

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions

The Honorable Thomas Anthony Russo, Circuit Court Judge

Appellate Case No. 2017-001229

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

DAVID HAROLD CAMPBELL,

APPELLANT.

RECORD ON APPEAL

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NOTE: State’s Exhibit No. 2, Redacted DVD of patrol vehicle recording, was designated by Respondent as part of this ROA, and is to be delivered to the S.C. Court of Appeals upon receipt of the Court’s Order authorizing its transport.

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1 (RECESS - 1:10 P.M.)

2 *****OFF THE RECORD*****

3 (On the Record - 2:34 P.M.)

4 MOTIONS:

5 THE COURT: Thank you, folks, please have a seat.

6 MR. MARTIN: Judge?

7 THE COURT: Yeah.

8 MR. MARTIN: Mr. Campbell is coming, but we would waive
9 his presence as far as starting this process that we're in
10 today, so everybody is not sitting here waiting.

11 THE COURT: All right. That's fine. We can do that.

12 All right. So, what do we need to take up? Y'all --
13 what have we got, pretrial matters?

14 MR. ERVIN: Number 1, I have, Judge, I guess we could
15 call the responding officer, reporting officer, Jeremy Crews,
16 here today. Mr. Crews has an unfortunate circumstance being
17 arrested for DUI a few months ago. I did let Russell Long
18 know that when it happened. It has not resulted in a
19 conviction. Obviously, I contend that it does not involve
20 dishonesty. It's not relevant to this case. It occurred in
21 2017 and this case occurred in 2015. I just hope there would
22 be no mention of that whatsoever by the Defense.

23 THE COURT: I don't see where it's relevant unless you --
24 I mean, I don't know. This officer was involved in a 2015
25 case, I don't know that anything done in 2017 would be

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1 relevant to these issues, but ---

2 MR. MARTIN: Well, we haven't talked about that. I don't
3 know that the timing is the whole significance. The question
4 would be -- I'll tell you what, if you will, let us think
5 about that.

6 THE COURT: All right. That's fine.

7 MR. MARTIN: He's not testifying today and maybe ---

8 MR. ERVIN: It may be -- because -- I mean there's no
9 ground for them to bring up. It's not a conviction.

10 THE COURT: Right. I would tend to agree with you, but
11 I'm gonna give them an opportunity to -- we'll know by the end
12 of the day whether or not that's gonna be something that will
13 be an issue.

14 MR. MARTIN: That's right. That's right.

15 THE COURT: Okay. We'll give you an opportunity to think
16 about it.

17 Anything else -- well, obviously, there's other things,
18 but -- what's next?

19 MR. ERVIN: I anticipate they will challenge the legality
20 of the stop. I told, Your Honor, earlier I intend to admit at
21 least a portion of the video running from Mr. Crews' patrol
22 car, the recording showing the chase and then some statements
23 that have been made in that ---

24 THE COURT: All right.

25 MR. ERVIN: --- and I believe they are relevant and I

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1 intend to admit those if they are ---

2 THE COURT: Okay.

3 MR. ERVIN: --- admitted by Your Honor.

4 THE COURT: Let me just ask because that just may be the
5 next thing we need to deal with. Is there anything else that
6 we need to deal with that's not as -- that's not gonna be as
7 involved because I understand that's gonna be a little bit
8 involved because of the length of it?

9 MR. MARTIN: Well, we do have a motion to
10 dismiss/suppress the seizure of Mr. Campbell at the time he
11 was arrested.

12 THE COURT: Okay.

13 MR. MARTIN: And I -- and I do think that probably will
14 take some time because it's a warrantless search, seizure,
15 whatever it was there. So, I think that requires the State to
16 establish the legality of it, but that may take a little time.
17 And we do have -- we would object to the admissibility of any
18 of the portions of this tape that's got other than -- and
19 dependent upon your ruling of the legality of the stop, maybe
20 all of it.

21 THE COURT: Right.

22 MR. MARTIN: But certainly at least the aspect after the
23 chase ends and the arrest is affected, we would object to the
24 introduction of that portion of that tape. But you're gonna
25 have to see it and feel your way through that I think.

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1 THE COURT: All right. So, we can deal with the motion
2 to dismiss -- according to what I have, the motion here ---

3 MR. ERVIN: Your Honor, can we just put on the record the
4 Defendant did enter the courtroom?

5 THE COURT: Okay. Yeah.

6 MR. CAMPBELL: I'm sorry about that, sir, I was using the
7 restroom.

8 THE COURT: That's fine, Mr. Campbell. Just so the
9 record is clear, Mr. Campbell is present and we'll proceed.

10 The motion based on the arresting officers not having the
11 constitutional statutory jurisdiction to affect this
12 stop/seizure/arrest within the city limits of Myrtle Beach.

13 Solicitor, I'll let you proceed with that.

14 MR. ERVIN: Your Honor, as to the -- I guess I'll take up
15 the constitutional authority. Under South Carolina Code
16 Section 17-13-30, I'm sorry, -40, Section (b), the police --
17 and, again, we're dealing with the county officers here. The
18 actual seizure did not occur, we concede, until they were in
19 the city limits of Myrtle Beach, but they saw a traffic
20 violation occur prior to that. They actually were watching
21 the house and they were conducting surveillance in the county,
22 in their proper jurisdiction, but their surveillance and
23 subsequent attempt to stop and subsequent arrest of the
24 Defendant did lead them into the City of Myrtle Beach. But
25 17-13-40, Section (b) does give the county police authority to

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1 go into a city jurisdiction to affect a seizure, an arrest.

2 THE COURT: Well, I was going to ask -- and I guess maybe
3 I shouldn't assume anything. I've always assumed that
4 sheriff's Deputies, county deputies had countywide
5 jurisdiction and that you're not ---

6 MR. ERVIN: Your Honor, that would be our position.

7 THE COURT: They're not precluded from acting within the
8 city limits although I think a lot of times they defer to City
9 law enforcement if it's a city matter.

10 MR. ERVIN: Sure. Their initial actions in this case did
11 stem from surveillance that was in the county, in Horry County
12 and it took them into the city. So, obviously they didn't
13 pull off of that, rightfully so. They affected the seizure
14 and later arrest in the City of Myrtle Beach. Our position is
15 they had authority to do it anywhere in the county.

16 THE COURT: Mr. Martin, do they not have a countywide
17 authority?

18 MR. MARTIN: Well, first of all, I -- our position in
19 court is they do not.

20 THE COURT: Okay.

21 MR. MARTIN: And I'll tell you, I've tried to find an
22 enabling act for the Horry County Police Department, which is
23 where I think it begins. I haven't been able to put my hands
24 on that. And then in addition to that, whether there or not
25 there is jurisdiction, I know would depend on any agreement

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1 between the City of Myrtle Beach and the county.

2 You are right, normally the county doesn't go into the
3 city and police.

4 THE COURT: All right.

5 MR. MARTIN: And I would take the position, absence
6 evidence to the contrary, that the Horry County Police
7 Department does not have jurisdiction in and of itself and
8 without the cooperation of the Myrtle Beach Police Department
9 in affecting the stop, to go there and do a search, arrest, or
10 seizure. So, that's the first position. Is I think they have
11 to establish the jurisdiction for the authority for their
12 actions in doing that. I would take the position that 17-13-
13 40 does not answer this problem and maybe that's one of the
14 reasons they need to present testimony as to what happened,
15 because the discovery that we were presented in the case says
16 nothing about any investigation, watch, violation outside the
17 City of Myrtle Beach. So, I don't know what -- I'm not sure
18 where that comes from. That's not in any of the discovery we
19 have been given.

20 And even if it is, that's -- that -- I'll have to read it
21 here, but I believe that's when you are already in hot pursuit
22 statute and they were not that. And I'd say at least they
23 need to establish compliance with the jurisdiction
24 requirements including 17-13-40. There's nothing in the
25 record doing that now.

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1 THE COURT: All right.

2 MR. ERVIN: Your Honor, even assuming this incident
3 started in the City of Myrtle Beach, these officers, county
4 officers, have jurisdiction to affect the seizure and later
5 arrest this Defendant regardless where they were in the city
6 limits. They were in Horry County when it happened and 17-13-
7 40 does speak to their jurisdiction to cross ---

8 THE COURT: Could I get a copy of that?

9 MR. ERVIN: Yes, sir.

10 THE COURT: Do you have a copy of the statute?

11 MR. MARTIN: Judge, I've got it here, but my computer is
12 getting ready to die.

13 THE COURT: But let me ask this, if you know. Is, is
14 there any type of statutory provision or anything that
15 provides -- and there may not be. I'm just asking because
16 it's always been my belief or understanding that Sheriff's
17 deputies had countywide jurisdiction.

18 MR. ERVIN: That's our position, Your Honor.

19 THE COURT: Well, it would be mine and it's yours, but
20 where is it?

21 MR. ERVIN: These are not Sheriff's deputies; they're
22 county police, which we're the only county in the State to
23 have a separate ---

24 THE COURT: All right. That may be a different beast; I
25 don't know.

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1 MR. MARTIN: Well, let me tell you the way I look at it.
2 First of all, whatever the -- whatever the basis for the
3 jurisdiction they have to do what they did in the City of
4 Myrtle Beach needs to be entered into the record. Okay?
5 Everybody says, well it is. Well, is it and why is it, and is
6 that correct. Secondly, we are dealing with the county
7 police. The Sheriffs have constitutional authority and the
8 county police does not; they have statutory authority. And
9 there is statutory authority for creation of the Horry County
10 Police Department. But, I believe the statute you got refers
11 to the Sheriff officers, frankly. And there has to be some
12 sort of agreement, memorandum or enabling statute for the
13 Horry County Police Department, which would set forth its
14 jurisdiction and its limitations. That is what -- that's what
15 I believe. And I would move to suppress the search, the
16 seizure, and any of this evidence from this point on until
17 they -- and they have the burden of proof under South Carolina
18 case law to establish the legality of a warrantless seizure or
19 search. So, that's my position. I've made the motion;
20 they've got to establish the legality of it.

21 THE COURT: Okay. Well, there -- just one issue you
22 raised. This statute says that when the police authorities of
23 a county are in pursuit. So, I don't think that -- I don't
24 think that restricts it to a Sheriff's deputy.

25 MR. MARTIN: Well, and then so that then raises the

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1 question, if that is the case ---

2 THE COURT: It still raises the question?

3 MR. MARTIN: Yeah.

4 THE COURT: Right.

5 MR. MARTIN: Again, it still doesn't answer the question
6 about the Horry County Police Department's legality. I think
7 it needs to be established. I know normally people don't ask
8 for that, but I am asking for it and I've made a motion to
9 suppress based on that fact.

10 Secondly, there's no evidence in the record, as there is
11 no record yet ---

12 THE COURT: Yeah.

13 MR. MARTIN: That they were in pursuit of anybody or what
14 was happening. As a matter of fact, since we're there, the
15 discovery that was presented to us does not -- unless there's
16 something they sent that we didn't get, does not suggest
17 pursuit out of the county into the city. It talks about the
18 basis for the stop being generated in the city. And so if
19 there is discovery which has not been produced to us, and
20 that's another problem we would find, and we don't think they
21 ought to be able to utilize any testimony, statements of --
22 pertaining to matters that occurred when the discovery they
23 presented has led us up until this point in time, not to be
24 aware of anything other than what is in the discovery they
25 presented us.

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1 Now, I don't know what -- these officers are here and
2 they can testify and tell us what the deal was, but I think
3 it's incumbent upon the State to establish all of that through
4 testimony ---

5 THE COURT: All right.

6 MR. MARTIN: --- since we have raised the issue of the
7 legality of the seizure and search.

8 MR. LONG: Your Honor, to be clear, you asked earlier how
9 we were gonna split up the work. I have no idea how we're
10 gonna split up the work. If at any point, obviously, I'm
11 hopping up when I shouldn't be, you can hit me over the head,
12 but they -- the discovery that we were given, the
13 investigative report, the warrants, and any statements by made
14 police officers, reports done by police officers, begin with
15 on November 30th of 2015 in the Myrtle Beach section of Horry
16 County, responding officer attempted to stop a car for failure
17 to signal. That's where it starts. We have no idea before
18 that statement was just made in this courtroom that they were
19 watching a house out in the county and/or somewhere else or
20 were investigating something else and therefore then got in
21 behind our client. We don't have anything in our discovery
22 that indicates any of that. All we have is someone is trying
23 to stop David Campbell for failing to use a signal in the
24 Myrtle Beach section of Horry County.

25 MR. ERVIN: Your Honor, anything that happened prior to

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1 the beginning of this report, our position is irrelevant. The
2 probable cause to stop Mr. Campbell started for the failure to
3 signal or the violation of 56-5-2150. Anything that happened
4 before that, I've had to delve into simply to answer their
5 jurisdictional issue. But as far as the State's concerned,
6 the probable cause to affect a seizure and subsequent stop and
7 arrest of this Defendant occurred when he did fail to signal,
8 committed a traffic violation.

9 THE COURT: All right. And ---

10 MR. ERVIN: He did not commit that prior to anything that
11 was written in this report. That's why this report starts at
12 that point.

13 THE COURT: I understand that, but I guess their position
14 is that, based on the information they have, that that
15 offense, the offense, failure to signal, occurred within the
16 city limits, not out in the county.

17 MR. ERVIN: And again, I would argue that they had
18 authority to go anywhere in the county.

19 THE COURT: Well, you're gonna have to give me some
20 authority that they do have that because I'm completely
21 unfamiliar with the county police. I know, or I say I know,
22 I'm pretty confident sheriff's deputies have countywide
23 jurisdiction.

24 MR. ERVIN: Did the ---

25 THE COURT: But this -- and I realize, this doesn't

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1 address that issue. This addresses -- it says when the police
2 authorities of a county, which would be county police, are in
3 pursuit of an offender for a violation of a county ordinance
4 or statute of this state committed within the county, the
5 authorities may arrest the offender with or without a warrant
6 at a place within the county or a place within the -- within
7 an adjacent county.

8 So, what I guess you're saying is that the violation, the
9 failure to signal, is a violation of a county ordinance or
10 statute?

11 MR. ERVIN: A state statute 56-5-2150, yes, sir.

12 THE COURT: And that it was committed within the county?

13 MR. ERVIN: Correct.

14 THE COURT: In this case, Myrtle Beach?

15 MR. ERVIN: Yes, sir. And I guess I would say the
16 language of the constitution that vests that authority in the
17 Sheriff's Department, surely the intent would be -- I don't
18 know when that was written -- I don't have it in front of me
19 -- but the county police is the only police department in the
20 state that is split, but they have the same rights and
21 protection or at least I argue they should have the same
22 rights and protection as any Sheriff's Department vested with
23 the authority under the constitution.

24 THE COURT: And I'm assuming your position is that
25 because the statute reads for a violation of a county

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1 ordinance or statute of this state committed within the county
2 and I'm guessing your position is that within the city doesn't
3 include within the county?

4 MR. MARTIN: Well, you are correct. I mean, he -- as I
5 understand, we filed the motion. He has raised the issue,
6 well, that any jurisdictional defect is cured by the statute
7 you have in hand there, Section 17 whatever it is.

8 MR. ERVIN: Your Honor, I would argue this is not a
9 jurisdictional defect. We do not have a defect. They have
10 jurisdiction anywhere in this county to affect a stop for a
11 state statute violation.

12 THE COURT: Right. I mean, that's your position; I get
13 that.

14 MR. MARTIN: But to enter the City of Myrtle Beach, which
15 is as he says -- he brought that statute out as a cure for a
16 jurisdictional defect of the Horry County Police officers
17 doing what they did in the City of Myrtle Beach, they have a
18 right to pursue from one jurisdiction to another. The problem
19 that I've got with that is, is there is -- and I would add, I
20 mean, I guess would ask at this point in time, that discovery
21 be produced as to any violation that was witnessed into the
22 county which caused them to come into the city?

23 THE COURT: Well, that's not their position.

24 MR. MARTIN: Well, I believe it is.

25 THE COURT: No, I believe their position is and you

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1 correct me if I'm wrong, now. Their position is that, that
2 it's a violation that was observed by a county officer within
3 the City of Myrtle Beach.

4 MR. MARTIN: That's not what I understood him to say
5 because that statute there is not relevant.

6 MR. ERVIN: That's what I said.

7 THE COURT: I mean, I do believe that is what he said
8 that the county officer, while performing his duties, observed
9 the violation within the city limits and then proceeded to
10 make the stop.

11 MR. MARTIN: Then we're back to square one where I was to
12 start with. Then we don't need that statute there. The
13 question is do they have -- does Horry County Police
14 Department have the authority to police in the City of Myrtle
15 Beach.

16 THE COURT: If a county police has countywide
17 jurisdiction, they have authority.

18 MR. MARTIN: I don't know that they do and that's my
19 question to you. And I don't think the Court can assume that
20 the Horry County Police Department has countywide jurisdiction
21 unless there is evidence of that into the record. Because I
22 know they go in there and they arrest sometimes but, by and
23 large, they do not enforce laws, traffic or otherwise, in the
24 City of Myrtle Beach. Now, maybe there's an agreement between
25 the city and the county that they do that maybe, but I -- but

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1 I've been unable to find that. I've asked the county for it;
2 they've not produced it to me and so what I'd like to see is,
3 is if we do have in this particular case, as best I can
4 determine, I think all these gentlemen are Horry County police
5 officers. We've got four Horry County police officers that
6 are in the City of Myrtle Beach affecting a warrantless search
7 and seizure, that's what it amounts to, and I question their
8 jurisdiction to do that. And, they are not constitutionally
9 afforded the same privilege the sheriff is.

10 THE COURT: I'm gonna get -- hold on for just a minute
11 and I'm not trying to be rude, but ma'am, it's very -- I
12 realize that -- you, yes, ma'am. I realize that -- I realize
13 you have some relationship with the Defendant, I don't know
14 what it is and I don't really care, but Mr. Martin and Mr.
15 Long are outstanding lawyers and they don't need a cheerleader
16 back there. So, I need you to stop all your gesturing. Okay?
17 It's just distracting. So, let's stop doing that.

18 Go ahead, sir, I'm sorry.

19 MR. MARTIN: Well, I think I'd stated, I just -- I -- it
20 was a warrantless search ---

21 THE COURT: I know. I got it. I get where we're at.
22 Folks, there's got to be something that establishes the county
23 police's jurisdiction. What ---

24 MR. ERVIN: As Mr. Martin and Mr. Long ---

25 THE COURT: I don't want to hear what you think. I want

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1 ---

2 MR. ERVIN: They're the moving party in this. The burden
3 of proof is on them to show that the county police do not have
4 jurisdiction.

5 MR. MARTIN: No, sir.

6 THE COURT: It's your motion.

7 MR. MARTIN: I would disagree with that because ---

8 THE COURT: It's your motion. Your position is the
9 county police do not have jurisdiction within the city limits.

10 MR. MARTIN: And let me say this, and let's preface it
11 upon the fact there's an illegal search and seizure. So, I
12 will make an oral motion at this time to the extent I need to
13 that we would move to suppress the search and the seizure for
14 lack of probable cause. And certainly, under that motion, it
15 is a warrantless search and seizure and under South Carolina
16 case law, then the State has the burden of producing evidence
17 to establish the ---

18 THE COURT: And they're gonna put up their officers ---

19 MR. MARTIN: That's right.

20 THE COURT: --- who are gonna testify as to the -- the
21 violation that he observed ---

22 MR. MARTIN: That's right.

23 THE COURT: --- in his pursuit of that violation.

24 MR. MARTIN: And that's the way it works. So -- but in
25 addition to that though, I do think -- that's one thing. In

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1 addition to that and as a preface to it and maybe as a part of
2 it, in other words, my opinion is the search could it be --
3 the seizure and/or search could be illegal based on lack of
4 probable cause to do so. Now, he says there's a turn signal
5 and all of that, well they got to do more than say that, they
6 got to produce evidence of it, what the officer says. And
7 then secondly, that even if that is there, that they have to
8 establish the jurisdictional capacity of the officers who
9 conducted the seizure or the search to do the same. So, I do
10 believe that they have the burden of proof on that because
11 it's an illegal search and seizure.

12 THE COURT: Well, they clearly have the burden of proof
13 to establish jurisdiction in any criminal case.

14 MR. MARTIN: Yeah and that's my point.

15 MR. ERVIN: May we approach, Judge, everybody?

16 THE COURT: Yeah; uh-huh (affirmative response).

17 (REPORTER'S NOTE: A bench conference was held off the
18 record.)

19 MR. ERVIN: Your Honor if we can -- I don't know if you
20 want to ---

21 THE COURT: If there's something we can proceed while
22 they're doing that, let's go ahead and do that.

23 MR. ERVIN: To address their lack of probable cause
24 motion ---

25 THE COURT: Right.

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STEVEN RHEW - DIRECT BY ERVIN

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1 MR. ERVIN: I can have one of my officers ---

2 THE COURT: That's fine. All right.

3 MR. ERVIN: The State would call Steven Rhew.

4 THE COURT: All right, sir, if you'd please come around
5 to be sworn.

6 CLERK: Please raise your right hand?

7 STEVEN RHEW, HAVING BEEN SWORN

8 TESTIFIES AS FOLLOWS:

9 CLERK: Please state your full name and spell your first
10 and last name for the Court?

11 MR. RHEW: My name is Steven Rhew, and my first name is
12 spelled S-T-E-V-E-N, last name is Rhew, R-H-E-W.

13 DIRECT EXAMINATION OF STEVEN RHEW BY MR. ERVIN:

14 Q: Officer Rhew, where do you currently work?

15 A: Horry County Police Department

16 Q: How long have you been there?

17 A: Nine years.

18 Q: Do you have any special training or certification?

19 A: I do.

20 Q: What is that?

21 A: I've been through South Carolina Highway Patrol School,
22 DEU basic narcotic investigator, a couple of other kind of
23 classes for the DEA and other federal entities, and a couple
24 of other classes.

25 Q: What was your position at Horry County Police on November

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STEVEN RHEW - DIRECT BY ERVIN

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1 30th, 2015?

2 A: I was on the ATF Gang Task Force.

3 Q: And basically what did your duties include?

4 A: Narcotics offenses, drug offenses, weapons offenses, any
5 kind of thing that leads back to violent offenders.

6 Q: As it relates to the incident involving Mr. Campbell,
7 what was your involvement? How did it begin?

8 A: That day we were driving through the Socastee area and we
9 went to Ranchette Circle area at which time we noticed Mr.
10 Campbell was sitting in a car that was backed in to a house.
11 As we drove the circle of Ranchette Circle, by the time we
12 came back, he exited shortly after we did right behind us.

13 Q: Okay. And so you say you saw this Defendant at
14 Ranchette, you were responding to ---

15 A: Narcotics complaints.

16 Q: Narcotics complaints.

17 A: Yes, sir.

18 Q: What did you after you saw this Defendant?

19 A: We exited the area. He was behind us and at some point
20 in time between there and 17 bypass, we ended up behind Mr.
21 Campbell, at which time we began to follow him into the city
22 limits of Myrtle Beach.

23 Q: And did you witness a traffic violation committed by this
24 Defendant?

25 A: I did.

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STEVEN RHEW - DIRECT BY ERVIN

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1 Q: What was that?

2 A: He did not use a blinker when making a right-hand turn
3 from Pine Island onto Seaboard Street.

4 Q: And at some point, did you call for another officer to
5 ---

6 A: We did, we called for a marked unit, which was Officer
7 Crews.

8 Q: All right. And are you familiar with the point in time
9 when Officer Crews got behind this Defendant?

10 A: It was shortly thereafter. He had -- after he made the
11 right-hand turn, he made a quick U-turn and went right back to
12 Seaboard Street where he came from, excuse me, Pine Island
13 from where he came from. At which time, he got closer to 17
14 and Officer Crews was able to get behind him.

15 Q: So, how many traffic violations did you witness in total?

16 A: I witnessed two before Officer Crews was able to get
17 behind him.

18 Q: Did he commit -- did this Defendant commit another
19 traffic violation?

20 A: He did once Officer Crews got behind him.

21 Q: All right. And did you personally observe the, we'll
22 call it the chase, after Officer Crews ---

23 A: I did.

24 Q: --- activated his blue lights and siren?

25 A: Yes, sir.

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STEVEN RHEW - CROSS BY MARTIN

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1 Q: Where were you in relation to this Defendant's car and
2 Officer Crews' car during that chase?

3 A: Mr. Campbell was first, Officer Crews was second, and we
4 were the third vehicle involved in the chase.

5 Q: Okay. Thank you, Officer Rhew. Please answer the
6 Defenses' questions.

7 CROSS EXAMINATION OF STEVEN RHEW BY MR. MARTIN:

8 Q: Officer Rhew, let me ask you, on this day, who were you
9 traveling with?

10 A: I was with Detective Neely and Detective Sauls.

11 Q: In what kind of automobile?

12 A: It was a Chevy pickup truck that is unmarked.

13 Q: Is it equipped with a blue light and siren?

14 A: It is.

15 Q: Is it equipped with a video camera?

16 A: It is not.

17 Q: Why is not equipped with a video camera?

18 A: It's an undercover vehicle used for undercover
19 surveillance. A camera sitting right in the view of the
20 public would give it away as a police vehicle.

21 Q: So, that's the reason is you are afraid the camera will
22 give away the purpose of the vehicle?

23 A: At times it could, yes.

24 Q: Where is the camera in the marked police cars?

25 A: In the front windshield.

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STEVEN RHEW - CROSS BY MARTIN

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- 1 Q: The front windshield?
- 2 A: Uh-huh (affirmative response).
- 3 Q: And this particular vehicle you didn't have any camera of
4 any sort?
- 5 A: No, sir.
- 6 Q: And the three of you were in it and you were in the
7 Socastee area doing what?
- 8 A: Just surveillance of random known drug areas.
- 9 Q: Okay. And you began to follow Mr. Campbell at some point
10 in time?
- 11 A: Yes, sir.
- 12 Q: Why?
- 13 A: He, like I said, he was backed in in a known drug area.
14 Most people don't back their vehicles in and sit in the
15 vehicle. As soon as we went around and as we were leaving he
16 exited after he was able, I assume, to get a view of us.
17 He exited shortly after behind us.
- 18 Q: Where was -- let me ask you this?
- 19 A: Uh-huh (affirmative response).
- 20 Q: Did you file a written report of your activities that day
21 in connection with Mr. Campbell?
- 22 A: I did not.
- 23 Q: You did not?
- 24 A: No, sir.
- 25 Q: Why not?

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- 1 A: Because the initial reason for the stop was the blinker
2 at which time Officer Crews is behind him and witnessed it
3 from that point on.
- 4 Q: Okay. And I'm asking because I don't know. You're not
5 required to make a report of your activities that day in
6 connection with this case?
- 7 A: No, because the case began and ended with Officer Crews',
8 the initial reason for the stop.
- 9 Q: Well, I guess what I'm saying it began with you reporting
10 to Officer Crews the violation that you say occurred?
- 11 A: Uh-huh (affirmative response).
- 12 Q: So, it began with you. You're not required by county
13 policy to file any sort of report of your activities?
- 14 A: Not that I'm aware of, no, sir.
- 15 Q: Do you ever do it or you've never file one?
- 16 A: I file a report if I -- if I do a case; it's my report,
17 yes, sir.
- 18 Q: All right. So, how do you define if it's your case?
- 19 A: Officer Crews handled the case himself; he's the one who
20 went and got warrants and ---
- 21 Q: Let me go on through with you on that. You followed --
22 you say you followed him to -- you or one of the officers
23 asked Officer Crews to stop Mr. Campbell; is that right?
- 24 A: Yes, sir. We advised him of the violation and he wished
25 to stop him he could.

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1 Q: You advised him of the violation?

2 A: Uh-huh (affirmative response).

3 Q: And where was Mr. Crews when you radioed him?

4 A: You would have to ask him.

5 Q: Well, I'm asking you if you know. Were you in the City
6 of Myrtle Beach when you notified him of the traffic
7 violation?

8 A: Yes, sir.

9 Q: All right. And so how long did it take him to get to
10 you?

11 A: 30 or 45 seconds if I had to guess.

12 Q: All right. And was it -- was he -- had you been in any
13 communication with him prior to the time that you notified him
14 of the traffic violation?

