

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County

Honorable William H. Seals, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ERICK MAURICE WILLARD,

APPELLANT

APPELLATE CASE NO 2017-002391

RECORD ON APPEAL

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	)	COURT OF GENERAL SESSIONS
COUNTY OF MARION	)	2017-GS-33-0322
	)	
	)	
	)	
State of South Carolina	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Erick Maurice Willard	)	)
<u>DEFENDANT</u>	)	November 13-15, 2017
		Marion, South Carolina

B E F O R E:

THE HONORABLE WILLIAM H. SEALS, JR., JUDGE; and a jury.

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

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Attorney for the State

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FRANKLIN CHANDLER, ASSISTANT PUBLIC DEFENDER
Attorneys for the Defendant

KESHIA REED
Official Court Reporter

	<u>I N D E X</u>				
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
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<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	S-1	Photo	59	60
4	S-2	4 Photos	59	62
5	S-3	9 Photos		78
6	S-4	2 Photos		83
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9	S-7	Black Digital Scale		86
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15	S-11B	Cocaine		135
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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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1 THE COURT: Mr. Solicitor, you ready to call
2 your case?

3 MR. MCEACHIN: We are, Your Honor.

4 THE COURT: All right, go ahead and take your
5 respective spots and get it going.

6 MR. MCEACHIN: Your Honor, may it please the
7 Court, the State calls the case of the State vs. Erick
8 Maurice Willard, true bill indictment with indictment
9 number 2017-GS-33-322.

10 THE COURT: All right. Members of the jury
11 panel, I have to ask another series of questions to see if
12 you are qualified to serve on a particular jury. In that
13 regard if any of these questions apply to you, I need for
14 you to stand and please respond. In this regard, the
15 State of South Carolina alleges that Erick Maurice Willard
16 did in Marion County on or about March 3rd 2017 knowingly
17 sell, deliver, purchase or bring into this state or did
18 aid, abet, attempt or conspire to sell, deliver, purchase
19 or to bring into this state or was in actual or
20 constructive possession or attempted to become an actual
21 or constructive possession of a quantity of cocaine in an
22 amount of more than 10 grams but less than 28 grams.
23 Therefore, the defendant Erick Willard is charged with
24 trafficking in cocaine. He is also charged with
25 possession with intent to distribute cocaine base. He is

1 also charged with possession with the intent to distribute
2 methadone and he's been charged with possession with
3 intent to distribute marijuana. In that regard, the
4 defendant has pled not guilty and requested a jury trial.
5 Now, has any member of the jury panel heard anything about
6 this case, talk to anybody about this case, read anything
7 about this case? If you know anything about this case at
8 all no matter how insignificant you may think it is,
9 please stand? If you would come on up here please, sir.

10 BAILIFF: Nesbitt Isreal.

11 THE COURT: Tell me what you know?

12 PROSPECTIVE JUROR: I run the club over in
13 Mullins and I heard about stuff that he do. I know stuff
14 about it. I know him, but I don't want to be caught up
15 behind it.

16 THE COURT: I'm going to excuse you for the
17 purposes of this trial only. So you go out there and have
18 a seat.

19 BAILIFF: Melissa Brockington.

20 THE COURT: All right. Ms. Brockington, what do
21 you know?

22 PROSPECTIVE JUROR: I use to go with him.

23 THE COURT: He use to be your boyfriend?

24 PROSPECTIVE JUROR: Back in the day. And I use
25 to deal with him from time to time.

1 THE COURT: You use to deal with him?

2 PROSPECTIVE JUROR: Yeah.

3 THE COURT: I'm going to excuse you from this
4 trial only. You just go out there and have a seat. Thank
5 you. Juror number 22 is excused.

6 And would the Defendant Mr. Erick Maurice
7 Willard would you please stand and turn and face the jury
8 panel. All right. You may have a seat. Does any member
9 of the jury panel related by blood or marriage or has a
10 close personal or social relationship with the defendant
11 Mr. Willard in this case, if so please stand? All right.
12 Why don't you come on up here. You're juror number 115?

13 (WHEREUPON, juror number 115 Anthony Nelson came
14 forward.)

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: How you know him?

17 PROSPECTIVE JUROR: I coached him in high school
18 football. I coach high school football part-time. I
19 coached him while he was in high school.

20 THE COURT: Taking that into account if you were
21 elected to serve on a jury in this case, could you be fair
22 and impartial to the State and the defendant?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Would you be fair and impartial to
25 both sides?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Good. Thank you very much. You can
3 have a seat.

4 All right. And, Mr. McEachin, if would you
5 introduce yourself and any members of your staff or your
6 office.

7 MR. MCEACHIN: Thank you, Your Honor. Ladies
8 and gentlemen, good morning. My name is Fitzlee McEachin.
9 I'm an assistant solicitor over here in Marion County. I
10 work for Solicitor Ed Clements, who's seated here, Deputy
11 Solicitor John Jepertinger is also in the courtroom,
12 Assistant Solicitor Patty Parker, Assistant Solicitor John
13 Holt. We got couple other folks downstairs that you may
14 or may not see coming out of the courtroom Todd Tucker,
15 Angel Daniels, David Richardson, Susan McGill, and Rick
16 Hoefer, but that's our staff.

17 THE COURT: Thank you. Is any member of the
18 jury panel related by blood or marriage or has a close
19 personal or social relationship with Mr. McEachin or any
20 member of the solicitor's office, if so please stand?

21 (WHEREUPON, there are none.)

22 THE COURT: Mr. Meezte, if you would introduce
23 yourself and any members of your staff.

24 MR. MEETZE: My name is Vick Meetze. I work in
25 the public defender's office. I'm working this case along

1 with Franklin Chandler who also works in our office. We
2 work for Marion County Public Defender's office. We work
3 for Scott Floyd who's the circuit defender for both
4 Florence and Marion Counties. Hank Anderson is another
5 attorney in our office. We also work with Molly Sloan.

6 THE COURT: All right. Thank you. Does any
7 member of the jury panel related by blood or marriage or
8 has a close personal or social relationship with
9 Mr. Meetze or any member of his office, if so please
10 stand?

11 (WHEREUPON, there are none.)

12 THE COURT: Okay. All right. Any witnesses on
13 behalf of the defense will be Gene Curtis McBride, Leroy
14 Owens, Adrian Williams. The witnesses on behalf of the
15 State will be Marion County combine drug unit Mark
16 Collins, Marion County Combine Drug Unit Aurelius Cribb,
17 Marion County Combine Drug Unit Bobby Crawford, Marion
18 County Sheriff's Office Darren Miles, and Ashley Bell with
19 SLED South Carolina Law Enforcement Division. In that
20 regard, is any member of the jury panel related by blood
21 or marriage or has a close personal or social relationship
22 with any of the defense witnesses or the State's
23 witnesses, if so please stand?

24 (WHEREUPON, there are none.)

25 THE COURT: All right. Is any member of the

1 jury panel related by blood or marriage to any law
2 enforcement officer that could be FBI, that could be SLED,
3 sheriff's department, police department, highway patrol,
4 probation agent? Anybody connected with law enforcement,
5 if so please stand? Gentleman, on the front give me your
6 name and your number?

7 PROSPECTIVE JUROR: Arther Foxworth I don't know
8 my number.

9 THE COURT: What is that number?

10 THE CLERK: 50.

11 THE COURT: How does that apply to you?

12 PROSPECTIVE JUROR: Police officer Betsy Gause.

13 THE COURT: Who is the police officer?

14 PROSPECTIVE JUROR: Betsy Gause.

15 THE COURT: And how is she related?

16 PROSPECTIVE JUROR: That's my niece.

17 THE COURT: Taking that into account if you were
18 selected to serve on a jury in this case, could you be
19 fair and impartial to the State and the defense?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: Would you be fair and impartial to
22 both sides?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Thank you appreciate you standing.

25 PROSPECTIVE JUROR: Wendy Waugh by marriage

1 Mitchell McCaskill.

2 THE COURT: All right. And what's your number?

3 PROSPECTIVE JUROR: 163.

4 THE COURT: All right. Taking that into account
5 if you were selected to serve on a jury in this case,
6 could you be fair and impartial to the State and the
7 defense?

8 PROSPECTIVE JUROR: I can be.

9 THE COURT: Would you be fair and impartial both
10 sides.

11 PROSPECTIVE JUROR: I will be I'm sorry.

12 THE COURT: All right. Thank you very much.
13 The lady over to the right talking to the deputy. Yes,
14 ma'am, your name and number?

15 PROSPECTIVE JUROR: Dorothy Furness number 52.

16 THE COURT: All right. How does that question
17 apply to you?

18 PROSPECTIVE JUROR: My cousin is a police
19 officer.

20 THE COURT: Where?

21 PROSPECTIVE JUROR: Marion.

22 THE COURT: All right and his name.

23 PROSPECTIVE JUROR: Toby Mack.

24 THE COURT: Taking that into account if you were
25 selected to serve on a jury in this case, could you be

1 fair and impartial to the State and the defense?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Thank you very much. All right,
4 give me your name and number for the record?

5 PROSPECTIVE JUROR: It's Deborah Jenkins. I
6 think I'm 83. I'm not positive.

7 THE COURT: Eighty-four?

8 PROSPECTIVE JUROR: I think.

9 THE COURT: All right, hold on we'll check.

10 THE CLERK: Eighty-four.

11 THE COURT: Eighty-four. All right. How does
12 that question apply to you?

13 PROSPECTIVE JUROR: My nephew he's a police
14 officer and been a police officer for about 20 years.

15 THE COURT: And where is that?

16 PROSPECTIVE JUROR: He's in Summerton now.

17 THE COURT: All right. Taking that into account
18 if you were selected to serve on a jury in this case,
19 could you be fair and impartial to the State and the
20 defense?

21 PROSPECTIVE JUROR: I'd try.

22 THE COURT: Could you be fair and impartial?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: All right. Would you be fair and
25 impartial to both sides?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Thank you very much. You may have a
3 seat.

4 All right, and your name and number?

5 PROSPECTIVE JUROR: Heather McKenzie and I don't
6 know my number.

7 THE CLERK: 109.

8 THE COURT: 109. How does that question apply
9 to you?

10 PROSPECTIVE JUROR: My husband was formally a
11 deputy of the sheriff's department in Marion and at the
12 City at the police department. He's no longer either, but
13 he was.

14 THE COURT: Taking that into account if you were
15 selected to serve on a jury in this case, could you be
16 fair and impartial to the State and the defense?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Thank you very much. You may have a
19 seat. Anybody else?

20 Is any member of the jury panel aware of any
21 bias or prejudice for or against the State of South
22 Carolina in this case, if so please stand?

23 (WHEREUPON, there are none.)

24 THE COURT: Has any member formed an opinion as
25 to the guilt or innocence of the Defendant Mr. Erick

1 Maurice Willard in this case, if so please stand?

2 (WHEREUPON, there are none.)

3 THE COURT: Is there any member of the jury
4 panel who is a member of or contributor to any group which
5 has its primary concern the promotion of law enforcement
6 or victims' rights these groups would include but
7 certainly not be limit to MADD, SADD or CAVE Citizens'
8 Against Violent Crimes, the fraternal order of the police
9 or the South Carolina Law Enforcement Association, if any
10 of these apply to you please stand?

11 (WHEREUPON, there are none.)

12 THE COURT: Is there any member of the jury
13 panel who knows of any reason whatsoever why they could
14 not give the parties in this case a fair and impartial
15 trial, if so please stand?

16 (WHEREUPON, there are none.)

17 THE COURT: Has any member of the jury panel or
18 any member of your family ever been prosecuted by this
19 solicitor or any member of the solicitor's office
20 regardless of whether the case was dismissed or not, if so
21 please stand?

22 All right, Ms. Campbell, what's your number
23 again?

24 PROSPECTIVE JUROR: I think it's 91 not sure.

25 THE COURT: Ninety-one.

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Is that right, Ms. Clerk?

3 THE CLERK: Freddy Campbell?

4 PROSPECTIVE JUROR: Yes.

5 THE CLERK: Twenty-five.

6 THE COURT: Twenty-five?

7 THE CLERK: Yes.

8 THE COURT: All right. And how does that
9 question apply to you?

10 PROSPECTIVE JUROR: Can I come up?

11 THE COURT: Sure, be glad for you to.

12 PROSPECTIVE JUROR: My brother was charged with
13 assault and he pled a misdemeanor here ten years ago, 15
14 years ago.

15 THE COURT: Up here in this courtroom?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Taking that into account if you were
18 selected to serve on a jury in this case, could you still
19 be fair and impartial to the State and the defense?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Would you be fair and impartial to
22 both sides?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Thank you. Appreciate you standing
25 you can come forward if you like.

1 What's your name and number?

2 PROSPECTIVE JUROR: Foxworth 50.

3 THE COURT: All right. How does that question
4 apply to you?

5 PROSPECTIVE JUROR: My son was convicted.

6 THE COURT: A victim?

7 PROSPECTIVE JUROR: Convicted.

8 THE COURT: Convicted. Convicted of what?

9 PROSPECTIVE JUROR: Manslaughter.

10 THE COURT: Taking that into account if you were
11 selected to serve on a jury in this case, could you be
12 fair and impartial to the State and the defense?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Yes?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Would you be fair and impartial to
17 both sides?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Thank you. Appreciate you coming
20 up.

21 And juror 109 how does that question apply to
22 you?

23 PROSPECTIVE JUROR: My husband was -- I don't
24 know how it worked pled -- I don't know worked out a plea.
25 I don't know how ---

1 THE COURT: He was prosecuted by this Solicitor?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Taking that into account if you were
4 selected to serve on a jury on this case, could you be
5 fair and impartial the Solicitor and the defense attorney?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: Would you be fair and impartial to
8 both sides?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: All right. Thank you. Have you or
11 any member of your family ever been charged with a drug
12 trafficking or drug distribution offense, if so please
13 stand?

14 (WHEREUPON, there were none.)

15 THE COURT: All right. Anything from the State?

16 MR. MCEACHIN: Nothing further, Your Honor.

17 THE COURT: How about the defense?

18 MR. MEETZE: No, your Honor.

19 THE COURT: All right. Thank you. Except for
20 those I have excused, I find the jury panel qualified for
21 this trial.

22 Mrs. Clerk, get us a jury of 12 and two
23 alternates.

24 (WHEREUPON, a pause in the proceedings.)

25 THE CLERK: When I call your name, if you'll

1 come upfront and stand right here in front of the bench
2 and turn and face the audience please. I'll be calling by
3 juror number.

4 Juror number 169 Denise Williams.

5 (WHEREUPON, a black female, comes forward.)

6 THE CLERK: What say the State?

7 MR. MCEACHIN: Please present Ms. Williams.

8 THE CLERK: What say the defense?

9 MR. MEETZE: Please swear Ms. Williams.

10 THE CLERK: Ms. Williams, if you'll take a seat
11 in the jury box please.

12 Juror number 60 Leo Gordon.

13 (WHEREUPON, a black male, comes forward.)

14 THE CLERK: What say the State?

15 MR. MCEACHIN: Please present Mr. Gordon.

16 THE CLERK: What say the defense?

17 MR. MEETZE: Please swear Mr. Gordon.

18 THE CLERK: Mr. Gordon, if you'll take a seat in
19 the jury box please.

20 Juror number 42 Melike Davis.

21 (WHEREUPON, a black female, comes forward.)

22 THE CLERK: What say the State?

23 MR. MCEACHIN: Please present Ms. Davis.

24 THE CLERK: What say the defense?

25 MR. MEETZE: Please seat Ms. Davis.

1 THE CLERK: Ms. Davis, if you'll take a seat in
2 the jury box please.

3 Juror number 13 Margot Beck.

4 (WHEREUPON, a white female, comes forward.)

5 THE CLERK: What say the State?

6 MR. MCEACHIN: Please present Ms. Beck.

7 THE CLERK: What say the defense?

8 MR. MEETZE: Please excuse Ms. Beck.

9 THE CLERK: Ms. Beck, you can take a seat back
10 in the audience. Thank you.

11 Juror number 94 Naomi Knight.

12 (WHEREUPON, a black female, comes forward.)

13 THE CLERK: What say the State?

14 MR. MCEACHIN: Please excuse Ms. Knight for
15 purposes of this trial only.

16 THE CLERK: Ms. Knight, you can take a seat back
17 out in the audience. Thank you.

18 Juror number 89, James Johnson.

19 (WHEREUPON, a white male, comes forward.)

20 THE CLERK: What say the State?

21 MR. MCEACHIN: Please present Mr. Johnson.

22 THE CLERK: What say the defense?

23 MR. MEETZE: Please seat Mr. Johnson.

24 THE CLERK: Mr. Johnson, if you'll take a seat
25 in the jury box please.

1 Juror number 50 Arther Foxworth.

2 (WHEREUPON, a black male, comes forward.)

3 THE CLERK: What say the State?

4 MR. MCEACHIN: Please excuse Mr. Foxworth for
5 purposes of this trial only.

6 THE CLERK: Thank you, Mr. Foxworth.

7 Juror number 29 Rickey Clarkson.

8 (WHEREUPON, a white male, comes forward.)

9 THE CLERK: What say the State?

10 MR. MCEACHIN: Please present Mr. Clarkson.

11 THE CLERK: What say the defense?

12 MR. MEETZE: Please seat Mr. Clarkson.

13 THE CLERK: Mr. Clarkson, you can have a seat in
14 the jury box please.

15 Juror number 52 Dorothy Furness.

16 (WHEREUPON, a black female, comes forward.)

17 THE CLERK: What say the State?

18 MR. MCEACHIN: Please present Ms. Furness.

19 THE CLERK: What say the defense?

20 MR. MEETZE: Please excuse Ms. Furness.

21 THE CLERK: Thank you, Ms. Furness.

22 Juror number 25 Freddy Campbell.

23 (WHEREUPON, a white male, comes forward.)

24 THE CLERK: What say the State?

25 MR. MCEACHIN: Beg the Court's indulgence.

1 (WHEREUPON, a pause in the proceedings.)

2 MR. MCEACHIN: Please present Mr. Campbell.

3 THE CLERK: What say the defense?

4 MR. MEETZE: Please excuse Mr. Campbell.

5 THE CLERK: Mr. Campbell, thank you.

6 Juror number one Joseph Abram.

7 (WHEREUPON, a black male, comes forward.)

8 THE CLERK: What say the State?

9 MR. MCEACHIN: Beg the Court's indulgence.

10 (WHEREUPON, a pause in the proceedings.)

11 MR. MCEACHIN: Please present Mr. Abram.

12 THE CLERK: What say the defense?

13 MR. MEETZE: Please seat Mr. Abram.

14 THE CLERK: Mr. Abram, please take a seat n the
15 jury box please.

16 Juror number 19 Mallory Boatwright.

17 (WHEREUPON, a black female, comes forward.)

18 THE CLERK: What say the State?

19 MR. MCEACHIN: Please present Ms. Boatwright.

20 THE CLERK: What say the defense?

21 MR. MEETZE: Please seat Ms. Boatwright.

22 THE CLERK: Ms. Boatwright, please take a seat
23 in the jury box please.

24 Juror number 101 James Lewis.

25 (WHEREUPON, a black male, comes forward.)

1 THE CLERK: What say the State?

2 MR. MCEACHIN: Please present Mr. Lewis.

3 THE CLERK: What say the defense?

4 MR. MEETZE: Please seat Mr. Lewis.

5 THE CLERK: Mr. Lewis, take a seat in the jury
6 box please.

7 Juror number 155 Rosemary Suggs.

8 (WHEREUPON, a white female, comes forward.)

9 THE CLERK: What say the State?

10 MR. MCEACHIN: Please present Ms. Suggs.

11 THE CLERK: What say the defense?

12 MR. MEETZE: Please seat Ms. Suggs.

13 THE CLERK: Ms. Suggs, thank you.

14 Juror number 70 Amber Harrelson.

15 (WHEREUPON, a white female, comes forward.)

16 THE CLERK: What say the State?

17 MR. MCEACHIN: Present Ms. Harrelson.

18 THE CLERK: What say the defense?

19 MR. MEETZE: Please excuse Ms. Harrelson.

20 THE CLERK: Ms. Harrelson, you can take a seat
21 back out in the audience. Thank you.

22 Juror number 33 Al Crawford.

23 (WHEREUPON, a black male, comes forward.)

24 THE CLERK: What say the State?

25 MR. MCEACHIN: Please excuse Mr. Crawford for

1 purposes of this trial only.

2 THE CLERK: Thank you, Mr. Crawford. You can
3 take a seat back in the audience.

4 Juror number 145 Monica Sanders.

5 (WHEREUPON, a black female, comes forward.)

6 THE CLERK: What say the State?

7 MR. MCEACHIN: Please present Ms. Sanders.

8 THE CLERK: What say the defense?

9 MR. MEETZE: Please seat Ms. Sanders.

10 THE CLERK: Thank you, Ms. Sanders, if you'll
11 take a seat in the jury box.

12 Juror number 62 Johnny Graves.

13 (WHEREUPON, a black male, comes forward.)

14 THE CLERK: What say the State?

15 MR. MCEACHIN: Please present Mr. Graves.

16 THE CLERK: What say the defense?

17 MR. MEETZE: Please seat Mr. Graves.

18 THE CLERK: Mr. Graves, if you'll take a seat in
19 the jury box please.

20 Juror number 56 Meredith Gibson.

21 (WHEREUPON, a white female, comes forward.)

22 THE CLERK: What say the State?

23 MR. MCEACHIN: Please present Ms. Gibson.

24 THE CLERK: What say the defense?

25 MR. MEETZE: Please excuse Ms. Gibson.

1 THE CLERK: Ms. Gibson, if you'll take a seat
2 back in the audience. Thank you.

3 Juror number 134 Verlinear Richardson.

4 (WHEREUPON, a black female, comes forward.)

5 THE CLERK: What say the State?

6 MR. MCEACHIN: Beg the Court's indulgence for
7 just a moment.

8 (WHEREUPON, a pause in the proceedings.)

9 MR. MCEACHIN: Please present Ms. Richardson.

10 THE CLERK: What say the defense?

11 MR. MEETZE: Please seat Ms. Richardson.

12 THE CLERK: Ms. Richardson, if you'll take a
13 seat in the jury box.

14 For alternates Juror number 37 Annette Davis.

15 (WHEREUPON, a black female, comes forward.)

16 THE CLERK: What say the State?

17 MR. MCEACHIN: Please present Ms. Davis.

18 THE CLERK: What say the defense?

19 MR. MEETZE: Please seat Ms. Davis.

20 THE CLERK: Ms. Davis, if you'll take a seat.

21 Juror number 15 Danny Bilton.

22 (WHEREUPON, a white male, comes forward.)

23 THE CLERK: What say the State?

24 MR. MCEACHIN: Please present Mr. Bilton.

25 THE CLERK: What say the defense?

1 MR. MEETZE: Please seat Mr. Bilton.

2 THE CLERK: Mr. Bilton, you can take a seat.

3 Thank you.

4 THE COURT: All right. Any objections to the
5 jury or the process for which they were drawn what say the
6 State?

7 MR. MCEACHIN: None from the State.

8 THE CLERK: What say the defense?

9 MR. MEETZE: Nothing from the defense, Your
10 Honor.

11 THE COURT: We're going to excuse this jury
12 until 9:30 in the morning; is that right?

13 MR. MCEACHIN: Yes, sir, Your Honor.

14 THE COURT: All right. Members of the jury, we
15 going to start this trial tomorrow at 9:30. I need for
16 you to be back here in a little bit before 9:30. The
17 gentleman in the green coat will lead you into that jury
18 room at that time. However, I do want to instruct you
19 that I know you know a little bit about this case simply
20 because of this jury selection process. You know the
21 defendant. You know the name. You know what the charges
22 are. I'm going to instruct that you do not investigate
23 this case at all when you leave this courthouse. Do not
24 Google anybody's name. Do not look up anything about this
25 case. Do not talk to anybody about this case. When it's

1 is over, you can do whatever you want but not until then.
2 So if anybody ask you what are you doing, just tell them
3 I'm on a jury, but that's it nothing further. All right,
4 you're excused. I'll see you back at 9:30 in the morning.
5 Everybody else remain seated.

6 (WHEREUPON, the jury is excused for the day.)

7 (WHEREUPON, a break was taken.)

8 THE COURT: All right, Solicitor, I'm ready when
9 you are.

10 MR. MCEACHIN: Thank you, Your Honor. This is
11 Jackson vs. Denno hearing actually for the purposes of --
12 making sure we're clear on the record. This is the trial
13 of State vs. Erick Willard indictment number
14 2017-GS-33-0322. The State would call Agent Mark Collins
15 to the stand.

16 THE CLERK: You solemnly swear or affirm to tell
17 the truth, the whole truth and nothing but the truth so
18 help you God?

19 THE WITNESS: I do.

20 THE CLERK: Thank you, take seat.

21 WHEREUPON,

22 Mark Collins,

23 after first having been duly sworn, testified as follows:

24 DIRECT EXAMINATION IN-CAMERA

25

1 BY MR. MCEACHIN:

2 Q Agent Collins, if you would please state your full
3 name?

4 A Mark Reneil Collins.

5 Q And, Agent Collins, who do you currently work for?

6 A Marion County Sheriff's Office assigned to Marion
7 County Combine Drug Unit.

8 Q And how long have you been working with the Marion
9 County Combine Drug Unit?

10 A Since 2008.

11 Q And, I guess, as of March of 2017, you were working
12 for under the Marion County Combine Drug Unit?

13 A Yes, I was.

14 Q And did you have occasion to become involved in an
15 investigation with Mr. Erick Willard?

16 A Yes, I did.

17 Q If you don't mind would you relay to the Court what
18 took place on March 3rd 2017?

19 A We executed a search warrant at Mr. Willard's
20 resident at [REDACTED] Aster Road in Mullins. During the search
21 warrant, Mr. Willard was taken into custody with four
22 other subjects inside the residence.

23 Q So there were five total subjects inside the
24 residence?

25 A That's correct.

1 Q And during the course of executing a search warrant
2 were any alleged illegal narcotics found?

3 A Yes, there was.

4 Q Okay. And once those narcotics were found, did you
5 or any other member of law enforcement have an opportunity
6 to speak to Mr. Willard and the other occupants of the
7 residence?

8 A I did.

9 Q And if you would please relay to the Court how that
10 took place?

11 A After the search of the residence was completed
12 off -- all five individuals were in the den area which was
13 Erick Willard, Jean McBride, a Michael Legette, Leroy
14 Owens and an Andrian Williams. I advise them of their
15 Miranda rights at this time.

16 Q And if you don't mind, would you please recite the
17 Miranda rights you read to them. I see you're reaching
18 into your pocket. What are you reaching for?

19 A My Miranda right's card.

20 Q Is that the card you use when you recite rights to
21 them that evening?

22 A I did.

23 Q Okay. Please proceed?

24 A You have the right to remain silent. Anything you
25 can -- will be used against you in a court of law. You

1 have the right to talk to an attorney or have him or her
2 present while you are being questioned. If you cannot
3 afford to hire an attorney, one will be appointed to
4 represent you before any question if you want. You can
5 decide at any time to exercise these rights and not answer
6 any questions or make statements. Do you understand these
7 rights I have explain to you and I went and ask each
8 individual did they understand their rights. They all
9 said yes.

