

1 MADAME CLERK: What say you for the State?

2 MS. COLTON: Please excuse the juror.

3 MADAME CLERK: You are excused in this case.

4 Number 12, John Blomberg.

5 (WHITE MALE COMING FORWARD.)

6 MADAME CLERK: What say you for the State?

7 MS. COLTON: Please present Ms. Clark.

8 MADAME CLERK: Defense?

9 MR. BROWN: Please seat the juror.

10 MADAME CLERK: Sit in the jury box.

11 Number 171, Linda Nicholson.

12 (WHITE FEMALE COMING FORWARD.)

13 MADAME CLERK: What say you for the State?

14 MS. COLTON: Please present Ms. Clark.

15 MADAME CLERK: Defense?

16 MR. BROWN: Please excuse the juror.

17 MADAME CLERK: You're excused in this case.

18 Number 80, Danny Griffin.

19 (WHITE MALE COMING FORWARD.)

20 MADAME CLERK: What say you for the State?

21 MS. COLTON: Please present Ms. Clark.

22 MADAME CLERK: Defense?

23 MR. BROWN: Please seat the juror.

24 MADAME CLERK: Sit in the jury box.

25 Number 99, Eric Hinton.

STRIKING OF THE JURY

-264-

1 (BLACK MALE COMING FORWARD.)
2 MADAME CLERK: What say you for the State?
3 MS. COLTON: Please present Ms. Clark.
4 MADAME CLERK: Defense?
5 MR. BROWN: Please seat the juror.
6 MADAME CLERK: Sit in the jury box.
7 Number 108, Kenneth Howard.
8 (WHITE MALE COMING FORWARD.)
9 MADAME CLERK: What say you for the State?
10 MS. COLTON: Please present the juror.
11 MADAME CLERK: Defense?
12 MR. BROWN: Please seat the juror.
13 MADAME CLERK: Sit in the jury box.
14 Number 150, Jesse Matthews.
15 (WHITE MALE COMING FORWARD.)
16 MADAME CLERK: What say you for the State?
17 MS. COLTON: Please present the juror..
18 MADAME CLERK: Defense?
19 MR. BROWN: Please seat the juror.
20 MADAME CLERK: Sit in the jury box.
21 Number 143, Salvatore Lumetta.
22 (WHITE MALE COMING FORWARD.)
23 MADAME CLERK: What say you for the State?
24 MS. COLTON: Please present the juror.
25 MADAME CLERK: Defense?

STRIKING OF THE JURY

-265-

1 MR. BROWN: Seat the juror.

2 MADAME CLERK: Sit in the jury box.

3 This is for the alternate.

4 Number 2-0-5, Charles Robinson.

5 (WHITE MALE COMING FORWARD.)

6 MADAME CLERK: What say you for the State?

7 MS. COLTON: Please present the juror.

8 MADAME CLERK: Defense?

9 MR. BROWN: Please excuse the juror.

10 MADAME CLERK: You're excused in this case.

11 Number 153, Brenda McCombs.

12 (BLACK FEMALE COMING FORWARD.)

13 MADAME CLERK: What say you for the State?

14 MS. COLTON: Please present the juror.

15 MADAME CLERK: Defense?

16 MR. BROWN: Please seat the juror.

17 MADAME CLERK: Sit in the jury box.

18 THE COURT: Any questions concerning the selection
19 process from the State?

20 MS. COLTON: No, sir, Your Honor.

21 THE COURT: From the Defense?

22 MR. BROWN: None, Your Honor.

23 THE COURT: Ladies and gentlemen of the jury panel who
24 were not selected for this particular case, I'm going to go
25 ahead and excuse you at this time and ask that you please

1 call into your voice mail number tonight, anytime after
2 Seven o'clock and you'll get instructions as to when to
3 either report back or call back as the case may be.

4 Thank you for your patience, ladies and gentlemen, for
5 your service thus far this week, you are free to go.
6 Please enjoy your night and call in tonight after Seven.

7 (JURY DISMISSED AT 04:04 PM.)

8 THE COURT: All right, Counsel, I'm going, I'll have
9 the Clerk swear the jury panel then I'm gonna give them
10 preliminary instructions follow of which we'll probably
11 just take a short break at that point then we'll get into
12 opening statements and see how far we can get.

13 Madame Clerk, please swear the jury panel.

14 MADAME CLERK: Ladies and gentlemen of the jury,
15 please stand and raise your right hand.

16 (WHEREUPON: PETIT JURY PANEL
17 SWORN AT 04:06 PM.)

18 MADAME CLERK: Let the record show all affirmed..

19 THE COURT: Please be seated. Thank you.

20 Ladies and gentlemen of the jury panel, if you'll give
21 me your attention. I am going to give you now what I call
22 a preliminary instruction with regard to the format of the
23 trial and what to expect as we go through this trial. I
24 expect that most of you have not served on a general
25 sessions or criminal court jury in circuit court before and

1 hopefully this instruction will make you feel a little bit
2 comfortable in these unfamiliar surroundings.

3 First of all, the first event I want to ask Juror
4 Number 179, Barbara Penny.

5 Ms. Penny, I'm going to ask you to serve as Foreperson
6 of the jury. I'll explain the role of the foreperson in
7 just a little bit later in this instruction.

8 Ladies and gentlemen, the first thing that will happen
9 after I've completed my instruction to you is that the
10 attorney for the state who is Assistant Solicitor will make
11 an opening statement to you. And then the attorney for the
12 defendant will have the same opportunity to address you in
13 an opening statement. Now these opening statements by the
14 attorneys are not evidence but you should pay close
15 attention because they are in essence going to identify to
16 you what they perceive or say the issues in the case are.

17 After they have made their opening statements to you
18 then the state will proceed by presenting the testimony and
19 evidence that they want you to consider. The reason the
20 state goes first is that the state has the burden of proof
21 in this case. There is no burden of proof upon the
22 defendant to prove his innocence. The burden of proof is
23 upon the state of South Carolina to prove the charge
24 against this defendant by evidence that satisfies you the
25 jury beyond a reasonable doubt before you can return a

1 verdict of guilty. If the State fails to meet that burden
2 of proof then your verdict must be not guilty. After the
3 assistant solicitor's have presented to you the evidence
4 they want you to consider on behalf of the state, then the
5 same opportunity will be afforded to the defense. The
6 defendant may but is not required to present any testimony
7 or evidence because the state has the burden of proving the
8 defendant guilty beyond a reasonable doubt. The defendant
9 does not have to prove he is innocent. He is presumed
10 innocent and that presumption stays with him throughout the
11 trial, may only be removed if the state meets it's burden
12 of proving the guilt of the defendant beyond a reasonable
13 doubt.

14 Now what is evidence in the case? Evidence is the
15 sworn testimony you will hear here from the witness stand
16 here to my right, exhibits admitted into the record for
17 your consideration by me the presiding judge, and any
18 stipulation of counsel. Now exhibits may take many forms
19 such as documents, pictures, video tape, maps, diagrams and
20 so forth. Stipulations are agreements of facts by the
21 attorneys. If the attorneys enter into a stipulation or
22 agreement of fact, that will be made known to you and you
23 can consider that along with all the other testimony and
24 evidence in the case, give it such weight as you deem
25 appropriate once you begin your deliberations.

1 Sworn testimony, exhibits and stipulations are the
2 only evidence you may consider in your deliberation of the
3 innocence or guilt of the defendant. You may not consider
4 anything you heard from any other source about this case in
5 making your decision because that is not evidence. After
6 you have heard all of the evidence then the attorneys for
7 the state and the defendant will once again appear before
8 you and make what we call closing arguments.

9 We call them arguments because the attorneys are
10 allowed at that time to argue their positions, will attempt
11 to persuade you as to their view or position as to the
12 facts. When you've heard final arguments from counsel I
13 will then charge you which simply means to instruct you as
14 to the law that applies to the issues in this case. You
15 will then retire to the jury room to deliberate and reach
16 your verdict. That's how a case is tried in General
17 Sessions Court whether it be this case or any other case.
18 Some cases take a half a day or a day. Some cases takes
19 weeks. But the same format applies in every case.

20 As the trial judge I have three functions to perform
21 during the trial. I am the presiding officer and therefore
22 see that the trial is run in an orderly manner. I decide
23 based on rules of civil and criminal procedure whether
24 testimony and exhibits are admissible into evidence for
25 your consideration. And at the conclusion of the trial I

1 instruct you as to the law you must apply to the facts of
2 this case in reaching your verdict.

3 You, ladies and gentlemen, are also judges in this
4 case. You are the judges of the facts. In other words you
5 determine the truth of the facts in this case. Under our
6 constitution I'm not permitted as a judge of the law to
7 have an opinion about the facts so I do not get into
8 whether I believe a witness or not. That is not my
9 function. I'm not even permitted to express an opinion if
10 I had one as to the facts in this case. So you the jury
11 determine what is the truth of the facts.

12 Now, I do not permit jurors to take notes during the
13 trial because it is my experience that while writing notes
14 you may miss something very important for you to hear and
15 you may fail to observe a witness when testifying. It is
16 important that you pay careful attention to all testimony
17 and the introduction of evidence since you must judge the
18 credibility or believability of the witnesses and the
19 weight to give all evidence introduced in this case in
20 determining the truth of the facts.

21 Now during the trial the attorneys may object to the
22 admissibility of certain testimony or other evidence. I
23 will either sustain the objection, which means I agree, and
24 the testimony or evidence may not be made part of the
25 record for your consideration. Or I will over rule the

1 objection, which means as the judge of the law, I determine
2 that it is admissible as part of the record for your
3 consideration. The mere fact that I have admitted it does
4 not mean that you must believe it or disbelieve it. I have
5 simply determined that it is admissible under our rules.
6 It is up to you then to believe it or disbelieve it and to
7 assign such weight to it as you determine to be
8 appropriate.

9 At the conclusion of the trial when we send you to the
10 jury room, every exhibit that is admitted into evidence
11 will be sent to the jury room for you to examine further
12 and to consider. I remind you that one of the most
13 important aspects of your duty as a jury lies essentially
14 in the oath that you have just taken to well and truly try
15 this case and to determine the truth of the facts in this
16 case. That oath once again in a very essential way says
17 that you are the sole judges of the facts in this case.

18 Madame Forelady, members of the jury panel, whatever
19 your verdict in this case, it must be your unanimous
20 verdict. All twelve of you must agree on the verdict which
21 the foreperson will be authorized to write on behalf of the
22 jury. Madame Forelady, ladies and gentlemen, you are not
23 to discuss this case at any time during the trial until I
24 tell you and that will not occur until you've received all
25 of the evidence and I have instructed you on the law that

1 applies. You should not discuss the case among yourselves,
2 and you should not discuss it with your family, friends, or
3 anyone else you might see on recess from court. Now you,
4 might say well what's wrong with our discussing the case as
5 we go along? Or someone finds out I'm on a jury and they
6 want to know something about the case; what's wrong with
7 discussing it with them? The problem with discussing the
8 case among yourselves or with anyone else is; once you
9 start discussing the case you start forming opinions. You
10 wouldn't be fair to both sides of this case if you didn't
11 wait until you have heard all the testimony and evidence
12 and I've instructed you upon the law that applies before
13 you start forming opinions. Until then you should keep an
14 open mind, wait until you have all the information you need
15 and before you make a judgment in this case.

16 Now if you should over hear the attorneys or parties,
17 witnesses, talking about the case outside the courtroom,
18 you should not listen and move away from them. If anyone
19 should deliberately try to discuss the case with you, you
20 should not discuss it with them but leave and report that
21 attempt to me, to the bailiff or the Clerk of Court, give
22 them the best description you can of that person; they will
23 let me know and I'll deal appropriately with that person.
24 No one should try to discuss the case with you. If they do
25 I certainly wish to be made aware of it. If there should

1 be any media coverage of this trial, please do not read,
2 listen to or watch any media account of the trial until
3 after the trial is over and the verdict is in. If there
4 should be any media coverage, which I do not know of any,
5 there may not be any; but if there should be, if someone
6 wants to save it for you until after the trial and both the
7 verdict is in you are welcome to watch any media account at
8 that point but it is very important that you make your
9 decision solely on the sworn testimony and evidence that
10 comes in through the course of the trial and not from any
11 other source. There is no way we can guarantee the
12 accuracy of any other account of this trial. You need to
13 make your decision on what you hear and see here in the
14 courtroom.

15 Now I'm well aware that a lot of people these days get
16 their information, a lot of media information and other
17 information over the internet or other electronic devices
18 such as phones. Please do not go onto any kind of
19 electronic device and including computers or anything else
20 and try to get any information from the media coverage or
21 from any other source about this case until after the trial
22 is over. It will be a fairly short trial, we'll finish it
23 this week I'm sure so that will not be a great hardship on
24 you. Please do not do that.

25 Now I'm concerned about your ability to see and hear

1 the testimony and evidence so you can properly do your job.
2 I try to take a break about every hour and a half. If you
3 need a break before the time a break is taken, please raise
4 your right hand and let me know and I'll take a break as
5 quickly after that as I can.

6 If you cannot see or hear something that you need to
7 hear or see during the course of the trial, I'll try to
8 anticipate that but some of you are much further away from
9 the witness stand or where the attorneys may be standing
10 than I. So if you cannot hear or see something during the
11 course of the trial, please do not hesitate to raise your
12 right hand and let me know. I'll make sure that you are
13 able to hear or see so you can properly do your job.

14 If you wish to communicate with the court other than
15 needing a break or the inability to see or hear, please
16 write the message down on a tablet provided for you back in
17 the jury room, give that to the bailiff, the bailiff will
18 bring it to me and I'll either respond in like manner or
19 I'll bring you back out to the courtroom and respond as
20 case may be. That's how we should communicate you now
21 having been sworn as jurors in this case.

22 Now I want to explain the role of the alternate.

23 Mr. McCombs, you are the alternate in this case. The
24 role of the alternate is the same as the first twelve
25 jurors chosen, and that is to listen carefully to the

1 testimony and evidence because if for any reason an
2 emergency should develop with regard to one of the first
3 twelve jurors chosen we had to excuse that juror, you would
4 automatically fill in for the missing juror. You could not
5 do that if you hadn't listened carefully to the testimony
6 and evidence and were in a position to deliberate and help
7 reach a verdict.

8 I want to explain the role of the foreperson.

9 Ms. Penny, I'm going to ask you to serve as foreperson
10 of the jury. I certainly think you have the education and
11 enough experience to be able to do that. So I will say we
12 like to keep the alternate in the same seat throughout the
13 trial. We like to keep the foreperson in the first seat on
14 the front row. When you go out and come back in they will
15 show you where to sit there. All of the other seats are
16 interchangeable so it really does not matter where you sit
17 but we do like to keep the foreperson and the alternate in
18 the same seats.

19 Now the foreperson is asked to serve as spokesperson for
20 the jury back to the court. So if there is a matter that
21 needs to come to the attention of the court from the jury,
22 we ask that the foreperson write the message down on a
23 tablet provided for you back in the jury room, give that to
24 the bailiff, the bailiff will bring it to me and I'll
25 correspond appropriately. We ask that the foreperson serve

1 as moderator once you've reached the deliberation stage of
2 the trial; maintain some order in the deliberations and
3 make sure everyone who wishes to participate and be heard
4 during deliberations be allowed to do so. And then finally
5 once a unanimous verdict is reached by the jury, you record
6 that verdict on a verdict form which will be provided to
7 you and explained to you at the appropriate time at the
8 conclusion of the trial. The primary role of the
9 foreperson is the same as every other juror and that's to
10 listen carefully to the testimony and evidence and you'll
11 be in a position to deliberate and help reach a verdict in
12 this case.

13 Now we'll just take a short recess at this time.
14 Let's take five minutes and allow you to go back to the
15 jury room and refresh yourselves. I will tell you the
16 Clerk of Court Mr Hamilton allows jurors to bring something
17 to drink back in the jury box and I do as well so if you
18 have coke, water, tea, something back there to drink and
19 you want to bring it in the jury box to sip on as we go
20 through the trial you are welcome to do that.

21 Counsel and myself will be sipping on water as we go
22 through. You got something you want to bring you can bring
23 it with you. Thank you ladies and gentlemen. Please
24 retire to the jury room for a brief time.

25 (JURY EXITS COURTROOM AT 04:21 PM.)

OPENING STATEMENT: BY MS. COLTON

-277-

1 THE COURT: Counsel, and others in attendance today,
2 I just have one rule basically. I do not allow anyone to
3 get up and move around and carry on conversations while the
4 jury is going out and coming in. I don't want anybody
5 distracting the jury. So keep your seats and don't carry
6 on conversations while the jury is going in and out.

7 MR. BROWN: Yes, sir.

8 THE COURT: All right. Thank you. Let's take a quick
9 few minutes.

10 (COURT IN RECESS AT 04:22 PM.)

11 (COURT BACK IN SESSION AT 04:37 PM.)

12 (DEFENDANT REENTERS COURTROOM AT 04:38 PM.)

13 THE COURT: Please bring the jury in please.

14 (JURY REENTERS COURTROOM AT 04:40 PM.)

15 THE COURT: Madame Forelady, members of the jury
16 panel, we're to that part of the trial where counsel will
17 make their opening statements to you. I ask that you
18 listen attentively now as counsel address you in opening
19 statement.

20 Counsel, ready to proceed?

21 MS. COLTON: Yes, Your Honor. May it please the
22 Court.

23 THE COURT: Yes, ma'am.

24 MS. COLTON: February 27th of last year York County
25 officers were searching for a girl. Her name is Brandi

OPENING STATEMENT: BY MS. COLTON

-278-

1 Quinn. She had an arrest warrant for malicious damage to
2 property. And they'd learned she would be in a motel room
3 and they found her. They knocked on the door and there was
4 a significant period of time before anybody came to the
5 door. They heard whispering and they heard commotions
6 side the room and finally Ms. Quinn answered the officers
7 knocks.

8 And as the officers walk in they place Ms. Quinn under
9 arrest. They see out of the corner of their eyes movement
10 in the room. They detain people that are in the room; one
11 of them being Corey Catoe, the other one being the
12 defendant Mr. Johnson, and see what they believe to be
13 stolen property in the room and drug paraphernalia. They
14 go and get a search warrant and they execute the search
15 warrant and detectives find a meth lab in the room.
16 Officers were able to sample sixty grams out of that entire
17 bottle of methamphetamine and test it. And because of that
18 these defendants were charged with trafficking in
19 methamphetamine based upon the weight.

20 And what is trafficking? Trafficking is the sale,
21 possession, delivery, and buying, or conspiring to buy,
22 sell, distribute or manufacture methamphetamine in an
23 amount more than ten grams. That's it. So if you possess
24 more than ten grams, if you make more than ten grams, if
25 you sell more than ten grams, if you buy more than ten

OPENING STATEMENT: BY MS. COLTON

-279-

1 grams, or you agree or help someone else to do that, you're
2 guilty of trafficking. That's what they found, the
3 officers found in that room on February 27th, 2010.

4 When officers began to investigate further they
5 discovered there was more to that story. And you are
6 going to hear from people that were involved with Mr.
7 Johnson, conspiring with Mr. Johnson to engage in this
8 conspiracy to manufacture meth over a long period of time.
9 They are going to tell you how he did it, they are going to
10 tell you how they got the materials to make
11 methamphetamine, they are going to tell you what they did
12 with the methamphetamine that they made, and they are going
13 to tell you that the head of that organization is Mr.
14 Johnson. You are also going to find out how
15 methamphetamine is made and the process where you start the
16 buying of the pseudoephedrine in the stores all the way
17 through how you get to the finished product.

18 And again, that's how Mr. Johnson operates selling
19 methamphetamine; operates his criminal enterprise through
20 pseudoephedrine. It's gonna be a complicated process but
21 it's how to make it and it's not so important as what he
22 does with it. I ask that you pay attention to the officers
23 and how they over view it. Listen to the witnesses and
24 judge their credibility and in the end you will find Mr.
25 Johnson guilty of trafficking.

OPENING STATEMENT: BY MR. CRONIN

-280-

1 MR. CRONIN: May it please the Court, Your Honor.

2 THE COURT: Counsel.

3 MR. CRONIN: Ladies and gentlemen of the jury, my name
4 is Shawn Cronin and I work for the law offices of Michael
5 L. Brown in Rock Hill and we've been appointed by the
6 Office of Indigent Defense to represent Mr. Johnson in this
7 matter.

8 As you heard Mr. Johnson has been charged with
9 trafficking methamphetamine. Now I'm not going to get into
10 the facts with you, but I would ask that you pay close
11 attention to the evidence as it's presented because as the
12 Judge has instructed you, you will be determining what the
13 facts are. Pay close attention to the testimony, pay close
14 attention to the amounts. All the facts, these will be
15 factors in determining whether or not the State has proven
16 their case beyond a reasonable doubt.

17 What is reasonable doubt? A reasonable doubt is a
18 doubt that would cause a reasonable person to hesitate to
19 act. Now keep that in mind because the State must prove
20 each element of trafficking methamphetamine beyond a
21 reasonable doubt. Thank you for your service. And please
22 pay attention and I know you will return a just verdict.

23 Thank you.

24 THE COURT: Solicitor.

25 MS. COLTON: Yes. The State would call Detective

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-281-

1 Welch.

2 MR. BROWN: I'm sorry.

3 MS. COLTON: Welch, Josh Welch.

4 (WHEREUPON: DETECTIVE JOSHUA
5 WELCH, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
6 FOLLOWS:)

7 DETECTIVE JOSHUA WELCH BY MS. COLTON:

8 Q. Detective Welch, can you please state your full name
9 for the record?

10 A. Yes, my name is Josh -- or Joshua Welch.

11 Q. And where do you work?

12 A. I work for the Rock Hill Police Department.

13 Q. Where are you assigned currently?

14 A. I'm currently assigned to the Detective Division at
15 the Rock Hill Police Department as an investigator.

16 Q. And when did you get assigned as an investigator?

17 A. January the 2nd.

18 Q. And what did you do before that?

19 A. Before that, I was assigned to the York County Multi-
20 jurisdictional Drug Enforcement Unit.

21 Q. And how long were you in the Multi-jurisdictional Drug
22 Enforcement Unit?

23 A. I was there seven years in the Drug Enforcement Unit
24 as an investigator.

25 Q. And did you have any experience in law enforcement

1 before that?

2 A. Yes, I did. I've got a total of 15 years law
3 enforcement experience, three years in North Carolina, 13
4 or -- 2 ½ years in North Carolina and 13 going on 14 years
5 here in South Carolina.

6 Q. And what type of investigations did you engage in as a
7 narcotics investigator?

8 A. As a narcotics investigator, we engaged in
9 different -- of course, there's different aspects and
10 different ways to run an investigation. A few of those
11 investigations we conduct be conducting surveillance on
12 suspected drug -- known drug locations, known drug houses,
13 utilizing confidential informants to make undercover
14 narcotics buys, and also doing undercover work ourselves,
15 prostitution stings. We did illegal poker machines. We
16 kind of did a plethora of things in the Narcotics Division.

17 Q. Did you get to do traffic stops?

18 A. Yes, traffic stops.

19 Q. Did you execute search warrants?

20 A. Yeah, and execution of search warrants. That's right.

21 Q. And part of your duties in -- as a narc officer, you
22 would have the opportunity to debrief individuals?

23 A. That's correct.

24 Q. What types of individuals would you come across that
25 you would debrief? And what is "debriefing"? Please tell

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-283-

1 the jury what debriefing is.

2 A. A debrief would be when you arrest somebody who
3 possession of drugs or who is actually selling drugs or
4 involved in drugs. A debrief would bring them in,
5 interview them, see what they know, see how much they're
6 willing to tell you about what they know so you can learn
7 the trends and things that is happening on the street.

8 Q. You would debrief drug dealers?

9 A. Right.

10 Q. Drug users?

11 A. Drug users.

12 Q. Anyone who would cooperate, basically?

13 A. Anyone who would cooperate and want to talk with us,
14 yes.

15 Q. And you -- Do you have any training? Did you have any
16 special training to become a narcotics officer?

17 A. Special training? Yes, I've had numerous classes as
18 far as basic narcotics investigation. Two week DEA school
19 that I attended in Charleston, South Carolina. I've also
20 had 40 hours of training in narcotics investigations solely
21 on methamphetamine manufacturing and surveillance class
22 there. That was a 80 hours total class. I also attended a
23 16 hour methamphetamine class, manufacturing class in
24 Boone, North Carolina. I've also attended two eight hour
25 classes, one in Chester, South Carolina. It was put on by

1 the South Carolina Law Enforcement Division, and one in
2 Columbia that was put on by the South Carolina Law
3 Enforcement Division.

4 Q. And those two -- the last two things you mentioned,
5 those are methamphetamine specialized classes?

6 A. Methamphetamine specialized classes, yes.

7 Q. And have you had the opportunity through your
8 experience and field to also debrief people involved in
9 methamphetamine sale, trafficking, and -- and/or usage?

10 A. Yes, I have.

11 Q. Let me take you back to how you debrief people with
12 questions and asking questions. What's the protocol for a
13 law enforcement officer in Narcotics to do that?

14 A. A protocol as far as?

15 Q. As far as, when you bring somebody in, do you open the
16 books up and say, "Here is what I've got. You tell me what
17 you know."

18 A. Of course not. What you would -- what we would do is
19 we would bring them in the office. We would sit down, and
20 we'd want to know what they know. We don't -- we don't
21 show our hand and tell them everything that we know, of
22 course. We don't want to give up our hand. We want to
23 know what they know and debrief them that way.

24 Q. And that's to ensure that they're being truthful?

25 A. Right.

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-285-

1 Q. And not just telling you what you want to hear?

2 A. Yes, being truthful, not telling us what they want to
3 hear, and we can also take what they have told us and go
4 back and compare to what we already know to see if they are
5 legitimately telling us the truth or not.

6 Q. And in your experience in the fields of both of your
7 training with regard to methamphetamine, are you aware of
8 how methamphetamine's consumed by users?

9 A. Yes, I am.

10 Q. Can you please tell the jury the different ways that
11 users can use it?

12 A. Yes. Meth can be -- it can be taken orally, just
13 ingested. It can be inhaled by smoking. It can be
14 injected. Normal usage that we have seen of that I've been
15 involved in is either smoking or injecting.

16 Q. And in comparison to other drugs and compared to
17 powder cocaine or crack, how much is needed to get one high
18 in comparison to crack or cocaine?

19 A. The dosage unit for meth is about the same dosage unit
20 as crack. About a tenth of a gram, it would be a normal
21 dosage unit of methamphetamine from the early stages of
22 use.

23 Q. What do you mean by "the early stages of use"?

24 A. The longer you use a drug or narcotic, the more
25 tolerance your body builds up to that -- to that drug. So

1 today it may take you a tenth of a gram, or this week or
2 this month, it may take you a tenth of a gram to get high.
3 Well then your body gets used to that. So it takes a
4 little more, and a little more, and a little more to get
5 high as time goes on.

6 Q. And what type of behaviors do you observe with people
7 that are under the influence of methamphetamine?

8 A. I'm sorry. I missed the first part.

9 Q. The type of behaviors that people ---

10 A. The type of behaviors?

11 Q. ----- engage in?

12 A. Yes. Once somebody uses methamphetamine,
13 methamphetamine is a stimulant, so it's going to jack you
14 up, basically. It's going to cause you to be jittery; not
15 be able to sit still; always fidgeting; picking, digging at
16 your skin. You're going to have wide, blown-out pupils,
17 and your eyes are going to be wide, blow out because
18 they're dilated because that's what a stimulant does to
19 your body. And that's -- that's some of the early effects
20 of meth use.

21 Q. And what typical behaviors do you notice in people
22 that are addicted to methamphetamine?

23 A. The normal behaviors?

24 Q. Yeah.

25 A. As I said, the fidgeting, the moving around a lot,

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-287-

1 increased wakefulness. You know, they're able to stay up
2 for a few - you know three days at a time with no problem.
3 They just -- they can't sit still. And the wide blown-out
4 pupils is a big key indicator.

5 Q. And what about the cycle of use, the staying up for
6 days on end?

7 A. The cycle of use would be -- yes, you -- the high
8 usually lasts 16 to 20 hours as a normal high. Once that
9 happens, of course, they come down off of it. It's almost
10 like -- I don't know if you've ever consumed an energy
11 drink. An energy drink would boost you up, but once that
12 energy drink starts wearing off, you start to come down and
13 crash. Same thing with a lot of caffeine. But meth is,
14 you know, a hundred times worse than that as far as
15 boosting you and keeping you up for days, and then you
16 crash and want to sleep for two or three days at a time.

17 Q. What is "tweaking"?

18 A. Tweaking would be being high on the drug.

19 Q. And what kind of behavior do tweakers do -- have you
20 seen tweakers do?

21 A. Yes, I've seen tweakers. The -- not being able to sit
22 still. The picking at the skin. I don't know if you've
23 seen pictures of the people with scabs and stuff on them
24 who are -- that's what you see. You'll see them picking at
25 the skin, you know, just jittery, not able to sit still,

1 paranoia, things of that nature.

2 Q. And when you'd gone to that methamphetamine classes
3 and in your experience, are you familiar with the different
4 types of meth labs?

5 A. Yes, I am.

6 Q. What are the main types of meth labs?

7 A. Okay.

8 Q. Classifications?

9 A. The main types of meth labs that we see and have been
10 a part of seizing and investigating are using the Red
11 Phosphorous method, Red P, as it's referred to. You also
12 have an Anhydrous method or the Birch method or the Nazi
13 method. All that's anhydrous. And that is two major -- or
14 the two main ones. Now there's a third one that we see
15 mostly here in York County, and it's derived from the
16 anhydrous method. It's called -- it's referred to as the
17 One-pot method or the Shake and Bake method.

18 Q. Let's talk about that first one, the Red P method.
19 Why do they call it "Red P"?

20 A. They call it Red P because during the process of the
21 reaction part of the cook when you're actually cooking
22 methamphetamine, during the -- this part of the cook, the
23 reaction part, it's when you would add red phosphorous and
24 iodine crystals to your cook, thus giving it the Red P
25 name.

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-289-

1 Q. And then the Anhydrous Birch method?

2 A. The Anhydrous Birch method would during the reaction
3 part, it's used anhydrous ammonia and lithium strips is
4 what causes your reaction in that part of the cook.

5 Q. And I want you to be real specific about this for the
6 jury's benefit, the One-pot method that you're seeing. Can
7 you explain what that is and how it functions from start to
8 finish?

9 A. Okay. Yes. The One-pot method -- when you start out
10 making methamphetamine, you've got to have ephedrine or
11 Pseudoephedrine. That's -- that's the key ingredient that
12 you have to have to make methamphetamine. Now to get it
13 from ephedrine out of the pills, the cold medicines that
14 you've all heard about, have to check out at the drugstore,
15 you have to swipe your license now for it and all that. To
16 get that ephedrine out of that, you have to extract it out
17 of the actual pill form. So to do that, they have to use
18 some kind of solvent, Coleman fuel, starter fluid. You can
19 even use water, but water takes such a longer process that
20 they want to use a solvent, some type of fuel to extract
21 the ephedrine out. Once the ephedrine is extracted out,
22 then that's when they have to go through a process of
23 straining that off. And then they have to go into the
24 reaction phase with anhydrous ammonia and the lithium
25 strips. And then once that process is done, then they have

1 to clean it up or gas it off, and then clean it up, and
2 then dry it out, and then there's their finished product.

3 Now what the Shake and Bake method does is it
4 condenses all that down other than the gassing out and the
5 final clean. It condenses that all down into one bottle.
6 So now they have one bottle, a plastic bottle. Usually it
7 can be a 20-ounce Mountain Dew bottle or some kind of soda
8 bottle, plastic bottle. But what they like to use is the
9 thicker bottles because it's such a volatile piece in their
10 hand that they've got that it could explode. So they like
11 to use the thicker plastics that don't -- wouldn't be
12 easily bust. What you would do -- what they would do is
13 they would take that and then they have to have some kind
14 of ammonium nitrate to substitute anhydrous ammonia. They
15 can use ammonium nitrate combined with Red Devil Lye
16 causing a reaction, causing it to turn into anhydrous. You
17 have to have your ammonium nitrate in the bottle. You have
18 to have your pills with your ephedrine, Pseudoephedrine in
19 there. You have to have your Red Devil Lye to mix with
20 ammonium nitrate. You have to have your Coleman fuel for
21 your solvent. And you have to have your lithium strips in
22 that to cause the reaction.