15 A: To be honest, I'm not sure.

16 Q: Were y'all -- well, so maybe you did, maybe you didn't;
17 you don't know?

18 A: There may have been a prior conversation at the office or
19 something to explain to -- at the time he was on street crimes
20 and explained to him that -- or to the street crimes -- he
21 knew we were going to the Socastee area.

22 Q: All right. That's what I want to know.

23 A: Okay.

24 Q: When did you -- what conversation, if any, did you have
25 with him about what was happening in the Socastee area and

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STEVEN RHEW - CROSS BY MARTIN

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1 what he did in Myrtle Beach?

2 A: I don't recall. I just -- I told you I don't recall.

3 Q: And you don't have a report of what you did?

4 A: No, sir.

5 Q: All right. But, Officer Crews got involved because you
6 and the officers that you were with called him, correct?

7 A: Yes, sir.

8 Q: And you said that you might have briefed him before,
9 since it's a street crimes matter, about what you were gonna
10 be doing in Socastee that day?

11 A: We prefer that if we do a traffic stop to have a marked
12 unit with us in case a chase does happen, there's a marked
13 unit there.

14 Q: Okay. Okay, all right. That's what I want to know.

15 When you went down to Socastee that day, were you looking for
16 David Campbell?

17 A: No, sir.

18 Q: All right. But you did before you went down to Socastee,
19 talk with Officer Crews about what you were gonna be doing
20 that day?

21 A: I don't remember if Officer Crews was in the office when
22 we talked about it, or to be honest, if there was a
23 conversation, but normally in that kind of thing if we're
24 gonna be working with street crimes, we will advise in what
25 area of the county we're gonna be in.

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1 Q: All right.

2 A: I don't remember the exact conversation and who was or
3 was not in the office at the time.

4 Q: Working with street crimes means what to you?

5 A: That if we're working and we need a car stopped that they
6 can stop it for us.

7 Q: All right. In layman's terms, you guys, you're -- what
8 would your -- were you strictly in the narcotics work for the
9 Horry County Police Department?

10 A: The ATU Gang Task Force falls under the narcotics
11 division.

12 Q: All right. And so when the three of you went out that
13 day, y'all were looking for drug or working on drug matters?

14 A: Drug or violent gang members, anything of those sorts,
15 yes, sir.

16 Q: And it would be routine to get with the officer, a patrol
17 officer, to say we're gonna be in this area doing this; if we
18 call you, we might need some help.

19 A: Yes, sir.

20 Q: Okay. All right. And what you do is you wait and see if
21 you can see the traffic violation to give that officer a
22 reason to stop him?

23 A: Yes, sir.

24 Q: Why don't you stop him?

25 A: Like I said, we prefer to have a marked unit to avoid

STEVEN RHEW - CROSS BY MARTIN

1 later on in court for him to be able to say I didn't -- I
2 didn't know it was a police officer, people could have thrown
3 random blue lights in their vehicle. It takes that element of
4 unknowing out of the situation to have a fully marked officer
5 stop a vehicle.

6 Q: Okay. And were you wearing a body camera?

7 A: I was not.

8 Q: Why not?

9 A: At that time, the detectives are not required to wear
10 body cameras and have them activated.

11 Q: Are they required to now?

12 A: I'm not sure to be honest.

13 Q: Are you required to now?

14 A: I am because I'm a patrolman now.

15 Q: You're a patrolman now. Do you know whether or not the
16 detective doing what you were doing at that time are required
17 to now?

18 A: They were not.

19 Q: They are not now?

20 A: They may or may not be now; I'm not sure.

21 Q: But you weren't at the time?

22 A: No, sir.

23 Q: You didn't have a body camera on?

24 A: No, sir.

25 Q: None of the officers with you had a body camera on?

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- 1 A: No, sir.
- 2 Q: All right. And so what you did was you followed Mr.
3 Campbell back into Myrtle Beach, you observed you say and
4 traffic violation, which was what?
- 5 A: He was not using a blinker.
- 6 Q: Not using a blinker?
- 7 A: Yes, sir.
- 8 Q: Okay. And you notified Mr. ---
- 9 A: Crews.
- 10 Q: --- Crews, who happened to be right there?
- 11 A: Uh-huh (affirmative response).
- 12 Q: And he got in behind Mr. Campbell?
- 13 A: Yes, sir.
- 14 Q: All right. And then you got in behind him?
- 15 A: Yes, sir,
- 16 Q: And then this chase that's on video, you were behind
17 Officer ---
- 18 A: Crews.
- 19 Q: --- Crews the entire time?
- 20 A: Yes, sir.
- 21 Q: All right. And when, when, when Mr. Campbell was
22 apprehended ---
- 23 A: Uh-huh (affirmative response).
- 24 Q: --- what role did you play in that?
- 25 A: At that time, I was the driver of the, the pickup truck

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STEVEN RHEW - CROSS BY MARTIN

1 at which time, I was not able during the chase to put my, my
2 vest on and all that kind of stuff to get prepared to chase
3 somebody. So, whenever we were able to finally -- where it
4 came to an end, Detective Neely and Detective Sauls were able
5 to get out of the vehicle and continue to chase him. I was
6 not; I had to stay by the vehicle so I could have time to put
7 on my stuff on for safety.

8 Q: And where did you park the vehicle?

9 A: It was close to his. I'm don't -- I can't remember if it
10 was on the Ocoola side or the Sandygate side of his vehicle,
11 but it was parked by his vehicle.

12 Q: So you don't, again, you don't know where you parked the
13 vehicle?

14 A: I believe it was on the Ocoola -- it was right where he
15 wrecked at and we parked near there, right where he wrecked,
16 the same entrance to Sandygate where he wrecked at.

17 Q: You parked there?

18 A: Yes, sir.

19 Q: So, the -- so, what you can see on the video tape is that
20 Mr. Campbell's car is here, Officer Crews pulls in behind him
21 in that driveway, I guess to the Sandygate Apartment. And so
22 what you're saying is you would have been behind Mr. Crews'
23 car?

24 A: Not at that time we weren't, because Officer Crews --
25 during the chase, Mr. Campbell ran from the vehicle. Officer

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STEVEN RHEW - CROSS BY MARTIN

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1 Crews drove his vehicle around to the first building where Mr.
2 Campbell was running to to get closer to him with the vehicle
3 instead of parking and then exiting and trying to catch up to
4 him.

5 Q: So, what I'm trying to figure out is where did you park?

6 A: That entrance to Sandygate.

7 Q: The -- that entrance to Sandygate that these two entered
8 into?

9 A: Yes.

10 Q: And then did you get -- you didn't exit the vehicle?

11 A: I did, eventually, yes, sir. I just did not have time to
12 ---

13 Q: When you exited the vehicle, what did you do?

14 A: They had already detained Mr. Campbell and also already
15 found the narcotics at the time.

16 Q: Who detained Mr. Campbell?

17 A: Officer Crews and Detective Neely.

18 Q: Crews and Neely?

19 A: Yes, sir.

20 Q: All right. You didn't witness that?

21 A: I did not.

22 Q: When, when you parked the automobile and Detective -- the
23 other two Detectives with you were Sauls and ---

24 A: Neely.

25 Q: --- Neely. What did they do and where ---

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1 THE COURT: Hold up. We're going a little, I think,
2 beyond the purpose of this hearing.

3 MR. MARTIN: Well, I think my argument to you would be
4 the actions in connection with the arrest may be relevant to
5 the argument that I have, but I'm just about at the end of
6 that course.

7 THE COURT: All right. I'll give you a little more
8 leeway, but we're gonna need to wrap it up.

9 BY MR. MARTIN:

10 Q: You say that Neely and Sauls exited the vehicle to go
11 help with the arrest?

12 A: Yes, sir. Officer or Detective Neely was the first one
13 out of the vehicle; he was in the front passenger seat. There
14 was -- it was a newer vehicle to us. We were not a hundred
15 percent familiar with the child safety locks and Officer and
16 Detective Sauls was actually momentarily stuck in the backseat
17 trying to get out of the vehicle. So, Neely was maybe a
18 couple of seconds ahead of Officer -- of Detective Sauls
19 getting out of the vehicle. Like I said, I couldn't chase
20 after Mr. Campbell because I wasn't able to have my vest on or
21 my full-size gun like I needed on for -- per department
22 policy. So, I had to equip myself before I can take part in
23 any the actual arrests or anything like that. By the time I
24 had done that it was ---

25 Q: If the two of them were behind Officer Crews ---

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STEVEN RHEW - REDIRECT BY ERVIN

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1 A: In the foot portion of it, no, sir. You'll have to talk
2 to them for their exact route of how they went and everything,
3 but no, they were not directly behind Officer Crews.

4 Q: So, they didn't follow directly behind him?

5 A: No, sir.

6 Q: They got out of their automobile after he had parked and
7 got out of his, I guess?

8 A: I don't know the exact time when everybody got out second
9 for second, but Officer Crews and Neely and Officer Sauls were
10 all in different times getting out and doing their part of
11 detaining ---

12 Q: Did you memorialize anywhere in writing the turn signal
13 failure by Mr. Campbell?

14 A: I didn't.

15 Q: Did, did you guys call that in by radio to Crews that
16 there had been a turn signal violation?

17 A: I would assume that's how we contacted him to advise him.

18 MR. MARTIN: That's all I have at this time, Judge.

19 THE COURT: Anything further of this witness?

20 MR. ERVIN: Just one question.

21 REDIRECT EXAMINATION OF STEVEN RHEW BY MR. ERVIN:

22 Q: Officer Rhew, is it fair to say that the reason you did
23 not write something in a report or memorialize anything is
24 because Officer Crews' report encompassed your whole
25 involvement in this case?

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STEVEN RHEW - REDIRECT BY ERVIN

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1 A: Yes, sir.

2 Q: Thank you.

3 THE COURT: All right. Thank you, sir, you may step
4 down.

5 MR. MARTIN: Well, I don't want to belabor, but wait one
6 second.

7 THE COURT: Hold on. Go ahead, have a seat.

8 MR. MARTIN: I don't want to belabor it, but I believe
9 that the examination -- well, I want to be sure on. I want --
10 I want to be sure that Officer is satisfied that answer -- and
11 I'll tell you, the reports that we have don't have all that
12 information in them. Okay? And I do think it's an important
13 part of this and, as we try this case, that none of these
14 officers besides Crews, apparently issued any sort of written
15 report of their activities that day. And I can tell you as an
16 officer of the court, and I think that Gray would agree with
17 me that discovery they provided us does not give the
18 information that Detective Neely here has -- not Neely --
19 Crews. No, it's not Crews either.

20 THE COURT: This is Rhew.

21 MR. MARTIN: Mr. Rhew. Rhew, I'm sorry, that Detective
22 Rhew has and I want that blanket statement.

23 RE-CROSS EXAMINATION OF STEVEN RHEW BY MR. MARTIN:

24 Q: Have you read the discovery report of Patrolman Crews in
25 this case?

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STEVEN RHEW - RECROSS BY MARTIN

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1 A: I've read over his report, yes, sir.

2 Q: All right. That doesn't cover all of the information and
3 the activity of you that you just testified to, does it?

4 A: It doesn't, but the initial stop by the -- by using the
5 turn signal. Everything else before that, I don't see the
6 relevancy of it to this case.

7 Q: Well, let me just say to you, all I'm looking for is
8 whether you see the relevancy of it or not, when you answered
9 his question that his report covers everything, that's not
10 accurate, is it?

11 A: The probable cause begins at the not using the blinker
12 and that is where the case begins.

13 Q: Well, again, I'm not asking you about probable cause
14 specifically, and I'm not trying to belabor it, but you
15 testified about going down into Socastee ---

16 A: Yes, sir.

17 Q: --- about seeing or following Mr. Campbell?

18 A: Yes, sir.

19 Q: About your plans for that day when you went out and you
20 probably had conversations with Crews, that you observed him
21 without that, and you called him, that you guys followed
22 behind him ---

23 A: Yes, sir.

24 Q: --- on the way there, and these other two officers jumped
25 out and one couldn't get out; all of that is not in his

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1 report, is it?

2 A: Not that I'm aware of, no, sir.

3 Q: Okay. That's all I got.

4 THE COURT: All right. Thank you, sir, you may step
5 down.

6 MOTIONS:

7 MR. ERVIN: Your Honor, would you like to take up the
8 jurisdictional issue here?

9 THE COURT: Well, I need to look at whatever it is you
10 had printed out; you got a copy of that?

11 MR. LONG: I did; yes, sir.

12 THE COURT: All right. Let me look at it. You got a
13 copy for me?

14 MR. LONG: Your Honor, maybe if I could respond, even
15 though I guess I'm responding to the presentation of this
16 Attorney General's opinion. In 1994, Gerald Whitley, who is
17 now our Chief Magistrate, was the Chief of Police. He was --
18 they were -- there was a conflict obviously between the Horry
19 County Police, the Chief of Horry County Police, and the Horry
20 County Sheriff as to who would do what and who was responsible
21 or who was allowed to do certain things. Judge Whitley, or
22 Chief Whitley at the time, was in the process of attempting to
23 confiscate and recover pistols as part of when they made an
24 arrest and the pistol was recovered. And so they asked Travis
25 Medlock, our Attorney General in 1994, for an Attorney

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1 General's opinion and the last paragraph, although this
2 opinion is just based, is just really basically setting out
3 that Chief Whitley had the authority as the Horry County
4 Police to confiscate pistols. The last paragraph, the
5 conclusion, actually helps our position, and I'll read it.
6 It's the opinion of this office that due to the unique
7 circumstances existing in Horry County since 1959, pistols
8 confiscated in the non-municipal areas of Horry County, due to
9 a violation in criminal statutes involving weapons, should be
10 turned over to the Chief of the Horry County Police. So, that
11 would exclude the Horry County -- the Chief of the Horry
12 County Police from confiscating pistols in the municipal areas
13 of Horry County and therefore would be illustrative of our
14 position.

15 THE COURT: You've got to read the entire letter though,
16 Mr. Long.

17 MR. LONG: I understand, but the conclusion is that the
18 -- that the Chief of Police should have the authority to
19 confiscate pistols in the non-municipal areas of Horry County.

20 THE COURT: Okay. And that's all well and good and
21 that's fine.

22 MR. LONG: That's it. That's all -- that's all this
23 opinion ---

24 THE COURT: Well, it's not all the opinion says. It's
25 not all that opinion says. It says on Page 2 under Act Number

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1 21 of 1959, it talks about powers of the county policemen that
2 were specified in Subsection 9, which provides in part, all of
3 the county policemen shall have over the entire county, the
4 same rights, powers, and authority as sheriff's deputies,
5 sheriffs and constables and to make arrests for violation of
6 criminal laws in this state. County policemen are authorized
7 to serve summons, complaints, to seize property, to serve
8 warrants, and attachment, and it goes on. So, it seems to
9 give county policemen countywide jurisdiction to enforce the
10 laws.

11 MR. LONG: So, the authority is not this letter, but the
12 authority is Section 9 of Act Number 21 of the 1959 General
13 Assembly.

14 THE COURT: I'm just reading what it says here. The
15 Police Commission, which by Subsection 2 of that Act was
16 granted exclusive jurisdiction with the magistrates, to serve
17 the magistrate's process, patrol and police the county in such
18 places, points and sections at such times as directed by the
19 chief of the county police. And then it goes further and says
20 the powers of those county policemen, which are specified
21 under Subsection 9, provides in part, all of the county
22 policemen shall have over the entire county, the same rights,
23 powers and authority as sheriffs, deputy sheriffs and
24 constables to make arrests for violation of criminal laws in
25 this state, and then it goes further and talks about other

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1 things they have power to do.

2 MR. MARTIN: Judge, I believe -- and my computer has gone
3 dead on me, but your clerk could Westlaw and search it. I
4 believe that that statute, the statutory scheme that this
5 opinion was based on was repealed by the state legislature in
6 the last few years and obviously replaced with something else.
7 But again, I don't believe this can be the basis for it
8 because I believe this statute has been repealed. And that's
9 what the research I did indicated.

10 In trying -- and I'll have to tell the Court, I didn't
11 get to thinking about all this until this weekend. In
12 contacting the county this morning, I cannot find under county
13 ordinance section the ordinance that is the enabling
14 legislation for the Horry County Police Department. Because
15 under Home Rule, it was sent to the county and the county was
16 supposed to enact the enabling legislation. I haven't been
17 able to locate a copy of that. I also talked with David
18 Jordan, who is the County Attorney, to see is there an
19 agreement with the City of Myrtle Beach which may detail one
20 way or the other what the agreement is for the county police
21 to police in the city. I would think those two documents, the
22 current enabling statute and any agreement between the city
23 and the county would be the basis for whatever, and they may
24 well have it, but I haven't been able to find it. I don't
25 believe -- I'm pretty sure that this code section has been

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1 repealed and is no longer effective.

2 THE COURT: What she found that was repealed was Section
3 23-31-190 which is that code section dealing with the
4 regulation of pistols and the confiscation as provided for
5 under that code section. She's still looking for something
6 regarding Act Number 21 of 1959.

7 It doesn't ---

8 MR. MARTIN: Judge, I don't ---

9 THE COURT: It doesn't appear to me that it should be so
10 impossible to find out what the jurisdiction is of the county
11 police.

12 MR. MARTIN: Well ---

13 THE COURT: This doesn't say anything.

14 MR. MARTIN: --- and I just started trying to find out
15 over the weekend researching here and -- has anybody got a
16 cord that I crank this thing up with?

17 THE COURT: What have you got there?

18 MR. MARTIN: It's an iPad. Again, I do -- I don't want
19 to belabor it, but I do want to tell you that -- and I could
20 be wrong, but as an officer of the Court, I believe that the
21 statutory scheme that the county police operated under
22 initially and back here have been repealed and replaced with
23 something different and I believe that's correct. I could be
24 wrong, but I believe that's correct. So, I don't know that
25 this statute here we're talking about is definitive.

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1 Something out there is, I just, but apparently, it's in the
2 archives of the county over there and they can't find it for
3 me apparently.

4 THE COURT: Let's just take a short recess and I'll look
5 at this.

6 **(RECESS - 3:39 P.M.)**

7 *******OFF THE RECORD*******

8 **(On the Record - 4:03 P.M.)**

9 THE COURT: All right. In the absence to anything to the
10 contrary, I believe that Act Number 21 of 1959 where the
11 General Assembly created the Horry County Police Commission
12 and that unit and where it sets forth that the county
13 policemen shall have over the entire county the same rights,
14 powers and authority as sheriffs, deputy sheriffs, and
15 constables to make arrests for violations of criminal laws
16 throughout the county. That's controlling, as least as far as
17 I'm concerned in the absence of something to the contrary.
18 Now, if something to the contrary is discovered, we'll
19 certainly deal with that. So, at least at this time, based on
20 what's been presented to the Court, I do find that there was
21 jurisdiction to establish at least the actions of the county
22 police to this point. Now, I realize that we also have their
23 statements. There's other issues with regards to the video
24 from Officer Crews' vehicle that there's obviously objections
25 to, so we need to proceed with regards to that.

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JEREMY CREWS - DIRECT BY ERVIN

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1 MR. ERVIN: The State would call Jeremy Crews.

2 THE COURT: All right. Mr. Crews, if you'd please come
3 around to be sworn, sir.

4 JEREMY CREWS, HAVING BEEN DULY SWORN,

5 TESTIFIES AS FOLLOWS:

6 CLERK: Please state your full name and spell your first
7 and last name for the Court.

8 MR. CREWS: Jeremy Alan Crews, J-E-R-E-M-Y, last name is
9 C-R-E-W-S.

10 DIRECT EXAMINATION OF JEREMY CREWS BY MR. ERVIN:

11 Q: Good afternoon, Officer Crews.

12 A: Good afternoon.

13 Q: Where do you currently work?

14 A: D.R. Horton.

15 Q: Where did you work on November 30th, 2015?

16 A: Horry County Police Department.

17 Q: What were your -- what was your position there?

18 A: I worked with the Street Crimes Unit.

19 Q: And what -- basically what did that duty entail?

20 A: We did drug complaints, any kind of drug interdiction, we
21 dealt with a lot of wanted subjects, high crime areas,
22 anything like that.

23 Q: Is it accurate to say that you would conduct traffic
24 stops that the plainclothes guys called in to you?

25 A: Yes.

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1 Q: Is that what you did on this incident?

2 A: Yes.

3 Q: Where did you first see David Campbell's vehicle?

4 A: He was on the -- he was on Pine Island Road going --
5 attempting to make a right-hand turn onto Oak Forest.

6 Q: When Officer -- which officer radioed you that this
7 Defendant had made a traffic -- had committed a traffic
8 violation?

9 A: I don't remember who was actually on the radio, I
10 remember there was -- I knew they were all three in a vehicle.
11 They first advised that the vehicle was going northbound just
12 to try to get a marked unit close by.

13 Q: Let me stop you. Northbound on what?

14 A: 17 Bypass.

15 Q: Okay. And so you did get behind him and you said you saw
16 his vehicle first on Pine Island?

17 A: Yes.

18 Q: Did you witness a traffic violation?

19 A: Yes, when he was making -- he was in the number two lane
20 when he was getting over into the right-hand lane into the
21 turn lane and didn't use his turn signal. The light where he
22 was at was red and he didn't stop on red when he made the
23 right-hand turn.

24 Q: When did you activate your lights and siren?

25 A: Probably 50 feet from the intersection, probably.

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1 Q: Okay. Was your car equipped with an in-car camera?

2 A: Yes, it was.

3 Q: Can you explain to Your Honor how that works?

4 A: The in-car camera, once you activate your lights and
5 siren or activate just lights, the in-car camera kicks on. It
6 kicks back a minute, the minute before that does not have
7 sound, it just has the video recording.

8 Q: Does it turn on automatically or do you control it?

9 A: It turns on automatically once you hit your lights.

10 Q: Are you able to pause it?

11 A: No, you can only stop it.

12 Q: Are you able to erase it?

13 A: No.

14 Q: Is this recording made in the normal course of business
15 while you're on duty?

16 A: Yes.

17 Q: What happens to those recordings that are made during the
18 shift?

19 A: It was a wireless unit that we had, so when you pull up
20 to precinct or at the main police department, it automatically
21 uploads.

22 Q: Is that done automatically?

23 A: Yes.

24 Q: How long is a recording stored?

25 A: I don't know the exact timeframes. When you label cases,

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JEREMY CREWS - DIRECT BY ERVIN

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1 there's a certain amount of days that they're timed -- they're
2 stored before they're purged out.

3 Q: You don't remember in 2015 how long it was stored?

4 A: No.

5 Q: Can you make a copy of it?

6 A: To burn a -- can I burn a copy of it? Yes.

7 Q: And that is usually for court?

8 A: Yeah, when we send the case files, yes.

9 Q: Do you have the ability to alter it in any way?

10 A: No.

11 MR. ERVIN: Your Honor, I have not marked this.

12 THE COURT: Let's go ahead and just premark it as a
13 State's exhibit for identification purposes at this point.

14 STATE'S EXHIBIT NUMBER 1

15 MARKED FOR IDENTIFICATION

16 BY MR. ERVIN:

17 Q: Officer Crews, I'm handing you what has been marked as
18 State's Exhibit 1 for ID purposes. Do you recognize that?

19 A: Yes.

20 Q: As what?

21 A: It was -- I think it was a redacted version of the video
22 that I watched.

23 Q: You have reviewed that?

24 A: Yes.

25 Q: And as far as you can tell, is that the same video that

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1 was taken from your patrol car on November 30th, 2015?

2 A: Yes.

3 Q: Has it been altered in any way?

4 A: No.

5 Q: Except for the redaction?

6 A: Yeah, nothing video/audio-wise, just the actual
7 shortening of it.

8 Q: Do you know when that recording starts?

9 A: When it -- like when it acti.---

10 Q: The very beginning of it?

11 A: The beginning is when I'm making a left-hand turn off of
12 Seaboard onto Pine Island. There's no -- there's a minute --
13 about a minute -- I think it's a minute before audio and video
14 kicks on and then when my lights kick on and then the sound
15 kicks on.

16 Q: All right.

17 MR. ERVIN: Your Honor, I would ask to move this into
18 evidence for purposes of this hearing.

19 THE COURT: All right. We'll -- for purposes of the
20 hearing, I'll allow you to play it.

21 MR. ERVIN: Permission to publish?

22 THE COURT: Yes, sir. And this is the redacted copy that
23 Defense counsel has as well?

24 MR. ERVIN: Yes, sir.

25 THE COURT: Okay.

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*****OFF THE RECORD*****

(REPORTER'S NOTE: State's 1 published - not transcribed
herein.)

(On the Record.)

BY MR. ERVIN:

Q: Officer Crews, did you -- was that you that Mirandized --
initially Mirandized this Defendant?

A: Yes, sir.

Q: You heard your voice doing that in this video?

A: Yes, sir.

Q: After that, did you personally question the Defendant at
all about anything?

A: No, sir. I think when he was coughing up, somebody gave
-- Officer Sauls was asking him -- Detective Sauls was asking
him if he'd swallowed anything and somebody had given me a
water bottle and I was giving him water while he was seated in
the back of the car.

Q: Did you ask him anything about the incident?

A: No, sir.

Q: Did you hear or were you present and observe any other
officer there asking him anything about this incident?

A: No, sir.

Q: Now, when you hear your voice or other voices in that
video, does that necessarily mean that you're right there
where the Defendant is seated in your patrol car?

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JEREMY CREWS - CROSS BY LONG

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1 A: No, sir.

2 Q: So, you could be 20 feet away and you still hear your
3 voice in the video?

4 A: Uh-huh (affirmative response); yes, sir.

5 Q: Thank you, Officer Cruse.

6 THE COURT: All right. Cross?

7 MR. LONG: Thank you, Your Honor.

8 CROSS EXAMINATION OF JEREMY CREWS BY MR. LONG:

9 Q: Officer Crews, were you working with this team on this
10 day?

11 A: I believe during that day there was maybe might've been
12 communication that they were working in the area. Usually,
13 they're -- we both fall under -- the street crimes and the
14 gang task force both fall under the narcotics division. If
15 anybody is gonna make any stops for them that are any kind of
16 relation to what they're working, then it's gonna be probably
17 a street crimes officer.

18 Q: So, they were a gang team, you were street crimes, you're
19 both under narcotics?

20 A: Uh-huh (affirmative response).

21 Q: And you're both in the same area?

22 A: It depends during the day.

23 Q: When they were in Socastee watching this house and saw
24 what they believed to be David Campbell back then, were they
25 communicating with you then?

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JEREMY CREWS - CROSS BY LONG

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1 A: We were all on our own channel, yeah.

2 Q: Okay. So, they were -- what did they say?

3 A: They sent somebody -- one of three in that vehicle had
4 said they were -- observed a vehicle, they were following it
5 northbound on 17 to try to get a marked unit closer. I
6 believe when they made a right-hand turn down Pine Island, I
7 was a little bit behind them. I got off on Harrelson, right
8 there by the Burger King, by the mall. I made a left
9 northbound on Seaboard and they were advising me that he did
10 not signal when he made that right-hand turn from Pine Island
11 south on Seaboard. And then they advised me had did a U-turn
12 there, heading back north on Seaboard and then he made a left
13 turn to get back on Pine Island back towards the bypass. So,
14 I was coming up to that light when they had already made that
15 left turn on Pine Island heading back towards the bypass.

16 Q: And you didn't see him make a left turn onto Pine Island?

17 A: No, sir.

18 Q: And again, so at the point where you made your left turn
19 onto Pine Island, you had not seen his vehicle at all?

20 A: I think it was from a distance because they -- I was
21 stuck in traffic. If you see the beginning of my video right
22 there, there was a couple of cars passing but it was from a
23 distance, though.

24 Q: Okay. So, and Officer Rhew's testimony is not accurate
25 in relation to your then. He indicated that you were behind

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1 David Campbell and they were behind you, when in fact they
2 were behind David Campbell when they made a right-hand turn
3 off of the bypass onto Pine Island Road and you were trying to
4 catch up?

5 A: When he was behind me was when -- they fell in behind me
6 when I initiated my blue lights right there beside Best Buy.

7 Q: And so then answer my question. So, it's true that they
8 were behind David Campbell when he made a right-hand turn off
9 of the bypass onto Pine Island Road?