10 Q And -- I'm sorry.

11 A Having these rights in mind do you wish to talk to us
12 now. I asked all five subjects and they all said, yes,
13 they wish to talk.

14 Q So let's stick specifically with Mr. Willard after
15 you read those rights to Mr. Willard, did you specifically
16 ask him if he understood those rights?

17 A Yes, I did.

18 Q And what was his response to that question?

19 A Yes, he did.

20 Q And then you followed that up with understanding
21 those rights do you wish to talk with law enforcement at
22 this time?

23 A They all wish.

24 Q And they all indicated they would?

25 A Yes, they would.

1 Q And Mr. Willard was included in the group that said
2 that they would?

3 A Yes, sir.

4 Q And you specifically asked him that question?

5 A Yes, sir.

6 Q Okay. Now, did you have an opportunity to ask any
7 questions to any of these individuals that were in
8 custody?

9 A Yes, I did.

10 Q Okay. And when I say questions I should probably
11 back up a minute. After you asked the question would you
12 like to speak to me and they all indicated they would. At
13 that time was anything said or stated?

14 A At that time Mr. Willard spoke up.

15 Q All right. When you say spoke up was that in
16 response to any additional question you have?

17 A We advised them that we had located some narcotics
18 drugs inside the house, outside the house, that's when
19 Mr. Willard spoke up and said he was going to take
20 responsibility of the drugs located inside the house and
21 outside the house.

22 Q So were those -- did you have -- where were the
23 narcotics at that time?

24 A On the kitchen table in the evidence bags.

25 Q Okay. Now, in addition to simply making that

1 statement narcotics were located in and around the
2 residence, did you ask any questions of the individuals
3 that were in custody?

4 A No.

5 Q So Mr. Willard just voluntarily told you never mind
6 I'll take them nobody else needs to worry about them?

7 A That is correct.

8 Q Okay. Once he made that statement, what did you do?

9 A We told him okay. We signed -- Agent Cribbed advised
10 him of the search warrant, executed a search warrant and
11 give him a copy of the search warrant at the jail. We
12 advised him of his arrest warrants. We served the
13 warrants on him. He wanted to leave the copies at the
14 residence.

15 Q Okay. And those arrests were not necessarily talking
16 about what you all found with regard to this case that was
17 from prior actions by the defendant?

18 A Yes, sir.

19 Q Who all was inside the room with you at the time you
20 read the Miranda rights to Mr. Willard?

21 A Agent Cribb.

22 Q The other four defendants excuse me -- the other four
23 individuals in custody were also in there?

24 A Yes, they were.

25 Q As a result of what Mr. Willard told y'all, did y'all

1 assign arrest warrants on the other individuals?

2 A No, sir, we did not.

3 Q And the basis for that was?

4 A Because Mr. Willard took ownership of it.

5 Q Any other questioning of Mr. Willard go on at all?

6 A No.

7 Q That was it?

8 A That was it.

9 Q And that statement was made after you had indicated
10 narcotics had been found in and around the residence?

11 A That's correct.

12 MR. MCEACHIN: Thank you. No further questions.

13 Please answer any questions defense may have for you.

14 CROSS-EXAMINATION IN-CAMERA

15 BY MR. MEETZE:

16 Q Agent Collins, you sure nobody else was arrested for
17 anything?

18 A There's somebody had a child support bench warrant
19 and there was an individual arrest for a small bag of
20 cocaine located in the car.

21 Q In a car that was there at the property?

22 A Yes, sir.

23 Q Okay.

24 A Not inside the residence but outside.

25 Q Yes, sir. And as you testified that you read Miranda

1 warnings to everybody that was present?

2 A I did.

3 Q And you said they all agreed to speak?

4 A Yes, they did.

5 Q Did you take -- did you get any statements from
6 anyone besides Mr. Willard and the other individual who
7 was charged?

8 A I didn't feel it was necessary when Mr. Willard took
9 ownership of everything in the house.

10 Q Did they make any statements at all?

11 A No.

12 Q Even though they said they were willing to talk they
13 didn't talk?

14 A I didn't ask them anything.

15 Q I got you. Did -- was any of this recorded?

16 A No, sir.

17 Q Did you have any kind of a body mic or camera or
18 anything like that on you at the time?

19 A No, sir, just Agent Cribb.

20 Q Did Agent Cribb to your knowledge have any kind of
21 camera or body mic or anything like that on him?

22 A No, sir.

23 Q Now, the incident report indicates there was a
24 sheriff's deputy there as well?

25 A Yes, it was.

1 Q Was that Deputy Barfield?

2 A Yes, sir.

3 Q Was there anybody else besides ---

4 A Members of the SWAT team.

5 Q Were they in the living room or were they in and out
6 or can you remember?

7 A In and out.

8 Q But Deputy Barfield at least according to the
9 incident report was in there with you and Agent Cribb. Do
10 you know if Agent Barfield had on a body mic or camera or
11 anything like that?

12 A No, sir.

13 Q You don't know or he did not?

14 A He did not.

15 Q All right. And you know that?

16 A Yeah, because we don't have those.

17 Q Okay. And so there's nothing recorded to memorialize
18 the statement that you're testifying to that Mr. Willard
19 made?

20 A No, sir.

21 Q At any point in time when you got him back to the
22 sheriff's department or to the jail or whatever for
23 booking, did he make any kind of a written statement or
24 anything like that?

25 A No, sir.

1 Q Okay. So there's no written statement with regards
2 to that?

3 A No, sir.

4 Q Okay.

5 MR. MEETZE: All right. I don't have anything
6 further, Judge.

7 THE COURT: All right. Anything further from
8 the State?

9 MR. MCEACHIN: Nothing from this witness. I
10 call Agent Aurelius Cribb to the stand.

11 THE COURT: Let me ask you real quick before we
12 got any further were the arrest warrants were they to be
13 served on Mr. Willard from something prior?

14 MR. MCEACHIN: They were, Your Honor. They were
15 being served on Mr. Willard for distributions.

16 THE COURT: Not connected with this?

17 MR. MCEACHIN: Not connected with this, nothing
18 resulting from this trial, Your Honor. There are
19 additional indictments pending against him, but as far as
20 this trial is concerned, those arrest warrants the only
21 basis for the search warrant as well as the arrest
22 warrant.

23 THE COURT: Well, we don't need to mention that
24 at trial is what I'm getting at.

25 MR. MCEACHIN: Absolutely not.

1 THE COURT: All right, go ahead.

2 THE CLERK: Do you solemnly swear or affirm to
3 tell the truth, the whole truth, and nothing but the truth
4 so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 WHEREUPON,

8 Aurelius Cribb,
9 after first having been duly sworn, testified as follows:

10 DIRECT EXAMINATION IN-CAMERA

11 BY MR. MCEACHIN:

12 Q Agent Cribb, if you would please state your full name
13 for the record?

14 A Aurelius Cribb.

15 Q And, Agent Cribb, who are you employed with?

16 A Marion County Sheriff's Office.

17 Q Do you also work with the Marion County Combined Drug
18 Unit?

19 A Yes, sir.

20 Q And were you working for the Marion County -- with
21 the Marion County Combined Drug Unit on March the third
22 2017?

23 A Yes, sir.

24 Q Were you part of an investigation that took place on
25 Aster Road in Mullins on that date?

1 A Yes, sir.

2 Q And Mullins is here in Marion County?

3 A Yes, sir.

4 Q And what do you recall occurring on that particular
5 day?

6 A We ask to secure a search warrant on Aster Road.
7 There's some narcotics found at the residence inside the
8 residence and outside the residence. Everybody was
9 handcuffed and Agent Collins read the Miranda rights to
10 all the -- all the people that was inside the residence.

11 Q Let's back up just a minute, Agent Cribb. Were you
12 -- when you say the search warrant was executed, were
13 inside or outside the residence when the search warrant
14 was executed?

15 A I was inside.

16 Q And did you take -- did you also engage in the search
17 of the residence?

18 A Yes, sir.

19 Q And you indicated that people were placed into
20 custody. How many people were placed into custody?

21 A A total of five.

22 Q A total of five. So they were handcuffed?

23 A Yes, sir.

24 Q Placed into custody?

25 A Yes, sir.

1 Q And were they all kept together?

2 A They were kept in the living room, yes, sir.

3 Q Okay. And you indicated that Agent Collins read them
4 their rights. Were you present when that occurred?

5 A Yes, sir.

6 Q Where were you at the time?

7 A We was in the living room.

8 Q Y'all were in the living room?

9 A Yes, sir.

10 Q So it was you and Agent Collins and the five
11 individuals?

12 A Yes, sir.

13 Q And was Agent excuse me -- Deputy Barfield in there
14 with you all?

15 A Yes, sir, he was in there.

16 Q Okay. So it was eight of y'all in there together?

17 A Yes, sir.

18 Q And you witness Agent Collins read him his Miranda
19 rights?

20 A Yes, sir.

21 Q And you were in the courtroom here today when he read
22 the Miranda rights?

23 A Yes, sir.

24 Q Were those the same ones you read that day?

25 A Yes, sir.

1 Q Were you also present when he asked a question if all
2 the individuals in custody understood their rights?

3 A Yes, sir.

4 Q Specifically, do you recall what Mr. Willard said?

5 A Yes, sir.

6 Q What did he say?

7 A He said he took ownership of all the items that we
8 located.

9 Q All right. Agent Cribb, you're going to need to
10 speak up. I'm not talking about what he said after
11 Miranda rights. When he was asked the question, did he
12 understand his Miranda rights and what was his response?

13 A He said that he understood.

14 Q He stated he understood. All right. And then were
15 you also present when Agent Collins asked if anyone wanted
16 to speak?

17 A Yes, sir.

18 Q And did you witness or were you there when Mr.
19 Willard responded to that question?

20 A Yes, sir.

21 Q Okay. What did he say?

22 A He say he takes ownership of the items.

23 Q Okay. When we're talking about the items, what items
24 we're talking about?

25 A The drugs.

1 Q The drugs?

2 A Yes, sir.

3 Q Okay. At any point did Mr. Willard ask any questions
4 or indicate that he didn't know what was going on?

5 A No, sir.

6 Q Is there anything that you observed that will cause
7 you concern about his understanding?

8 A No, sir.

9 Q How long did that whole process take conversation
10 between Agent Collins and individuals in custody?

11 A About four or five minutes.

12 Q Okay. Four or five minutes?

13 A Yes, sir.

14 Q All right. And then after the statement was made Mr.
15 Willard was arrested?

16 A Yes, sir.

17 Q Okay. What happened with the other individuals?

18 A I think two of them went to jail for other offenses.

19 Q Other offenses not related to the drugs that were
20 located in and around the residence?

21 A Yes, sir.

22 MR. MCEACHIN: Thank you. Please answer any
23 questions Mr. Meetze may have for you.

24 MR. MEETZE: I don't have any questions for this
25 witness.

1 THE COURT: All right. You may step down.

2 (WHEREUPON, the witness leaves the witness
3 stand.)

4 THE COURT: Any other witnesses?

5 MR. MCEACHIN: Nothing further, Your Honor.

6 THE COURT: Any witnesses from the defense?

7 MR. MEETZE: Judge, for the record, we would
8 make the motion that the statement that attributes
9 Mr. Willard be excluded. There's no corroborating
10 evidence in regards to that statement having been made
11 with regards to any kind of audio or video recording or
12 anything like that. No other statements from anybody else
13 in the location. And based on that for the record, we
14 object to it being entered as evidence.

15 THE COURT: All right. I'm going to find that
16 the defendant was properly Mirandized and he gave the
17 statement freely and voluntarily. Certainly, you can
18 cross-examine to the great detail in the regard.

19 MR. MEETZE: Judge, and just to make sure
20 that -- they've testified that he made a statement that he
21 was taking ownership of the items that they located and
22 they testified to just making sure there aren't any other
23 statements the State would intend to introduce.

24 MR. MCEACHIN: That's the only statement.

25 THE COURT: That's it.

1 MR. MEETZE: And with regards to why they were
2 there, obviously we would move that no testimony be
3 elicited with regards to prior distribution charges that
4 they have warrants already for. There was an alleged
5 distribution charge that was the basis for getting a
6 search warrant that I don't think they had warrants for.
7 I think this is just the testimony that they were legally
8 at the house some form or fashion or another should be.

9 MR. MCEACHIN: Certainly, Your Honor, and the
10 State has no intention to bring that up. As a matter of
11 fact, it's my understanding that there is no attempt to
12 suppress any of the drugs that were at the residence based
13 on a insufficient search warrant, invalid search warrants,
14 so based on that there's absolutely no basis for us even
15 getting into that.

16 THE COURT: All right, sounds good. All right,
17 see you all at 9:30 in the morning.

18 (WHEREUPON, the proceedings were concluded for
19 the day to be reconvened on November 14, 2017.)

20 THE COURT: You ready to bring out the jury.

21 MR. MCEACHIN: Your Honor, I have a motion.

22 THE COURT: Okay, let me hear from you.

23 MR. MCEACHIN: Thank you, Your Honor. Your
24 Honor, it came to the State's attention last night that
25 the defendant made a phone call from the jailhouse. He

1 contacted his mother and father. As part of that
2 conversation, it's the State's position that the defendant
3 made some statements against his interest. I would state
4 at the appropriate time the State does intend to introduce
5 that into evidence under the rules of evidence. I've
6 notified Mr. Meetze. I was made aware of it the first
7 thing this morning. I made him aware of it as soon as it
8 came to light. This is isn't something that's been out
9 there. It's not something that would have given him or
10 had the opportunity to give him prior to trial of the
11 case, but it just came into existence last night. So I
12 would put that on the record. And it maybe some portions
13 of that statement needed to be redacted, but that's
14 certainly something that can be handled over the lunch
15 break if we need to, Your Honor.

16 THE COURT: All right.

17 MR. MEETZE: Judge, we would object to the
18 admission of the phone call just based on 403 objection.
19 Also, certainly I think there's no question that portions
20 of it would need to be redacted. There's parts of it
21 where he speaks with his dad where he's talking about
22 needing to get him clothes and things like that which
23 certainly I think can be overly prejudicial, but we're
24 asking that you exclude on the basis of its prejudicial
25 effect.

1 THE COURT: Let's just wait and see where it
2 goes and let me know.

3 MR. MCEACHIN: That's fine, Your Honor. I just
4 wanted to make the Court aware of the issue.

5 THE COURT: Let's go ahead and bring out the
6 jury.

7 (WHEREUPON, the jury came into open court.)

8 THE COURT: All right. Ms. Sanders, I'm going
9 to make you the forelady of the jury. If you would, come
10 take the very first seat on the row. And the gentleman in
11 that seat can move to her seat.

12 Mrs. Clerk, if you'll go ahead and swear the
13 jury.

14 (WHEREUPON, the jury is sworn.)

15 THE COURT: All right. Ladies and gentleman of
16 the jury, we're getting ready to start this trial, but
17 before we do, I just want to go over a few things with you
18 to give you what I call a little back pocket knowledge. A
19 little bit of knowledge about where we're going and what
20 we're doing. The first thing I want to explain to you is
21 the State of South Carolina has the burden of proof. They
22 have to prove this case beyond a reasonable doubt. At the
23 end of this trial, I will explain that to you in further
24 detail. I'll explain that to you in great detail. Also I
25 want to explain to you what your role is and what my role

1 is and how they differ. You, as the jury, are the judge
2 of the facts. I, in turn, am the judge of the law. What
3 that means is that you all determine what the facts of
4 this case are not me and not my clerk, not the clerk of
5 court and nobody in the audience just you all. Well, you
6 ask yourselves, well, how do we do that. You do that by
7 simply looking at the evidence in the case. The evidence
8 is made up of two things. It's made up of the witnesses
9 that come over here. They're sworn in. They take the
10 witness stand and they testify. Furthermore, it's made up
11 of any exhibits admitted into the record as evidence that
12 could be photographs, reports, weapons what have you.
13 That is where you all determine what the facts of the case
14 are.

15 In turn, I am the judge of the law. My job is
16 to give these parties a fair trial. Furthermore, my job
17 is to rule on the law applicable to this case and to
18 charge you the law applicable to this case at the very end
19 of this trial. In that regard, I want you to understand
20 that you have accept the law as I give it to you. You
21 have any preconceived ideas as to what you think the law
22 is or what the law ought to be and it does not agree with
23 what I tell you the law is, you have to abandon your
24 preconceptions and except the law as I give it to you.
25 And then when I tell you to begin your deliberations and

1 only then will you take the findings of facts that you
2 find and the law as I give it to you. You'll put the two
3 together and make a decision therefrom a lot common sense
4 in that process.

5 Furthermore, I want to explain to you that if we
6 take a break at any point in time during this trial which
7 we will take a lunch break or if we do not finish today
8 and you have to go home tonight, as I told you in the very
9 beginning do not discuss the case among yourselves or with
10 anybody. Do not do any independent research at all. It
11 would be improper and it would be premature. It's very
12 important that you understand that you are not to discuss
13 this case until I tell you to begin your deliberations.
14 The reasons I tell you that is because I want to make sure
15 that you have everything you have to have. I want you to
16 hear from everything the State has to put up. If the
17 defense wants to put up anything, I want you to hear from
18 them as well and then I want you to hear from me. Once
19 you have everything, I'll specifically tell you to begin
20 your deliberations, but do not do so until that time.

21 If you're in the jury room and you sitting
22 around and you thinking well we can't talk about the case
23 what we can talk about. You can talk about the weather,
24 Christmas, yourselves, what you do for a living whatever,
25 but not this case until I tell you to. Right now I just

1 want you to sit back. I want you to relax. At any point
2 in time during this trial if you have any needs, you need
3 to stretch and you need to get up. You don't feel good.
4 You need something to drink or whatever. If you'll just
5 kind of waive your finger to me, I'll make sure we take an
6 appropriate break. All right. I recognize the State for
7 your opening statement.

8 MR. MCEACHIN: Thank you very much, Your Honor.
9 May it please the Court.

10 THE COURT: Yes, sir.

11 MR. MCEACHIN: Defense counsel. Madam forelady
12 and ladies and gentlemen of the jury. In the early
13 morning hours of March the 3rd of this year 2017, these
14 agents with the Marion County Combine Drug Unit as well as
15 the Marion County SWAT executed a search warrant at the
16 residence of the defendant. When they entered that
17 residence and during the course of the next hour or so as
18 they searched the residence, they found several different
19 types of substances. They found multiple pills and other
20 items that they believe to be controlled substances or
21 narcotics, that's their function with the Marion County
22 Combine Drug Unit does. They search for these substances.
23 That's what this case is primarily about. And when we get
24 to the end of the trial, you folks will have to answer two
25 questions and two questions only. One, were the

1 substances that were found control substances or narcotics
2 that are illegally possessed and involves the State of
3 South Carolina and, two, who did they belong to.

4 Now, I introduce myself to y'all yesterday. I'm
5 Fitzlee McEachin and I represent the State of South
6 Carolina and the County of Marion in this case.. It is my
7 job as the judge has already told you it is on me to prove
8 this case to you. It's not on the defendant. It's not on
9 anybody, but it's on me. It's my obligation as the
10 representative of the State. So I have to prove to you
11 folks the defendant committed the acts that he's been
12 charged with beyond a reasonable doubt. Now, what does
13 that mean. Well, we'll talk a good bit about it and the
14 judge is going to tell you a good bit about it end of the
15 case, but it means doubt which it's not beyond all doubt.
16 It's evidence that leaves you firmly convinced. If I
17 present evidence that leaves you firmly convinced that the
18 defendant did the acts that he's been indicted for, then
19 you find him guilty. And the way I do that is by two
20 forms of evidence. The folks you'll hear from from this
21 witness stand and the physical evidence you'll see that we
22 will present, so testimony and physical exhibits. Those
23 are what you used to weigh to determine if the State's met
24 its burden of proof in this case.

25 Now, I am firmly convinced that once you hear

1 from the witnesses in this stand and once you see the
2 evidence that we will present to you, that all of you will
3 be firmly convinced that Erick Willard is guilty of the
4 crimes that he's been indicted for. He is guilty of
5 trafficking cocaine. He is guilty of possession with
6 intent to distribute cocaine base more commonly referred
7 to as crack cocaine. He's guilty of possession with
8 intent to distribute methadone and he's guilty of
9 possession with intent to distribute marijuana.

10 We appreciate y'all being here today. Our
11 system of justice in the United States can't work without
12 jurors. The defense and I selected y'all because we think
13 in the most open minded and the most fair jurors to hear
14 this case. The good news is this case won't take a long
15 time to try. I anticipate y'all be home by supper time
16 tonight, but I don't want you to confuse the shortness of
17 the case with the significance of the case. This case is
18 very important to the State of South Carolina. It's
19 important to the County of Marion. And it's important to
20 the defendant. So I thank you on behalf of the State for
21 the attention you're going to give to this matter. And I
22 ask you once you hear all the evidence that you return a
23 verdict that speaks the truth and the evidence will bear
24 that out for you today. Thank you.

25 THE COURT: The defense is recognize.

1 MR. CHANDLER: Good morning, ladies and
2 gentlemen, my name is Franklin Chandler. I work for the
3 public defender's office here in Marion County, seated at
4 defense table with me Attorney Vick Meetze behind him is
5 our client Mr. Erick Willard. The one thing Mr. McEachin
6 touched on in his opening statement I'm going to argue
7 this a little longer and it's proof beyond a reasonable
8 doubt. It's the highest burden of proof that exist in any
9 courtroom proceeding here in the great United States of
10 America. And today the State has that burden.

11 As we sit here today, Mr. Willard is an innocent
12 man. The State has the burden of providing enough
13 evidence to erase any reasonable doubt from your mind that
14 Mr. Willard may be guilty. They simply aren't able to do
15 that not with the evidence they intend to produce here
16 today. They don't have enough in a moment to present
17 their case. It's going to consistent mostly law
18 enforcement testimony. They're going to tell you about
19 searches conducted in Mr. Willard's home. They're going
20 to tell you about drugs found in and around the house.
21 What they're not going to tell you there's four other
22 individuals that reside at this home. They're not going
23 to testify as any DNA analysis. You're not going to
24 testify as to any fingerprints found in any other drugs.
25 They also may tell you that Mr. Willard admitted ownership

1 of these drugs. Again, you're not going to see a
2 recording of that initially, no dash cam, no body cam,
3 no audio recording. And the reason why is they don't want
4 you to see the context of that admission. They don't want
5 you to know that they threatened Mr. Willard. They charge
6 everyone in the house with the same crime innocent or not
7 unless someone took ownership. Being it was Mr. Willard's
8 residence, felt he had to. Pay attention to these
9 details. Pay attention to what the State presents. Pay
10 attention to what's being said about proof beyond a
11 reasonable doubt. At the end -- at the conclusion of this
12 trial, any doubt remains in your mind said guilt or
13 innocence Mr. Willard any reasonable thought at all, you
14 must find him not guilty. Thank you.

15 THE COURT: Call your first witness.

16 MR. MCEACHIN: Thank you very much, Your Honor.
17 The State could call Bobby Crawford to the stand.

18 THE CLERK: Do you solemnly swear to tell the
19 truth and nothing but the truth so help you God?

20 THE WITNESS: I do.

21 THE CLERK: Thank you.

22 WHEREUPON,

23 Bobby Crawford,

24 after first having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. MCEACHIN:

2 Q Good morning, Agent Crawford.

3 A Good morning, sir.

4 Q How are you this morning?

5 A Doing good.

6 Q Good. If you don't mind please state your full name
7 for the record?

8 A Bobby Lee Crawford.

9 Q And if you don't mind tell the jury what your current
10 profession is?

11 A Law enforcement for Marion County Sheriff's office.

12 Q All right. What's your current position with Marion
13 County?

14 A Current position now is for major for Marion County
15 Sheriff office.

16 Q And is that what you were doing back in March of this
17 year?

18 A No, sir, I was the agent at the Marion County drug
19 unit.

20 Q Okay. As an agent with the Marion County drug unit
21 what are y'all tasked with doing?

22 A Basically finding drugs and identifying it and making
23 sure it is drugs.

24 Q Okay. That's what y'all's function is?

25 A Pretty much.

1 Q Okay. Now, you said you were an agent for them back
2 in March of this year?

3 A March of 2017.

4 Q Yes, sir.

5 A Because I was an agent in February of 2017.

6 Q All right. Did you have occasion to become involved
7 in a search warrant that took place on or about March the
8 3rd of this year?

9 A Yes, sir.

10 Q All right. If you don't mind how were you involved
11 with that tell the jury?

12 A Pretty much once we conducted a search warrant, my
13 job at the time was to pull security at the rear of the
14 residence and we done a search warrant. And also activate
15 the device to deter -- not deter but to distract any
16 person in the backyard which is a early warning device.
17 It's like a big piece of fireworks. It gives off a big
18 sound and also a bright light.

19 Q So on that particular morning your function was to
20 do, I guess, surveillance on the back of the property?

21 A Correct.

22 Q As well as set off a device that's meant to distract
23 whoever is in the residence?

24 A Yes, sir.

25 Q Why would you want to distract whoever is in the

1 residence?

2 A Well, it's an early warning device just in case
3 someone want to leave the residence from the back. We
4 make sure that they're notified with the sound. And if
5 they decide to leave the back of the residence, they
6 have -- I'm right there looking at it.

7 Q And you recall where the search warrant was executed
8 on this particular day?

9 A It's [REDACTED] Aster Road.

10 Q And where is that located?

11 A It's in the county, but it's close to the city limits
12 of Mullins.

13 Q And when you say in the county, you talking about in
14 Marion?

15 A Marion County right.

16 MR. MCEACHIN: Your Honor, may I have him step
17 down?

18 THE COURT: Yes.

19 BY MR. MCEACHIN:

20 Q I called you Agent Crawford earlier. I apologize,
21 Major. Major Crawford, if you don't mind, do you
22 recognize this document right here?

23 A Yes, sir.

24 Q Okay. What is that a diagram of?

25 A Diagram of the residence [REDACTED] Aster Road.

1 Q Okay. And is this the front of the residence?

2 A It is, yes, sir.

3 Q And this will be the back?

4 A Yes, sir.

5 Q Now, you indicated that you went or better yet where
6 did you go when you arrived at the residence.

7 A Once I arrived at the residence, I arrived on the
8 left hand facing the residence. I arrived on the left
9 side of the residence and I walked to the rear of the
10 residence.

11 Q Okay. And if you don't mind, would you just draw a
12 circle, just a small circle where you posted up when you
13 got there?

14 A When I got there, I parked my vehicle here and I was
15 placed at the corner of the residence because I could see
16 to the right and to the left.

17 Q Okay. Now, and I'll let you actually hold what you
18 got there for just a second. How long were you at the
19 residence before the search warrant execution was
20 initiated?

21 A I was there maybe 20 seconds at the most.

22 Q And this one of the things that happens pretty
23 quickly?

24 A Fast, yes, sir.

25 Q Law enforcement didn't get out there hang around and

1 wait to do anything?