23 Then of course lithium strips are very volatile when
24 they hit water. So they have to have those stabilized.
25 Inside the fuel, your lithium strips are stabilized until

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-291-

1 you take your capful of water, and you add to it, and then
2 your water reacting with the lithium strips and the
3 ammonium nitrate, the fuel, and the Red Devil Lye, all
4 making a reaction in the bottle causing it to spin. The
5 cap is placed on the bottle. They shake it up to get the
6 reaction going. Once the reaction starts spinning inside,
7 the bottle starts expanding. So you have to release
8 pressure to keep it from exploding in your hands or
9 exploding causing fires or whatnot. And this is a very
10 dangerous part of the cook also. You're shaking it up, you
11 have to release the pressure, put it back on, shake it up,
12 release the pressure, put it back on. And they
13 continuously do this until it stops reacting inside the
14 bottle.

15 Once it stops reacting inside the bottle, then they've
16 got to get all the binders and stuff that is packed around
17 the ephedrine, all that binder, and all the lithium strips,
18 and all that stuff that's not used up, but the lithium
19 strips are used up, but they still leave little pieces,
20 they have to get all that stuff off of there. So then they
21 have to strain it out. They strain it through coffee
22 filters or what-not into another container.

23 Once they have that, then they have to use a
24 hydrochloric gas to cause that to form crystals inside of
25 that methal. So they take a gas can, and either use a

1 muriatic acid and table salt -- or correction -- muriatic
2 acid and tin foil or sulfuric acid and rock salt or table
3 salt, they mix that into a gas can. Once that's mixed into
4 a gas can, they have a tube coming off of it which puts out
5 hydrochloric gas. This is very dangerous also.. We had a
6 couple of fires caused by this process in York County. The
7 -- the -- the reaction gets going inside the gas can. The
8 gas comes out of the tube. They have a tube coming off the
9 gas can or whatever they have as a reaction of that sort.
10 And they put it into what they call or what we refer to as
11 the meth oil. They put it in there. It forms crystals.
12 Once it forms the crystals and stops forming crystals, then
13 that's your methamphetamine. You have to add water to get
14 the acid level back down to neutral. And then once they do
15 that, they strain that off. They dry it out. And at that
16 point, you have your methamphetamine ready for use. Some
17 people take it an extra step, clean it up, add some other
18 acetone, what not, put it in the freezer and form crystals,
19 which in turn forms your crystal methamphetamine at that
20 point.

21 Q. All right. It takes a while. I know you've explained
22 that to me a hundred times. If one was going to go make
23 methamphetamine from scratch ---

24 A. Uh-huh.

25 Q. --- what do they need to start with, like a grocery

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-293-

1 list going to the store, and plain-folk, non-technical
2 terms, okay?

3 A. Okay. What you would need as a grocery list would be
4 cold packs. I don't know if you've seen the sports cold
5 packs that you can burst and put on an injury, a sports
6 injury or something that -- you would need cold packs.

7 Q. Why do you need the cold packs?

8 A. You need the cold packs because inside the cold packs
9 contains ammonium nitrate, the little pellets inside the
10 cold packs contain ammonium nitrate.

11 Q. So that's one of those things you take out, and you
12 shake up when you get a cold you put them on you?

13 A. Yes. The next thing -- well, you would definitely
14 need ephedrine or Pseudoephedrine.

15 Q. And what type of pills are those?

16 A. They're the cold tablets. The Walgreens brand is
17 Walfed. Sudafed is a big name brand. There's all
18 different types of different pills out there that contain
19 Pseudoephedrine and ephedrine. And as I said before, when
20 you go to the drugstore, you'll see the little cards that
21 you have to pull to take to the counter and inspect your
22 license and all of that to buy those. So you're going to
23 need those. Ammonia nitrate, Sudafed, Coleman fuel is --
24 is what most people here in York County prefer to use is
25 Coleman fuel.

1 Q. And that's --

2 A. Why, I don't know, but that's -- other than you can
3 buy it at Walmart along with all this other stuff.

4 Q. Now it's a solvent you're talking about?

5 A. Yes.

6 Q. What else?

7 A. That's your solvent. You're going to need lithium
8 batteries. And lithium batteries are very expensive.
9 So -- but you definitely need the lithium batteries that
10 contain lithium in them.

11 Q. And that's the beginning of the process? Is that the
12 beginning of the process?

13 A. And Red Devil Lye.

14 Q. Red Devil Lye. What's Red Devil Lye?

15 A. Red Devil Lye is a drain opener or drain cleaner. It
16 doesn't necessarily have to be Red Devil Lye. It can be
17 any other drain crystals or drain cleaner.

18 Q. Like Drano or something like that?

19 A. Drano, yes, there's all different kinds out there.

20 Q. And so what would they do with those ingredients that
21 they get?

22 A. What they would do is they would take the ammonia
23 nitrate --

24 Q. Cold pack?

25 A. The cold pack. Cut it open, discard the -- inside a

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-295-

1 cold pack, you have a pack of water, I guess it is, that
2 reacts with the ammonia nitrate. You would discard that.
3 All you want is the pellets out of it. You would dump that
4 in your bottle. Then you would pour in your Coleman fuel.
5 Then you would take your lithium batteries and you have to
6 cut the lithium batteries open and pull strips out of the
7 lithium battery. Once you pull the strip out of the
8 lithium battery, you have to take the paper off around it,
9 and there's your lithium strip. And as I said before, it's
10 very volatile. So it has to be stabilized in some kind of
11 mineral spirits or Coleman fuel or something like that. It
12 has to be stabilized, so you would immediately take that.
13 You wouldn't want any kind of moisture in the air or
14 anything hit it because as soon as one drop of water hits
15 it, it's up in flames. So you're going to put it inside
16 your Coleman fuel. Then you're going to -- also, I left
17 out a step. I apologize. You would take your pills also
18 and put in the bottom of that. Then you would add your Red
19 Devil Lye, and then you would add the capful of water to
20 cause it to react.

21 Q. That's the last part?

22 A. That's the last part.

23 Q. You put --

24 A. The capful of water is the last part.

25 Q. A little bit of water?

1 A. Yeah, a little bit of water.

2 Q. And then the reaction starts happening in that ---

3 A. Yes.

4 Q. --- bottle?

5 A. Yeah, the reaction starts happening in the bottle, and
6 to speed it up, of course, there -- lots of people shake
7 them.

8 Q. They're Shaking and Baking?

9 A. Or -- Shaking and Baking - carrying them down the road
10 in a car and things like that.

11 Q. And what happens with the lithium strips? Did you
12 have any -- you say it swirls around and stuff like that,
13 but is there anything else you can see going on in that --
14 in that --

15 A. Yeah, you can actually see -- they'll be sparks and
16 things flying inside the bottle with the lithium strips.

17 Q. Bubbling? Bubbling up?

18 A. Yeah, and -- and the only thing that keeps that thing
19 from going up with the Coleman fuel and everything is the
20 lack of oxygen to the fire.

21 Q. And you mentioned about twisting the cap back off and
22 on?

23 A. Yes.

24 Q. Why is that done?

25 A. Because the gases inside the bottle build up and

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-297-

1 expand the bottle, so you would have to release the
2 pressure, and burp it off, and then put it back on.

3 Q. Like when you shake up a can of soda?

4 A. Just like when you shake up can of soda with a can.

5 Q. Bottle of soda?

6 A. Yes.

7 Q. And what happens if the pressure is not released from
8 the top of that bottle?

9 A. The pressure not released from the top of the bottle
10 could either do -- blow the cap off or blow the sides out
11 of the bottle causing a fire at that point.

12 Q. Why does it cause a fire?

13 A. Because that's at the point it opens up and spreads
14 out. Oxygen gets to it and can cause the fire then.

15 Q. Have you seen that before?

16 A. Yes.

17 Q. Have you seen that happen in training?

18 A. I have seen that happen in -- well, in training and
19 also I worked in Investigation where that actually happened
20 and caught the trailer on fire.

21 Q. So after that process is done, and you're left with
22 meth oil?

23 A. Yes -- yes, along with all the other trash and binders
24 and stuff in the bottle.

25 Q. And binders, what's "binders"?

1 A. Binders is what they put the manufacturer for these
2 pills. Of course, they have to have something to hold the
3 pill together, so they put extra binders and stuff in there
4 to hold the Pseudoephedrine together.

5 Q. And you want -- they want all that?

6 A. And they -- yeah, they want all the binders and
7 everything out. All they want is pure Pseudoephedrine.

8 Q. So in that mixture, whatever the liquid in there,
9 that's going to be your meth oil?

10 A. Yes, it's converting from Pseudoephedrine to your meth
11 oil at that point.

12 Q. And then the binders will fall to the bottom.

13 A. And the binders will fall to the bottom.

14 Q. And where -- and the lithium strips, if there's any
15 leftover, they're going to have to --

16 A. If there's any leftover, there's a little -- you'll
17 see little black specs in it that will fall to the bottom.

18 Q. Like little pieces of charcoal, kind of?

19 A. Yeah, like charcoal.

20 Q. So after that meth oil's all done, what do they do
21 with it?

22 A. Once the meth oil is done, that's when they would have
23 to strain it off to get all the binders out.

24 Q. And then they strain it through coffee...

25 A. A lot of people use coffee filters. They can use

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-299-

1 different, you know, bed sheets, whatever, to try to strain
2 the stuff off.

3 Q. So then they're left with this liquid?

4 A. And then they're left with just the liquid, right.

5 Q. With the methamphetamine suspended in the fluid?

6 A. That's correct.

7 Q. Then they can use what method to get meth?

8 A. Yes.

9 Q. To extract it back --

10 A. And that's at the point that they would use the
11 hydrochloric gas being muriatic acid and tin foil or
12 sulfuric acid and salt, rock salt or table salt.

13 Q. What common -- sulfuric acid, what is that commonly
14 included in? Where would you buy sulfuric acid?

15 A. You can buy it from chemical stores. You can buy it
16 off the shelf.

17 Q. Same thing with muriatic acid?

18 A. Yeah, muriatic acid too. It's used cleaning paint off
19 of stuff, bricks, and stuff like that. That's what
20 muriatic acid is used for.

21 Q. And then, reaction in that would make a gas, the
22 hydrochloric acid?

23 A. Yes. The -- and that's the most common we see, is the
24 muriatic acid and the tin foil is the most common that we
25 see here in York County.

1 Q. The tin foil?

2 A. Is the muriatic acid and tin foil combined to cause
3 the reaction.

4 Q. Once that reaction, you have that gas, what are they
5 doing with that gas?

6 A. They're piping the gas off into the meth oil, and
7 it -- it starts bubbling inside the --

8 Q. How do they pipe it off?

9 A. They have a tube -- usually take a tube and black
10 electrical tape or duck tape around the top of the gas can.
11 They'll cut a little hole, slide a tube in there, and just
12 tape it off, and make sure -- or I've seen them use soda
13 bottles again, and mix the -- mix the ACL gas inside the
14 soda bottle and have a tube running off of it. So there's
15 different things that they can use as reactionary vessels.

16 Q. And you mentioned gassing it off. They take the
17 gas -- what do they do with the gas? How do they do it?

18 A. They put it down in the meth oil and bubble it around.

19 Q. Okay.

20 A. And it starts forming crystals inside there -- what we
21 call crystals or the meth would start falling like snow.

22 It would be like a snow globe, if you've seen a snow globe.
23 It would start falling to the bottom of the vessel.

24 Q. So it falls out of it ---

25 A. Right.

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-301-

1 Q. --- pretty much?

2 You talked about the pseudoephedrine, the difficulty
3 in buying and having to spend and having to, basically,
4 show your ID to get the Pseudo or the ephedrine?

5 A. Right.

6 Q. Are you familiar with the laws covering that in your
7 dealings with law enforcement?

8 A. Yes, I am.

9 Q. And are you familiar with the "Combat Meth Act"?

10 A. Yes.

11 Q. And what are the limitations on the pseudoephedrine
12 purchasing?

13 A. The limitations both federal and state are 9 grams in
14 a 30 day -- you can purchase no more than 9 grams in a
15 30-day period, and you can purchase no more than 3.6 grams
16 per day.

17 Q. And that's a -- products that contained
18 Pseudoephedrine?

19 A. Yes, it's the products that contained Pseudoephedrine,
20 but the actual amount of ephedrine or Pseudoephedrine would
21 be 3.6 grams that you can purchase in a day.

22 Q. Are you familiar how the pharmacies keep track of
23 those purchases?

24 A. Yes, I am. The pharmacies now are required by the
25 State to put -- or to have all the information logged into

1 a computer-based system. And once they plug someone's ID
2 into the computer, then they know if they're allowed to
3 purchase or if they have purchased over their limit or
4 purchased up to their limit.

5 Q. And are you familiar with the term "Smurfs"?

6 A. I am.

7 Q. What's a smurf?

8 A. Smurf is a term that used by law enforcement. Where
9 the term came from, I'm not sure. I don't think anybody's
10 really sure where the term exactly came from. But smurfing
11 is what law enforcement calls it. And basically, smurfing
12 is where I can't purchase but 3.6 grams a day, and I need
13 methamphetamine because I -- my body is dependent on it. I
14 need it -- I need it now. I know how to cook
15 methamphetamine, but I can't purchase but 3.6 grams a day.
16 So I need more -- I need more Sudafed, more ephedrine. So
17 what I would do is I would get you or get, you know, one of
18 your partners -- one of my partners, one of my buddies that
19 I know and several -- as many as I could get, and I would
20 send them to different locations. Send them up to
21 Charlotte. Send them, you know, over to Rock Hill, over to
22 York, and hit different stores, and have them buy as much
23 Sudafed and ephedrine as they could, and bring it back to
24 me. Once they bring it back to me, it's either one, traded
25 out for some of the finished product because I know how to

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-303-

1 cook and you don't, but you're dependent on it. So you're
2 bringing me a box of Sudafed to get a little bit of
3 product, or you don't care nothing about methamphetamine.
4 You don't use methamphetamine so you want to make a little
5 bit of money, so you bring me a box of Sudafed, and I'll
6 give you \$35 dollars for it. And that's the way smurfing
7 works.

8 Q. And so, have you seen any changes in the way
9 methamphetamine is purchased?

10 A. Yes, I have. Since we've been -- you know, since
11 we've been able to track or the State has required that all
12 pharmacies get online, and these folks are going in to get
13 them blocked, then basically, as I said, it used to be
14 where you could go spend, you know, buy a little bit of
15 methamphetamine here and there from cooks, but now it's
16 getting to where they want Sudafed or ephedrine. So you're
17 going to bring me a box of Sudafed or ephedrine before I
18 give you any of my product. And that's about the norm to
19 get methamphetamine now is bring a box of Sudafed with you.

20 Q. So it's essentially replaced cash?

21 A. Yes, it's essentially replaced cash.

22 Q. Are you familiar with the prices for a quarter gram or
23 a gram of methamphetamine?

24 A. Yes, I've been involved in a couple of undercover
25 operations where we've actually bought methamphetamine. It

1 usually ranges between Eighty to a Hundred and Twenty-five
2 Dollars for a gram of methamphetamine.

3 Q. So a half gram dropped down to about \$40 or \$60 ---

4 A. Forty bucks. Forty or Sixty bucks for a half gram,
5 yeah. And then a quarter would be Twenty, Thirty bucks.

6 Q. Based on your training and experience, are you
7 familiar with approximately how much methamphetamine one
8 box -- one gram of pseudophedra would yield?

9 A. Yes, based on my training and experience and from what
10 I've learned in all the training that I've had, and based
11 on federal standards, under the best case scenario, best
12 conditions, you know, due to weather conditions being right
13 and all of that, having to factor in the chemical process
14 of making methamphetamine, under the best case scenario,
15 one gram of Pseudoephedrine would -- would manufacture
16 approximately .92 is the federal standard -- .92 grams. So
17 almost a gram of meth.

18 Q. Gram for gram?

19 A. Yeah, almost gram for gram minus eight tenths.

20 Q. I want to talk to you a little bit about -- what --
21 the dangers of methamphetamine production, you mentioned
22 the gassing off stage at some point. Tell the jury why
23 that's dangerous when they gas it off.

24 A. Well of course, gassing it off, you're putting
25 hydrochloric gas in the air. And hydrochloric gas is very

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-305-

1 dangerous when inhaled. It's very toxic. Hydrochloric gas
2 can also, you know, sit for a few days in bed sheets, in
3 curtains, in carpets, things like that --

4 MR. BROWN: Your Honor, I'm going to object at this
5 point in time. There's no evidence in this case there was
6 any fire or anything with the potential of a fire. I
7 appreciate the educational seminar, but I don't see how
8 that's relevant to this case.

9 THE COURT: Well, I'm going to allow a little leeway
10 so that he can inform the jury about the methamphetamine
11 and some background on it. I'll allow that.

12 But let's move it along, Solicitor.

13 MS. COLTON: Thank you, Your Honor.

14 Q. And you've already mentioned the danger specific to
15 the reactionary process where everything's stirred up in a
16 bottle. Correct?

17 A. That's correct.

18 Q. And as the law enforcement officer, does that concern
19 you when you go to a house or a location?

20 A. Yes, it does, most definitely.

21 Q. And a safety concern for you?

22 A. Yes.

23 Q. And what specific precautions do you take in
24 investigating methamphetamine, suspected methamphetamine
25 laboratories?

1 A. Suspected methamphetamine laboratories, I've had the
2 opportunity to work about seven of those. We take
3 precautions, OSHA Regulations and all of that. We have to
4 wear chemical suits, chemical boots, chemical gloves, and
5 at the least, assisted APR. It's a mask with the filters
6 on it. I don't know if you've ever seen those. That's
7 what it is. It's a mask with the filters on it. And
8 that's what we would use. We send two people who have been
9 certified in the methamphetamine, being able to handle the
10 chemicals and things like that, which is myself and
11 Investigator Nick Schifferle. And --

12 Q. Who -- Is there anyone else certified to do that in
13 York County?

14 A. And there's no one else certified in York County but
15 us.

16 Q. I'm sorry.

17 A. No, that's fine.

18 On standby, we have emergency management. We'll have
19 two guys standing by in case we go in and are overcome with
20 something or go down, maybe trip and fall, spill chemicals
21 on you. Maybe we need some type of medical rescue. Then
22 we'll have two people on standby outside to come in and get
23 us and extract us out. And that's the precautions we take.

24 Q. And let me ask you this question. When -- What
25 happens when you go to a meth -- your protocol for going

DETECTIVE JOSHUA WELCH: DIRECT BY MS. COLTON

-307-

1 into a methamphetamine lab with the materials, what do you
2 do with anything that has had methamphetamine liquid
3 into -- in it, contained in it, or stored in it?

4 Q. What we would do with the containers is photograph,
5 extract out. If we deem it to be what we think is meth
6 oil, then we would extract that out, and place that into
7 some type of jar, small vials and submit that to evidence.
8 The rest of it is still contaminated with chemicals and
9 things inside the jar or inside the jug. So that would
10 have to -- we would have to call a cleanup crew, a private
11 contracted cleanup crew out to handle discarding that
12 stuff. We cannot put that into evidence or bring it back
13 to the station. It has to go and be placed in by a
14 chemical company.

15 Q. Thank you. Please answer any questions the defense
16 counsel has.

17 A. Yes.

18 MR. BROWN: I beg the Court's indulgence one second.

19 (PAUSE.)

20 CROSS EXAMINATION

21 DETECTIVE JOSHUA WELCH BY MR. BROWN:

22 Q. Officer Welch, did I understand your testimony; the
23 first step is you have to put the pills in ammonia nitrate
24 to separate the Sudafed out of the pills; is that correct?

25 A. That's correct yes, sir.

1 Q. And that's just a step one. Correct?

2 A. Well - yes. Kind of.

3 Q. All right. Well obviously the first step is you go to
4 the store and buy Sudafed.

5 A. Well yeah. No I'm talking about it extracts the
6 Sudafed out but it also manufactures methanol too inside
7 that bottle.

8 Q. All right. But you can't use that?

9 A. Can't use?

10 Q. What's in the bottle until it's cooked.

11 A. Right.

12 Q. Right. So you've got basically step one of a four
13 step process accomplished when you put the ammonia nitrate
14 in there and separate the Sudafed out of the pills.

15 Correct?

16 A. Along with your -- Yes. Coleman fuel and Red Devil
17 Lye and ---

18 Q. All right.

19 A. --- and your water and your lithium.

20 Q. And the tube and the water and everything else?

21 A. Yes, sir.

22 Q. Is there any way to tell how much meth or amphetamine
23 you're gonna get out of the number of pills? You say is
24 one gram of methamphetamine where one gram or .92?

25 A. Yeah. Methamphetamine or one gram of the ephedrine or

DETECTIVE JOSHUA WELCH: CROSS BY MR. BROWN

-309-

1 pseudoephedrine yes.

2 Q. All right. And how many grams are in a normal Sudafed
3 package?

4 A. You can get 2.4 grams or you can get the 3.6 gram box.

5 Q. And normally in a normal size bottle you will have
6 one?

7 A. A box of pills.

8 Q. All right. So if you have a normal size bottle with a
9 box of pills in there you --

10 A. You got to finish.

11 Q. I know. You got to the finish product. I mean not
12 just sitting there.

13 A. Yes, sir.

14 Q. But you drain it out and go through the process.
15 Without belaboring the point you would have either about
16 two or three grams of meth. Correct?

17 A. That's correct.

18 Q. All right.

19 A. Yes, sir.

20 MR. BROWN: I beg the Court's indulgence just one
21 second.

22 (PAUSE.)

23 MR. BROWN: No further questions, Your Honor.

24 MS. COLTON: No redirect, Your Honor.

25 THE COURT: Thank you, sir. You may stand down, sir.

1 MR. WELCH: Thank you.

2 (WITNESS LEAVES WITNESS STAND.)

3 THE COURT: All right, Counsel, I think we'll probably
4 call it a day unless you got a short witness you want to
5 try to put up.

6 MS. COLTON: I don't have a short witness, Your Honor.

7 THE COURT: Madame Forelady, members of the jury
8 panel, it's twenty-five after Five, so we're going to go
9 ahead and recess for the day. I'm going to ask you to be
10 back in the jury room ready to go in the morning at 9:15;
11 at 9:15. Please try to be there. Have a pleasant night
12 tonight and be in the jury room at 9:15 and we'll try to
13 get started around 9:15. I remind you again not to discuss
14 the case with anyone during the over night recess. And
15 please do not read, listen to or watch any media account or
16 try to get any information about this case from any kind of
17 electronic device. Thank you. Have a pleasant night and
18 we'll see you in the morning.

19 (JURY EXITS COURTROOM AT 05:26 PM.)

20 THE COURT: All right. Anything we can to take up out
21 of the presence of the jury at this time?

22 MS. COLTON: Your Honor, the State is going to have a
23 matter of law with regard to the weight issue. I believe
24 the officers testified to, and I if I'm wrong what Mr.
25 Brown's alluding to, was testified to how much meth -

-311-

1 pseudoephedrine goes in and how much is yielded from
2 methamphetamine. I understand that, but I think we're
3 gonna be touching on a matter of law and not a jury
4 question and it goes back to the motion presented by Mr.
5 Yates and I don't know if that was joined in by Mr. Brown
6 or not. There was some discussion about that, whether any
7 mixture thereof is the law that governs that liquid
8 methamphetamine that we found in the room. Because
9 certainly it's mixed. It's a liquid mixture, Your Honor,
10 but there's no way to derive out what the finished product
11 is gonna be. It's still methamphetamine, under the Code
12 Section any mixture thereof is how we'll proceed on the
13 trafficking. So I think it's a matter of law not a matter
14 of question for the jury to make a decision regarding that.
15 And I've briefed it for Your Honor.

16 THE COURT: Well, you haven't handed me up any cases
17 on that have you?

18 MS. COLTON: Yes, Your Honor. I believe that they
19 were in that -- I believe that that was in that package or
20 the CD that I gave you, Your Honor.

21 THE COURT: I looked at a lot of cases and they didn't
22 have anything to do with --

23 MS. COLTON: I believe it was the case - there's only
24 one case in South Carolina and that's about the mixture
25 thereof of crack, cocaine and --

1 THE COURT: I want to see the other; you say there is
2 some other authority, Fed and State authority, I want to
3 look at that. I can easily distinguish crack cocaine from
4 meth in so far as the treatment is concerned. And so I'll
5 have to look at it to see what they say.

6 MS. COLTON: Yes, sir.

7 THE COURT: And the way you distinguish it is, crack
8 cocaine even though you may mix it and cut it with
9 something, the final product you sell it all and whatever
10 there is in that mixture. You know when you cook it up,
11 you cut it up and that sort of thing, you sell everything
12 that's in there so everything that's mixed in there
13 including the baking soda ---

14 MS. COLTON: Yes, sir.

15 THE COURT: --- is part of the crack cocaine,
16 considered the weight of the crack cocaine. I understand
17 that.

18 MS. COLTON: Yes, sir.

19 THE COURT: But it seems to me that you can
20 distinguish that from a bottle of different fluids and all
21 this kind of thing, and acids and that sort of thing,
22 because you don't sell that. You can't sell that. You
23 can't use it, you can't sell it, and so the question in my
24 mind is I know that you have a statute that says mixture of
25 or any mixture thereof.

1 MS. COLTON: Yes, sir.

2 THE COURT: But I'm not sure what they're talking
3 about when the mixture of. Crack cocaine I can well
4 understand because you take cocaine you mix with it some
5 other agents, cutting agents, and you create more of the
6 drug. But you use and sell the whole mixture.

7 MS. COLTON: Yes, sir.

8 THE COURT: Okay. And by weight its all part of the
9 mixture that you sell or take. And so, the State's
10 position is that because the statute says any mixture
11 thereof it all becomes -- that's the weight. Well I'm not
12 so sure that's correct. I want to see, I need to see what
13 authority there is out there and see that. But I can tell
14 you that just because you have a case, crack cocaine, does
15 not convince me that, that's what the legislature intended
16 ---

17 MS. COLTON: Yes, sir.

18 THE COURT: --- with regard to a mixture or a compound
19 with regard to the meth. So I need to see some authority.
20 Basically it's a case of first impression.

21 MS. COLTON: Yes, sir.

22 THE COURT: But i need - I'd like to see whatever
23 authority you can find me, Fed and State Courts, South
24 Carolina has not ruled on, but I don't consider myself
25 bound by a crack cocaine case although I'm gonna look at

1 it.

2 MS. COLTON: Yes, sir.

3 THE COURT: But i can see a clear distinction between
4 the mixture that is crack cocaine and baking soda or
5 whatever the cutting agent is, and methamphetamine that's
6 in a bottle with a whole bunch of stuff that can't be used
7 in that form. So I'll need to see something on that. I
8 know the statute says mixture but I don't know what they
9 mean by mixture of compound. You got anything?

10 MS. COLTON: I am going to have to look at one other
11 state, some other states do say a mixture thereof and they
12 only mix methamphetamine in it and other states don't do
13 that. I will tell the Court and I don't know if you want
14 me to have someone proffered on this, Your Honor, from SLED
15 or chemist, neither SLED nor any of the labs set up
16 equipped to analyze drugs have the ability to basically get
17 the percentage of meth from that meth oil and extrapolate
18 how much percentage is and how much percentage is acetone.
19 They don't weigh, they don't set up, they're not set up to
20 calibrate that os they've never rendered a weight based on
21 percentage. So i know our chemist didn't do it and she
22 can't do it.

23 There are private labs that can do that. I've had
24 defense attorneys have a private labs and have the
25 methamphetamine weighed that way but the State labs don't

-315-

1 have the ability to do that.

2 THE COURT: I mean you had the option of doing that if
3 you want to take it to a private lab. I don't know. I'm
4 gonna look at it, I see it as an issue in this case. I'm
5 telling you that I see I make a -- easily distinction crack
6 cocaine from methamphetamine in a bottle with a whole bunch
7 of agents in there that cannot be used in that form.

8 MS. COLTON: Yes, sir.

9 THE COURT: It could be used in that form and that
10 will be treated the same. And I'm not saying i won't do
11 that but i just - I can make a clear distinction between
12 the two.

13 MS. COLTON: Yes, sir.

14 THE COURT: I will have to read it all and see what it
15 says. You know arguably it's broad enough to say a
16 mixture of that. But i don't know that that applies to
17 something that cannot be used. . That's my thoughts but if
18 you can find me any authority on it it surely would be
19 helpful. Any other state authority. And I'll get my clerk
20 to look as well. Any authority from any state or federal
21 case where they have discussed whether a solution of
22 methamphetamine is made in; obviously it's got meth in it
23 if it's been cooking and doing what it's supposed to do.
24 The question is whether that mixture can be the weight of
25 the methamphetamine involved. And since you couldn't use

1 this, you couldn't take it out of there and use it, anyway,
2 so that would be the concern I would have.

3 MS. COLTON: Yes, sir.

4 THE COURT: I'm not saying the language isn't broad
5 enough to do that, but I'm gonna have to look at it. I can
6 easily distinguish this from crack cocaine.

7 MS. COLTON: Yes, sir.

8 THE COURT: And I can certainly understand how they
9 arrived at the use of crack cocaine because every bit of it
10 is used, okay.

11 MS. COLTON: Yes, sir.

12 THE COURT: Whatever you can find give a copy to the
13 other side so they will notice what you have given them or
14 get to me in the morning, we'll be here certainly at Nine.

15 MS. COLTON: Yes, sir. And, Your Honor, if I could
16 address that, if i find that case; can we address that
17 before we proceed down this line of questioning?

18 THE COURT: Sure. Absolutely.

19 MS. COLTON: Okay.

20 MR. BROWN: We're at ease, Your Honor.

21 THE COURT: Yeah.

22 (COURT IN RECESS FOR THE DAY AT 05:35 PM.)

23 (COURT BACK IN SESSION WEDNESDAY, JANUARY 25, 2012 AT
24 09:50 AM.)

25 THE COURT: Thank you, please be seated.

-317-

1 Counsel, we're back on the record now. I've taken
2 time to read some of these cases. I wish you had provided
3 these cases to me at least the cites on them. I could have
4 done some reading before now and that's what I'm doing this
5 morning and last night. I looked over them last night. Be
6 that as it may, I had to delay the jury coming in this
7 morning.

8 It appears to me though that I don't really have to
9 rule on this just yet so we've got a little more time to
10 look at these. This officer has testified, he did testify
11 to that. You haven't gotten your other evidence in yet; i
12 haven't gotten to the point where I'll have to decide a
13 directed verdict motion or what I'll submit to the jury
14 with the approximate amount of methamphetamine involved so
15 we're not really to that point even though you ask me to
16 rule on it. But I would ask Mr. Brown before we get to the
17 directed verdict stage, you have the one officer, Officer
18 Welch, who testified yesterday but he was gone when we took
19 this up so he had already finished his testimony, who
20 testified that one gram of Sudafed in a mixture would
21 produce about .92 grams of a finished product of meth.
22 Still of course the issues is whether the solution it's in,
23 the mixture that it's in is found, all of that can be
24 considered and weighed in determining the amount that is
25 involved or not. That's the issue. Not just what the

1 finished product would be.

2 My first, my initial reaction was it seemed like it
3 ought to be the finished product because that's what you're
4 going to put out. But after reading all of these other
5 state cases and some of the statute language are also
6 identical, they ruled otherwise in these state courts
7 involving this same language. The only opportunity that
8 the South Carolina Supreme Court and or the Appellate Court
9 - I can't remember which - has ruled on it. Of course they
10 ruled on cocaine and the mixture there. Like i said
11 yesterday at the conclusion of yesterday that i could make
12 a distinction between cocaine which you enhance and crack
13 cocaine with a mixture and with methamphetamine which is
14 easily able to do if it's still in the preparation stage or
15 manufacturing stage.