10 A: Yes.

11 Q: And you were not?

12 A: No.

13 Q: And at that moment when you made your left-hand turn off
14 of Seaboard onto Pine Island, how much conversation had you
15 had with the team over the radio?

16 A: They advised me he was going northbound, they advised me
17 he turned on Pine Island, they advised me he was turning south
18 on Seaboard, and then they had a traffic infraction there when
19 he made ---

20 Q: Okay, perfect. So, when they advised you he was going
21 north on the bypass, did they tell you that he had broken the
22 law in any way?

23 A: No.

24 Q: But they still wanted you to chase him down?

25 A: No, no. They wanted to get a marked unit in the area.

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1 Q: But he hadn't broken the law yet?

2 A: No.

3 Q: And then he made a right-hand turn off of the bypass onto
4 Pine Island and they didn't tell you that he broke the law
5 there either?

6 A: No, sir.

7 Q: But you continued to pursue to get to him even though he
8 hadn't broken the law?

9 A: I was driving the speed limit heading north on the bypass
10 and I got off on Harrelson.

11 Q: And then you made a left-hand turn off of Harrelson onto
12 Seaboard?

13 A: Yes.

14 Q: At that moment, you didn't know if David Campbell had
15 violated the law?

16 A: I think about that time they had -- he had made a right-
17 hand turn that -- they had called out that he didn't use his
18 signal making a turn off -- a right-hand turn off of Pine
19 Island south on Seaboard, and then they advised me he did a U-
20 turn. So, about that time, when I was making a left onto
21 Harrelson was when they had a traffic infraction on him.

22 Q: Since they didn't tell you that he failed to use a signal
23 off of the bypass onto Pine Island, can we assume that he did
24 use a signal off of the bypass onto Pine Island?

25 A: That's not where he didn't signal. He didn't signal when

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1 -- they advised me he didn't signal when he turned off of Pine
2 Island south onto Seaboard.

3 Q: So, we're to believe that he used a right-hand -- signal
4 for a right-hand turn and then immediately did not use a
5 signal for a right-hand turn?

6 A: I wasn't there to see that.

7 Q: Okay. And in fact when this video starts, you said it
8 was a one-minute backup. When the video starts, you still
9 hadn't seen his vehicle?

10 A: When the video starts?

11 Q: With a minute backup before you hit your blue lights?

12 A: Uh-huh (affirmative response).

13 Q: You had -- when the video begins, you still had not seen
14 David Campbell's vehicle?

15 A: When I was sitting at that light from the distance to the
16 left I could see they were heading towards Best Buy. I mean,
17 it was a good distance.

18 Q: They were headed?

19 A: The black truck that they -- that the detectives were in
20 and then the vehicle that they were behind.

21 Q: So, they were right behind him?

22 A: Yes.

23 Q: Okay. And then you caught up to him at the intersection
24 of Oak Forest Lane and Pine Island where Best Buy is, correct?

25 A: Yes, yes.

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- 1 Q: He made a right-hand turn there?
- 2 A: Uh-huh (affirmative response).
- 3 Q: He used his signal there?
- 4 A: When he got over into the turn lane, he didn't have his
5 signal on. And then where the -- the light he was looking at
6 was red, he made a right without stopping completely on red.
- 7 Q: But he used a signal?
- 8 A: No. When he got over -- because he was sitting -- the
9 light was red, he was sitting in stopped traffic right there.
- 10 Q: Okay. And he put his right-hand blinker on?
- 11 A: No, he got over into the lane without using his signal.
- 12 Q: So, you think he moved from left lane to right lane
13 without a signal and then put his signal on to make a right-
14 hand turn?
- 15 A: He was in the number two lane.
- 16 Q: So, from two lane to one lane, he failed to use a signal
17 but then he put a signal on to make a right-hand turn?
- 18 A: He didn't go to one lane, he was in two lane and he went
19 over to the right-hand turn lane.
- 20 Q: That's one lane, right?
- 21 A: Two lanes are -- if you're in a road going straight, the
22 number one lane is the left lane, number two is the right
23 lane.
- 24 Q: Okay. So, he went from the far right-hand lane to the
25 turn lane without a signal?

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JEREMY CREWS - CROSS BY LONG

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1 A: Yes.

2 Q: But did signal for his right-hand turn?

3 A: When he was going through the light, I didn't see a
4 signal.

5 Q: Back to the video. You told the Judge that video camera
6 comes on upon activation of the blue lights and has a one-
7 minute backup. Do you have the ability to activate it
8 yourself manually?

9 A: You can.

10 Q: Okay. Were you wearing a body camera?

11 A: Yes.

12 Q: All right. And did you provide the video of this arrest
13 from that camera?

14 A: I don't remember if I actually had the video or not. We
15 had just got those body camera videos...

16 Q: How do they work? How do they kick on? How do they
17 operate?

18 A: Body cam videos, that was the period when the county was
19 just going to body cams. You know, when I went to call out
20 the stop, basically, you have to initiate your lights in your
21 vehicle, then you've got double tap it twice, I believe. It's
22 been a little while since I used one of those. You double ---

23 Q: Did you do that?

24 A: I do not recall if I did that or not. And if I did, I
25 don't recall when I actually hit it. I don't recall if I did

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1 it right at the start of the stop or when. I don't recall,
2 sir.

3 Q: All right. And when you finally caught up to -- let's
4 fast forward to Sandysgate.

5 A: Okay.

6 Q: You get to Sandysgate, you drive around David's vehicle
7 and you jump out and you go on foot. Right?

8 A: Uh-huh (affirmative response).

9 Q: And you, in fact, are the person who grabbed him and
10 tackled him and took him -- what did you do, take him to the
11 ground?

12 A: No, that was not me at first.

13 Q: Okay. Who was who at first?

14 A: In the video, when I go around the vehicle, you see the
15 Defendant running around the side of the building. I took my
16 vehicle around the backside of the building to keep him from
17 running farther into the back of Sandysgate.

18 Q: Right.

19 A: I'm assuming when he saw my vehicle coming up behind him,
20 what he did was he ran into the breezeway. The breezeway runs
21 east to west basically beside Joe White.

22 Q: Right.

23 A: He ran into the breezeway, started to go to the other
24 side. I had jumped out of my car. I couldn't tell if he had
25 ran -- because there was a couple of cars that were parked,

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1 you see how I run around, take like a wide angle, when I came
2 around the front of that last car, you see me run around to
3 the right. Detective Sauls and Neely were grabbing him to
4 actually end up detaining him.

5 Q: Okay. So, you didn't grab him?

6 A: I went there to assist but I was not the first one that
7 actually grabbed him.

8 Q: Right. Have you ever seen a report written by any of the
9 people that actually arrested him?

10 A: No, sir.

11 Q: Do you know if they made one at all?

12 A: Not to my knowledge.

13 Q: And based on your testimony, they were behind him the
14 entire time, they're the ones that said he failed to use a
15 signal and they're the ones that placed him under arrest,
16 correct?

17 A: Well, I was there assisting with the arrest, yes. I mean
18 -- but I wasn't -- you asked if I was the first one to put my
19 hands on him, no.

20 Q: Right. And when you -- I hear your voice when you
21 arrested him, you said they were behind you and they saw you
22 fail to use a signal. Is that what you told him?

23 A: Yeah, that was the initial -- you know, how I made
24 contact or where we had an initial one traffic violation on
25 him.

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JEREMY CREWS - CROSS BY LONG

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1 Q: Okay. And then I also hear you say on video, when you're
2 talking to the other officers standing around and you kind of
3 -- actually, you must've been in great shape because you're
4 not that out of breath after everything you've gone through,
5 and you're saying -- I hear you say, narcotics was watching
6 him and I got a radio -- I got called and I got in and I went
7 to the area. That's correct, right? Narcotics was watching
8 him.

9 A: I might've said watching him. I don't know exactly what
10 it was.

11 Q: And then while standing around the hood of your car,
12 Officer Rhew comes around with what looks like, I would assume
13 is his cell phone? It's a cell phone?

14 A: Uh-huh (affirmative response).

15 Q: And he's showing it to everybody and everybody is kind of
16 watching, and he showed it to you. What was that? What did
17 you see?

18 A: I do not recall that.

19 Q: You don't know what it was?

20 A: No.

21 Q: Do you know if what it was was provided to me in
22 discovery?

23 A: I do not recall.

24 Q: Did you hear the -- where David is screaming from the
25 backseat something about being by Bob's fence in a red cup,

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JEREMY CREWS - CROSS BY LONG

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1 that's down by the road, it's in that -- it's beside Bob's
2 fence. You heard all that?

3 A: Like on the video or myself at the scene?

4 Q: Both?

5 A: On the video, yes. In the scene, that is my in-car
6 camera that's recording that, so I didn't hear him.

7 Q: But you heard him screaming here, right? He's screaming
8 that pretty loud?

9 A: There was a large crowd gathering near from where the
10 video is to the left of where my vehicle, there was people
11 gathering, some people were trying to, you know, walk up to my
12 vehicle and moving away, so he was screaming through the
13 closed window trying to talk to people.

14 Q: Okay. You never saw David Campbell with narcotics in his
15 possession?

16 A: No, not in his possession.

17 Q: You never saw David Campbell throw anything?

18 A: No.

19 Q: And you were how close behind him on foot?

20 A: I wouldn't say I was too close because I -- when he ran
21 around the building, he went into the breezeway, and you hear
22 me key up and I think I said, ran into the alley. I don't
23 remember how I mentioned, it was so quick. I said, he ran
24 into the alley. And when I ran around that car, Officer or
25 Detective Sauls and Neely had him -- trying to get him

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1 detained at the entrance to the breezeway.

2 Q: Okay. I'm going to show you the beginning of the video
3 and I want to ask Ms. Root to help me out and come hit play.
4 It might not be Ms. Root. I'll trust her. And so what -- I
5 want you to watch the beginning of this. We're gonna watch
6 the beginning of this. We're going back to whether or not he
7 used his signal in your presence.

8 A: Okay.

9 (REPORTER'S NOTE: Portion of State's 1 video published - not
10 transcribed herein.)

11 Q: Can you pause it, please?

12 Right there. Now, this truck right here ---

13 A: Uh-huh (affirmative response).

14 Q: That's Horry County police officers?

15 A: Yes.

16 Q: That's the team?

17 A: Yes.

18 Q: They've been behind him the whole time?

19 A: Uh-huh (affirmative response).

20 Q: From Socastee?

21 A: Yes.

22 Q: This is David Campbell?

23 A: Yes.

24 Q: With his right-hand blinker on?

25 A: Uh-huh (affirmative response).

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1 Q: Do you agree?

2 A: Yes.

3 Q: All right. Play it, please.

4 (REPORTER'S NOTE: Portion of State's 1 video published to the
5 Court - not transcribed herein.)

6 Q: Stop, please.

7 There was two black pickup trucks, was it the first one
8 or the second one?

9 A: You've have to go back a second.

10 Q: Can we back up?

11 A: The second one.

12 Q: This one right here?

13 A: Yes.

14 Q: So, this is your car. You went past them and they pulled
15 in behind you?

16 A: Yes.

17 Q: And both of you pursued him to Sandgate apartments?

18 A: Usually, with the policy as far as Horry County goes, I
19 don't know how it's changed now, but if there's an unmarked
20 unit, they can assist in a chase because they usually want two
21 vehicles, an unmarked vehicle will assist in a chase until
22 another marked vehicle -- and there were a couple of marked
23 vehicles trying to get there, but it went so quick that they
24 couldn't get there.

25 Q: So, how long did you work for Horry County?

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JEREMY CREWS - CROSS BY LONG

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1 A: Nine years.

2 Q: During your nine years, had you ever been involved in
3 another case where police officers were following a Defendant
4 before you were involved, followed the Defendant the whole
5 time you followed them, and in fact were the people who took
6 that person into custody, not do a report of their activity?

7 A: We -- I took the case, so that's why I basically obtained
8 the warrants and everything, so I took full custody of the
9 case.

10 Q: But yet there were three other police officers that were
11 in full custody of the case that didn't do a report?

12 THE COURT: I tell you what we're gonna do. We're not
13 gonna try this case twice.

14 MR. LONG: I understand.

15 THE COURT: The issue we're dealing with now is the
16 admissibility of this video. All of this has nothing to do
17 with that.

18 MR. LONG: I agree.

19 THE COURT: So, let's get to the issues.

20 MR. LONG: And I -- again, Judge, you know as a trial
21 lawyer, every chance I get to find out what he's gonna testify
22 to later and I appreciate you slowing me down. But this is my
23 first chance to find out what occurred.

24 THE COURT: I understand.

25 MR. LONG: Okay. That's all I have. Thank you.

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JEREMY CREWS - REDIRECT BY ERVIN

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1 THE COURT: Anything on redirect?

2 REDIRECT EXAMINATION OF JEREMY CREWS BY MR. ERVIN:

3 Q: Officer Crews, as far as your report, to your knowledge,
4 your report encompasses all relevant aspects of this case as
5 what you saw, as what was told to you by any of the other
6 assisting officers; is that correct?

7 A: Yes.

8 Q: So, in your opinion, is there a reason for them to do a
9 supplemental report?

10 A: Not if my report encompasses everything.

11 THE COURT: And, again, folks, we're going beyond the
12 admissibility of this video. You're gonna get all -- every
13 opportunity to try to the case.

14 MR. ERVIN: Thank you, Judge.

15 BY MR. ERVIN:

16 Q: Officer Crews, do you have any doubt that one of these
17 officers told you he saw a traffic violation committed by this
18 Defendant?

19 A: No doubt.

20 Q: And that was prior to your blue lights being activated,
21 correct?

22 A: Yes; uh-huh (affirmative response).

23 Q: Thank you, Officer Crews. That's all.

24 THE COURT: All right. Thank you, sir. You may step
25 down.

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MOTIONS

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1 MOTIONS:

2 MR. ERVIN: Your Honor, as to the Defendant's statements
3 that were made, you heard Officer Crews Mirandize him in the
4 video. You also heard him testify that he did not interrogate
5 him about this incident at all, asked him no questions except
6 for if he needed water because he heard him choking. We have
7 Rule 801(d)(2) obviously allows the Defendant's statements to
8 come in as non-hearsay. I also have for Your Honor *State v.*
9 *Good*. It is a South Carolina Court of Appeals case, 417
10 S.E.2d 643. Basically admitted, and I'll quote, Under the
11 well-recognized exception to the hearsay rule that permits an
12 out-of-court admission of a criminal defendant -- there are
13 other aspects of that case, but... I also have *Pennsylvania*
14 *v. Muniz*. It's United States Supreme Court, 496 U.S. 582.
15 It's a rather lengthy opinion, Your Honor, but on Page 604 of
16 the opinion, I'll quote, Muniz' incriminating utterances
17 during this phase of the video tape proceedings were voluntary
18 in the sense that they were not elicited in response to
19 custodial interrogation. Again the State's position is there
20 was no interrogation. These officers did not ask him any
21 questions other than if he needed water, did not elicit any,
22 any information from the Defendant on the incident in
23 question.

24 Finally, Judge, we've got *State v. Turner*. This is a
25 South Carolina Supreme Court case from 2007, 641 S.E.2d 436,

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1 and it's pretty much directly on point, Your Honor. In that
2 case, there were two -- we'll call them Defendants, seated in
3 the backseat of a police car. They talk to each other and it
4 was recorded. This Supreme Court opinion, which was very
5 short, and I'll quote, An individual does not have a
6 reasonable expectation of privacy while being held in a police
7 vehicle and thus there was no Fourth Amendment violation here.
8 They did not address the fact that or the question of
9 interrogation. They just said there was no Fourth Amendment
10 protection afforded to the lack of privacy in a vehicle.

11 So, it is our position that all statements made by the
12 Defendant subsequent to his arrest that are included in this
13 redacted video should be admitted.

14 THE COURT: All right.

15 MR. ERVIN: Thank you, Judge.

16 THE COURT: Mr. Martin or Mr. Long?

17 MR. MARTIN: Judge, we would believe that, first of all,
18 the portion of the video after the car has come to a stop
19 should be -- should not be admitted because from that point
20 on, the majority of what you hear is unintelligible and you
21 can't tell what they're saying. There's a word here, a word
22 there. We take the position that because of the poor quality
23 of the audio that the parts that are unintelligible, except
24 for a word here or there certainly should be excluded because,
25 number one, I don't know how unintelligible statements or

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1 conversation can be relevant. And then, secondly, even if it
2 is relevant, it may well be more prejudicial than probative
3 under Rule 403. That, specifically when it comes to that part
4 of the video where he sounds like he is coughing or about to
5 throw up or trying to throw up and they're saying did you
6 swallow anything, did you swallow anything, we need to know, I
7 believe that's prejudicial to him. If there's -- if once
8 again, it's unclear what is happening but the only implication
9 that they may make out of that would be that they're trying to
10 say we believe he swallowed some drugs, therefore he had some
11 drugs. And there's no indication that that was the case;
12 that's simply Officer Sauls, I believe they said, repeatedly
13 saying did you swallow something, did you swallow something.
14 That's not relevant to the charges pending against him. It's
15 unclear what is happening at that time. And, thus, we would
16 think it's not relevant. Once again, it would be more
17 prejudicial than probative.

18 If the business about somebody set me up, a Mexican,
19 amigo, wetback, that kind of -- same thing. It's not
20 relevant. If anything, it's more prejudicial than probative.
21 It's not -- again, it has no bearing on this particular case
22 whether or not he did or did not have drugs on him at the
23 time.

24 The conversation about in a red solo cup down the road --
25 I heard -- I believe Mr. Ervin says he thinks in the back he

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1 said he thought he was talking about drugs. I can't discern
2 that from the tape, but it sounds to me like that Mr. Ervin is
3 thinking that is there somewhere, so I'm thinking, well, he
4 may argue that. I can't hear it. Of course my hearing is not
5 good; maybe you heard him. I don't know why in the world he'd
6 be screaming out at that point in time about a red cup with
7 drugs in it. But, again, I would take the position that
8 that's not relevant. It's more prejudicial than it is
9 probative of the issues for which he's indicted. And we
10 believe for that reason that in its totality from the time
11 they officer runs around the building, that it ought to be
12 excluded. As far as him making incriminating statements which
13 would, I guess, be the reason that they would have to admit
14 any of this, I don't hear that. I don't hear him making
15 incriminating statements. The one -- and I'll go ahead and
16 address it, because I'm sure they will, the idea that he said
17 he saw me throw it, it sounds to me, the best I can hear, he
18 says that he says he saw me, which is different from, oh, my
19 goodness, he saw me throw it. So, I don't think that it's
20 admissible from the standpoint that it's an incriminating
21 statement. I would agree with him, I don't know that any of
22 these statements are in response to the question. But, I
23 think even though it may be admissible from that standpoint,
24 it's inadmissible as to relevancy and more prejudicial than
25 probative.

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1 THE COURT: All right.

2 MR. ERVIN: Your Honor, the quality goes to the weight
3 not the admissibility. Everyone, myself included, that
4 reviewed this, it was clear to them what this Defendant said
5 at a certain portion of this redacted video. They can
6 certainly argue that he said different but, again, I think
7 that goes to weight and not the admissibility. This Defendant
8 knew he was being recorded. The window was let down for him,
9 it was an unseasonably warm day on November 30th that day, so
10 the officers did let the window down to let him get some air
11 and there were a bunch of his people walking by and he was
12 talking to them, among them were police officers.

13 THE COURT: But the part where he's choking and gagging
14 and the officers asked him did you swallow something, did you
15 swallow something, we need to get EMS if you did, and all this
16 stuff, what relevance is that to any issue in this case other
17 than what Mr. Martin believes the State would like to do and
18 that is to make people believe he's swallowed ---

19 MR. ERVIN: Yes, sir. And I would contend because he was
20 seen throwing a bag of what was later determined to be
21 cocaine, and he was coughing like that, they needed to do
22 something to protect themselves, protect the Department,
23 protect the Defendant for his health, they needed to make sure
24 that he didn't ingest cocaine, to see if they needed EMS. So,
25 that's why they were asking.

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1 THE COURT: Well, I mean, no, I don't have any problems
2 with them asking or anything of that nature, but what
3 relevance is any of that to the issues of this case.

4 MR. ERVIN: Your Honor, I don't know if it's completely
5 relevant and if Your Honor pleases, I'll concede to leave that
6 out. I've included in that -- that in the redacted copy to
7 argue about it but I'm not gonna fight you on it.

8 THE COURT: Yeah, and I -- I think the part of the
9 coughing and did you swallow something, I don't know that
10 that's relevant. Let's see.

11 MR. ERVIN: Your Honor, and ---

12 THE COURT: The part ---

13 MR. ERVIN: I'm sorry.

14 THE COURT: Go ahead. I'll address what Mr. Martin said.
15 There are actually two instances where there was a comment to
16 the effect of he saw me -- he seen me throw that, and I have
17 it time-stamped at 13:27 on mine. That's the statement that
18 the State does wish to have admitted and I believe it's clear,
19 he seen me throw that shit, I'm F'd up.

20 THE COURT: I wrote that down. You had it at 13:28?

21 MR. ERVIN: --- 7, yes, sir.

22 THE COURT: I've got it at 13:40, but I was a little off
23 in what ---

24 MR. ERVIN: I don't know if ---

25 THE COURT: But, yeah, that part of it, I wrote down, I

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1 heard that and then I think at -- the -- at 14:03 or in that
2 range is when he says -- he says he seen me throw it.

3 MR. ERVIN: Yeah.

4 THE COURT: But he does then say, man, I F'd up.

5 MR. ERVIN: Yes, sir. And so to address what Mr. Martin
6 said, there were two specific distinct times when he said
7 something to the effect of he seen me throw it. And again,
8 I'll concede the second time at 14 -- what you had, 14:06 or
9 so ---

10 THE COURT: Yeah.

11 MR. ERVIN: That's when Mr. Campbell said he said he saw
12 me. And again, that is different but that's a weight issue,
13 not admissibility issue.

14 THE COURT: All right. What about all that chatter about
15 -- I wrote down -- I didn't write it all down -- he was
16 hollering -- there was some hollering to a maybe fellow named
17 T or something of that nature, in a red cup by the vacant area
18 -- all that red cup chatter.

19 MR. ERVIN: Well, in my review of the tape, I heard at
20 the very beginning of that, I got dope, in a very low voice.
21 I got dope. And then there's talk about a red cup by Bob's
22 fence. And the State believes that he wanted someone to go
23 pick his stash up because he knew he was arrested.

24 THE COURT: I got that somewhere around 14:41.

25 MR. ERVIN: Yes, sir. And it's mentioned again around

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1 the 18 minute mark at the end of it.

2 THE COURT: All right.

3 MR. ERVIN: I believe that is relevant.

4 THE COURT: I'm going to ---

5 MR. MARTIN: Judge, I got one comment on that -- and
6 again, I don't hear that. Okay? I don't know whether you
7 heard it. If he says, I've got dope, clearly, that's one
8 thing. But I -- I can't -- I don't hear that. But -- and so,
9 therefore, I don't think it's clear that's what's said and I
10 think it's more prejudicial than probative, but beyond that,
11 let's say he -- if the statement is, I do have dope in a red
12 cup down by a vacant lot, that's not relevant to this charge.
13 That's evidence of another crime which would be inadmissible
14 unless you could tie it to this particular criminal offense.
15 It's just -- it's not -- again, it's not relevant. It's
16 speculative as to what he is saying, speculative as to what is
17 there, but it's not speculative to that -- it's not necessary
18 to convict him of the drug charge for which he's charged. It
19 would be evidence of another crime. For had they found drugs
20 there, they would have issued a second warrant. So, I believe
21 that that alone is the basis for its exclusion.

22 MR. ERVIN: Your Honor, the Defendant is accused of
23 throwing cocaine, seen by one person, a key witness. If he's
24 telling someone, not in response to any interrogation, he's in
25 custody and telling someone, I got dope I need you to go

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1 retrieve in red cup by Bob's fence, that's certainly relevant
2 and the ---

3 THE COURT: How is that relevant to any issue in this
4 case that he was in possession of the drug seized here? I do
5 think -- I tend to agree with Mr. Martin that it certainly
6 could possibly be evidence of some other crime had law
7 enforcement found a red cup, found dope in it, and could tie
8 him to that through that statement.

9 MR. ERVIN: Yes, sir.

10 THE COURT: But I'm not sure -- here's the thing. I just
11 -- I'm trying to keep the issues in this trial to the facts
12 and circumstances surrounded in this, in this situation. I
13 agree with you as to the other items. I don't think the
14 coughing and the hacking thing is relevant. And, so I'd
15 exclude that.

16 I'm not -- and I don't believe the -- I think -- and I
17 didn't hear the part that said I got dope. He maybe well have
18 said it but, again, that's a whole nother crime, that's a
19 whole nother issue. So, I don't think any of that red cup
20 chatter is relevant to any issue here. The other stuff, the
21 saw me throw it, said he saw me throw it, I F'd up, man, I F'd
22 up, Mexican's trying to set me up; I think all that's
23 relevant. But I don't think the coughing and the did you
24 swallow something stuff is and I don't think the red cup stuff
25 is. So, I would exclude those two items and allow the balance

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1 of it to go forward.

2 MR. ERVIN: Your Honor, I will have my IT wizard clean
3 that disc up.

4 THE COURT: You're the wizard ---

5 MR. ERVIN: So, just to be clear, the -- obviously the
6 first part, the attempt to stop, the chase ---

7 THE COURT: From what I -- from -- I've got -- everything
8 is fine. I think the first time I saw -- and I could be wrong
9 here, but I wrote down at 14:10:30, somewhere around there, is
10 where they first start the, did you swallow something, and
11 he's coughing and carrying on.

12 MR. ERVIN: Yes, sir.

13 THE COURT: That goes to somewhere around 11:38 to 11:50.
14 And then it cuts and goes to about the throwing stuff. I have
15 -- I don't really have the beginning part of the red cup
16 conversation but you can find that obviously.

17 MR. ERVIN: Yes, sir. 14:30 or so.

18 THE COURT: Yeah. All right.

19 MR. ERVIN: Yes, sir. Thank you.

20 THE COURT: All right. What's next?

21 MR. ERVIN: Your Honor, I would like a clarification,
22 since it is almost close of business about Mr. Crews' ---

23 THE COURT: I'm not aware that there is any relevance of
24 that to this case, but I was gonna be open-minded in case you
25 came up with ---

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1 to the jury the relevant portions and that's why they'll see
2 the break in that so that they'll understand that's what's
3 going on. Does that work for y'all?

4 MR. LONG: Yes, sir.

5 MR. ERVIN: Yes, sir.

6 THE COURT: Okay. Is there anything from the State then
7 that we need to take up before we bring the jury out?

8 MR. ERVIN: No, sir.

9 THE COURT: Anything from the Defense?

10 MR. LONG: No, Your Honor, we're ready.

11 THE COURT: Okay. Gentlemen, if you'd bring the jury
12 out, please.

13 (REPORTER'S NOTE: Jury enters courtroom. 9:44 P.M.)

14 THE COURT: All right. Ladies and gentlemen, welcome
15 back. I hope everyone had a good evening and you're ready to
16 get started. Before I address you with a few opening remarks.
17 I'm gonna ask you to give Madam Clerk your attention and she's
18 gonna place you under your oath for your role as jurors in
19 this case.

20 CLERK: Please stand and raise your right hand.

21 (REPORTER'S NOTE: Jury duly sworn.)

22 CLERK: If you agree with this statement, you can be
23 seated.

24 THE COURT: Folks, a couple of preliminary matters before
25 we get started is I just want to share some things with you.

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1 It's very important throughout the course of the trial that
2 you're as comfortable as you can be. So, if at any time, I
3 mean, I don't know how much control we have over the
4 temperature in here, but if we have any control, let us know
5 if we need to look at that and we'll try to accommodate you
6 with that. Of course, it's difficult, we got a whole group of
7 folks, you know, someone may be hot, someone else may be cold,
8 but we'll try to find that happy medium there.