2 A No, we go in there and execute it as fast as we can.

3 Q Okay. And you threw your device?

4 A Yes, sir.

5 Q All right.

6 A Yes, sir, threw my device. I was standing here. It
7 was a dog cage here. It's a barn here. I threw my device
8 because I saw the dog, so I didn't want to do any damage
9 to the dogs. So I threw it toward that barn in the
10 backyard.

11 Q And did it go off and make a loud sound?

12 A Yes, it made a loud sound and the light.

13 Q While you were back there what, if anything, did you
14 observe?

15 A I observed once I was at the back, I observed
16 someone -- once my device went off, the search was already
17 inside the house or they just entered the house. And I
18 noticed someone threw something out that window right
19 here.

20 Q Okay. And what time of day this happened, Major
21 Crawford?

22 A It started around 0433.

23 Q So it's still pretty dark out in March at 4:30 in the
24 morning?

25 A Yes, sir.

1 Q How were you able to see somebody throw something out
2 a window?

3 A Actually whenever I was standing there, the
4 nightlight from the residence in the back was on. Whoever
5 threw it out the window could see part of the hand came
6 out the window.

7 Q All right. And once they threw that out the window,
8 what did you do?

9 A I secured it. Once it hit the ground, I made sure it
10 was secure and I notified Mark Collins.

11 Q And why would you notify Agent Collins?

12 A Because he was over the operation of this search
13 warrant.

14 Q Okay. So if you don't mind with this red marker just
15 make an X as to where the drugs were thrown -- excuse me
16 let me clarify that where the substance was thrown from?

17 A Okay, once it came out the window, it landed right
18 here and right here.

19 Q All right. So there was more than one item?

20 A It was two -- it was three items that came out the
21 window, but it was two items that had a white substance
22 inside of it. And it was an empty bag that landed right
23 beside the window underneath the bushes right there.

24 Q And to the best of your ability was there anything in
25 that?

1 A There was nothing in that bag. It was just an empty
2 bag.

3 Q But the two top bags it appears there was a white
4 substance in the bag?

5 A White substance inside of it.

6 Q Okay. And I know this isn't to scale. You can grab
7 a seat back in the witness stand. I know this drawing
8 isn't to scale, but you look like you were pretty close to
9 this window?

10 A Yes, sir.

11 Q How close would you say you were?

12 A About not even five feet. I was like right there on
13 it.

14 Q From me to you?

15 A Maybe closer.

16 Q Okay. So you were pretty close?

17 A I was right there on the corner.

18 Q Okay.

19 MR. MCEACHIN: Your Honor, I want to mark a
20 couple of exhibits. May I approach the witness, Your
21 Honor.

22 THE COURT: You may.

23 (WHEREUPON, State's Exhibit Nos. 1 and 2 were
24 marked for identification only.)

25 BY MR. MCEACHIN:

1 Q Major Crawford, can you identify State's Exhibit 1?

2 A That's the window where I was standing at on the
3 corner?

4 Q This window here?

5 A Yes, sir.

6 MR. MCEACHIN: I move State's Exhibit 1 into
7 evidence.

8 THE COURT: Any objections?

9 MR. MEETZE: No, Your Honor.

10 THE COURT: State's Exhibit Number 1 into
11 evidence without objection.

12 MR. MCEACHIN: Thank you very much, Your Honor.

13 (WHEREUPON, State's Exhibit No. 1 was admitted
14 into evidence.)

15 BY MR. MCEACHIN:

16 Q Now, Major Crawford, what's been marked as State's
17 Exhibit 2 and it's four separate pictures. I want you to
18 take a look at State's Exhibit 2 and tell me if you can
19 identify those photographs?

20 A Yes, sir, the first picture is the item that came out
21 the window that landed on the ground. The second picture
22 is the item that came out the window that landed in the
23 bushes was an empty wrapper like a baggie. Third picture
24 is one of the items that came out the window on the
25 ground. And the last picture is the item that came out

1 the window on the ground.

2 Q Okay.

3 A And the last picture is the item that came out the
4 window from the ground.

5 Q Okay. And the last two pictures in there are those
6 the pictures that you described as contained a white-like
7 substance?

8 A Yes, sir.

9 Q And could you tell based on looking at them the --
10 when you say white-like substance, can you describe any
11 further just based on the way it looked.

12 A No, sir, it was just some white substance. I don't
13 know exactly what was in it or nothing just saw it.

14 Q Okay. Once you saw those items come out the window,
15 I think you indicated that you secured it. How did you go
16 about securing them?

17 A Basically, I can keep my eyes on it at all times.

18 Q Did anybody else come up and touch those items other
19 than I think you said Agent Collins?

20 A Agent Collins.

21 Q So he came and collected those items?

22 A Correct.

23 Q So from the time they came out that window to the
24 time that Agent Collins picked them up, did anybody else
25 touch those items?

1 A No.

2 MR. MCEACHIN: Thank you. I move State's
3 Exhibit 2 into evidence.

4 THE COURT: Any objections?

5 MR. MEETZE: No, Your Honor.

6 THE COURT: State's Number 2 is into evidence
7 without objection.

8 (WHEREUPON, State's Exhibit No. 2 was admitted
9 into evidence.)

10 MR. MCEACHIN: Your Honor, permission to
11 publish.

12 THE COURT: Yes.

13 BY MR. MCEACHIN:

14 Q While they're looking at that, Agent Crawford, after
15 Agent Collins came and collected the evidence from
16 outside, what did you do?

17 A Basically, I kept secured that corner until
18 everything was cleared.

19 Q Until the search warrant ---

20 A To the search warrant was cleared.

21 Q Other than what you already testified to, did you
22 notice anything else or have any other involvement in the
23 execution of this search warrant?

24 A No, sir.

25 MR. MCEACHIN: Thank you. Please answer any

1 questions the defense may have for you.

2 CROSS-EXAMINATION

3 BY MR. MEETZE:

4 Q Major Crawford ---

5 A How you doing, sir?

6 Q I'm doing fine. Thank you. And I'm sorry to be
7 repetitive, but I'm probably going to be a little bit
8 repetitive with some of the questions you've already
9 answered. You got there and you were stationed on the
10 outside of the residence?

11 A Correct.

12 Q Where you testified to earlier?

13 A Right.

14 Q And pretty much as soon as you got there within
15 seconds you all started the operation that you were there
16 to do?

17 A Yes, sir.

18 Q At any point -- and from your testimony and if I'm
19 wrong that's why I'm asking. It sounds like you remained
20 outside?

21 A Yes, sir.

22 Q You did not go inside?

23 A No, sir.

24 Q So you're not aware of anything that happened inside
25 from your own personal knowledge with regards to any

1 search that went on in there, correct?

2 A No, sir.

3 Q Not aware of other individuals that were in there,
4 anything that was said to them; is that correct?

5 A No, sir.

6 Q So you not aware of anything that happened inside the
7 house?

8 A No, sir.

9 Q Because you remained outside the house?

10 A Correct.

11 Q Okay. Now, you were not what would be considered to
12 be the lead agent in this case, correct?

13 A No, sir.

14 Q And that's Agent Collins; is that right?

15 A Correct.

16 Q As the lead agent as part of the lead agents
17 responsibility to do the incident reports and things like
18 that?

19 A Correct.

20 Q And as an law enforcement officer, you're trained to
21 do that kind of thing?

22 A Do...

23 Q Incident reports and collect evidence and things like
24 that?

25 A We do incident reports and collect evidence.

1 Q Sure. And you trained on how to do that stuff
2 throughout your career, correct?

3 A Yes, sir.

4 Q And as a law enforcement officer it's very important
5 like a lot of jobs you have to constantly go through
6 various kinds of training?

7 A Right.

8 Q Because the law changes, correct?

9 A Yes, sir.

10 Q Law enforcement techniques and different things like
11 that can change and that kind of thing, correct?

12 A Yes, sir.

13 Q And it's important to be able to know how to collect
14 evidence?

15 A Right.

16 Q Interview witnesses? Correct?

17 A Yes, sir.

18 Q Preserve evidence? Correct?

19 A Yes, sir.

20 Q And a big part of what an investigation does and is
21 -- the incident report plays a large role in an
22 investigation of the case; is that right?

23 A Yes, sir.

24 Q And that's because the incident report tells
25 everybody what happens in a case, correct?

1 A Correct.

2 Q And that's very important wouldn't you say?

3 A Yes, sir.

4 Q Because yourself and the other agents with the drug
5 unit, they're not the only ones that are going to be
6 reviewing what happened in the case?

7 A Right.

8 Q Not everyone is going to review the incident report,
9 correct?

10 A Right.

11 Q The solicitor is going to get copies of the incident
12 report?

13 A Yes, sir.

14 Q So they're going to have to review it, correct?

15 A Yes, sir.

16 Q Defense attorneys are going to get copies of the
17 incident report, correct?

18 A Right.

19 Q So they're going to need to review the case and be
20 able to review what happened, correct?

21 A Yes.

22 Q And so because of all that and certainly the
23 solicitor, defense attorneys and other people they weren't
24 there at all, right?

25 A No.

1 Q And so it's important to make incident reports as
2 detailed and as thorough as possible, correct?

3 A Yes, sir.

4 Q So that folks can get a good picture as to what may
5 have occurred at a particular incident location, correct?

6 A Yes, sir.

7 Q All right. Now, you testified that -- and, of
8 course, trials come up months and sometimes years down the
9 road from when something actually happened, correct?

10 A Right.

11 Q And that's another thing that incident reports are
12 good for is to refresh folks memories, correct?

13 A Yes, sir.

14 Q Now, you didn't -- not being the lead agent in this
15 case you did not prepare the incident report, correct?

16 A No.

17 Q However, you participated in that in that you gave
18 some information to Agent Collins for him to use and enter
19 into the incident report, correct?

20 A Yes, sir.

21 Q Namely what you saw outside from where your position,
22 correct?

23 A Right.

24 Q Now, you testified -- did you review the incident
25 report before testifying today?

1 A Yes, sir, I looked at it a couple days ago.

2 Q Okay. And that's -- can be very helpful to refresh
3 our memories of things that happen months and months ago,
4 correct?

5 A Right.

6 Q And you testified here today that when you were
7 positioned outside you saw someone throw objects out of
8 the window, correct?

9 A Yes.

10 Q Now, when you reviewed the incident report, does it
11 say anywhere in that incident report that you saw someone
12 throw objects out the window?

13 A It did it say...

14 Q That you saw someone throw objects out of the
15 bathroom window?

16 A I have to look at it again.

17 Q Okay.

18 MR. MEETZE: May I approach the witness, Judge.

19 THE COURT: You may.

20 BY MR. MEETZE:

21 Q Some of this is sort of marked up, but I'm going to
22 hand you a copy of the incident report and I think this is
23 the paragraph where it talks about all of that. Is there
24 anywhere in there that indicates you saw someone throw
25 objects out of the window?

1 A No, sir, I said it was on the ground.

2 Q On the ground. Okay. So it does not say you saw
3 anybody throw anything out the window?

4 A Correct.

5 Q Is that right?

6 A Correct.

7 Q And as you testified to earlier outside of setting
8 off the noise whatever you would call it this sort of
9 explosion for lack of a better word and maintaining your
10 post outside in case anybody tried to leave and locating
11 the substance outside that was the extent of your
12 involvement and outside of telling Agent Collins what you
13 saw and did that kind of thing?

14 A Correct.

15 Q You didn't go inside?

16 A No, sir.

17 MR. MEETZE: I don't have any further questions.

18 THE COURT: All right. Redirect.

19 MR. MCEACHIN: Just one brief follow-up, Your
20 Honor.

21 REDIRECT EXAMINATION

22 BY MR. MCEACHIN:

23 Q You indicated you're not the one that prepared the
24 report?

25 A That's right.

1 Q Is there any doubt in your mind that you saw somebody
2 throw something out the window?

3 A Yes, sir, I saw someone throw something out the
4 window.

5 Q Okay. And I probably didn't ask that question, but I
6 want to make sure did you see somebody throw something out
7 the window?

8 A Yes, I did.

9 MR. MCEACHIN: No further questions.

10 MR. MEETZE: I don't have any further questions,
11 Judge. I would ask for a short recess.

12 THE COURT: All right. You may step down.

13 (WHEREUPON, the witness leaves the witness
14 stand.)

15 THE COURT: Members of the jury, if you would
16 step into the jury room for just a moment. Do not discuss
17 the case.

18 (WHEREUPON, the jury retire to the jury room.)

19 THE COURT: Yes, sir.

20 MR. MEETZE: I just need to be excused.

21 THE COURT: Okay.

22 (WHEREUPON, a break was taken.)

23 THE COURT: You ready?

24 MR. MCEACHIN: Yes, sir.

25 THE COURT: Go ahead and bring out the jury.

1 (WHEREUPON, the jury came into open court.)

2 THE COURT: Okay. Go ahead and call your next
3 witness.

4 MR. MCEACHIN: Your Honor, we call mark Collins
5 to the stand.

6 THE CLERK: Do you solemnly swear to tell the
7 truth the whole truth and nothing but the truth so help
8 you God?

9 THE WITNESS: I do.

10 WHEREUPON,

11 Mark Collins,
12 after first having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. MCEACHIN:

15 Q Good morning, Agent Collins.

16 A Good morning.

17 Q If you would please state your name for the record?

18 A Mark O'Neil Collins.

19 Q Mark, what do you do for a living?

20 A I am -- work for the Marion County Sheriff's Office
21 as a agent with the narcotics unit.

22 Q So the Marion County Combine Drug Unit what is that?

23 A Combine drug unit is a unit that is combined with
24 Mullins, Marion and the sheriff's office. And we combat
25 the drug offenses in the county and the city.

1 Q And are you currently with that unit?

2 A I am.

3 Q And back in March of 2017 or March of this year were
4 you with that unit?

5 A Yes, I was.

6 Q Okay. Now, let's talk a little bit about your law
7 enforcement experience, Mark. How much law enforcement
8 experience do you have?

9 A 22.

10 Q All right. Other of those 22 years, how many years
11 have you been working with the narcotics type
12 investigations?

13 A In 2008.

14 Q So going on nine years now?

15 A Yes, sir.

16 Q All right. And in March of 2017 what was your
17 position with the drug unit?

18 A Just a drug agent.

19 Q As a drug agent what were some of the functions that
20 you gave?

21 A Drug agent we are responsible for investigating drugs
22 in the county and the city. We work with a bunch of
23 confidential informants. We investigate drug operations
24 distributions. We do surveillance, interview. Sometimes
25 we have to go undercover ourselves.

1 Q Is one of the functions y'all also do is execute
2 search warrants?

3 A That is correct.

4 Q And were you involved in an investigation dealing
5 with a search warrant execution on March the 3rd of this
6 year?

7 A Yes, I was.

8 Q What was your role in that investigation?

9 A I was lead investigation -- lead investigator agent
10 of Erick Willard.

11 Q Okay. And did y'all in fact execute a search warrant
12 on that day?

13 A We did.

14 Q Okay. Who was involved in the execution of that
15 search warrant?

16 A It was our ERT team which is like a SWAT team Agent
17 Crawford, Agent Cribb and myself.

18 Q Okay. And when y'all -- where did y'all execute the
19 search warrant that day?

20 A [REDACTED] Aster Road in Mullins.

21 Q Do you know whose residence that was?

22 A Yes, I do.

23 Q Whose residence was that?

24 A Erick Willard that gentleman in the white shirt
25 there.

1 MR. MCEACHIN: Please have the record reflect
2 that the agent has identified the defendant.

3 THE COURT: It will.

4 MR. MCEACHIN: Thank you.

5 BY MR. MCEACHIN:

6 Q Okay. Now, when y'all got to the residence that
7 morning, where did you go or what did you do when you got
8 there, first thing you got there where did you go?

9 A When we execute a search warrant, we get in a stack.
10 Stack is a term that officers are lined up right behind
11 one another and we go into a house. And when you go into
12 a house, you break off in different directions of the
13 house. And that morning we were in a stack when we went
14 in. The first couple officers we made entry to the house
15 came in contact with some individuals that were in the den
16 area. I broke off and went into Mr. Willard's bedroom.

17 MR. MCEACHIN: May I have the witness step down,
18 Your Honor.

19 THE COURT: You may.

20 BY MR. MCEACHIN:

21 Q Mark, if you would step down. It may be better to
22 stand on this side so everybody can see. If you would,
23 did you make entry to the front or the back door or where?

24 A We made entry through the front door.

25 Q Okay. And if you would show the jury half you took

1 when you made entry?

2 A We walked down the road. We got dropped off. We
3 walked up. We had agents already in the backyard. When
4 we were going up, they were going in the back. We
5 breached the door. We used a distraction device at the
6 front. We gain entry to the house. Subjects were in the
7 den area officers put them on the ground, handcuff them.
8 And then me -- I go to Erick Willard's bedroom which is
9 right here.

10 Q Okay. So this is a bedroom on this side of the
11 house?

12 A Yeah, this is like the master bedroom, bedroom,
13 bathroom, closet.

14 Q Okay. And once you made entry into this room what
15 did you observe?

16 A When I made entry into this room here, Mr. Willard
17 was coming out of the bathroom. We told him to get on the
18 ground. He got on the ground. He was handcuffed. And
19 then he was patted down to make sure he had no weapons or
20 anything on him. When we heard that the den was secured,
21 that means they have searched it. We brought him out and
22 placed him in the den area with four other subjects.

23 Q Okay. So there were five total subjects at the time?

24 A Yes, it was.

25 Q Okay. At that point in time, did you really know who

1 was searching?

2 A No, not at this time. Mr. Willard -- the whole house
3 was secured at this time. I advised Mr. Willard in the
4 bedroom that we had a search warrant for his residence.
5 And he was brought up and placed there and then we started
6 to search.

7 Q Okay. All right. And if you would, Agent Collins,
8 with this green marker just show the jury where
9 Mr. Willard was when you saw him the first time just make
10 a circle if you don't mind?

11 A Right here coming out of the bathroom.

12 Q Okay. Still stand so everybody can see if you don't
13 mind. All right, once you got back in the main room with
14 everybody else, what did you do at that point in time?

15 A I went back into the bathroom area and started
16 searching in there. Since, he came out of the bathroom
17 usually in my experience we do a search warrant first
18 thing somebody does is they try to get to the bathroom
19 either flush it or try to destroy the evidence. And so
20 that's the first place where we try to get the contact to
21 in the bathroom to see if we can save any evidence that
22 could be destroy.

23 Q And maybe I should take a step back just so the jury
24 understands where the search warrant and what are you
25 looking for?

1 A The search warrant we're looking for any kind of
2 narcotics, illegal drugs.

3 Q So you went into the bathroom this bathroom here?

4 A Yes, sir.

5 Q Okay. And what, if anything, did you -- were you
6 able to locate in that bathroom?

7 A First of all, when I was -- we were handcuffing
8 Mr. Willard and advising him that we do have a search
9 warrant for his residence, I notice some money on his
10 bedside table. And then a napkin that contained some
11 white pills. Then when I walked into the bathroom after
12 he was escorted to the den went to the bathroom and on the
13 sink. You could see a white powder substance on the sink.
14 You could see a Dewalt knife, a pocket knife in the sink.
15 And you also saw small blue baggies in the sink and in the
16 drain you can see an off-white-rock-like substance, that's
17 consistent with cocaine base crack stuck down in the sink.
18 And when I was in the bathroom, that's when Agent Crawford
19 was right here and he told me that he observed a hand come
20 out the window and there was two bags out the window.

21 Q All right. I'm going to have you look at State's
22 Exhibit Number 3. I'm going to ask if you can take a
23 quick flip through there and tell me if you can identify
24 the photographs in State's Exhibit Number 3?

25 A Pictures taken out the bathroom.

1 Q Okay. And when you say pictures taken out the
2 bathroom, you're referring to this bathroom only?

3 A Yes.

4 Q Okay. So did these pictures show what you saw in
5 that bathroom what you located in that bathroom?

6 A Yes, sir.

7 Q All right.

8 MR. MCEACHIN: Your Honor, I'd move State's
9 Exhibit 3 into evidence.

10 THE COURT: Any objections?

11 MR. MEETZE: No, Your Honor.

12 THE COURT: State's Exhibit Number 3 is into
13 evidence without objection.

14 (WHEREUPON, State's Exhibit No. 3 was admitted
15 into evidence.)

16 BY MR. MCEACHIN:

17 Q We're going to show the jury the first pictures as
18 far as State's Number 3. This big white thing here you're
19 not saying that's consistent with crack?

20 A No, that's soap.

21 Q Okay. And what about this little white-rock-like
22 substance here?

23 A That is consistent with cocaine base crack.

24 Q All right.

25 A And the blue baggies.

1 Q I was going to the next page page two of State's
2 Exhibit 3 the blue baggies.

3 A Those are the blue baggies.

4 Q Why are those there?

5 A In my experience individuals who deal in narcotics
6 they break the note down. They put it in those little
7 baggies and that's how they sell the property.

8 Q And that was located in the bathroom?

9 A Yes.

10 Q Okay. Now, there's a picture is that part of State's
11 3 that shows the -- underneath the sink what side are they
12 on?

13 A I told you the pocket knife was in the sink. He was
14 poking the crack down the sink drain.

15 MR. MEETZE: I'll object to that, Your Honor.

16 THE COURT: Sustained.

17 BY MR. MCEACHIN:

18 Q He was poking the substance down the sink drain?

19 A Yes.

20 MR. MEETZE: Same objection speculation.

21 THE COURT: Sustained.

22 A What I did was I had to undo the pipe of the sink and
23 hit on the pipe to get all the crack that was stuffed down
24 in the drain and that's how I collected it was take the
25 sink a part.

1 Q And once you took the sink a part, did you get
2 anything out of the pipe?

3 A Yes, I did.

4 Q All right. And also part of State's Number 3 can you
5 explain to the jury what that is?

6 A Those are off-white-rock-like substance consistent
7 with cocaine base crack that came out the drain of the
8 pipe.

9 Q So you actually had to go up underneath the sink,
10 take the pipe off and shake it out and get that out?

11 A Uh-huh.

12 THE COURT: Is that a yes or no?

13 A Yes.

14 Q Okay. Now, Agent Collins, if you would just make --
15 just like agent -- Major Crawford did just show the jury
16 make a couple small X's where you found the substances
17 believed to be drugs in the bathroom?

18 A Right there.

19 Q That's about where the sink was?

20 A Yes, sir.

21 Q All right. Now, once you concluded your search of
22 the bathroom, where was the next place you went?

23 A After I completed the search of the bathroom, I went
24 outside and collected two bags that were thrown out the
25 bathroom window, photographed them, collected them, put

1 them in evidence bags, came back in and completed the
2 search of the bedroom.

3 Q And this probably a good time to ask the question as
4 the lead agent on the case, were you the only one that was
5 going to collect any evidence?

6 A That's correct.

7 Q And why is that?

8 A There's no chain of custody and so forth. Somebody
9 finds it they just stay there. I photograph it and I take
10 it.

11 Q And so you're the only one that actually touches any
12 of these substances?

13 A That's correct.

14 Q Okay. So that's why you instead of Agent Crawford
15 picking this stuff up, that's why you went outside and
16 picked it up?

17 A That's correct.

18 Q So there's one agent that handles all of the
19 substances found inside the residence?

20 A That's correct.

21 Q Okay. Once you went outside and should stop just a
22 minute and let you take a quick look at State's Exhibit
23 Number 2 that's already been admitted take look at that.

24 A Yes.

25 Q Are those bags you collected near Agent Crawford?

1 A They are.

2 Q Okay. And there were -- looks like three bags two
3 actually had some sort of substance in them?

4 A Two bags contained off white -- a white powder
5 substance and the other bag that was stuck bush was empty.

6 Q After you went outside to collect those items, where
7 did you go next?

8 A Then I came back in the bedroom. Then I collected --
9 well, there was currency also in the bathroom. I
10 collected currency that was under the sink and I open the
11 safe. And then I collected the money that was on the bed
12 side table and also collected the white napkin that
13 contained ten white pills that was consistent with
14 methadone. And then in the closet there was a coat that
15 contained some marijuana.

16 Q Now, with regard to the -- I think the first thing
17 you said you went back in the bathroom there was a safe in
18 there?

19 A Yes.

20 Q Was the safe open or close?

21 A It was open.

22 Q Okay. And did you take photographs of the safe?

23 A I did.

24 Q Okay. Can you identify State's Exhibit Number 4?

25 A That was a safe that was located under the sink where

1 I had to take the pipe a part.

2 Q Okay. So same the bathroom ---

3 MR. MCEACHIN: Sorry, Your Honor. I move
4 State's Exhibit 4 into evidence.

5 THE COURT: Any objections?

6 MR. MEETZE: No, Your Honor.

7 THE COURT: Number four is into evidence without
8 objection.

9 (WHEREUPON, State's Exhibit No. 4 was admitted
10 into evidence.)

11 BY MR. MCEACHIN:

12 Q So this safe was under the same sink in the bathroom?

13 A Yes, sir.

14 Q The same sink that you found an off-white-rock-like
15 substance?

16 A Yes, sir.

17 Q If you would just mark on here, the additional places
18 where you found -- what you believe to be a controlled
19 substances in the bedroom?

20 A Right here was his bed, beside it was a bedside table
21 that contained ten white pills and a napkin. There was
22 some money beside it and also there was a closet. And
23 there was a jacket that contained some marijuana that was
24 bagged up in baggies.

25 Q And I'm going to show you State's Exhibit Number 5 if

1 you can take a quick look at that for me and tell me if
2 you can identify the photograph in State's Exhibit 5?

3 A That's in his bedroom beside his bed, bed side table
4 and his closet.

5 Q Okay. So those would be the other items you marked
6 here?

7 A Yes, sir.

8 Q Okay.

9 MR. MCEACHIN: Your Honor, I move State's 5 into
10 evidence.

11 THE COURT: Any objections?

12 MR. MEETZE: Let me see those. No objection.

13 THE COURT: Number 5 is into evidence without
14 objection.

15 (WHEREUPON, State's Exhibit No. 5 was admitted
16 into evidence.)

17 BY MR. MCEACHIN:

18 Q Now, Agent Collins, I have to look at this closely.
19 I'm going to show picture number two explain to the jury
20 what picture number two and State's Exhibit 5 is? Make
21 sure you hold it up for everybody to see.

22 A Inside this napkin there's ten white pills inside
23 that napkin. That's consistent with methadone, which is a
24 controlled substance.

25 Q Okay. And if you kind of turn to the bright light

1 you can kind make an outline of the pills?

2 A That's correct.

3 Q There were ten total in there?

4 A Yes, sir.

5 Q Okay. Did you collect all the drugs that were
6 located in this room as well?

7 A I did.

8 Q All right. As a matter of fact any substances we
9 talked about today, are you the one who collected those?

10 A I did.

11 Q All right. After you completed the search of this
12 room, where was the next place you went?

13 A I went to -- went out the den, went into this kitchen
14 area right here where Agent Cribb had located some items
15 on the table, which table would be right here. Some
16 marijuana blunts on the kitchen counter over here. Some
17 digital scales, some baggies and other drug paraphernalia
18 items like a grinder and so forth. I photographed those
19 and put those in evidence.