16 But these other state cases using very similar
17 identical language have found that the legislature intended
18 to include the preparation of mixtures and compounds of
19 methamphetamine including the unfinished product to get
20 their methamphetamine, any part of the methamphetamine in
21 determining the weight for prosecution purposes or
22 punishing purposes. So I've had -- I started out looking
23 at it from one perspective and I'm looking at it from a
24 different perspective. And so I've got to read these
25 cases, I still got to figure out what our Supreme Court

-319-

1 would do with it or our Court of Appeals, Supreme Court
2 would do with it. Some of these are persuasive, you know
3 reasons for it. But I don't think i need to get into it at
4 this point and I've delayed this long enough, at least get
5 a handle on it which i need to do. But at this point you
6 need not make any kind of statement to the jury that would
7 indicate that it can only be .92 grams of meth or one gram
8 of Sudafed. That's not the issue at this point so we can
9 stay away from that. And i don't believe I have to rule
10 on it. I have to rule on it by the time we get to the
11 directed verdict stage and you make a motion for a directed
12 verdict. And certainly when we submit it to the jury i
13 have to decide what amount. If i don't think it reaches a
14 certain amount then I can't submit that to the jury, the
15 greater. And so those are the two times I think when I'll
16 actually have to make a decision on this. I don't have to
17 make it at this point. Either one of you disagree with
18 that?

19 MS. COLTON: No, Your Honor. And I don't think that
20 will rise today at all. I think the only time it may
21 become an issue would be the defense's line of questioning
22 of Detective Schifferle beacsue he's going to be presented
23 as a methamphetamine expert as well, and his specific
24 knowledge about this methamphetamine lab. I don't think
25 we're gonna get to him before Thursday. We certainly won't

1 get to him today; it might be Thursday afternoon.

2 THE COURT: Even if we do i don't see how i have to
3 make any kind of ruling.

4 MS. COLTON: Okay.

5 THE COURT: I think the ruling has to be made, i don't
6 know what he can testify to other than, i guess he could be
7 ask what the finished product would produce, but in so far
8 as the mixture and that sort of thing he can't testify what
9 the law is. And so i just don't see why I would have to
10 rule on it before we get to the directed verdict stage.

11 MS. COLTON: Your Honor, my only concern is if it's a
12 matter of law and it be an inquiry to Detective Schifferle
13 as that you don't know how much meth is in there, you don't
14 know what portion of meth is in there, you don't know how
15 much Sudafed was put in this solution and how much that
16 equation would come out to. I think if it's a matter of
17 law and it's going to be a mixture thereof how do you get
18 the question before the jury that would be appropriate
19 because that would cause them to think or try to
20 extrapolate between the mixture of meth and -- I think they
21 would have to extrapolate how much percentage of
22 methamphetamine would be in that liquid and i don't think
23 that's a purview of the jury to make that decision if it's
24 a matter of law that it's any mixture thereof. I think
25 that's the decision the court has to make and not the jury.

1 THE COURT: Okay.

2 MR. BROWN: Your Honor, I've been given a cursory, I
3 haven't read it, I'm kind of like you I've cursory glanced
4 at all these cases. My reading was it's basically split,
5 the jurisdictions as i read it. It's a question of fact.

6 THE COURT: The Federal statutes and the Federal
7 jurisdiction in regard to sentencing, the sentencing
8 guidelines in that, they take a different tact. But here's
9 the thing. It looks like to me all these state cases that
10 have come up with very similar facts to this case have
11 taken the position that it's included, the mixture is
12 included. And what they are doing is construing the
13 statute, what the legislature intended, the plain meaning.
14 So most of these cases with almost identical facts come up
15 with the same result and that is they say included. So as
16 I say, I haven't made a decision on it yet. I think we
17 just need to kind of stay away from that until I make a
18 decision on it. Certainly I'll have to make a decision on
19 whether I perhaps direct a verdict as to a greater amount
20 or a lesser amount and depending on what i ultimately
21 determine what the law would be. And secondly ultimately
22 when I submit the case to the jury, when i submit it to the
23 jury I have to determine what I'm going to submit and that
24 will include what amount in trafficking. In other words it
25 could be ten to twenty-eight, twenty-eight to a hundred or

1 over a hundred, so I have to decide. If I don't submit it
2 to them obviously they can't decide.

3 MR. BROWN: Yes, sir, which brings me -- you hit my
4 point on the - nail on the head. I think it's a question
5 of fact as to how much methamphetamine is there for them to
6 decide. I don't think it's a question --

7 THE COURT: I think it's a question of law because if
8 it's a question of law then I'm gonna have to instruct them
9 when I submit it to them what the law is. And if there is
10 a question about that then I'll have to instruct them. I
11 mean if we get to that stage and I decide one way or the
12 other it's the finished product to include any preparation
13 or mixture then I'm gonna have to instruct them on that
14 fact. They can make their own facts as to the amount
15 involved but in so far as the law I will instruct them as
16 to how to treat the solution or the finished product or
17 whatever. I have to instruct them on that. And so that
18 will be at the end. In the meantime we get to the directed
19 verdict stage we'll have to look at it then in as far as
20 the amount if they've been able to prove it or not prove
21 it.

22 MR. BROWN: I just -- I know we're not at that point
23 yet but I want to throw this out, food for thought so to
24 speak. We achieved the absurd result of someone who had --
25 I'm just throwing this out by analogy. You've got ten

-323-

1 bottles, and i use that term lightly like he was testifying
2 yesterday, which would produce according to his testimony
3 anywhere from twenty-two to thirty grams of meth, finished
4 product. We have one bottle here with a hundred plus grams
5 counting the mixtures, okay. Then we would be achieving
6 the absurd result that this man will be penalized more for
7 having one tenth of what somebody has a finished product.
8 I don't think the legislature intended that. I just
9 throwing that out for food for thought.

10 THE COURT: Well I understand that and it's my initial
11 thought too that it wouldn't be fair. But you know all
12 these cases say well it doesn't seem fair. And I'm
13 sympathetic to that argument. But the legislature said
14 otherwise. And all we got to do is construe the statute,
15 the language of the statute, and that's where I am. It's
16 not a question of it ought to be fair.

17 MR. BROWN: Yes, sir.

18 THE COURT: The finished product or treat the mixture
19 in the compound and the preparation which would be fair,
20 more fair to the defendant. You know that all sounds well
21 and good. These cases well they say you know that's a
22 sympathetic argument, we understand that argument but we
23 understand that. However the legislature said this and
24 that's what we are bound to. And that's what I'm gonna do
25 and decide on it as well is the language of the statute.

1 And so if you look at the trafficking statute it
2 incorporates the definition given in 44-53-110.. And also
3 incorporates it in the language of the trafficking statute
4 44-53-210 (D) (1) or 44-53-210 (D) (2). So it incorporates
5 them in, so that's what I've got to look at is the wording.
6 I think in the one or two cases where they didn't
7 incorporate the mixture it wasn't included in the
8 trafficking statute as such. But they incorporated it in,
9 okay. And these others, the 2nd, and so they say well if
10 they intended it and put it in the trafficking statute they
11 would have put it in. Here they incorporate that language
12 in. But any rate there's a reason they give why you - why
13 the legislature in their opinion the legislature intended
14 that with regard to just meth, methamphetamine and cocaine.
15 So we'll get to that. I understand your argument. My
16 initial thought was the same but ultimately I've got to
17 construe the statute and try to determine what the
18 legislature intended to do from the plain language of the
19 statute.

20 All right. Now are we ready to proceed?

21 MS. COLTON: Yes, Your Honor. And Your Honor we have
22 the list of redactions late last night from Deputy
23 Gladden's tape. They have had to pull off another tape,
24 it's a very time consuming thing, they should be done by -
25 they said Ten o'clock, it's a little after Ten and they

-325-

1 haven't brought the disc yet. I'm calling another officer
2 first but we may need a few more minutes; maybe a few
3 minutes. I hate to do that between it but they're
4 finishing the tape right now, Judge, and that would be our
5 last witness. We can call a witness now and hopefully they
6 will rush the tape in to me.

7 THE COURT: All right. Of course obviously I'd like
8 to get the jury out and get started. I was trying to start
9 a little earlier this morning but we're running behind on
10 this case because of a couple of hours we lost yesterday.
11 But you know -

12 MS. COLTON: We can proceed. We're ready to proceed
13 now with our first witness. We're calling the second
14 witness, there may be a slight delay if that would be all
15 right.

16 THE COURT: Okay.

17 (PAUSE.)

18 THE COURT: Please bring the jury in.

19 Thank you.

20 MR. BROWN: Your Honor, for the record, my objection
21 that I made is continued so I won't have to continuously
22 stand.

23 THE COURT: Yes, sir.

24 MR. BROWN: As far as the Court is concerned that
25 covers me. Correct?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-326-

1 THE COURT: Yeah. And I think when they introduce the
2 evidence i think you may ---

3 MR. BROWN: I'll make it again.

4 THE COURT: --- need to make an objection. And note
5 previous objection was over ruled.

6 (JURY REENTERS COURTROOM AT 10:07 AM.)

7 THE COURT: Good morning, Madame Forelady, members of
8 the jury panel. I hope you had a pleasant night last
9 night. I'll begin by apologizing to you for keeping you in
10 the jury room this morning but something came up this
11 morning, important issue came up this morning that had to
12 be dealt with and we had to do that before we got started
13 with the trial. So I apologize for the delay. We're ready
14 now to presume with the trial.

15 Counsel, ready to proceed?

16 MS. COLTON: We are, Your Honor.

17 Deputy Stagner. Will you get Deputy Stagner?

18 MADAME CLERK: Please raise your right hand.

19 (WHEREUPON: JOHN STAGNER, BEING
20 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

21 MADAME CLERK: Thank you, you may have a seat.

22 DIRECT EXAMINATION

23 DEPUTY JOHN STAGNER BY MS. COLTON:

24 Q. Deputy, could you please state your full name for the
25 jury?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-327-

1 A. My name is Deputy John Stagner with the York County
2 Sheriff's Office.

3 Q. How long have you worked with the York County
4 Sheriff's Office?

5 A. This April will be five years.

6 Q. And what shift do you work?

7 A. I work -- I currently work in District 4, Fort Mill.
8 I recently got transferred. A couple of months prior to
9 that, I worked in District 3, Rock Hill, South Carolina.

10 Q. And what did District 3 cover?

11 A. District 3 covers from Mount Gallant to 274, Celanese,
12 Riverview, parts of Cherry, Cela River, Red River, the
13 Reservation.

14 Q. Were you working in that district on February 27th,
15 2011?

16 A. Yes, I was.

17 Q. And what are your duties when you were assigned
18 February 2000?

19 A. Our primary duties is to protect York County citizens
20 property. We answer calls of service, answer any type of a
21 -- we're basically first responders.

22 Q. Did you have occasion to come in attack with Jason
23 Johnson on that day?

24 A. Yes, I did.

25 Q. How did that morning start out for you?

1 A. We initially our shift signed on. Either Deputy
2 Gladden contacted myself or I contacted her. She informed
3 me she was en route to York to obtain a arrest warrant for
4 an individual, and she asked me if I would start the
5 research process and try to get some addresses of her
6 location.

7 Q. And who was that individual?

8 A. Her name was Brandi Quinn.

9 Q. And did you do some research and try to find Ms.
10 Quinn's address?

11 A. Yes, I found several addresses, possible addresses,
12 current and old and past. And then I started to follow
13 those leads to locate her.

14 Q. And where did you go?

15 A. I initially went down into Catawba. There's a couple
16 -- her grandmother's residence. I talked to another
17 deputy. He was checking out a friend's residence. I head
18 off of Firetower, Lovelace -- I believe it's Lovelace Lane.
19 There's supposed to be a trailer back at the end where her
20 vehicle might have been staged. I didn't find it. While
21 we were waiting for Deputy Gladden, that's when I started
22 heading towards Celanese to go check the local hotels and
23 motels.

24 Q. And did you get any -- well, did you have occasion to
25 speak to Deputy Gladden again after that?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-329-

1 A. Yes. She obtained a arrest warrant for Brandi Quinn.
2 She contacted me and said she got a tip from the victim
3 that she might be at a motel located on Riverview. And --
4 and I told her I was in the -- in the area. I was at about
5 Mount Gallant and Celanese, I'm right around the corner, I
6 pulled in, and that's where I observed Brandi Quinn's
7 vehicle parked.

8 Q. And where was her vehicle parked?

9 A. In the Best Way Inn backside, right -- approximately
10 the 120's. Later we found it out to be Room 124, like
11 Deputy Gladden informed me.

12 Q. Is that in York County?

13 A. In the county of York.

14 Q. Thank you. Who was the first person to arrive?

15 A. I was.

16 Q. Who arrived after you?

17 A. I immediately called Deputy Bolin and told him I found
18 -- I contacted the vehicle, found the vehicle. I called
19 him. And then it just kind of trickled down. Deputy Bolin
20 arrived second.

21 Q. And then did Deputy Gladden arrive as well?

22 A. Yes.

23 Q. And when you all get there, what do you do?

24 A. We sat back. I basically sat in the back parking lot
25 waiting for the other units to arrive because one, we

1 didn't have the arrest warrant yet. We had -- it wasn't on
2 scene yet. The arrest warrant was being brought by Deputy
3 Gladden. Once we got there, we observed the room. I was
4 watching to make sure that no one came or left the room or
5 the vehicle left. And then we got organized. We spoke a
6 little bit, and decided how we were going to execute the
7 arrest warrant, and then we approached the room.

8 Q. And did anyone -- How did you know which room she was
9 in?

10 A. We verified. Deputy Bolin went around and verified
11 that the room was in Brandi Quinn's name, that -- how long
12 she's been there, stuff like that. Deputy Bolin's the one
13 that made contact with the front desk. And then we
14 verified it was the vehicle as we approached Room 124.

15 Q. And did you know if -- At that point in time, did you
16 know if there was anyone also in the room with Ms. Quinn?

17 A. No, we did not.

18 Q. And what do you do when you walk up to the door?

19 A. First thing we do was that we went up to the door, and
20 we listened for a few seconds. And then we didn't hear
21 anything, so we went ahead and knocked on the door.

22 Q. And what happens when you knock on the door?

23 A. At first we didn't get any -- At first we didn't get
24 any response. We waited a period of time. We continued
25 knocking, and then we started hearing whispering. We

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-331-

1 determined that there's probably more than just Brandi
2 Quinn in the room. We heard some slight movement like it
3 was stuff being moved around in the room. I'm not sure
4 what was being moved, but our feelings were, there was more
5 than just one person in the room.

6 Q. And at that point, did Ms. Quinn answer the door?

7 A. Yes, she finally answered the door.

8 Q. How long do you think -- just approximately for us, I
9 guess even in seconds. How long do you think, from the
10 time you first started knocking until she actually opened
11 the door, had passed?

12 A. I would -- again I would have to -- I'd estimate about
13 a minute.

14 Q. And what happens when she opens the door?

15 A. When she opened the door, she opened the door of the
16 -- she kept her body hid behind the door. We could
17 basically see her face. We could identify that it was
18 Brandi Quinn. We asked her -- I'm not sure which one of us
19 asked her, but we -- we confirmed that she was Brandi
20 Quinn. She acknowledged that she was.

21 Q. And did you -- what did you do next? Well, let me ask
22 you this. What did you do next?

23 A. We -- the room was extremely dark. We knew -- we
24 suspected there was other people in the room. We couldn't
25 quite see. Brandi stepped back because our primary focus

1 was officer safety. We could see movement in the bed
2 that's located -- I was the first one to enter the room.
3 We could see movement underneath the sheets and blankets of
4 the far bed that was closest to the restroom of the motel
5 room.

6 Q. And Ms. Quinn's taken into custody?

7 A. Yes.

8 Q. And then what do you do when Ms. Quinn's taken into
9 custody?

10 A. Well it all kind of happened simultaneously. I
11 entered first. Deputy Bolin was behind me. We saw
12 movement in the far bed. That's was my prime focus.
13 Deputy Bolin saw movement in the bed closest to the door.
14 We immediately wanted -- officer safety -- we wanted to get
15 -- see their hands. We wanted to get control of the
16 situation. Then Deputy Gladden ended up coming to the
17 room. She's the one who placed Brandi Quinn into custody.
18 And because of a bunch of circumstances that were going on
19 in that room, we decided -- we went ahead and detained the
20 two males that we discovered that were hiding underneath
21 the sheets and blankets of both beds.

22 Q. And you talk about Mr. Catoe -- Corey Catoe was the
23 other individual in the other bed. Was your attention
24 focused to him, or was it focused to Mr. Johnson?

25 A. Primarily Mr. Johnson.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-333-

1 Q. And when you saw the movement, I want you to really
2 describe what to the jury, what that specific movement was.

3 A. When I approached the bed, one, I was stepping over a
4 bunch of electronics on the way to the bed. My main focus
5 was actually Deputy Bolin. Obviously, I didn't want him to
6 get hurt. At the time, until he announced that there was a
7 second person, my main focus was the far bed. Like I said,
8 it was dark, our eyes were still adjusting. I could see an
9 individual underneath the blankets and sheets. I
10 immediately announced to "Show me your hands. Show me your
11 hands. Show me your hands." Mr. Johnson showed me his
12 hands briefly. And this all, like I said, happened in a
13 matter of seconds, trying to get the situation underhand.
14 He showed me his hands, and then immediately went back
15 underneath the covers. I couldn't identify if there was
16 any type of weapons, pistol, shotguns, knives, anything at
17 that time. I probably -- I was focusing on him. I had to
18 use verbal -- loud, verbal commands to get his attention
19 before he eventually did comply. He raised his hands up,
20 the sheet kind of fell down. That's where I started seeing
21 his tattoos, and it started kind of clicking. Like I said,
22 this all happened in a matter of a few seconds, initially.
23 That's when it started clicking, when I started figuring
24 out who he actually was.

25 Q. Okay. What did you think he was reaching for?

1 A. At the time, I had no idea, but it could have been --
2 it could have been a weapon, a gun. My main concern was
3 officer safety for myself and my fellow officers.

4 Q. And did you do a protective sweep?

5 A. Yes. Once both individuals were detained, I told
6 Deputy Bolin to watch them. That's why I continued through
7 the room to do a protective sweep to make sure no one was
8 in the bathtub behind the -- the shower curtain, make sure
9 no one's hiding behind the beds, ensure that the motel
10 rooms were equipped with the kind of beds that you can't
11 crawl underneath. I continued throughout the room looking
12 for any other additional person that could come --

13 Q. The protective sweeps are basically your checking to
14 see if there's another person?

15 A. Just seeing if there's another person for officer
16 safety.

17 Q. And you also look for any weapons or anything like
18 that?

19 A. Weapons, knives, anything like that.

20 Q. And did you see any weapons in the room?

21 A. Initially I saw some razor blades that caught my
22 attention that was right at the edge of the bed. As soon
23 as I announced for Deputy Bolin to watch the two
24 individuals that were detained, that's when I noticed a
25 large amount of -- of razor blades on a computer that was

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-335-

1 right by the base of his bed. And that's when I went into
2 the facilities, looked around, and finished my protective
3 sweep, and that's -- observing a lot of --

4 Q. But you didn't see -- other than the razor blades, you
5 didn't see any -- there being found at that point, any
6 weapons or any ---

7 A. I didn't find any ---

8 Q. --- not ---

9 A. No guns, knives, machetes, nothing like that.

10 Q. And none were ever recovered from that point?

11 A. No, none were recovered.

12 Q. What -- at this time -- Well when you do a protective
13 sweep, were you doing that in the dark? You said the room
14 was dark.

15 Q. Initially when we first -- when she opened the door,
16 sunlight went in the room. That's when we could see the
17 movement. I cannot honestly tell you the sequence of
18 turning on light switches, but through our training,
19 anytime we're doing a protective sweep, we're trained --
20 kind of like muscle movement -- we're trained to turn on
21 any light switches that we see to help enhance along with
22 our flashlights. The light -- we did flip on a few lights
23 throughout the protective sweep.

24 Q. And what did you see in the room? Describe the room
25 for the jury.

1 Q. The room was wall-to-wall electronics throughout the
2 room. We're stepping over -- all the computers were torn
3 apart. Well, not all of them, but -- but a lot of them
4 were torn apart. There's pieces of electronics all over
5 the room. I observed razor blades on top of a computer at
6 the base of the bed. We noticed some more electronics;
7 common stuff; ashtray with cigarette butts in it; ID's,
8 didn't identify it. I just thought it was theirs. We did
9 notice syringes that were on a like dresser by a TV,
10 aluminum foil balls. There was all kind of -- throughout
11 the protective sweep, and throughout detaining them,
12 checking out who they were and everything, things just kind
13 of fell, aluminum foil on the floor. I noticed aluminum
14 foil on the beds, stuff like that.

15 Q. Okay, Deputy, at this point, I'd like to show you
16 State's Exhibit One -- One through Seventeen, inclusive,
17 okay? And I'm going to ask you to look through State's One
18 through Seventeen, and tell me if any of those were not --
19 are not an accurate depiction of what you saw in the room
20 when you made entry.

21 A. Okay. Exhibit One, these are the syringes that were
22 on the dresser next to the TV.

23 Q. But is -- without telling me -- I'm going to put them
24 up on the board for you, on the big board for you.

25 A. Yes.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-337-

1 Q. But is that an accurate reflection of what you saw?

2 A. Yes. Exhibit Two is a night stand with a telephone
3 and a couple of ID's. I didn't notice whose pictures were
4 on them but, yes, Exhibit Two.

5 Exhibit Three, I believe it's the door of the motel
6 room.

7 Q. Is it -- just tell me if it's an accurate depiction of
8 what you saw when you initially went into the room.

9 A. Yes.

10 Exhibit Four, would be the -- yes, it's accurate.

11 Exhibit Five, yes, I recognize it.

12 Exhibit Six. Of when I went into the room?

13 Q. Yes, sir.

14 A. Pretty much, I don't remember the coat being on there,
15 but everything else looks very similar.

16 Q. Well let me see what you're talking about.

17 A. I don't -- my -- I don't recognize -- I can't remember
18 that the coat was there, but I remember ---

19 Q. The camouflage coat?

20 A. The camouflage coat. I don't remember if that was
21 there, but I remember the cups, the computer appliances and
22 stuff.

23 Exhibit Seven, the tool bag, yes.

24 Exhibit Eight, yes, accurate.

25 Exhibit Nine, yes.

1 Exhibit Ten, yes.

2 Exhibit Eleven, yes.

3 Exhibit Twelve, yes.

4 Exhibit Thirteen, yes.

5 Exhibit Fourteen, yes.

6 Exhibit Fifteen, yes. Everything except this binder
7 with the ID's.

8 Q. Did you ever see that binder opened up at a later
9 point --

10 A. After the -- after the search warrant was executed,
11 that's when that was discovered but that was not there.
12 That was --

13 Q. When you initially went in?

14 A. When initially -- the aluminum foil, that's consistent
15 with packaging narcotics was a cigarette pack.

16 Q. Did you at any point in time see the room in that
17 condition now?

18 A. Yes.

19 Q. See those folders opened?

20 A. Yes.

21 Q. So that would be a truthful and accurate picture of
22 what you saw in that room ---

23 A. Yes.

24 Q. --- after your initial entry?

25 A. Yes.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-339-

1 Q. Okay. Thank you.

2 MS. COLTON: Your Honor, at this time, the State would
3 move ---

4 A. You've got one more?

5 Q. Do I, I'm sorry.

6 A. You have two more.

7 Q. Two more.

8 A. Exhibit Sixteen, yes.

9 And Exhibit Seventeen, yes, accurate.

10 MS. COLTON: Your Honor, the State would move into
11 evidence State's Exhibits One through Seventeen, inclusive.
12 We would move it into evidence.

13 MR. BROWN: I'm sorry.

14 MS. COLTON: We would move One through Seventeen into
15 evidence.

16 MR. BROWN: Without objection.

17 THE COURT: Without objection. Be without objection.

18 (WHEREUPON: STATE'S EXHIBITS NUMBERS ONE THROUGH
19 SEVENTEEN, IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

20 Q. Deputy Stagner, that is the front of the room that Mr.
21 Johnson, Mr. Catoe, and Ms. Quinn were located in?

22 A. Yes, that was the room.

23 Q. 124? That's the room?

24 A. Yes, it was.

25 MS. COLTON: Madame Clerk, can you dim the lights just

1 slightly?

2 (NOTE: COURTROOM LIGHTS DIMMED.)

3 MS. COLTON: Thank you.

4 Q. And what do you see in that picture?

5 A. That picture, that's the dresser that has the syringes
6 that was right next to the TV, and a bunch of odds and
7 ends, miscellaneous tools and stuff. But the syringes is
8 what stuck out when I walked by them.

9 Q. And they're capped syringes?

10 A. Yes.

11 Q. Meaning they're not -- well, at that time, did you
12 know if they were used or unused?

13 A. They appeared to be -- it was -- when I initially went
14 by -- initially went by them, I couldn't really tell if
15 they were used or unused, but on second glance, it looked
16 like they were unused.

17 Q. And in the room, where was that table located?

18 A. When you enter the room, it would be to the right.
19 There was -- there was like a dresser drawer, a TV. The
20 syringes were sitting right next to the right of the TV.

21 Q. And with regard to State's Exhibit Two, what's in that
22 picture?

23 A. This -- this one here identify -- I saw the ID's. I
24 didn't put one on together whose pictures was on them. But
25 I remember when I went by the bed to check, the bed to the

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-341-

1 right is where Mr. Johnson was -- was located. I remember
2 seeing the two ID's, but I didn't really spend enough time
3 to look through them.

4 Q. That's what you saw when you went in the room?

5 A. Yes, I saw it.

6 Q. That's State's Four. Those are the ID's on the table?

7 A. Yes.

8 Q. And State's Six.

9 A. Yes.

10 Q. And what do you see on the left-hand side? There's
11 computers.

12 A. Right.

13 Q. Is there anything else that you can see in that
14 picture to make out?

15 A. Right. Over there, that was on my way back towards
16 the door finishing my protective sweep. What caught my eye
17 initially was the computer that was all torn apart. But
18 next to it, there's a -- there's like a digital scale
19 somewhere on that table.

20 Q. And this bed, the bed that appears to have -- the bed
21 that has bedding on it, that's where Mr. Catoe was?

22 A. Yes, that's where Mr. Catoe was.

23 Q. The bedding without bedding was where you and --

24 A. Mr. Johnson.

25 Q. Mr. Johnson was. Okay.

1 And that's the tools that you referenced before?

2 A. Those are the tools that I made a reference to asking
3 if they were a mechanic or they worked on computers because
4 my initial glance at it, I was looking for any kind of like
5 knives or any -- anything like that, and then it just
6 seemed odd that those type of tools would be correlated
7 with computers. So I made the comment earlier, mechanics
8 are handymen, stuff like that.

9 Q. And then this is going to be the long way -- long view
10 of the room.

11 A. Yeah, that's long way. That's the approach I had to
12 make. Like I said, you see how you have to step over stuff
13 to get -- because all we initially saw -- I saw -- was
14 movement in that far bed next to the facilities. I had to
15 step over to them. The black shaped box that's kind of
16 like close to the doorway there, that's where I saw the
17 razor blades. And Mr. Johnson was in the bed that doesn't
18 appear to have any linen, but at the time, it was -- he was
19 underneath them. And then there was like laptops torn
20 apart. There's all kinds of electronics.

21 Q. And the box, the cardboard box that's located
22 underneath the mirror on the right-hand side, the syringes
23 were located --

24 A. Yes, in between the TV and that cardboard box, you
25 could see a bowl in the middle.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-343-

1 Q. Uh-huh.

2 A. It was a dirty bowl. A little bit closer to the
3 cardboard box is where I saw the needles.

4 Q. And the razor blades -- I apologize for not having my
5 pointer working today. The razor blades -- the loose ones
6 that you referenced there -- in there --

7 A. If you put your finger down a little bit, see the
8 suitcase?

9 Q. Right here?

10 A. To the right a little bit. Well, there's some there
11 too. But if you -- the initial ones, at the suitcase, you
12 could to the edge of the bed, you go straight up to that
13 black-shaped box, computer-electronic stuff. On top of it,
14 it had several razors.

15 Q. Okay. Those appear to be ID's? Do you recognize
16 anything else in there?

17 A. I just notice the -- the ID's.

18 Q. And Exhibit Ten. State's Ten. What are those?

19 A. More computer-appliance hardware that was throughout
20 the room.

21 Q. And that's what you saw when you first went in?

22 A. Yes.

23 Q. How about Exhibit Eleven?

24 A. Yes, more electronics stuff. That's probably a little
25 bit closer to the door going towards the facilities.

1 Q. Coming towards the entrance?

2 A. Yes.

3 Q. And that's State's Exhibit Twelve. And --

4 A. Like I said --

5 Q. Is that the condition when you walked in, and you saw
6 that on the -

7 A. Throughout the room, it was like wires, and lan cables
8 all throughout the room, yes.

9 Q. Okay. And that's the toilet in the bathroom?

10 A. Yeah, that's the -- that the -- if you go straight up
11 towards the trash can there, that's where the mirror and
12 the sink and everything would be.

13 Q. And in the left is the bathroom ---

14 A. Bathroom would be the bathtub ---

15 Q. --- and the toilet and bathtub?

16 A. --- and the toilet.

17 Q. Okay. And that was on the floor exactly where it's
18 positioned ---

19 A. Yes.

20 Q. --- when you made initial entry?

21 A. Yes.

22 Q. And that's the other side of the ---

23 A. Yeah, like I said ---

24 Q. --- little bathroom and --

25 A. --- more electronics throughout the room.

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-345-

1 Q. Okay. And that was in the same condition as when you
2 walked in?

3 A. Yes.

4 Q. Okay. Do you know what those items are?

5 A. Initially, I didn't take a really good look at them.
6 I just identified that they were electronics. And I
7 thought they were some type of transformer for electricity,
8 like 110, 220. I didn't get a quick -- I was more -- at
9 that time, I was more worried about if there was someone
10 hiding in the --

11 Q. Sure. And that was -- you saw that as well when you
12 walked in, that hadn't been moved or anything like that.
13 It was in that condition?

14 A. Yes, more -- more computers, everything torn apart
15 like all the siding and everything.

16 Q. Okay. And tell me about the little tin foil stuff.

17 A. All right. Like I said earlier, at the time I -- we
18 didn't -- that binder with the ID's and stuff was hidden
19 somewhere, but identified those aluminum foil wrappers.
20 There was some on the bed. There was some also on the
21 floor. Some were opened. Most of them were rolled, which
22 is common with packaging narcotics and stuff.

23 Q. And what did you think was going to be inside of
24 those?

25 A. I thought it would be some type of narcotics.

1 Q. The binder, you said, wasn't opened. Was it later
2 opened after the search warrant?

3 A. While the search warrant was being executed, it -- it
4 was identified.

5 Q. Did you examine the contents of that?

6 A. Of the binder?

7 Q. The binder, yeah.

8 A. Very quickly. Basically they -- they were -- you had
9 other officers that found it, and they were going through
10 it. And I kind of looked at it a little bit and saw what
11 -- identified what it was.

12 Q. Okay. Because at this point, you had called
13 detectives ---

14 A. Yes.

15 Q. --- from property crimes?

16 A. We had property crime detectives en route. Or
17 actually, they arrived by then.

18 Q. And I'll have you look at -- let the jury look at
19 Sixteen and Seventeen as well. We'll start with Sixteen.
20 That's just the corner view, there's that binder again and
21 some of that tin foil on the side. Correct?

22 A. Yes.

23 Q. And then Seventeen.

24 A. More --

25 Q. What is it?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-347-

1 A. More electronics and stuff.

2 Q. More electronics.

3 So at this point, you detain Mr. Catoe, Mr. Johnson,
4 and Ms. Quinn is now under arrest for her warrant?

5 A. Yes.

6 Q. Do you remember what that warrant was for?

7 A. Malicious damage to property.

8 Q. Misdemeanor malicious damage or felony?

9 A. I believe it was a misdemeanor.

10 Q. And after you discovered those syringes, the razor
11 blades, the scale, what do you do with that information?

12 A. I relayed it to one of the other officers, Deputy
13 Gladden.

14 Q. And why did you relay that to Deputy Gladden?

15 A. She was the -- she was the primary. Although I did
16 arrive on scene first, she was the primary. It was her
17 arrest warrant. She was on the phone working on obtaining
18 a search warrant.