9 Also, and this goes to the point of being comfortable.
10 Throughout the course of the trial as witnesses take the stand
11 and testify and things are going on, if at any time any member
12 of the jury needs to take a break, do not hesitate to either
13 get the bailiff's attention or get my attention and we'll stop
14 and we'll take a break. There is -- there is -- rarely will
15 there be anything that goes on in here that we can't stop,
16 take a break and pick up where we left off. So, if you need a
17 break, don't hesitate to let us know, you know, I'll give you
18 an example. There are times, you know, sometimes Mother
19 Nature calls and we need to answer the call, right? But maybe
20 you think, you know what, I'll wait and we'll let that witness
21 finish. Well, it may be a lengthy witness and, and then you
22 get to the point where you're starting to think, I wonder how
23 much longer they're gonna be testifying, maybe I shouldn't
24 have waited, and your thoughts are on that issue and they're
25 not on what's being testified to. So, let's not even get

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1 there. If you need a break, anybody, raise your hand and get
2 my attention; we'll take a break. We can always start back
3 where we left off. Okay?

4 If you can't hear a witness or one of the attorneys or
5 the Court, do not hesitate to let me know, Judge, we didn't
6 hear that or I didn't get that, and we'll have that person
7 repeat whatever it was that they said. Okay?

8 Now, you folks are having an opportunity that in all
9 candor, most people don't have. You're having the opportunity
10 here this week to sit in on an actual jury trial. Most folks,
11 their experience with jury trials is what they've seen on
12 television or read in books or what they've seen in the
13 movies. And we know what those trials are all about; it's all
14 about entertainment. They're full of high drama and intense
15 action. Now, while any number of those things could occur
16 during this trial, it's important that you keep in mind that
17 this trial is not for your entertainment. This trial is a
18 fundamental part of our democracy. Unlike books and movies
19 and television, during the course of this trial, you may find
20 that things, they may go slow, it may be very deliberate,
21 sometimes it may be repetitive; in other words, it's very
22 different from the television and the movies and the stuff
23 that Hollywood presents. This courtroom is a place of honor
24 that is dedicated to the protection and to the preservation of
25 citizen's rights through what many have called the greatest

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1 justice system ever created. The attorneys that appear before
2 you, they are advocates for their clients and for the parties
3 they represent. But first and foremost, they are officers of
4 the Court, sworn to uphold the integrity and the fairness of
5 our judicial system. You should expect them to be
6 professional, competent and ethical in the performance and the
7 representation of their clients' interests.

8 Now, you've just taken an oath to try this case and to
9 reach a fair and a just verdict and so you are also expected
10 to be professional, reasonable and ethical in the performance
11 of your duties. I have no doubt that you will do that and I
12 want to thank you for your contribution to our criminal
13 justice system here in Horry County.

14 Now, this is not, what I'm sharing with you right now,
15 this isn't a charge on the law, but I will give you a charge
16 on the law at the end of the case before you retire to
17 deliberate. But what I'm going to do right now is just kind
18 of go through some things to explain to you what's gonna occur
19 during the next several hours or days so you'll be able to
20 follow along with what we're doing.

21 In this case, Mr. Campbell is charged by an indictment.
22 He's charged with the criminal offense of trafficking in
23 cocaine and failure to stop for a blue light. The elements of
24 those crimes, I will explain to you later when I give you my
25 charge on the law. But as I told you yesterday, the

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1 indictment is simply the charge by which this case is brought
2 into court and it is not in any sense evidence of any of the
3 allegations that are contained in those indictments. Mr.
4 Campbell has pled not guilty to those indictments and the
5 State therefore has the burden of proving each of the elements
6 of the indictments beyond a reasonable doubt. It's gonna be
7 your duty to determine whether or not the State has met that
8 burden. Your purpose as jurors is to find and to determine
9 the facts of this case. You are the sole judges of the facts
10 in this case. If at any time, I make any comment about the
11 facts or the testimony or the evidence that's presented, you
12 must disregard those comments because only you, the jury, can
13 decide what the facts are of this case. You are to determine
14 those facts from the testimony that you hear from the
15 witnesses who take the stand and any other evidence that may
16 come in during the course of the trial. It is up to you to
17 determine what inferences that you feel may be properly drawn
18 from that evidence. It is especially important that you
19 perform your duty of determining the facts diligently and
20 conscientiously. Because ordinarily, there's no way for the
21 Court to correct an erroneous determination of facts by a
22 jury.

23 Now, on the other hand, but with the same emphasis, the
24 same law that makes you the judges of the facts, makes me the
25 judge of the law. The law as given to you by the Court is the

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1 only law that you may consider. You must accept it and you
2 must follow it even though you may disagree with it. I'm not
3 allowed to tell you or make any comments to you about what I
4 think about the facts or the evidence in this case and you're
5 not allowed to disagree with me about what the law is or what
6 you think the law should be. Your job is to take the law as I
7 give it to you and apply it to the facts as you find the facts
8 from the testimony and the evidence that is produced during
9 the course of the trial.

10 Now, folks, until I advise you that it's appropriate,
11 you're not to have any conversation with anybody about the
12 case. You're not to begin your deliberations in any way and,
13 as I told you yesterday, that even means amongst yourselves.
14 As we take breaks throughout the trial and you step back into
15 the jury room, you're not allowed to have any conversation
16 about anything that is occurring during the course of this
17 trial until I tell you that it is appropriate to do so. It is
18 very important throughout this case to keep an open mind and
19 that you do not decide any issue until all of the evidence has
20 been presented, the parties have had an opportunity to make
21 their closing arguments to you and I've given you the
22 instruction on the law. Now, it is your solemn responsibility
23 to determine the guilt or the innocence of the Defendant and
24 your verdict must be based solely on the evidence as it is
25 presented to you during the course of this trial and on the

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1 law as I give to you.

2 Now, in just a moment, I'm gonna recognize the Solicitor
3 for his opening statement. Typically, what you'll hear in an
4 opening statement is what the State believes the evidence is
5 going to show. Once they've concluded their opening
6 statement, I'll recognize the attorney for the Defense and
7 they may also make an opening statement if they choose to,
8 although they're not required to.

9 What is important to understand about the opening
10 statements is this. What any of the attorneys may say to you
11 is not evidence. It is merely their contention as to what
12 they believe the evidence may show. The evidence in this case
13 that you're gonna have in which to decide this matter will be
14 presented to you by the testimony of witnesses who are placed
15 under oath and take the witness stand and then any other
16 exhibits or any other items that may come into evidence during
17 the course of the trial.

18 Now, from time to time during the trial, you may hear one
19 of the attorneys say something along these lines: Judge, we've
20 got a matter of law we need to take up with the Court or Your
21 Honor, may we approach the bench. If I can resolve a matter
22 of law up here at the bench and have you remain where you are,
23 I'll do that. But, sometimes the issue of law is maybe a
24 little bit more in depth than what I can handle up here at the
25 bench and so I may ask you to step back into the jury room.

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1 Sometimes when I'm dealing with a matter of law, it requires
2 me to make some comment about the evidence or the testimony in
3 connection with that ruling. Well, as I told you earlier, I'm
4 not allowed to influence you in any way about the facts or the
5 evidence in this case. So to protect you from those comments,
6 I may ask you to step back into the jury room, let me resolve
7 that matter of law and then bring you back out and we'll pick
8 up where we left off. Okay?

9 Now, in determining what the true facts are in this case,
10 you are going to have to decide whether or not the testimony
11 of a witness is believable. It's going to be my
12 responsibility to rule as a matter of law whether certain
13 testimony is admissible or not, but once testimony is allowed
14 into this record, whether or not you believe it, is solely up
15 to you to decide. In deciding whether to believe a witness,
16 you have the right to consider the interest of a witness, the
17 bias of any witness, the opportunity for the witness to have
18 seen the matters and the things about which that witness
19 testifies as well as the way the witness acts on the witness
20 stand. You have the right, folks, to consider anything that's
21 in this record that will assist you in evaluating the
22 testimony of witnesses. That means that it is your duty to
23 pay close attention to all of the witnesses and to all of the
24 evidence. Observe the witnesses, listen carefully to the
25 witnesses, to the attorneys as well as to the Court. Pay

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1 close attention to everything that is presented during the
2 course of this trial so that at the end of all the testimony
3 and all of the evidence, after the attorneys have had an
4 opportunity to address you with their closing remarks and I've
5 given you the charge on the law, you will then be in a
6 position to step back into the jury room and then for the
7 first time, begin your deliberations.

8 Now, before I turn it over to the attorneys, let me first
9 inquire from the State, are there any objections or exceptions
10 to the Court's opening remarks?

11 MR. ERVIN: No, Your Honor.

12 THE COURT: From the Defense?

13 MR. LONG: No, sir.

14 THE COURT: All right. Thank you, gentlemen. Now,
15 ladies and gentlemen, if you'll please give counsel your
16 undivided attention as they address you with their opening
17 remarks.

18 Solicitor?

19 MR. ERVIN: May it please the Court?

20 THE COURT: Yes, sir.

21 OPENING BY ERVIN:

22 MR. ERVIN: Evasion, that's why we're here, ladies and
23 gentlemen. Evasion is defined as an act or instance of
24 escaping or avoiding something. In this case, this Defendant,
25 David Campbell, not once, not twice, three times committed an

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1 act of evasion. He ran from the police in his vehicle, he ran
2 from the police on foot, he threw drugs hoping that these
3 officers would not find them; three acts of evasion.

4 On November 30th, 2015, Officer Jeremy Crews attempted to
5 stop the Defendant in his vehicle for a traffic violation.
6 The Defendant was the only occupant in that car. As soon as
7 Officer Crews got behind the Defendant, the Defendant took
8 off, sped up, accelerated at a high rate of speed trying to
9 get away from him, evasion. This chase went down Seaboard
10 Street onto 10th Avenue onto Ocoola Street and into Sandycate
11 apartment buildings in the City of Myrtle Beach. The
12 Defendant's car hit a curb, spun out, and was undrivable, so
13 he took off on foot trying to get away from Officer Crews once
14 again, evasion. The Defendant ran around the building. I'll
15 have a map later to show you exactly where we're talking
16 about. The Defendant ran around the building into the
17 breezeway that came into the middle of the apartment complex,
18 the first one there right beside Ocoola Street, trying to get
19 away from Officer Crews. He exited the breezeway. At this
20 point, backup officers had arrived. Officer Jeremy Neely was
21 coming from the opposite side of the breezeway and made eye
22 contact with the Defendant. The Defendant saw Officer Neely,
23 realized he had nowhere else to go, he turned around, he threw
24 two bags up onto the second floor of that apartment building.
25 Officer Neely saw him. Officer Bo Sauls recovered those bags

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1 immediately after this Defendant was arrested by Officer
2 Neely. It will be clear to you that this Defendant was in no
3 mood to be caught and held accountable for his actions and
4 crimes he committed that day.

5 Ladies and gentlemen, the time for evasion is over and
6 now is the time to hold him accountable. After we present the
7 evidence and you hear the witnesses, you will have plenty to
8 fully support your decision to find David Campbell guilty
9 beyond a reasonable doubt of trafficking cocaine and a failure
10 to stop for a blue light.

11 I thank you for your service and your attention.

12 THE COURT: Thank you, sir.

13 OPENING BY LONG:

14 MR. LONG: Ladies and gentlemen, again, I'm Russell Long,
15 and Morgan Martin and I have the privilege of being in Court
16 today and representing the interest of David Campbell. David
17 and Morgan and I, along with the Solicitor, chose the 14 of
18 you to sit here during this trial. Our goal is to get this
19 done today, but I can't promise that; we may go into tomorrow
20 with this case. We chose you because out of a 107-some people
21 that we had to choose from, you, on behalf of the State and on
22 behalf of us, were exactly the kind of people that we thought
23 would give the attention to this case that it deserves. I get
24 to do this; 25 years I've gotten to do this and obviously it's
25 one of my favorite things in the world to do. I like to play

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1 golf, but I like to try cases just as much. For lawyers it
2 can be, you know, somewhat of a game, somewhat of an event,
3 and for lawyers that are as familiar with each other as we
4 are, it's like a friendly game, like a friendly game of tennis
5 or a friendly game of golf. We have one of the more friendly
6 Judges in the world and a fair Judge that's gonna sit with us
7 and we're all very cordial and very friendly, but don't
8 mistake that we disagree completely about the facts of this
9 case.

10 David Campbell did something terribly wrong in November
11 of 2015 when he ran from Officer Jeremy Crews in his vehicle
12 and did try to evade. We'll submit to you, there's a reason
13 for that evasion other than the ones that they've come up
14 with. I've heard jurors say in the past that they -- they
15 don't like to be in a position to judge other people. In
16 fact, the good book says not to judge, and we're always taught
17 by our parents that it's better not to judge other people,
18 just to live your life the way you should. I will tell you
19 that your job is not to judge David Campbell at all. That is
20 not your job. In fact, in a summary of what the Judge told
21 you in his opening remarks, that's exactly what he was telling
22 you was that you're not here to judge David; you're really
23 here to see if the State of South Carolina can prove an
24 allegation.

25 You see, when the police hauls someone to jail, they are

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1 accusing him of something. They believe that they did
2 something, but they must prove that. That flag, those flags,
3 our constitution, every single thing that this country was
4 founded on, the absolute beginning of the rock, of the
5 foundation of this country is this, that the government,
6 before they can put you behind bars, must prove to your peers,
7 the ones that you choose to sit and listen and to make certain
8 that they can in fact prove beyond a reasonable doubt that a
9 crime was committed before the government can stick someone
10 away behind bars. And fortunately, we have you to help sit
11 and judge the State's case and see what they did to, to
12 investigate this matter and see what they bring to you as
13 proof. They have the almighty power of the government at
14 their backs. They have millions of ways to, to bring people
15 to court and to prove, and we're gonna see, in this case, all
16 of those things. They're gonna show you numerous pieces of
17 evidence. They're gonna show you a video. And, we chose you
18 because we knew you would sit and judge the State's case, not
19 the lawyers, not the police officers. Everybody involved in
20 this case is doing a job from the very first contact the
21 police had with David Campbell to this very last closing
22 remark by the Solicitor that you'll hear. Nothing but
23 professional people on both sides of this and, in fact, in
24 this entire courtroom.

25 We want you to know that we appreciate the fact that you

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1 are those 14 people that are gonna sit and listen to this and
2 wait until the absolute end of this case before you pass
3 judgment on the State's case. If at the end of this case, you
4 think that the State of South Carolina has proven to you
5 beyond a reasonable doubt that David Campbell did in fact
6 break the law, then it's your job to find him guilty. It's
7 also your job, though, and very importantly so, to make
8 certain that you don't do that unless you are thoroughly and
9 completely convinced.

10 Thank you for your time.

11 THE COURT: Thank you, Mr. Long.

12 All right. The State may call your first witness?

13 MR. ERVIN: The State calls Jeremy Crews.

14 THE COURT: All right. Mr. Crews, if you'd please come
15 around and be sworn.

16 CLERK: Please raise your right hand and place your left
17 hand on the Bible.

18 JEREMY CREWS, HAVING BEEN SWORN

19 TESTIFIED AS FOLLOWS:

20 CLERK: Please state your full name and spell your first
21 and last name for the Court.

22 MR. CREWS: First name is Jeremy, last name is Crews, J-
23 E-R-E-M-Y and C-R-E-W-S.

24 DIRECT EXAMINATION OF JEREMY CREWS BY MR. ERVIN:

25 Q: Good morning, Officer Crews?

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- 1 A: Good morning.
- 2 Q: Officer Crews, can you tell the jury your current
3 occupation?
- 4 A: I work for D.L. Horton as a construction superintendent.
- 5 Q: At one point, were you with Horry County Police
6 Department?
- 7 A: 2007 or February 2007 until December 2015.
- 8 Q: Officer Crews, what was your position on November 30th,
9 2015?
- 10 A: I worked in the Street Crimes Division.
- 11 Q: And what were your typical duties in Street Crimes?
- 12 A: We were a marked unit as under the Narcotics Division.
13 We did drug interdiction, felonies, traffic stops, looking for
14 wanted people, if we had any complaints of high crime areas,
15 we were placed in those areas.
- 16 Q: Did you have any special training and/or certifications?
- 17 A: I'm radar and LIDAR certified. I've been ---
- 18 Q: Let me stop you there. As far as radar certified, what
19 does that entail? What are you able to do with that
20 certification?
- 21 A: That entails operating a radar. Basically, you have to
22 visually estimate speeds before you actually confirm it with a
23 radar unit.
- 24 Q: Did you have a radar equipped in your vehicle on November
25 30th, 2015?

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1 A: Yes.

2 Q: Was it operating?

3 A: Yes.

4 Q: And were you involved in an incident involving this
5 Defendant, David Campbell, that day?

6 A: Yes, I was.

7 Q: Were you requested by some other officers to initiate a
8 traffic stop on Mr. Campbell's vehicle?

9 A: Yes.

10 Q: You were in an unmarked patrol, correct?

11 A: Yeah, I was in an unmarked Dodge Charger.

12 Q: Where did you first see the Defendant's vehicle?

13 A: He was heading westbound on Pine Island Road coming up
14 towards Oak Forest Lane.

15 Q: When did you activate your blue lights and siren?

16 A: I had just made a right-hand turn onto Oak Forest, maybe
17 50 -- 50 or a little more feet from the intersection.

18 Q: Officer Crews, was your patrol car equipped with an in-
19 car camera?

20 A: Yes, it was.

21 Q: Would you explain to the jury how that works generally?

22 A: When you -- you can activate it by your body camera or if
23 you hit the lights on the vehicle, it kicks back a certain
24 amount period of time and that period is not sound recorded,
25 but once you hit your lights, everything from that point on is

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1 audio recorded and video recorded.

2 Q: Is there a delay in that video, such as when you activate
3 your blue lights, does it go back in time at all?

4 A: Yeah, it goes back a time period.

5 Q: Do you know how long that is?

6 A: I think it was a minute. We had just actually moved over
7 to that new camera system probably maybe a month before.

8 Q: Okay. So just so the jury is clear, when you activate
9 your blue lights, it actually shows the images as the patrol
10 car saw them about a minute prior to the activation of the
11 blue light?

12 A: Yeah, just with no sound at all.

13 Q: Okay. Does that recording system turn on automatically
14 or do you control it?

15 A: Well, it turns on automatically with the activation of
16 your lights.

17 Q: Okay. Are you able to pause it?

18 A: No, you can only stop it.

19 Q: Are you able to erase it?

20 A: No.

21 Q: Is any recording made in the normal course of business
22 while you're on duty?

23 A: Yes.

24 Q: What happens to those recordings that are made during a
25 shift?

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- 1 A: That was a new system; it was wireless. So when you
2 pulled up to the main police department area, any of the
3 precincts, it would upload automatically.
- 4 Q: So, they all flowed into a server?
- 5 A: Uh-huh (affirmative response).
- 6 Q: How long is the recording stored?
- 7 A: It depends on what you label the case. I don't remember
8 the timeframes of how long they are per label.
- 9 Q: Are you able to make a copy of the recording?
- 10 A: You can make -- you can burn a copy if you turned in like
11 a case file.
- 12 Q: And did you do that in this case?
- 13 A: Yes.
- 14 Q: Do you have the ability to alter the recording in any
15 way?
- 16 A: No.
- 17 Q: I'm showing you what has been marked as State's Exhibit
18 Number 2 for identification purposes?
- 19 A: Uh-huh (affirmative response).
- 20 Q: Do you recognize that?
- 21 A: Yes.
- 22 Q: What is it?
- 23 A: It's the redacted version of the video.
- 24 Q: Have you reviewed it?
- 25 A: Yes.

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1 Q: Are your initials on that disc?

2 A: Yes, they are.

3 Q: Is that a fair and accurate representation of the
4 incident as it occurred on November 30th, 2015?

5 A: Yes.

6 Q: As far as you can tell, it's the same video that was
7 taken from your patrol car?

8 A: Yes.

9 Q: Has it been altered in any way?

10 A: No.

11 Q: When does that recording start?

12 A: The recording starts when -- the time period when I
13 activate my blue light, the time period before that, I think I
14 was making a left-hand turn onto Pine Island from Seaboard
15 Street.

16 Q: Okay. Let me back up just to be clear for the jury and
17 the record. Has it been altered?

18 A: It's been cut down. It's not the full length, but it's

19 ---

20 Q: Okay.

21 A: --- not any kind of alteration to the actual ---

22 Q: And you were present when that redaction was presented to
23 the Court, correct?

24 A: Yes.

25 Q: And both parties agreed to that?

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1 A: Yes.

2 Q: Okay.

3 MR. ERVIN: Your Honor, I would move for State's Exhibit
4 2 to be entered into evidence.

5 MR. LONG: No objection, Your Honor.

6 THE COURT: Without objection, State's Exhibit 2.

7 STATE'S EXHIBIT NUMBER 2

8 ADMITTED INTO EVIDENCE

9 MR. ERVIN: Permission to publish?

10 THE COURT: Yes, sir.

11 MR. ERVIN: Your Honor, Court's indulgence one moment.

12 THE COURT: Yes, sir.

13 While y'all are doing that, let me -- I forgot I need to
14 mention something to the members of the jury regarding this,
15 this tape.

16 Folks, what, what you're about to watch are, are portions
17 from the officer's video camera that was in his vehicle.
18 What, what occurred was once the officer as he testified,
19 turned on his lights, the camera starts. Well, the camera
20 isn't turned off until the entire investigation or that
21 particular event is over and that went for over an hour, or an
22 hour and twenty-some odd minutes. Counsel for both the
23 Defense and the State got together and a lot of that video is
24 just -- you're sitting there and you're not seeing really
25 anything, you're just seeing people walk around, and so they

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1 agreed that they would condense it and just take the relevant
2 portions of that tape, the active relevant portions, and
3 present that during the course of this trial. So, I tell you
4 that, because as you watch the tape, it'll go and then you'll
5 see it switch to another thing, another timeframe, and then
6 it'll switch to another timeframe, and all they've done,
7 through agreement of counsel, they've taken out the dead
8 space. So that's why it's that way. Okay?

9 BY MR. ERVIN:

10 Q: Officer Crews, while we're working that issue out, I'll
11 move on to what's been marked as State's Exhibit 4 for
12 identification purposes. Do you recognize this photo?

13 A: Yes.

14 Q: What do you recognize that as?

15 A: That is Joe White and then Ocoola and then the entrance
16 to Sandysgate Village.

17 Q: And is that where the, we'll call -- we'll say -- is that
18 where the chase ended?

19 A: Yes.

20 Q: Where the Defendant was ultimately arrested?

21 A: Yes.

22 Q: And is this a fair and accurate representation of the
23 scene as it -- as you remember it on November 30th, 2015?

24 A: Yeah, nothing has changed as far as street-wise.

25 Q: You have not altered it in any way?

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1 A: No.

2 MR. ERVIN: Your Honor, at this time, the State would
3 move for State's Exhibit 4 to be admitted into evidence.

4 MR. LONG: No objection, Your Honor.

5 THE COURT: Without objection, State's 4 is in evidence.

6 STATE'S EXHIBIT NUMBER 4

7 ADMITTED INTO EVIDENCE

8 BY MR. ERVIN:

9 Q: Officer Crews, if I could have you step down. If you
10 would just come show the jury with the marker that you have
11 the route that you took in following this Defendant?

12 A: Just mark on the street?

13 Q: Yes, sir. Okay. So, for the record, you drew a blue
14 line, we'll call that eastbound on Mr. Joe White Avenue and
15 then you took a left onto Ocoola Street?

16 A: Yes.

17 Q: And then another left into the entrance to Sandygate
18 Apartment Building. If you would just draw a blue circle
19 where the Defendant's car came to a stop? If you would draw
20 another line where you saw the Defendant get out of his car
21 and run to? Where did you -- where did you take your car
22 after you saw the Defendant's car

23 A: He just crashed right here. I took my vehicle around the
24 side, right here ---

25 COURT REPORTER: Mr. Ervin, I can't -- I need him -- I

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1 need to see him.

2 THE COURT: How about y'all switch places? Great the
3 witness face the Court Reporter, and keep your voices up,
4 guys.

5 A: Okay.

6 BY MR. ERVIN:

7 Q: So in the videos we will hopefully see here in a minute,
8 the angle from your patrol car is stopped right here?

9 A: Yes.

10 Q: And it's facing this parking lot?

11 A: Yes.

12 Q: Okay. Where did you see the Defendant run, into this
13 breezeway?

14 A: Yeah, there's a breezeway that goes through the building
15 and out to the other side; it's just straight through the
16 building.

17 Q: Where were you able to see the Defendant last in that
18 breezeway when you're going in?

19 A: Going in was right here where he went into the entrance
20 right here.

21 Q: Did you see him come out the other side?

22 A: No. Well, when he was going into the breezeway, I was
23 exiting my vehicle. When I got out of my car and ran this
24 way, I ran right here around some parked cars that were right
25 here, when I looked over here, Officer Neely -- Detective

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1 Neely and Detective Sauls were attempting to take him into
2 custody right here at the entrance right here to the
3 breezeway.

4 Q: Okay. So, did you ever see the Defendant come out of the
5 breezeway?

6 A: No.

7 Q: Thank you. You may go back to the witness stand.

8 *****OFF THE RECORD*****

9 (REPORTER'S NOTE: State's 2 published - not transcribed
10 herein.)

11 (On the Record.)

12 BY MR. ERVIN:

13 Q: Officer Crews, how fast do you estimate the Defendant to
14 be traveling when you were riding down Seaboard Street?

15 A: Excess of 90. I believe I put in my report the speed
16 because on our camera system it showed if we watched on our
17 end the top speed that I looked at and saw that I hit on
18 Seaboard Street.

19 Q: When the Defendant went into Sandycate, ran on foot and
20 ran through the breezeway, did you see him throw anything?

21 A: No, I didn't see him throw anything.

22 Q: Did you see anyone else in that breezeway?

23 A: No, when I ran up, there was somebody trying to come out
24 of a door, and I remember Detective Sauls was yelling at
25 somebody to shut the door and get back inside.

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1 Q: Did you see that person throw two bags onto the ground?

2 A: No.

3 Q: How did you gain possession of the two bags that were
4 recovered?

5 A: They were in the possession of Detective Sauls and then
6 Detective Rhew came up and handed them or put them on the
7 actual hood of my vehicle.

8 Q: Officer Crews, can you explain what a BEST kit is?

9 A: A BEST kit is anything that needs to be submitted to be
10 tested by the chemist.

11 Q: We saw you in the video opening one of the bags that were
12 recovered; why were you doing that?

13 A: There's a -- we have a thing, it's a cocaine swipe kit.
14 Basically if you test it on the powder, the white-powder
15 substance, it turns blue if it's got the presence of cocaine
16 in it. It's a field test kit just to try -- just so we know
17 what to label it as.

18 Q: So, when you gained possession of the two bags from
19 Detective Sauls, what did you do with the two bags?

20 A: Once I tested them on my hood, I threw them in the BEST
21 kit. I didn't seal it, because what I do is I lock them
22 either in my trunk or in my passenger seat just so they're
23 secured in my vehicle. Usually, when I go back to the police
24 department, what I'll do is I'll weigh them and then I'll
25 detail that in my report.

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1 Q: Is the BEST kit sealed when you put the two bags of
2 cocaine in it?

3 A: Yes.

4 Q: How is it sealed?

5 A: You have to basically fold over the, the flap of it.
6 It's kind of like a seal where if you break it, you'll know
7 it's broken.

8 Q: After sealing it, did you write anything on it?

9 A: On the actual kit?

10 Q: Yes.

11 A: On the outside, I believe you write your name or
12 signature on there.

13 Q: Does the BEST kit have a unique number on it?

14 A: Yes.

15 STATE'S EXHIBIT NUMBER 5

16 MARKED FOR IDENTIFICATION

17 Q: What was the number on this BEST kit? I'll hand you
18 what's been marked as State's Exhibit 5 for identification
19 purposes.