20 Q Okay. Hang tight just a second. Agent Collins, I'm
21 going to have you step over here for me and just look down
22 here and tell me if you can identify these items. Show
23 you what's been marked as State's Exhibit 7 can you
24 identify that?

25 A Yes.

1 Q Okay. And what's State's Exhibit 7?

2 A A digital scale.

3 Q All right. State's Exhibit 8?

4 A Another digital scale.

5 Q And State's Exhibit 9?

6 A Blue baggies.

7 Q And State's Exhibit 10?

8 A A grinder.

9 Q Okay. Are those the items that you were just
10 referring to that you collected from the kitchen?

11 A Yes, sir.

12 MR. MCEACHIN: Your Honor, at this time I'd move
13 State's Exhibit 7, 8, 9 and 10 into evidence.

14 THE COURT: Any objections?

15 MR. MEETZE: No, Your Honor.

16 THE COURT: Seven, eight and nine and ten are
17 into evidence without objection.

18 (WHEREUPON, State's Exhibits Nos. 7, 8, 9 and 10
19 were admitted into evidence.)

20 BY MR. MCEACHIN:

21 Q Now, Agent Collins, what's the significance of
22 State's 7 and 8 why did you collect those?

23 A In my experience anybody takes part in selling drugs,
24 they take these digital scales to weight out their product
25 to see the weight, how much they going to get for it.

1 Q And in your experience as a law enforcement officer
2 are drugs sold by weight?

3 A Well, some are sold by weight and some are sold by
4 mostly grams weight wise small amounts, large amounts.

5 Q And these two items are found in the kitchen?

6 A Yes, sir.

7 Q Okay. And with regard to State's Number 9, explain
8 to the jury why you collected those?

9 A These blue baggies they match the ones that found
10 them in the bedroom, in the bathroom, but also these are
11 used to put their product in and sell to whoever wants to
12 purchase.

13 Q Is that why you collected that piece of evidence?

14 A I did.

15 Q And you said those were consistent with the ones you
16 found in the bathroom?

17 A Yes, sir.

18 Q Okay. And then finally State's Exhibit Number 10 you
19 already identified that explain to the jury what that is?

20 A This is a grinder. They put their weed -- the weed
21 usually comes in and it's packaged, sealed tight. They
22 break it off. They put it in a grinder and they grind it
23 up to where they can put in one of those little baggies
24 for sell.

25 Q Is that why you collected that piece of evidence?

1 A It is.

2 Q All right. So because we're talking about controlled
3 substances if you would just mark with this green pen
4 where you found the evidence? The scales how about the
5 scales?

6 A The scales, baggie and all that were found like on
7 the kitchen table. Kitchen table and there was a dresser
8 right here. Some of the baggies, I think, came out of the
9 dresser, but everything else the scales were on the table,
10 the kitchen table here.

11 Q So that's where those items came from?

12 A Yep.

13 Q Okay. Now, once you collected that evidence out of
14 kitchen, where was the next place?

15 A Next place that I went was in the bedroom over here.

16 Q Okay. And just so we're clear on this this was a
17 bedroom, correct?

18 A Yes, sir.

19 Q And you say this is a bedroom as well?

20 A Yes, sir. This is a bedroom. This is a bedroom.

21 Q Okay. Now, after you went in the kitchen, you went
22 to this bedroom?

23 A Yeah, I went to this bedroom here look like a storage
24 room. There was a bed in there, but there was no sheets
25 on the bed or anything that was just boxed up, with boxes

1 different stuff.

2 Q Okay. Did -- what about the bed in this room have
3 sheets -- was it made up and everything?

4 A Yes, that room look like somebody was staying in
5 there every night.

6 Q There were a bunch of boxes and stuff in this room?

7 A Yes.

8 Q All right. What did you do when you searched that
9 room?

10 A Started -- went in this bedroom I saw some jackets in
11 a closet and I start searching the jackets to see if
12 anything was in the jackets and located a -- I call it a
13 rainbow colored jacket Ralph Lauren jacket and it
14 contained some narcotics in a pocket of that jacket.

15 Q I'm going to show you what's been marked as State's
16 Exhibit 6 can you identify that?

17 A Yes.

18 Q Okay. And take a look at all those photographs what
19 is State's Exhibit 6?

20 A That is a jacket that was located in that closet.

21 Q So that was the jacket located in this bedroom here?

22 A Uh-huh.

23 Q Okay.

24 THE COURT: Is that a yes or a no?

25

1 BY MR. MCEACHIN:

2 Q Sorry. You have to answer yes or no?

3 A Yes.

4 Q That was the jacket located in that closet and you
5 stated you found some items in that jacket?

6 A I did.

7 Q Okay. And to the best of your knowledge, what did
8 those items appear to be?

9 A In the jacket, it appeared to be off-white-rock-like
10 substance consistent with cocaine base, white powder
11 substance consistent with cocaine, some greenish leafy
12 substance consistent with marijuana and some different
13 colored pills that consistent with ecstasy.

14 Q And ---

15 MR. MCEACHIN: Beg the Court's indulgence. Your
16 Honor, I move State's 6 into evidence.

17 THE COURT: Any objections?

18 MR. MEETZE: No, Your Honor.

19 THE COURT: Number six is into evidence without
20 objection.

21 (WHEREUPON, State's Exhibit No. 6 was admitted
22 into evidence.)

23 BY MR. MCEACHIN:

24 Q And these items that you found in State's Exhibit 6
25 did you also collect these items?

1 A I did.

2 Q Okay. If you would just so the jury knows just put
3 an X where you found the jacket where the substance that
4 you believe to be a control substance? All right. Now,
5 after you -- did you continue searching that room?

6 A I did.

7 Q All right. And after you finished searching that
8 room, did you search in other rooms?

9 A I went to this room here.

10 Q Did you find anything of any evidentiary value in
11 that one?

12 A I found two plastic baggies containing green leafy
13 substances consistent with marijuana.

14 Q And when you say plastic baggies, you talking about
15 like the blue baggies or like bigger baggies or what?

16 A Little blue baggies.

17 Q Okay. And just make an X where you located that at.
18 At that point was -- did you search the entire premises or
19 location?

20 A Yes, that's complete.

21 Q And once you completed your search of the whole
22 residence, what did you do with all the evidence that you
23 collected at these various spots?

24 A After I collected all of them, we placed it on the
25 kitchen table right here in the evidence bags.

1 Q Okay. And you were the one handed those evidence
2 bags?

3 A I was.

4 Q Okay. Did anybody else ever have possession of those
5 evidence bags?

6 A No, sir.

7 Q All right. Once you had them all in evidence bags,
8 what did you do with them?

9 A Put all the narcotics in the best bag, but we did
10 that at the office.

11 Q Okay. So who would have transported all of this
12 evidence from this location to your office?

13 A I would have.

14 Q Okay. It was always in your possession?

15 A Always.

16 Q And then once you got to the office, what did you do
17 with it?

18 A Wrote everything out that was collected, wait, then
19 we placed it in a SLED best bag so it can be sent to
20 Columbia.

21 (WHEREUPON, State's Exhibit No. 11 was marked
22 for identification only.)

23 BY MR. MCEACHIN:

24 Q Agent Collins, I'm going to have you take a look at
25 State's Exhibit Number 11. Can you identify that?

1 A Yes, sir.

2 Q Okay. And what is State's 11?

3 A This is -- contains a best bag with all of the
4 narcotics that I sent to SLED to be analyzed.

5 Q Okay. And that was packaged you actually put
6 together and sent to SLED?

7 A Yeah.

8 Q All right.

9 A This is the best bag here and everything's in that
10 best bag. And when you seal it, you can't open the back
11 up and that's placed in the drug vault. And then we take
12 it out the drug vault, which I took it out the drug vault
13 and transported to Columbia to SLED.

14 Q Okay. And you harped on it a little bit. The best
15 bag what is that?

16 A The best bag an evidence bag that was sent to us from
17 SLED that we have to put all our narcotics in that we send
18 up there for analysis.

19 Q Okay. And once it's sealed, who opens it out for it
20 to be sealed?

21 A The chemist.

22 Q At?

23 A At SLED.

24 Q Okay. So once you got it back that morning, you put
25 all the items you believe to be narcotics in that best

1 bag?

2 A I did.

3 Q All right. And once you sealed up that best bag what
4 did you do with it?

5 A Put it in a drug vault which is located in our
6 office.

7 Q Okay. Who has access to the drug vault?

8 A Myself and Agent Cribb.

9 Q Y'all the only two that have access to it?

10 A Yes, we have a two-way lock system. We have two
11 locks on it. I have a key to one lock. He has the key to
12 another lock and we can never get into it by ourself.

13 Q And the function behind that is, the reason behind
14 that is?

15 A Make sure nobody else gets into it.

16 Q Okay. Was that best bag ever removed from y'all's
17 evidence?

18 A Yes, by me.

19 Q And you removed it?

20 A Uh-huh.

21 THE COURT: Is that a yes or a no?

22 A Yes, I removed it.

23 Q Once you removed it, what did you do with it?

24 A Transported it to Columbia to SLED headquarters to be
25 tested.

1 Q And that was going to be my follow-up question why do
2 you send those things to SLED?

3 A To test it to find out what the source is.

4 Q Okay. And when you deliver to SLED, where did you
5 deliver or did you deliver it to?

6 A There's a -- we usually carry it into SLED. And we
7 give it to the in-take person, but now the system has been
8 switched up as that when we go into SLED you have to get
9 an ID. An ID gets you in a closed room and you have to
10 date it and stamp it -- step time and you put it in a
11 locker. And then when you put it in that locker you put a
12 sticker on it and then you leave. And then one of the
13 in-take workers come to that locker and get it out.

14 Q That's what you did that day?

15 A That's what I did that day.

16 Q Placed it in the locker?

17 A Yeah.

18 Q Sealed the locker?

19 A Yeah.

20 Q And then other than that one, do you have any other
21 involvement with State's Exhibit Number 11? Other than
22 bringing it to court?

23 A That's it.

24 Q Okay.

25 MR. MCEACHIN: It is for identification purposes

1 only, Your Honor.

2 BY MR. MCEACHIN:

3 Q Okay. And while we're on it does State's Exhibit 11
4 contain all of the evidence you believe to be drug or
5 narcotics evidence, does it contain everything you
6 collected from the defendant's residence?

7 A Everything that was collected out Erick Willard's
8 residence is in that best bag.

9 Q All right. Now, let's go back to that night now
10 we've established what happened with all the substances.
11 After you completed the search of the residence, what did
12 you do?

13 A After we completed the search, all five individuals
14 were in the den. At that time I explain to them about the
15 search warrant. And then I explain to all of them about
16 their Miranda rights.

17 Q I will let you step back and sit back down on the
18 stand. Now, when you say you explain to them their
19 Miranda rights, why did you do that?

20 A We do that to anybody that we arrest -- that is
21 arrested.

22 Q Okay. All these individuals consider five total
23 individuals in the residence?

24 A Yes.

25 Q Okay. And tell the jury what transpired when you

1 went back in the den? Maybe, I should ask that question a
2 little differently. When you went into the den to speak
3 with these individuals, you indicated you read them their
4 Miranda rights?

5 A I did.

6 Q Okay. Tell the jury which rights you read them?

7 A I pulled out the card that was issued by the police
8 academy that has their Miranda rights on them. I advised
9 which they were all together and I read them all their
10 rights. And when came to two parts -- at the end of it
11 there's a two-part question where they have to answer and
12 I went to each individual when it came to that question
13 and they all acknowledged and then the second part of that
14 question I did the same thing and each individual
15 acknowledged.

16 Q And not to embarrass you, Agent Collins, I'm going to
17 need you to read the Miranda rights that you read to those
18 individuals that night?

19 A This is the card that we always have on us suspect
20 rights, Miranda warning. If you have the right to remain
21 silent, anything you say can and will be used against you
22 in a court of law. You have the right to talk to an
23 attorney and have him or her present with you while you
24 are being questioned. If you cannot afford to hire an
25 attorney, one will be appointed to represent you before

1 any questioning if you want. You can decide at any time
2 to exercise these rights and not answer any questions or
3 make statements. Do you understand these rights I've
4 explained to you? And that was the question that ask I
5 each individual that was in the room which they said they
6 stated, yes, they understood their rights.

7 Q Was Mr. Willard one of those individuals? ..

8 A Yes, he was.

9 Q Did he indicate he understood his rights?

10 A He did.

11 Q Was there anything about Mr. Willard that caused you
12 concern to think that he didn't understand what you were
13 telling him?

14 A No, sir.

15 Q Okay. So after you read him the rights, you said
16 there was a second part to it?

17 A Yes. The last question having these rights in mind
18 do you wish to talk to us now. Then I went to all five
19 subjects and they all stated, yes, they wish to speak to
20 law enforcement.

21 Q Okay. And that at that point in time what was the
22 next thing that happened?

23 A At that time Mr. Willard spoke up ---

24 MR. MEETZE: Your Honor, I'm going to renew my
25 previous objection with regards to that.

1 THE COURT: Overruled.

2 BY MR. MCEACHIN:

3 Q Mr. Willard spoke up and said?

4 A Mr. Willard spoke up and said that he was taking
5 ownership of everything in the house and outside of the
6 house because he didn't want anybody else to go to jail.

7 Q All right. And when you say Mr. Willard said that,
8 you're talking about this fellow in the white shirt right
9 here?

10 A Yeah, Mr. Erick Willard.

11 Q He said that it all was his?

12 A Yes.

13 Q All right. Once he said that, what did you do?

14 A Then we were notified that one of the individuals
15 that was in the house was wanted for a child support bench
16 warrant. And then a vehicle that had pulled up outside
17 who was also in the residence was also arrested for ---

18 MR. MEETZE: Object to the relevance of that.

19 THE COURT: How is it relevant?

20 MR. MCEACHIN: Well, Your Honor, simply setting
21 forth -- I think it would be relevant if you give me one
22 more minute.

23 A There was two other people arrested besides
24 Mr. Willard and they were transported to the jail.

25 Q And did that have anything to do -- those two arrest

1 have anything do with what was located in the house or
2 where Agent Crawford showed us this stuff was located
3 outside of the house?

4 A No, no. Mr. Willard took ownership of everything
5 that was inside the house and outside the house.

6 Q So everything that we marked on here, Mr. Willard
7 took?

8 A Ownership of it.

9 Q Ownership of it. Okay. As a result of him taking
10 ownership, what did you do?

11 A He was charged accordingly.

12 Q Okay. What about the other individuals in the house?

13 A They were not charged.

14 Q And would -- I'm sorry go ahead.

15 A They were not charged with anything in the house
16 because Mr. Willard spoke up and took ownership of
17 everything that was located inside the house and outside
18 the house..

19 Q Okay. And if you hadn't done that, they been
20 arrested as well?

21 A Yes.

22 Q Okay. So because of him admitting to you that
23 everything was in the house and outside the house was his,
24 he was the only one arrested?

25 A Yes, he was.

1 Q Okay. Thank you. And I know we kind of backtracked
2 a little bit and we talked about everything you did
3 afterwards by taking the stuff to SLED and doing all that,
4 that morning after y'all finished with the search warrant
5 was there any other part of the investigation that took
6 place in this case?

7 A The search warrant Mr. Willard was given a copy of
8 the search warrant of everything taken that was seized
9 from his residence. It was turned over to him at the jail
10 by Agent Cribb.

11 Q Okay. And he received a copy of all that?

12 A Yes, he did.

13 Q Okay. Any other involvement y'all had with regard to
14 this specific case?

15 A No.

16 MR. MCEACHIN: Thank you. Please answer any
17 questions the defense may have for you.

18 MR. MEETZE: Thank you. May it please the
19 Court.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. MEETZE:

23 Q Agent Collins, you just testified that Mr. Willard
24 made a statement claiming all the substance both inside
25 and outside the residence, correct?

1 A I did.

2 Q You also testified that had he done that that
3 everybody located in the house would have been arrested,
4 correct?

5 A That is correct.

6 Q And charged with all the same substances, correct?

7 A Correct.

8 Q And in fact you had advised everybody of that?

9 A No, sir, I didn't.

10 Q You never told everybody that unless somebody claims
11 it everybody would be arrested?

12 A No, because before I even mentioned that Mr. Willard
13 spoke and said I'm taking ownership of everything. He
14 didn't give me time to say that to anybody.

15 Q And you also told Mr. Willard that it was his house
16 so the stuff would be his anyway so to speak, correct?

17 A No, sir.

18 Q You never told him that?

19 A No, sir.

20 Q Okay. But you certainly do admit here even though
21 you didn't say that have somebody not claimed it everybody
22 would have been arrested?

23 A Yes, sir.

24 Q Okay. Now, you also testified a little earlier that
25 -- well, let me back up I apologize. As you testified you

1 are the lead agent in this particular case, correct?

2 A Yes, sir.

3 Q Which means you have the most responsibility of
4 anybody there, correct?

5 A I did.

6 Q You got everybody together, but was going to
7 participate in this -- I can't think of my words ---

8 A Search warrant.

9 Q Search warrant.

10 A I did.

11 Q Made -- you let everybody know what their
12 responsibilities would be?

13 A Yes, sir.

14 Q And you were in charge of executing a search warrant?

15 A I was.

16 Q And you collected all of the evidence?

17 A I did.

18 Q Maintained control of that?

19 A I did.

20 Q Now, as part of that and even going further back you
21 been in law enforcement for a long time, correct?

22 A Yes, sir.

23 Q And as a law enforcement agent you go through a lot
24 of training, correct?

25 A I do.

1 Q And that starts right out of the gate, correct?

2 A Yes, sir.

3 Q Go to the academy when you first start, correct?

4 A Yes, sir.

5 Q And you continue being educated throughout your
6 career, correct?

7 A I do.

8 Q And because law enforcement -- the job of being
9 being a law enforcement officer laws change, correct?

10 A Correct.

11 Q You have to be trained on changes in the law,
12 correct?

13 A We do.

14 Q Different law enforcement techniques whether it be
15 with chases or anything like that if there's any sort of
16 update in how things are done and any kind of protocol
17 that y'all would use or change you have to be educated in
18 all of that, correct?

19 A That's correct.

20 Q And, of course, really probably the most important
21 aspect at least I would submit such with regards to a job
22 such as yours is learning on the job is probably where you
23 learn more than anything, correct?

24 A In the courtroom.

25 Q Sure. And part of what you do as the lead-agent is

1 not only collect the evidence, correct?

2 A That's correct.

3 Q Preserve the evidence, correct?

4 A Yes, sir.

5 Q You interview any witnesses, correct?

6 A Yes, sir.

7 Q And you are responsible for moralizing everything in
8 what is called an incident report, correct?

9 A That's correct.

10 Q And an incident report is a typed document, correct?

11 A Yes, sir.

12 Q Which y'all use certain forms for all your incident
13 reports, correct?

14 A It's basic.

15 Q Basic form, but you use the same one each time?

16 A Yes, sir.

17 Q With different spots to fill in names of witnesses
18 and suspects and different things like that, correct?

19 A Correct.

20 Q And, of course, the biggest portion of the incident
21 report is what would be called the narrative, correct?

22 A Yes, sir.

23 Q The narrative is what happened?

24 A Yes, sir.

25 Q Is that right? And it's important for an incident

1 report narrative to be as detailed as possible, correct?

2 A Try to make it detailed as possible.

3 Q Right. And that's common sense, correct?

4 A Yes.

5 Q A lot people are going to be reviewing and reading
6 the incident report, correct?

7 A Well, just myself and Agent Cribb. We're the only
8 ones at the drug unit, so we look at each other reports
9 and make sure everything is there to try to do it to the
10 best our ability to make sure everything is in the report
11 is correct.

12 Q But Mr. McEachin's going to review it, correct?

13 A Yes, but we make sure everything's there before we
14 send it off.

15 Q Sure. But what I'm saying is eventually more than
16 just you and Agent Cribb are going to read your incident
17 report or whoever does the incident report, correct?

18 A That's correct. It just starts at our office and
19 then it moves up the chain.

20 Q Sure. And as it moves up the chain a lot of the
21 folks that are going to be reading that incident report
22 weren't there?

23 A That's true.

24 Q So that's why it needs to be as detailed as possible
25 so the folks that would be involved in the case that

1 weren't there have an accurate picture as possible,
2 correct?

3 A We try to do it the best of our ability.

4 Q Sure. Now, you testified earlier that -- well, again
5 I'm getting ahead of myself again. Of course, the
6 incident reports are done and these things are done months
7 before cases would go to trial, correct?

8 A That's correct.

9 Q So you need an incident report to be as detailed as
10 possible to be able to refresh your memory as to what
11 happen, correct?

12 A That's correct.

13 Q Because as time goes on our memories don't get
14 better, correct?

15 A That's true.

16 Q As time passes our memories fade a bit, correct?

17 A Yes, sir.

18 Q So incident reports can help us refresh our
19 recollection of things that happened a long time ago,
20 correct?

21 A Yes, sir.

22 Q And did you review your incident report prior to this
23 trial not necessarily this morning, but as things were
24 leading up to this trial, you reviewed your incident
25 report, correct?

1 A I did.

2 Q And because you wanted to refresh any recollection of
3 things, correct?

4 A (No response).

5 Q Now, you testified that you entered -- and if I get
6 any of this wrong feel free to correct me, but when you
7 entered the residence you entered through the front door
8 and went into a bedroom there to the left as you walked
9 in, correct?

10 A That's correct.

11 Q And you testified that when you went into that
12 bedroom Mr. Willard was coming out of the bathroom?

13 A Yeah, Mr. Willard was coming out the bathroom.

14 Q Okay. Now, did you put that in your incident report
15 anywhere?

16 A I have to look and see.

17 Q Sure, take all the time you like.

18 A Yes, it is. Agent Mark Collins explained to Erick
19 Willard, who was in his bedroom, about the search warrant
20 of his residence.

21 Q Specifically that you saw him coming out of the
22 bathroom is the question I asked?

23 A Yes. The bathroom and his bedroom are connected,
24 it's like the master bedroom of the residence.

25 MR. MEETZE: May I approach the witness, Your

1 Honor?

2 THE COURT: You may.

3 BY MR. MEETZE:

4 Q See if we looking at the same thing.

5 A Right here. The bedroom -- I didn't go in the
6 bedroom without the search warrant.

7 Q Correct. I understand that, but my question to you a
8 little bit ago was you testified earlier that when you
9 went into his bedroom you saw Mr. Willard exiting his
10 bathroom?

11 A Yes, he was -- when he was exiting the bathroom, we
12 told him to get on the ground in his bedroom.

13 Q I understand. My question specifically is does it
14 say in your incident report that as you walked into his
15 bedroom you saw him exiting his bathroom.

16 A No, just the bathroom and bedroom up in there, so he
17 was apprehended in the bedroom.

18 Q I understand. But the answer to my question is no
19 you didn't put that in your incident report?

20 A I have the bedroom that's where he was...

21 Q I mean, I don't want to beat around the bush. I'm
22 asking one question right now. You testified that when
23 you went in you saw him coming out of the bathroom?

24 A It's not in the report.

25 Q It's not in the report. Okay. Now, and you also

1 testified that Agent Crawford indicated to you that he had
2 seen a hand out the window?

3 A He observed.

4 Q That he observed, right, because you collect
5 information from everybody to make your report, correct?

6 A Yeah.

7 Q You don't say anywhere in here that Agent Crawford
8 relayed to you that he saw someone throw objects out of
9 the bedroom window, correct?

10 A It's not in the report, but that don't mean it didn't
11 happen. When you're typing up these reports and this is a
12 long report, you forget to put stuff in that happened, but
13 majority of everything that I'm testifying to that you
14 hear testimony it happened.

15 MR. MEETZE: I don't have anything further,
16 Judge.

17 THE COURT: Redirect.

18 MR. MCEACHIN: Beg the Court's indulgence just a
19 moment.

20 (WHEREUPON, a pause in the proceedings.)

21 MR. MCEACHIN: No further questions from the
22 State.

23 THE COURT: You may step down.

24 (WHEREUPON, the witness leaves the witness
25 stand.)

1 THE COURT: Call your next witness.

2 MR. MCEACHIN: Thank you. I call Agent Aurelius
3 Cribb to the stand.

4 THE CLERK: Do you solemnly swear to tell the
5 truth, the whole truth and nothing but the truth so help
6 you God?

7 THE WITNESS: I do.

8 WHEREUPON,

9 Aurelius Cribb,
10 after first having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MCEACHIN:

13 Q Agent Cribb, if you would please state your full name
14 for the record speak up now.

15 A Aurelius Cribb.

16 Q All right. If you would please tell the jury who are
17 you currently employed with?

18 A I'm employed with the Marion County Sheriff's Office.

19 Q Okay. And in what capacity are you employed with the
20 sheriff's office?

21 A I'm with the Marion County Combine Drug Unit.

22 Q All right. Are you an agent with that unit?

23 A Yes, sir.

24 Q Okay. We already heard Major Crawford and Agent
25 Collins tell us what the drug unit does, but y'all are in

1 the business of doing drugs investigations?

2 A Yes, sir.

3 Q All right. How long have you been doing that?

4 A Sixteen years.

5 Q All right. And in addition to that how long -- I
6 should just ask this question. How much total law
7 enforcement experience do you have?

8 A Seventeen years.

9 Q All right. So for the majority of your law
10 enforcement career you engaged in some sort of drug
11 investigations?

12 A Yes, sir.

13 Q Okay. Now, were you employed with Marion County
14 Combine Drug Unit back -- I keep saying drug unit meaning
15 both the sheriff's office and the drug unit back in March
16 of 2017 of this year?

17 A I was employed with Marion Police Department for 17
18 years and then I went to the sheriff's office in February.

19 Q And so if you went there in February you would have
20 been with the drug unit?

21 A Right.

22 Q And Agent Collins indicated to us that the drug unit
23 was made up of different entities like Marion Police
24 Department will send an agent. Mullins Police Department
25 will send an agent. Sheriff's office has an agent; is

1 that accurate?

2 A Yes, sir.

3 Q So prior to leaving Marion Police Department did you
4 previously been an agent with the combine drug unit?

5 A Yes, sir.

6 Q Okay. Now, March of 2017 this year you had switched
7 over to the sheriff's office and you were working with the
8 drug unit?

9 A Yes, sir.

10 Q Okay. And were you part of the group that went and
11 conducted a search warrant on March the 3rd?

12 A Yes, sir.

13 Q Okay. And if you don't mind tell the jury what you
14 were doing that day, what was your function on that
15 particular day?

16 A My function that day we went into residence. We
17 apprehended everyone that was in the residence and then I
18 helped search the residence.