19 Q. And what -- Did you have any concerns about all of
20 that computer equipment in there?

21 A. Yeah. Initially we -- we've had training on it where
22 they use all -- all types of different types of batteries
23 and parts and stuff to -- for the process of making
24 narcotics, meth, and stuff like that. And that -- that
25 large amount -- going either way, they either could have

1 possibly been stolen or maybe possibly using it for some
2 type of criminal activity. Or using maybe -- because
3 they're so torn apart, maybe they're using the batteries,
4 tearing the stuff apart to --

5 Q. So it was unusual for you to come across a room in
6 this condition?

7 A. No, not for someone who just -- staying in a motel for
8 a short period of time, no.

9 Q. Did you ascertain whether Mr. Johnson had a driver's
10 license with a local address on it?

11 A. Yes.

12 Q. Okay. And did you ascertain whether Mr. Catoe had a
13 driver's license with a local address on it?

14 A. I believe...

15 Q. If you don't recall, that's okay.

16 A. I don't recall that.

17 Q. And how about Ms. Quinn?

18 A. Yes.

19 Q. And she had her grandmother --

20 A. Her grandmother on, I believe it was Springwood.

21 Q. And all -- she had relatives and her own residence at
22 the time?

23 A. Yes.

24 Q. How long -- Do you know how long they had been at the
25 hotel?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-349-

1 A. It was a day or two. It was not long to have that
2 much stuff in the -

3 MR. BROWN: Your Honor, I'm going to object to that as
4 hearsay. There is no way he can possibly know unless he
5 was there a long time.

6 THE COURT: You have to establish a basis for his
7 knowledge of that, Counsel.

8 MS. COLTON: Your Honor, I'll withdraw the question.
9 I move to strike it from the record.

10 Q. Deputy Stagner, who came on the scene -- or who called
11 the detectives -- property crime detectives to the scene?

12 A. Our supervisor, Sergeant Heath Clevenger.

13 Q. And when Clevenger calls -- when they arrive, who
14 arrives to investigate?

15 A. The first person who arrived was Detective Fred Moore.

16 Q. Okay.

17 A. And that's when I -- I went and I gave him a quick
18 brief of what we had, and what was going on.

19 Q. And Detective Branham later showed up?

20 A. He showed up like minutes later because the -- I had
21 to go through the whole spiel again of what we had, and
22 what was going on.

23 Q. And at that point, had you all obtained a search
24 warrant?

25 A. I believe -- I believe it arrived. I can't recall.

1 Deputy Clark -- I can't -- because so much was going on
2 because I briefed Detective Moore then Detective Branham
3 showed up, and I went -- skipped over there and briefed
4 everything there, and then the search warrant came into
5 play.

6 Q. But at some point it does. Did you at some point
7 search Ms. Quinn's car?

8 A. Yes, I had to conduct an inventory of the vehicle
9 because it was our responsibility because of the arrest for
10 us to have it towed.

11 Q. And York County has a towing policy, and that's what
12 you were following?

13 A. I was following the -- the tow policy. We have to do
14 an inventory sheet. It's miscellaneous stuff that was
15 located in the vehicle, and then we have to call our
16 dispatch to find out who's the next wrecker on rotation.
17 And then they come and take the vehicle.

18 Q. Okay. Well, I'm going to show --
19 Can I have that marked as Twenty-eight.
20 This is Twenty-eight?

21 MADAME COURT REPORTER: Yes, ma'am.

22 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-EIGHT
23 PRE-MARKED FOR IDENTIFICATION.)

24 Q. I'm going to show you what's been marked for
25 identification purposes as State's Twenty-eight. Okay?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-351-

1 Do you know what that item is?

2 A. Yes, it was -- it was a small triangle, like sandwich
3 bag that had a -- like white crystal that I believe was
4 actually meth. I found it in the -- BrandI Quinn's
5 vehicle.

6 Q. Where did you find it in the vehicle?

7 A. Right in the -- I opened the driver's door. It was
8 located right in that vicinity.

9 Q. And so you took that into evidence?

10 A. Yes.

11 Q. How do you know you took that into evidence beside
12 your recollection?

13 A. I can't say.

14 Q. What did you do with it when you took it into
15 evidence?

16 A. I signed it over to Deputy Gladden.

17 Q. And you gave it -- you kept it in your sole care and
18 custody the entire time you had it before you gave it to
19 Gladden.

20 A. Actually, the -- I saw it when I was going into the
21 driver's side door, but it actually was on the back-seat
22 floorboard.

23 Q. Okay.

24 A. But it was -- that's where I was doing my inventory
25 when I looked down and saw it. That's when I recovered it.

1 And then I -- we filled out the evidence forms, and I
2 signed it from me over to Deputy Gladden.

3 Q. And you handed it to Deputy Gladden?

4 A. Yes.

5 Q. And after the search warrant when the detectives came,
6 did you find any other evidence? Did you look through the
7 room with them? Did you look for any other evidence in the
8 room?

9 A. I -- I helped a little bit.

10 Q. Well, I'm going to show you --

11 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-NINE
12 PREMARKED FOR IDENTIFICATION.)

13 Q. --- what's been marked for identification purposes as
14 State's Twenty-nine. Do you recognize that item?

15 A. Yes, it was a spoon that had a chunk of white
16 substance -- white chunk of what we believed it was
17 narcotics that was in the bathroom on the rail. It
18 appeared to be drying with a light.

19 Q. So it was up high?

20 A. It -- it was up high. It was like one of the towel
21 racks above the toilet.

22 Q. And you observed that?

23 A. I observed that, yes.

24 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-FIVE
25 PREMARKED FOR IDENTIFICATION.)

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-353-

1 Q. I wanted to show you State's Twenty-five. It's been
2 marked for identification purposes.

3 A. Yes, that's the spoon that was located on the towel
4 racks, drying underneath the light.

5 Q. Is that a truthful and accurate depiction of what you
6 saw?

7 A. Yes.

8 MS. COLTON: The State would move to enter into
9 evidence State's Twenty-five, Your Honor.

10 MR. BROWN: Without objection.

11 THE COURT: In without objection.

12 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-FIVE,
13 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

14 Q. And what -- do you know -- do you recognize what that
15 white thing is behind the spoon? Did you recall what
16 that was?

17 A. When I initially saw the -- the spoon -- the white
18 substance that appears to be meth was actually in the
19 spoon.

20 Q. Okay.

21 A. But we identify that as meth.

22 Q. Well you believe it to be meth?

23 A. Believed it to be meth at the time, yes.

24 Q. When you observed the car, did you find anything else
25 in the car? What did you find in the car?

DEPUTY JOHN STAGNER: DIRECT BY MS. COLTON

-354-

1 A. In the back seat, I found a like backpack gym bag that
2 when I was doing the inventory, we have to just vaguely
3 look inside to see if there was any valuables, and we have
4 to put everything down on the inventory sheet. I opened it
5 up, looked inside of it. I saw a full face mask. It
6 had -- it was a full -- it wasn't like a little doctor
7 white one, it was a big face mask. It had -- I remember it
8 had like long rubber gloves. I didn't catch it at the time
9 until after the fact what it actually was, and I actually
10 called a narcotics officer. But -

11 MR. BROWN: I'm going to object to this, when he said,
12 "What he saw," I don't want any speculation on what he
13 thinks it is.

14 A. Okay. I saw a mask with gloves and a gym bag. I put
15 it back in the backseat.

16 Q. Did you ever have personal knowledge of what that item
17 was after the fact? Did you remember what -- Did you
18 realize what you had, had at that time based upon some
19 knowledge you gave -- you got later?

20 A. Yes.

21 Q. Okay.

22 A. It dawned on me from training that I had a long time
23 ago, and that's why I called to confirm what I thought I
24 let slip by.

25 Q. Okay. And did you relay that to other officers?

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN

-355-

1 A. Yes.

2 Q. Okay.

3 MS. COLTON: Your Honor, if I could have one moment to
4 speak with Counsel?

5 THE COURT: Sure.

6 (NOTE: SIDE BAR CONFERENCE BETWEEN ATTORNEYS.)

7 MS. COLTON: Your Honor, may we approach?

8 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
9 THE JURY AT 10:42 AM.)

10 MS. COLTON: Deputy, please answer any questions Mr.
11 Brown has for you.

12 CROSS EXAMINATION

13 JOHN STAGNER BY MR. BROWN:

14 Q. Let me make sure I understand this, Deputy Stagner.
15 You were called in this scenario because Deputy Gladden go
16 and got an arrest warrant for malicious injury to property
17 on Brandi Quinn. Correct?

18 A. Yes.

19 Q. And your primary function this day was to locate her
20 and arrest her, or assist Deputy Gladden in arresting her.
21 Correct?

22 A. Yes.

23 Q. And I believe your testimony, and correct me if I'm
24 wrong, is that you located her at one motel that's off
25 Riverview Road, the Best Way?

1 A. Her vehicle.

2 Q. All right. And when you went there, your sole purpose
3 was to arrest Brandi Quinn for malicious injury to
4 property. Correct?

5 A. Yes, initially.

6 Q. And you said officer safety became a factor. When?

7 A. Initially when we started -- we first initially heard
8 movement in the room, whispering. That's when we
9 started -- we got a little bit alerted that primarily when
10 we saw movement in the room, when she opened the door, and
11 the way she opened -- the way she opened the door, it gave
12 us the impression that there was something else going on in
13 that room maybe that could cause injury to any one of the
14 officers.

15 Q. So officer safety is always the factor in an
16 environment like this. Correct?

17 A. Everything that we do, officer safety is our main
18 priority.

19 Q. Main priority. And I believe you had some information
20 earlier that Ms. Quinn may be involved in drugs or there
21 may be drugs, a rumor, something to that effect -- and I'm
22 paraphrasing of course, but something to that effect.
23 Would that be correct?

24 A. That would be correct.

25 Q. So you were under suspicion there might be drug or

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN

-357-

1 drug activity in there in addition to serving the warrant;
2 is that correct?

3 A. Well they were in a high-crime area known -- I mean,
4 that's -- those hotels in the whole area are a pretty high
5 crime area.

6 Q. Riverview Road in Rock Hill?

7 A. Yes, sir. They have B&E autos, they have disorderly
8 conduct. They have all kinds of drug activity. One side
9 of Riverview is Rock Hill City jurisdiction; the other side
10 is York County.

11 Q. All right. Let me ask you this. Prior to beating on
12 the door, did anybody go talk to the manager, an employee
13 there say, "How many people are in the room? Did they have
14 any weapons? Did you notice any knives or anything
15 unusual?"

16 A. Deputy Bolin initially went to confirm the room and to
17 confirm that information.

18 Q. He confirmed that information?

19 A. Well he confirmed that it was her room, it was under
20 her name and stuff.

21 Q. But he didn't ask about any weapons, drugs, or
22 anything like that; did he?

23 A. I -- I couldn't answer for him.

24 Q. All right. You didn't do that; did you?

25 A. No, I was watching the room.

1 Q. So if officer safety is priority one, nobody checked
2 with management or any of the employees there to see if
3 they saw anything, weapons-wise or any possible threat to
4 any officers. Correct?

5 A. No.

6 Q. Now this is 8:30 a.m. on Sunday morning; is that
7 correct?

8 A. Approximately, yes.

9 Q. 8:25, 8:35, within 10 minutes, one way or the other.
10 Would it be safe to say that most people in motels on
11 Sunday morning, if you're not a church-going individual,
12 would probably be asleep at 8:25 or 8:35 in a motel room?

13 A. It should be reasonable to say they'd at least be
14 asleep to that if not noon.

15 Q. And in reality, didn't you pretty much wake them up
16 when you beat on the door, all three of them.

17 A. At the time when we knocked on that door, all we heard
18 was whispering and movement in the room. And when the door
19 opened, we reacted the best we could.

20 Q. You didn't hear any flushing noises?

21 A. No, didn't hear --

22 Q. Nobody was trying to flush any evidence?

23 A. I just heard -- all we heard is a little bit of
24 movement and whispering.

25 Q. Could it be possible they were getting dressed?

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN

-359-

1 A. I wasn't in the room, but it's possible.

2 Q. Matter of fact, when you arrested Mr. -- put Mr.
3 Johnson in custody, I believe, he had nothing on but
4 shorts, I believe, was your testimony yesterday?

5 A. Yes, he had some types of shorts on. Yeah I believe
6 he had shorts on.

7 Q. You said you had to tell him twice to show you his
8 hands, but in essence, didn't he obey your literal command
9 when you said, "Show your hands"?

10 A. Initially, I mean, it all happened in a matter of a
11 few seconds ---

12 Q. Correct.

13 A. --- like I know you've seen it up there.

14 Q. Right.

15 A. But initially, he showed me hands, then immediately
16 went back under the covers. That's what alerted me to
17 accelerate, I guess turn my volume up on my verbal
18 commands.

19 Q. But you didn't say, "Keep your hands out," or "Put
20 them on your head"? You just said, "Show me your hands,"
21 and he did that. Correct?

22 A. He did that, correct. Like I said, it all happened in
23 a few seconds.

24 Q. Matter of fact, in this whole encounter, he never made
25 a verbal threat toward you; did he? Of any kind?

1 A. Not at that time, no.

2 Q. Never made a physical threat toward you; did he?

3 A. Not at that time.

4 Q. All right. No weapons were found in there, I believe
5 -- excuse me, you said razor blades. I mean, nobody was
6 trying to threaten you with a razor blade; were they?

7 A. All I saw was an individual show me his hands for a
8 second, split second, then put them right back underneath
9 the covers.

10 Q. No weapons were found, though, is my question.

11 A. At the end, no weapons were found after we finished
12 the protective sweep, besides the razor blades.

13 Q. I believe you testified you had some training, some
14 drug training, about batteries and so forth. Let me ask
15 you this in your experience in law enforcement.. The --
16 what was determined later to be, I believe,
17 methamphetamine in the spoon, would that be consistent with
18 usage of that in that you light it up, and burn it down,
19 and inject it?

20 A. Well meth can be -- meth can be used in many different
21 ways, but I guess that would be consistent.

22 Q. Let me ask you this. You never seen anybody sell meth
23 out of a spoon; have you?

24 A. I can't say I have.

25 Q. Now I believe you testified that you took possession

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN

-361-

1 of Ms. Quinn at some point in time, searched her car, and
2 so forth. Correct?

3 A. Initially when she came out, I provided security while
4 Deputy Gladden went and got her car to pull it up closer to
5 the room so Deputy Gladden could properly search her, that
6 we would have a female and a female searching. And then to
7 put her in Deputy Gladden's car.

8 Q. Which Officer Deputy would have to search her because
9 she is a female, and that's protocol. Correct?

10 A. We have a female on the scene it's always best
11 interest.

12 Q. And I believe that you asked, according to the report,
13 you asked Ms. Quinn if she had any drugs -- first off, you
14 asked her if the electronics were stolen, and she told you
15 no; is that correct?

16 A. Yes.

17 Q. And you asked her if she had any drugs, and she told
18 you no. Correct?

19 A. Correct.

20 Q. She lied to you; didn't she?

21 A. Yes.

22 Q. Because she had drugs in her car?

23 A. Yes.

24 Q. And those drugs were methamphetamine. Correct?

25 A. Correct.

1 Q. Or we didn't know it at the time, but ---

2 A. Alleged, yes, yeah.

3 Q. --- you -

4 A. We believe there was.

5 Q. Later in the truck would be methamphetamine?

6 MS. COLTON: Your Honor, I'm going to object to that.

7 That's not in evidence yet that it was methamphetamine.

8 The drug report said it was not methamphetamine in the car,

9 but he believed it to be.

10 MR. BROWN: It was or was not?

11 MS. COLTON: He did believe it to be methamphetamine;
12 it was not.

13 MR. BROWN: He did not believe it to be?

14 MS. COLTON: It didn't come back positive in the drug
15 report at the time he believed it to be methamphetamine.

16 But ultimately, it was not.

17 Q. Did you process the items were taken out the room in
18 the search warrant?

19 A. No.

20 Q. Was that Officer Schifferle or the other officer? I
21 can't remember. Or were you there when that happened?

22 A. I -- When the detective showed up, that's when I went
23 ahead and cleared it up because we had a lot of calls out
24 there pending that I had to catch up.

25 Q. And when you say, "detectives," are you talking about

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN

-363-

1 the narcotics guys or just normal detectives?

2 A. We had the -- the property crime detectives that
3 followed up by the narcotics officers.

4 Q. Okay. And you kind of turned it over to them, and
5 they processed the stuff?

6 A. Yes.

7 Q. You, Officer Gladden, and who was the other officer?
8 I apologize.

9 A. Deputy Bolin.

10 Q. Deputy Bolin. You all were the first three on the
11 scene. Correct?

12 A. Correct.

13 Q. And let me ask you this. Did anybody claim any of
14 these items?

15 A. What items are you referring to? The -

16 Q. Any of them. They say, "That's mine" or "That's his"
17 or whatever.

18 A. Eventually. Eventually, kind of -- kind of, sort of,
19 I mean. Brandi Quinn wanted all of her personal stuff out.
20 I remember they were working on that and getting her purse
21 and clothes and stuff like that. And then they were kind
22 of like -- the computers were mutual back and forth, stuff
23 like that. But I wasn't there for the whose --

24 Q. Yeah, you weren't there for that. But well, let me
25 rephrase the question then. As being first officer on the

DEPUTY JOHN STAGNER: CROSS BY MR. BROWN

-364-

1 scene, in your training, isn't that the best time to get a
2 confession out of somebody?

3 A. When we first arrived?

4 Q. Yeah, whose is this?

5 A. Well we -- we attempted but, you know, there was a lot
6 of stuff going on at the time, and CID and detectives
7 showed up, and they kind of took over. We initially tried
8 to find out if anything was stolen, who it belonged to.
9 And I do -- I do recall now that, I believe -- I do recall
10 that Brandi said when I asked her if any of that stuff was
11 stolen in the room or there -- is there anything illegal in
12 the room, she said to the best of her knowledge -- to her
13 knowledge, no.

14 Q. Okay.

15 A. And to the confession, it depends on the situation.

16 Q. I'll ask you a question, please.

17 Anybody claim the needles in State's Exhibit Number
18 One, I think.

19 A. I know that someone said it was for the -

20 MS. COLTON: I'm going to object, Your Honor, because
21 I think the testimony is going to be self-serving hearsay
22 that's elicited to this.

23 MR. BROWN: I'll withdraw the question.

24 Q. Did anybody claim the bottle that later turned out to
25 be -- contained methamphetamine?

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON

-365-

1 A. I wasn't there for that.

2 Q. Okay. So while you were there, nobody claimed that:
3 Correct?

4 A. No.

5 MR. BROWN: I beg the Court's indulgence just one
6 second.

7 (PAUSE.)

8 MR. BROWN: I have no further questions, Your Honor.

9 MS. COLTON: Your Honor, we have no further questions
10 for Deputy Stagner, and we ask that he be excused.

11 MR. BROWN: I would also ask that the sequestration --
12 he was here yesterday. I know it is still in effect.

13 THE COURT: Do you have any objections to him being
14 excused?

15 MR. BROWN: Oh, no, sir. No, sir. Not at all.

16 THE COURT: Thank you for coming, sir. You may be
17 excused at this time.

18 DEPUTY STAGNER: Thank you.

19 (WITNESS LEAVING WITNESS STAND.)

20 THE COURT: Remember sequestration.

21 DEPUTY STAGNER: Yes, sir.

22 MS. COLTON: We're going to call Deputy Bolin, Your
23 Honor.

24 (WHEREUPON: DEPUTY ANTHONY JAMES

25 BOLIN, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON

-366-

1 FOLLOWS:)

2 MADAME CLERK: Thank you. You may have a seat.

3 DIRECT EXAMINATION

4 DEPUTY TONY BOLIN BY MS. COLTON:

5 Q. Good morning, Deputy Bolin.

6 A. Good morning.

7 Q. Can you please state your full name?

8 A. Anthony James Bolin.

9 Q. And where do you work?

10 A. York County Sheriff's Office.

11 Q. How long have you worked for the Sheriff's Office?

12 A. Just short four years.

13 Q. And where are you assigned right now?

14 A. Rock Hill District -- District 3.

15 Q. District 3?

16 A. Yes, ma'am.

17 Q. Were you in District 3 on February 27th, 2011?

18 A. I was.

19 Q. And you were working that day?

20 A. Yes, ma'am.

21 Q. Who were you working with?

22 A. With Deputy Stagner and Deputy Rachael Gladden and
23 Deputy Alex Clark.

24 Q. And did you have occasion to come in contact with
25 Jason Johnson?

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON

-367-

1 A. I did.

2 Q. How did that day begin?

3 A. Come in on normal shift at 5:45 in the morning. I
4 received a phone call from Deputy Stagner stating that
5 Deputy Gladden was looking for someone that she had gotten
6 a warrant on that morning.

7 Q. And when you got that information, where did you go,
8 and what did you do?

9 A. Deputy Stagner sent me to an address that turned out
10 not to have anything to do with us. I started heading that
11 way, and then got another phone call from Deputy Stagner
12 saying that he located the vehicle of Brandi Quinn who --
13 which was -- who Deputy Gladden was looking for at the Best
14 Way Inn on Riverview Road in Rock Hill.

15 Q. And did you meet up with any fellow officers there?

16 A. I did.

17 Q. Who was there when you arrived?

18 A. Deputy Stagner.

19 Q. And when did Deputy Gladden arrive?

20 A. Shortly after me.

21 Q. And the three of you met up?

22 A. We did.

23 Q. And what did you do?

24 A. I went directly to the office.

25 Q. Okay.

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON

-368-

1 A. And spoke to the clerk at the office to verify which
2 room they were in and find out whose name was on the room.

3 Q. Okay.

4 A. Located --

5 Q. Well you said, that they were in. Did you --

6 A. At the time -- at the time, no. We just saw -- all
7 the information I had was that Brandi Quinn's car was
8 outside this hotel room -- her vehicle.

9 Q. Okay. And what did you ask the clerk about?

10 A. If Brandy Quinn was in the room.

11 Q. And did you verify that that --

12 A. Yes, I did. I saw the sign-in where they sign-in at
13 the hotel.

14 Q. Okay.

15 A. Brandi Quinn's name, and that they had been there one
16 day, since the day prior.

17 Q. And then you --

18 A. Or she had been there since the day prior.

19 Q. Since the day before?

20 A. Yes.

21 Q. Then you rejoined Deputy Stagner and Gladden?

22 A. Yes, I did.

23 Q. And what did you all do?

24 A. We knocked on the door ---

25 Q. Okay.

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON

-369-

1 A. --- to -- just knocked on the door to try and get
2 Brandi to come to the door.

3 Q. And did she come to the door?

4 A. Not immediately, but she did after a couple of minutes
5 of knocking and Deputy Stagner yelling out to her, that we
6 knew she was there. Things along those lines. She did
7 eventually come to the door.

8 Q. What did you hear during the delay?

9 A. Voices and movement in the room.

10 Q. Could you hear what their voice were saying?

11 A. No, just, more just -- just heard voices. More of a
12 mumble.

13 Q. Muffled?

14 A. Muffled.

15 Q. And that point, how did -- what did you feel about
16 that?

17 A. That there was more than one person in the room.

18 Q. And did that concern you?

19 A. It did.

20 Q. Why did that concern you?

21 A. Just officer safety issues -- could -- They were
22 talking. They could be planning on how to harm us and --

23 Q. You did -- you had no idea what they were talking
24 about?

25 A. We had no idea.

1 Q. And Brandi eventually opens the door?

2 A. She does.

3 Q. And when she opens the door, how does she open the
4 door?

5 A. Very slightly, and she was standing -- you could only
6 see half of her body behind the door.

7 Q. Is that problematic for you as law enforcement
8 officers?

9 A. It is. She could have a weapon behind the door ---

10 Q. Because you didn't --

11 A. --- or someone could be behind the door.

12 Q. Because you didn't know?

13 A. We did not know.

14 Q. And at that point, what do you all do?

15 A. Make her step back into the room so that we can see
16 her, and see behind the door, open the door all the way so
17 we can see. So it let's more light in so that we can see.

18 Q. With -- then it was initially dark in that room?

19 A. It was. There was no lights on.

20 Q. And then what happened when you opened the door?

21 A. Light comes into the room, and we can see all of
22 Brandi at that point.

23 Q. What do you see?

24 A. We see two more individuals in the room. If -- once
25 you enter the room, there's a bed here, and another bed

DEPUTY TONY BOLIN: . DIRECT BY MS. COLTON

-371-

1 past it. So two bed -- two queen-sized beds. See one
2 subject laying in the first bed and another subject laying
3 in another bed under the covers.

4 Q. And what did they do?

5 A. They -- Well they were just laying under the covers.
6 So we ordered them to show us their -- show us their hands.

7 Q. And what did Stagner do?

8 A. Stagner ordered the second subject ---

9 Q. Who was that?

10 A. --- to show us their hands. Mr. Johnson was the
11 subject in the second bed.

12 Q. And who did you deal with?

13 A. I dealt with the first subject Mr. Catoe.

14 Q. Corey Catoe?

15 A. Yes. Yes, ma'am.

16 Q. And the individual in the other bed that you dealt
17 with, do you see him in the courtroom?

18 A. That I dealt with?

19 Q. No, that -- I'm sorry -- Deputy Stagner dealt with?

20 A. I do.

21 Q. Can you point him out?

22 A. Mr. Johnson, right here.

23 Q. Can you -- please let the record reflect that Mr.
24 Johnson is the individual sitting next to Attorney Michael
25 Brown.

1 Q. And at this point, where is Brandi?

2 A. She -- Initially we stepped into the room with her.
3 And then she was detained and given to Deputy Gladden,
4 which I believe Deputy Gladden ended up placing her under
5 arrest for the prior warrant that she had for her.

6 Q. The malicious damage to property warrant?

7 A. Yes, ma'am.

8 Q. And once you get Mr. Catoe detained, detained meaning,
9 put in handcuffs?

10 A. Yes, ma'am.

11 Q. And what do you guys do next?

12 A. Deputy Stagner is talking to Mr. Johnson ---

13 Q. Okay.

14 A. --- and orders him to show us his hands. He -- he
15 shows us his hands, and then puts his hands back under his
16 covers. So we continue to order him -- we order him once
17 again to show us his hands.

18 Q. Does he -- eventually Mr. Johnson is detained?

19 A. Yes. He brings his hands back out, and we detain him.

20 Q. You handcuff him? He's handcuffed?

21 A. Yes. Yes, ma'am.

22 Q. And why do you all handcuff him?

23 A. Just safety, officer safety, and the movements of him
24 putting his hands back under the covers.

25 Q. And he wasn't under arrest at the time?

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON

-373-

1 A. No, ma'am.

2 Q. What do you see in that room?

3 A. A large amount of electronics and computer parts in
4 various stage of being taken apart. We also see some
5 aluminum foil on the floor near the first bed consistent
6 with drug packaging. We see some syringes on the TV table
7 and see some razor blades on that same TV table.

8 Q. Okay. And with the computers you talked about, what
9 concerned you about the computers?

10 A. The computers -- well there was a large amount in --
11 in a room, that they'd only been in there for a short
12 period of time. I mean, only a day, and they have -- I --
13 I can't give you a number, but it was a large amount of
14 computers and being taken apart in various stages, unknown
15 what they're doing with them at that point in time. They
16 could be taking hard drives out to try and get people's
17 personal information off of them. They could be doing --
18 trying to just get ---

19 MR. BROWN: Objection to speculation, Your Honor. Ask
20 him in witness testimony what he saw.

21 MS. COLTON: I can rephrase it.

22 Q. As a law enforcement officer, based on your training
23 and experience, why were you suspect of those computers
24 taken apart in that condition?

25 A. Because they're being taken apart, and based on my

1 training that I've received, it's a possibility when
2 someone does that, that they're trying to get information
3 out of those computers.

4 Q. And you were suspicious of that?

5 A. Yes.

6 Q. Now when Deputy Gladden is dealing with Brandi Quinn
7 and her arrest, where are you?

8 A. I'm inside the room with the two subjects Mr. Johnson
9 and Mr. Catoe.

10 Q. And Deputy Stagner is speaking to the defendants?

11 A. Yes.

12 Q. The Defendant?

13 A. Yes.

14 Q. What do you -- Do you observe anything after that
15 initial --

16 A. After the initial sweep?

17 Q. Sweep of the room, yeah. Besides the syringes, foil,
18 razor blades, and all the computers?

19 A. Just a small amount of white powder near Mr. Johnson's
20 bed, near the foot of Mr. Johnson's bed on the carpet, like
21 maybe it had been rubbed in or walked over.

22 Q. Well you took note of that?

23 A. Took note of it, yes.

24 Q. Did you see anything else in that room?

25 A. I didn't. Just trash and stuff like that.

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON

-375-

1 Q. And the remaining of the time there is -- what did you
2 do?

3 A. Just watched the two subjects while waiting for a
4 search warrant.

5 Q. And what happened when the search warrant arrived?

6 A. Then I receive a call. Well actually, we have calls
7 coming in Rock Hill. There's only so many deputies in Rock
8 Hill District. So once other officers arrived on the scene
9 with a search warrant and detectives arrived on the scene,
10 I left to go handle those calls for service, other citizens
11 needing -- needing police.

12 Q. How many people -- how many officers were working in
13 Third District that day -- that morning, this Sunday
14 morning.

15 A. There -- there were four of us with one on the desk.

16 Q. And how many officers were dealing with this at the
17 Best Way Inn?

18 A. Four.

19 Q. And that's Deputy Gladden, yourself, Deputy
20 Stagner -

21 A. And Deputy Alex Clark.

22 Q. And Deputy Alex Clark.

23 Did you remove anything out of that room?

24 A. I did not.

25 Q. Did you observe anything consistent with drug

1 paraphernalia?

2 A. I did.

3 Q. What did -- What did you see? In your training
4 experience, what do you mean drug paraphernalia?

5 A. Aluminum foil, syringes, and razor blades.

6 Q. And your car's equipped with a video camera?

7 A. It is.

8 Q. And did you have the video camera running that day?

9 A. It started running. I parked up near the office,
10 which is more than a hundred feet from her door.

11 Q. Okay.

12 A. Once you get more than a hundred feet, the microphone
13 that's on you, it doesn't work.

14 Q. Okay.

15 A. And I was -- I stayed parked back there and walked
16 from the office to her room to where the other deputies
17 were.

18 Q. So and it didn't come on to the ---

19 A. It did not come on.

20 Q. And why did you park so far away?

21 A. I initially parked there. And also, we just don't
22 want to swarm an area with police cars. And there's also
23 other cars parked in that parking lot. I don't want to
24 park behind someone else's vehicle and then have to be in
25 the middle of something and have them say, "Hey, can you

DEPUTY TONY BOLIN: DIRECT BY MS. COLTON

-377-

1 come move so I can get out?" or something along those
2 lines.

3 Q. So you didn't want them to then look out the window
4 that you're looking for and see you there?

5 A. And see a bunch of police cars.

6 Q. Did you intentionally park all the way back there so
7 you ---

8 A. No, no I did not.

9 Q. --- you car equipment wouldn't work?

10 A. I did not.

11 Q. Did you even think about it?

12 A. I didn't even think about it.

13 Q. Tell me about that system you were using back then.

14 A. Back then?.

15 Q. Yes.

16 A. Was on VHS -- or actually it's -- I believe we had
17 just went to the new digital systems, and we had just
18 gotten it. We're very -- I guess, still figuring it out,
19 in the processes of figuring it all out. And I didn't even
20 know at that point in time that it wouldn't work. If I was
21 more than a hundred -- I learned that later on dealing with
22 other cases.