20 A: It's gonna be H013193.

21 Q: Where did you put this BEST kit after sealing it on
22 November 30th, 2015?

23 A: I dropped it in the evidence room. There's a slot that
24 the narcotics go into.

25 Q: Is that a secured location?

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- 1 A: Yes.
- 2 Q: Is it locked?
- 3 A: Yes, and there's cameras there, too.
- 4 Q: Who has access to that?
- 5 A: The evidence the property and evidence people that work
6 back there.
- 7 Q: Okay. Do you know who the next person to come into
8 possession of the BEST kit was?
- 9 A: Not to my knowledge.
- 10 Q: When did you relinquish it, that BEST kit to the property
11 and evidence locker?
- 12 A: Once I got -- once I got back to the police department
13 and weighed it just for my report purposes.
- 14 Q: What is the purpose of submitting it to property and
15 evidence?
- 16 A: It goes to the chemist so they can test it and confirm
17 that it is.
- 18 Q: Officer Crews, during the time that this cocaine was in
19 your possession, did you ever do anything to manipulate it in
20 any way other than to field test it?
- 21 A: No.
- 22 Q: When you relinquished possession of the BEST kit to
23 property and evidence, was the seal intact?
- 24 A: Yes.
- 25 Q: Thank you. And just to be clear for the jury, Officer

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1 Crews, this was the cocaine that were in the two bags that you
2 gained possession of from Officer Rhew?

3 A: Yes.

4 Q: And Officer Rhew, to your knowledge, got the possession
5 of the two bags from Officer Sauls?

6 A: Yes.

7 Q: And to your knowledge, Officer Sauls recovered those two
8 bags from the second floor of the apartment building?

9 A: Yeah, after we got him, Neely and Sauls, we got the
10 Defendant handcuffed, Officer Sauls went upstairs to recover
11 them because somebody had told him that they -- or Detective
12 Neely had told him that he had threw them up there, so he went
13 to actually recover it. I think we were in the process of
14 walking him back to my car at that point.

15 Q: I want to ask you about some of the statements that we
16 heard on that video. Again, you reviewed this video, correct?

17 A: Yes.

18 Q: And you initialed that disc. Did you hear the Defendant
19 state anything about possession of those drugs in that video?

20 A: Not possession of it, he was just saying you didn't see
21 me throw that or I didn't throw that.

22 Q: You Mirandized the Defendant, correct?

23 A: Yes.

24 Q: Did you hear the Defendant say in the video something
25 about throwing the bags?

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1 A: On the video we just watched?

2 Q: Yes.

3 A: I heard him say -- they saw me throw that shit.

4 Q: Do you have any other involvement in this case?

5 A: As far as?

6 Q: After the Defendant was arrested and secured, after the
7 drugs were secured, did you have any other involvement in this
8 case?

9 A: Yeah, I transported him to jail and then I went back to
10 the police department, weighed it, finished my initial or my
11 report, and then obtained the warrants for the trafficking
12 cocaine and failure to stop.

13 Q: And you've had to spend a lot of time with me for
14 preparation of this, correct?

15 A: Yes.

16 Q: Thank you, Officer Crews. Please answer the Defense
17 questions.

18 MR. LONG: May I, Your Honor?

19 THE COURT: Yes, sir.

20 CROSS EXAMINATION OF JEREMY CREWS BY MR. LONG:

21 Q: Officer Crews, good morning?

22 A: Good morning.

23 Q: You, when this video begins, this would be that one
24 minute backup that you told the jury about, right?

25 A: Yeah, it's a time period. I know we had a COBAN system

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1 that was a minute, and there was the new system we had just
2 gotten maybe a month before that.

3 Q: Okay. At the time that the video begins, your vehicle
4 appears to be facing northbound on Seaboard Street at the
5 intersection of Seaboard and Pine Island Road; is that
6 correct?

7 A: Yes.

8 Q: At that moment, when you were positioned there, when this
9 video begins, had you made eye contact with David Campbell?

10 A: From a distance. Once I turned onto -- once I made that
11 left turn onto Pine Island, I could see the, their unmarked
12 truck up there in front of -- because they told me the
13 direction that he was heading back, so I could see the truck
14 that they were in up -- it was a good distance ahead.

15 Q: All right. And at that point, it's true isn't it, that
16 you had not seen David Campbell violate the motor vehicle laws
17 in any way?

18 A: No.

19 Q: And in fact, when you then began to drive westbound on
20 Pine Island Road, we do see David Campbell switching from the
21 -- from the driving lane over into the turning lane and then
22 make a right-hand turn onto Oak Forest Lane?

23 A: Yes.

24 Q: Correct?

25 A: Yes.

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1 Q: And then we see him use his right-hand blinker there?

2 A: I need to look at the video.

3 Q: Well, you watched it yesterday and today; you don't
4 remember?

5 A: I'd have to look at it because I've seen it -- I saw it
6 yesterday at an angle and this one I couldn't see.

7 Q: Okay. Did you write David Campbell a citation for not
8 using his right-hand turn signal at that intersection?

9 A: No, when it was called to me, they had already got him on
10 a violation when he made that right -- he made a right-hand
11 turn southbound onto Seaboard Street from Pine Island and they
12 observed him not use a signal. That's why I came up -- was
13 trying to get him ---

14 Q: You put your blue lights on and began to follow David
15 Campbell because another officer contacted you on the radio
16 and told you that he violated the law?

17 A: Yeah, they were behind him when he did not signal, from
18 what they told me.

19 Q: Did they tell you exactly where they were and he was when
20 he didn't use a signal?

21 A: I knew they were behind him because they were giving
22 details of which way he was turning.

23 Q: Do you know if it was, for instance, in the city limits
24 or out in the county?

25 A: It -- that intersection, Pine Island and Seaboard Street,

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1 is the city limits of Myrtle Beach.

2 Q: All right. So, upon the activation of your blue lights,
3 he made that right-hand turn, would that have happened at
4 about the same time because the video begins a minute early --
5 so, when exactly was it that you put your blue lights on in
6 comparison to when he made that right-hand turn off of Pine
7 Island onto Oak Forest Lane?

8 A: When you see the sound kick on, that's -- you'll see
9 there's an L at the top of my screen. That's when you see the
10 lights. When the sound kicks on; that's when the lights kick
11 on.

12 Q: Okay. So, you -- so that would mean, I think, that you
13 turned your lights on once you were on Oak Forest Lane sort of
14 out in front of Costco maybe, correct?

15 A: No, not Costco, almost directly beside Best Buy, that's
16 when you --

17 Q: Okay. All right.

18 A: Yeah, Best Buy is the first one.

19 Q: That's about when you turned your blue lights on?

20 A: Yes.

21 Q: Okay. And then, okay, so fast forward to Sandygate?

22 A: Okay.

23 Q: Do you know -- what do you know about Sandygate Village;
24 what is that?

25 A: It's just like an apartment complex.

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- 1 Q: Okay. How long did you work for the Horry County Police?
- 2 A: Nine years.
- 3 Q: Did you ever work for Myrtle Beach?
- 4 A: Yes, I worked for Myrtle Beach.
- 5 Q: How long did you work for them?
- 6 A: About a year and three months.
- 7 Q: Okay. And when -- we talked about, I hear police
- 8 officers talk, especially from witness stands, they talk about
- 9 high drug traffic areas. In your experience with the county
- 10 and especially with the city, since Sandygate is in the city,
- 11 isn't that area -- this area here considered to be -- what the
- 12 police consider to be a high drug traffic area?
- 13 A: With my experience with the city, I think I made one drug
- 14 case out of there; that was the extent of it.
- 15 Q: Okay. And we're talking about this section here that
- 16 includes Dick's Pawn Shop, Street Reach Ministries and then
- 17 Sandygate?
- 18 A: Yes.
- 19 Q: Right off from Mr. Joe White?
- 20 A: Yes.
- 21 Q: Did you ever work in narcotics or you just always been in
- 22 patrol?
- 23 A: The Street Crimes Division with the county was under
- 24 narcotics.
- 25 Q: Okay. And then you say you came up into Sandygate, you

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1 saw David's vehicle incapacitated, saw David running on foot?

2 A: Yes.

3 Q: You went to chase him and then you apprehended him; is
4 that correct?

5 A: When I came around the side of the building, you hear me
6 key up -- I think I said running in the alley, maybe as quick
7 because I was trying to throw my car in park and get out
8 because I saw him run into the breezeway of the actual
9 building.

10 Q: Okay. What about your body camera?

11 A: Uh-huh (affirmative response)

12 Q: Was it on?

13 A: I don't remember if I activated it. We had just got
14 those and you -- basically what you'd have to do is hit the
15 button twice to activate it. I don't know if it was before or
16 during the actual chase that I activated it.

17 Q: So it was your person?

18 A: It was on me, yes.

19 Q: But we don't know if it was running or recording?

20 A: No, I don't know.

21 Q: We know for a fact that you did not turn in a recording
22 to the Solicitor's office, correct?

23 A: Yeah, no.

24 Q: So if you did record, it didn't make it into their file?

25 A: Yes. Yeah.

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1 Q: What was the policy on that at the time; were you
2 supposed to be recording?

3 A: I think when we were -- to do a traffic stop, we were
4 supposed to hit it, but, you know, once I activated my blue
5 lights, he accelerated to a high rate of speed, and honestly
6 that's probably the last thing I thought about at that point.

7 Q: Okay. And you just gave a reason why you did not record,
8 so is it your position that you did not record now or that
9 you're not sure if you did?

10 A: I'm not sure if I did.

11 Q: Okay. And, and either -- the camera from your vehicle --
12 at the point where you stop your vehicle and you decide to
13 chase on foot, the cameras shooting out the front of your car,
14 correct?

15 A: Uh-huh (affirmative response)

16 Q: And you run around the front of your car and we don't see
17 you anymore?

18 A: Yes.

19 Q: If you had your body camera working, would we have seen
20 David Campbell running out in front of you?

21 A: No, because when I came -- I took like a wider step
22 because I didn't know if -- knowing that building and how the
23 breezeway went through, I, you know, I run in that wide angle
24 -- I thought he might try to take off through the breezeway,
25 so I kind of took a wide angle. As I got around the front of

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1 that vehicle, I looked to the right of the breezeway and
2 that's when Detective Sauls and Neely were getting him
3 detained at that point.

4 Q: All right. So then when you turned to, to face Sauls and
5 Neely and David Campbell, we would've seen that on video?

6 A: Yes.

7 Q: All right. Once you -- it sounds like y'all went through
8 his pockets. I heard something about how much money do you
9 have, I put your money back in your pocket; is that correct?

10 A: Yeah, I was searching him before placing him in my
11 vehicle.

12 Q: Did you find anything anywhere on his person that was
13 caused you any concern; a weapon, drugs, paraphernalia,
14 anything like that?

15 A: No, I mean, if I do, I take it, but the only thing I
16 would keep in the front of my car would probably be like a
17 lighter or something like that just out of his pockets.

18 Q: It must not have been a large amount of money; is that
19 correct?

20 A: No, it was not a large amount of money.

21 Q: If it was a large amount, we'd probably know about it,
22 correct?

23 A: We would've seized it.

24 Q: Right. And then I also noticed that once you searched
25 him and found nothing, you took him into custody, you put him

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1 in your vehicle, you then moved your vehicle back around to
2 where he had his accident in his car, correct?

3 A: Yes.

4 Q: And I see, maybe not you, but I see several officers
5 searching his vehicle, correct?

6 A: Yes.

7 Q: Do you know if they got -- did they have any results; did
8 they find anything of concern, any weapons, or any drugs or
9 any large amount of money in his vehicle?

10 A: No, there was nothing in the vehicle.

11 Q: Was the vehicle searched again once it got back to the
12 police department?

13 A: I don't -- we didn't tow it to the police department; it
14 was towed by a wrecker on rotation.

15 Q: Okay. And we see on the hood of the car two separate
16 plastic bags laying on the hood on the car, they seemed to be
17 tied up in a knot because you untied the knot in fact, to do
18 your field test, correct?

19 A: Yes.

20 Q: And for the jury's sake, a field test is something that
21 y'all just kind of dip in there and determine whether or not
22 it's got drugs in the bag; is that correct?

23 A: It is. Because it's a white-powder substance, we grabbed
24 a cocaine swipe. You can either dip in there and touch the
25 powder substance or you can take some out with an object and

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1 swipe it across it and it'll turn blue with the presence of
2 cocaine.

3 Q: Okay. And then so when you went to do that, it was --
4 clearly, there were two separate bags, right?

5 A: Yes.

6 Q: This big bag is the bag that you put everything in and
7 then these bags that are bags inside here that were a part of
8 that as well; is that correct?

9 A: Yes.

10 Q: In fact, if I can approach the witness, Your Honor?

11 THE COURT: Yes, sir.

12 BY MR. LONG:

13 Q: These rectangle bags inside this big bag with the red
14 ziplock, there's three of them, those were not part of what
15 was on the hood of your car?

16 A: No, what we had was two basically like sandwich baggies
17 that were -- had a white-powder substance and they were tied
18 up with a knot.

19 Q: Correct, and I see in here where the two sandwich baggies
20 of kinda -- I guess they're busted open and all the powder is
21 loose inside your bag, correct?

22 A: Inside.

23 Q: So, the bags are broken?

24 A: Yeah.

25 Q: Did you do that or did it come back that way from

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1 testing?

2 A: That would be from the chemist; that wouldn't be from me.

3 Q: So you tested them, you tied the knots back, and you put
4 them inside here?

5 A: Yes.

6 Q: And you put them inside there?

7 A: Yeah.

8 Q: And you put them inside here?

9 A: No, I didn't put them in this; this is not ---

10 Q: Okay.

11 A: I would've just dropped them in there to make sure they
12 were secured. I would've put them -- just dropped the two
13 sandwich baggies that were knotted, I would put them in that
14 blue -- this is a sealed envelope.

15 Q: The blue envelope?

16 A: Yeah, and then it has the red seal that you fold over and
17 seal.

18 Q: Okay. And you weighed -- you went back to the department
19 and you weighed the blue bag that contained the two sandwich
20 bags that contained the white powder, correct?

21 A: No, I would weigh the sandwich baggie because when I put
22 that in my car, you see me drop them in there, I didn't seal
23 it. I secure it in my vehicle. I go back and I'll go weigh
24 each individual baggie before I submit in that BEST kit.

25 Q: Okay. So you tied the sandwich baggies back in knots,

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- 1 you dropped them in the BEST evidence bag but did not seal it?
- 2 A: Did not seal it, secured it in my vehicle.
- 3 Q: And then drove it back to Conway?
- 4 A: Uh-huh (affirmative response)
- 5 Q: To the Horry County Police Department unsealed?
- 6 A: Uh-huh (affirmative response)
- 7 Q: And then carried it inside unsealed?
- 8 A: Uh-huh (affirmative response)
- 9 Q: And at some point, weighed it?
- 10 A: Yes.
- 11 Q: And then sealed it?
- 12 A: Yeah, I had to do the paperwork and drop that in there to
13 seal it, yeah.
- 14 Q: Okay. And do you recall -- in your process of weighing
15 that, do you recall what the -- what your combined weight was?
- 16 A: I'd have to see my initial report that I wrote.
- 17 Q: You're welcome to. Here, I tell you what, I'll show you
18 my copy of your initial report if that'll help. And I'll tell
19 you what I'll do, I'll ask the question so you can just agree
20 or disagree with me. It says here in your report that one bag
21 was 6.4 grams and the other 7 grams for a total of 13.4 grams;
22 is that correct?
- 23 A: Yes.
- 24 Q: So the weight that you got when you did this weigh and
25 you put it in this report, that's correct?

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1 A: Yes.

2 Q: When did you do this report -- how closely after that,
3 did you do this report?

4 A: I did it that shift.

5 Q: Okay. And, and so before you clocked out, clocked out
6 and went home, you actually sat down and typed out this
7 report?

8 A: Yeah, because at the -- this right here, the report of
9 investigation, I submitted to a case file, is just a copy of
10 my actual incident report that's on our system.

11 Q: Okay. Now, as part of arresting David Campbell, you
12 probably ran an NCIC check on him -- in other words, to check
13 and see if he had any outstanding warrants?

14 A: Yes.

15 Q: Did he?

16 A: Not, I don't remember if I did or not -- I don't remember
17 if he had any warrants.

18 Q: Okay. Well, so would it surprise you to know that in
19 fact as you put your blue lights on behind him and he began to
20 run from you, he was wanted by the Horry County Police?

21 A: Did I put that -- if I put that in the report, I would
22 have had it in there.

23 Q: You did not.

24 A: Okay.

25 Q: It's not in your report but ---

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1 MR. ERVIN: Your Honor, objection, it is in the report.

2 MR. LONG: Oh, okay. Well, I ---

3 THE COURT: I think the report speaks for itself; the
4 report speaks for itself.

5 BY MR. LONG:

6 Q: So, again, in your report, it indicates that he was --
7 there was outstanding warrant for David Campbell. So, you
8 would agree with me that as you were chasing him down the
9 road, he had a warrant out for him?

10 A: If that -- yeah, that would be the case.

11 Q: Okay. Now, after you sealed the bag, then you what,
12 burned a copy of that disc?

13 A: The -- we have 10 days to submit the case file. I
14 would've done that case file with that report of
15 investigations and burned a copy within 10 days.

16 Q: All right. Do you direct -- now, so once you do this,
17 fill it out and submit to who; who do you send this to?

18 A: I drop it in property and evidence and it's obviously
19 disbursed to the chemist who can test it.

20 Q: Okay. Who makes the decision on what kind of tests and
21 what kind of forensics and what type of procedures will be
22 done with a bag containing drugs like this.

23 MR. ERVIN: Your Honor, objection. I don't think this
24 witness is qualified to answer that.

25 THE COURT: I mean, if he knows, but if he doesn't, he

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1 can just say he's doesn't -- he's not aware.

2 A: I wouldn't know the answer to that.

3 BY MR. LONG:

4 Q: Let -- let's -- let me give you a hypothetical. If you
5 found a Coca Cola can in -- in a vehicle -- you stopped a
6 vehicle and you found Coca Cola can and you thought that that
7 Coca Cola can may have evidence on it, would you have the
8 ability to ask someone to fingerprint or do DNA analysis on
9 that Coca Cola can?

10 A: It'd probably have to depend on the circumstances of what
11 it's for.

12 Q: All right. Who would you ask to do that for you?

13 A: You could ask crime scene.

14 Q: Okay. So, if you felt like -- like it could yield some
15 results from an investigation by actually testing that, you
16 could ask someone there at the department or maybe send it to
17 SLED in Columbia; is that a possibility?

18 A: With those bags?

19 Q: With anything, any piece of evidence?

20 A: Yeah, you could. You could ask crime scene.

21 Q: Okay. Okay. Does crime scene -- crime scene does
22 fingerprinting?

23 A: Yes.

24 Q: Does crime scene do touch DNA testing?

25 A: I don't know the extent of that.

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JEREMY CREWS - REDIRECT BY ERVIN

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1 Q: Does SLED?

2 A: I don't know the extent of that either.

3 Q: Do you know what touch DNA is?

4 A: Not exactly.

5 Q: That's all I have. Thank you.

6 THE COURT: Anything on redirect?

7 REDIRECT EXAMINATION OF JEREMY CREWS BY MR. ERVIN:

8 Q: Officer Crews, just to clear a few things up that Mr.

9 Long asked you. Was part of your duty when you were on street
10 crimes to conduct traffic stops in your marked patrol car for
11 plainclothes officers who were in an unmarked vehicle?

12 A: Yes.

13 Q: And Mr. Long asked you about Sandysgate being a high
14 crime, high drug, drug trafficking area. In your training and
15 experience, would it make sense for this Defendant to go to
16 that exact area and throw drugs that he had on his person?

17 A: Would it -- how do you mean by that?

18 Q: We'll come back to that.

19 A: Okay.

20 Q: As far as the reason -- reason for not recording on your
21 body cam, is it true that this Defendant hit a parked car at a
22 stop light?

23 MR. LONG: Your Honor, he's lead him a couple of times; I
24 would object to him leading.

25 THE COURT: Sustained.

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1 BY MR. ERVIN:

2 Q: How fast was this Defendant going down the street?

3 A: Down Seaboard, in excess of 90, I believe. I put the top
4 speed in my investigation report that I -- that I hit.

5 Q: Did he get out of his car and run from you on foot?

6 A: Yes.

7 Q: In all that excitement and action, did you really think
8 to turn your body cam on?

9 A: No, because once I activated my blue lights, you can see
10 he initially took off at a high rate of speed.

11 Q: Even if you would have activated the body cam, would it
12 have shown this Defendant throwing the drugs on the second
13 floor of that apartment building?

14 A: No.

15 Q: By the time you got to the Defendant, he had already
16 thrown the drugs?

17 A: Yes.

18 Q: As far as the BEST kit or the BEST kit being unsealed
19 during your transport of that to the police department, was
20 the BEST kit in your care and custody the whole time?

21 A: Yes.

22 Q: Did you do anything to manipulate it?

23 A: No.

24 Q: And Mr. Long asked you about the field weight, 13.4
25 grams?

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1 A: Uh-huh (affirmative response)

2 Q: That's not the actual lab weight that would register on a
3 drug report?

4 A: No, that is each individual baggie. As I got it, I
5 weighed each one.

6 Q: With the bags?

7 A: Yeah.

8 Q: And lastly, as far as the fingerprints, did you feel it
9 necessary to fingerprint these bags?

10 A: No, I've never done that.

11 Q: Why would it not be necessary to fingerprint these bags?

12 A: One of our detectives saw him actually throw the
13 narcotics?

14 Q: Thank you, Officer Crews.

15 MR. LONG: Just a couple.

16 RECROSS EXAMINATION OF JEREMY CREWS BY MR. LONG:

17 Q: Officer, what about the -- what about Sauls and Neely,
18 did their body cams catch -- depict David Campbell throwing
19 anything?

20 A: I don't think they were wearing body cams at that time.

21 Q: They weren't wearing body cams?

22 A: No.

23 Q: And the department was under -- they work for Horry
24 County Police as well, correct?

25 A: Yes.

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1 Q: And they were not required to wear body cams?

2 A: They worked in the ATF task force. I know narcotics, the
3 narcotic, when I left, the narcotic division wasn't required
4 to have any kind of body cams at that point, so I assume they
5 were still under that same part.

6 Q: Okay. And, and you charged David Campbell with
7 possession of these drugs, correct?

8 A: Yes.

9 Q: But these drugs were not found on his possession?

10 A: Uh-huh (affirmative response)

11 Q: So, wouldn't it be helpful to this jury to see if David
12 Campbell ever touched these drugs by fingerprinting them?

13 A: Not if there's an officer with my department that
14 visually saw him throw them onto the second floor balcony.

15 Q: So, you just decided not to ask somebody to fingerprint
16 them?

17 A: Yeah, I have never had anybody fingerprint any kind of
18 baggies, drugs-wise, anything like that.

19 Q: Well, we're talking David Campbell; we're not talking
20 about never. Again, you would agree with me that it would be
21 helpful to know whether or not he touched these bags?

22 A: I -- you know, when I -- we had an officer with our
23 department that visually saw him take those two bags and throw
24 them onto the second floor balcony.

25 Q: That's all I have.

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JEREMY NEELY - DIRECT BY ERVIN

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1 MR. ERVIN: Nothing further, Your Honor.

2 THE COURT: Thank you very much, sir, you may step down.

3 MR. ERVIN: Your Honor, I would reserve the right to call
4 Officer Crews, if necessary, in rebuttal.

5 THE COURT: Sure.

6 Mr. ERVIN: The State calls Jeremy Neely?

7 CLERK: Please raise your right.

8 JEREMY NEELY, HAVING BEEN SWORN TESTIFIED

9 AS FOLLOWS:

10 CLERK: Please state your full name and spell your first
11 and last name for the Court.

12 MR. NEELY: My name is Jeremy Neely; J-E-R-E-M-Y, my last
13 name is spelled N-E-E-L-Y.

14 DIRECT EXAMINATION OF JEREMY NEELY BY MR. ERVIN:

15 Q: Good morning, Officer Neely?

16 A: Good morning.

17 Q: I'll call you Detective Neely; I've been calling you the
18 wrong thing all along?

19 A: That's all right.

20 Q: Detective Neely, can you tell the jury your law
21 enforcement background?

22 A: Yes, I've been with the Horry County Police Department a
23 total of 10 years. I also served as a deputy in the Crook
24 County Sheriff's office in Prineville, Oregon for two years.

25 Q: How long have you been with Horry County?

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JEREMY NEELY - DIRECT BY ERVIN

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1 A: A total of 10 years.

2 Q: Do you have any special training and/or certifications?

3 A: I do. I have attended the South Carolina ACE narcotics
4 class. I've also attended the DEA investigators narcotics
5 class. There's been other -- several other smaller classes
6 that I've attended. I've also been a detective in the
7 narcotics division for a total of five years. During that,
8 I've been lead investigator in several narcotics
9 investigations.

10 Q: What's your current duty assignment?

11 A: I'm a detective assigned to the ATF Violent Crime Gang
12 Task Force with the Horry County Police Department.

13 Q: Detective Neely, what was your position on November 30th,
14 2015?

15 A: I was assigned to the ATF Violent Crime and Gang Task
16 Force as rank of detective.

17 Q: And you have -- did you have occasion to become involved
18 in the case against this Defendant, David Campbell?

19 A: I did.

20 Q: What was that involvement?

21 A: We initially -- well, I say we, myself, Detective Rhew
22 and Detective Sauls at the time, were investigating ---

23 MR. LONG: Your Honor, I would object at this moment.
24 We might have a matter to take outside the presence of the
25 jury.

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BY THE COURT

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1 THE COURT: All right. Ladies and gentlemen, let me get
2 you to step back at the jury room. Let me take up this matter
3 of law and I'll bring you back out.

4 Please have no conversation about the case. If you need
5 anything, just let the bailiff know.

6 (REPORTER'S NOTE: Jury exits courtroom. 11:06 A.M. The
7 following takes place outside the presence of the Jury.)

8 BY THE COURT:

9 THE COURT: Yes, sir.

10 MR. LONG: Thank you, Judge. I anticipate that
11 Detective Neely wanted to say that he and his other two
12 colleagues were investigating a house in Socastee and they
13 came up on the house and they saw David Campbell backed in. I
14 would object to any of that. It's irrelevant to the case
15 itself. This is a -- this is a traffic signal case. They
16 made clear that that's what it is. I think it would be
17 prejudicial for any of that before they are behind David
18 Campbell and see him commit a traffic offense. I think that's
19 prejudicial, super-prejudicial in this case and we would
20 object to the admission of any of that.

21 MR. ERVIN: Your Honor, I think it goes to the res gestae
22 of the State's case. And frankly, it would clear it up with
23 the jury why ATF Gang Task Force members are involved in a
24 traffic stop and it's necessary to call a uniformed police
25 officer. I don't intend to say that they were watching Mr.

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1 Campbell specifically, but I feel that the State needs to go
2 into some kind of background into that for res gestae
3 purposes.

4 THE COURT: All right. I'm gonna allow it. I think it -
5 - I think it is relevant. Again, if I -- and I'm reflecting
6 back to yesterday's testimony and so -- and so I don't think
7 this would be the testimony, but I don't believe that Mr.
8 Campbell was the target of any investigation, nothing like
9 that.

10 MR ERVIN: No, sir, and I don't intend to elicit that
11 from any of my witnesses.

12 THE COURT: All right. I'll let you -- I'll allow you to
13 go into how these officers got involved with Mr. Campbell's
14 situation.

15 MR. ERVIN: Thank you, Judge.

16 THE COURT: All right.

17 MR. LONG: Your Honor, if I might, and I know when the
18 Judge rules, you shut up and sit down.

19 THE COURT: No, sir; go ahead.

20 MR. LONG: But the, the -- in essence, these officers
21 had the -- if they felt like there was a reason or they had a
22 reasonable suspicion to stop David Campbell based on what they
23 saw at this place that they were investigating, they didn't do
24 that. And then secondly, they allegedly followed behind him
25 and saw him commit a traffic offense and they didn't even stop

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1 him for that. They passed it on to someone else. Therefore,
2 I think they chose to make -- everything before that is
3 irrelevant. Had they gone on through with what they were
4 doing, it may be relevant, but at the moment where they said,
5 you know what, he committed a traffic offense, they passed it
6 off to somebody else.

7 THE COURT: But that -- but they're involved in Officer
8 Crews getting involved in this case, and to not be able to
9 explain why they called Crews -- and they explained yesterday
10 during the -- I think it was Officer Rhew testified that
11 they're working undercover, so as not to blow their cover,
12 they get a marked unit, and all that's relevant as to why
13 they're involved in this to begin with, why they're -- I
14 believe it was Officer Neely was the first one to make contact
15 with the Defendant on foot.