19 Q Okay. Did you go through the front door or the back
20 door?

21 A Front door.

22 Q All right. So once you went in the front, where did
23 you go first?

24 A I went through the living room and then to the
25 kitchen.

1 Q All right. Did you help secure or detain the
2 individuals that were in the residence?

3 A Yes, sir.

4 Q All right. And once you did that, that's when you
5 went into the kitchen?

6 A Yes, sir.

7 Q All right. And in the kitchen -- and just so we're
8 sure, I'll get you to step down just a minute if you don't
9 mind, Agent Cribb, come on down for me. Make sure you
10 stand where everybody can still see. You indicated you
11 made entry into the front door?

12 A Yes, sir.

13 Q And then the individuals were all in here?

14 A Yes, sir.

15 Q Was there anybody not in this room that was detained
16 that day?

17 A Just one person.

18 Q Who was that?

19 A Mr. Willard.

20 Q Mr. Willard?

21 A Yes, sir.

22 Q Can you -- do you see Mr. Willard in the courtroom?

23 A Yes, sir.

24 Q And where is he?

25 A Right over there.

1 Q What color shirt is he wearing?

2 A White shirt.

3 MR. MCEACHIN: Please have the record indicate
4 the witness has identified the defendant.

5 BY MR. MCEACHIN:

6 Q All right. So there were four other individuals that
7 were in the den that day?

8 A Yes, sir.

9 Q Okay. Once those individuals were secured, you then
10 went where?

11 A I went over here.

12 Q In the kitchen?

13 A Yes, sir.

14 Q All right. And what did you do while you were in the
15 kitchen?

16 A I started searching and located some items.

17 Q Okay. And what items did you locate?

18 A I located a grinder, some marijuana blunts, a razor
19 blade, some baggies and some scales.

20 Q I will let you sit back in the witness stand. And
21 having been involved in this type of investigation in 16
22 years, why did you think those items were important? I
23 tell you what let's start with the scales Plaintiff's
24 Exhibit excuse me -- State's Exhibit 7 and 8 why were the
25 scales significant? Why did you decide that those were

1 important and y'all needed to collect them?

2 A Normally, the people we deal with usually have scales
3 to weigh out the drugs that they're selling to other
4 people.

5 Q Okay. And you thought -- that's why y'all collected
6 those?

7 A Yes, sir.

8 Q The same with regard to the grinder and the baggies?

9 A Yes, sir, they usually all go together.

10 Q Now, once you located these items, what did you do?

11 A I informed Agent Collins, so he could come and take
12 pictures and gather them.

13 Q Okay. So was Agent Collins the one who ultimately
14 collected those items?

15 A Yes, sir.

16 Q Okay. Now, after he came in there, did you stay with
17 the items until he collected them?

18 A Yes, sir.

19 Q After he collected the items, what was the next thing
20 you did?

21 A After I collected the items, we checked the rest of
22 the area and then Mr. Collins came and read everybody
23 their Miranda rights?

24 Q Okay. So were you present -- and I want to make sure
25 the jury hears this, Aurelius, so make sure you speak up.

1 Were you present in the den when Agent Collins read the
2 Miranda rights to the defendant and the other four
3 individuals?

4 A Yes, sir.

5 Q Okay. You were present for that?

6 A Yes, sir.

7 Q How far away were you standing from -- and you tell
8 me when to stop. When I get as close to you as Agent
9 Collins when he read those Miranda rights, you tell me to
10 stop okay?

11 A Right there.

12 Q Right there?

13 A Yes, sir.

14 Q So from me to you when he was reading the rights to
15 the them?

16 A Yes, sir.

17 Q All right. Mr. Willard was in the room with them?

18 A Yes, sir.

19 Q All right. You heard him read the rights?

20 A Yes, sir.

21 Q Okay. Same rights he read today?

22 A Yes, sir.

23 Q All right. And once he got through reading those
24 rights, did everybody seem to indicate they understood
25 them?

1 A Yes, they did.

2 Q What was Mr. Willard's indication?

3 A He indicated he understood.

4 Q He indicated he understood the rights?

5 A Yes, sir.

6 Q All right. And then after the rights were read, was
7 another question asked to them?

8 A Yes, sir.

9 Q And what was that?

10 A Well, before that, Mr. Willard took responsibility
11 for the items that was in the residence.

12 Q Okay. So after the rights were read to them and they
13 were asked if anybody wants to speak to law enforcement,
14 he said everything belong to him?

15 A Yes, sir.

16 Q Now, this is important, Aurelius. Did Agent Collins
17 or you or any other law enforcement officer ask any
18 questions of Mr. Willard before he made that statement?

19 A No, sir.

20 Q He just made that statement?

21 A Yes, sir.

22 Q Okay. And Agent Collins indicated that -- and you
23 were in here for his testimony that as a result of that
24 the only person charged with all these drugs was
25 Mr. Willard?

1 A Yes, sir.

2 Q Okay. And what is your practice if he wouldn't have
3 done that, if he didn't claim them?

4 A If he didn't claim them, everyone in the residence
5 would have been arrested for it.

6 Q Okay. And that's because why?

7 A Constructive possession.

8 Q Okay. After y'all finished up with them in the den
9 area, the living room area, Agent Collins took all the
10 evidence, did you have any other involvement in this case?

11 A Yes, sir.

12 Q What did you do?

13 A I fill the return out on the search warrant.

14 Q Okay. And that was your involvement in this case?

15 A And I served the arrest warrant also.

16 Q You served the warrants in this case on Mr. Willard?

17 A Yes, sir.

18 Q Any other involvement?

19 A No, sir.

20 MR. MCEACHIN: Please answer any questions
21 Mr. Meetze or Mr. Chandler has.

22 CROSS-EXAMINATION

23 BY MR. CHANDLER:

24 Q Good morning, Agent Cribb.

25 A Good morning.

1 Q How long you been a member of the drug unit before
2 the search occurred?

3 A Sixteen years.

4 Q Sixteen years, okay. Was his admission recorded?

5 A No, sir, it wasn't.

6 Q Do y'all have the ability to audio record?

7 A We don't usually record.

8 Q But do you have the ability to record a confession?

9 A Yes, sir.

10 Q Okay, just making sure. And y'all didn't record it
11 that night?

12 A No, sir.

13 Q Okay. And you were present when the Miranda rights
14 were read?

15 A Yes, sir.

16 Q And you were present when the admission was made?

17 A Yes, sir.

18 Q Okay. And you stated earlier that you would have
19 arrested everyone at the residence had he not taken
20 ownership of the drugs, correct?

21 A Yes, sir.

22 Q But you also stated that you never told him that
23 until or you never told him that; is that correct?

24 A Yes, sir.

25 Q So you expect this jury to believe that Mr. Willard

1 owned up to all the drugs in the home without any kind of
2 threat so you're going to charge other people who resided
3 there?

4 A Yes, sir.

5 Q Okay. And you never said that not once? Keep in
6 mind you're under oath -- let me take that back no one in
7 the drug unit ever threatened to charge anyone else in the
8 house other than Mr. Willard?

9 A No, sir.

10 MR. CHANDLER: Okay, thank you. No further
11 questions.

12 THE COURT: Redirect.

13 REDIRECT EXAMINATION

14 BY MR. MCEACHIN:

15 Q Agent Cribb, Mr. Chandler was just asking you about
16 recording devices and all that. At this point in time had
17 body cameras been issued to the department?

18 A They hadn't been issued out yet.

19 Q They hadn't been issued to the department?

20 A No, sir.

21 Q So nobody -- it's just haven't been issued?

22 A Yes, sir.

23 Q You all have them now?

24 A Not yet.

25 Q Didn't have them at the time?

1 A We still don't have them.

2 Q So still don't have them. So you still don't have
3 them, but didn't have them at the time?

4 A No, sir.

5 Q So it's not a situation where y'all had something
6 that y'all aren't provided? Y'all just didn't have them?

7 A Just didn't have them at the time.

8 Q Okay. But you witnessed everything that Agent
9 Collins said to Mr. Willard?

10 A Yes, sir.

11 Q You witness Mr. Willard respond to those questions?

12 A Yes, sir.

13 Q And you witness Mr. Willard accept responsibility for
14 the drugs in the house?

15 A Yes, sir.

16 MR. MCEACHIN: Nothing further.

17 THE COURT: Recross?

18 MR. CHANDLER: Nothing.

19 THE COURT: You may step down.

20 (WHEREUPON, the witness leaves the witness
21 stand.)

22 THE COURT: Call your next witness.

23 MR. MCEACHIN: Your Honor, based on witnesses,
24 we need just a short break.

25 THE COURT: All right. Members of the jury,

1 step into the jury room. Do not discuss the case.

2 (WHEREUPON, the jury retire to the jury room.)

3 (WHEREUPON, a break was taken.)

4 THE COURT: Why don't we go ahead and bring out
5 the jury.

6 (WHEREUPON, the jury came into open court.)

7 THE COURT: State call your next witness.

8 MR. MCEACHIN: Your Honor, the State would call
9 Ashley Bell to the stand.

10 THE CLERK: Do you swear or affirm to tell the
11 truth, the whole truth, and nothing but the truth so help
12 you God?

13 THE WITNESS: Yes, ma'am.

14 WHEREUPON,

15 Ashley Bell,

16 after first having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. MCEACHIN:

19 Q Good morning, Ashley.

20 A Good morning.

21 Q If you would please state your full name for the
22 record?

23 A Ashley Bell.

24 Q Ashley, where you currently employed?

25 A The South Carolina Law Enforcement Division. It's

1 common referred to as SLED.

2 Q And what do you do at SLED?

3 A I'm a forensic scientist in the drug analysis
4 department.

5 Q Okay. And tell the jury how you came to be a
6 forensic scientist in the drug analysis department at
7 SLED?

8 A I applied for a job and I was hired on.

9 Q I probably didn't ask that appropriately. Let's talk
10 a little bit about your education first. Where did you go
11 to school?

12 A Washington and Lee University.

13 Q And did you get your degree in?

14 A I have a bachelor of science degree in bio-chemistry.

15 Q Okay. In addition to that, you have any other
16 educational training that's pertinent to what you do at
17 SLED?

18 A Yes. I successfully completed extensive in-house
19 training at SLED under a court qualified expert in
20 forensic drug analysis. I successfully completed
21 competency testing, supervise case work, written
22 examinations and oral examinations. I also successfully
23 completed online course with West Virginia University and
24 forensic drug chemistry and forensic math micrometry
25 (sic).

1 Q I imagine you have to complete all that stuff before
2 they cut you loose and let you come to court and start
3 testifying?

4 A Yes, we have to undergo extensive training before we
5 allowed to do independent case work.

6 Q Okay. And with regard to the work you do, if you
7 don't mind just explain to the jury on a daily basis what
8 do you do?

9 A We analyze items of evidence for the presence or
10 absence of a control substance. We document the results
11 of our analysis. We generate reports based upon our
12 findings and results and we testify to those reports.

13 Q And from the time you got out of school through up
14 until today how many different drug analysis or chemical
15 analysis do you believe you completed?

16 A Since, I been in the drug analysis department, I have
17 completed 100's if not thousands of chemical testing and
18 confirmatory testing.

19 Q Okay. And the purposes of testing again is to
20 determine the chemical makeup of particular substances?

21 A It's to determine if a control substance is present
22 or absent in an item of evidence submitted.

23 Q Have you ever been qualified before as an expert in
24 the State of South Carolina?

25 A Yes, I have.

1 Q And were you qualified as expert in, I guess,
2 forensic science with specificity in chemical analysis?

3 A Yes, sir.

4 MR. MCEACHIN: At this time, Your Honor, I would
5 like to qualify Ms. Bell as an expert in forensic science
6 and chemical analysis.

7 THE COURT: Any objection?

8 MR. MEETZE: No objection, Judge.

9 THE COURT: Motion is granted.

10 BY MR. MCEACHIN:

11 Q Ms. Bell, as a forensic scientist do you -- and
12 especially with chemical analysis do you have occasion to
13 go to crime scenes?

14 A No, sir.

15 Q Okay. How does evidence come to you?

16 A Evidence is submitted to SLED by the submitting
17 agency into our evidence control department.
18 Specifically, we have lockers within that department where
19 submitting agencies can drop off their evidence. And a
20 evidence control technician will retrieve that evidence
21 and store it away in the long term storage and evidence
22 control.

23 Q Now, I want to talk to you a little bit about that
24 why is that important, why is that necessary for what
25 y'all do?

1 A It holds together the chain of custody of the items
2 of evidence submitted.

3 Q And so the jury understands we've heard that term
4 chain of custody before what does that mean?

5 A An actual chain custody is a business document. It's
6 documenting the transfer of evidence between individuals
7 for a particular case or item of evidence.

8 Q And would it be fair to say that it notes anybody --
9 it suppose to note anybody who's come in contact with
10 whatever it is you're testing?

11 A That is correct.

12 Q Okay. Now, we're here today based on a case stemming
13 from Marion County back on March the 3rd 2017. Did you
14 have occasion to become involved in this case?

15 A Yes, sir.

16 Q Okay. And did you have occasion to conduct some
17 chemical analysis on items sent to you by the Marion
18 County Sheriff's Office?

19 A Yes, sir.

20 Q Okay. I'm going to start by showing you what's been
21 marked for identification purposes as Defendant's Exhibit
22 11. Can you identify Defendant's Exhibit 11?

23 A It appears to be the packaging that I repackaged the
24 best kit and the evidence items into.

25 Q And at the top there's some writing on that. What's

1 that writing? Is that something you would have done?

2 A Yes, there's the date and my initials on it and that
3 would be any time -- so once I completed my analysis on
4 the items of evidence and the best kit, it was repackaged
5 into here. And this dated and my initials -- that
6 represents when I sealed the evidence into this K-pack
7 pouch. Any subsequent times I had to go back into the
8 heat seal bag. I would cut it open, do the date and my
9 initials and then reseal it.

10 Q So that's to ensure that you know nobody else has
11 gone into the package?

12 A That's correct.

13 Q Okay.

14 MR. MCEACHIN: Your Honor, at this time I move
15 State's 11 into evidence.

16 THE COURT: Any objection?

17 MR. MEETZE: No, Your Honor.

18 THE COURT: State's Exhibit 11 is into evidence.

19 (WHEREUPON, State's Exhibit No. 11 was admitted
20 into evidence.)

21 BY MR. MCEACHIN:

22 Q Now, contained within State's 11 there were some
23 other items and I'm going to start with State's Exhibit 11P
24 for identification purposes. Can you identify State's
25 Exhibit 11P?

1 A Yes, I can.

2 Q And what State's Exhibit 11P?

3 A It is a best kit.

4 Q And could you explain to the jury what a best kit is
5 used for?

6 A Yes, as best stands for best evidence sample testing.
7 It allows the seasoned officer to collect the best
8 evidence, seal it inside of this best kit and submit it
9 for forensic analysis. The best kit is designed with two
10 tamper evidence security features better design to make
11 appear in any evidence of tampering. There's a sealable
12 top as well as cut and tear marks along the sides that
13 make it easier to detect tampering after this best kit has
14 been sealed. There's also two unique numbers that come
15 with best kits submitted to SLED. First is this
16 controlled number you see here that starts with a B,
17 that's given to each best bag during the manufacturing
18 process. The other is the unique SLED lab number that you
19 see here. This is given to each case that is submitted to
20 SLED. Both numbers can be used to track the evidence
21 placed within this bag as well as any associated
22 documents. And these two numbers are both documented on
23 everything that I generated documentation wise.
24 Q And the best bag itself is that the bag that any sort
25 of evidence would come to you in?

1 A Yes, sir.

2 Q And law enforcement will be the initial ones to fill
3 that out?

4 A The submitting agency, yes, sir.

5 Q Okay. Now, when you got that particular best bag if
6 you don't mind, would you tell the jury who you received
7 it from?

8 A I went down to our evidence control department and I
9 received it from evidence control technician Charlotte
10 Crow (sic).

11 Q Okay. And where would Charlotte had received it
12 from?

13 A She would have received it from our drug in-take
14 storage.

15 Q Okay. And how would it have gotten into y'all drug
16 in-take storage?

17 A The submitting agency would have submitted the best
18 kit into our evidence lockers and evidence control
19 technician retrieves the best kit from the evidence
20 lockers and placed it into the evidence in-take storage.

21 Q And who was the forensic technician that would have
22 taken this particular item and put it into storage?

23 A That would have been forensic technician Amy Stevens.

24 Q Okay. Now, you indicated that there were several
25 items, I believe, that came inside of this particular best

1 bag. When you received it, did it appear that it would
2 have been tampered with in any way?

3 A No, sir.

4 MR. MCEACHIN: Your Honor, at this time I move
5 State's Exhibit 11P into evidence.

6 THE COURT: Any objections?

7 MR. MEETZE: No, Your Honor.

8 THE COURT: Eleven P is into evidence.

9 (WHEREUPON, State's Exhibit No. 11P was admitted
10 into evidence.)

11 BY MR. MCEACHIN:

12 Q All right. I'm going to try to do this with you as
13 quickly as possible. And I will ask you because there's
14 so much to go over here, there's certain test you run
15 depending on the type of substance; is that fair to say?

16 A Yes.

17 Q Okay. And I'll let you clarify for the jury when the
18 time comes, but it just depends maybe on what the
19 substance is?

20 A That's correct.

21 Q Okay. I'm going to hand you what's been marked as
22 State's Exhibit 11. Can you identify that?

23 A Yes, I can. It has our SLED lab number on it item
24 number and my initials.

25 Q Did you conduct a chemical or forensic analysis on

1 that item?

2 A I would have performed a presumptive or preliminary
3 chemical test that is used to tentatively indicate what
4 control substance may possibly be present in the item.

5 Q Okay. And what were the results of that test?

6 A I then followed up that presumptive testing with
7 confirmatory testing and the results came back as cocaine
8 base crack C2 found in the sample tested one tested.

9 Q And what was the weight of the testing?

10 A 2.56 plus or minus 0.01 grams.

11 Q All right. So explain to the jury if you don't mind,
12 we understand certainly the 2.56, but what's the plus or
13 minus that you just indicated or spoke about?

14 A Any measurement that is taking comes with some degree
15 of variability. There is a measurement of uncertainty
16 that we attached to each weight of an item that is taken
17 that takes into account that variability and it quantifies
18 it for us, that's what the plus or minus 0.01 represents.

19 Q So in this case, I guess, what we're saying is it can
20 technically be 2.57 or 2.55?

21 A That is correct.

22 Q Okay. And this is what you actually tested?

23 A Yes, sir.

24 Q Thank you.

25 MR. MCEACHIN: I move State's Exhibit 11A into

1 evidence.

2 THE COURT: Objections?

3 MR. MEETZE: No, Your Honor.

4 THE COURT: 11A is into evidence.

5 (WHEREUPON, State's Exhibit No. 11A was admitted
6 into evidence.)

7 MR. MCEACHIN: May I publish, Your Honor.

8 THE COURT: Yes.

9 BY MR. MCEACHIN:

10 Q You said this was positive for cocaine base or crack
11 cocaine?

12 A Yes, sir.

13 Q I'm now going to hand you what's been marked for
14 identification purposes as State's Exhibit 11 and State's
15 Exhibit B, C, D and ask if you can identify those items?

16 A Yes, I can. Again, I recognize the SLED lab number,
17 item number and my initial on the evidence item.

18 Q Okay. And what type of analysis did you do on those
19 items?

20 A I would have begin with presumptive or preliminary
21 chemical testing once again and then I would have followed
22 up my presumptive testing with confirmatory testing using
23 our GCMS instrumentation.

24 Q Okay. And with regard to the items contained in 11
25 specifically 11B, C and D what were your results on those

1 tests?

2 A State's Exhibit 11B, which is my item 1.2.1 was
3 cocaine C2 found on the sample tested one tested. State's
4 Exhibit 11C is cocaine C2 found in the sample tested one
5 tested. In State's Exhibit 11D is cocaine C2 found in the
6 sample tested one tested.

7 Q Okay. And with regard to that you keep saying C2
8 explain to the jury what C2 means if you don't mind?

9 A Certain control substances are scheduled in South
10 Carolina code of laws given either schedule one, schedule
11 two, schedule three, schedule four, schedule five where
12 it's placed within that scheduling varies on certain
13 factors. Cocaine is designated as a schedule two or C2
14 substance.

15 Q Okay. So when you say C2 you're just designating it
16 as a schedule two control substance?

17 A That is correct.

18 Q Okay. Now, with regard to the weights of those items
19 with regard to 11B what was the weight of 11B?

20 A The weight of 11B net weight 13.43 plus or minus 0.01
21 grams.

22 Q And 11C?

23 A Net weight 3.50 plus or minus 0.1 grams.

24 Q And finally 11D?

25 A Eleven D net weight 4.93 plus or minus 0.01 grams.

1 Q And we also had, I believe, 11 O; is that correct?

2 A That's correct.

3 Q What is 11 O just so the jury knows?

4 A 11 O is what we at SLED refer to as the parent items.
5 So when the evidence item was submitted to me within the
6 best kit, it was within State's Exhibit 11 O this zip lock
7 bag, within this zip lock bag where individual packaging
8 that contained these three items.

9 Q So 11 O was actually the packaging you would have
10 received from the department that was presenting?

11 A That's correct.

12 Q Okay.

13 MR. MCEACHIN: Your Honor, at this time I move
14 11 O, 11B, 11C and 11D into evidence.

15 THE COURT: Any objections?

16 MR. MEETZE: No, Your Honor.

17 THE COURT: 11 O, B, C and D are into evidence.

18 (WHEREUPON, State's Exhibit Nos. 11B, C, D and O
19 were admitted into evidence.)

20 BY MR. MCEACHIN:

21 Q I'm now going to hand you what's been marked as
22 State's Exhibit 11. Can you identify that? I'm sorry
23 11E.

24 A Yes, I can. I recognize it because of our unique
25 SLED lab number, item number and my initials.

1 Q And what is or, I guess, what analysis did you do on
2 11E?

3 A Item -- State's Exhibit 11E was plant material and
4 the analysis for plant material is slightly differently
5 then the previous items we just discussed. Plant material
6 undergoes a preliminary or presumptive chemical test and
7 it is followed by a microscopic exam both test together
8 confirm the presence of suspected marijuana if both test
9 are present or positive excuse me.

10 Q And what were the results with regard to 11E?

11 A Marijuana C1 found in the sample tested one tested.

12 Q Okay. and that be schedule one control substance?

13 A That's correct.

14 Q And what was the weight of the testing amount?

15 A Net weight 27.91 plus or minor 0.01 grams.

16 MR. MCEACHIN: Your Honor, I move State's
17 Exhibit 11 into evidence.

18 THE COURT: Any objection?

19 MR. MEETZE: No, Your Honor.

20 THE COURT: 11E is into evidence.

21 (WHEREUPON, State's Exhibit No. 11E was admitted
22 into evidence.)

23 BY MR. MCEACHIN:

24 Q Now, I'm also going to hand you what's been marked as
25 State's Exhibit 11F if you can identify that for me?

1 A I do. I recognize it by the lab number, item number
2 and my initials.

3 Q Okay. And did you conduct any analysis on 11F?

4 A Yes, I did.

5 Q What analysis did you conduct?

6 A I did a preliminary or presumptive chemical test as
7 well as a microscopic examination.

8 Q Okay. And what were the results of your examination?

9 A Marijuana C1 found in the sample tested two tested.

10 Q And what was the weight?

11 A The total net weight was 1.27 plus or minus 0.01
12 grams.

13 Q Okay. And did you -- you prepared a report as part
14 of this?

15 A Yes, sir.

16 Q Okay. In addition to the weight you found with
17 regard to that marijuana, was there any in additional
18 information with regard to item -- well, I guess, State's
19 Exhibit 11F that was pertinent to your evaluation in the
20 case?

21 A Yes, sir.

22 Q And what was that?

23 A So again this is the original zip lock bag that the
24 evidence was submitted in. And there were actually six
25 total zip lock bags within this larger zip lock bag. The

1 total net weight that I read out for you is the net weight
2 of only two of those zip lock bags. The remaining zip
3 locks are here and they were not tested.

4 Q Were they weighed?

5 A They were weighed. A gross weight was taken.

6 Q Okay. And why is it that y'all don't necessarily
7 test all of them why would it just be what you would test
8 too?

9 A In this particular case, it was due to a weight
10 threshold being achieved.

11 Q Okay. And what was the weight threshold for your
12 analysis?

13 A For marijuana the weight threshold for possession
14 with intent to distribute is 28 grams and I needed to test
15 two bags to achieve that weight.

16 Q All right. So based on the fact that you had
17 previously receive the weight from 11E plus the two
18 additional bags, you met the threshold of 28 grams there
19 were no further need to test; is that correct?

20 A That's correct.

21 Q Okay. Thank you.

22 MR. MCEACHIN: Your Honor, I like to move
23 State's Exhibit 11F into evidence.

24 THE COURT: Any objections?

25 MR. MEETZE: No, Your Honor.

1 THE COURT: Eleven F is into evidence.

2 (WHEREUPON, State's Exhibit No. 11F was admitted
3 into evidence.)

4 BY MR. MCEACHIN:

5 Q I'm going to hand you what's been marked as State's
6 Exhibit 11G. Can you identify that?

7 A Yes, I can. Identify the SLED lab number, item
8 number and my initials on it.

9 Q What is State's Exhibit -- well, what analysis did
10 you perform on 11G?

11 A On this item I performed a presumptive or preliminary
12 chemical test followed by confirmatory testing with our
13 instrumentation.

14 Q Okay. And what were the results of that testing?

15 A Cocaine C2 found in the sample tested one tested.

16 Q And what was your weight?

17 A Net weight was 0.14 plus or minus 0.01 grams.

18 Q And I note on your report that you have the same
19 caveat at the bottom of that. Would you explain to the
20 jury why that is?

21 A There were -- again, this is the original zip lock
22 bag all the items of evidence came in. There were four of
23 these pink zip lock bags total inside of this large one.
24 I only tested one and achieved the net weight on it, the
25 net weight on it which is -- the net weight is going to be

1 the weight of the item minus the packaging. The remaining
2 three bags I took a gross weight on. The gross weight is
3 the weight of the item of evidence plus the packaging
4 that's immediately touching.

5 Q Okay. And with regard to that item is there a reason
6 you didn't test the other -- other than the one.

7 A Again, for achieving weight threshold purposes, I
8 only had to test one item.

9 Q Okay. And at this point you already met that weight
10 in the threshold?

11 A Yes, sir, I believe so.

12 Q Okay.

13 MR. MCEACHIN: Your Honor, move State's Exhibit
14 11G into evidence.

15 THE COURT: Any objection?

16 MR. MEETZE: No, Your Honor.

17 THE COURT: Eleven G is into evidence.

18 (WHEREUPON, State's Exhibit No. 11G was admitted
19 into evidence.)

20 BY MR. MCEACHIN:

21 Q State's Exhibit 11F can you identify that?

22 A Yes, I can.

23 Q And what is State's Exhibit 11F -- excuse me should
24 be saying I. What is State's Exhibit H excuse me State's
25 H. What is State's H?