23 Q. That you realize once you're out of the range --

24 A. Once you're out of the range, it just doesn't work.
25 It goes blank.

DEPUTY TONY BOLIN: CROSS BY MR. BROWN

-378-

1 Q. Thank you. Please answer any questions Mr. Brown may
2 have for you.

3 CROSS EXAMINATION

4 DEPUTY TONY BOLIN BY MR. BROWN:

5 Q. You were -- were you the first officer on the scene?

6 A. I was not.

7 Q. Was it Deputy Gladden first or were you first? I
8 mean, second, or how --

9 A. I was -- I was second. Deputy Stagner.

10 Q. Stagner was first, you were second, Deputy Gladden ---

11 A. Shortly thereafter --

12 Q. --- who had the arrest warrant was third?

13 A. Shortly thereafter me. I believe she arrived when I
14 was in the office.

15 Q. So you really couldn't proceed without her because she
16 had the arrest warrant for Ms. Quinn?

17 A. She had -- she had the arrest warrant.

18 Q. So you two were sitting there waiting for Deputy
19 Gladden to get there so you could arrest Ms. Quinn?

20 A. Yes.

21 Q. For malicious injury to property?

22 A. Malicious injury to property.

23 Q. And in doing this investigation, did you learn that
24 basically she hit somebody else's car with her car?

25 A. Yes.

DEPUTY TONY BOLIN: CROSS BY MR. BROWN

-379-

1 Q. So when you got there -- and I believe you testified
2 that officer safety was number one.

3 A. Always, always.

4 Q. You went and talked to the hotel manager. Right?

5 A. As soon as I got there, that's the first thing I did.

6 Q. Just -- for what? To verify a room?

7 A. Verify, yes, sir, her room and that -- we saw her
8 vehicle parked in front of the room. We wanted to verify
9 that was --

10 Q. Anything else you talked to them about?

11 A. No, just --

12 Q. Did you ask them if there was anybody else in the
13 room?

14 A. I did not.

15 Q. Did you ask any of the employees or any saw anybody
16 bring weapons or knives or guns in there?

17 A. I did not.

18 Q. So you weren't checking out for officer safety then;
19 were you?

20 A. Just checking -- verifying her room number.

21 Q. Did you not testify yesterday that after they came to
22 the door, it took 20 seconds to arrest Ms. Quinn?

23 A. There -- approximately 20 seconds.

24 Q. And after that happened, your business there was
25 pretty much over. Your reason for being there was pretty

1 much over. Correct?

2 A. No, not once we had entered the room. And our
3 business was also to make sure that we were safe.

4 Q. All right.

5 A. So we detained them and if that would have been -- if
6 there had been nothing else in the room, we would have been
7 through.

8 Q. Nobody made any threats towards you? Mr. Catoe or Mr.
9 Johnson?

10 A. No.

11 Q. Not verbal or physical?

12 A. No.

13 Q. They obeyed your commands?

14 A. Yes, they did.

15 Q. Matter of fact, they said, "Show his hands." And they
16 didn't say, "Keep them out," you said "show us your hands."

17 A. We did not say, "Keep them out."

18 Q. When you beat on the door, you didn't hear anybody
19 flushing or destroying anything or trying to flush anything
20 down the commode; did you?

21 A. No, I don't remember hearing a toilet flush, no.

22 Q. It's kind of obvious that you woke everybody up there
23 when you beat on the door?

24 A. Yes.

25 Q. They were in there sleeping?

DEPUTY TONY BOLIN: CROSS BY MR. BROWN

-381-

1 A. I'm -- I'm assuming.

2 Q. Assuming?

3 A. Yeah.

4 Q. Did you interrogate any of these individuals about who
5 owned what in that room?

6 A. Yes, I believe we ask them whose computers they were,
7 who they belonged to, stuff along those lines.

8 Q. Mr. Catoe claimed the computers?

9 A. I believe they -- they both said that they had the
10 computers because they do work on them for people.

11 Q. Mr. Catoe did?

12 A. I believe both of them said that.

13 Q. All right. Anybody claim any drugs?

14 A. No, no one said anything about drugs.

15 Q. No further questions.

16 MS. COLTON: Your Honor, the State has no further
17 questions for Deputy Bolin. We ask that he be excused as
18 well, Your Honor.

19 THE COURT: No objection?

20 MR. BROWN: Without objection.

21 THE COURT: Thank you for coming, sir. You may be
22 excused.

23 (WITNESS LEAVING WITNESS STAND.)

24 THE COURT: Let's go ahead and take a quick break at
25 this time.

1 MS. COLTON: Yes, sir.

2 THE COURT: Madame Forelady, members of the jury
3 panel, we'll take about a 10 minute recess at this time.
4 Please retire to the jury room.

5 (JURY EXITS COURTROOM AT 11:17 AM.)

6 THE COURT: Let's take just a few minutes.

7 MS. COLTON: Your Honor, we may have a little bit of
8 an issue with the video tape. It was being redacted. I
9 ask several weeks ago, Mr. Yates when he in this, and Mr.
10 Brown to go through the video tape, and I thought I could
11 get most of it redacted for them. I didn't realize until
12 yesterday the video in evidence was the only copy that I
13 had so there's no one here at Eight o'clock last night and
14 Mr. Brown had already told me, he told me that he wanted
15 the reference to -- and et cetera taken out of there. At
16 that point I couldn't get it out of the evidence because
17 the only copy we have is a Court exhibit. So I had our IT
18 person come in this morning and ask Mr. Brown last night
19 and they provided a list of details of what they needed the
20 information to come out. They've been working on it all
21 day but the times don't match up with what is on the video
22 tapes so we're either going to have to have Shawn come in
23 and manually rely on where he thinks it is or we're not
24 going to have that video ready. I don't think I can have
25 it --

1 MR. BROWN: I don't have any problem if you want to do
2 it later or however you want to do it.

3 MS. COLTON: Okay.

4 MR. BROWN: He's about -- I've been informed he's
5 about through, Your Honor.

6 MS. COLTON: We'll check on that, Your Honor, and let
7 you know.

8 THE COURT: All right.

9 (COURT IN RECESS AT 11:19 AM.)

10 (COURT BACK IN SESSION AT 11:35 AM.)

11 THE COURT: Keep your seats please. Thank you.

12 (DEFENDANT REENTERS COURTROOM.)

13 MS. COLTON: Your Honor, I think we're just about
14 ready with the video. I'm gonna -- If I may leave the
15 court to check. If it's gonna be much longer I'll call
16 another witness.

17 THE COURT: Find out who's gonna be working Saturday
18 and Sunday, at the rate you all going that's where we'll
19 be.

20 MS. COLTON: Yes, sir.

21 (PAUSE.)

22 MS. COLTON: Your Honor, the State is ready to
23 proceed. We have a brief witness, and just regarding the
24 search warrant, and it's been a long time since I done a
25 search warrant case, Your Honor, but I believe only the

1 fact that they obtained a search warrant from the
2 Magistrate and that he executed the search warrant is
3 admissible with the search warrant itself is admissible.
4 Is that not correct, Your Honor?

5 THE COURT: Not normally no.

6 MR. BROWN: Your Honor, of course I object to the
7 search warrant coming in obviously. And two, obviously I
8 renew my previous motion on the search warrant.

9 THE COURT: All right, let's bring the jury in.
10 You ready?

11 MS. COLTON: Yes. I was just going to get the
12 officer.

13 THE COURT: Okay.

14 (JURY REENTERS COURTROOM AT 11:43 AM.)

15 THE COURT: Please proceed.

16 MS. COLTON: Thank you, Your Honor. Your Honor, at
17 this time, the State would call Officer John Clark.

18 MADAME CLERK: Please raise your right hand, place
19 your left on the Bible.

20 (WHEREUPON: DEPUTY JOHN ALEXANDER
21 CLARK, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
22 FOLLOWS:)

23 MADAME CLERK: Thank you. You may have a seat.

24 DIRECT EXAMINATION

25 DEPUTY JOHN ALEXANDER CLARK BY MS. COLTON:

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON

-385-

1 Q. Deputy Clark, can you please state your full name for
2 the Court?

3 A. John Alexander Clark.

4 Q. Do you go by Alex Clark?

5 A. Yes, ma'am.

6 Q. So here when you're referenced, you're going to be
7 Alex?

8 A. Yes, ma'am.

9 Q. And right now, you're a sheriff's officer?

10 A. Yes, ma'am.

11 Q. How long have you been a sheriff's officer?

12 A. I've worked with the Sheriff's Office for over six
13 years now.

14 Q. And you were working back February 27th, 2011 with the
15 Sheriff's Office?

16 A. Yes, ma'am. I was working the Rock Hill District.

17 Q. And who were you working with that day?

18 A. On our shift were Deputy Gladden, Deputy Stagner,
19 Deputy Bolin, and I had a trainee with me, that was Deputy
20 Shealy.

21 Q. And did you get a call regarding a search warrant that
22 day?

23 A. Yes, ma'am, I did.

24 Q. Who did you get a call from?

25 A. I first spoke to Deputy Stagner saying that there may

1 be the need for a search warrant, but the actual -- the
2 person actually requesting the search warrant was Deputy
3 Gladden.

4 Q. And she requested that through you?

5 A. Yes, ma'am.

6 Q. Requested you go get one?

7 A. Yes, ma'am.

8 Q. What did you do to get one?

9 A. When she called, she told me that she had already
10 spoken to Judge Davenport who is the local magistrate in
11 the area, and she explained to me what they had found when
12 they were serving an arrest warrant. And I went to Judge
13 Davenport with the information that was given to me and
14 attempted to obtain the search warrant from him.

15 Q. And did you have to prepare an affidavit?

16 A. Yes, ma'am. I typed out the affidavit before I
17 presented it to the judge.

18 Q. And the protocol -- the judge followed certain
19 protocols with you to verify the affidavit?

20 A. Yes, ma'am.

21 Q. And he issued that affidavit -- I'm sorry -- He issued
22 the search warrant?

23 A. Yes, he issued the search warrant.

24 Q. And once you have the search warrant signed by the
25 judge, what do you do with that document?

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON

-387-

1 A. We took the search warrant to the address on Riverview
2 Road to the motel, and the search warrant was executed once
3 we were on the scene.

4 Q. And you executed the search warrant?

5 A. I executed it along with two detectives.

6 Q. What do you do when you execute a search warrant?

7 A. You can read the search warrant out loud inside the
8 room. The biggest thing, you have to leave a copy of the
9 search warrant, and a copy was left.

10 Q. And can you tell the jury what a "return" is on the
11 search warrant?

12 A. The return -- any items that you seize based on a
13 search warrant, you are expected to file what they call the
14 return, it's the last page of the search warrant. And you
15 basically have 10 days to take that back to the issuing
16 judge to tell him what you took out of that room.

17 Q. And so it's a list of the items that you find pursuant
18 to that search warrant?

19 A. Correct.

20 Q. And you didn't -- you didn't do the -- you didn't file
21 the return?

22 A. No, I did not file the return. There were other
23 officers on the scene.

24 Q. And basically that search warrant describes what you
25 can search and where you can search in there -- the items

1 and places to be seized. Correct?

2 A. Yes, it's -- it describes the specific places and
3 things to be searched.

4 Q. Did you search the room at all?

5 A. Yes, ma'am, I did.

6 Q. What did -- Well let me ask you this. Who arrived --
7 Were detectives there when you arrived?

8 A. They showed up right about the same time I did.

9 Q. What detectives were they?

10 A. It was Detective Branham and Detective Moore.

11 Q. And did you assist them in searching the room?

12 A. I did. After the -- after we entered the room with
13 the search warrant, we began -- I believe it was Detective
14 Moore that started documenting some serial numbers off of
15 the electronics that were involved. And I was also
16 assisting and searching the room.

17 Q. And Detective Moore and Detective Branham, what
18 division are they assigned to in the Sheriff's Office?

19 A. They are in the Criminal Investigations Division.
20 It's -- it's just the title for our detective division.

21 Q. So the Detective Division, basically?

22 A. Yes, ma'am.

23 Q. And in searching the room, did you come upon anything?

24 A. Yes, ma'am, there was a lot of stuff in the room. But
25 the thing that caught the most attention was when I looked

DEPUTY JOHN CLARK: DIRECT BY MS. COLTON
CROSS BY MR. BROWN

-389-

1 under the most -

2 MR. BROWN: Your Honor, just for the record subject to
3 my previous objection.

4 THE COURT: All right. Subject to objection,
5 overruled.

6 Please continue.

7 Q. What -- Did you find anything in the room?

8 A. There was a lot of stuff in the room. The thing that
9 caught the most attention and the -- there were two beds
10 that were in the motel room, two, I guess, full-sized beds,
11 queen beds. I looked under the first bed, and there was a
12 plastic bottle with some liquid in it. I believed it to be
13 either meth or the process of making meth. I wasn't an
14 expert on methamphetamine, but I knew to stop and back out.

15 Q. And Detective Branham was there as well?

16 A. Yes, ma'am.

17 Q. Did he give you instructions where you all observed
18 that bottle?

19 A. He did. He confirmed my suspicions because he had
20 previously been on the drug unit.

21 Q. Thank you. Please answer any questions defense
22 counsel may have.

23 CROSS EXAMINATION

24 DEPUTY JOHN ALEXANDER CLARK BY MR. BROWN:

25 Q. Did you interview any of these three co-defendants?

DEPUTY JOHN CLARK: CROSS BY MR. BROWN

-390-

1 Ms. Quinn or Mr. --

2 A. No, sir.

3 Q. You didn't talk to any of them?

4 A. I don't believe so.

5 Q. So you didn't interview them as to whose it was?

6 A. No, sir.

7 Q. No further questions.

8 MS. COLTON: Thank you.

9 Your Honor, we ask that this witness be excused.

10 THE COURT: Thank you for coming. You may be excused.

11 DEPUTY CLARK: Thank you, sir.

12 (WITNESS LEAVING WITNESS STAND.)

13 MS. COLTON: Your Honor, we -- If I may take this a
14 little out of turn. I know, I'm waiting on a video. We're
15 going to take it a little bit out of turn if we may?

16 THE COURT: That's fine.

17 MS. COLTON: I'm going to do -

18 MR. BROWN: I'm sorry.

19 MS. COLTON: I'm going to do Shealy as opposed -- I'm
20 going to do Shealy instead of Gladden.

21 MR. BROWN: Okay.

22 MS. COLTON: I call Travis Shealy. Travis Shealy.

23 Can you get Travis Shealy? Thank you.

24 MADAME CLERK: Please raise your right hand, place
25 your left on the Bible.

DEPUTY TRAVIS SHEALY: DIRECT BY MS. COLTON

-391-

1 (WHEREUPON: DEPUTY TRAVIS SHEALY,
2 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

3 MADAME CLERK: Thank you. You can have a seat.

4 DIRECT EXAMINATION

5 DEPUTY TRAVIS SHEALY BY MR. COLTON:

6 Q. Deputy, can you please state your full name for the
7 record, please?

8 A. My name is Deputy Shealy. I work for the Sheriff's
9 Office.

10 Q. How long have you worked for the Sheriff's Office,
11 Deputy Shealy?

12 A. For a year now.

13 Q. A year now?

14 A. Yeah.

15 Q. Is this your first time in General Sessions Court?

16 A. Yes, ma'am.

17 Q. Deputy Shealy, back in February of last year, 2011 --

18 A. Yes, ma'am.

19 Q. Do you remember back then?

20 A. Yes, ma'am.

21 Q. Where were you working?

22 A. I was working on patrol at the time. We were out at
23 the...

24 Q. And were you training with somebody?

25 A. Yes, ma'am.

DEPUTY TRAVIS SHEALY: DIRECT BY MS. COLTON

-392-

1 Q. Who were you training with?

2 A. Deputy Clark.

3 Q. And on February 27th, 2011, did you get called out to
4 the Best Way Inn?

5 A. Yes, ma'am.

6 Q. And when you were at the Best Way Inn, did you have an
7 opportunity to encounter the defendant?

8 A. Yes, ma'am.

9 Q. Mr. Johnson? Okay. And what was your role in going
10 to the Best Way Inn that day?

11 A. Other than being there with Alex and going there for
12 the situation that we had and transporting Mr. Johnson.

13 Q. You transported Mr. Johnson?

14 A. Yes, ma'am.

15 Q. Can I ask you to speak up a little bit for me?
16 There's a microphone right next to you. I don't hear so
17 well.

18 And you transported Mr. Johnson. Did you transport
19 Mr. Catoe as well?

20 A. Yes, ma'am.

21 Q. Where were they located?

22 A. They were at the Best Way Inn when I first --

23 Q. But where were they -- how did you transport them to
24 Moss Justice Center.

25 A. They were put in the back of my patrol car and being

DEPUTY TRAVIS SHEALY: DIRECT BY MS. COLTON

-393-

1 transported to Moss Justice Detention Center.

2 Q. They were put together in the car?

3 A. Yes, ma'am.

4 Q. And do you have recording devices in those cars?

5 A. Yes, ma'am.

6 Q. Audio and video?

7 A. Yes, ma'am.

8 Q. And did you activate your audio and video in that car?

9 A. Yes, ma'am.

10 Q. And did it record what transpired in that vehicle?

11 A. Yes, ma'am.

12 (PAUSE.)

13 THE COURT: Counsel, approach just a minute.

14 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
15 THE JURY AT 11:57 AM.)

16 Q. Deputy Shealy, I'll show you a CD, if I may.

17 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY PREMARKED
18 FOR IDENTIFICATION.)

19 Q. Okay, Deputy Shealy, I am going to show you what I
20 have marked for identification purposes, State's Thirty.

21 A. Yes, ma'am.

22 Q. Do you recognize what that is?

23 A. Yes, ma'am.

24 Q. How do you recognize that?

25 A. It's a copy of my video, and I've also initialed it.

DEPUTY TRAVIS SHEALY: DIRECT BY MS. COLTON

-394-

1 THE COURT: Sir, I'm going to get you to speak up a
2 little bit ---

3 THE WITNESS: Oh.

4 THE COURT: --- because I don't think everybody in the
5 courtroom can hear you.

6 THE WITNESS: Oh.

7 A. Oh, it's a copy of my video that's inside of my patrol
8 car, initialed where I've also seen it.

9 Q. So you watched that video before?

10 A. Yes, ma'am.

11 Q. And is it truthfully and accurately reflect what you
12 recorded in that car?

13 A. Yes, ma'am.

14 Q. And that's why you signed it?

15 A. Yes, ma'am.

16 Q. After you watched it? Okay.

17 MS. COLTON: Your Honor, the State would move to enter
18 into evidence State's Thirty and publish it to the jury.

19 THE COURT: Please proceed.

20 MR. BROWN: Without objection.

21 THE COURT: Admitted without objection.

22 You may publish.

23 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY IDENTIFIED
24 AND MARKED, RECEIVED INTO EVIDENCE.)

25 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-ONE

DEPUTY TRAVIS SHEALY: DIRECT BY MS. COLTON

-395-

PREMARKED FOR IDENTIFICATION.)

Q. Deputy Shealy, State's Thirty-One. Do you recognize that?

A. Yes, ma'am.

Q. How do you recognize that?

A. That's again, another copy of my audio and video out of my patrol car that I've seen.

Q. And that truthfully and accurately reflects what happened in your car?

A. Yes, ma'am.

MS. COLTON: Your Honor, the State would move to enter into evidence State's Thirty-one.

MR. BROWN: Without objection.

THE COURT: In without objection.

MS. COLTON: And publish too, Your Honor.

THE COURT: You may publish.

(WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-ONE IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

MS. COLTON: Madame Clerk, would you dim the lights, please?

(COURTROOM LIGHTS DIMMED.)

(STATE'S EXHIBIT NUMBER THIRTY-ONE PUBLISHED TO THE JURY AT 12:03 PM.)

Q. Deputy Shealy, at this time, where are you?

A. I think I was standing right there at the doorway or

DEPUTY TRAVIS SHEALY: DIRECT BY MS. COLTON

-396-

1 somewhere in that vicinity.

2 Q. So you were by the defendant at this point?

3 A. Yeah.

4 Q. And other officers were there? Presumably were their
5 microphones on as well?

6 A. Yes, ma'am.

7 Q. And yours was on and working as well?

8 A. Yes, ma'am.

9 Q. And so you recorded -- You all recorded kind of the
10 same thing?

11 A. Uh-huh.

12 Q. I'm going to fast-forward this at this point to try
13 get to where you put the defendants into -- the defendant
14 back into the back of your patrol car.

15 A. Okay.

16 (STATE'S EXHIBIT NUMBER THIRTY-ONE CONTINUED TO PLAY.)

17 Q. And is that you putting them in the patrol car you
18 think?

19 A. Uh-huh, at that point, yes, ma'am.

20 (STATE'S EXHIBIT NUMBER THIRTY-ONE CONTINUED TO PLAY.)

21 Q. Deputy Shealy, do you recall if both defendants or
22 just one defendant was in the car at this time?

23 A. Both of them.

24 (STATE'S EXHIBIT NUMBER THIRTY-ONE CONTINUED TO PLAY.)

25 Q. I'm going to fast forward so I can get to where

DEPUTY TRAVIS SHEALY: DIRECT BY MS. COLTON

-397-

1 they're talking.

2 (STATE'S EXHIBIT NUMBER THIRTY-ONE CONTINUED TO PLAY.)

3 Q. And, Deputy Shealy, is that you? Is that your voice
4 on there?

5 A. Yes.

6 Q. And you're speaking to Mr. Johnson or Mr. Catoe at
7 that point?

8 A. I can't remember which one because I was looking at
9 Hager Kawasaki over across the street.

10 Q. I'm sorry, I can't hear you.

11 A. I was looking across the street at Hager Kawasaki.
12 That's why we were talking about the --

13 Q. You were talking about bikes and cars and stuff like
14 that?

15 A. That's right. Just to have a conversation.

16 (STATE'S EXHIBIT NUMBER THIRTY-ONE CONTINUED TO PLAY
17 AND ENDING.)

18 MS. COLTON: Your Honor, at this time the State would
19 publish the State's Thirty to the jury with the Court's
20 permission.

21 (WHEREUPON: STATE'S EXHIBIT THIRTY PUBLISHED TO THE
22 JURY AT 12:22 PM.)

23 Q. Deputy Shealy, are you familiar with how the videos
24 come out? How they get stored and how they come out?

25 A. Yes, ma'am.

1 Q. And what's the VLP I? That's going to be your lapel
2 mic?

3 A. Yes, ma'am. The one we usually carry on our body.

4 Q. And what's VLP II?

5 A. Okay, I think it's the one that's actually in the
6 actual car that's recorded.

7 Q. So it's in car audio?

8 A. Yes, ma'am.

9 Q. So everything that you record on your mic and
10 everything in the car recording at the same time ---

11 A. Uh-huh.

12 Q. --- but we can partition it out when we play the
13 video?

14 A. Right, as far as if you hear wind or cars going down
15 the road or something like that. So between the two.

16 (STATE'S EXHIBIT NUMBER THIRTY CONTINUED TO PLAY.)

17 Q. Deputy Shealy, most of the time that you're driving
18 this vehicle, where are you going?

19 A. En route to the Detention Center.

20 Q. Do you eventually click it off, click off the video?

21 A. Yes, ma'am.

22 Q. He didn't spend the whole ride doing that?

23 A. No, his -- when we get on down the road.

24 Q. And you can do that manually in your car?

25 A. Yes, ma'am.

DEPUTY TRAVIS SHEALY: CROSS BY MR. BROWN

-399-

1 Q. Please answer any questions that Mr. Brown may have.

2 Madame Clerk, can you...

3 CROSS EXAMINATION

4 DEPUTY TRAVIS SHEALY BY MR. BROWN:

5 Q. Were you involved in the arrest, Deputy Shealy?

6 A. As far as in?

7 Q. Did you place either Mr. Catoe or Mr. Johnson under
8 arrest?

9 A. I did not. Other than like I said they were already
10 detained when I got there.

11 Q. You were just there for transportation; is that it?

12 A. Yes, sir.

13 Q. Okay. So you really don't know whose meth or whose
14 stuff it was do you?

15 A. No.

16 Q. Nobody made any confessions to you or claimed it?

17 A. No.

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

19 MS. COLTON: No further questions, Your Honor, and we
20 ask that Deputy Shealy be excused, Your Honor.

21 MR. BROWN: Without objection.

22 THE COURT: Thank you for coming. You are excused at
23 this time.

24 DEPUTY SHEALY: No problem.

25 (WITNESS LEAVING WITNESS STAND.)

1 THE COURT: Counsel, unless you got a short witness we
2 can get in we'll go ahead and get lunch.

3 MS. COLTON: I do not, Your Honor.

4 THE COURT: Madame Forelady, members of the jury
5 panel, it's about twelve minutes till One o'clock, we're
6 gonna go ahead and recess for lunch. I'm going to ask you
7 to be back in the jury room ready to go at - I try to
8 reserve all the time I can. Let's be back about ten
9 minutes till Two. About 1:50, ten minutes till Two.
10 Please get you some lunch and be back at ten till Two.
11 Thank you.

12 (JURY EXITS COURTROOM FOR LUNCH RECESS AT 12:46 PM.)

13 THE COURT: Is there anything we need to put on the
14 record at this time with regard to -

15 MS. COLTON: Nothing from the State, Your Honor. I'm
16 gonna attempt to -- Deputy Gladden is the next one and that
17 was the video that was extensive during pretrial. I'm
18 going to try to cut it as short as I can to get through all
19 the things. If there's anything that Mr. Brown, I think we
20 discussed it but if he really wants me to put in there to
21 go to we'll do that but it's going to be a little choppy.
22 I don't want the jury to think we're hiding something or
23 we're doing something sneaky on them. I guess I can just
24 have that in closing and maybe ask for instruction from the
25 Court on that.

1 THE COURT: If you need instruction with regard to
2 parts of it not relevant and therefore we're skipping over
3 some of it or parts of it that's fine, whatever you think.

4 How about it, Mr. Brown?

5 MR. BROWN: I just want to make sure you start it
6 where she's on the phone saying you're probably gonna find
7 drugs there.

8 MS. COLTON: I'm gonna start when she gets there.

9 MR. BROWN: Well, that's good.

10 MS. COLTON: Okay.

11 THE COURT: Anything else we need to put on the
12 record? I know we with regard to the video where the - Mr.
13 Johnson was in the back of the car there. Is there
14 anything we need to put on the record?

15 MR. BROWN: I didn't hear Miranda but I'm not really
16 worried about it.

17 MS. COLTON: I think when we play back we're gonna
18 find it. It's -- actually Detective -- Investigator
19 Schifferle when the officer says pay attention to your
20 Miranda Rights Mr. Johnson and then what's your name and he
21 says Schifferle. I think that's when they give him his
22 Miranda Rights.

23 The reason why we didn't hear it is because -

24 THE COURT: I think I did hear it.

25 MS. COLTON: It was in the back -

1 THE COURT: Somebody gave him his Miranda Rights on
2 there, some point in time. I'm pretty sure I heard it.

3 MR. BROWN: Okay.

4 THE COURT: Unless they were giving them to somebody
5 else. It sounded like to me they were giving them. In any
6 event I don't think it was any questioning going on. There
7 were some statements made but I don't think there was any
8 real questioning going on and nobody ask any. And I don't
9 think they said anything frankly that was incriminating.

10 MR. BROWN: Out of the abundance of caution I'm
11 objecting.

12 THE COURT: Well like I said, I think we can go back
13 and play the tape, I heard somebody giving some Miranda
14 warnings on there. Said something about pay attention to
15 Miranda warnings and gave them to them but it wasn't at the
16 beginning of when they were sitting in the car but he did
17 give them along the way. In any event I don't think they
18 said anything incriminating anyway.

19 All right, let's get some lunch and then we will start
20 back like I said at ten minutes till Two.

21 (COURT IN LUNCH RECESS AT 12:47 PM.)

22 (COURT BACK IN SESSION AT 01:58 PM.)

23 THE COURT: Thank you.

24 Be seated please, thank you.

25 (DEFENDANT REENTERS COURTROOM AT 01:59 PM.)

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-403-

1 THE COURT: All right. Ready to proceed?

2 MS. COLTON: Yes, Your Honor.

3 THE COURT: Please bring the jury in, ma'am.

4 (JURY REENTERS COURTROOM AT 02:00 PM.)

5 THE COURT: Counsel, ready to proceed?

6 MS. COLTON: Yes, Your Honor.

7 Your Honor, the State would call Deputy Rachael
8 Gladden.

9 (WHEREUPON: RACHAEL GLADDEN,
10 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:.)

11 MADAME CLERK: Thank you. You may have a seat.

12 DIRECT EXAMINATION

13 DEPUTY RACHAEL GLADDEN BY MR. COLTON:

14 Q. Can you please state your full name for the record?

15 A. Rachael Gladden.

16 Q. And where do you work?

17 A. York County Sheriff's Office.

18 Q. How long have you worked at the Sheriff's Office?

19 A. Four years in April.

20 Q. And back in 2011, were you working that February 27th
21 morning?

22 A. Yes.

23 Q. Who were you working with?

24 A. Deputy Stagner, Clark, and Bolin.

25 Q. And what did you do when you first came to work that

1 morning?

2 A. I obtained a search warrant.

3 Q. First thing in the morning or arrest warrant?

4 A. I apologize, an arrest warrant.

5 Q. For who?

6 A. For Brandi Quinn.

7 Q. Tell the jury what happened that night before and the
8 information that you had when you were investigating about
9 Ms. Quinn.

10 A. The night before I received a call from a Mr. Conner.
11 I met him at his residence. He stated that a Ms. Brandi
12 Quinn damaged his vehicle using her vehicle to strike his,
13 and it was intentional, and I advised him I would obtain a
14 search warrant.

15 Q. Arrest warrant?

16 A. Arrest warrant. I apologize.

17 Q. That's okay. So you get the arrest warrant, and when
18 was that issued? Was that issued in the morning?

19 A. The arrest warrant was issued the next morning.

20 Q. And when you have the arrest warrant, what are you and
21 the other deputies that you're working with going to do
22 with the arrest warrant?

23 A. Locate Brandi Quinn.

24 Q. And were you all talking back and forth on the
25 microphone figuring out how you all were going to do that?

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-405-

1 A. Either the cell phone or over the computer.

2 Q. And what do you do after you get the warrant?

3 A. I contact Deputy Stagner and ask him to locate Brandi
4 Quinn.

5 Q. And he -- did he go -- did you know if he went to some
6 addresses trying to look for her?

7 A. Yes.

8 Q. And then did you figure out where Ms. Quinn was?

9 A. Yes, I did.

10 Q. Where was Ms. Quinn located?

11 A. She was located at the Best Way Inn on Riverview Road
12 in Rock Hill.

13 Q. Do you recall who told you that?

14 A. Mr. Conner.

15 Q. And based upon that information, you went to the Best
16 Way Inn?

17 A. Yes.

18 Q. Who was the first officer to arrive?

19 A. Deputy Stagner.

20 Q. And then did you arrive after that or after Deputy
21 Bolin?

22 A. After Deputy Bolin.

23 Q. So just the three of you all were there?

24 A. Yes.

25 Q. Okay. And what do you do when you all get there?

1 What's the first thing you all decide to do?

2 A. When I arrive, the other deputies are confirming the
3 hotel room.

4 Q. Okay.

5 A. And then we begin knocking on the door.

6 Q. And so do you, Stagner, and Bolin begin knocking on
7 the door?

8 A. Yes.

9 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-TWO
10 PREMARKED FOR IDENTIFICATION.)

11 Q. Deputy Gladden, I'm going to show you what's been
12 marked for identification purposes, State's Exhibit Twenty-
13 three [sic]. Do you recognize what that is?

14 A. Yes, I do.

15 Q. Can you tell the Court what it is?

16 A. It's a video from the incident.

17 Q. Have you had an opportunity to review that video?

18 A. Yes.

19 Q. How do you know that it's the same video?

20 A. My initials are on the video.

21 Q. And you wrote that in there after reviewing that
22 video?

23 A. Yes.

24 Q. And does this video truthfully and accurately reflect
25 what happened on the scene that day?

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-407-

1 A. Yes.

2 MS. COLTON: At this time, Your Honor, the State would
3 move to enter into evidence State's Exhibit Thirty-two.

4 THE COURT: In without objection.

5 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-TWO
6 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

7 MS. COLTON: And we ask permission to publish to the
8 jury, Your Honor.

9 THE COURT: Permission to publish.

10 MS. COLTON: Madame Clerk, can you please dim the
11 lights?

12 (COURTROOM LIGHTS DIMMED.)

13 MS. COLTON: Thank you.

14 (STATE'S EXHIBIT NUMBER THIRTY-TWO PUBLISHED TO THE
15 JURY AT 02:06 PM.)

16 Q. Now at this point in time, you all were trying to come
17 together and get all the same information because you had
18 been at different locations to make sure that you're on the
19 same page ---

20 A. Yes.

21 Q. --- before you went back to the room?

22 A. Yes.

23 Q. And what you're talking about, about there probably
24 being drugs in there, how did you know? Why did you say
25 that?