16 MR. LONG: I agree, that he's -- it's certainly relevant
17 and his testimony is relevant and I think that the explanation
18 of why they got -- why they didn't want to put the blue lights
19 on David Campbell because they're undercover officers and
20 passed it on to another officer for this traffic violation;
21 that's relevant too. But the down in Socastee under a
22 narcotics investigation and see David Campbell pull into the
23 place and back up and leave is not relevant and prejudicial
24 and harmful. It's not related to the case one bit. He's not
25 -- they haven't accused that he purchased drugs at that place.

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BY THE COURT

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1 They did not see anything that they felt was suspicious enough
2 to stop him and search him. Therefore, I believe that all of
3 the concerns that you raised are answered with the same
4 answer. They were in an unmarked car and they needed a marked
5 car to pull him over for the traffic violation; that's an
6 explanation. That's the explanation that they gave. The
7 whole -- the whole process and the investigation in Socastee
8 beforehand is irrelevant and, Judge, they made it irrelevant
9 themselves. They didn't put it in our report. I didn't even
10 get it in discovery. I had to learn about it yesterday. So
11 we would object to it.

12 THE COURT: How far are you going into that, that
13 situation?

14 MR. ERVIN: Your Honor, I only intend to ask Officer
15 Neely what his involvement was, where they were, they were
16 watching a house, they saw the Defendant leave there and they
17 followed him for a little while. And Your Honor knows the
18 case law is clear a pretext for a stop is irrelevant, which
19 suggests the intention of these officers is irrelevant in a
20 probable cause -- they had probable cause when they saw a
21 traffic violation, which is when the ---

22 THE COURT: Well, and that -- exactly. So, I'm gonna
23 allow it. I note your exception to that.

24 MR. LONG: Thank you, Your Honor.

25 THE COURT: Why don't we just take a break while the jury

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1 is out. We'll start back in a couple of minutes.

2 **(RECESS - 11:12 A.M.)**

3 *******OFF THE RECORD*******

4 **(On the Record - 11:20 A.M.)**

5 THE COURT: Thank you, folks. Please have a seat.

6 MR. MARTIN: Judge, before you bring the jury back, can
7 we be clear exactly what testimony they're going to elicit
8 from this officer about what happened in Socastee just so we
9 can prevent any objections in front of the jury that we may
10 have, because I don't know what he's gonna say?

11 THE COURT: I assume it's gonna -- well, I shouldn't
12 assume. Why don't we do that?

13 MR. ERVIN: I don't want to speak for Detective Neely,
14 but they were in Socastee responding to a narcotics complaint
15 in a known drug area and they saw this Defendant exhibit
16 behaviors that required further investigation.

17 THE COURT: Backing up to the -- to that residence where
18 the complaint came from?

19 MR. ERVIN: Yes, sir.

20 MR. MARTIN: Well, again, that, you know, when -- my
21 concern was if he's gonna say that he was in a known drug
22 area. If he says he was investigating a complaint and stops
23 at that, then I don't know that I've got any further
24 objections.

25 MR. ERVIN: I think we can settle with a narcotics

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1 complaint.

2 THE COURT: Sure. I mean, that's what gets them
3 involved.

4 MR. ERVIN: Yes, sir.

5 THE COURT: They're not gonna ---

6 MR. MARTIN: Well, let me just put this on the record,
7 then we'll move forward. We object to this line of testimony,
8 anything that goes past the we pulled him over for a traffic
9 violation, because under Rule 602 is there's no foundation on
10 why they would have done that. It's speculative. It assumes
11 facts not into evidence that this is a narcotics violation
12 that they were arresting and that it brings into question
13 hearsay. Where did they get information or the complaint.
14 So, all of that prior to the traffic stop, we would object to
15 it as being in violation of Rule 602 as being speculative and
16 being more prejudicial than probative, and that's it.

17 THE COURT: All right. My understanding is these
18 undercover narcotic agents -- and there's a reason -- the
19 reason I find that it's relevant in the presentation of the
20 case is undercover narcotic agents aren't gonna, as they're
21 driving down the road, call and get assistance because
22 somebody didn't turn on their signal. There's got to be some
23 explanation of why they are involved in this matter. And now,
24 I agree and I think the State's gonna comply with not trying
25 to over-hype it as a high drug area and, and he had no

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1 business being in there and all that stuff, but they were
2 responding a narcotics complaint.

3 MR. MARTIN: Well, Judge ---

4 THE COURT: As a matter of fact -- as a matter of fact,
5 why they can't be there just responding to a complaint?

6 MR. ERVIN: Well, I was -- I think that again, the res
7 gestae, the narcotics needs to be included in there because
8 that's what they do, and I'll stop at narcotics complaint. We
9 don't need to talk about a known drug area or high crime area
10 or anything like that. I don't ---

11 THE COURT: All right. And then of course, I'm gonna
12 give you whatever leeway on cross obviously.

13 MR. MARTIN: Okay. Well, lastly on the record, because
14 I don't want to belabor it right on, but as the basis of the
15 objection, it is the fact that they have -- if I understand
16 the law correctly, they have the right, if there's some -- in
17 situations, if they see somebody in a known drug house, a
18 known drug area, they have the right to stop a car based on
19 reasonable suspicion and/or probable cause to investigate. If
20 they do that, okay. In this case, they did not do that; they
21 did not. For whatever reason, they wait for a traffic
22 violation. And I believe in as much as that's the case, then
23 the other should be excluded.

24 THE COURT: Okay. And I'll certainly every leeway on
25 cross examining them as to that issue.

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1 All right. Let's bring the jury back in.

2 MR. LONG: Judge, my client stepped out.

3 THE COURT: I'm sorry, I forgot.

4 MR. LONG: I'm sorry. He asked me if he had time to get
5 a quick smoke and I said maybe real quick. So, that's where
6 he went.

7 THE COURT: All right. Let's just see if we can find
8 somebody to bring him back.

9 MR. LONG: There he goes.

10 THE COURT: That's fine. All right. Mr. Campbell is
11 back.

12 We'll go ahead and bring the jury in.

13 (REPORTER'S NOTE: Jury enters courtroom. 11:26 A.M.)

14 THE COURT: All right, ladies and gentlemen, thank you
15 for that courtesy. We'll proceed with the State's
16 examination.

17 MR. ERVIN: Thank you, Your Honor.

18 BY MR. ERVIN:

19 Q: Detective Neely, we were getting to the line of
20 questioning about your involvement in this case.

21 A: Yes, sir. Myself and the other detectives that I
22 previously mentioned were in the Socastee area, more
23 specifically Ranchette Circle, investigating recent narcotics
24 complaints.

25 Q: Did you see this Defendant there?

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JEREMY NEELY - DIRECT BY ERVIN

1 A: I did. When we had pulled into the Ranchette Circle
2 area, if you're familiar with it, it is literally a circle.
3 When we had pulled in, we had observed the Defendant in his
4 vehicle backed into a driveway. As we had completed the
5 circle, the Defendant was still backed into that same
6 driveway. As we passed, the Defendant then we kind of saw him
7 sitting in the vehicle. He saw us and then pulled out behind
8 us and left the area, which is behavior that would draw our
9 attention.

10 Q: At that point, did you get behind the Defendant's
11 vehicle?

12 A: We did.

13 Q: Where did you go?

14 A: We went out onto Socastee Boulevard and then to 17 By-
15 pass northbound.

16 Q: Did you -- did you observe the Defendant commit any
17 traffic violations?

18 A: I did. I observed the Defendant -- the only traffic
19 violation that I observed the Defendant make was making a
20 right-hand turn from Pine Island onto Seaboard Street; it was
21 failure to signal was the violation.

22 Q: At some point, did you get Officer Jeremy Crews involved
23 in his marked unit?

24 A: We did. Once we observed the -- let me back up. Once we
25 observed the Defendant -- it's common practice for us to try

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1 and found out where everybody's at in case something happens.
2 We're a small unit. We like to make sure everybody's in the
3 same area. So, I believe we did contact the street crimes
4 units to kind of see where, you know, they were located, the
5 general area. At which point, when we observed the violation
6 made by the Defendant, we contacted Jeremy and requested his
7 presence there to conduct the traffic stop.

8 Q: Okay. Where did you -- at what point did you get behind
9 the Defendant's car as Officer Crews was behind him and his
10 lights and siren were activated?

11 A: Once Officer Crews made the right-hand turn behind the
12 Defendant, I believe, if I'm not mistaken that's Pine Island
13 -- I'm not exactly sure -- but once the Defendant made the
14 right-hand turn and Jeremy made the -- or Officer Crews made
15 the right-hand turn, we then fell in behind them. Officer
16 Crews' blue lights were activated. At which point, we could
17 actually visually and audibly hear the Defendant speed up and
18 attempt to evade Officer Crews. We activated our lights and
19 sirens at the time and followed with Officer Crews as backup.

20 Q: Where were you when your lights and siren were activated?

21 A: We had just turned in behind Officer Crews. I'm not
22 familiar -- I don't -- I'm not sure of the exact name of the
23 road, but we had turned in behind Officer Crews as he began
24 his pursuit.

25 Q: Detective Neely, you were present here when the video of

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1 Officer Crews' in-car camera was published to the jury,
2 correct?

3 A: Yes.

4 Q: Did you see this Defendant hit the parked car at the
5 stoplight at Seaboard and Oak Forest?

6 A: I did.

7 Q: Were you behind them at that point?

8 A: Yes.

9 Q: And your lights and siren were activated?

10 A: Yes, Detective Crews' lights and sirens were activated; I
11 was in the passenger seat.

12 Q: Okay. And you went down Seaboard Street?

13 A: Yes.

14 Q: Where did you go after that?

15 A: The exact travel, I don't know. I know once we went
16 through Seaboard Street, I know that he had made a right onto
17 10th Avenue. And then at that point, we had kinda of fallen
18 back a little bit from, from Jeremy just because they were at
19 a high rate of speed on Seaboard. I did observe Jeremy go
20 through the parking lot or Officer Crews go through the
21 parking lot and attempt to get out onto 10th Avenue or Mr. Joe
22 White. We came around the -- through the intersection itself.
23 We did not go through the parking lot. At which point, we saw
24 the Defendant as well as Officer Crews make the left on
25 Ocoola, and we followed them into the apartment complex. As

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1 we were coming down Ocoola, the Defendant had just hit -- I
2 don't know if it was the curb or the ditch right there at the
3 entrance to the apartment complex causing him to lose control
4 of his vehicle, and we followed right in behind.

5 Q: Did you see the Defendant exit his car and run on foot?

6 A: I did not see him exit his vehicle. However, as we made
7 the turn into the apartment complex, I did observe the
8 Defendant running around the corner of the building and
9 Officer Crews driving his vehicle back behind that building.

10 Q: I'm gonna have you step down and look at State's Exhibit
11 4. If you would indicate your route that were at the
12 apartment complex for the jury. And just for the record, you
13 are using a red pen.

14 A: Once we entered the apartment complex, like I said from
15 Ocoola, the Defendant lost control and wrecked his vehicle
16 right here. Our vehicle was parked approximately here. I saw
17 the Defendant go around this corner of the building as well as
18 Jeremy, or Officer Crews, drive his vehicle back behind the
19 building itself. At which point, I exited the vehicle. I
20 made a line for the breezeway, which is basically right here
21 in the middle of the building, in an effort to cut the
22 Defendant off. I didn't want to follow behind him because I
23 knew that he was either going to either cut through the
24 building here or through the breezeway; that was his only two
25 options. So, in an attempt to cut him off, I traveled to

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1 right here. At which point, the Defendant exited the
2 breezeway. We came face to face and kind of had that
3 recognition moment.

4 Q: How close were you to him when you made eye contact with
5 him?

6 A: I was approximate -- when we met each other, I was about
7 from me to you; so that's probably what, six or seven feet.

8 Q: Okay.

9 A: At which time, the Defendant stopped, turned around and
10 ran back through the breezeway in the same way that he had
11 just come. So, back towards Officer Crews. While doing so,
12 in this breezeway is where the Defendant discarded the
13 narcotics.

14 Q: And you were the one that saw that?

15 A: I was.

16 Q: Can you draw a little circle about where you were when
17 you observed him throw the drugs?

18 A: Yes, the breezeway cuts through here. We were -- we had
19 just -- or I had just entered the breezeway. So, in this area
20 right here is where I -- the balcony runs this way. And so as
21 the Defendant was running through, I saw his right arm go up,
22 I watched the -- what appeared to be a plastic baggie with a
23 white substance in it. I actually saw -- the way it was tied,
24 it looked kind of like it had a tail, fly up over the balcony
25 and landing somewhere up there. At that point, we had gone

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1 past -- under the balcony and I had put my hands on and detained
2 the Defendant right in this area here.

3 Q: So, again, how close were you to the Defendant when you
4 saw him throw the baggie?

5 A: When he through the narcotics, I was no more than five or
6 six feet from him, because immediately following that, when we
7 exited through -- our momentum carried us through the
8 breezeway, I was able to detain him.

9 Q: Was it well-lit in that breezeway?

10 A: Absolutely, it was in the middle of the day; so, I could
11 see everything.

12 Q: Was there anybody else in that breezeway?

13 A: No.

14 Q: You're absolutely certain you saw nobody else in that
15 breezeway?

16 A: I'm positive. As we ran through, the bottom was clear,
17 and the top, I could -- when I watched -- when I watched him
18 throw it or the narcotics up, I actually followed it with my
19 eyes to kind of keep track of it and there was nobody on top.

20 Q: And you indicated that you finally got a hold of the
21 Defendant and did secure and arrest him at the original
22 entrance where he first came in?

23 A: Yes, he originally had gone through this entrance. When
24 he saw me, he turned around and went back through. I was able
25 to detain him right here. It was just -- just before -- you

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1 can see where these cars were parked right here, it was just
2 before these cars. We were kind of like down right next to
3 where those vehicles would be.

4 Q: If you would mark an X on -- at the point that you made
5 that arrest for the jury?

6 That's all the questions I have with respect to the map.
7 Thank you.

8 (REPORTER'S NOTE: Witness returns to witness box.)

9 Q: So, when you arrested Mr. Campbell, who else was present
10 with you?

11 A: Detective Sauls had come up behind me as I was taking the
12 Defendant into custody. Jeremy or Officer Crews -- I
13 apologize for keep using his first name -- but Officer Crews
14 had come around the vehicles in the parking lot and he was
15 actually headed -- I could kind of see him in my peripheral
16 vision headed towards me as I had, you know, as I was taking
17 control of the Defendant.

18 Q: Let me ask you about body cams?

19 A: Okay.

20 Q: Were y'all equipped with body cams on November 30th,
21 2015?

22 A: No, we were not.

23 Q: Why not?

24 A: We are a plainclothes unit and county policy at the time
25 did not require that undercover units wear body cams on day-

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- 1 to-day operations. For obvious reasons, it's very difficult
2 for us to maintain a cover if we have a camera on our chest.
3 So, the county police did not require us to wear one.
- 4 Q: Okay. So therefore, there would be no other evidence to
5 turn into my office or these two attorneys?
- 6 A: No.
- 7 Q: As far as body cameras go, correct?
- 8 A: No.
- 9 Q: You were in the courtroom when we watched the video,
10 right?
- 11 A: Yes.
- 12 Q: Do you recall hearing yourself as you were chasing this
13 Defendant, if you said anything on that video?
- 14 A: I did.
- 15 Q: What was that?
- 16 A: As we were going through the breezeway and I observed the
17 Defendant throw the narcotics, I started yelling, he threw it,
18 he threw it, for the purpose of letting the other officers
19 around me know that the narcotics are now out of his
20 possession.
- 21 Q: Was that about 3:10 into the video?
- 22 A: To the best of my recollection, yes.
- 23 Q: Who recovered the drugs?
- 24 A: Detective Sauls..
- 25 Q: When?

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1 A: Immediately -- well, he -- as we -- as I took control of
2 the Defendant and got him secured, Detective Sauls was right
3 there behind me. I immediately turned and told him, he threw
4 it up there, and Detective Sauls went directly up the
5 stairwell and recovered the baggies at that point.

6 Q: And those were the bags that you saw the Defendant throw?

7 A: Yes.

8 Q: Detective Neely, I'm handing you what's been marked as
9 State's Exhibit 3 for identification purposes. Do you recall
10 what that is?

11 A: That is the redacted video of the incident.

12 Q: Okay. And you reviewed that at some point; is that
13 correct?

14 A: Yes, I did.

15 Q: Is it a fair and accurate representation of the recording
16 that was in Officer Crews' patrol car?

17 A: Yes.

18 Q: And other than the redaction, is there any alteration to
19 it?

20 A: No.

21 MR. ERVIN: Your Honor, at this time, the State would
22 move State's 3 into evidence.

23 MR. MARTIN: No objection.

24 THE COURT: All right. State's 3 is in evidence without
25 objection.

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STATE'S EXHIBIT NUMBER 3

ADMITTED INTO EVIDENCE

MR. ERVIN: I would reserve the right to publish it at a later time.

BY MR. ERVIN:

Q: After the Defendant was arrested and secured, after the drugs were secured, what did you do?

A: Once the Defendant was placed in the patrol vehicle and the narcotics were secured by law enforcement, I had no further action or contact with the Defendant.

Q: Even though we saw you ---

A: Excuse me, let me preface that by saying, once we moved him from -- I assisted Jeremy or Officer Crews with moving him from the stairwell where he was detained to his vehicle. Once he went in that vehicle, I had no further contact with him.

Q: Okay. Thank you. And even though we saw you in that recording in front of the police car doing different things, you had no other material involvement?

A: No.

Q: You heard some of the statements by the Defendant on the video; did you not?

A: I did.

Q: Do you recall what those statements were?

A: I do. The Defendant stated that he saw me throw that shit.

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1 Q: What, what -- in your opinion, what was he referring to?

2 A: In my opinion, he was referring to the unlawful narcotics
3 that I observed him throw over the balcony.

4 Q: And that was not -- was that in response to any police
5 questioning?

6 A: No.

7 Q: To your knowledge, were any officers over there asking
8 him anything about the incident?

9 A: No.

10 Q: Again, there was no one else in that breezeway during
11 this incident?

12 A: No.

13 Q: Did you see a gentleman up on the second floor open a
14 door?

15 A: I did not.

16 Q: Detective Neely, thank you. Please answer Defense
17 questions.

18 A: Sure.

19 MR. MARTIN: May it please the Court?

20 THE COURT: Yes, sir.

21 CROSS EXAMINATION OF JEREMY NEELY BY MR. MARTIN:

22 Q: Detective Neely, so that I'm clear, when you -- when you
23 say where Mr. Campbell was arrested or detained, was that
24 inside the breezeway or outside the breezeway?

25 A: It was just -- well ---

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1 Q: I'm not -- you marked it here.

2 A: Right.

3 Q: And it looks to me like you marked it on the sidewalk out
4 in front, not in the breezeway, so that's what I'm trying to
5 -- you said in the breezeway, where he was detained, but you
6 marked it otherwise.

7 A: Once I was able to put the handcuffs on him, it was in
8 that -- on that sidewalk or next to those cars.

9 Q: All right.

10 A: So, he was actually detained outside of the breezeway.

11 Q: Outside?

12 A: Yes.

13 Q: Okay. That's what -- let me get these two marked as
14 Defendant's 1 and 2.

15 DEFENDANT'S EXHIBIT NUMBER 1 AND 2

16 MARKED FOR IDENTIFICATION

17 Q: And let me ask you this, how are you dressed or how were
18 you dressed on this day and is that the way you usually dress?

19 A: On the day in question?

20 Q: Yes.

21 A: I had a pair of blue jeans on, a t-shirt, a baseball cap,
22 I had a green tactical police vest that's issued by the county
23 as well as my sidearm.

24 Q: All right. And is that normally how you work when you're
25 out doing what you were doing on this day?

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JEREMY NEELY - CROSS BY MARTIN

1 A: Yes.

2 Q: All right. And that's the way -- and you had -- that's
3 the way you were dressed as y'all were riding in the vehicle?

4 A: No.

5 Q: No?

6 A: When we were initially in the vehicle, I was only in a t-
7 shirt and blue jeans.

8 Q: All right.

9 A: Once situations arise, we try to put the gear on in the
10 vehicle if it allows.

11 Q: And in this particular instance, when did you put your
12 gear on?

13 A: Once I saw the initial violation by the Defendant, I
14 began to put my vest and my full-size weapon on my gun belt.

15 Q: What initial violation are you talking about?

16 A: The failure to signal from Pine Island to Seaboard.

17 Q: And that's because you anticipated there was gonna be a
18 stop?

19 A: Yes, sir.

20 Q: Okay. Now, Detective or Officer Crews, when you -- when
21 you -- he was part of your team that day, was he not?

22 A: No, sir. They were working in the same area that we
23 were. He was not part of our team.

24 Q: Well, I understood you say that he was, but you don't
25 think he was part of your team?

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1 A: We are all under the narcotics umbrella. However, we do
2 separate missions and we work in conjunction very often.
3 During some of our shifts when we're out, we will contact the
4 street crimes and make sure that they are out and about so
5 that we can work together. At other times, we do operations
6 where we specifically work with each other for a certain
7 purpose. This was not one of those times. That's what I mean
8 when I say he's not part of my team.

9 Q: So, did you or any of the members with your team, which
10 would be Sauls, you, and Rhew ---

11 A: Rhew.

12 Q: --- had any contact with Crews that day prior to this
13 time?

14 A: I'm sure we have. I don't know the context of that other
15 than, hey, where are you guys working, but I'm sure we did
16 have contact ---

17 Q: Did you realize that after you left the Socastee area and
18 you came back into Myrtle Beach, you came in on Highway 17?
19 How did you get back into Myrtle Beach as you were following
20 Mr. Campbell?

21 A: On 17 By-pass.

22 Q: 17 By-pass. Did you realize that Mr. Crews was on 17 By-
23 pass also?

24 A: I have no idea where Officer Crews was.

25 Q: You don't remember him testifying to that earlier?

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JEREMY NEELY - CROSS BY MARTIN

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1 A: Yes, I believe so..

2 Q: All right. When did you make contact with him -- in
3 terms of Socastee to Myrtle Beach, when did you make contact
4 with him about meeting him?

5 A: I didn't make contact with Officer Crews.

6 Q: Who did?

7 A: I don't know. I know that contact was made in the
8 vehicle.

9 Q: When was it made?

10 A: I believe it was after the -- after we initially seen --
11 prior to the violation, when we were traveling or we observed
12 the Defendant, we had called out for -- to see where everybody
13 was at. Once the violation had taken place, that was when, I
14 believe, Officer Crews was contacted and said we have a
15 violation.

16 Q: All right. So, you reached out in anticipation of a
17 violation happening?

18 A: To find out where everybody was, yes.

19 Q: And that was because you anticipated a traffic violation,
20 didn't you?

21 A: Anticipated a violation?

22 Q: Right?

23 A: No, we wanted to make sure that everybody was in the area
24 in case a violation occurred.

25 Q: Well, you -- well, to me that sounds like you kind of

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1 anticipated one; just in case one occurs, we want to know
2 where everybody is, right?

3 A: Absolutely.

4 Q: Of course, now, as far as believing that David Campbell
5 had any drugs on him or not, you had -- if you have probable
6 cause or reasonable suspicion that there were drugs in that
7 car, you didn't have to wait for a traffic violation, did you?

8 A: I did not have to, no.

9 Q: All right. So, you didn't stop him, did you?

10 A: No, I did not.

11 Q: Okay.

12 A: I was the passenger in the vehicle.

13 Q: And that's a vehicle again that has no cameras on it?

14 A: Correct.

15 Q: Right?

16 A: Yes.

17 Q: All right. And when you make a case against a Defendant,
18 would you agree with me that you probably want to garner all
19 the evidence that you can to bring to a jury here so that they
20 can make a decision about guilt or innocence?

21 A: I believe that all pertinent evidence should be
22 presented, yes.

23 Q: All right. And if you don't, oftentimes you get into an
24 I said versus I said situation, don't you?

25 A: Yes.

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1 Q: And you -- of course, you didn't have a body camera at
2 that time?

3 A: No, sir.

4 Q: All right. Did you have a cell phone?

5 A: Yes, sir.

6 Q: All right. And when you got there to, let's go down
7 there to Sandygate?

8 A: Okay

9 Q: And you saw Mr. Campbell turn into Sandygate personally?

10 A: Yes, we actually saw -- well, I saw where he had hit the
11 curb or the ditch or whatever it was when he made that turn.
12 And as soon as we were turning, he was already -- he had hit
13 that, kind of a dust plume kind of thing and he was in the
14 apartment complex.

15 Q: All right. And you were behind Trooper Crews?

16 A: No, I was behind Officer Crews.

17 Q: Officer Crews?

18 A: Yes.

19 Q: All right. And how long did he get there before you did
20 and to where Mr. Campbell's vehicle was?

21 A: As -- as Officer Crews was driving around the corner of
22 the building, we were pulling up to the Defendant's vehicle.

23 Q: All right. So, he had already moved around the corner of
24 the building as you were pulling up behind ---

25 A: No.

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1 Q: --- did you stop behind the Defendant's vehicle?

2 A: No. As he was driving around the corner, we were pulling
3 up behind the Defendant's vehicle. So, I saw Jeremy or
4 Officer Crews' vehicle going behind that building. That's
5 where I knew -- that's how I knew where he was going to go.

6 Q: All right. Did you see him get out of his vehicle or
7 just his vehicle go around the building?

8 A: Just him go around the building.

9 Q: All right. And then when your vehicle arrived, what did
10 you do?

11 A: I exited my vehicle or the vehicle that I was riding in
12 and I headed straight for the front side of that building, the
13 breezeway area.

14 Q: And why would you do that?

15 A: Because the -- based on my experience, if a Defendant is
16 running from the police, they rarely run in a straight line.
17 They will often use the terrain or buildings to mask their
18 movements, and I believed I could cut him off if he did that.

19 Q: If he came through there, you could cut him off?

20 A: Absolutely.

21 Q: And you guessed right this time?

22 A: I did, for once.

23 Q: You came through then?

24 A: Yeah.

25 Q: All right. And then where -- and who was with you,

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1 Sauls?

2 A: Well, yes, Sauls was a couple of steps behind me due to
3 the fact that there was some equipment issues with the vehicle
4 and he had difficulty exiting the back of the vehicle. He was
5 in the backseat.

6 Q: Getting out of the backdoor?

7 A: Yes.

8 Q: All right. But he was coming in behind you?

9 A: Correct.

10 Q: And how far behind, you said a couple of steps behind
11 you?

12 A: I would have to estimate because I wasn't looking behind
13 me, so I don't really know. I know he was on my pretty fast
14 after I had made contact with the Defendant.

15 Q: All right. And what we do know is that -- you testified
16 that Campbell was coming through the breezeway?

17 A: Yes.

18 Q: And when you encountered him, were you in the breezeway
19 or was he exiting the breezeway?

20 A: He was exiting the breezeway.

21 Q: All right.

22 A: And I was on the grass.

23 Q: You were on the grass?

24 A: Yes.

25 Q: And then he turns around?

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- 1 A: Yes.
- 2 Q: And goes back through?
- 3 A: Uh-huh (affirmative response)
- 4 Q: All right. And where -- and then you apprehend him on
5 the other side of the breezeway where the X is?
- 6 A: Uh-huh (affirmative response)
- 7 Q: Okay. And did you see any civilians at all there at that
8 time?
- 9 A: I did not.
- 10 Q: How long would you estimate, of course it's on there, and
11 you say -- did you hear him say, what, I threw the drugs?
- 12 A: I'm sorry? Oh, once he's in the patrol vehicle, yes, I
13 hear the Defendant say he saw me throw that.
- 14 Q: And you say -- that you say on the tape, you yelled out,
15 he threw it, he threw it.
- 16 A: Correct.
- 17 Q: Do you have body mics on?
- 18 A: No, you can actually hear it on Officer Crews' mic.
- 19 Q: All right. But I'm asking you. All right. So, you say
20 you can hear that, but did you have a body mic of any kind on?
- 21 A: No, I did not.
- 22 Q: No body camera, no body mic?
- 23 A: No, sir.
- 24 Q: Okay. You had your cell phone with you?
- 25 A: I did. I had my county issued cell phone with me.

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1 Q: All right. And do you know then did he throw -- you're
2 familiar -- did you take any pictures of the breezeway to show
3 this jury?