1 A Cocaine base crack C2 found in the sample tested, one
2 tested.

3 Q And did you do the same analysis and same testing on
4 that that you had previously indicated with the others?

5 A Correct.

6 Q Okay. Thank you. And what was the weight you found
7 on that one?

8 A Net weight 3.22 plus or minus 0.01 grams.

9 MR. MCEACHIN: Your Honor, I move State's
10 Exhibit 11H into evidence.

11 THE COURT: Any objections?

12 MR. MEETZE: No, Your Honor.

13 THE COURT: Eleven H is into evidence.

14 (WHEREUPON, State's Exhibit No. 11H was admitted
15 into evidence.)

16 BY MR. MCEACHIN:

17 Q All right. I'm going to hand you what's been marked
18 for identification purposes as State's Exhibit 11 I. Can
19 you identify State's Exhibit 11 I?

20 A Yes, sir.

21 Q And what is State's Exhibit 11 I?

22 A You want to know what substance it is?

23 Q I'm sorry. Is that a substance that you tested?

24 A Yes, sir, it is.

25 Q Okay. You conducted the same analysis that you

1 previously indicated to the jury?

2 A Yes, sir.

3 Q What substance did you find in 11 I?

4 A Eleven I is broken up into two sub items. So again
5 this is the original zip lock bag that everything came
6 submitted in and with SLED and how we do our itemization,
7 there were two zip lock bags both of which contain a rock
8 substance and cocaine base crack C2 found in the sample
9 tested, two tested of what was identified in the those two
10 zip locks. I'm sorry.

11 Q Go right ahead, I'm sorry I was going to interrupt
12 you. Go ahead?

13 A The second item that was found within this larger zip
14 lock was a plastic corner bag that cocaine rock substance
15 and cocaine base crack C2 was found in the sample tested
16 one tested.

17 Q Okay. And did you get weights for those items?

18 A Yes, I did.

19 Q And if you would please relay to the jury what
20 weights of those items were?

21 A The blue zip lock bags the total net weight was 1.01
22 plus or minus 0.01 grams. For the plastic corner bag, the
23 net weight was 0.81 plus or minus 0.01 grams.

24 MR. MCEACHIN: Your Honor, at this time I'd move
25 State's Exhibit 11 I into evidence.

1 THE COURT: Any objections?

2 MR. MEETZE: No, Your Honor.

3 THE COURT: Eleven I is into evidence.

4 (WHEREUPON, State's Exhibit No. 11I was admitted
5 into evidence.)

6 BY MR. MCEACHIN:

7 Q All right. Eleven J what do we have here? Can you
8 identify that?

9 A Yes, I could identify it.

10 Q Okay. And with regard to 11J, did you conduct the
11 same test that we previously talked about to the jury?

12 A Yes, I did.

13 Q And what were the results of that testing with regard
14 to 11J?

15 A So once again this is the larger zip lock bag that
16 all of these individual bags came submitted in. The first
17 item was a compressed powder substance, which is this
18 baggie right here. The second item was this baggie here
19 and this substance was found in a plastic corner bag and
20 the last item was this one right here on top and this
21 substance was found in a plastic sandwich bag.

22 Q And did -- what substance did you determine that was?

23 A In item 1.9.1 which is this first bag here only
24 presumptive preliminary testing was done on this item. At
25 SLED whenever you have a case and there's multiple items

1 submitted into that case when the maximum weight threshold
2 has been reached and a control substance has been
3 confirmed present an item or several items, subsequent
4 items that are found within the case that presumptively
5 test positive for that particular control substance, do
6 not have to be subjected to confirmatory testing. And so
7 that's why on this baggie you see here only presumptive
8 testing was done on this item no confirmatory testing.

9 Q Okay. What about the other item?

10 A This item cocaine C2 found in the sample tested, one
11 tested was excuse me -- was what was found.

12 Q And what weight did you gain or attribute to that
13 particular item?

14 A Net weight 13.93 plus or minus .07 grams.

15 Q That was 13.93 plus or minus .01 grams?

16 A Yes, sir.

17 Q Okay. Thank you.

18 MR. MCEACHIN: Your Honor, at this time I move
19 11J into evidence.

20 THE COURT: Any objections?

21 MR. MEETZE: No, Your Honor.

22 THE COURT: Eleven J is into evidence.

23 (WHEREUPON, State's Exhibit No. 11J was admitted
24 into evidence.)

25

1 BY MR. MCEACHIN:

2 Q All right. State's Exhibit 11K can you identify
3 that?

4 A Yes, I can.

5 Q And what is State's Exhibit 11K?

6 A It appears to be tablets methadone C2 was found in
7 the sample tested one tested.

8 Q Okay. Same testing you would have done with regard
9 to the previous items?

10 A It's a little bit different with tablets. There's no
11 presumptive or preliminary chemical testing done. We used
12 what's called published literature to -- as our
13 preliminary test. It tells us what this tablet should be.
14 We then follow up that preliminary search of what this
15 tablet should be with confirmatory testing to conform
16 actually what this tablet is.

17 Q And you tested one of the items, but there were a
18 total of 10; is that correct?

19 A That is correct.

20 Q And that tested positive for methadone?

21 A That's correct.

22 Q Thank you very much.

23 MR. MCEACHIN: I move State's Exhibit 11K into
24 evidence.

25 THE COURT: Any objection?

1 MR. MEETZE: No, Your Honor.

2 THE COURT: Eleven K is into evidence.

3 (WHEREUPON, State's Exhibit No. 11K was admitted
4 into evidence.)

5 BY MR. MCEACHIN:

6 Q State's Exhibit 11L can you identify that?

7 A Yes, I can.

8 Q And what is State's Exhibit 11L.

9 A It is plant material. Both of these items were
10 submitted inside of this larger zip lock and I only did
11 presumptive or preliminary testing on this item.

12 Q And is that based on the fact the weight had already
13 been met with regard to this case?

14 A Yes, sir.

15 MR. MCEACHIN: At this time I would move ---

16 BY MR. MCEACHIN:

17 Q And I'm sorry based on your -- based on your
18 preliminary presumptive preliminary testing, did you
19 receive any result as a -- I guess the best way for me to
20 ask that question is pursuant to presumptive testing what
21 would show you as oppose to further testing?

22 A The presumptive testing just tells me tentatively
23 what may possibly be present. And my presumptive test
24 match -- it was a positive match for another presumptive
25 test that I did for other items in the case that did test

1 positive for marijuana.

2 Q Okay. Thank you.

3 MR. MCEACHIN: At this time, Your Honor, I move
4 State's Exhibit 11L into evidence.

5 THE COURT: Any objections?

6 MR. MEETZE: No, Your Honor.

7 THE COURT: Eleven L is into evidence.

8 (WHEREUPON, State's Exhibit No. 11L was admitted
9 into evidence.)

10 BY MR. MCEACHIN:

11 Q And State's Exhibit 11M can you identify that?

12 A Yes, I can.

13 Q And what is State's Exhibit 11M?

14 A It appears to be plant material.

15 Q And was that presumptive testing only done on that?

16 A Presumptive testing only done on this item.

17 Q And that was based on the fact that the threshold
18 weight for marijuana had already been reached in this
19 case?

20 A That's correct.

21 Q Thank you. And the presumptive testing was
22 consistent with the other items that you tested positive
23 for marijuana?

24 A The presumptive test on this item and the previous
25 one, the presumptive test was positive which was

1 consistent with the presumptive test for the item that was
2 confirmed for presumptive -- well, it was confirmed
3 presumptively and confirmatory, yes.

4 Q Okay.

5 MR. MCEACHIN: I move State's Exhibit 11M into
6 evidence.

7 THE COURT: Any objections?

8 MR. MEETZE: No, Your Honor.

9 THE COURT: Eleven M is into evidence.

10 (WHEREUPON, State's Exhibit No. 11M was admitted
11 into evidence.)

12 (WHEREUPON, State's Exhibit No. 11N was marked
13 for identification only.)

14 MR. MCEACHIN: Thank you.

15 BY MR. MCEACHIN:

16 Q Finally, I would show you what's been marked as
17 State's Exhibit 11N. Can you identify State's Exhibit
18 11N?

19 A Yes, I can.

20 Q Okay. And with regard to that item explain to the
21 jury what you had to do with regard to testing that item?

22 A This item again it was tablets that were submitted.
23 There were no markings on the tablet, so I sort of skipped
24 the presumptive testing on this. There was no publish
25 literature that would match just tablets with no markings.

1 So I tested one tablet, performed confirmatory testing on
2 it and no control substance was found.

3 Q Okay. So no control substance with regard to 11N?

4 A That's correct.

5 Q Okay. Other than 11N, 11A through M control
6 substance was found with regard to all of those; is that
7 correct?

8 A That's correct.

9 Q Okay. Simply 11N no control substance found?

10 A That's correct.

11 Q It could be a vitamin or any number of things just no
12 control substance in them?

13 A All I know is no control substance was found.

14 Q Now, once you completed all of your testing and
15 analysis, did you prepare a report?

16 A Yes, sir.

17 Q Okay. I'm going to hand you what's been marked as
18 State's Exhibit 12. Can you identify State's Exhibit 12?

19 A Yes, sir, it appears to be a modified copy of my
20 report.

21 Q And that's a modified copy of your report that you
22 prepared for this case?

23 A Yes, sir.

24 Q And does that report indicate everything that you
25 previously testified to with regard to the types of

1 substances and weight of substances in this case?

2 A Yes, sir.

3 Q And that's a report that you prepared?

4 A Yes, sir.

5 Q Thank you.

6 MR. MCEACHIN: At this time I move State's
7 Exhibit 12 into evidence, Your Honor.

8 THE COURT: Any objections?

9 MR. MEETZE: No, Your Honor.

10 THE COURT: Twelve is into evidence.

11 (WHEREUPON, State's Exhibit No. 12 was admitted
12 into evidence.)

13 MR. MCEACHIN: Beg the Court's indulgence for
14 just a moment.

15 (WHEREUPON, a pause in the proceedings.)

16 MR. MCEACHIN: Nothing further, Your Honor.

17 THE COURT: Cross.

18 CROSS-EXAMINATION

19 BY MR. MEETZE:

20 Q I'm sorry I don't want to disrespect you at all, but
21 your name is it Ashley Bell is it Agent Bell, Mrs. Bell,
22 is there -- my -- I would prefer to call you Ms. Bell not
23 knowing anything otherwise is that acceptable I suppose?

24 A That's good, yes, sir.

25 Q Very good. You came and testified today as far as

1 what your responsibilities are at SLED with regards to the
2 cases that you handle, correct?

3 A That's correct.

4 Q And you testified that it's your responsibility to
5 accept substances that are submitted to your laboratory,
6 correct?

7 A Yes, sir.

8 Q And that you test those substances for the presence
9 of control substances, correct?

10 A That's correct.

11 Q The presence or absence of control substances?

12 A That's correct.

13 Q And the weights?

14 A That's correct.

15 Q And that's your involvement outside of the occasions
16 when along with those tests you need to come to court from
17 time to time, correct?

18 A That's correct.

19 Q So in other words you weren't involved in the actual
20 investigation of the case, correct?

21 A I had no involvement with the investigation of the
22 case.

23 Q So you got no personal knowledge about what happened,
24 where all that kind of thing, correct?

25 A No, sir.

1 Q So in other words as far as that goes you don't have
2 any dog in that fight, correct?

3 A I don't know anything outside of the evidence that
4 was submitted to me.

5 MR. MEETZE: I don't have any further questions.

6 THE COURT: Redirect.

7 MR. MCEACHIN: No redirect, Your Honor.

8 THE COURT: You stay may step down. Thank you.

9 (WHEREUPON, the witness leaves the witness
10 stand.)

11 THE COURT: Call your next witness.

12 MR. MCEACHIN: Your Honor, the State rest.

13 THE COURT: All right. Members of the jury,
14 we're going to take a lunch break. If you would be back
15 at 2:30 and we'll conclude this trial this afternoon. As
16 I told you before, do not discuss the case with anybody
17 including among yourselves. Do not research the case,
18 just go relax, get some lunch, come back and we'll finish
19 up. Everybody else remain seated and the jury is excused.

20 (WHEREUPON, the jury excused for lunch.)

21 THE COURT: Any motions from the defense at this
22 time?

23 MR. MEETZE: Judge, at this point in time we
24 make a motion for a directed verdict based on all of the
25 charges that have been levied against Mr. Willard. We

1 make that motion the State having failed to meet their
2 burden and failing to present any substantial
3 circumstantial evidence or direct evidence to support the
4 charges and on that basis we would move for a directed
5 verdict.

6 THE COURT: I'm going to deny the motion. Any
7 other motions?

8 MR. MEETZE: At this point in time we do not
9 have any further motions.

10 THE COURT: Anything from the State?

11 MR. MCEACHIN: Your Honor, and it may be a
12 little bit premature at this point. I know I indicated to
13 the Court that we had no intentions of introducing some
14 evidence that came into existence last night. I would
15 preserve that position depending on any evidence that may
16 be presented by the defense if any evidence is presented
17 by the defense using in rebuttal otherwise, no, Your
18 Honor, I was just making the Court aware of that.

19 THE COURT: All right. See you back around
20 2:30.

21 (WHEREUPON, a lunch break was taken.)

22 THE COURT: It's my understanding everybody has
23 looked at the charge and the verdict form?

24 MR. MEETZE: Yes, Your Honor.

25 THE COURT: And we've made the addition from the

1 State.

2 MR. MCEACHIN: Thank you, Your Honor.

3 THE COURT: Does the State agree with the charge
4 and the verdict form?

5 MR. MCEACHIN: The State is, Your Honor.

6 THE COURT: How about the defense?

7 MR. MEETZE: No objection.

8 THE COURT: All right. And does your client
9 wish to testify?

10 MR. MEETZE: He indicate he does not.

11 THE COURT: All right. You want me to go over
12 his constitutional rights with him just to make sure he
13 knows exactly what he's doing?

14 MR. MEETZE: Sure.

15 THE COURT: All right. Ms. Clerk, if you will
16 swear him real quick.

17 THE CLERK: Place your left hand on the Bible
18 and raise your right hand. You solemnly swear to tell the
19 truth, the whole truth, and nothing but the truth so help
20 you God?

21 THE DEFENDANT: I do.

22 THE COURT: All right. Mr. Willard, I want you
23 to understand that this is your trial and you have the
24 right to come over here, be sworn in, take this witness
25 stand and testify if you would like. You can tell your

1 side of the story any way that you and your lawyer see
2 fit. However, it's important to understand that if you do
3 testify, you may be cross-examined on any and all relevant
4 issues in connection with your case. Furthermore, if you
5 have a criminal record and it involves crimes of
6 dishonesty or false statements or crimes that carry
7 punishment of more than one year, the Court determines
8 that the probative value of admitting your record
9 outweighs its prejudicial effect and your criminal record
10 will be introduced to attack your creditability. You
11 understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Also, I want you to understand that
14 you don't have to testify because you have the
15 constitutional right to remain silent. If you chose to
16 exercise that right, I would tell the jury they cannot use
17 that against you in anyway. I will tell the jury the fact
18 that you do not testify is to have absolutely no prejudice
19 against you. I would even go so far as to tell them they
20 cannot talk about that in the jury room. Do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you have any questions about your
24 rights to remain silent?

25 THE DEFENDANT: No, sir.

1 THE COURT: Or your right to testify?

2 THE DEFENDANT: No, sir.

3 THE COURT: Have you talk with your lawyer about
4 it?

5 THE DEFENDANT: Correct.

6 THE COURT: Has he answered all of your
7 questions?

8 THE DEFENDANT: Correct.

9 THE COURT: Have you had enough time with your
10 lawyer in that regard?

11 THE DEFENDANT: Correct.

12 THE COURT: All right. Do you wish testify or
13 not?

14 THE DEFENDANT: No.

15 THE COURT: All right. Thank you very much.
16 I'll make a finding that he made that decision freely,
17 intelligently and with advice of competent counsel. I
18 assume you not going to call any other witnesses or
19 anything either?

20 MR. MEETZE: No, sir, Your Honor.

21 THE COURT: All right. Do you all want to go
22 ahead and bring the jury out and then you rest on the
23 record and we can assume all of your motions have been
24 renewed and denied and just move right into closings?

25 MR. MEETZE: As long as it's on the record that

1 our motions are preserved and all that, I don't have any
2 objection to that.

3 THE COURT: That will be good. I'll just put it
4 on the record. And then we're going to have the State go
5 first, defense and then me?

6 MR. MEETZE: Perfect.

7 THE COURT: Correct?

8 MR. MCEACHIN: Yes, sir, Judge.

9 THE COURT: All right. Go ahead and bring out
10 the jury.

11 (WHEREUPON, the jury came into open court.)

12 THE COURT: All right. Defense is recognize
13 call your first witness.

14 MR. MEETZE: Judge, at this time the defense
15 would rest.

16 THE COURT: Thank you very much. The State is
17 recognize for your closing statement.

18 MR. MCEACHIN: Thank you very much, Your Honor.
19 May it please the Court, defense counsel. Madam forelady
20 and ladies and gentlemen of the jury, as promised a fairly
21 short trial today. And again don't let the shortest of
22 trial make you feel like it's any less significant to
23 face. I told you at the beginning of this trial there
24 were two questions you were going to have to answer. And
25 Ms. Bell in her testimony I think thoroughly summarized

1 and answered question number one which is what are all
2 these substances. She answered that question. She
3 testified based on her analysis of what these substances
4 were. And they were controlled substances narcotics all
5 with the exception of one of the substances which was no
6 control substance found in those green pills. So we know
7 the answer to question one we got crack cocaine. We got
8 powder cocaine and cocaine. We got methadone and we got
9 marijuana. And as you may recall at the beginning of the
10 trial, I told you those were really the four controlled
11 substances we're dealing with when we're talking about the
12 indictment in this case.

13 The second question I told you had to be
14 answered was who is responsible or who owns drugs or who
15 possesses these drugs. And defense counsel through their
16 cross-examination and I'll be it that's their job to try
17 to poke holes in the State's case and that's what they're
18 suppose to do, that's what they're suppose to try to do is
19 to poke holes in the State's case. But let's go over the
20 testimony. I know y'all were all here. We heard it all
21 this morning. Let's go over the testimony very briefly to
22 show why Erick Willard is the one who possesses all this
23 stuff, okay.

24 Starting at the beginning the search warrant was
25 executed at where his house, conducted at Erick Willard's

1 home. First and foremost that's where it happened.
2 Second thing and one of the most important things I want
3 you folks to remember is when you're thinking about this
4 whole search warrant execution process in your heads, I
5 want you to think about how it transpired. Major Crawford
6 was our first witness who testified and this was a joint
7 effort and prior to entry being made through the front
8 door, he said he was right there. And at the time the
9 search warrant was executed drugs came out the window and
10 simultaneously if you remember Agent Collins testimony,
11 they were coming through the front door at that time and
12 where did he go. He went immediately to right here. Well
13 guess what, everybody else in that house was in the
14 building. There's only one person right here in close
15 proximity to those drugs that are outside and that's Erick
16 Willard. That's where he was caught, only person not in
17 the den. The only person would have time to throw drugs
18 out of the window.

19 All of this evidence is what's known as
20 circumstantial evidence. The Court's going to talk to you
21 or explain to y'all what circumstantial evidence is. It's
22 evidence that if you add it all up and you come up with a
23 conclusion, what's pretty good chance that that conclusion
24 mattered, a conclusion to come up with. In addition and
25 probably the most important piece of all of this evidence

1 is that you heard from both Agent Cribb and Agent Collins
2 after he was made aware of his rights, his right to remain
3 silent, his right to have an attorney present. After he
4 was made aware of those rights, didn't even wait for any
5 questions to be asked, he immediately said, look
6 everything's mine, don't arrest these other fellows, it's
7 all mine. I'm taking responsibility for it. It would be
8 disingenuous for him to get up here today and say, no,
9 it's not mine now. It's not mine now that it's time to
10 pay the piper. It's not mine now when everything's on the
11 line. It's just mine back then when I didn't want other
12 people to get arrested. He admitted the drugs were his.
13 It was his house. He was located in close proximity to
14 the vast majority of drugs in that house and right outside
15 that house. That's evidence folks. And that's evidence
16 of guilt.

17 Now, with regards to the charges in the case, I
18 want to talk to you a little bit again. The judge is
19 going to talk to you about this as well. With regard to
20 the charges in their case, there's a couple things about
21 the law you need to understand. First with the charge of
22 trafficking cocaine, my obligation to you is to prove that
23 he had more than ten grams, okay. The way I'm going to do
24 that it's going to be real simple because y'all going to
25 get to take this back here with y'all and y'all can do the

1 math too, but I'm going to let y'all do the math too. And
2 you'll look at Ms. Bell's report and it says on the report
3 by every item it says what the drug is and it says what
4 the amount is except in those limited circumstance where
5 she said look we reached the threshold of weight. We got
6 enough. We don't need to weigh any more because we got so
7 much weight. In those instances, you'll read on there
8 where she says we met the threshold of weight, but in all
9 the other instances, you can take these numbers and you
10 can add them up. But I'm going to show you the numbers I
11 came up with real quick because they're relevant to the
12 charges the crimes he's charged with.

13 First with regards to the cocaine, if you look
14 at Ms. Bell's report these coincide directly with that and
15 one of the items he had 2.56 grams, 13.43 grams, 3.5
16 grams, 4.93 grams, .14 grams, 13.93 grams, 5.45 grams.
17 And that's not counting the ones they didn't weigh because
18 they met the threshold of weight. If you add that up, you
19 get 43.94 grams of cocaine. In order to establish
20 trafficking, I have to show you that he had ten grams,
21 four times, four times the amount that's required to
22 traffic is what he possessed, what he had.

23 Next, you have cocaine base also known as crack
24 cocaine. It'll be listed as both on State's Exhibit
25 Number 12 3.22 grams, 1.01 grams, and .81 grams for a

1 total of 5.04 grams. The judge will tell you that you can
2 draw an inference based on the weight of the cocaine base
3 that was found, that it was enough to be considered
4 possession with intent to distribute, means he intended to
5 sell it. That inference amount is anything more than one
6 gram. Cocaine's got four times the required amount of
7 crack and five times the requirement.

8 Finally with regard to the marijuana in the
9 case, Ms. Bell only tested two items of marijuana because
10 she met the threshold weight one was 27.91 grams, which
11 was State's Exhibit 11, I believe, that's E, State's
12 Exhibit 11E and the other one is 1.27 grams. For a total
13 of 29.18 grams. And just like with crack an inference can
14 be drawn on marijuana it got more than 28 grams. So in
15 this case he did, he had 29.18 grams, but weight alone
16 folks is not what I'm asking you to base these charges on.
17 And methadone, the methadone he had ten pills, okay. So
18 the methadone to a certain extent speak for itself. He
19 had ten pills. They were tested. Ms. Bell told me what
20 they were, but again the weight alone is just something
21 you and the jurors can use in the case.

22 The other evidence that she suggest to you that
23 these drugs were traffic and these drugs were possessed
24 with intent to distribute is the other evidence that was
25 located at the residence. The scales, the small baggies

1 which I don't know what you use those things for if you're
2 not trying to put small quantities of drugs in them. You
3 can't fit a sandwich in there. And you got your grinder
4 for the marijuana.

5 The reason scales are important I'll give you a
6 little example. Last week I went to the supermarket to
7 get some hamburger meat to cook for my wife, son and me.
8 And I went there and went to the meat counter, I said you
9 mind if I get a pound of hamburger meat about a pound and
10 a half is what I think I got. And he said no problem,
11 pulled it out, patted it up, stuck on the scale, weighed
12 it out, sold it to me. How is that relevant in this case.
13 It's relevant in this case the person buying isn't the
14 person who's bringing the scales to the transaction. It's
15 the person who's selling it brings the scales to the
16 transaction. Those scales were located in his residence.
17 Those scales were used to weigh these drugs. Those scales
18 were used to distribute these drugs as with the baggies.

19 The case is not complicated. The evidence is
20 not complicated. You have an individual who accepted
21 responsibility for the drugs that were found. He said
22 they were his. And we're asking y'all to hold him
23 accountable for that. The defense knows it's trafficking.
24 He's guilty of possession with intent to distribute
25 cocaine base. He's guilty of possession with intent to

1 distribute methadone. And he's guilty of possession with
2 intent to distribute marijuana. Erick Willard is a drug
3 dealer, look at all these drugs. You can look at them,
4 that is a massive amount of drugs. And all he was doing
5 was selling them, that's why we're asking you to find him
6 guilty. Thank you.

7 THE COURT: Thank you. The defense is
8 recognized.

9 MR. MEETZE: Your Honor, may it please the
10 Court. Mr. McEachin. Ladies and gentlemen, I spoke with
11 you yesterday when this whole process got started when
12 everybody was out there going through the qualification
13 process introduce myself then. I will introduce myself
14 again. My name is Vick Meetze and I work in the public
15 defender's office. We represent Erick Willard in this
16 case and we're proud to do that. Mr. Chandler spoke to
17 you in the opening statement and he mention to you that an
18 important principle in our law which is proof beyond a
19 reasonable doubt and that proof, that's the burden placed
20 on the State to prove someone guilty in criminal court
21 here in South Carolina and anywhere throughout the United
22 States. And you gone hear the judge talk about reasonable
23 doubt and what that is and define that for you and give
24 you some guidance in that regard. So certainly whatever
25 the judge charges you when I'm done here, that's what you

1 need to go with. But I'm going to speak to you about it
2 in a little bit because it's important and it's extremely
3 important in our law because that's like I said the burden
4 of proof in a criminal case because in a criminal case
5 it's not like a civil lawsuit where a couple of folks get
6 into a wreck and you need to have jurors and court systems
7 to determine who maybe at fault. If so, how much money
8 you pay somebody for injuries they may have had and all
9 that kind of stuff. And that's important don't get me
10 wrong. Nobody likes to depart with their money if they
11 don't have to be and that's -- I don't want to down play
12 that, but in criminal court, in general sessions court,
13 you dealing with something much more important than that.
14 You're dealing with people's very liberties. You're
15 dealing with their very lives. And it doesn't get any
16 more important than that. The stakes don't get any higher
17 than that. That's why in criminal court the burden of
18 proof is much higher. It's the civil court scenario that
19 I was telling you where you got a wreck or somebody falls
20 in a store or something like that, you have jury trials in
21 there too. There's a burden of proof in civil court it's
22 called by a preponderance of the evidence or more likely
23 than not. And in that burden what has to happen is when
24 both sides present their evidence in a case, you think of
25 the scales of justice and you got two the sides of the

1 scales and both sides put the evidence on there. If the
2 scales tip every so lightly towards one side, then that
3 would be the side that the jury would have rendered the
4 verdict in favor of. In criminal court where proof is
5 beyond a reasonable doubt, it's much more important. The
6 State's got to pile on evidence and pile on evidence until
7 you are all firmly convinced of someone's guilt and that's
8 an extremely high burden. It does rise to the level of
9 where proof of -- of beyond any and all doubt, but it's a
10 level that comes up not too far short of that.