1 A. We received information prior to my arrival from a
2 family member of Ms. Quinn.

3 Q. And what information did you have in preparing to go
4 in that room?

5 A. That there would possibly be drugs in -- in the room,
6 possibly meth.

7 Q. And did that concern you when you were going up to the
8 room?

9 A. Oh, yes.

10 Q. How come?

11 A. From my training, I've learned that meth labs are
12 possibly combustive.

13 Q. Okay.

14 A. So I was worried for an explosion. Also drugs can be
15 related with weapons.

16 Q. Well did they tell -- What did you think that they --
17 you just said that you thought it was -- that she used
18 meth. What draw you to the conclusion that it was a meth
19 lab?

20 A. I believe that information was provided by the family
21 member.

22 Q. Something about a meth lab?

23 A. Yes.

24 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

25 Q. I'm going to stop it there, 03:46 into it.. That's --

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-409-

1 You all are at the door at that point?

2 A. Yes.

3 Q. Someone begins to knock? Who begins to knock? Was it
4 you or another officer?

5 A. Another officer.

6 Q. Okay.

7 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

8 Q. So this is about three -- You all have been knocking
9 for about three minutes at this point. What did you -- did
10 you hear anything going on in the room at that time?

11 A. I was not in a position to hear. Deputy Stagner was
12 on one side of the door, Deputy Bolin on the other, and I
13 was behind Deputy Bolin.

14 Q. And do you stay there the whole time until they make
15 entry?

16 A. No.

17 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

18 Q. Who are you talking to at this point?

19 A. I'm talking to an employee of the motel.

20 Q. And where are you in location to the door where
21 Stagner and Bolin are? How far away is the employee?

22 A. Maybe less than from here to the door.

23 Q. To the end of the courtroom?

24 A. Yes.

25 Q. And what did you want to know from that employee?

1 A. Just confirming checkout time. He actually called me
2 to ask me if I needed the key.

3 Q. And you couldn't take the key at that point?

4 A. No.

5 Q. Why not?

6 A. Checkout time was not until 11:00. He informed me
7 this was prior to 11:00.

8 Q. And so before 11:00, you would not be able to make
9 entry without the key? Is that policy of the York County
10 Sheriff's Office? You can't have employees open doors for
11 you?

12 A. Right.

13 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

14 Q. When you turned around to start walking back towards
15 that room, were Bolin and Stagner at the door at that time?

16 A. No, they were not at the door.

17 Q. Where were they?

18 A. They were inside the room.

19 Q. Okay.

20 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

21 Q. Let me ask you this. When you went in there, who's
22 that yelling, "Show me your hands, show me your hands"?

23 A. That's Deputy Stagner.

24 Q. And what did you see when -- did you enter? Did you
25 even go into that room when you walked back down there?

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-411-

1 A. No, I did not.

2 Q. Who was in that room at that time?

3 A. Deputy Bolin, Deputy Stagner, Mr. Johnson, Ms. Quinn,
4 Mr. Catoe.

5 Q. So there's three civilians and two law enforcement?
6 You show up at the door. Right?

7 A. Yes.

8 Q. And then what -- Why don't you enter the room?

9 A. Deputy Stagner ask Brandi Quinn to come outside and
10 speak with me.

11 Q. Okay.

12 MR. BROWN: I'm sorry, ask what?

13 A. Asked Brandi Quinn to step outside and speak with me.

14 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

15 Q. At this point, you're going to go get your car and
16 move the car up to a closer location?

17 A. Yes.

18 Q. And you ask Deputy Bolin to watch Ms. Quinn?

19 A. Yes, I did.

20 Q. And Ms. Quinn had asked you for her coat; is that
21 correct?

22 A. Yes.

23 Q. And she also asked if she could go back inside the
24 room and get it?

25 A. Yes.

1 Q. Why couldn't she go back in the room and get it?

2 A. Officer safety issue, and she was under arrest.

3 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

4 Q. At that point Mr. Johnson told you three times you
5 didn't need a search warrant?

6 A. Correct.

7 Q. Okay. And what did you take that to mean at that
8 time?

9 A. He was giving consent to search.

10 Q. Okay. But you went ahead and got a search warrant
11 anyway?

12 A. Yes.

13 Q. How come?

14 A. Out of the abundance of caution.

15 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

16 Q. Let me ask you this. What is Mr. Catoe doing during
17 this period of time?

18 A. I don't recall what he was doing.

19 Q. Okay. Was he talking a lot or was he quite?

20 A. He was quite.

21 Q. Okay. And I didn't ask you this. The person who's
22 talking to you right now, that's Mr. Johnson?

23 A. Yes.

24 Q. The defendant in court today?

25 A. Yes.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-413-

1 Q. Okay.

2 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

3 Q. And who are you speaking to right now on the phone?

4 A. Now I'm speaking with Deputy Clark.

5 Q. And Alex Clark and you -- Why are you speaking to Alex
6 Clark at this point about what's going on in the room?

7 A. So that he can obtain the search warrant.

8 Q. And were you all discussing the consent issue at that
9 point?

10 A. Yes.

11 Q. And what was -- what was your discussion about consent
12 about?

13 A. I initially stated that he stated initially to obtain
14 a search warrant, and then decided we didn't need a search
15 warrant.

16 Q. And so you all were debating back and forth basically.
17 Did you have consent? Did you not have consent because Mr.
18 Johnson initially -

19 MR. BROWN: Objection, Your Honor, as to a legal
20 question.

21 THE COURT: You can ask her a question, Counsel.
22 You're kind of testifying for her.

23 MS. COLTON: Okay. I'm sorry, Your Honor. I'll try
24 to clarify it.

25 Q. What was Alex telling you?

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-414-

1 A. I don't recall what Alex was telling me.

2 Q. Okay, but, okay. I'll just leave it at that.

3 The purpose of the conversation was to get a search
4 warrant. Correct?

5 A. Yes.

6 (STATE'S EXHIBIT NUMBER THIRTY-TWO, CONTINUED TO PLAY.)

7 Q. And Judge Davenport, that's the magistrate?

8 A. Yes.

9 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

10 Q. Who are you speaking to at this moment?

11 A. Mr. Johnson.

12 Q. Okay.

13 (STATE'S EXHIBIT NUMBER THIRTY-TWO CONTINUED TO PLAY.)

14 Q. Deputy Gladden, I'm going to stop this right here.

15 Madame Clerk, would you please put the lights on?

16 (COURTROOM LIGHTS TURNED BACK UP.)

17 Q. And go through it rather quickly for it to be added
18 into evidence - the warrant. So I want you to -- what I
19 want you to do is try to recall to the best of your ability
20 without us watching the whole video. At this point, you
21 all wait for a search warrant. Correct?

22 A. Yes.

23 Q. And Alex Clark was going to get that search warrant?

24 A. Yes.

25 Q. And so Mr. Catoe and Mr. Johnson are detained in the

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-415-

1 room?

2 A. Yes.

3 Q. And while you were waiting for Clark, do you go back
4 to the vehicle and speak to Ms. Quinn?

5 A. Yes, I do.

6 Q. And does she want something out of that room?

7 A. Yes, she wants her belongings.

8 Q. Does she first want a sweater?

9 (PAUSE.)

10 Q. A sweater?

11 A. Yes.

12 Q. Did you go in to get that?

13 A. Yes.

14 Q. Did you get the right one?

15 A. No.

16 Q. What did you do after you didn't get the right one?

17 A. I went back and got the right one.

18 Q. And then when you go back to the car, you had to
19 ascertain -- did you have to ascertain what to bring with
20 Ms. Quinn?

21 A. Yes, I did.

22 Q. And what did you bring? What did you go into the room
23 to get?

24 A. Her pocketbook.

25 Q. Well tell the jury what the conversation entailed.

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-416-

1 A. I asked her if she would like her belongings to go
2 with her to detention or to stay with her boyfriend Mr.
3 Johnson in the room. She said she would like her
4 belongings. And I said, "Are you sure. You don't want me
5 to leave them here with your boyfriend?" She said, no, she
6 wanted them.

7 Q. Did you want her to bring all her belongings with her?

8 A. No.

9 Q. What did she wind up bringing out of that room?

10 A. A pocketbook.

11 Q. And then did you or another officer inventory Ms.
12 Quinn's car?

13 A. Yes, another officer.

14 Q. Okay. And was that Deputy Stagner?

15 A. Yes.

16 Q. Okay.

17 Q. I'm going to show you what's been marked for
18 identification as State's Twenty-eight. Can you look at
19 the front, and can you identify that, please?

20 A. Yes.

21 Q. What is it?

22 A. This is -- was found in Ms. Quinn's vehicle, and it's
23 meth.

24 Q. Okay. And --

25 MR. BROWN: I'm sorry. It was found where?

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON

-417-

1 A. Ms. Quinn's vehicle.

2 MR. BROWN: Ms. Quinn's vehicle.

3 BY MS. COLTON:

4 Q. And how do you -- Did you ever take possession of
5 that?

6 A. Yes, I did.

7 Q. How do you know that?

8 A. I've written it on there.

9 Q. And is it on the video as well?

10 A. Yes.

11 Q. And who did you get that from?

12 A. I received this from Officer Stagner.

13 Q. And after you got it from Officer Stagner, what did
14 you do with that?

15 A. I handed it to Lee.

16 Q. Lee?

17 A. Allen.

18 Q. Lee Allen, okay. And you kept it in your sole care
19 and custody the whole time?

20 A. Yes, I did.

21 Q. Okay. Thank you.

22 And then the tow truck comes to tow the vehicle. Are
23 you still there when the vehicle is towed?

24 A. No.

25 Q. You've already left?

DEPUTY RACHAEL GLADDEN: DIRECT BY MS. COLTON
CROSS BY MR. BROWN

-418-

1 A. Yes.

2 Q. Were you there when the search warrant was executed?

3 A. Yes.

4 Q. Did you search the room?

5 A. No.

6 Q. And where did you go when you left the Best Way Inn?

7 A. I took Ms. Quinn to the York County Detention Center.

8 Q. And had her locked up for the malicious damage to
9 property?

10 A. Yes.

11 Q. Thank you. Please answer any questions Mr. Brown may
12 have.

13 CROSS EXAMINATION

14 DEPUTY RACHAEL GLADDEN BY MR. BROWN:

15 Q. Whose room was that?

16 A. Ms. Quinn's.

17 Q. Registered in her name. Right?

18 A. Yes, sir.

19 Q. The tape first starts you say there's probably some
20 drugs, and Ms. Quinn probably has some drugs on her.

21 Correct?

22 A. Yes.

23 Q. And you've got that information from her grandmother?

24 A. I didn't personally, no. It was a family member.

25 Q. Do you know what family member gave you that

DEPUTY RACHAEL GLADDEN: CROSS BY MR. BROWN

-419-

1 information?

2 A. No, I didn't receive the information personally.

3 Q. You were just told a family member said she's probably
4 got drugs on her?

5 A. From Deputy Stagner.

6 Q. And he said a family member told him that she probably
7 has drugs on her?

8 A. Yes.

9 Q. Specifically methamphetamine?

10 A. Yes.

11 Q. And I believe you ask her throughout the video, do you
12 have anything illegal? Do you have any drugs? Her answer
13 was no. Correct?

14 A. Yes.

15 Q. She lied to you; didn't she?

16 A. There was nothing illegal on her person.

17 Q. There were illegal drugs in there were later found;
18 were they not?

19 A. Yes.

20 Q. And she lied to you; didn't she?

21 A. Yes.

22 Q. Not a very trustworthy person; is she?

23 A. I can't comment on -

24 MS. COLTON: I going to object to that, Your Honor.

25 She can only -

1 MR. BROWN: I withdraw the question.

2 Q. How many people are on shift in your section? When I
3 say, "section," I didn't get it right. But the little --
4 where you all work, the area of Rock Hill.

5 A. Six when we're fully staffed.

6 Q. Okay. And how many were on shift that day, if you
7 remember?

8 A. It was either five or six.

9 Q. And half of you all are at the Best Way Inn at 8:30 on
10 Sunday morning to arrest one little woman. Correct?

11 A. Yes.

12 Q. Did you get the warrant -- When do you receive the
13 information from the other deputy that she probably had
14 methamphetamine on her?

15 A. Prior to my arrival at the Best Way Inn.

16 Q. Had you obtained the warrant by then, or had you
17 already gotten the warrant?

18 A. I don't recall.

19 Q. This tape runs out before the search warrant is
20 executed; is that correct?

21 A. I'm unsure.

22 Q. It's 54 minutes and 57 seconds; is that correct?

23 A. I can't see.

24 Q. Well approximately 55 minutes; give or take?

25 A. I don't -- I don't know. I can't see the time.

DEPUTY RACHAEL GLADDEN: CROSS BY MR. BROWN

-421-

1 Q. If I tell you the bottom says "54 minutes, 57
2 seconds," would you question that?

3 A. No.

4 Q. And at this -- 20 minutes into the tape, everyone's
5 secured and in handcuffs. Right?

6 A. Yes.

7 Q. And the next 30 minutes without a search warrant, you
8 all keep going in and out of the room.

9 A. Yes.

10 Q. For what purpose?

11 A. Officer safety issues.

12 Q. Everyone's in handcuffs. No weapons were found.
13 Right?

14 A. Correct.

15 Q. And nobody made a threat verbal or physical towards
16 you; did they?

17 A. No.

18 Q. And everyone's in handcuffs?

19 A. Correct.

20 Q. What's the safety issue?

21 A. Well, when someone's handcuffed behind the back, their
22 arms are controlled, their legs are not controlled. They
23 can kick. They can use their legs. They can attempt to
24 flee. They can spit on you, which has happened to me while
25 on duty before. They can free one hand from a handcuff and

1 use the other as a weapon. There's plenty of safety
2 issues.

3 Q. Well if that's the case, why don't they give you leg
4 irons to arrest people?

5 A. I can't answer that.

6 Q. There really wasn't a safety issue with everybody in
7 handcuffs, now really, was there?

8 A. I believe there was.

9 Q. You think there was. But nobody's made any threats,
10 no weapons are found, nobody's made a verbal or physical
11 threat, but you deem it to be a safety issue. Correct?

12 A. Yes, I did.

13 Q. And I assume you think officer safety also is the
14 other two officers is number one priority. Correct?

15 A. Yes.

16 Q. But nobody went and checked with the hotel staff of
17 how many people were in the room asking why beforehand when
18 they took any weapons, knives, guns, et cetera, or anybody
19 observe any suspicious behavior in there. Correct?

20 A. Not -- I don't know.

21 Q. You didn't do -- excuse me, you didn't do that did
22 you?

23 A. No, I did not.

24 Q. And for the first 30 minutes of the tape before they
25 stop, until Officer Stagner comes out, nobody's seen

DEPUTY RACHAEL GLADDEN: CROSS BY MR. BROWN

-423-

1 anything but computers in there; is that correct?

2 A. I haven't personally.

3 Q. Well your statement, "I haven't seen anything, but
4 computers" to Judge Davenport"; is that correct?

5 A. Yes.

6 Q. And you had no information they were stolen; were
7 they?

8 A. Not at that time, no.

9 Q. And matter of fact, your subsequently learned they
10 weren't stolen; did you not?

11 A. I did not.

12 Q. Did anybody learn that to the best of your knowledge?

13 A. Yes, I believe so.

14 Q. Nobody's been charged with stolen computers; have
15 they?

16 A. Not to my knowledge.

17 Q. Matter of fact, the search warrant was issued for
18 Brandi Quinn; was it not, based on the information you gave
19 to Officer Clark? Was it not?

20 A. I don't know who it was issued to.

21 MS. COLTON: Your Honor, I'm going to object to that
22 search warrant as an issue for a person; it's issued for a
23 place. It's issued for the room, but it wasn't issued to
24 Brandi Quinn. I'm not trying to be technical -

25 MR. BROWN: Excuse me, I'll rephrase the question.

1 Q. It was issued for Brandi Quinn's motel room at the
2 Best Way Inn; is that correct?

3 A. Yes, yes.

4 MR. BROWN: I beg the Court's indulgence for one
5 second.

6 (PAUSE.)

7 MR. BROWN: I don't have any further questions, Your
8 Honor.

9 MS. COLTON: I don't either, Your Honor.

10 THE COURT: Thank you, ma'am. You may stand down.

11 MS. COLTON: We ask that Deputy Gladden be excused,
12 Your Honor.

13 MR. BROWN: Without objection, Your Honor.

14 THE COURT: Thank you for coming. You may be excused
15 at this time.

16 DEPUTY GLADDEN: Thank you, Your Honor.

17 (WITNESS LEAVING WITNESS STAND.)

18 MS. COLTON: Your Honor, the State would call Lee
19 Allen.

20 MR. BROWN: Allen?

21 MS. COLTON: Allen.

22 MR. BROWN: Your Honor, this is pursuant to the search
23 warrant at this point in time. I'm sure they're going to
24 introduce certain evidence. I renew my objections as
25 previously stated.

INVESTIGATOR LEE ALLEN: DIRECT BY MS. COLTON

-425-

1 MS. COLTON: Well these are just the chain.

2 MR. BROWN: Oh, it's just chain?

3 MS. COLTON: Yes.

4 MR. BROWN: Okay.

5 MS. COLTON: Piece of the chain.

6 MR. BROWN: I apologize. I thought we were at that
7 point.

8 THE COURT: Not at this point, sir.

9 MADAME CLERK: Please raise your right hand.

10 (WHEREUPON: INVESTIGATOR LEE
11 ALLEN, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
12 FOLLOWS:)

13 MADAME CLERK: Thank you. You may have a seat.

14 MS. COLTON: The Court's indulgence, Your Honor.

15 (PAUSE.)

16 DIRECT EXAMINATION

17 INVESTIGATOR LEE ALLEN BY MS. COLTON:

18 Q. Can you state your name for the record?

19 A. Douglas Allen.

20 Q. And do you go by Lee?

21 A. I do.

22 Q. And, Investigator Allen, well, do you currently work
23 in law enforcement?

24 A. No, I don't.

25 Q. And how long have you been out of law enforcement?

1 A. Since September of 2011.

2 Q. And back in February 27th, 2011, were you employed by
3 law enforcement agency?

4 A. Yes, I was.

5 Q. And what law enforcement agency was that?

6 A. I was employed through Clover Police Department,
7 assigned to the York County Multi-jurisdictional Drug
8 Enforcement Unit.

9 Q. And what did you do for the Multi-jurisdictional Drug
10 Enforcement Unit?

11 A. We worked large-scale narcotics investigations,
12 conducted surveillance, things of that nature.

13 Q. And on February 27th, 2011, were you -- did you
14 respond to the Best Way Inn in Rock Hill?

15 A. Yes, I did.

16 Q. And how come you went out there?

17 A. I'm sorry, repeat the question.

18 Q. How come you were out there?

19 A. I was the on-call agent that weekend. I received a
20 call from dispatch saying they needed a narcotics officer
21 to respond to the scene.

22 Q. And did you go out there by yourself?

23 A. No, I contacted Investigator Schifferle when I learned
24 that the officers on site believed that there might
25 possibly be a methamphetamine lab on site. Investigator

INVESTIGATOR LEE ALLEN: DIRECT BY MS. COLTON

-427-

1 Schifferle was -- had more knowledge about that type of
2 situation at the time than I did.

3 Q. And did you arrive first or did Officer Schifferle
4 arrive?

5 A. I arrived on the scene before he did.

6 Q. And who was -- When you got there, had there been a
7 search warrant that was executed?

8 A. Yes.

9 Q. And did you and Investigator Schifferle take time to
10 take over the scene at that point?

11 A. Yes.

12 Q. And what happens when you arrive there? What do you
13 see?

14 A. When I got there, Mr. -- the two gentlemen involved in
15 the case were in the back of a patrol car. The female that
16 was involved had already been taken from the scene. There
17 were a few deputies still on the scene that had the room
18 secured and along with a few detectives.

19 Q. And did you all start searching the room?

20 A. Yes.

21 Q. And were you -- at that time, were you functioning as
22 the evidence custodian?

23 A. Yes.

24 Q. So and then, and what does that mean, "evidence
25 custodian"?

1 A. Basically, you're responsible for keeping up with the
2 evidence, making sure that, you know, once it's packaged,
3 nothing is tampered with, and make sure it gets into the
4 evidence locker.

5 Q. And they generally pick one person to do that?

6 A. Yes.

7 Q. And because this was your case, you were the case
8 agent at the time?

9 A. Yes.

10 Q. And they do that so the evidence doesn't get mixed up?

11 A. Yes.

12 Q. Okay. So -

13 THE COURT: I'm going to get you to speak up a little
14 bit because we have to record everything, please.

15 Q. So anything that's recovered by anyone will come to
16 you?

17 A. Yes, ma'am.

18 Q. Well I'm going to show you some -- a few items. Get
19 you to talk about it a little bit.

20 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-FOUR
21 PREMARKED FOR IDENTIFICATION.)

22 Q. Okay, Lee, I'm going to show you what's been marked as
23 State's Exhibit Twenty-four for identification purposes.
24 Do you recognize that item?

25 A. Yes, I do.

INVESTIGATOR LEE ALLEN: DIRECT BY MS. COLTON

-429-

1 Q. How do you recognize that item?

2 A. I recognize it from being -- one of the deputies on
3 scene, Deputy Stagner, located it in the back of a Jeep
4 Grande Cherokee, and it was passed to me in order to get
5 into the evidence locker.

6 Q. Who gave it to you?

7 A. That was Deputy Gladden.

8 Q. And when you had that item, you kept it in your sole
9 care and custody. Correct?

10 A. Yes.

11 Q. And did you -- did you put that someplace?

12 A. I put it into the evidence locker.

13 Q. Well, I'm going to take a moment now to ask you about
14 that evidence locker. What's the evidence locker?

15 A. We have a large -- well, the Sheriff's Office has two
16 large lockers. They look similar to large, blue mailboxes
17 that you would see on sidewalks where the postal service --
18 and they have a rolling door. You stick the evidence in
19 there, and it's locked. There's no way to get into it
20 unless you're an evidence technician. No one else has keys
21 to it. It's secured.

22 Q. Just the people that work in evidence can get in?

23 A. Yes.

24 Q. So even if you put your own item in there, you can't
25 get it back?

1 A. No, ma'am, not without an evidence technician.

2 Q. And you just deposited yours directly at the Moss
3 Justice Center?

4 A. Yes.

5 Q. And State's --

6 MADAME COURT REPORTER: Just a minute, Madame
7 Solicitor, that's the wrong number on that. Our last one
8 was Thirty-one, so start with Thirty-two. It was my error.

9 I got a Thirty-two. Give me your lowest number.

10 MS. COLTON: Thirty-five.

11 MADAME COURT REPORTER: You want to leave them like
12 they are and come back and pick up some later.

13 MS. COLTON: Yeah.

14 MADAME COURT REPORTER: That'll work.

15 Yes, ma'am, that will work.

16 MS. COLTON: Okay. Thank you.

17 MADAME COURT REPORTER: They are not duplicate.

18 MS. COLTON: Most important thing.

19 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-NINE
20 PREMARKED FOR IDENTIFICATION.)

21 Q. How about State's Exhibit Number Thirty-nine? That's
22 -- for identification purposes, do you recognize State's
23 Exhibit Thirty-nine?

24 A. Yes, I do.

25 Q. What is that?

INVESTIGATOR LEE ALLEN: DIRECT BY MS. COLTON

-431-

1 A. It's a digital scale that contained some -- some
2 residue, which we believe to be methamphetamine.

3 Q. Who gave you that?

4 A. This was given to me from Investigator Schifferle.

5 Q. And what did you do with that?

6 A. It was deposited into the Sheriff's Office evidence
7 drop box.

8 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-ONE
9 PREMARKED FOR IDENTIFICATION.)

10 Q. I'm going to show you what's marked for identification
11 purposes as State's Forty-one. Do you know what's in that
12 package? I'm not going to ask you to take it out. Do you
13 know what's in there?

14 A. No, ma'am, I don't recall what it is.

15 Q. Do you know where -- Did you ever handle that?

16 A. Yes.

17 Q. How do you know that?

18 A. Because on the evidence custody chain of possession
19 form, down at the bottom, I signed receiving it from
20 Investigator Schifferle and putting it in the evidence drop
21 as well as my signature marks and the date the package was
22 sealed.

23 Q. When you -- And you put that in the box again?

24 A. Yes.

25 Q. Okay. And I'm sorry I'm kind of rushing you through

1 it a little bit. I'll slow down.

2 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-SIX
3 PREMARKED FOR IDENTIFICATION.)

4 State's Thirty-six. Did you ever come into possession
5 of that item?

6 A. I did. Investigator Schifferle signed this over to
7 me, and I dropped it into the evidence drop.

8 Q. And what is that?

9 A. It's a Samsung cell phone.

10 Q. Okay.

11 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-SEVEN
12 PREMARKED FOR IDENTIFICATION.)

13 Q. And I'll show you item Thirty-seven. Do you know what
14 that is?

15 A. Yes, it's drivers' licenses that are fraudulent. They
16 were for Mr. Jason Johnson and for Mr. Corey Catoe.

17 Q. And where did you get those from?

18 A. Investigator Schifferle signed these over to me to be
19 deposited into the evidence drop.

20 Q. Okay.

21 (WHEREUPON: STATE'S EXHIBIT THIRTY-EIGHT PREMARKED
22 FOR IDENTIFICATION.)

23 Q. And then item Thirty-eight. State's Thirty-eight, I'm
24 sorry.

25 A. It's also a Samsung T-Mobile cell phone. It was

INVESTIGATOR LEE ALLEN: DIRECT BY MS. COLTON

-433-

1 signed over to me from Investigator Schifferle, and I
2 dropped it into the evidence drop.

3 (WHEREUPON: STATE'S EXHIBIT NUMBERS THIRTY-FIVE AND
4 FORTY PREMARKED FOR IDENTIFICATION.)

5 Q. And items Thirty-five and Forty. Do you recognize
6 each one of those? And please refer to them as items or
7 State's Exhibits Thirty-five and Forty.

8 A. State's Exhibit Thirty-five is a Samsung cell phone.
9 It was signed over to me from Investigator Schifferle, and
10 I dropped it into the evidence locker.

11 State's Exhibit Forty is some paperwork that was
12 related to the making of fake identification. It was
13 signed over to me from Investigator Schifferle, and I
14 dropped it into the evidence drop-box.

15 Q. Okay.

16 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-TWO
17 PREMARKED FOR IDENTIFICATION.)

18 Q. And I'm going to show you State's Forty-two. It's
19 marked for identification purposes. Do you recognize that
20 box?

21 A. Yes, I do.

22 Q. And what is that box?

23 A. This is methamphetamine that was recovered from the
24 container that was found in the room. It was signed over
25 to me from Investigator Schifferle and placed in the

1 evidence locker.

2 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-NINE
3 PREMARKED FOR IDENTIFICATION.)

4 Q. And finally, State's Twenty-nine.

5 A. This is the spoon that I recovered. I found it in the
6 bathroom on a drying rack on a towel. And I secured it and
7 dropped it into the evidence drop-box. At the time, we
8 believed it contained some residue of methamphetamine.

9 Q. And State's Twenty-nine?

10 A. Yes.

11 Q. Okay.

12 And State -- Your Honor, the State would at this time,
13 would move to enter into evidence, State's Exhibit Twenty-
14 nine.

15 MR. BROWN: Subject to my previous objection.

16 THE COURT: All right. Objection overruled. Admitted
17 over objection.

18 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-NINE
19 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

20 BY MS. COLTON:

21 Q. All of these items that we talked about that you were
22 the custodian of, the chain custody of, when you had it
23 from the time you received it from others, or you observed
24 it, and even picked it up yourself, did that remain in your
25 sole care and custody the entire time?

INVESTIGATOR LEE ALLEN: DIRECT BY MS. COLTON
CROSS BY MR. BROWN

-435-

1 A. Yes, it did.

2 Q. No one had access to it ---

3 A. No, ma'am.

4 Q. --- Except you? Until the time you put it in the Moss
5 Justice Center evidence deposit box?

6 A. Correct.

7 MS. COLTON: And, Your Honor, the State at this time,
8 would move to enter into evidence, State's Exhibit Twenty-
9 eight.

10 MR. BROWN: I don't think that stuff's in my previous
11 motion.

12 THE COURT: Be without objection.

13 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-EIGHT
14 PREVIOUSLY IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

15 Q. Please answer any questions that Mr. Brown may have
16 for you.

17 MR. BROWN: I beg the Court's indulgence for one
18 second.

19 (PAUSE.)

20 CROSS EXAMINATION

21 INVESTIGATOR LEE ALLEN BY MR. BROWN:

22 Q. Mr. Allen, where are you employed now, sir?

23 A. I work for Sundial Rentals as a customer service rep.

24 Q. You just decided -- got bored with law enforcement and
25 got a better job or...

1 A. I wanted more family time.

2 Q. Yes, sir. That's certainly understandable.

3 Let me ask you this. You were in the Multi-
4 jurisdictional Task Force for how long out of Clover?

5 A. Just short of two years.

6 Q. So you worked a lot of drug cases?

7 A. Yes, sir.

8 Q. And I assume that included crack cocaine, cocaine,
9 methamphetamine?

10 A. Yes, sir.

11 Q. I'm showing you State's Exhibit Number Twenty-eight.
12 This is a cut baggie; is it not?

13 A. It's -- it's either torn or cut, something like that.
14 It's a partial piece of a bag; yes, sir.

15 Q. And that's commonly how such drugs are packaged; are
16 they not?

17 A. Yes, sir.

18 Q. Matter of fact, it's the most common method used for
19 cocaine, crack cocaine, or methamphetamine; is it not?

20 A. I would say it is a method. I don't know about the
21 most common.

22 Q. You didn't have anything other to do with this
23 investigation other than what you just testified today?
24 You just came and gathered the evidence up and put it in
25 the locker room. Correct?

INVESTIGATOR LEE ALLEN: CROSS BY MR. BROWN

-437-

1 A. Yes, sir.

2 Q. You're not responsible doing forensics on any of this
3 stuff or checking out; are you?

4 A. No, sir.

5 Q. Somebody else does that?

6 A. Yes, sir.

7 Q. Okay. I have no further questions.

8 MS. COLTON: No follow up, Your Honor. We ask that
9 this witness be excused.

10 MR. BROWN: Without objection.

11 THE COURT: Thank you for coming, sir. You may be
12 excused.

13 (WITNESS LEAVING WITNESS STAND.)

14 THE COURT: Solicitor, do you have a fairly short
15 witness? If not, we'll take a break.

16 MS. COLTON: It will probably be a little lengthy, the
17 witness I have. I prefer to take a break, Your Honor.

18 THE COURT: We've been at it almost an hour and a
19 half. We'll go ahead and take a recess at this time.

20 Madame forelady, members of the jury panel, we'll take
21 a short recess at this time.

22 (JURY EXITS COURTROOM AT 03:19 PM.)

23 THE COURT: Let's take a few minutes.

24 MS. COLTON: I apologize, Your Honor, I completely
25 forgot not to stand up. I don't think no one saw me but I

1 apologize, it won't happen again.

2 THE COURT: Please observe that.

3 MS. COLTON: Yes, sir.

4 (COURT IN RECESS AT 03:20 PM.)

5 (COURT BACK IN SESSION AT 03:36 PM.)

6 MS. COLTON: Judge, the State at this time is going to
7 call our first civilian witness. It's Brandi Quinn the
8 girl that was arrested with the two co-defendants - co-
9 conspirators. What she's going to testify to is obviously
10 what occurred at the hotel, but she's also going to talk
11 and she's been indicted on her own for conspiracy for
12 conspiring with them going back from December through the
13 arrest; not all the way back to July, when she became
14 engaged with Mr. Catoe and Mr. Johnson at that point. So
15 she is going to talk about the conspiracy aspect of it; the
16 witness that we have after this will be dating the
17 conspiracy back to July of that year. The one we call now
18 can't do it so we may have to proffer both of those
19 witnesses if we don't take a break, if that's what we're
20 gonna do. But I don't know if we need to proffer outside
21 the presence of the jury. I can ask her those questions
22 first about her knowledge and how long she was with them,
23 et cetera, and if you need to rule on it at that point. I
24 don't know if that's the way to handle it, Your Honor, so I
25 defer to you.