4 A: I did not.

5 Q: Why not?

6 A: I was not the investigating officer in the case.

7 Q: Who was the investigating officer?

8 A: Officer Crews.

9 Q: Was it his -- who initiated this traffic stop?

10 A: Officer Crews.

11 Q: No, no, who called Crews and said we want you to stop a
12 certain car?

13 A: We called Officer Crews and informed him that we had seen
14 a violation. Officer Crews initiated the traffic stop.

15 Q: All right. But, but, in a real world, you guys are the
16 narcotics team and you go around and decide if there's a
17 violation and we'll stop this guy, and then you get Crews to
18 come in and do it for you, to stop the car for you?

19 A: Yes, sir.

20 Q: But it's your investigation and it's your case, isn't it?

21 A: No, sir.

22 Q: It's not; it's his?

23 A: Yes, sir.

24 Q: How would you define your role?

25 A: Excuse me? I wasn't -- well ---

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- 1 Q: How would you define your role?
- 2 A: In this particular case?
- 3 Q: Yeah?
- 4 A: I was a backup officer to Officer Crews' arrest.
- 5 Q: Okay. And the other officers were the same, right?
- 6 A: Yes.
- 7 Q: All right. But now what we do have is there are -- Crews
8 and the three of you are there, right?
- 9 A: Yes, sir.
- 10 Q: All right. And to your knowledge, did any of you take
11 any photographs of the area?
- 12 A: I can only speak for what I did and I did not take any
13 photographs.
- 14 Q: All right. Have you seen any photographs that were taken
15 by any of the other officers?
- 16 A: No, I have not.
- 17 Q: All right. Do you know whether or not anybody took a
18 picture of the drugs as they lay where you say they were
19 found?
- 20 A: I do not know that.
- 21 Q: Why would you not do that?
- 22 A: I was not there.
- 23 Q: Why would you not do that?
- 24 A: I did not recover the narcotics, so I don't know.
- 25 Q: Do you think Officer Sauls should've done it?

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1 A: I cannot speak for what Officer Sauls did or didn't do.
2 You'll have to ask him.

3 Q: Do you have any policies related to -- so now we've got
4 Crews and the three of you narcotics officers there. Do you
5 have any policy at all about preservation of evidence or crime
6 scene photographing or anything like that?

7 A: I'm sure there is. I can't speak to them verbatim. I
8 don't -- I don't know for sure what they say. I mean, I'm
9 sure there is a policy. There's a policy for almost
10 everything.

11 Q: All right. Did you actually see the drugs as they lay
12 upstairs?

13 A: No, the first time I saw the narcotics was when they
14 exited the Defendant's hand.

15 Q: Okay. And there's -- in the video that they showed,
16 there's some cameras there at Sandygate apartment that you can
17 see outside. Did you get footage from those cameras?

18 A: I did not, no.

19 Q: Did you attempt to get any footage from the cameras?

20 A: I did not, no.

21 Q: Did anybody at your direction attempt to get any footage
22 from the cameras?

23 A: I did not direct anyone to do anything.

24 Q: Did you ask anybody to do anything?

25 A: No, sir.

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- 1 Q: Were you the one in the video using your cell phone to
2 show Officer Crews something on the cell phone?
- 3 A: No, sir; I was not.
- 4 Q: Who was that?
- 5 A: I believe that was Detective Rhew.
- 6 Q: Were you present when that was happening?
- 7 A: I was.
- 8 Q: What was he -- what was on the cell phone?
- 9 A: I could not remember.
- 10 Q: Wasn't relevant to this case that you know of?
- 11 A: Not that I'm aware of, no.
- 12 Q: Do you ask or advise anybody to fingerprint these
13 packages?
- 14 A: No, I did not.
- 15 Q: Did you advise or ask anybody to preserve them for DNA
16 testing?
- 17 A: No, I did not.
- 18 Q: And you would agree with me that fingerprints and DNA
19 testing is two ways to determine whether or not David Campbell
20 had the packages or not, wouldn't you?
- 21 A: If there was a question if David Campbell had the
22 packages, yes.
- 23 Q: All right. But I understand, going back to what I said
24 earlier, when you are working a case -- and how long have you
25 been a police officer?

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1 A: Twelve years now going on 13.

2 Q: All right. And you've got the video and that was brought
3 to the jury and you showed the police the video because it was
4 the best evidence of the chase, wouldn't you say?

5 A: Yes, sir.

6 Q: Doesn't have to take your word for that, did we?

7 A: No..

8 Q: All right. But in this instance, we don't have any video
9 footage of the chase of Mr. Campbell ---

10 A: Uh-huh (affirmative response)

11 Q: --- the throwing of any drugs, the retrieval of any
12 drugs, no fingerprinting, no DNA. Wouldn't it have been
13 better to have done some of those things as you did the video
14 -- you didn't stop him with your car because you -- you wanted
15 a traffic officer to stop with the video?

16 A: Right.

17 Q: There were many things you could've done?

18 A: Those things you would have to ask Officer Crews. I did
19 not have control over those items.

20 Q: So, Crews was in charge of all that?

21 A: It was his case.

22 Q: You would agree with me those would be good ideas,
23 though, wouldn't you?

24 A: If there was a question as to who had possession of the
25 narcotics, absolutely.

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1 Q: Well, in your mind, maybe there's no question.

2 A: Right.

3 Q: But Mr. Campbell says that's not what happened; that he
4 didn't have the narcotics.

5 A: Absolutely.

6 Q: So, here's -- that's the reason we're in court today.

7 A: Uh-huh (affirmative response)

8 Q: And the jury is over here gonna make a decision?

9 A: Yes.

10 Q: So, wouldn't you agree the more evidence they've got, the
11 better it would be for them?

12 A: I think all the evidence would be, yes.

13 Q: Let me show you what is marked as Defense Exhibits Number
14 1 and 2 and ask you if you can identify what is depicted in
15 those photographs?

16 A: Those appear to -- this one I'm not sure, but that
17 appears to be a breezeway through the Sandycgate apartments.
18 It looks like maybe Building 1.

19 Q: All right. So, this is Defense Exhibit Number 2 and is
20 that the building that Mr. Campbell was apprehended near?

21 A: Judging by this photo, it appears that this would be,
22 yes, right about this area would be where Mr. Campbell was
23 apprehended.

24 Q: All right.

25 A: Excuse me.

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1 Q: Now, let me show you again ---

2 MR. ERVIN: Your Honor, I would object to these pictures.
3 I don't think we can authenticate, even by Detective Neely's
4 testimony, that this is Sandygate or that this is
5 representative of that apartment building in question.

6 MR. MARTIN: Well, I think he just did that on Number 1.

7 THE COURT: Well, I think he just testified that that was
8 the breezeway at Sandygate, did he not?

9 MR. ERVIN: I think -- I thought he had a question as to
10 what building it was.

11 A: I believe my exact words were to the best of my
12 knowledge.

13 THE COURT: Okay.

14 BY MR. MARTIN:

15 Q: We'll start over.

16 A: Okay.

17 Q: Let me ask you this, Where is your written report of the
18 events of that day?

19 A: I did not do a written report.

20 Q: You didn't do a written report?

21 A: No, sir.

22 Q: Did you do an investigative report?

23 A: No, sir.

24 Q: Did you make any notes anywhere of what occurred?

25 A: I did not. I gave my statement to Officer Crews.

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- 1 Q: An oral statement or did you give a statement in writing?
- 2 A: A oral statement.
- 3 Q: And when did you give it to him?
- 4 A: At the incident location.
- 5 Q: All right. So, this happened a year and a half ago,
- 6 right?
- 7 A: Approximately.
- 8 Q: November 30th, approximately a year and a half ago?
- 9 A: Uh-huh (affirmative response)
- 10 Q: All right. But you don't -- you don't have one shred of
- 11 paper about what happened?
- 12 A: No, sir.
- 13 Q: No pictures?
- 14 A: No, sir.
- 15 Q: No notes?
- 16 A: No.
- 17 Q: Is that -- is that policy for the Horry County Police
- 18 Department?
- 19 A: I don't know what the policy actually says in regards to
- 20 that. I know that I gave my statement to Officer Crews. I
- 21 also informed the road officer or road supervisor what had
- 22 taken place as well as my supervisor. The following day, I
- 23 had also advised the deputy chief of police at the time, what
- 24 had taken place and none of the supervisors asked me for a
- 25 report.

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1 Q: Well, but I guess what I -- and you know and I don't
2 know, okay?

3 A: Uh-huh (affirmative response)

4 Q: But I'm asking you, Horry County Police policy for you
5 does not require you to file a written report of any
6 investigation or arrest or activity on your part?

7 A: It depends on the role that I take in that case -- in any
8 particular case.

9 Q: Well, in this particular case, you are the only one who
10 saw him throw drugs, right?

11 A: Yes.

12 Q: You are the one that apprehended him, right?

13 A: Yes.

14 Q: You laid hands on him, right?

15 A: I did.

16 Q: So, if you didn't -- wouldn't write a report in that kind
17 of case, what kind of case is it that you write reports on?

18 A: If I was the lead investigator of the case, I would've
19 done all the report as well as the case file.

20 Q: Well, who was the lead investigator?

21 A: Officer Crews.

22 Q: Crews, the patrol officer was the lead investigator?

23 A: Yes, sir.

24 Q: Okay. Well, let me go back then. But you don't -- but
25 to your recollection, let me ask you again if you can identify

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1 what is depicted in Defense Exhibit Number 2?

2 A: Well, like I said, to the best of my knowledge, that
3 appears to be the breezeway at Sandygate.

4 Q: All right. And then Defense Exhibit Number 1?

5 A: That one I can't tell. That has no markings on it; it
6 just has a stairwell and a hallway.

7 Q: Well, as you compare 1 and 2 -- well, let me ask you
8 this, Would you agree with me that Defense Exhibit Number 1
9 appears to be the same stairwell that appears in Exhibit
10 Number 2?

11 A: No, I cannot agree with that.

12 Q: You can't agree with that?

13 A: No, sir.

14 Q: Well, let me just ask you ---

15 A: Okay.

16 Q: As to Defense Exhibit 1 and 2, 1 first of all, is that
17 the breezeway that you saw David Campbell throw drugs?

18 A: It appears to be a similar breezeway.

19 Q: Well, is it or can you say or not?

20 A: I don't know.

21 Q: You don't know?

22 A: I know that that one looks similar, but I don't know that
23 that's the exact ---

24 Q: You don't have any notes to refer back to or any pictures
25 to refer back to?

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1 A: No, not with me, no. No, I don't have anything.

2 Q: And then on Defense Exhibit Number 1, the same thing?

3 A: Yeah, I couldn't tell you; I don't know.

4 Q: All right. We would move to enter into evidence Exhibit
5 Number 1 and 2?

6 MR. ERVIN: Objection, lack of foundation and
7 authentication.

8 MR. MARTIN: Well, Judge, this is the -- again, this is
9 the officer who made the arrest in the very stairwell, in the
10 very staircase that he's testified about.

11 THE COURT: I understand that, but ---

12 MR. MARTIN: But now -- now, he ---

13 THE COURT: He can't sit here and testify that that
14 picture is that stairwell.

15 BY MR. MARTIN:

16 Q: All right. And as to Number 2, is it?

17 A: It appears similar, yes, sir. I don't know.

18 Q: Well, I would submit that that's good enough.

19 MR. ERVIN: Objection, that's not his -- his call to make
20 then, Judge.

21 THE COURT: Sustained.

22 MR. MARTIN: All right.

23 BY MR. MARTIN:

24 Q: Let me ask you this, Do you remember which building you
25 testified that Mr. Campbell ran through?

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1 A: It was the first building on the right as you enter
2 Sandygate.

3 Q: All right. And do you know whether or not that's
4 Building Number 1 as depicted in the photograph?

5 A: I don't know what the markings are on that building. I
6 know the location of the building.

7 Q: Okay.

8 A: I would assume that it is Building 1, it's the first
9 building, but I don't know for sure.

10 MR. MARTIN: One second, Judge.

11 THE COURT: Yes, sir.

12 BY MR. MARTIN:

13 Q: Let me ask you this?

14 A: Yes, sir.

15 Q: In that stairwell ---

16 A: Yes, sir.

17 Q: --- where you say you say David Campbell throw the drugs
18 ---

19 A: Yes, sir.

20 Q: Can you describe for the jury what -- how the staircase
21 is constructed?

22 A: There is a -- if I remember correctly, there is a
23 stairwell on each side that goes up to a joining balcony where
24 there are doors, front doors for apartments on the top.

25 Q: All right. And is ---

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JEREMY NEELY - CROSS BY MARTIN

- 1 A: It's a -- I believe it was a metal construction.
- 2 Q: The stair themselves?
- 3 A: Yes, I don't believe they were wood.
- 4 Q: And does the stairs have railings on them?
- 5 A: The top did have a railing. I'm not sure if the stairs
- 6 themselves, I would assume so, but I don't recall. I know the
- 7 top had a railing.
- 8 Q: The top had a railing; did it have anything else?
- 9 A: Not that I recall.
- 10 Q: All right. Was there any fencing on it?
- 11 A: I don't recall.
- 12 Q: Well, you, you saw -- where you saw the -- this is my
- 13 question to you. Where you saw him throw the drugs ---
- 14 A: Uh-huh (affirmative response)
- 15 Q: --- you said your eyes went up and you observed it?
- 16 A: Yes.
- 17 Q: All right. Did it go through the railings or over the
- 18 railings?
- 19 A: Over the top.
- 20 Q: All right. And do you recall what kind of -- if there
- 21 was any fencing at all on those staircases?
- 22 A: I don't recall, to be -- when I saw that, I focused on
- 23 what I needed to focus on.
- 24 Q: Which was what?
- 25 A: The drugs. I did not -- I don't recall if there was

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JEREMY NEELY - CROSS BY MARTIN

1 fencing on the railing. I know there was a railing because it
2 went up and over, but I don't recall the actual construction
3 of it.

4 Q: But you didn't stop, you went on after David?

5 A: Absolutely.

6 Q: All right. And where was Officer Crews at the time you
7 saw the drugs thrown, if you know?

8 A: I don't know.

9 Q: Where was he at the time that you laid hands on David
10 Campbell down the -- where X marks the spot?

11 A: I could see Officer Crews in my peripheral. He had
12 actually ran around the vehicles in the parking lot and was
13 coming back down the sidewalk towards us.

14 Q: He was trying to get to the same spot you were at that
15 point in time?

16 A: Yes.

17 Q: All right. So, you had run from out where your car was
18 parked all the way through the breezeway, onto the sidewalk
19 where Campbell was before Crews could get to that point after
20 he had driven his car around in front of Building Number 1?

21 A: To the -- I mean, that's where I remember him being, yes.

22 Q: How fast were you running?

23 A: I have no idea.

24 Q: Well, I mean, run it again -- I know you don't know how
25 fast, but I mean ---

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JEREMY NEELY - REDIRECT BY ERVIN

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1 A: I'm pretty quick, but I don't know.

2 Q: You got there as quick as you could?

3 A: Yes, sir.

4 Q: Is that the way it goes? When you saw David, what was he
5 -- was he running towards you or walking towards you or what?

6 A: He was running towards me.

7 Q: The in-car video, he said -- I could hear him say, he
8 says, he says he saw me throw that stuff.

9 A: Yes, sir.

10 Q: Did you hear that?

11 A: I did.

12 Q: And did you hear anything in addition to that that he
13 says about throwing things?

14 A: I did. Prior to him saying that he saw me throw that
15 stuff or he uses a different word obviously, but during the
16 recording, I heard, he saw me throw it. It almost sounded to
17 me like on the video that he was speaking to himself, and then
18 when he said, he saw me throw that stuff, he was speaking
19 louder like he was trying to get to somebody outside the
20 vehicle.

21 Q: Okay. Well, that was before he was -- okay. That's all
22 the questions I have at this time, Judge.

23 THE COURT: Redirect?

24 REDIRECT EXAMINATION OF JEREMY NEELY BY MR ERVIN:

25 Q: Detective Neely, Mr. Martin says or asked you, it would

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JEREMY NEELY - REDIRECT BY ERVIN

1 be good to have DNA or fingerprints, and in some cases that's
2 correct?

3 A: Yes.

4 Q: Right?

5 A: Correct.

6 Q: In this case, in your training and experience, was it
7 necessary?

8 A: No, sir. As a matter of fact, based on my experience, if
9 there is a known suspect in the case, SLED will not do DNA,
10 touch DNA on an item.

11 Q: Because here we have personal ---

12 THE COURT: Objection. Wait -- wait -- wait a minute. I
13 object to the answer that he has. He's testifying to facts
14 that are not into evidence and that are hearsay.

15 MR. ERVIN: He said that in his experience, he was told
16 that he could not do something; that's an action.

17 MR. MARTIN: Well, that's a definition of hearsay.

18 THE COURT: All right. Strike that. Sustained.

19 MR. ERVIN: I'll rephrase it. Thank you, Judge.

20 BY MR. ERVIN:

21 Q: Detective Neely, have you ever submitted anything to SLED
22 for DNA and/or fingerprint testing that's been rejected?

23 A: I have.

24 Q: What was the reason?

25 A: The reason was that we had a known suspect in the case

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JEREMY NEELY - REDIRECT BY ERVIN

1 and they would not do the touch DNA on the item.

2 Q: And because you had a known suspect in this case and, in
3 fact, you observed him throw those drugs, you determined it
4 was not necessary to conduct fingerprint or DNA testing on the
5 bags, correct?

6 A: I was not the officer to make that call. However, if I
7 was that officer, I would not have submitted it for touch DNA
8 or fingerprint testing.

9 Q: As far as you not having any supplemental report or any
10 additional comment, Officer Crews' report included everything
11 about this that needed to be included; is that right?

12 A: Yes.

13 Q: Was there anything left out that, that should have been
14 put in there?

15 A: No, sir, not to my knowledge.

16 Q: So, it's fair to say, that encompassed this whole
17 incident in one report?

18 A: Yes.

19 Q: And you took an oath a little while ago, you're looking
20 this jury in the eye and telling them what happened. In your
21 opinion, is that more important that a piece of paper that
22 would have included the same information that was in Jeremy
23 Crews' report?

24 A: Without a doubt.

25 Q: Thank you, Detective Neely.

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JEREMY NEELY - RECROSS BY MARTIN

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1 MR. MARTIN: Just a couple of questions.

2 THE COURT: Yes, sir.

3 RECROSS EXAMINATION OF JEREMY NEELY BY MR. MARTIN:

4 Q: There is no question -- and you've been a police officer
5 how long?

6 A: Twelve years.

7 Q: All right. And if you handle a package, then you very
8 well may leave fingerprints on it; would you agree with that?

9 A: Yes.

10 Q: And touch DNA on it?

11 A: Yes.

12 Q: Would you agree with that?

13 A: Yes.

14 Q: And it can be tested in science to determine whether or
15 not any exist or not and you would agree with that?

16 A: They tell me -- yes, as far as I know, yes.

17 Q: I'm not talking about SLED policy ---

18 A: No, no, no, I know.

19 Q: --- that they would or wouldn't do it, can you do it or
20 not?

21 A: I cannot.

22 Q: You cannot, but every day the Horry County Police
23 Department has items tested for fingerprints and DNA, do they
24 not?

25 A: I'm sure they do.

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ROBERT SAULS - DIRECT BY ERVIN

1 Q: Thank you.

2 THE COURT: All right. Thank you very much, sir. You
3 can step down.

4 Let me get y'all to step up real quick and let me ask you
5 a question before we get -- before we proceed.

6 (REPORTER'S NOTE: A bench conference was held off the record
7 in the presence of but out of hearing of the Jury.)

8 THE COURT: All right. You may call your next witness.

9 MR. ERVIN: Thank you, Judge. The State calls Detective
10 Bo Sauls.

11 ROBERT SAULS, HAVING BEEN SWORN

12 TESTIFIED AS FOLLOWS:

13 CLERK: Please state your full name and spell your first
14 and last name for the Court.

15 MR. SAULS: My name is Robert Christopher Sauls. First
16 name is spelled R-O-B-E-R-T; last name is Sauls spelled S-A-U-
17 L-S.

18 DIRECT EXAMINATION OF ROBERT SAULS BY MR. ERVIN:

19 Q: Good afternoon, Detective Sauls?

20 A: Good afternoon.

21 Q: Please tell the jury your law enforcement background?

22 A: I'm currently employed with the Horry County Police
23 Department at the rank of detective. I also own a task force
24 officer spot with the ATF Gang and Violent Crimes Task Force.
25 I have been with the Horry County Police Department for just

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ROBERT SAULS - DIRECT BY ERVIN

1 over 10 years.

2 Q: Do you have any special training and/or certifications?

3 A: I received training in multiple disciplines of street
4 gang identification and investigations through the South
5 Carolina Criminal Justice Academy. I also have a
6 certification as an ATF undercover investigator.

7 Q: What's your current duty position?

8 A: I am attached to the ATF Gang and Violent Crimes Task
9 Force as a task force officer for the Horry County Police
10 Department.

11 Q: What was your duty position on November 30th, 2015?

12 A: It was the same. I was in the same position.

13 Q: And did you have occasion to become involved in the case
14 against this Defendant, David Campbell?

15 A: I was.

16 Q: How did your involvement begin?

17 A: The involvement began as Detective Neely stated. We were
18 in the area of Socastee responding to narcotics complaints.
19 As we entered the Ranchette Circle area, we did notice a
20 vehicle that was backed into a house. As we proceeded around
21 and came back to the other side of Ranchette Circle, we
22 noticed the vehicle was occupied by the Defendant, Mr. David
23 Campbell solely. Shortly after we passed him, he saw us; we
24 saw him, he pulled out behind us. We proceeded to Socastee
25 Boulevard and then onto 17 By-pass where we headed northbound.

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ROBERT SAULS - DIRECT BY ERVIN

1 During that time, Mr. Campbell's vehicle did get in front of
2 us. We, we noted to officers that were in the area that we
3 were following a vehicle. He turned onto Pine Island Road
4 from 17 By-pass north and when he turned from Pine Island
5 south onto Seaboard Street, he failed to signal. He made a U-
6 turn, came back to Pine Island and made a left-hand turn onto
7 Pine Island. Shortly thereafter, Officer Crews got to where
8 we were, which was directly behind Mr. Campbell and initiated
9 his traffic stop.

10 Q: And that was at the direction of one of you guys in your
11 vehicle?

12 A: That was. To the best of my memory, it was me actually.
13 I was in the rear seat of the vehicle. I was handling radio
14 communications during the chase. So, in all honestly, it
15 would probably be me that would've contacted him.

16 Q: Okay. So, you observed Officer Crews get behind the
17 Defendant's car and activated his blue lights and siren?

18 A: I did.

19 Q: And you observed this Defendant speed away from that?

20 A: I did.

21 Q: Did you observe the Defendant hit that parked vehicle at
22 the corner of Seaboard and Oak Forest Lane?

23 A: I did.

24 Q: And the chase then went down Seaboard; where did you go?

25 A: That's correct. It proceeded, I would say it was

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ROBERT SAULS - DIRECT BY ERVIN

1 northbound down Seaboard. He made a turn, a right-hand turn
2 onto 10th Avenue and Mr. Joe White Avenue. Officer Crews went
3 to the parking -- the parking lot at that establishment there;
4 we went around through the intersection, caught up shortly
5 after they turned onto Oceola.

6 Q: I'll have you step down and indicate your route on this
7 map? This is State' Exhibit 4, we're gonna be marking on.
8 For the record, you will be in a black pen.

9 A: After we traveled this distance, our vehicle was parked
10 right here. Detective Neely exited the vehicle and went in
11 pursuit of Mr. Campbell. I actually took up pursuit as well.
12 I ended up coming in direct -- the same direction as Officer
13 Neely. As I approached this, I did not see Mr. Campbell. I
14 did, however, see Officer Neely enter this breezeway. When I
15 came through the breezeway, I saw Officer Neely had taken him
16 into custody or was in the middle of taking into custody Mr.
17 Campbell. As I approached, I got to the point where I was
18 close to getting hands on as well. I heard Officer or
19 Detective Neely stating, he threw it, he threw it up there.
20 At this point, I saw Officer Crews coming back to assist
21 Officer Neely, so I immediately turned around and went up the
22 stairs that run right about here and found on the upper
23 balcony two baggies that were bundled in a way that they
24 seemed that they were bundled together and they were actually
25 right here. They were on the upper balcony and they were

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ROBERT SAULS - DIRECT BY ERVIN

1 right about here in this corner.

2 Q: And that's indicated with the black dot just to the left
3 of the red circle?

4 A: Right here.

5 Q: Could you make that dot just a little bigger ---

6 A: Certainly.

7 Q: --- so the jury can pick that up. Thank you. And you
8 said you heard Detective Neely stating he threw it, he threw
9 it?

10 A: Something to the effect of he threw it; he threw it; he
11 threw it up there.

12 Q: And you -- did you immediately go retrieve those bags?

13 A: Immediately upon him stating that and me hearing him
14 state that, I looked to the right, I saw Officer Crews
15 approaching to assist Officer Neely. I turned around and ran
16 up the stairs and immediately retrieved those baggies.

17 Q: Was there anyone else in the breezeway besides Officer --
18 Detective Neely and this Defendant?

19 A: As I approached and went through the breezeway on foot, I
20 did not see anybody. When I turned and went upstairs, I did
21 notice somebody standing in the threshold of a door. However,
22 they were not actually technically in the breezeway at that
23 time.

24 Q: Did you see that man throw those two bags down?

25 A: No, I did not.

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ROBERT SAULS - DIRECT BY ERVIN

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1 Q: Did he tell you that those were his drugs?

2 A: No, he did not.

3 Q: When you reviewed this video, did you hear the statement
4 from you about the bags that you had recovered?

5 A: As I reviewed the video, pertaining to the baggies, I'm
6 assuming it's when I came back downstairs, I was speaking to
7 the other officers and I, I advised them that I had retrieved
8 two baggies and did not see anything else up there.

9 Q: Was that about at 5:32 in the video?

10 A: To the best of my memory, it was.

11 Q: What did you with the two bags after you retrieved them?

12 A: I retained them for a period of time until we got back to
13 the undercover truck we were riding in, which actually was
14 issued to Detective Rhew. At which point, I turned them over
15 to Detective Rhew.

16 BY MR. ERVIN:

17 Q: Okay. I'm handing you what's been marked as State's
18 Exhibit 5 for identification purposes. Do you recognize this?

19 A: They appear to be two baggies.

20 Q: It does appear to be two bags that you recovered from the
21 second floor of the Sandycgate apartment building?

22 A: That's correct.

23 Q: And to your knowledge, was the chain of custody
24 established -- even though you were not technically in it, was
25 the chain of custody established correctly?

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ROBERT SAULS - CROSS BY LONG

1 A: To my knowledge, it was.

2 Q: Were those bags altered in any way when you recovered
3 those?

4 A: No.

5 Q: Were they altered or manipulated in any way in your
6 presence?

7 A: In my presence, nothing other than once they were put
8 onto the hood of the car, I was in the immediate area when
9 they were tested, but as far as altering them, no.

10 Q: When you were present earlier and heard this video, did
11 you hear the Defendant make any statements on the video?

12 A: It sounded to me -- the first statement that I heard him
13 make pertaining to the baggies were that, he seen me throw
14 that, with an expletive in there, yeah.

15 Q: Did you have any other involvement in this case?

16 A: I did not. I did not ---

17 Q: Thank you.

18 A: --- after that time, no.

19 Q: Please answer Defense questions.

20 MR. LONG: Thank you, Your Honor.

21 CROSS EXAMINATION OF ROBERT CHRISTOPHER SAULS BY MR. LONG:

22 Q: Detective, on the video I listened to, that the jury
23 listened to, I thought I clearly heard David Campbell scream
24 out of the car, he says he saw me throw that blank, but you
25 and the witness prior, but most importantly you, because

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ROBERT SAULS - CROSS BY LONG

1 you're the one I'm talking to, consistently say something
2 different. You say that on that video he says, he saw me
3 throw that, which is a completely different thing that he says
4 he saw me; which one is true?