11 Now, and reasonable doubt is at the heart of
12 every criminal case and that's no difference here. One
13 thing I want you to think about is and, you know,
14 understand folks say this or they say that and can
15 belittle it in some ways, but I think it's very important
16 that some of the key evidence that was testified to on
17 this stand did not appear in the law enforcement incident
18 report. And I'm talking about Agent Crawford who is
19 stationed out back and he says he saw bags which was
20 eventually tested and determined to be cocaine saw
21 somebody throw that out the window and actually saw them
22 throw it and saw the hand out there. Well, that's what
23 was testified to here on the stand today, but it was
24 nothing in the incident report about that. Nothing in the
25 incident report says he told the lead Agent Mark Collins

1 about it. Mark Collins said that, yes, Agent Crawford
2 told me about that, but it didn't make the incident
3 report. And you heard them all say our memories don't get
4 better as time goes on. Our memory are best when things
5 are fresh. When everything's most fresh in this case,
6 that didn't make it in the incident report, okay. And
7 that's a key piece of evidence because as you heard Mr.
8 McEachin just say Agent Collins came in went to the
9 bedroom and testified here that he saw Erick Willard
10 walking out of the bathroom timing fits up perfectly.

11 Everything works out perfect for that testimony,
12 problem with that testimony is that's not in the incident
13 report. That's not there. That was heard for the first
14 time right on this stand today by any of us. And that
15 calls into question exactly how that happened because
16 certainly a lot goes in the incident report. And they try
17 to do the best they can and try and put as much in there
18 as they can, but that's not a minor thing. You know, it's
19 one thing if a minor detail is not put into an incident
20 report, but that's a big detail, two big details that
21 links up together and can be very incriminating if true,
22 but we don't know if it's true. We don't know if it was
23 true. We know it was testified to. We know that it
24 wasn't in the incident report neither one of those things
25 and that raises a reasonable doubt as to how that happened

1 and what occurred at all.

2 I will also tell you that as Mr. McEachin said
3 you got these inference levels with regards to the
4 possession with intent to distribute methadone and
5 marijuana and cocaine base. And that's all those are with
6 those threshold levels that they talk about inference
7 levels, inferences means that you can infer based on the
8 weight that someone has with intent to distribute, but it
9 takes more than that. It takes more evidence to convict
10 somebody to find somebody to prove guilty beyond a
11 reasonable doubt. And they want to come up here and show
12 you a grinder and show you some scales and things like
13 that.

14 You heard a lot about presumptive test and
15 things like that. There's no evidence presented to you
16 today that any presumptive test or anything were done on
17 any of this determine if there's any kind of residue on
18 there or anything like that to corroborate to present more
19 evidence to determine whether or not those scales weigh
20 any kind of substance legal or illegal. These scales are
21 not illegal. They can be used for things that are
22 illegal, but we don't know what those were used for at
23 all. We don't have any idea. There was nothing done.
24 They just brought into court and they want you to believe
25 their side of story without any corroborating evidence.

1 And in this country we don't convict people on
2 speculation. We don't do it. We convict them on evidence
3 and facts and proof. And evidence in this case does not
4 rise to it.

5 Now, I also say with regards to the inference
6 levels and I think you will be charged in regard to this
7 they tell you this is Erick Willard's house. He was
8 living there. Well, that's what they testified to. They
9 didn't bring anything, any documentation, any kind of --
10 anything license anything with an address mail found at
11 the house anything to show you that. There were four
12 other people at the house that night when they went in
13 there. They didn't even talk to those folks read them
14 their rights. They all said they wanted to talk, but they
15 didn't talk to any of them, that's how you get
16 corroborating evidence, you know. They tell you that Mr.
17 Willard claimed everything inside and outside of the house
18 and that was it, case closed. We got our guy. Well,
19 that's what they testified to. Also testified to there's
20 nothing -- they don't have that recorded. They didn't
21 take any statement in writing. They didn't do anything to
22 corroborate to bring into this court to support that other
23 than testimony and I submit to you that that raises a
24 reasonable doubt.

25 They found drugs outside. They found drugs in

1 the sink. They found some in the jacket, a rainbow
2 colored jacket in another bedroom in a closet. The
3 bedroom was not Mr. Willard's. They want you to think
4 that's his. They hadn't told you who else lives in that
5 house, if anybody else lives at that house. We know four
6 other people were there. We know they weren't spoken to.
7 They didn't bring the jacket in. What size is the jacket
8 did it fit Mr. Willard, do we know any of this, no.

9 You going to hear that mere presence where drugs
10 are found doesn't make somebody guilty. You got to have
11 more than that. You got to have more than that. This
12 case doesn't have one. This case has speculation and mere
13 presence and that's it. And in this country we don't
14 convict people on that kind of evidence. It takes more.
15 It takes much more. And this case just don't have it.
16 And, you know, all those people wanted to talk what would
17 they have said, we don't know. We don't know. They
18 weren't spoken to. We don't know what they would have
19 said.

20 Reasonable doubt as I said I keep coming back to
21 it, but that's at the heard of every criminal case. And a
22 reasonable doubt can be found not just from the evidence
23 that you do see and do hear. It can be found from
24 evidence that you don't. And there's a lot of evidence in
25 this case that y'all haven't gotten to hear because things

1 weren't followed up on, wasn't done. They didn't talk to
2 these folks. They didn't find out anything about what was
3 going on that night at this house. This was 4:30 in the
4 morning. There were four people plus Mr. Willard, so five
5 people in the house when they got there. Was anybody in
6 the house before that. Had they had a group of folks
7 over. What all do you know. There's still a lot of
8 questions, too many questions for somebody to be found
9 guilty beyond a reasonable doubt in this case. They don't
10 have enough to get anything more than an inference on
11 these drugs as far as intent to distribute. They got
12 testimony that he made a statement without any other
13 corroboration. They got other witnesses that weren't
14 spoken to. They testified other law enforcement people
15 were there. What -- I can't remember what they call it,
16 but essentially he said it was basically what Marion
17 County used as a SWAT team they were there. Those folks
18 didn't come to testify. There's a lot out there that you
19 don't get to know. And you have the right to ask why.
20 And based on that you have a right to have a reasonable
21 doubt in this case. There's reasonable doubt all over and
22 a just verdict in this case is a verdict of not guilty.
23 And that's what we're asking you to bring back not guilty.
24 Thank you.

25 THE COURT: Members of the jury, it is now my

1 duty to instruct you on the law applicable to this case.
2 In that regard, it is your duty as jurors to accept and
3 apply the law as I now state it to you. Furthermore, it
4 is your exclusive duty to decide all of the issues of fact
5 in this case and to determine the effect, the value and
6 weight of the evidence presented. Both the State and the
7 defendant have the right to expect that you will carefully
8 consider and evaluate the evidence and apply the law of
9 this case to it so that in the end both the State of South
10 Carolina and this defendant will have received a fair and
11 impartial trial. I want you to understand that when I use
12 the word defendant, I refer to Erick Maurice Willard.

13 The State in this case alleges several different
14 offenses against the defendant. The charges are count one
15 trafficking in cocaine, count two possession with intent
16 to distribute cocaine base, count three possession with
17 intent to distribute methadone, count four possession with
18 intent to distribute marijuana. Each charge is a separate
19 and distinct offense. You must decide each charge
20 separately on the evidence and the law applicable to it
21 uninfluenced by your decision as to any other charge. The
22 defendant may be convicted or acquitted on any or all of
23 the offenses charged. You will be asked to write a
24 separate verdict of guilty or not guilty for each charge.

25 To these charges, the defendant has entered a

1 plea of not guilty. These pleas of not guilty places the
2 burden of proof on the State of South Carolina to prove
3 the guilt of the defendant to you beyond a reasonable
4 doubt on each and every charge. It is vital to understand
5 that the defendant is presumed under the law to be
6 innocent of the charges. It is a fundamental rule of our
7 law that the defendant regardless of the seriousness of
8 the charges against him is always presumed innocent of the
9 crimes for which he is charged unless and until he has
10 been proven by evidence that satisfies you beyond a
11 reasonable doubt. The presumption of innocence is not a
12 mere legal theory or legal phrase a presumption of
13 innocence is very important and you need to understand
14 that this presumption accompanies the defendant from the
15 time of his arrest and appearance in this court and
16 continues with the defendant even after you retire to jury
17 room to deliberate. In other words, the defendant
18 receives the benefit of the presumption of innocence until
19 the very end of this trial. When you, the jury, will
20 deliberate upon the evidence and decide whether the State
21 has proved his guilt on each and every charge beyond a
22 reasonable doubt.

23 During this trial, you and I have separate
24 duties to perform. As the trial judge, it is my
25 responsibility to preside over this trial. Therefore, I

1 have the duty to rule upon the admissibility of the
2 evidence offered during the trial. In this regard, you
3 are to consider only the evidence before you. Thus, you
4 are to consider only the testimony which has been
5 presented from this witness stand together with any
6 exhibits admitted into the record of this case.

7 Furthermore, I have the additional duty to
8 charge you on the law applicable to this case and in that
9 regard it is your duty to accept and apply the law as I
10 know now state it to you. If you have any preconceived
11 ideas as to what the law is or what you think the law
12 ought to be, then you are obligated under your oath to
13 abandon these preconceptions and accept the law as I now
14 state it to you.

15 In this trial, you are the sole and exclusive
16 judge of the facts. I am in turn the judge of the law.
17 Do not infer that I have any opinion about the facts of
18 this case from anything I have said or done during the
19 course of this trial. In this regard, the law simply does
20 not permit me to have an opinion about the facts. As
21 jurors, it is your duty alone to determine the effect,
22 value and weight of the evidence presented during the
23 course of this trial. Furthermore, it is your job as
24 jurors to determine the credibility and believability of
25 the witnesses who have testified in this trial. You must

1 evaluate the evidence and determine which evidence
2 convinces you. In determining the believability of
3 witnesses who have testified in this trial, you may
4 believe one witness over many or many over one. You may
5 believe apart of the testimony of a witness and reject the
6 remaining part. You may believe the testimony of a
7 witness in its entirety or reject it in full. You may
8 consider whether the witness has an interest in the result
9 of the trial, whether the witness is prejudice toward
10 either party, the opportunity for the witness to have seen
11 the matters and things about which the witness may
12 testify. And the way the witness acts on the witness
13 stand.

14 Evidence may be direct or circumstantial
15 evidence. Direct evidence is testimony by a witness about
16 what the witness personally saw or heard or did.
17 Circumstantial evidence is indirect evidence, that is it
18 is proof of one or more facts from which one can find
19 another fact. You are to consider both direct and
20 circumstantial evidence. The law permits you to give
21 equal weight to both, but it is for you to decide how much
22 weight to give to any evidence.

23 Proof beyond a reasonable doubt is proof that
24 leaves you confirmly convinced of the defendant's guilt.
25 There are few things in this world that we know with

1 absolute certainly, so even in criminal cases the law does
2 not require proof that overcomes every possible doubt.
3 However, if based on your consideration of the evidence
4 you are firmly convinced that the defendant is guilty of
5 the crimes charged, you must find him guilty. If on the
6 other hand you think there's a real possibility that he is
7 not guilty, you must give him the benefit of the doubt
8 and find him not guilty. Please understand that
9 reasonable doubt may arise from evidence which has been
10 presented in this case or from the lack of evidence in the
11 case. It is your responsibility to determine whether or
12 not reasonable doubt exist as to the guilt of this
13 defendant on each and every charge. I charge you that the
14 defendant is entitled to every reasonable doubt arising in
15 the whole case. If upon any issue of fact essential to
16 conviction and a verdict of guilty, you have a reasonable
17 doubt as to how that issue would be resolved. It would be
18 your duty to resolve that reasonable doubt in favor of the
19 defendant. Thus, in summary it is important to
20 understand, the defendant is not required to prove his
21 innocence. Instead, the State is required by law to prove
22 every essential element of the crimes against the
23 defendant by evidence which satisfies you of his guilt
24 beyond a reasonable doubt, only then can you convict the
25 defendant and find him guilty.

1 Also please understand that a statement alleged
2 to have been made by the defendant has been admitted into
3 evidence in this case. While the Court has determined
4 that the statement is admissible, I instruct you that you
5 make the ultimate decision of whether or not the defendant
6 made the statement. If the defendant did make the
7 statement, you must determine whether the statement was
8 made by the defendant voluntarily and of his own freewill.
9 This means that the statement was not caused by pressure,
10 force, fear, threats, coercion or intimidation or by hope
11 of a promise or leniency or a reward of any kind. In
12 determining whether the statement was voluntary, you
13 should consider both the characteristics of the defendant
14 and the details of the questioning. Some of the factors
15 that you must consider are the age of the defendant, the
16 defendant's education or lack of education, the
17 defendant's mental ability or capacity, the defendant's IQ
18 or intelligence, the defendant's background and
19 environment, the place and length of detention and nature
20 of the questioning and the advice or lack thereof to the
21 defendant of his constitutional rights including but not
22 limited to his right to remain silent. If any statement
23 could be used against him in a court of law, the right to
24 have a lawyer present and if he could not afford a lawyer,
25 a lawyer would be appointed to represent him without any

1 costs and that he could stop making a statement at any
2 time. You must carefully consider all of the surrounding
3 circumstances before you give any weight to an allege
4 statement.

5 The State has the burden of proving beyond a
6 reasonable doubt that the allege statement was voluntary.
7 If you determine that it was, you may give the statement
8 any further consideration that you deem proper. You must
9 decide what weight, if any, should be given to the allege
10 statement. If you determine the alleged statement was not
11 the free and voluntary statement of the defendant, you
12 should not consider the statement at all.

13 I further instruct you the fact that the
14 defendant in this trial did not testify was on behalf --
15 is not a factor to be considered by you in anyway during
16 your deliberations or in your consideration on the
17 question of guilt or innocence. In this regard, the
18 defendant has the constitutional right to remain silent.
19 And the exercise of this right must not be considered by
20 you in your deliberations. The fact that the defendant
21 did not testify should not even be discussed in the jury
22 room.

23 The burden of proof as I have already stated to
24 you is on the State. The defendant has no obligation to
25 prove his innocence. The burden of proof remains with the

1 State to prove the defendant's guilt beyond a reasonable
2 doubt. And the fact that the defendant did not testify is
3 not a factor to be considered by you in deciding the guilt
4 or innocence of the defendant.

5 Furthermore, the rules of evidence ordinarily do
6 not permit witnesses to give their opinions or
7 conclusions. An exception to this rule exist for
8 witnesses we call expert witnesses. A witness who by
9 education and experience has become an expert in some art,
10 science, profession or calling may state an opinion as to
11 the relevant matters of which the witness claims to be an
12 expert. And they also state the reasons for the opinion.
13 You may consider any expert's opinion received in evidence
14 in this case and like any other evidence give it the
15 weight you think it deserves.

16 The defendant is charged with trafficking
17 cocaine. The State must prove beyond a reasonable doubt
18 that the defendant knowingly sold, manufacture,
19 cultivated, delivered, purchased, brought into this state,
20 provided financial assistance or otherwise aided, abetted,
21 attempted or conspired to sell, manufacture, cultivate,
22 deliver, purchase or bring into this state a knowingly,
23 actual or constructive possession, knowingly attempted to
24 become an actual or constructive possession of cocaine.

25 The State must also prove beyond a reasonable

1 doubt that the amount of cocaine or any mixture containing
2 cocaine was ten grams or more but less than 28 grams. The
3 defendant is also charged with possession with intent to
4 distribute cocaine base. The State must prove beyond a
5 reasonable doubt that the defendant possess cocaine base
6 with the intent to distribute it. To prove possession,
7 the State must prove beyond a reasonable doubt that the
8 defendant had both the power and the intent to control the
9 disposition or use of the cocaine base. Possession may be
10 either actual or constructive. Actual possession means
11 the cocaine base was in the actual physical custody of the
12 defendant. Constructive possession means that the
13 defendant had dominion and control or the right to
14 exercise dominion or control over either the cocaine base
15 itself or the property on which the cocaine base was
16 found.

17 Mere presence at the scene where the drugs were
18 found is not enough to prove possession. The defendant's
19 knowledge and possession may be inferred when a substance
20 is found on the property under the defendant's control.
21 However, this inference is simply an evidentiary fact to
22 be take into consideration by you along with the other
23 evidence in the case and to be given the weight you decide
24 it should have.

25 Two or more persons may have joint possession of

1 a drug. The State must also prove beyond a reasonable
2 doubt that the defendant intended to distribute the
3 cocaine base. Distribute means to deliver other than by
4 administering or dispensing a drug. Intent may be shown
5 acts and conduct of the defendant and other circumstances
6 from which you may naturally and reasonably infer intent.

7 In determining whether the defendant had the
8 intent to distribute the cocaine base, you may consider
9 the circumstances surrounding the defendant's alleged
10 possession. You may consider the amount of the substance
11 alleged to have been possessed, the manner in which it was
12 allegedly possessed, and the place where it was alleged
13 possessed and other factors which you consider to be
14 important. You must find that the defendant did not
15 intend to have the cocaine base solely for his own use.
16 Possession of one or more grams of cocaine base creates an
17 inference that the defendant possessed the cocaine base
18 with intent to distribute it. This inference does not
19 relieve the State from proving beyond a reasonable doubt
20 that the defendant had the intent to distribute. It is
21 simply an evidentiary fact to be taken into consideration
22 by you along with the other evidence in the case and to be
23 given the weight you decide it should have.

24 The defendant is also charged with the
25 possession with the intent to distribute methadone. The

1 State must prove beyond a reasonable doubt that the
2 defendant possess methadone with the intent to distribute
3 it. To prove possession, the State must prove beyond a
4 reasonable doubt that the defendant had both the power and
5 the intent to control the disposition or use of the
6 methadone. Possession may either be actual or
7 constructive. Actual and constructive possession has
8 previously been explained to you in this charge two or
9 more persons may have joint possession of a drug. The
10 State must prove beyond a reasonable doubt that the
11 defendant intended to distribute the methadone.. Intent to
12 distribute also been previously explained to you in this
13 charge.

14 Also the defendant is charged with possession
15 with intent to distribute marijuana. The State must prove
16 beyond a reasonable doubt that the defendant possessed
17 marijuana with the intent to distribute it. To prove
18 possession, the State must prove beyond a reasonable doubt
19 that the defendant had both the power and the intent to
20 control the disposition or use of the marijuana.
21 Possession may either be actual or constructive. As
22 stated before, actual and constructive possession had been
23 explained to you previously have been explained to you in
24 this charge. Two or more persons may have joint
25 possession of a drug. The State must also prove beyond a

1 reasonable doubt that the defendant intended to distribute
2 the marijuana. Again intent to distribute has been
3 previously explained to you in this charge. Also you must
4 find the defendant did not intend to have the marijuana
5 solely for his own use. Twenty-eight grams or one ounce
6 of marijuana or more creates an inference that the
7 defendant possessed the marijuana with the intent to
8 distribute it. This inference does not relieve the State
9 from proving beyond a reasonable doubt that the defendant
10 had the intent to distribute it. It is simply an
11 evidentiary fact to be taken into consideration by you
12 along with the other evidence in the case and to be given
13 the weight you decide it should have.

14 Mr. Bailiff, if you're over there, is he down
15 there. Would you hand that to the forelady please, sir.
16 Ladies and gentlemen, I'm now drawing near the end of my
17 charge and want you to clearly understand that you are not
18 partisans or advocates for the State or the defendant.
19 You do not serve as jurors to reward your friends or
20 punish your enemies. In this regard, you have been
21 selected by both the State and the defendant to be fair
22 and impartial jurors. It is your duty by your joint
23 deliberations to determine the facts in this case giving
24 the defendant the benefit of every reasonable doubt on
25 each and every issue. Then to the facts that you

1 determine to be correct. You should take and apply the
2 law which has been given to you by this court and thus
3 arriving at a verdict. When you have accomplished these
4 responsibilities, you will have satisfied your oath as
5 jurors and you will have discharged your duty to this
6 court.

7 Now, Ms. Forelady, I have handed you the verdict
8 form. When you arrive at a verdict in this case, you will
9 write your verdict on the form. For the charges that the
10 State has failed to prove the guilt of the defendant
11 beyond a reasonable doubt, of course, your verdict will be
12 two words not guilty. However, should the State have
13 proved their case against the defendant beyond a
14 reasonable doubt, then your verdict will be one word
15 guilty. Ms. Forelady, once the decision has been made,
16 just check whichever choice is your verdict on each and
17 every charge. Also please understand that even though I
18 have given the verdict form to the forelady, it is not her
19 verdict alone. It is the verdict of all 12 of you and I
20 emphasize again that your verdict must be unanimous.

21 Now, you will retire to the jury room. However,
22 I would ask that you do not begin your deliberations at
23 this time. The law requires that I consult with the
24 attorney's first. After I have done so, the bailiff will
25 bring in the items of evidence and instruct you to begin

1 your deliberations at that time. Also should you have any
2 questions during your deliberations, you must put them in
3 writing and send them to me by way of the bailiff. The
4 Court bailiff will be placed immediately outside the jury
5 room door to provide security and assistance for you
6 during your deliberations. Once you have reached your
7 verdict, please knock on the jury room door and ask the
8 bailiff to advise the Court that you have reached a
9 verdict and we will return you to the courtroom as
10 promptly as possibly thereafter. Thank you. You may
11 retire to the jury room, but again do not begin your
12 deliberations until told to do so.

13 (WHEREUPON, the jury retire to the jury room.)

14 THE COURT: All right. Any objections from the
15 State to the charge?

16 MR. MCEACHIN: None from the State, Your Honor.

17 THE COURT: How about the defense?

18 MR. MEETZE: No, Your Honor.

19 THE COURT: How about you all take a look at the
20 items that are into evidence and see if they're in order.
21 If they are, let me know, and we'll send them back.

22 MR. MCEACHIN: Please the Court, Your Honor, the
23 State would ask that all control substances be kept in the
24 courtroom. If they want to look at them, we don't have a
25 problem with that. We just don't want to send those back

1 there.

2 THE COURT: Don't want them to have a party back
3 there. That's fine with me.

4 MR. MCEACHIN: Judge, we reviewed the evidence
5 and we're sending everything back with the exception of
6 State's Exhibit Numbers 11 and the subsections of 11.

7 THE COURT: Okay, go ahead and give that to the
8 jury and tell them to begin and bring out the alternates
9 and let them know if they want to see the drugs they can
10 come back into courtroom and see the drugs.

11 (WHEREUPON, the jury the began deliberations at
12 3:24.)

13 THE COURT: I want to let the two alternates
14 know your job is complete for the day. We need you back
15 at three o'clock tomorrow afternoon to pick another jury,
16 but I do want to let you know you had to sit through the
17 whole trial. You were our second string. Should somebody
18 on the football team get hurt, we would have to send you
19 in, but we couldn't send you in if you didn't sit through
20 the whole game or the whole trial. So that was your job,
21 your job is complete and you can go. I'll see you back at
22 three tomorrow.

23 (WHEREUPON, the alternate jurors were
24 dismissed.)

25 (WHEREUPON, the jury had a question at 4:20 pm.)

1 THE COURT: Appears we have one sheet of paper
2 with several questions on it. One of them is did he or
3 did he not take responsibility? Was the other parties
4 involved family?

5 MR. JEPERTINGER: What was that?

6 THE COURT: Was the other parties involved
7 family? How do we know that it was property of the
8 "house"? Where did the bag on the ground come from?
9 Where is the picture of the counter top with the drugs on
10 them showing the scale? Where is the kitchen table?

11 MR. MCEACHIN: They're all questions of fact,
12 Judge.

13 MR. MEETZE: I think that they just have to
14 recall the evidence the way they recall it.

15 THE COURT: You have received and heard all of
16 the evidence continue.

17 MR. MCEACHIN: Please.

18 THE COURT: Ms. Court Reporter, you want to mark
19 this.

20 (WHEREUPON, Court's Exhibit No. 1 was marked for
21 the record.)

22 THE COURT: Tell the jury to continue
23 deliberation.

24 (WHEREUPON, the jury continued deliberation at
25 4:22.)

1 THE COURT: Go ahead and bring the jury out.

2 (WHEREUPON, the jury came into open court with a
3 verdict at 4:46 pm.)

4 THE COURT: Madam forelady, has the jury reached
5 a verdict?

6 FORELADY: Yes.

7 THE COURT: You be so kind as to hand it to the
8 bailiff. Thank you. I find the verdict form in order the
9 clerk will publish.

10 THE CLERK: State of South Carolina Marion of
11 County in the Court of General Sessions Twelfth Judicial
12 Circuit, indictment 2017-GS-33-0322, The State of South
13 Carolina vs. Erick Maurice Willard defendant, verdict as
14 to the charge of trafficking cocaine, we, the jury,
15 unanimously find the defendant guilty. As to the charge
16 of possession with the intent to distribute cocaine base,
17 we, the jury, unanimously find the defendant guilty. As
18 to the charge of possession with intent to distribute
19 methadone schedule five sorry -- four, we, the jury,
20 unanimously find the defendant guilty. As to the charge
21 of possession with the intent to distribute marijuana, we,
22 the jury, unanimously find the defendant guilty. Dated
23 11-14-2017 Monica Sanders. If this is your verdict please
24 signify by raising your right hand?

25 (WHEREUPON, all the jurors' hands were raised.)

1 THE COURT: All right. Thank you. Need for
2 further polling from the defense.

3 MR. MEETZE: No, Your Honor.

4 THE COURT: All right. Thank you very much
5 jurors you completed your job in reference to this case.
6 I'm going to dismiss you for the day. And I need you back
7 at three o'clock tomorrow afternoon. Everybody else
8 remain seated while the jury is executed. You are excused
9 until three o'clock tomorrow.

10 (WHEREUPON, the jury is dismissed.)

11 THE COURT: All right. Any motions from the
12 defense?

13 MR. MEETZE: Judge, at this point in time we
14 make a motion for a new trial based on the evidence
15 presented not being sufficient to sustain the jury's
16 verdict. We also renew any previous motion we made.

17 THE COURT: Those motions are denied.

18 The State ready to go forward with sentencing?

19 MR. MCEACHIN: Your Honor, I ask if we can do it
20 tomorrow. We're bringing a document from Horry County.
21 We were suppose to have it in today. I've spoken with
22 their Solicitor's office. It won't be available until
23 9:15 in the tomorrow morning. Gary Streett with our
24 office is going to pick up it for us. We'll be ready to
25 proceed maybe a little before noon tomorrow.

1 THE COURT: All right. Is that okay with you?

2 MR. MEETZE: Sure.

3 THE COURT: All right, sounds good sentencing
4 will be tomorrow at noon.

5 MR. MEETZE: Thank you, Your Honor.

6 MR. MCEACHIN: Thank you, Judge.

7 THE COURT: Thank you.

8 (WHEREUPON, the proceedings were concluded for
9 the day to be reconvened on November 15, 2017.)

10 (WHEREUPON, Court's Exhibits Nos. 1, 2 and 3
11 were marked for the record.)