-439-

1 MR. BROWN: My first position is going to be is that I
2 don't think that -- It's overly broad, they can't go back.
3 What they're trying to do is back door Lyle evidence from
4 prior bad acts. I submit to you she's only testifies to
5 what happens on this day in question. That's my first
6 position.

7 THE COURT: You know I've already - in regard, had a
8 little bit of that discussion and haven't ruled on it. But
9 I told you that and the Solicitor she can't put anything in
10 the episodes but she has to make some connection between
11 the same parties, the same tacit agreement between the
12 parties to go forward with the conspiracy and it has to be
13 something done in furthest of the conspiracy, so I think we
14 all understand. And so just because there are incidents
15 that happened on different dates doesn't prevent it from
16 being part of a conspiracy. And so there has to be some
17 connection between the parties, on going conspiracy, and
18 what's testified to is an on going furtherance of that
19 conspiracy.

20 MR. BROWN: My - for the record, Your Honor, this
21 defendant is not charged with conspiracy. He's charged
22 with trafficking -

23 THE COURT: Absolutely conspiracy is an element of it.

24 MR. BROWN: Yes, sir. Yes, sir. Yes, sir, and I
25 understand -

1 THE COURT: You prove conspiracy, you prove
2 trafficking.

3 MR. BROWN: Yes, sir.

4 THE COURT: Okay.

5 MR. BROWN: I know. For the record, Your Honor, and I
6 would also add she not be -- my fall back position would be
7 that she not be allowed to go out of the perimeters of the
8 indictment which has specific dates on there.

9 MS. COLTON: We don't intend to do that. She's only
10 indicated from December on, Your Honor.

11 THE COURT: I don't have any problems with the proffer
12 if there's some question about it. I just don't have any
13 idea what she's gonna testify to.

14 MS. COLTON: Yes, sir. And Brandi, she became
15 acquainted with the defendant I believe they had some kind
16 of dating status relationship back in December. She would
17 began using methamphetamine with them. She participated to
18 some extent in the production of methamphetamine. She knew
19 that they were producing the meth - cooking it - because
20 she was almost like a girlfriend of Mr. Johnson at this
21 point. I don't know if they - ultimately she became
22 pregnant with his child and they were at the hotel, so
23 they're boyfriend and girlfriend essentially by our
24 standards, Your Honor.

25 She witnessed Mr. Catoe and Mr. Johnson cooking

1 methamphetamine, selling it, trading Sudafed for
2 methamphetamine and engaging in all those sales. She's
3 going to testify to that. She was given methamphetamine as
4 a product of that cooking process, the manufacture from Mr.
5 Johnson and has personal knowledge of that and the
6 agreement between Mr. Catoe and Mr. Johnson.

7 MR. BROWN: Your Honor, I take the position those are
8 separate and distinct crimes. If the State wants to indict
9 him for those crimes, I submit they can do that, but I
10 think it's unfair for him to defend by what I call back
11 door Lyle evidence. You know stuff that she may or may not
12 have done, and there's been no link to the conspiracy or
13 who the conspirators are. I think she has to tie that
14 together before it can even get to that question.

15 THE COURT: Well, I agree with that, that you are
16 going to have to show some connection and some - at least
17 passive understanding or agreement between the parties to
18 do certain things and not an isolated incident.

19 MS. COLTON: Yes, sir.

20 THE COURT: And how do you plan to do that?

21 MS. COLTON: Through the testimony of Ms. Quinn. She
22 was an active participant in that process.

23 THE COURT: As evidenced by what?

24 MS. COLTON: That she's going to testify to these two
25 defendants were co-cooks of methamphetamine. That she

1 purchased from both of them, they engaged in the process
2 together making the methamphetamine, that they distributed
3 it together, that one had the ability to act on behalf of
4 the other one, and that she actively participated in that.
5 And I think she's a co-conspirator to a certain extent with
6 them because she joins the conspiracy in December of 2011.
7 She's going and buying pseudoephedrine with these
8 defendants with the knowledge that it's going back to be
9 used to manufacture methamphetamine. She witnesses them
10 buying Sudafed together to go to be used to manufacture
11 methamphetamine and she witnesses these two defendants
12 making methamphetamine together and selling methamphetamine
13 to other people and accepting boxes of Sudafed in exchange
14 for methamphetamine to facilitate the process.

15 THE COURT: A single continuous process?

16 MS. COLTON: Yes, sir.

17 THE COURT: Or it happened once or twice?

18 MS. COLTON: No. It's a continuous process.

19 MR. BROWN: My position is, Your Honor, each sale is a
20 different conspiracy. You can sell A, B, C, D, E, F, G;
21 that's a different conspiracy. Each one will be a
22 different conspiracy because unless the same people are
23 involved over and over and the same buyer or seller, to
24 follow her logic, say Joe E. Smith over in York who smoked
25 marijuana for forty years of his life and bought it from

1 this same guy. You could go back and charge him with
2 trafficking by, how many ounces did you buy? I bought one
3 a week for forty years. Well that's going to come up to
4 lord knows what. But I mean it's gonna be over the
5 trafficking amount.

6 THE COURT: Well that's not a conspiracy though.
7 That's not a conspiracy to do something. Now you got a
8 buyer and seller, you know, but that's not a conspiracy.
9 Not two people working together towards a common scheme or
10 plan or agreement or some kind passive or other wise, to
11 accomplish an illegal purpose, that's not what it is. You
12 got a buyer and a seller in that situation and obviously
13 then you could but you know, I think you could charge the
14 seller with selling all that stuff.

15 MR. BROWN: Charge -- I'm sorry, Your Honor.

16 THE COURT: You could charge the seller with selling
17 all that stuff.

18 MR. BROWN: Yes, sir, I agree. That's my point. I
19 think the statute envisioned -

20 THE COURT: But if you've got a conspiracy going on
21 the trafficking statute specifically is an element of that
22 is a conspiracy, an on going conspiracy. That is not
23 getting in Lyle evidence incidental -- all three of them
24 working together and on a continuous basis was getting the
25 Sudafed or ephedrine to make the methamphetamine and they

1 were constantly during that period of time cooking the
2 methamphetamine, distributing the methamphetamine, trading
3 methamphetamine for Sudafed or ephedrine, if this is a
4 continuous ongoing process; the three of them working
5 together to accomplish that I think that's a conspiracy
6 under the statute. So I think they can get into that. Now
7 if you're talking about on December the 5th they got
8 together and did something, then January the 10th they got
9 together and did something, February or something they got
10 together, that's different.

11 MS. COLTON: Yes, sir.

12 THE COURT: Now those would be isolated incidents and
13 it would be examples of getting in Lyle evidence. But if
14 there were doing it all through December and all through
15 January and all through February, and doing the same thing,
16 working together for an illegal activity and all of them
17 participated in it in furthest of the criminal activity,
18 then its evidence of a conspiracy. Particularly those
19 things that are done in furtherance of the conspiracy and
20 that's part of the requirement that you be able to get it
21 in is doing whatever is in furtherance of the conspiracy.

22 So it's up to the State to prove there was a
23 conspiracy and what was done and what the conspiracy was
24 and who was involved in it and what was done in the
25 conspiracy. So they are required to do that.

1 MR. BROWN: And for the record, Your Honor, I submit
2 that the statute when it says the conspiracy, it talks of a
3 specific act. It doesn't encompass a continuing, based on
4 what is a continual criminal enterprise under the Federal
5 law is what she's trying to show here is almost like a
6 Federal historical investigation.

7 THE COURT: Well I'll tell you about one case I had
8 where I had two incidents of a sell and from it they
9 brought it to Rock Hill to sell it and the Appellate Court
10 upheld it, upheld that one.

11 MR. BROWN: Yes, sir. I just wanted to put it on the
12 record.

13 THE COURT: So you know it's just not one thing, it's
14 an ongoing activity. But it does have to involve the same
15 persons essentially and pursuant to the passive agreement
16 and understanding. It can't just be an isolated thing,
17 separate isolated incident. It has to be an ongoing
18 agreement of working together. I agree with that. So
19 having understood that I don't know what the evidence is
20 going to be. If you want to proffer it you -

21 MS. COLTON: I'll proffer it, Your Honor.

22 THE COURT: All right.

23 MS. COLTON: I'll proffer it if it'll make it easier.

24 THE COURT: Well I don't know if it's gonna drag us
25 out.

1 MR. BROWN: I just want to be on the record, Judge, to
2 cover the basis. I'm not arguing with the court and I
3 certainly respect --

4 THE COURT: Let'S proffer it and see as quickly as we
5 can and see what we got.

6 MS. COLTON: Judge, just if the Court needs, Your
7 Honor, there are a lot of the law enforcement witnesses who
8 are not going to be called such as the SLED agent and the
9 detectives that I did have listed out of the abundance of
10 caution so I think we'll be able to pare down where we're
11 going to be in testimony. I think -

12 THE COURT: Well I'm certainly not trying to ask you
13 shorten the proof in this case.

14 MS. COLTON: No, sir.

15 THE COURT: I do want to move through it without any
16 undue delay.

17 MS. COLTON: Yes sir.

18 THE COURT: But I'm not trying to get - just because I
19 would like to see us get finished with this case before
20 this weekend, doesn't mean that I would limit you calling,
21 I don't want to limit whatever proof you've got.

22 MS. COLTON: Yes, sir. Mr. Brown had ask me about
23 that and we were talking about it and I was remiss in
24 telling him that I cut things out and I got worried about
25 who I was going to call so I just wanted to make sure the

BRANDI QUINN: DIRECT BY MS. COLTON - IN CAMERA

-447-

1 Court was aware of that as well.

2 THE COURT: Please, Madame Bailiff, will you go back
3 and knock on the door and tell the jury that we have a
4 matter that we are taking up in here so it's gonna take a
5 little bit of time so we'll just be at ease for a little
6 longer.

7 MADAME BAILIFF: Yes, sir.

8 THE COURT: I don't want them to think we'd forgotten
9 about them.

10 MADAME CLERK: Raise your right hand, place your left
11 on the Bible.

12 (WHEREUPON: BRANDI QUINN, BEING
13 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

14 DIRECT EXAMINATION - IN CAMERA.

15 BRANDI QUINN BY MS. COLTON:

16 Q. Can you please state your full name for the record?

17 A. Brandi Nicole Quinn.

18 Q. And Ms. Quinn, where do you live?

19 A. [REDACTED] Neely Store Road, Rock Hill, South Carolina.

20 Q. And were you arrested on February 27th, 2011 at the
21 Best Way Inn Motel?

22 A. Yes, ma'am.

23 Q. And you were arrested for malicious injury to
24 property, but you also were arrested for trafficking
25 methamphetamines?

1 A. Yes, ma'am.

2 Q. And you were arrested with Mr. Johnson, Jason Johnson?

3 A. Yes, ma'am.

4 Q. And Corey Catoe?

5 A. Right.

6 Q. How do you know Mr. Johnson and Mr. Catoe?

7 A. I met Johnson through my cousin Amy, who dates his
8 brother.

9 Q. Okay.

10 A. I met him about three years ago for the first time and
11 got back up with him recently before all this took place.

12 Q. Okay. Do you remember when that was?

13 A. Probably the end of December.

14 Q. The end of December? Okay. And by get back together
15 with him in December, what do you mean by that?

16 A. We started hanging out. We got sexual probably in the
17 middle, around January, kind of in that type of
18 relationship.

19 Q. Dating like girlfriend and boyfriend?

20 A. Not at that time, I wouldn't say it was boyfriend and
21 girlfriend.

22 Q. When you say you were hanging out, how often were you
23 hanging out?

24 A. At that time, maybe a couple of days. I'd go back
25 home.

BRANDI QUINN: DIRECT BY MS. COLTON - IN CAMERA

-449-

1 Q. So you were staying with him for periods of time?

2 A. Yeah, maybe for a day or two. I don't know.

3 Q. And who else was staying with you all?

4 A. At first, they were staying in an apartment.

5 Q. Who's "they"?

6 A. Jason, Corey, Amy, and Josh.

7 Q. Who's Josh?

8 A. Jason's brother.

9 Q. And they were all staying ---

10 MR. BROWN: Jason?

11 Q. Jason's brother. They were all staying in an
12 apartment together.

13 MR. BROWN: Could you speak up a little bit, please,
14 Your Honor.

15 Q. I don't want you hunched over -- a little bit, because
16 you've got a soft voice. Okay?

17 A. All right.

18 Q. And Jason's brother's dating your cousin?

19 A. Right.

20 Q. And at this time, you start seeing Jason?

21 A. Yes, ma'am.

22 Q. And in addition to seeing Jason, what else were you --
23 as far as a personal relationship, were you also getting
24 methamphetamine from Jason?

25 A. Yes, ma'am.

1 Q. And where did Mr. Johnson get his methamphetamine
2 from?

3 A. He made it.

4 Q. How do you know this?

5 A. 'Cause I know. I've seen him do it.

6 Q. You've seen him do it?

7 A. Yes, ma'am.

8 Q. And is that starting back when you got back together
9 with him?

10 A. I didn't see him the first time I got back with him.
11 I knew he did it. I heard a lot of people say that. After
12 hanging out and being back over there around the first of
13 January, I saw.

14 Q. Okay.

15 A. Once Amy and Josh moved out, I seen them actually
16 making it there at the apartment.

17 Q. And who did he make it with?

18 A. Corey.

19 Q. How do you know that?

20 A. I seen them together.

21 Q. Do you know how they would make it? What did you
22 observe when they made it together?

23 A. The parts that I saw, they would take batteries,
24 Sudafed, type of chemical, and some kind of gasoline. I
25 think it's Coleman's.

BRANDI QUINN: DIRECT BY MS. COLTON - IN CAMERA

-451-

1 Q. Well we don't have to get into specifics of that, but
2 how many times do you think that they -- you saw them cook
3 together?

4 A. Probably a few times then, and then probably
5 altogether maybe six to eight.

6 Q. Six to eight times?

7 A. Maybe.

8 Q. And did you witness Mr. Catoe and Mr. Johnson -- Well,
9 were they usually together or were they usually not
10 together?

11 A. They were usually together.

12 Q. Were they -- Would you say they were kind of
13 inseparable?

14 A. Yeah, I would say so.

15 Q. And did you witness both defendants even in the
16 presence of each other or individually give
17 methamphetamine to other people?

18 A. Yes, I have.

19 Q. And that was from the methamphetamine that you
20 witnessed them make?

21 A. Yes, ma'am.

22 Q. Did you witness them accept boxes of Sudafedra in
23 exchange for that methamphetamine as well?

24 A. Yes, I have.

25 Q. Did you witness monetary transaction as well?

1 A. What do you mean "monetary"?

2 Q. Did he give somebody money instead of a box?

3 A. I think drugs he offered.

4 Q. Okay.

5 A. I'm not sure for money. Now people buying it, I've
6 seen. But not for the actual boxes, I don't -

7 Q. And did you see them both give methamphetamine -- by
8 give, give it to somebody without having paying for it to
9 others?

10 A. Yes, yes.

11 Q. Both in the presence of each other?

12 A. Yes, ma'am.

13 Q. Both that you personally witnessed them make together?

14 A. Yes, ma'am.

15 Q. Did you also go with these two defendants to purchase
16 Sudafedra?

17 A. Yes, I have.

18 Q. And what was that Sudafedra that you purchased with
19 Mr. Catoe and Mr. Johnson used for?

20 A. To make methamphetamine.

21 Q. And would you all buy methamphetamine -- buy
22 Sudafedra together?

23 A. Yes, we have.

24 Q. And how would you do that?

25 A. We would go in -- he showed me the kind to get because

BRANDI QUINN: DIRECT BY MS. COLTON - IN CAMERA

-453-

1 I didn't --

2 Q. Who did?

3 A. Jason.

4 Q. Okay.

5 A. And I would get it while he would wait.

6 Q. And did you also give boxes to Mr. Catoe?

7 A. Yes, I have.

8 THE COURT: Need to be clear on what period of time
9 we're talking about.

10 MS. COLTON: Yes, sir.

11 Q. Are we talking -- When did you begin witnessing Mr.
12 Catoe and Mr. Johnson manufacturing or engaging in the
13 distribution of methamphetamine together? How soon after
14 you all got back together?

15 A. Probably around the beginning of January.

16 Q. The beginning of January?

17 A. Yes, ma'am.

18 Q. And did that -- When did that end?

19 A. What, our relationship?

20 Q. When did everything end?

21 A. When we were arrested.

22 Q. February 27th, 2011?

23 A. Yes, ma'am.

24 Q. If you were in -- now, you believe it's January 1st.

25 Could there have been Sudafedra purchases before that when

BRANDI QUINN: DIRECT BY MS. COLTON - IN CAMERA

-454-

1 -- with them -- when you all were altogether? How --

2 A. I believe I have probably maybe once or twice before
3 then.

4 Q. But have you been shown any Sudafedra records,
5 official records, or anything like that ---

6 A. No, ma'am.

7 Q. --- about where you purchased? How much drugs were
8 you using back then?

9 A. Good bit.

10 Q. So if you had to be put on the spot, is it mid-
11 December you get back together with him, or get with him?

12 A. Probably right after. I mean, we were just hanging
13 out at that point.

14 Q. Let me be real clear about this. When do you all
15 start hanging out? Before Christmas or after Christmas?

16 A. I would say right before Christmas.

17 Q. Two weeks before -- Was it before Thanksgiving?

18 A. No.

19 Q. So it was between Christmas and Thanksgiving? I mean,
20 Thanksgiving and Christmas?

21 A. I would say. I remember New Years, we were together
22 on New Years.

23 Q. Okay.

24 A. So it was around that period.

25 Q. So towards the end of December is probably --

1 A. Closer to that I would say.

2 MS. COLTON: Closer to that is where we get. That's
3 probably as specific as altogether, Judge.

4 THE COURT: Counsel, I still think we need to be able
5 to show that there was some kind of agreement or passive
6 understanding with regard to what they were doing. If you
7 understand what I'm saying.

8 MS. COLTON: Dated back how far, Your Honor, to -

9 THE COURT: Well, to the period of time you're going
10 to cover.

11 MS. COLTON: Okay, I can call the other witness and
12 have -- my other witness will cover back from January
13 through -

14 THE COURT: Well, I'm not -- yeah ---

15 MS. COLTON: As far as the agreement, she's a portion
16 of it because she witnessed a portion of the agreement. I
17 think the agreement from the State's position is the
18 continuing agreement to manufacture and distribute
19 methamphetamine on an ongoing basis. She's talking about
20 these two defendants, Mr. Catoe and Mr. Johnson, always
21 made methamphetamine together. They always sold it. They
22 went to stores to get the stuff for it together. Her
23 testimony that she witnessed this agreement -- there's not
24 going to be a contract, I guess, Your Honor. But the
25 passive understanding between them, one party obviously has

1 been utilized to make the methamphetamine. At the same
2 time, there's a passive of understanding and agreement that
3 they're making meth amphetamine. They're engaging in
4 illegal behavior. I think that's going to be supported by
5 the Sudafedra records. It's going to be supported by Ms.
6 Quinn's testimony from December on as evidence of Mr. Catoe
7 and Mr. Johnson's relationship and their conspiracy to
8 manufacture. The other witness that we're going to call
9 will date that back to July.

10 THE COURT: All right. I'm satisfied. I will allow
11 it over objection. I think it's sufficient evidence of
12 conspiracy, agreement and passive understanding.

13 MR. COLTON: Thank you, Your Honor.

14 THE COURT: All right. Please bring the jury in.
15 We need to swear her before the jury.

16 MS. COLTON: Yes, sir.

17 Ms. Quinn, if you want to --

18 (WITNESS LEFT WITNESS STAND, SEATED BEHIND SOLICITOR.)

19 (JURY REENTERS COURTROOM AT 03:59 PM.)

20 THE COURT: Counsel, are you ready to proceed?

21 MS. COLTON: Yes, we are, Your Honor.

22 At this time, the State would call Brandi Quinn,
23 Your Honor.

24 (WHEREUPON: BRANDI QUINN,
25 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-457-

DIRECT EXAMINATION

BRANDI NICOLE QUINN BY MS. COLTON:

Q. Ms. Quinn. Ms. Quinn, I'm going to ask you to speak up, okay, so the Court can hear you, you have a soft voice.

What is your full name?

A. Brandi Nicole Quinn.

Q. That's good. Keep it right there.

Ms. Quinn, where do you live?

A. [REDACTED] Neely Store Road in Rock Hill.

Q. And that's in South Carolina, York County, Rock Hill?

A. Yes, ma'am.

Q. Where do you -- Who do you live with there?

A. My grandparents.

Q. And who else?

A. My two children, my daughter and my son.

Q. How old are they?

A. Eight and almost four months.

Q. And where do you work right now?

A. I'm unemployed.

Q. Are you looking for a job?

A. Not currently.

Q. Do you have pending charges?

A. Yes, ma'am.

Q. Do you have serious pending charges?

A. Yes, ma'am.

1 Q. What are your pending charges for?

2 A. Trafficking, manufacturing.

3 Q. And did that stem from your arrest on February 27th of
4 2011 at the Best Way Inn motel?

5 A. Yes, ma'am.

6 Q. And who were you at the Best Way Inn motel with?

7 A. Jason Johnson and Corey Catoe.

8 Q. How do you know Mr. Johnson?

9 A. I met him through my cousin who dates his brother. I
10 met him for the first time about three years ago, and then
11 I didn't see him again for about two years, right around
12 the time this happened.

13 Q. Your cousin's name is?

14 A. Amy.

15 Q. Amy what?

16 A. Cook.

17 Q. And Mr. Johnson's brother's name is?

18 A. Josh Johnson.

19 Q. Josh Johnson, okay. So Amy and Josh Johnson date?

20 A. Yes, ma'am.

21 Q. And they've been boyfriend and girlfriend for a while?

22 A. Yes, ma'am.

23 Q. And when do you see Mr. Jason Johnson for the first
24 time?

25 A. I would say, around Christmas, probably right after.

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-459-

1 Q. Of what year?

2 A. 2011.

3 Q. 2011? 2010?

4 MR. BROWN: Objection, Your Honor. She said 2011.
5 She give her the answer. Either she remembers it or she
6 doesn't.

7 Q. Of this year?

8 A. Of last year.

9 Q. Ms. Quinn, were you arrested on February 27th, 2011?

10 A. Yes, ma'am.

11 Q. With respect to that date, when did you meet Mr.
12 Johnson?

13 A. December 2010.

14 Q. Thank you. So that's about three months ---

15 A. Right.

16 Q. --- you had been reacquainted, approximately?

17 A. Yes, ma'am.

18 Q. And how did you become reacquainted with Mr. Johnson?

19 A. He stayed with my cousin and her boyfriend. And I
20 went over there quite often.

21 Q. Ms. Cook?

22 A. Yes, ma'am.

23 Q. And Mr. Josh Johnson.

24 A. Uh-huh.

25 Q. And where did they stay?

1 A. At an apartment on Springdale. I'm not sure of the
2 exact name of the apartment now.

3 Q. Okay.

4 A. Right across from the Springdale store.

5 Q. And that's in Rock Hill?

6 A. Yes, ma'am.

7 Q. And what did you -- Why were you hanging out with Mr.
8 Johnson at that point?

9 A. Well, at first, I would just go over to hang out with
10 my cousin, and I found out that he made Meth, and I started
11 using.

12 Q. You say you started using Meth, and you found out he
13 made Meth. Did you see that yourself?

14 A. Yes, ma'am. Not right at that time, but...

15 Q. But you started using Meth at that time, at your
16 cousin's house?

17 A. Yes, ma'am.

18 Q. Was Ms. Cook using Meth as well?

19 A. Not that I know of.

20 Q. Was Mr. Josh Johnson using Meth?

21 A. Not that I know of.

22 Q. And you go over to the apartment. Would you use Meth
23 at the apartment?

24 A. Yes, ma'am.

25 Q. Where did you get that Meth from?

BRANDI NICOLE QUINN; DIRECT BY MS. COLTON

-461-

1 A. From Jason.

2 Q. And who else stayed at that apartment with them?

3 A. Corey.

4 Q. Who's Corey?

5 A. Jason's cousin.

6 Q. And what's his last name?

7 A. Catoe.

8 Q. And he's the third person you were arrested with at
9 the Best Way?

10 A. Yes, ma'am.

11 Q. And when you got Methamphetamine from Mr. Jason
12 Johnson, are you -- do you know where Mr. Jason Johnson got
13 his Methamphetamine from?

14 A. I know he made it.

15 Q. And who did he make it with?

16 A. Corey.

17 Q. Corey Catoe?

18 A. Yes, ma'am.

19 Q. How do you know that?

20 A. I've seen 'em make it.

21 Q. And when do you think was the first time you saw them
22 make it together?

23 A. Probably, beginning of January.

24 Q. And by making it together, tell me, if you can, what
25 you would see them do?

1 A. They would take batteries, Sudafed pills --

2 Q. Now wait -- now let me ask you -- and I want you to
3 kind of run through like a movie, a step-by-step movie,
4 okay? And if you can narrow it down to which part Mr.
5 Johnson did and which part Mr. Catoe did. If you can
6 remember ---

7 A. I don't ---

8 Q. --- that would be helpful.

9 A. I don't think I ---

10 Q. Was it interchangeable?

11 A. They just did it together.

12 MR. BROWN: Your Honor, again, I want to object.
13 She's giving them the case. If she wants to testify, I
14 suggest she take the stand. Let her answer the question.

15 THE COURT: Overruled. You may ask it.

16 Q. Tell us about the process that they engaged in to
17 making it.

18 A. They would get the pills, grind them.

19 Q. What pills?

20 A. Sudafed -- pseudoephedrine.

21 Q. Where would they get the pills from?

22 A. Different people would buy them. They get them from
23 the store, pharmacy.

24 Q. Then what?

25 A. They would shred them, like grind them up. They used

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-463-

1 batteries. I think the outer part.

2 Q. How would they grind them up?

3 A. In a grinder.

4 Q. What kind of grinder?

5 A. It was a small handheld grinder. I'm not sure.

6 Q. And then after the pills were ground up with the
7 grinder, what would happen next?

8 A. From my recollection, it would all go in the bottle.

9 Q. What kind of bottle?

10 A. It would be like a big 2-liter bottle.

11 Q. A 2-liter bottle of any...

12 A. Well, at the apartment they had like a glass jug he
13 used a lot.

14 Q. What did that glass jug look like?

15 A. Kind of like a old jug, like a older kind of glass
16 jug.

17 Q. Was it -- could you see through it? Was it colored?

18 A. Yeah, you could see through it.

19 Q. And they would put those items in the jug or the 2-
20 liter bottle?

21 A. Yes, ma'am.

22 Q. Okay. Continue.

23 A. And then they would put them in there. And it would
24 have to sit for so long after everything was in there.

25 Then after that, it would have to be gassed or they would

1 let off some of the fumes. And then they would take it and
2 dry it.

3 Q. When -- At the end of that process -- Were you
4 involved in that process?

5 A. I was there.

6 Q. Were you involved ---

7 A. I didn't actually

8 Q. --- in the process of making --

9 A. No, I never actually helped make it.

10 Q. When they dry it, how do they dry it?

11 A. With the blow dryer. And they had like little glass
12 baking pans.

13 Q. Okay.

14 A. And they would dry it until it turned into a powder
15 form.

16 Q. And then what would they do with it when it dried in
17 the pan in the powder form?

18 A. They would scrape it out.

19 Q. And then what would they do with it?

20 A. Use it to -- use it or give it to people, sell it.

21 Q. So at that point, it's in useable form up there?

22 A. Right.

23 Q. And how did you use Methamphetamine?

24 A. I shot it.

25 Q. Is that the only way you've ever used it?

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-465-

1 A. I've snorted it. I've smoked it.

2 Q. I'm going to talk to you for a minute about the
3 Springdale -- well, let me ask you this. Approximately how
4 many times did you witness Mr. Catoe and Mr. Johnson engage
5 in this process of cooking Methamphetamine?

6 A. Probably about six times.

7 Q. Approximately. Okay.

8 Q. And was this all at the Springdale Road apartment
9 complex?

10 A. Probably half was there, and then half was in the
11 rooms we were in.

12 Q. What do you mean by the rooms that you were in?

13 A. When we got back together, probably the -- near
14 February, he went to jail one time, and we were apart
15 through -- for periods throughout, but we had got back
16 together, and we were staying in rooms.

17 Q. In hotel rooms is what you mean?

18 A. Yes, ma'am.

19 Q. Okay. And you stayed at various -- because -- you
20 remember your hotel rooms that you -- you all cooked that
21 Methamphetamine?

22 A. I can't remember. There were several. Most of them
23 were on Riverview.

24 Q. And when you would go to the apartment on Springdale
25 Road, how long would you stay there generally?

1 A. I would end up staying a couple of days.

2 Q. What would you be doing for those couple of days?

3 A. Sitting there high using...

4 Q. Drugs?

5 A. Yes, ma'am.

6 Q. What kind of drugs?

7 A. Meth.

8 Q. And you talked about the Sudafedra. Did you ever
9 purchase Sudafedra?

10 A. Yes, I have.

11 Q. Where is that -- Where is the Sudafedra that you
12 purchased? Where did that wind up?

13 A. Being used to make Meth.

14 Q. Who used it to make Meth?

15 A. Jason and Corey.

16 Q. Did you give it to Jason and Corey?

17 A. Yes, ma'am.

18 Q. Do you have any idea of how many boxes you purchased
19 that was used in the process of Methamphetamine?

20 A. Probably altogether, maybe 10.

21 Q. Maybe 10. And when you'd go in to buy that, who would
22 you go in to buy these Sudafedra with?

23 A. Jason has been with me.

24 Q. And would you -- tell us how you all planned to go to
25 the store.

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-467-

1 A. We would go in. I wouldn't know exactly what kind to
2 get, so he'd have to show me.

3 Q. Okay.

4 A. And I would go purchase it. We'd go back out.

5 Q. By showing you, how would he show you?

6 A. He would show me the kind to get, point it out to me.

7 Q. And then what happened?

8 A. So I'd make sure I got the right kind.

9 Q. And then what would happen?

10 A. I would go to the register and purchase it.

11 Q. And was Mr. Johnson with you when you purchased it?

12 A. There's been times we've done it together.

13 Q. Okay.

14 A. There's been times he was waiting on me to purchase.

15 (WHEREUPON: STATE'S EXHIBIT NUMBERS FORTY-THREE,
16 FORTY-FOUR, FORTY-FIVE PRE-MARKED FOR IDENTIFICATION.)

17 Q. All right, Ms. Quinn, I'm going to show you what's
18 been marked for identification purposes as State's Exhibit
19 Forty-three, State's Exhibit Forty-four, and State's
20 Exhibit Forty-five. Let's start with State's Exhibit
21 Forty-three. Do you recognize that photograph?

22 A. Yes, ma'am.

23 Q. Can you tell me what that is?

24 A. It's the apartment.

25 Q. Which apartment?

1 A. The one they stayed in.

2 Q. The Springdale one?

3 A. Springdale apartment.

4 Q. And that's in Rock Hill?

5 A. Yes, ma'am.

6 Q. Okay. And I'm going to show you State's Exhibit
7 Forty-four.

8 A. That's the apartment.

9 Q. Which one?

10 A. This one.

11 (WITNESS INDICATED TO STATE'S EXHIBIT FORTY-FOUR,
12 PHOTO.)

13 Q. The one to the right?

14 A. Yes, ma'am. On the very end.

15 Q. And do you recognize State's Exhibit Forty-five?

16 A. That's the apartment. I mean, I don't know --

17 Q. Oh, you're not sure?

18 A. I'm not positive.

19 Q. Okay, okay. Don't worry about that.

20 And looking at State's Exhibit Forty-three and Forty-
21 four, do these photographs accurately reflect the
22 Springdale Road apartments?

23 A. Yes, ma'am.

24 Q. And the ones that your cousin and Mr. Josh Johnson
25 lived at?

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-469-

1 A. Yes, ma'am.

2 Q. And the one you stayed at?

3 A. Yes, ma'am.

4 Q. With Mr. Johnson and Mr. Catoe?

5 A. Yes, ma'am.

6 Q. Okay.

7 MS. COLTON: Your Honor, at this time, the State would
8 move to enter into evidence, State's Forty-three and Forty-
9 four, and not Forty-five.