12 THE COURT: I'm ready when you are.

13 MR. MCEACHIN: Thank you, Your Honor. Your
14 Honor may it please the Court.

15 THE COURT: Yes, sir.

16 MR. MCEACHIN: Standing before you is Erick
17 Maurice Willard. He's before the Court on indictment on
18 2017-GS-33-322. Mr. Willard was tried by a jury of his
19 peers yesterday and convicted on all four counts of that
20 indictment. We here for sentencing today. I'm handing
21 the Court the sentencing sheet. The defendant was
22 convicted of trafficking cocaine ten grams to 28 grams.
23 This is a third or subsequent offense. He was convicted
24 of possession with intent to distribute cocaine base that
25 is also a third or subsequent offense. He was convicted

1 of PWID -- it's actually PWID methadone third or
2 subsequent offense. And then he was convicted of
3 possession with intent to distribute marijuana that would
4 actually be a second offense.

5 Your Honor, I have previously had the court
6 reporter mark as Court's Exhibit 1, 2 and 3. These are
7 certified copies of the defendant's prior convictions for
8 enhancement purposes. Two of the convictions stem from
9 Marion County one being a possession with intent to
10 distribute marijuana that the defendant pled guilty to on
11 8-13-2014. The other being possession of cocaine base
12 first offense that the defendant pled guilty to earlier
13 this year on February the 14th of 2017. And then final
14 offense, Your Honor, being a conviction out of Horry
15 County on 9-14-2004 for a possession with intent to
16 distribute cocaine first offense. Again, Your Honor, I've
17 made these court's exhibits they will need to be or remain
18 with the court's file for sentencing purposes.

19 THE COURT: All right. And what's the position
20 of law enforcement in regards to this individual?

21 MR. MCEACHIN: Your Honor, with regard to the
22 individual, certainly based on the offense of trafficking
23 cocaine third or greater, the defendant's range on that is
24 the Court cannot give him less than 25 years no more than
25 30 years. The Court must give him a \$50,000 fine on that.

1 Other than that, Your Honor, I beg the Court's indulgence
2 for just one moment.

3 (WHEREUPON, a pause in the proceedings.)

4 MR. MCEACHIN: Your Honor, the only other thing
5 I would mention is the defendant did have some other
6 indictments for distributions. As a result of the
7 sentencing here today, the State will be dismissing -- the
8 officers did want me to let the Court know that he was out
9 on bond for those matters when he was subsequently revoked
10 and brought back before the Court, but otherwise we leave
11 it in the Court's discretion with regards to sentencing in
12 this matter.

13 THE COURT: Mr. Meetze.

14 MR. MEETZE: Thank you, Your Honor. May it
15 please the Court. Your Honor, Mr. Willard is 37 year old.
16 He's got one 14 year old child that has been in his
17 custody and has been in his custody because that child's
18 mother unfortunately and tragically passed away.

19 Judge, you know, obviously Mr. Willard exercised
20 his right to his trial. You certainly presided over that
21 and understand know the facts of that case. Mr. McEachin
22 presented to you the certified convictions for enhancement
23 purpose. I'll just note with regards to that that one of
24 those is a possession level offense as far as what
25 enhances the trafficking. The other is a PWID as oppose

1 to a distribution charge. So and certainly distribution
2 with PWID are punished under the same statute section, but
3 certainly and I don't think I'm speaking incorrectly.
4 They're thought of as differently from a seriousness level
5 an actually hand to hand distribution versus a possession
6 with intent to distribute even though they can be punished
7 similarly. They're treated differently by our prosecutors
8 and many times by our judges. And I'll make the Court
9 aware of that and put that on the record. Judge, I'm
10 going to find out for you how much time he has done since
11 he had his bond revoked in what he has done on this
12 charge. But, Judge, obviously the mandatory minimum
13 sentence on the trafficking is an extremely severe
14 sentence in and of itself. And I think that with that
15 being the least he can get and the Court would have no
16 discretion to give it any less than that. We're certainly
17 asking for that sentence and that everything else not be
18 any more than that and to run everything concurrently and
19 certainly from a punishment standpoint for what he's done,
20 for what his prior record is that in my opinion would
21 certainly more than satisfy a just punishment in this case
22 and that's what we are asking for. Otherwise, we'll let
23 you know how much time he's done. 101 days.

24 THE COURT: 101 days?

25 MR. MEETZE: Yes, sir.

1 THE COURT: Okay.

2 MR. MEETZE: Judge, he is a graduate of Mullins
3 High School, went two and a half years of tech studied CPU
4 service repair there. And again just asking for whatever
5 mercy the Court can extend.

6 THE COURT: In reference to the trafficking
7 sentence of the Court is 30 years and a \$50,000 fine.
8 I'll give him 101 days credit. In reference to the PWID
9 cocaine, 30 years, 101 days credit, concurrent. And in
10 reference to 00322, ten years, 101 days credit,
11 concurrent. And in reference to 00322, 20 years
12 concurrent, 101 days credit.

13 MR. MCEACHIN: Thank you, Your Honor.

14 MR. MEETZE: Thank you, Judge.

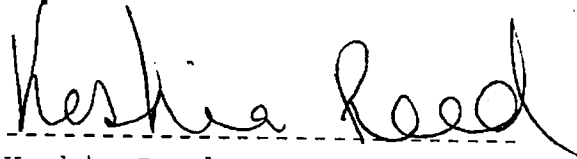
15 END OF REQUESTED TRANSCRIPT
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 195, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Marion County, South Carolina, on the 13-15th days of November, 2017.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 9th day of May 2018.


Keshia Reed, Court Reporter

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

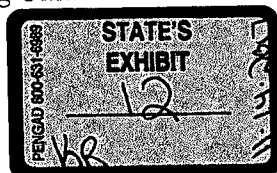
FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

Agent Mark Collins
Marion County Combined Drug Unit
P. O. Box 1003
Mullins, SC 29574



DRUG ANALYSIS

November 01, 2017
SLED LAB: L17-05779
Your Case No: 20170018
Incident Date: 03/03/2017
[S] Eric Willard

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Sub # 1 On April 18, 2017, items were received in B268099 from Agent Mark Collins of the Marion County Combined Drug Unit.

Item: 1.1 Zip lock bag marked "Item 1 In Bathroom sink & pipe" containing rock substance.

RESULTS:

Cocaine Base (Crack) (C-II) found in the sample tested; 1 tested. Net weight: 2.56 +/- 0.01 grams (39.50 +/- 0.15 grains). Confidence level for the weight is 99.7%.

Item: 1.2 Zip lock bag marked "Item 2" containing plastic sandwich bag containing...

Item: 1.2.1 Plastic sandwich bag containing compressed powder substance.

RESULTS:

Cocaine (C-II) found in the sample tested; 1 tested. Net weight: 13.43 +/- 0.01 grams (207.25 +/- 0.15 grains). Confidence level for the weight is 99.7%.



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- Item: 1.2.2** Plastic corner bag containing compressed powder substance.
RESULTS:
Cocaine (C-II) found in the sample tested; 1 tested. Net weight: 3.50 +/- 0.01 grams (54.01 +/- 0.15 grains). Confidence level for the weight is 99.7%.
- Item: 1.2.3** Plastic sandwich bag containing compressed powder substance.
RESULTS:
Cocaine (C-II) found in the sample tested; 1 tested. Net weight: 4.93 +/- 0.01 grams (76.07 +/- 0.15 grains). Confidence level for the weight is 99.7%.
- Item: 1.3** Zip lock bag marked "Item 3" containing plastic sandwich bag containing plastic sandwich bag containing plant material.
RESULTS:
Marijuana (C-I) found in the sample tested; 1 tested. Net weight: 27.91 +/- 0.01 grams (0.9852 +/- 0.0004 ounces). Confidence level for the weight is 99.7%.
- Item: 1.4** Zip lock bag marked "Item 4" containing plastic sandwich bag containing six (6) zip lock bags each containing plant material.
RESULTS:
Marijuana (C-I) found in the sample tested; 2 tested. Total net weight: 1.27 +/- 0.01 grams (0.0448 +/- 0.0004 ounces). Confidence level for the weight is 99.7%.
- The maximum attainable statutory threshold has been met for this substance.
Gross weight (including the innermost packaging) of the remaining substance is 2.98 grams.
- Item: 1.5** Zip lock bag marked "Item 5" containing plastic sandwich bag containing four (4) pink zip lock bags each containing compressed powder substance.
RESULTS:
Cocaine (C-II) found in the sample tested; 1 tested. Net weight: 0.14 +/- 0.01 grams (2.16 +/- 0.15 grains). Confidence level for the weight is 99.7%.
- The maximum attainable statutory threshold has been met for this substance.
Gross weight (including the innermost packaging) of the remaining substance is 0.81 grams.



- Item: 1.6** Zip lock bag marked "Item 6" containing plastic corner bag containing rock substance.
RESULTS:
Cocaine Base (Crack) (C-II) found in the sample tested; 1 tested. Net weight: 3.22 +/- 0.01 grams (49.69 +/- 0.15 grains). Confidence level for the weight is 99.7%.
- Item: 1.8** Zip lock bag marked "Item 8" containing plastic sandwich bag containing zip lock bag containing...
- Item: 1.8.1** Two (2) blue zip lock bags each containing rock substance.
RESULTS:
Cocaine Base (Crack) (C-II) found in the sample tested; 2 tested. Total net weight: 1.01 +/- 0.01 grams (15.58 +/- 0.15 grains). Confidence level for the weight is 99.7%.
- Item: 1.8.2** Plastic corner bag containing rock substance.
RESULTS:
Cocaine Base (Crack) (C-II) found in the sample tested; 1 tested. Net weight: 0.81 +/- 0.01 grams (12.49 +/- 0.15 grains). Confidence level for the weight is 99.7%.
- Item: 1.9** Zip lock bag marked "Item 9 OutSIDE Bathroom Window" containing...
- Item: 1.9.1** Compressed powder substance.
RESULTS:
Based on indicative testing results, the maximum attainable statutory threshold has been met for this substance. Item was not subjected to confirmatory testing.
- Item: 1.9.2** Plastic corner bag containing compressed powder substance.
RESULTS:
Cocaine (C-II) found in the sample tested; 1 tested. Net weight: 13.93 +/- 0.01 grams (214.96 +/- 0.15 grains). Confidence level for the weight is 99.7%.



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- Item: 1.9.3** Plastic sandwich bag containing compressed powder/rock substance.
RESULTS:
Cocaine (C-II) found in the sample tested; 1 tested. Net weight: 5.45 +/- 0.01 grams (84.10 +/- 0.15 grains). Confidence level for the weight is 99.7%.
- Item: 1.10** Zip lock bag marked "Item 10 Pills on table Beside Bed" containing a partial piece of tissue containing ten (10) round white tablets.
RESULTS:
Methadone (C-II) found in the sample tested; 1 tested.
- Item: 1.12** Zip lock bag marked "Item 12 Bedroom" containing two (2) blue zip lock bags each containing plant material.
RESULTS:
Based on indicative testing results, the maximum attainable statutory threshold has been met for this substance. Item was not subjected to confirmatory testing.
- Item: 1.13** Zip lock bag marked "Item 13 Coat pocket of RAINbow Color Coat - In BACK Bedroom" containing plastic sandwich bag containing plant material.
RESULTS:
Based on indicative testing results, the maximum attainable statutory threshold has been met for this substance. Item was not subjected to confirmatory testing.
- Item: 1.14** Zip lock bag marked "Item 14 Kitchen" containing sixty (60) oblong green tablets.
RESULTS:
No controlled substance(s) detected in the sample tested; 6 tested.



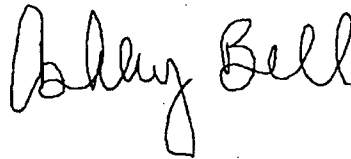
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This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.



Ashley Bell
Forensic Scientist



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FORM A

REPORT OF ANALYSIS FOR
CONTROLLED DANGEROUS SUBSTANCES
(Substance Found)

I, Ashley Bell, am a Forensic Scientist employed by the South Carolina State Law Enforcement Division (SLED), certified by SLED as a Forensic Scientist qualified to perform testing and analysis for controlled and/or dangerous substances prohibited by law in this State by Title 44, Chapter 53 of the Code of Laws and Rule 61-4 of the Department of Health and Environmental Control.

I have 2 years and 7 months experience as a Forensic Scientist. During that period, I have been qualified as an expert witness and testified in court no less than 1 times. I have received the following training as a Forensic Scientist.

B.S. Biochemistry, Washington and Lee University, Lexington VA, 2006
Training in Forensic Serology, South Carolina Law Enforcement Division, 2013
Training in Forensic Drug Analysis, South Carolina Law Enforcement Division, 2015
Drug Enforcement Administration, Forensic Chemist Seminar, 2015
West Virginia University Continuing & Professional Education Program, Introduction to Forensic Drug Chemistry, 2015
South Carolina Law and Legal Training, South Carolina Criminal Justice Academy, 2016
West Virginia University Continuing & Professional Education Program, Forensic Mass Spectrometry, 2016

Sub # 1 On April 18, 2017, items were received in B268099 from Agent Mark Collins of the Marion County Combined Drug Unit.

I tested the above item(s) using the following legally reliable forensic laboratory procedures approved by SLED:

☒ Chemical Test	☒ Gas Chromatography
☒ Microscopic Exam	☒ Mass Spectroscopy
☒ Infrared Spectroscopy	☒ Physical Test
☒ Visual Examination	☒ Published Literature

See Drug Analysis Report L17-05779 for Results.

Forensic Scientist

Ashley Bell

Ashley Bell

Date: November 01, 2017



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

Issuing Authority: Quality Manager



SLED Forensics Form # DDA 020, November 2013

Page 1 of 1

Did he or did he not take responsibility

Was the other parties involved family?

How do we know that it was his property (house)

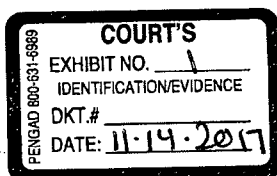
Where did the bag on the gravel come from

Where's the picture of the counter top with the drugs on them showing the scale

Where's the Kitchen table

You have received and heard all of the evidence in the trial. Please continue with your deliberations.

Judge Soch



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

203

COUNTY OF Marion
STATE VS.
Erick Maurice Willard

AKA:
Race: Black Sex: M Age: 33
DOB: 1-1980 SS#:
Address: Milton Troy Ave
City, State, Zip: Mullins, SC 29574
DL#: SID#:

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

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

TO: Drugs / Manuf., poss. of other sub. in Sch. I, II, III or flunitrazepam or analogue, w.i.t.d. - 1st offense

INDICTMENT/CASE#: 2014-GS-33-00182

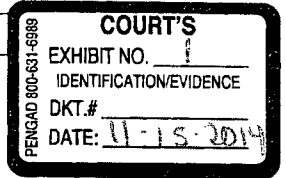
A/W#: M396424

Date of Offense: 9/17/2010

S.C. Code §: 44-53-0370(b)(2)

CDR Code #: 0186

SENTENCE SHEET



in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186

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

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

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

ATTEST:

Jeppinger, John C.
P. A. HOEFGA, Jr.

2548
SC Bar#

Erick Willard
Defendant

[Signature]
Attorney for Defendant

064280
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 2

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

Total: \$ 65 plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient: WCDU

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$ <u>500.00</u>
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150.00</u>
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>23.40</u>
TOTAL	\$	\$ <u>803.40</u>

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ BOOK beginning DATE

\$ paid to Public Defender Fund

Other: Christy M. Gray
CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

☒ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge [Signature]

Judge Code: 2157

Sentence Date: 2-13-14

Clerk of Court/ Deputy Clerk Sherry L. Rhodes

Court Reporter: Frances Ray

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

204
COUNTY OF Marion
STATE VS.

Eric Maurice Willard

AKA:

Race: Black Sex: M Age: 35

DOB: 1980 SS#

Address: Milton Troy Ave

City, State, Zip: Mullins, SC 29574-7267

DL#: SID#:

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

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

TO: Drugs / Possession of less than one gram of meth. or cocaine base, 1st offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015-GS-33-00401

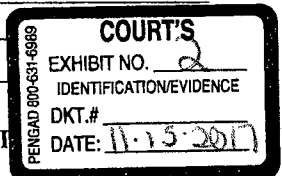
A/W#: 2015A3320200056

Date of Offense: 3/21/2015

S.C. Code § : 44-53-0375(A)

CDR Code #: 3009

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0375(A) of the S.C. Code of Laws, bearing CDR Code # 3009

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

ATTEST: John C. Lepertinger 9826 Eric Maurice Willard 75373
Lepertinger, John C SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 1 days/months/years/or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ 25; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$ 25.00
§ 14-1-206 (Assessments 107.5 %) \$ 26.87
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 61.6 (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$ 150.00
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$

TOTAL

\$ 326.87

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ BOOK beginning PAGE

\$ paid to Public Defender Fund

Other:

CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

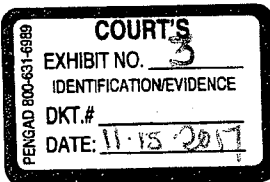
Presiding Judge

Judge Code:

Sentence Date:

2157

2/14/2017



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATEHorry
VS.Eric Maurice Willard

AKA:

Race:

Sex:

DOB:

-80

SS#:

City, State, Zip

DL#

SID#

Milton Tray AvenueMullins SC 29574

INDICTMENT/CASE#:

2004

-GS-

263033

A/W#:

H-613078

Date of Offense:

6-7-04

S.C. Code §:

44-53-0375 (B)(1)

CDR Code #:

011112☐ CASE RESTORED

SENTENCE

☒ PLEA☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: PWID Powder Cocaine 1st (0-15 yrs/\$25,000)D-Felonyin violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code #0111813☒ NON-VIOLENT (6X1)☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: DR Black 5 yrs ss 279 days + 3 yrs probation

Solicitor

Defendant

Attorney for Defendant

YOA-YesVictim-NoJail: DOA: 6-7-04 (99 days)DR BlackWHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ yearsand/or to pay a fine of \$ _____; provided that upon the service of 279 days/months/years and/or paymentof \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$35.13 (Public Def/Prob)	\$500	\$500.00
\$73.3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$100.00
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$21.75
TOTAL		\$746.75

Jeanne J. Roberts

Clerk of Court/ Deputy Clerk

Court Reporter:

Brenda Barb

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Jch Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ 25.00 beginning 10/14/04

\$ _____ paid to Public Defender Fund

Other:

☒ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

WITNESSES

MARK COLLINS Marion County Combined Drug Unit

Fitzlee H McEachin

ARREST WARRANT NUMBER

2017A3310100122 2017A3310100123
2017A3310100125

2017A3310100124

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-33-00322

The State of South Carolina

County of

MARION

COURT OF GENERAL SESSIONS

JULY **TERM** **2017**

THE STATE

vs.

ERICK MAURICE WILLARD

Indictment for

**TRAFFICKING COCAINE,
POSSESSION WITH THE INTENT TO
DISTRIBUTE COCAINE BASE,
POSSESSION WITH THE INTENT TO
DISTRIBUTE METHADONE SCHEDULE
SCHEDULE 1-V**

**AND
POSSESSION WITH THE INTENT TO
DISTRIBUTE MARIJUANA**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)

INDICTMENT FOR
 TRAFFICKING COCAINE,
 POSSESSION WITH THE INTENT TO
 DISTRIBUTE COCAINE BASE,
 POSSESSION WITH THE INTENT TO
 DISTRIBUTE METHADONE SCHEDULE I-V
 AND
 POSSESSION WITH THE INTENT TO DISTRIBUTE
 MARIJUANA

At a Court of General Sessions, convened on JULY 27, 2017 the Grand Jurors of
 MARION County present upon their oath:

COUNT ONE- TRAFFICKING COCAINE

That ERICK MAURICE WILLARD did in Marion County on or about March 3, 2017, knowingly, sell, deliver, purchase or bring into this State, or did aid, abet, attempt, or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession, or attempted to become in actual or constructive possession of a quantity of Cocaine in an amount of more than ten (10) grams, but less than twenty-eight (28) grams, the same being a controlled substance, all within the meaning of Section 44-53-370, et seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized, and being in violation of Section 44-53-370(e)(2), S. C. Code of Laws, 1976, as amended, for the crime of Trafficking.

COUNT TWO- POSSESSION WITH THE INTENT TO DISTRIBUTE COCAINE BASE

That ERICK MAURICE WILLARD did in Marion County on or about March 3, 2017, possess with intent to distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver a quantity of Cocaine Base, a controlled substance under the provisions of Section 44-53-110, et seq., Code of Laws of South Carolina, 1976, as amended, such distribution not having been authorized by law, and being in violation of Section 44-53-375(B), S. C. Code of Laws, 1976, as amended.

X **COUNT THREE - POSSESSION WITH THE INTENT TO DISTRIBUTE METHADONE
 SCHEDULE I-V**

That ERICK MAURICE WILLARD did in Marion County on or about March 3, 2017, possess with intent to distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver a quantity of Methadone, a controlled substance under the provisions of Section 44-53-110, et seq., Code of Laws of South Carolina, 1976, as amended, such distribution not having been authorized by law, and being in violation of Section 44-53-370(B), S. C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR TRAFFICKING COCAINE, POSSESSION WITH THE INTENT TO DISTRIBUTE COCAINE BASE, POSSESSION WITH THE INTENT TO DISTRIBUTE METHADONE SCHEDULE I-V AND POSSESSION WITH THE INTENT TO DISTRIBUTE MARIJUANA, WITH THE AFORESAID NAMES(S) OF ERICK MAURICE WILLARD SHOWN THEREON:

COUNT FOUR- - POSSESSION WITH THE INTENT TO DISTRIBUTE MARIJUANA

That ERICK MAURICE WILLARD did in Marion County on or about March 3, 2017, possess with intent to distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver a quantity of Marijuana, a controlled substance under the provisions of Section 44-53-110, et seq., Code of Laws of South Carolina, 1976, as amended, such distribution not having been authorized by law, and being in violation of Section 44-53-370(B), S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

(25-30 yrs. & \$50,000 fine)

IN THE COURT OF GENERAL SESSIONS 209

COUNTY OF Marion

STATE VS.

Erick Maurice Willard

AKA:

Race: Black Sex: M Age: 36

DOB: [REDACTED]-1980 SS# [REDACTED]

Address: [REDACTED] Aster Road

City, State, Zip: Mullins, SC 29574

DL#: [REDACTED] SID#: [REDACTED]

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

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

☒ CONVICTED OF or ☐ PLEADS

TO: Drugs / Trafficking in cocaine, 10g or more, but less than 28g - 3rd or sub. offense

in violation of § 44-53-0370(e)(2)(a)3 of the S.C. Code of Laws, bearing CDR Code # 0147

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

ATTEST [Signature]

75437

McEachin, Ritzlee H

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ 50,000; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 101 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$50,000. ^w
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$53.750. ^w
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$100. ^w
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25. ^w
§ 14-1-213 (Drug Court Surcharge)	\$150	\$150. ^w
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
3% to County (if paid in installments)		\$3,120.75

TOTAL

\$107,145.75

Clerk of Court/ Deputy Clerk

Court Reporter: Keisha T Reed

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017-GS-33-003

A/W#: 2017A3310100122

Date of Offense: 3/3/2017

S.C. Code § : 44-53-0370(e)(2)(b)3

CDR Code #: 0148

SENTENCE SHEET

2017 NOV 16 AM 9:05

FILED

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____

\$ _____ BOOK _____ paid to Public Defender Fund

Other: _____

CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2157

Sentence Date: 11/15/17

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marion
STATE VS.Erick Maurice Willard

AKA:

Race: Black Sex: M Age: 36DOB: -1980 SS#: [REDACTED]Address: Aster RoadCity, State, Zip: Mullins, SC 29574DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Drugs / Manuf., poss. of other sub. in Sch. I, II, III or flunitrazepam, w.i.t.d. - 3rd or sub. offense (Methadone)in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0188☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

McEachin, Fizzle H75437
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or paymentof \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: today☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 101 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 8.25

TOTAL

\$ 283.25

Clerk of Court/ Deputy Clerk

Court Reporter: Kusha

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017-GS-33-00322A/W#: 2017A3310100125Date of Offense: 3/3/2017S.C. Code § : 44-53-0370(b)(2)CDR Code #: 0188

SENTENCE SHEET

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

Attorney for Defendant

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of _____ days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or paymentof \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: today☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 101 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____A CERTIFIED COPY OF THE
ORIGINAL FILED IN THIS OFFICE

BOOK _____ PAGE _____

Christy M. Gray
CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2157Sentence Date: 11/15/17

STATE OF SOUTH CAROLINA

(0-10 yrs. and/or \$0-10,000)

IN THE COURT OF GENERAL SESSIONS 211

COUNTY OF Marion
 STATE VS.
Erick Maurice Willard
 AKA:
 Race: Black Sex: M Age: 36
 DOB: 1980 SS#: [REDACTED]
 Address: Aster Road
 City, State, Zip: Mullins, SC 29574
 DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2017-GS-33-00322

A/W#: 2017A3310100124

Date of Offense: 3/3/2017

S.C. Code §: 44-53-0370(b)(2)

CDR Code #: 0187

SENTENCE SHEET

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

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

☒ CONVICTED OF or ☐ PLEADS

TO: Drugs / Manuf., poss. of other sub. in Sch. I, II, III or flunitrazepam or analogue, w.i.t.d. - 2nd offense (Marijuana)

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0187

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

75437

McEachin, Fizzle H

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: today☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 101 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150.00</u>
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>8.25</u>

TOTAL \$ 283.25

Clerk of Court/ Deputy Clerk

Court Reporter: [Signature]

SCCA/217 (07/2016)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

BOOK _____ PAGE _____

CLERK OF COURT, MARION COUNTY

SOUTH CAROLINA

☐ Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2157Sentence Date: 11/15/17

STATE OF SOUTH CAROLINA

COUNTY OF Marion
STATE VS.

Erick Maurice Willard

AKA:

Race: Black Sex: M Age: 36

DOB: 1980 SS#: [REDACTED]

Address: Aster Road

City, State, Zip: Mullins, SC 29574

DL#: [REDACTED] SID#: [REDACTED]

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

In disposition of the said indictment comes now the Defendant who was
TO: Drugs / P.W.I.D. cocaine base, 3rd or sub. Offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017-GS-33-00322

A/W#: 2017A3310100123

Date of Offense: 3/3/2017

S.C. Code § : 44-53-0375(B)(3)

CDR Code #: 3039

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 44-53-0375(B)(3) of the S.C. Code of Laws, bearing CDR Code # 3039

☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act)

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

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

ATTEST: [Signature]

McEachin, Fitzlee H

SC Bar# 75437

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: today
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 101 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§ 56-5-2995 (DUI Assessment)	\$12 \$
§ 56-1-286 (DUI Breath Test)	\$25 \$
Proviso 61.6 (Public Def/Probation)	\$500 \$
§ 14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150 \$ 150.00
§ 50-21-114(BUI Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$ 8.25

TOTAL \$ 283.25

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal installments of \$

\$ paid for Public Defender Fund

Other:

CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

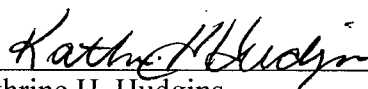
[Signature]
2157

11/15/17

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 15th day of November, 2018.

RECEIVED
NOV 15 2018
SC Court of Appeals