10 MR. BROWN: Without objection.

11 THE COURT: In without objection.

12 (WHEREUPON: STATE'S EXHIBIT NUMBERS FORTY-THREE AND
13 FORTY-FOUR PREVIOUSLY MARKED FOR IDENTIFICATION, RECEIVED
14 INTO EVIDENCE.)

15 MS. COLTON: And just so the jury -- I can't get it up
16 on the screen yet, but just so the jury can see.

17 Can you point out for the jury -- I'm going to ask you
18 to step down there...

19 MADAME COURT REPORTER: Jennifer, if you're going to
20 get her to talk, you're going to have to get her to speak
21 up.

22 MS. COLTON: Sure.

23 (WITNESS LEFT WITNESS STAND.)

24 Q. Hold that here. This is the Springdale Road apartment
25 complex?

1 A. Yes, ma'am.

2 Q. Which apartment is Amy and Josh's?

3 A. Here.

4 (THE WITNESS INDICATES.)

5 Q. Okay. And what is that a picture of?

6 A. The apartment.

7 Q. Okay.

8 A. Where we lived.

9 Q. With Josh and Amy?

10 A. Yes, ma'am.

11 Q. Do they still stay there?

12 You may take your seat.

13 A. No, they don't stay there.

14 (WITNESS RETURNED TO WITNESS STAND.)

15 Q. How long would the chemicals have to sit in that
16 bottle, glass bottle?

17 A. Hours. I don't know exactly.

18 Q. And what did you all do with that bottle while it was
19 sitting?

20 A. They would shake it up in between and let it sit.

21 Q. And where would they let it sit?

22 A. Wherever. Close by. It didn't go very far.

23 Q. Did they ever take it out of the apartment is my
24 question?

25 A. There were times it would be taken out, and they would

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-471-

1 go other places to finish.

2 Q. To finish what?

3 A. The final product.

4 Q. Did you ever witness them finish the final product any
5 place else?

6 A. Yes, ma'am.

7 Q. Can you tell the jury where that was?

8 A. We went to Zack Brandon's. It was actually his
9 grandmother's house, their apartment. And they gassed it
10 there and dried it out.

11 Q. And how do you know Zack Brandon?

12 A. I know him because of my grandmother worked with his
13 grandmother, but I as far as hanging out with him, I never
14 did. That's the first time I saw him as far as something
15 like that.

16 Q. Can you speak up a little bit for me?

17 A. Sorry.

18 Q. It's okay, it's okay.

19 And at Zack Brandon's house that day when they were
20 gassing it off, who else was there?

21 A. Corey Catoe, Robbie Catoe.

22 Q. Okay.

23 A. Zack, his girlfriend.

24 Q. Do you know her name?

25 A. I can't remember it.

1 Q. Okay.

2 A. I was there. His grandmother was there but she didn't
3 know what was going on, I'm sure.

4 Q. Did you see her at all?

5 A. I did see her come down the stairs once.

6 Q. Where were you when they were gassing it off?

7 A. Downstairs.

8 Q. Were you with them?

9 A. They were upstairs. They came down and dried it --
10 dried it after they gassed it in the bathroom. It was
11 right across from the room I was in.

12 Q. And you saw that?

13 A. Yes, ma'am.

14 Q. So we've got the Springdale Road, Zack Brandon's
15 house. Did they ever take it anyplace else?

16 A. Not that I can remember it.

17 Q. What -- I'm going to go back to the Sudafedra boxes
18 once again. Okay? Do you recall where you bought those
19 boxes from?

20 A. I know I bought them at Walmart's, Target, and I
21 believe, Walgreen's.

22 Q. And did you use your name to purchase those boxes?
23 Did you use your ID?

24 A. Yes, ma'am, I did.

25 Q. Tell the jury what happens when you go to buy a box of

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-473-

1 Sudafedra.

2 A. When you buy Sudafed, they ask for your ID, and you
3 have to sign off because they keep a log of it, obviously,
4 for what reason.

5 Q. And when did you find out they were keeping a log of
6 that stuff?

7 A. The first time I bought it I had to give them my ID
8 and sign, and I asked, you know, why. And they were saying
9 because there's so many people using it to make Meth, so...

10 Q. And that wasn't a deterrent from you buying more
11 Sudafed?

12 A. No, I still did it.

13 Q. Did you observe Mr. Jason Johnson using his ID to
14 purchase that?

15 A. Yes, I have.

16 Q. Did you -- Were you aware of him ever using any other
17 ID?

18 A. Yes, I know he had fake ID's.

19 Q. How -- you know this because you have personal
20 knowledge of that?

21 A. Yes, ma'am, I've seen 'em.

22 Q. Did you see him with fake ID's?

23 A. I have.

24 Q. Have you ever seen him manufacture fake ID's?

25 A. I haven't actually seen him make it. Now I know the

1 night they were printing them off in the motel room before
2 everything happened.

3 Q. Yes.

4 A. I don't know if they were actual ones that were used.

5 Q. But you saw them printing off?

6 A. Printing -- Corey was on a site making up -- they
7 would get names and making the addresses. And he printed
8 it off and took the print off of a real ID, you know like
9 the monologue. You know what I'm talking about? The...

10 Q. The shiny thing, the --

11 A. Yeah, that. And they would transfer it to the other
12 one, so... Did that make sense?

13 Q. Can I ask you one more time?

14 A. They would take the part off of the license, the shiny
15 part like when you move it? I don't know exactly what it's
16 called -- and transfer it to the fake one, I guess, to make
17 it look real.

18 Q. And you observed that occurring?

19 A. Yes, ma'am.

20 Q. And did you agree to use fake ID's?

21 A. No.

22 Q. Did -- was there ever a time that you observed Mr.
23 Johnson use the fake ID to buy Sudafed?

24 A. Yes, when we went to Target, I believe he had a fake
25 ID. Now I can't say for sure, but I'm pretty sure.

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-475-

1 MR. BROWN: Objection, Your Honor, unless she knows
2 for sure.

3 THE COURT: She can only testify as to what she knows.

4 MS. COLTON: Yes, sir.

5 Q. And what did Mr. Johnson or Mr. Catoe say to you about
6 those fake ID's?

7 A. They told me they sold them too. And I knew they were
8 used for purchasing Sudafed also.

9 Q. Do you know why they used those fake ID's to purchase
10 Sudafed?

11 A. Because after so many times of using your ID, you
12 can't use them anymore, or it could draw attention to the
13 same person buying them over and over. So when you have a
14 different ID, you know, it kind of throws it off. It's
15 another name, and they're not focused on one person.

16 Q. Did you all go to multiple stores to buy Sudafed ---

17 A. Yes.

18 Q. --- on the same day?

19 A. I'm not sure.

20 Q. Okay. Besides Mr. Johnson, do you recall if you've
21 ever purchased Sudafed with anyone else?

22 A. I don't recall purchasing with anyone else.

23 Q. Who else was present when Mr. Catoe and Mr. Johnson
24 cooked Methamphetamine?

25 A. Lisa Simmers has been present.

1 Q. Okay.

2 A. Robbie Catoe.

3 Q. Okay.

4 A. Matt Oakes.

5 Q. Okay.

6 A. Those are the main ones that I know were there
7 throughout a portion of it.

8 Q. Who have you seen give boxes of Sudo to Mr. Johnson or
9 Mr. Catoe? Mr. Corey Catoe, now that you mentioned another
10 Catoe.

11 A. I'm trying to think of his name. Mickey gave him
12 boxes.

13 Q. Do you know his last name?

14 A. Thomas.

15 MR. BROWN: I'm sorry, what?

16 A. Mickey. They call him Mickey.

17 Q. Mr. Brown didn't hear the last name that you said.

18 A. Oh, Thomas.

19 Q. I'm going to ask you to speak up a little bit more.

20 A. I'm trying.

21 Q. That's okay.

22 Okay, Mickey Thomas. Who else did you see give boxes
23 for Methamphetamine to Mr. Johnson?

24 A. Lisa.

25 Q. Lisa?

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-477-

1 A. Robbie.

2 Q. Lisa?

3 A. Lisa Simmers.

4 Q. Okay. Who else?

5 A. Robbie Catoe.

6 Q. Okay.

7 A. And, I know, he's gotten them from Sonya, Sonya
8 Burton.

9 Q. Anyone else?

10 A. That's all I can think of.

11 Q. And those boxes wound up being used to process
12 Methamphetamine?

13 A. Yes, ma'am.

14 Q. What did those individuals get in return for giving
15 boxes to Mr. Catoe and Mr. Johnson?

16 A. Usually drugs.

17 Q. What kind of drugs?

18 A. Methamphetamine.

19 Q. And where did that Methamphetamine come from?

20 A. Jason and Corey.

21 Q. Was -- Did either Mr. Catoe or Mr. Jason Johnson ever
22 sell Methamphetamine to anyone else?

23 A. Yes, ma'am.

24 Q. Who else? Was it anybody besides the people that you
25 listed that he sold to?

1 A. A girl named Shannon. I don't know her last name.

2 Q. Okay. And who else?

3 A. No, I can't think of anyone.

4 Q. You mentioned Matt Oakes was there and witnessed the
5 process. Was he just witnessing the process?

6 A. He's -- he's gotten drugs. Now I'm not sure if he
7 paid. They would go in another room.

8 Q. Okay.

9 A. Like it wouldn't be done right in front of me at that
10 point.

11 Q. That did not involve boxes?

12 A. Right.

13 Q. The exchange.

14 Did you ever see Shannon give boxes to Mr. Johnson or
15 Mr. Catoe?

16 A. No.

17 Q. Do you know how much Shannon would pay for the
18 Methamphetamine?

19 A. No.

20 Q. How much would you pay for Methamphetamine?

21 A. I never paid.

22 Q. How come?

23 A. Because we had a, kind of, relationship. We were
24 sleeping together.

25 Q. And he -- did Mr. Johnson give you the

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-479-

1 Methamphetamine?

2 A. Yes, ma'am.

3 Q. Is there anybody else that we have not talked about
4 that you saw Mr. Johnson or Mr. Catoe just give
5 Methamphetamine to or share Methamphetamine with?

6 A. I can't think of anyone right now.

7 Q. Okay. Would Mr. Johnson or Mr. Catoe - have you ever
8 -- Have you seen them ever take the Methamphetamine
9 product, and they would give that or sell that, how would
10 they do that?

11 A. They would be in a little bag.

12 Q. What kind of bag?

13 A. A little, small bag. Small bag like a zip lock bag,
14 maybe the corner.

15 Q. Do what?

16 A. The corner of a zip lock bag.

17 Q. How would they get the corner off the zip lock bag?

18 A. Cut it off.

19 Q. Did you ever receive Methamphetamine packaged that way
20 from Mr. Johnson?

21 A. No, ma'am. I always did it right then.

22 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-SIX PRE-
23 MARKED FOR IDENTIFICATION.)

24 Q. Ms. Quinn, I'm going to show you what's been marked
25 for identification purposes as State's Forty-six. Do you

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-480-

1 recognize what that's a picture of?

2 A. Yes, ma'am.

3 Q. What is it?

4 A. Lauren and Matt Oakes. It's Lauren's house. I
5 believe that, that's her name, Lauren.

6 Q. Do you -- and where is that located?

7 A. I can't tell you the exact road. It's not far from
8 where I live off Sturgis.

9 Q. How would you get there?

10 A. If you were coming from where I lived on Sturgis, you
11 would go down and turn -- you would actually go straight
12 all the way down Sturgis, and I believe it was a road off
13 to the right.

14 Q. Okay.

15 A. It was down that way. I can't remember exactly.

16 Q. Do you recognize the house -- is that a true and
17 accurate depiction of that house?

18 A. Yes, ma'am.

19 MS. COLTON: At this time, Your Honor, the State would
20 move to enter State's Exhibit Forty-six into evidence, Your
21 Honor.

22 MR. BROWN: Without objection.

23 THE COURT: In without objection.

24 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-SIX
25 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-481-

1 Q. And Ms. Quinn, at this house, have you ever been to
2 that house?

3 A. Yes, I have.

4 Q. And when did you go to that house?

5 A. I don't remember the exact date.

6 Q. Do you remember what time of year it was or...

7 A. It was in February of 2011.

8 Q. Okay. And why did -- Who were you with when you went
9 to that house?

10 A. Jason and Corey.

11 Q. Jason Johnson and Corey Catoe?

12 A. Yes, ma'am.

13 Q. And what was the purpose of you going to that house?

14 A. We were just hanging out, drinking, and doing Meth.

15 Q. And who was at the house?

16 A. Me, Jason, Corey, and Lauren.

17 Q. And who provided the Methamphetamine for you all to
18 use?

19 A. Well Lauren had her own already, so I don't know who
20 she got it from.

21 Q. Who did you get yours from?

22 A. I always got mine from Jason.

23 Q. And did you ever observe any cooking at that house?

24 A. No, I didn't.

25 Q. How many times have you been at that house?

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-482-

1 A. Just that once.

2 MR. BROWN: I'm going to ask that it be stricken for
3 relevance. I don't see how it's tied to any conspiracy.

4 THE COURT: Overruled. I find it relevant.

5 BY MS. COLTON:

6 Q. Do you know an individual named Christopher Matusse?

7 A. No, I don't.

8 Q. Do you know an individual named Cassidy Cooper?

9 A. No.

10 Q. Do you know an individual by the name of John
11 Thomasson?

12 A. No.

13 Q. Do you know Mandy Caudle?

14 A. I do.

15 Q. How do you know Mandy Caudle?

16 A. I seen her a couple of times before I got in trouble,
17 come to the apartment.

18 Q. Okay.

19 A. And I met her in jail when I was in jail. I got to
20 know her more then than, you know, before. I just saw her
21 in passing.

22 Q. Where did you -- did you see her -- was that name
23 associated with Mr. Johnson and Mr. Catoe?

24 A. Yes, ma'am.

25 Q. Can you tell the jury how that was associated with Mr.

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-483-

1 Catoe and Mr. Johnson?

2 A. She would come to the apartment. I don't know what
3 exactly took place, but she wouldn't be there long. She
4 would leave.

5 Q. But you never observed her -- did you ever observe her
6 get anything from Mr. Johnson or Mr. Catoe?

7 A. No, I didn't.

8 Q. Let me bring you back to right before that arrest on
9 February 27th, 2011. Okay. Now you mentioned that you had
10 seen them cook approximately six times?

11 A. Yes, ma'am.

12 Q. Would that include the date that you all were
13 arrested?

14 A. There was some being made. It wasn't completed, but
15 it was in the process.

16 Q. Well let's start with that. What happens in the days
17 preceding -- well, -- Ms. Quinn, approximately two weeks
18 before you all are arrested, February 27th, 2011 ---

19 A. Yes, ma'am.

20 Q. --- did Mr. Johnson call you at about Three o'clock in
21 the morning?

22 A. Yes, ma'am.

23 Q. And you hadn't heard from him for a bit of time?

24 A. He was in jail --

25 Q. Ah, ah. You hadn't heard from him for a bit of time?

1 A. Right.

2 Q. Please answer my questions, okay, very specifically.

3 Mr. Johnson calls you, and what happens in that phone
4 call?

5 A. We talked, and he asked me did I want to hang out the
6 next day.

7 Q. And did you say you would hang out?

8 A. Yes, ma'am.

9 Q. And where did you -- Did you meet up with Mr. Johnson
10 the next day?

11 A. I did.

12 Q. Where did you meet up with Mr. Johnson?

13 A. His grandmother's house.

14 Q. And did you -- From that point until the time you were
15 arrested, did you ever go home, back to your home where you
16 resided?

17 A. I might have stopped in to eat or get some clothes,
18 but...

19 Q. Okay. But for most of that time, were you with Mr.
20 Johnson?

21 A. Yes, ma'am.

22 Q. Okay. And when you met back up with Mr. Johnson, did
23 you all resume your relationship?

24 A. Yes, ma'am.

25 Q. Did you all resume using Methamphetamine?

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-485-

1 A. Yes, ma'am.

2 Q. And during that period of time, did you see Mr.
3 Johnson and Mr. Catoe cook Methamphetamine?

4 A. Yes, I did.

5 Q. How many times during that period of time?

6 A. During that period, I'd say three.

7 Q. Okay.

8 MR. BROWN: I'm sorry, how many?

9 A. Three.

10 Q. And did you supply the Sudafedra that was used to
11 manufacture?

12 A. I can't remember if I bought any around that time or
13 not.

14 Q. Do you know who did for those cooks?

15 A. I took Jason to Walmart the day prior to us getting
16 arrested, and I believe he bought Sudafed.

17 Q. Okay. Well tell me about going to Walmart the day
18 before you all got arrested. Well let me do this. Let me
19 ask you this. You checked into the hotel February 25th; is
20 that correct?

21 A. Yes, ma'am.

22 Q. You were arrested on a Sunday morning?

23 A. Right.

24 Q. That's the 27th.

25 A. Right.

1 Q. The 26th is Saturday. And so Friday you checked in?

2 A. Yes, ma'am.

3 Q. Who were you with when you checked in?

4 A. Corey and Jason. Matt ended up spending the night
5 that night.

6 Q. The Friday night?

7 A. No, it was the next night.

8 Q. Okay. Friday night, you all stay at the hotel room,
9 all three of you together?

10 A. Yes, ma'am.

11 Q. And what did you all do on Friday night?

12 A. We just hung out. I don't recall us doing anything as
13 far as drugs or anything.

14 Q. No Meth?

15 A. No.

16 Q. Were you all cooking?

17 A. Not at that time.

18 Q. Did you use any other drugs? Do you recall?

19 A. Pills.

20 Q. What type of pills?

21 A. Dilaudid's.

22 Q. And what would you do with the Dilaudid?

23 A. I shot them as well.

24 Q. Why don't you explain to the jury how you take a pill
25 and shoot it up.

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-487-

1 A. Well you crush it up, and put it in a spoon, add
2 water, and draw it up into the needle, and shoot it.

3 Q. And you -- it's -- you have to understand, it's kind
4 of foreign for us. When you said, "Draw it up," you said
5 draw it up through the needle, or draw it up to the needle?

6 A. Well you have to put cotton, like a piece of cotton,
7 to keep trash from coming in. You draw it through that
8 from the spoon into the needle.

9 Q. So you'd have everything in a spoon?

10 A. Yes, ma'am.

11 Q. You put cotton on top of it?

12 A. You had to soak it up.

13 Q. Okay.

14 A. Like the cigarette butt stuff, the cotton. That's
15 what you usually use.

16 Q. And then you stick the needle in that?

17 A. Uh-huh.

18 Q. And then draw it through the syringe through that?

19 A. Yes, ma'am.

20 Q. Okay. And at some point, did you all leave? Or who
21 left the hotel room at Best Way?

22 A. The day before, we all left. We went by my trailer,
23 and I got some clothes, and something to eat.

24 Q. Okay.

25 A. That's where I got in an altercation with the guy I've

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-488-

1 been with for six years. We were having problems. And I
2 got the charge, which I was arrested on that day. We left
3 my trailer. We went to Walmart. Jason and Corey went in
4 and got some stuff.

5 Q. Okay.

6 A. We took Corey back to the room. We got Matt and took
7 him to Mickey's house, Mickey Thomas, at their apartment.
8 That's where --

9 Q. Why did you all go -- now at this point, it's you --
10 you dropped -- let me make sure we're all clear. You all
11 left together?

12 A. Yes, ma'am.

13 Q. You, Corey -- that's you, Corey Catoe, and Jason
14 Johnson?

15 A. Yes, ma'am.

16 Q. The three of you go to Walmart?

17 A. Right.

18 Q. And then you all leave, drop Corey Catoe off at the
19 Best Way?

20 A. We went back to the room.

21 Q. And then you and Mr. Johnson leave again?

22 A. With Matt. Matt was there. He stayed that night.

23 Q. Okay. Did he go with you all to Walmart?

24 A. No, he wasn't.

25 Q. And you leave with Matt. And where do you go with

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-489-

1 Matt?

2 A. Took him to Mickey's apartment.

3 Q. What do you all do at Mickey's apartment?

4 A. They had talked for a while. And that's -- Jason got
5 a bottle there, a 2-liter liquor bottle that was used to
6 make the Methamphetamine that day, and some Sudafed.

7 Q. And do you remember -- Excuse me?

8 A. Sudafed. He got Sudafed from Mickey.

9 Q. He got Sudafed there as well?

10 A. Yes, ma'am.

11 Q. Okay. And was the liquor bottle full or empty?

12 A. It was empty.

13 Q. Who -- whose idea was it to get the liquor bottle?

14 A. Jason seen it on the table and asked if he could have
15 it.

16 Q. Who did he ask?

17 A. Mickey.

18 Q. And you all left with that?

19 A. Yes, ma'am.

20 Q. And then when you left Mickey's house, where did you
21 all go?

22 A. We went back to the apartment.

23 Q. And was Matt with you at the Best Way at this point?

24 A. At this point, he was -- we had left him at the
25 apartment, at Mickey's apartment.

1 Q. At Mickey's apartment. Okay..

2 So was Corey there when you got back to the Best Way?

3 A. Yes, he was.

4 Q. So what do you all do next?

5 A. We hung out for a while, and they started getting
6 stuff together to make it. Started grinding the pills,
7 putting all the chemicals into the bottle.

8 Q. What chemicals did they put into the bottle?

9 A. I don't know the exact name. I think it's like Drano,
10 a type of gas, batteries, and Sudafed are all that I know
11 of.

12 Q. When you say "batteries," how did they put batteries
13 into it?

14 A. They peeled off the outer part.

15 Q. Do you know what kind of batteries they used?

16 A. Lithium?

17 Q. Okay. And gas. What do you mean by "gas"?

18 A. The type of gas -- I seen the brand "Coleman's." I'm
19 not sure.

20 Q. So not from a container you fill up at the gas
21 station?

22 A. No, not that kind of gas.

23 Q. And so they're getting all that stuff ready. What did
24 they do with all that stuff?

25 A. They put it all in the bottle.

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-491-

1 Q. Which one?

2 A. The clear 2-liter bottle he got from Mickey.

3 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-SEVEN,
4 PREMARKED FOR IDENTIFICATION.)

5 Q. Ms. Quinn, I'm going to show you what's been marked
6 for identification purposes as State's Twenty-seven. Do
7 you recognize what that is?

8 A. I do.

9 Q. What is it?

10 A. That's the bottle with the Meth in it.

11 Q. Is that a truthful and accurate depiction of what it
12 looked like to you?

13 A. Yes, ma'am.

14 Q. Okay.

15 Your Honor, the State would move to enter into
16 evidence State's Exhibit Twenty-seven, and publish that to
17 the jury, Your Honor.

18 MR. BROWN: Without objection.

19 THE COURT: Without objection. Subject to your
20 previous objection?

21 MR. BROWN: Well I'm sorry. Subject to my previous
22 objection. I apologize.

23 THE COURT: Admitted over objection. You may publish.

24 MS. COLTON: Thank you, Your Honor.

25 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-SEVEN.

1 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE AND PUBLISHED
2 TO THE JURY.)

3 Q. Ms. Quinn, do you know what's in the bottom of this
4 bottle? That pink stuff?

5 A. That's Sudafed, I think?

6 Q. Is that a question?

7 A. I do not know. I believe it is.

8 Q. What's the clear stuff in there?

9 A. The liquids.

10 Q. And what's that -- what's the stuff floating on top
11 this gold stuff? Floating on --

12 A. Batteries.

13 Q. That's the batteries, the gold stuff on top?

14 A. Yes, ma'am.

15 Q. Okay. And who -- When you talked about shaking it
16 before, was this the type you were shaking, that was being
17 shaken?

18 A. Yes, ma'am.

19 Q. Who shook it?

20 A. Jason mostly.

21 Q. And where did he make it? Did he set it down or did
22 he carry with him or anything like that?

23 A. He carried it with him. I remember that night, he was
24 holding it pretty close.

25 Q. Once all those things are made up, did you see either

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-493-

1 Mr. Catoe or Mr. Johnson do anything with that bottle?

2 A. At that time?

3 Q. Yeah.

4 A. No, ma'am.

5 Q. And are we still talking the night?

6 A. Yes, ma'am.

7 Q. What do you all do that night?

8 A. I left with a friend of mine to go get money to
9 purchase a pill.

10 Q. What kind of pill?

11 A. Dilaudid.

12 Q. Who did you leave with?

13 A. A friend of mine. I call him "Pops." He was like my
14 Sugar Daddy, I guess.

15 Q. Okay. And you went to get a pill?

16 A. I went to get money for a pill.

17 Q. And did you get a pill?

18 A. I did get a pill.

19 Q. Where did you get a pill from?

20 A. I think it came from Robbie Catoe. When I came back
21 to the room, Jason had it. Robbie was there too.

22 Q. I'm sorry. I'm a little confused. You left to get
23 money from Pops?

24 A. Right.

25 Q. You come back with the money. Are you still with

1 Pops?

2 A. No, he dropped me off.

3 Q. Okay. Now who's in -- now what do you do?

4 A. I went in. They were all there. Corey ---

5 Q. Tell me who "they"?

6 A. Corey, Jason, and Robbie. Jason had just gotten back.

7 Q. And that's Robbie Catoe and Corey Catoe?

8 A. Yes, ma'am.

9 Q. So now the four of you were there?

10 A. Right.

11 Q. Who did you get the pill from?

12 A. Jason gave me the pill.

13 Q. Who did you give your money to?

14 A. Jason.

15 Q. And what do you all do that night after that?

16 A. Nothing. We shot the pill. Me and Jason shot a pill.

17 Q. When did -- Did Robbie Catoe spend the night?

18 A. No, he left.

19 Q. And Corey Catoe stayed the night?

20 A. Yes, ma'am.

21 Q. What time do you all think you went to sleep?

22 A. I'd say 1:00, maybe around 1:00 or 2:00.

23 Q. And what happens that Sunday morning?

24 A. I woke up. The police were banging on the door.

25 Q. And what were you doing inside the room when they were

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-495-

1 banging?

2 A. By that time I was asleep. I woke up -- I got up, and
3 I didn't know what to do because I knew there was stuff in
4 there. I was scared, of course. So I asked Jason, you
5 know, "What should I do?" And he said, "Go to the door."
6 They said they were coming to get me. There was a probate
7 order out where my family was trying to get me help, and
8 they said they just wanted to talk about that. I went to
9 the door.

10 Q. So you thought they were just there for the probate
11 order?

12 A. Right.

13 Q. At that time, did you know that you had a
14 malicious --

15 A. I heard that I did the night before, but I wasn't
16 sure.

17 Q. Okay.

18 A. But I knew at that time.

19 Q. You knew it was coming?

20 A. Yeah.

21 Q. Okay. And what's your probate order for?

22 A. I was using drugs heavily. I was -- wasn't coming
23 home. I was staying gone. My family was really concerned
24 about me. They wanted me to get help.

25 Q. Because you're a drug addict?

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-496-

1 A. Right.

2 Q. Are you currently using drugs?

3 A. No, ma'am.

4 Q. You are currently out on bond?

5 A. Yes, ma'am.

6 Q. How long were you incarcerated for?

7 A. Seven months.

8 Q. And you were at least pursuant to a bond, a consent
9 bond?

10 A. Excuse me?

11 Q. Was there a consent bond for Five Thousand Dollars?

12 A. Yes, ma'am.

13 Q. And what was your situation when you were released on
14 bond?

15 A. I was nine months pregnant.

16 Q. And when did you have a baby?

17 A. On October 3rd.

18 Q. And who's the father of your baby?

19 A. Jason.

20 Q. Johnson.

21 And you were pregnant at the time?

22 A. Yes, ma'am.

23 (WITNESS CRYING.)

24 Q. Ms. Quinn, why does that upset you?

25 A. Because I want the best for her father. I don't

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-497-

1 really want to be in this position, but I feel it's the
2 right thing to do.

3 Q. Are you upset that you put your baby in that position?

4 A. Yes, ma'am, I am. And I'm actually thankful it
5 happened because I could be dead, and she could be dead, or
6 something could be wrong.

7 Q. How is your baby?

8 A. She's beautiful. She's healthy.

9 MR. BROWN: I'm going to have to ask that the witness
10 -- because I can't hear.

11 Q. Ms. Quinn, if you could just speak up a little bit.
12 I'm sorry.

13 And she's healthy?

14 A. Yes, ma'am, she is.

15 THE COURT: You can put the chair from right here if
16 you want to.

17 MR. BROWN: If that's okay with the Court.

18 THE COURT: Sure. I can hear pretty good. I don't
19 think it's all her voice, Counsel.

20 (ATTORNEY BROWN MOVED HIS CHAIR CLOSE TO CLERK BENCH.)

21 Q. Ms. Quinn, you don't -- do you want to be here today?

22 A. I mean it's not something I'm happy about doing, but
23 I'm here because I think it's the right thing to do.

24 Q. And have myself or law enforcement promised you
25 anything?

1 A. No, I haven't been promised anything.

2 Q. And what do you hope to gain out of testifying today?

3 A. I don't know. I just want the truth to be out there.

4 I mean, I'm not trying to get out of anything. I know I

5 had a part. I mean, I'm not trying to say I'm innocent.

6 Q. You hope that -- you hope that the Court would take
7 leniency on you.

8 A. I do. I do hope so.

9 Q. But you've never been promised that?

10 A. No, I haven't.

11 Q. And you haven't been promised from law enforcement
12 either?

13 A. Ma'am?

14 Q. And you haven't been promised by law enforcement?

15 A. Oh no, I hadn't.

16 Q. And you didn't tell law enforcement all this, though,
17 the night, the day, the morning, that Sunday morning you
18 were arrested; did you?

19 A. No, I didn't tell anything.

20 Q. You didn't -- Do you remember when you first told --
21 discussed this with law enforcement?

22 A. I don't -- I didn't ever discuss it.

23 Q. You discussed it with -- in the presence of law
24 enforcement?

25 A. I'm confused. I don't understand what you're saying.

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-499-

1 Q. Do you know this gentleman right now?

2 (SOLICITOR INDICATED TO AGENT SCHIFFERLE.)

3 A. Oh yes, I do. He looks different.

4 Q. Because he's got a suit on?

5 A. Yeah.

6 Q. When you were discussing it with Mr. Schifferle, did
7 he tell you anything to say?

8 A. No, he didn't.

9 Q. What did he ask you? What were you asked to tell?

10 A. The truth.

11 Q. Do you know what happens if you don't tell the truth?

12 A. It may turn out worse. I get in more trouble. I
13 don't need that.

14 Q. Let me ask you about the stuff that was in that hotel
15 room. Okay? We talked about the bottle. Okay, Ms. Quinn.
16 I'm going to have you take a look at State's Exhibit
17 Fourteen.

18 MS. COLTON: Madame Clerk, if you could dim the lights
19 for me, please?

20 (STATE'S EXHIBIT FOURTEEN PUBLISHED ON COURTROOM
21 OVERHEAD PROJECTOR.)

22 Q. Is that -- do you recognize that from your room?

23 A. I do.

24 Q. And what's that?

25 A. Parts of a computer.

BRANDI NICOLE QUINN: DIRECT BY MS. COLTON

-500-

1 Q. And State's Thirteen?

2 (STATE'S EXHIBIT THIRTEEN PUBLISHED TO JURY ON
3 COURTROOM OVERHEAD PROJECTOR.)

4 Q. How about that?

5 A. More computer parts.

6 Q. State's Ten?

7 (STATE'S EXHIBIT TEN PUBLISHED TO JURY ON COURTROOM
8 OVERHEAD PROJECTOR.)

9 Q. Do you recognize that?

10 A. Yes, ma'am.

11 Q. What is that as well?

12 A. Computer parts.

13 Q. And all those things were in your -- in that room that
14 you shared with Jason Johnson and Corey Catoe?

15 A. Yes, they were.

16 Q. And State's Six?

17 (STATE'S EXHIBIT SIX PUBLISHED TO JURY ON COURTROOM
18 OVERHEAD PROJECTOR.)

19 Q. And that as well? Is that accurate?

20 A. Yes, ma'am.

21 Q. Of what was in the room. Okay.

22 Why were those computers disassembled?

23 A. They were always taking them apart and putting them
24 back together.

25 Q. How come?