5 A: Well, I'll expand upon that. I believe what I said was
6 the first thing he said pertaining to the bags on the video
7 that I heard was that, he seen me throw that. Shortly
8 thereafter, he sounded like was speaking to somebody outside
9 of the car because he raised his voice to speak through the
10 window and he said, he say he seen me throw that.

11 Q: Okay. Can you agree with me that this was Building
12 Number 1 at Sandygate apartments, this right here, where y'all
13 got the lines going to and the place where you say you went
14 and found that package over there?

15 A: It could be. I'm not sure what's it marked, but reason
16 would stand that it could be.

17 Q: Okay. And I'm gonna show you what we've had identified
18 as Defendant's Number 2 and ask you ---

19 A: Okay.

20 Q: You can take it. And ask you if that appears to be the
21 exact same breezeway that we've been talking about all day?

22 A: It appears to be similar. I cannot attest to the
23 veracity of it though, because I did not take this photo.

24 Q: I'm not asking you to attest to the veracity of it. It
25 was daylight when this happened, wasn't it?

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ROBERT SAULS - CROSS BY LONG

1 A: It was, correct.

2 Q: Okay. And it's daylight when that photo is taken?

3 A: That's correct.

4 Q: Would you agree with me that that's Sandygate Village?

5 A: It appears to be similar. I cannot agree that that's
6 exactly it.

7 MR. ERVIN: Your Honor, I'll object again to these
8 pictures. There's no indication this is Sandygate. It may be
9 similar, but I cannot have these officers testify as to the
10 location.

11 THE COURT: Well, he's not, but let him finish his
12 question.

13 MR. LONG: I'm trying to get there. Thank you, Your
14 Honor.

15 BY MR. LONG:

16 Q: How much time -- so, have you been to Sandygate Village
17 since this arrest?

18 A: Not on any investigations, no.

19 Q: How about have you been there since this arrest?

20 A: I don't believe so. We pass by going on Ocoola, but I
21 myself have not been there.

22 Q: Had you been there before this arrest?

23 A: I had not.

24 Q: Okay. While you were there, the video was over an hour
25 long; we cut it down for purposes of brevity, but you -- so

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ROBERT SAULS - CROSS BY LONG

1 you were on this property for well over an hour, correct?

2 A: I would agree to that.

3 Q: All right. And did you make a report of this?

4 A: I did not.

5 Q: Okay. And do you know if in anybody's report, it
6 indicated what building this occurred in?

7 A: I'd have to refer to Officer Crews' initial report.

8 Q: Okay. And, and your own personal observation out there
9 for over an hour at this location, did you notice any video
10 cameras on telephone -- on light poles?

11 A: I did not see any personally.

12 Q: You did not?

13 A: I did not.

14 Q: I'm gonna show you what I marked Defendant's Number 3,
15 please, ma'am.

16 DEFENDANT'S EXHIBIT NUMBER 3

17 MARKED FOR IDENTIFICATION

18 Q: And ask you if that photograph of a building with Number
19 1 on the front of it appears to be the same building that all
20 of this occurred?

21 A: This appears to be the same building that's in your other
22 photo. As I said, I cannot attest to if this in fact
23 Sandygate or the building where we apprehended Mr. Campbell.

24 Q: All right. And so not using these pictures because you
25 don't agree on those, but you walked up the steel stairs?

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ROBERT SAULS - CROSS BY LONG

1 A: That's correct.

2 Q: How high were they?

3 A: Maybe 10 feet. It was hard to judge from my point of
4 view at an angle. They went from first floor, ground floor,
5 to the, what I would refer to as a balcony or breezeway on the
6 second floor.

7 Q: Okay. And then so certainly high enough for a full
8 apartment to be below?

9 A: I would venture to say so.

10 Q: And then once on the balcony, there was a railing how
11 high?

12 A: To the best of my memory, it was a half railing. It
13 didn't go the full distance up, it was like a half -- like a
14 handrail.

15 Q: A handrail?

16 A: Like a handrail.

17 Q: Appear to be normal height to code, so to speak, normal
18 height railing?

19 A: I would imagine so.

20 Q: Okay. So, then with your estimate, it would be 10 feet
21 plus about 4 feet, correct?

22 A: Yeah, round about.

23 Q: So, 14 feet you would estimate would be the distance from
24 the ground to the handrail?

25 A: I would imagine so. That math works out.

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ROBERT SAULS - CROSS BY LONG

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1 Q: All right. And you say you walked up the -- up the steps
2 and located two bags, but they were together. How's that, how
3 were they together?

4 A: I ran up the stairs and they were sitting in the very
5 immediate areas of one another.

6 Q: But they were clearly two separate bags?

7 A: They weren't tied together; they were two bags.

8 Q: They weren't tied together, they weren't twisted
9 together, they were two bags almost touching each other.

10 A: They were directly together, yes.

11 Q: Okay. And how many doors to apartments were on that
12 second floor?

13 A: I was only aware of the two that I was actually facing.
14 The one to my right and the one to my left across the
15 breezeway.

16 Q: Okay. So, there were only two apartments up those steps?

17 A: Those are the only two that I was aware of at the time.

18 Q: Well, are you aware of something different today?

19 A: No, what I'm getting at is that when I went up the steps,
20 those are the only two I saw. I did not see any if there were
21 any behind me or anything like that because that was not where
22 my attention was.

23 Q: So, you didn't -- but you never went back and looked at
24 it; you're the one that found these drugs?

25 A: No, I did not go back and look at it.

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ROBERT SAULS - CROSS BY LONG

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- 1 Q: Did you take any pictures of it?
- 2 A: I did not take any pictures of it.
- 3 Q: You didn't have a body camera?
- 4 A: I did not have a body camera.
- 5 Q: A cell phone?
- 6 A: My cell phone, I'm not sure if I had it on me or if it
7 was in the truck.
- 8 Q: Do y'all use your cell phones from time to time to gather
9 evidence?
- 10 A: Sometimes, if we don't have our body cameras.
- 11 Q: Like this time. And, and so you immediately just reached
12 down and picked this up?
- 13 A: I found the two baggies on the ground, I picked them up.
14 And at that point, my main priority was to getting back down
15 to make sure that my officers were safe.
- 16 Q: Okay. And, and then you carried the drugs back to the
17 truck?
- 18 A: I had -- I had the baggies with me until we got back to
19 the truck, at which point, I relinquished them to Detective
20 Rhew.
- 21 Q: I hear on the video during this arrest, I hear somebody
22 scream, shut that door; was that you?
- 23 A: That would be me.
- 24 Q: All right. And who were you telling shut the door to?
- 25 A: I don't know the individual, what his name was, but I --

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ROBERT SAULS - REDIRECT BY ERVIN

1 as I attested earlier, when I came up to the top, I did notice
2 somebody with their door open on the right-hand side.

3 Q: On the top?

4 A: On the top floor; that's correct.

5 Q: The second floor door was open?

6 A: That's correct.

7 Q: And you screamed at that person, shut that door?

8 A: I did.

9 Q: Did they shut it?

10 A: To the best of my memory they did, because I didn't have
11 any further ---

12 Q: And it was right after that that you found these drugs?

13 A: Well, it was during that time because as I -- as I
14 crossed the area, I saw the drugs and I saw him there at the
15 same time and I told him to shut the door and, after that, I
16 didn't have any more contact with him.

17 Q: Ever question that person?

18 A: I did not question him.

19 Q: Got a name?

20 A: I don't have a name. That was the only contact I had
21 with him.

22 Q: All right. That's all I have. Thank you.

23 REDIRECT EXAMINATION OF ROBERT SAULS BY MR. ERVIN:

24 Q: Detective Neely or Sauls, I'm sorry.

25 A: That's okay.

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ROBERT SAULS - RECROSS BY LONG

1 Q: Again, you didn't make any notes because in your opinion,
2 did Officer Crews' report encompass all aspects of this case?

3 A: It did encompass all aspects of the case.

4 Q: Did you feel it necessary to get the gentlemen's
5 information on the second floor?

6 A: I did not. I didn't feel that it was pertinent to this
7 case based on the interaction.

8 Q: Why not?

9 A: Because he was not even on the breezeway; he was in the
10 threshold of his house. He was still in it and -- in essence,
11 he was still in his apartment.

12 Q: Was it because one of your fellow officers saw the
13 Defendant throw the drugs?

14 A: That is correct.

15 Q: Thank you.

16 THE COURT: Anything further?

17 RECROSS EXAMINATION OF ROBERT SAULS BY MR. LONG:

18 Q: Do you have a theory, since you're the one that -- we
19 don't have a picture of it, but you have hopefully a picture
20 in your mind of what these bags looked like laying on the
21 ground together. Do you have a theory how somebody running
22 full speed can throw them 14 feet in the air and they can land
23 right beside each other?

24 A: I'm not here to lay a conjecture. I just found the
25 drugs.

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STEVEN RHEW - DIRECT BY ERVIN

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1 Q: Do you have that theory?

2 A: My theory is he threw it and I recovered it.

3 Q: And right before that, they landed right beside each
4 other. Thank you.

5 THE COURT: All right. Thank you very much, sir, you can
6 come down.

7 The State would call Officer Steven Rhew.

8 THE COURT: All right. Officer Rhew, come around please.

9 STEVEN RHEW, HAVING BEEN SWORN

10 TESTIFIED AS FOLLOWS:

11 CLERK: Please state your full name and spell your first
12 and last name for the Court.

13 MR. RHEW: My name is Steven Rhew, spelling, S-T-E-V-E-N;
14 last name is R-H-E-W.

15 DIRECT EXAMINATION OF STEVEN RHEW BY MR. ERVIN:

16 Q: Am I correct in calling you Officer Rhew?

17 A: You are.

18 Q: Officer Rhew, will you tell the jury your law enforcement
19 background, please?

20 A: I've been with the Horry County Police Department for
21 roughly nine years. I did have a short three-month stint with
22 Myrtle Beach Police Department.

23 Q: What's your current position?

24 A: My current position is patrol.

25 Q: And is that because you left and came back?

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STEVEN RHEW - DIRECT BY ERVIN

1 A: Yes, sir.

2 Q: What was your position on November 30th, 2015?

3 A: I was a detective in the narcotics division with the ATF
4 Violent Crime Gang Task Force.

5 Q: Did you have any special training and/or certifications?

6 A: I did. I have been to the South Carolina Highway Patrol
7 ACE School and also the DEA Basic Narcotics Investigator
8 School and few other federally funded schools here and there.

9 Q: Did you have occasion to become involved in this case
10 with the Defendant, David Campbell, on November 30th, 2015?

11 A: I did.

12 Q: What was your involvement?

13 A: I was operating the undercover vehicle that the other
14 detectives have referred to. We went to the Ranchette Circle
15 area for narcotics complaint, at which time, we noticed the
16 Defendant's vehicle backed into a house.

17 MR. MARTIN: Objection, Your Honor, we just note our
18 objection for the record on this.

19 THE COURT: All right. Overruled.

20 A: And we noticed him sitting there backed into a house. As
21 we went around the circle, we came back around, he was still
22 there. At which time, he saw us; we saw him and he was still
23 in the vehicle. After we passed him, he pulled out behind us.
24 Due to the circumstances, we decided to start following him.
25 At which time, we got behind him at the light at Socastee

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STEVEN RHEW - DIRECT BY ERVIN

1 Boulevard and Highway 17 By-pass and we began following him
2 northbound. He made a right-hand turn onto Pine Island Road
3 by the mall and continued to down to Seaboard Street where he
4 made another right-hand turn. He failed to use his blinker at
5 that point in time. We continued to follow him and he made a
6 U-turn and immediately went right back to Pine Island Road
7 where he had just come from and began traveling back to 17 By-
8 pass, also where he came from. We had, during that time,
9 radioed for a marked unit, which was Officer Crews that was
10 able to get there. Officer Crews, once we got near the Best
11 Buy, was able to get in front of us and initiate his attempted
12 traffic stop on Mr. Campbell.

13 Q: And at that point, you were behind Officer Crews and the
14 Defendant?

15 A: I was.

16 Q: And you saw Officer Crews activate his blue lights and
17 siren?

18 A: I did.

19 Q: And you observed this Defendant speed away?

20 A: I did.

21 Q: Did you observe this Defendant hit the back bumper of the
22 parked vehicle at the corner of Seaboard and Oak Forest Lane?

23 A: I did.

24 Q: And you saw the chase ensue on Seaboard Street?

25 A: I did.

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STEVEN RHEW - DIRECT BY ERVIN

1 Q: What happened after that?

2 A: We continued down Seaboard Street at a high rate of
3 speed. Due to me being in the truck, we were not able to keep
4 immediately up with Officer Crews. We were able to get closer
5 to him when we finally made the right-hand turn onto Mr. Joe
6 White Avenue or 10th Avenue, and we were able to follow him
7 onto Oceola Street. As we were turning onto Oceola Street, we
8 saw them going into the Sandygate apartments, at which time,
9 we pulled up and Officer Crews was still following him.
10 Officer Crews was in his vehicle following the Defendant who
11 was on foot and we were -- I parked the vehicle near the
12 Defendant's car that had been disabled.

13 Q: I'm gonna have you step down a minute to the map. Mr.
14 Rhew, I'm showing you what's been marked as State's Exhibit 4.
15 For the record, you have a light green pen. Please indicate
16 your route.

17 A: We parked here were where the other detectives have
18 already noted the, the black dot right there. My vehicle was
19 parked right here with Mr. Campbell. Unfortunately, I was in
20 plainclothes also capacity. I was not able to put my vest on
21 or my full-size gun due to the driving, while they were able
22 to in the car while I was driving. So, I had to kind of hang
23 out by the vehicles while they began to chase Mr. Campbell.
24 So, while I was putting everything on, Detective Neely was the
25 first one to exit the vehicle. I was able to see him begin to

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STEVEN RHEW - DIRECT BY ERVIN

1 run toward this breezeway right here, where he said that he
2 ran. Detective Sauls was unfortunately stuck in the back of
3 the vehicle for a couple of seconds, a split second, somewhere
4 in there because it was a new vehicle to us and we were still
5 learning the child safety locks unfortunately. And he was
6 able to eventually get out and also give chase, but like I
7 said, I had to stay around the vehicles because of me putting
8 on my gear and all that for officer safety purposes.

9 Q: Could you just mark with that marker where you were
10 parked?

11 A: Right here.

12 Q: Thank you, Officer Rhew. Do you see anybody else in the
13 breezeway?

14 A: I did not, but I was not right there at the breezeway
15 either.

16 Q: So, you didn't see what transpired with Detective Neely
17 or Sauls or this Defendant or Officer Crews?

18 A: No, by the time that I had gotten up to them after
19 putting all my equipment on, the arrest was already affected.
20 Everything was -- for lack of a better term, already handled
21 and already done with.

22 Q: Detective Sauls that at some point, he took the bags he
23 retrieved that the Defendant threw and put them in your truck?

24 A: Yes.

25 Q: What did you do with those bags?

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STEVEN RHEW - DIRECT BY ERVIN

1 A: They were sitting on top of my center console while we
2 were -- I'm sure there was a conversation of who was going to
3 take the case, if it'd be Officer Crews or us. Ultimately, we
4 decided Officer Crews would take the case and he would handle
5 it, more than likely, because he ---

6 Q: Let me stop you right there.

7 A: Okay.

8 Q: Because of that, because Officer Crews took the case, he
9 made the report, correct?

10 A: Yes, sir.

11 Q: And was his report a full and accurate report of the
12 incident?

13 A: Yes, it was.

14 Q: Okay. I'm sorry, so continue with the chain of custody.

15 A: And due to him, us deciding he would take the case, we
16 took it from my vehicle -- I took it from my vehicle. And in
17 the full video, I don't believe it shows it in the redacted
18 video, but I walked with the -- with the bags of drugs and put
19 them onto the hood of Officer Crews' vehicle.

20 Q: And you saw that in the video?

21 A: Yes.

22 Q: You reviewed the video prior to today, correct?

23 A: Yes, sir.

24 Q: Did you hear the Defendant make any statements in that
25 video?

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STEVEN RHEW - CROSS BY MARTIN

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1 A: I did.

2 Q: What were those?

3 A: The first statement was that he saw me throw it and also
4 he cursed after that. And in the second statement that he
5 made that the Defense keeps referring to is that he said he
6 saw me throw it.

7 Q: And as the Defense has asked prior witnesses, you were
8 not equipped with a body camera; is that correct?

9 A: I was not.

10 Q: And your vehicle is not equipped with a in-car camera?

11 A: It is not.

12 Q: Do you have a siren?

13 A: I do.

14 Q: You have a blue light?

15 A: I do.

16 Q: Were those activated?

17 A: They were.

18 Q: That's all I have, Officer Rhew. Thank you. Please any
19 Defense questions.

20 A: Yes, sir.

21 CROSS EXAMINATION OF STEVEN RHEW BY MR. MARTIN:

22 Q: If you've got a siren and a blue light, why didn't you
23 affect the traffic stop?

24 A: Because what's already been spoken of earlier is that we
25 prefer to have a marked unit do the traffic stop in case a

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STEVEN RHEW - CROSS BY MARTIN

1 chase does happen where there's any question later on of
2 whether the Defendant knew that it was in fact the police
3 trying to stop him and not a random person that threw a blue
4 light and a siren in their car.

5 Q: But do you have blue lights and siren, right?

6 A: I do.

7 Q: And if I were to show you a picture of the apartment
8 complex and the stairwell, could you identify it?

9 A: I can try my best, but ---

10 Q: All right. Let me show you what's marked as Defendant's
11 Exhibit Number 2 and ask you if you can identify what's
12 depicted in that photograph?

13 A: There is a tan in color apartment with a Number 1 on it
14 and a stairwell leading up to a second floor?

15 Q: Is that the apartment complex and the stairwell in which
16 this event took place?

17 A: It could be, but due to it being so close to the front of
18 the building, I'm not able to give it any reference.

19 Q: All right. Well, let me show you -- so, in short, you
20 can't identify the apartment complex from that photograph?

21 A: No.

22 Q: All right. Defense Exhibit Number 1, can you identify it
23 from that photograph?

24 A: It is even closer and I can't -- it is an apartment
25 complex with a stair and little landing strip or breezeway,

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STEVEN RHEW - CROSS BY MARTIN

1 whatever you'd like to call it, upstairs, but again, it's so
2 close that I cannot say whether it's Sandygate apartments or
3 not.

4 Q: Did you make any notes, to refer to or refresh your
5 memory as to where this happened and what happened?

6 A: I know it happened in Sandygate, but no, I did not
7 personally make any notes.

8 Q: Did you do any sketches?

9 A: I did not.

10 Q: Did you write any reports?

11 A: I did not.

12 Q: Did you write any statements?

13 A: I did not.

14 Q: Did you -- you had your cell phone, did you take any
15 photographs?

16 A: I did not.

17 DEFENDANT'S EXHIBIT NUMBER 4

18 MARKED FOR IDENTIFICATION

19 Q: I'm gonna show you Defense Exhibit Number 4 and ask you
20 if you can identify what that is a photograph of?

21 A: It's a black pole with an object on top of the pole.

22 Q: Do you remember seeing that black pole with those objects
23 on top that day?

24 A: I do not recall.

25 Q: You don't recall that?

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STEVEN RHEW - CROSS BY MARTIN

1 A: No, sir.

2 Q: Are you saying you didn't see them or you don't recall
3 seeing them?

4 A: If I saw them, I don't remember.

5 DEFENDANT'S EXHIBIT NUMBER 5

6 MARKED FOR IDENTIFICATION

7 Q: I'm gonna show you Defense Exhibit Number 5 and ask you
8 about that one; can you identify that?

9 A: It appears to be another pole with what appears to be
10 cameras on top.

11 Q: Cameras on top. Did you request surveillance video from
12 those cameras?

13 A: I did not.

14 Q: All right. And that's because this was Mr. Crews' case;
15 is that right?

16 A: It was.

17 Q: And he should have requested those videos, should he not?

18 A: I'm not saying that he should have requested them, no.

19 Q: Well, if you'd have been the officer in charge, if you
20 had been the officer in charge ---

21 A: Okay.

22 Q: --- you would have wanted to gather all the evidence that
23 you could?

24 A: If you're asking if I would have requested that video,
25 the answer is no, I would not.

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STEVEN RHEW - CROSS BY MARTIN

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1 Q: Why not?

2 A: That officer witnessed him, the Defendant, throw the
3 drugs out of his hand onto the second floor.

4 Q: Okay. And I know that's been said a lot.

5 A: Uh-huh (affirmative response)

6 Q: So, what you're saying is if there's an eyewitness,
7 police or not, to a crime, then you need to -- you don't need
8 to do anymore investigation after that; you just don't do
9 anything else because you got a police officer says it
10 happened?

11 A: Well, you're making a very broad statement. There's many
12 different types of crimes.

13 Q: Well this -- this -- okay. So, are -- is convicting one
14 of a drug crime different than convicting one of another
15 crime? Does it -- do you need less evidence to do that in
16 your opinion?

17 A: No, the burden is still there.

18 Q: All right. The burden is there. And so wouldn't you
19 agree with me that in the average case, if you got video of
20 him throwing the drugs that that would be better than not
21 having it?

22 A: Do any of those cameras point into the breezeway where he
23 threw them?

24 Q: That's a -- well, I don't know. Did you get -- did you
25 get the video camera footage so we could see what it showed?

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STEVEN RHEW - REDIRECT BY ERVIN

1 A: I did not.

2 Q: All right. But would you agree with me then -- go back
3 to my question -- it would be better to have it than not have
4 it?

5 A: I can't say; I don't know what's on the videos.

6 Q: Okay. All right. How about fingerprints? Would it have
7 been better to have fingerprints or just don't worry about it?

8 A: It's not about not worrying about it; it's about an
9 officer witnessed him throw it and it goes back to what the
10 other detective testified to, that he witnessed him throw it
11 and ---

12 Q: So, we don't -- if he saw it, then we don't write any
13 statements, we don't take any pictures, we don't do any
14 sketches, we don't interview any witnesses at the top of the
15 steps, we don't look for any video from cameras, we don't
16 fingerprint, we don't DNA, we just said officer saw it.
17 That's it. We going home. Is that right?

18 A: In this case, that's the facts, yes.

19 Q: That's all.

20 REDIRECT EXAMINATION OF STEVEN RHEW BY MR. ERVIN:

21 Q: Officer Rhew, did these appear to be the two bags? I'm
22 showing you what's been marked as State's Exhibit 5 for
23 identification purposes. Do these appear to be the two bags
24 that the Defendant threw that Detective Sauls recovered and
25 put in your vehicle?

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STEVEN RHEW - REDIRECT BY ERVIN

1 A: Yes, sir.

2 Q: And they appear to be the two bags that you placed on
3 Officer Crews' -- the hood of his car?

4 A: Yes, sir.

5 Q: Did you tamper or manipulate these bags in any way?

6 A: No, sir.

7 Q: Thank you. That's all I have, Officer Crews, Officer
8 Rhew. Thank you.

9 THE COURT: Anything further?

10 MR. MARTIN: Nothing further.

11 THE COURT: Thank you, sir, you may step down.

12 MR. ERVIN: May we approach?

13 THE COURT: Yes, sir.

14 (REPORTER'S NOTE: A bench conference was held off the record
15 in the presence of but out of hearing of the Jury.)

16 MR. ERVIN: The State calls Sharon Lilly.

17 MR. LONG: Your Honor, as I understand it, Ms. Lilly is
18 the evidence custodian for the Horry County Police. We would
19 stipulate to the chain at this point and alleviate her need
20 for testifying.

21 THE COURT: Okay. Ms. Lilly, I think your role is to
22 testify as to your role in the chain of custody of the drugs?

23 MS. LILLY: Yes, sir.

24 THE COURT: All right. The Defense has stipulated to
25 that, so there's no need for you to testify, but I appreciate

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COURTNEY JOHNSON - DIRECT BY ERVIN

1 you being here today, ma'am. Thank you.

2 MR. LONG: Thank you, Your Honor.

3 MR. ERVIN: The State will call Courtney Johnson.

4 THE COURT: All right. Ms. Johnson, if you'll please
5 come around.

6 COURTNEY JOHNSON, HAVING BEEN SWORN,

7 TESTIFIED AS FOLLOWS:

8 CLERK: Please state your full name and spell your first
9 and last name for the Court.

10 DIRECT EXAMINATION OF COURTNEY JOHNSON BY MR. ERVIN:

11 Q: Good afternoon, Ms. Johnson.

12 A: My name is Courtney Johnson. First name is C-O-U-R-T-N-
13 E-Y; last name Johnson, J-O-H-N-S-O-N.

14 Q: Good afternoon, Ms. Johnson?

15 A: Hello.

16 Q: What is your current occupation?

17 A: I'm a forensic chemist assigned to the Drug Analysis Lab
18 of the Horry County Police Department.

19 Q: How long have you been with the Horry County Police
20 Department?

21 A: Three years and 8 months.

22 Q: What are your typical duties in that position?

23 A: My primary job responsibility is to analyze and identify
24 suspected controlled substances that are submitted to me.

25 Q: Why type of training must you have to hold your position?

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COURTNEY JOHNSON - DIRECT BY ERVIN

1 A: Are you asking my type of training that I have or just as
2 a Forensic Chemist?

3 Q: What type of training do you have?

4 A: Okay. I have a Bachelor's in Chemistry from Southern
5 Wesleyan University, as well as a Bachelor's in Forensic
6 Science from Southern Wesleyan University, and a Bachelor's of
7 Biology from Southern Wesleyan as well. Upon being hired on
8 by the Horry County Police Department, I completed my training
9 at the South Carolina Law Enforcement Division in the analysis
10 of controlled substances. I also have attended the Agilent
11 GCMS Maintenance and Troubleshooting seminar as well as the
12 DEA Forensic Chemist training.

13 Q: Have you had an occasion to chemically analyze, in this
14 case, cocaine to determine whether it is a controlled
15 substance or not?

16 A: Yes, sir.

17 Q: How many times?

18 A: Over 600.

19 Q: How many cocaine analyses do you do in a given week?

20 A: I would say about 50.

21 Q: And that's a regular part of your duties?

22 A: Yes, sir.

23 Q: Have you testified in trial before?

24 A: Yes, sir.

25 Q: How many times?

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COURTNEY JOHNSON - DIRECT BY ERVIN

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1 A: Twice.

2 Q: Have you ever been qualified as an expert in the field of
3 forensic drug chemistry before?

4 A: Yes, sir.

5 MR. ERVIN: Your Honor, at this time, the State would
6 move to have Ms. Johnson declared as an expert in the field of
7 forensic drug chemistry?

8 MR. LONG: We don't have any objection to that, Judge.

9 THE COURT: All right. Without objection.

10 BY MR. ERVIN:

11 Q: Ms. Johnson, I'll show you what's been marked as State's
12 5 for ID purposes. Do you recognize that?

13 A: May I refer to my notes?

14 Q: Sure.

15 A: Yes, sir; I do.

16 Q: What do you recognize it as?

17 A: It is BEST kit H013193.

18 Q: Based on your training and experience, do you have an
19 opinion as to what that substance is?

20 A: Yes, sir.

21 Q: And what is that?

22 A: Item 1.1 was a Ziplock bag containing two sandwich bags
23 containing a powder substance and those results were cocaine
24 Schedule II found with a combined weight of 11.2 grams.

25 Q: When did you first receive that BEST kit?

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COURTNEY JOHNSON - DIRECT BY ERVIN

1 A: I received it from Sharon Lilly on 11/30/15.

2 Q: What was the purpose of Sharon relinquishing possession
3 to you?

4 A: It was being submitted to the drug lab for analysis.

5 Q: Has that BEST kit been under your constant care, custody,
6 and control since the time you received it from Sharon Lilly?

7 A: Yes, sir.

8 Q: And after you tested it?

9 A: It was placed back in a secure location inside of the
10 drug lab. It was placed back in a secure location inside of
11 the drug lab until I was ready to have the chance to turn it
12 back over to evidence for storage to be held for court.

13 Q: And is it now in the same condition as it was when you
14 received it?

15 A: Yes, sir.

16 Q: And again, what was the weight of the cocaine that you
17 tested?

18 A: It was 11.2 grams combined weight of the two bags.

19 Q: Can you tell the jury what specific tests you performed?

20 A: Sure. In this case, I did a presumptive test, which was
21 a cobalt thiocyanate, stannous chloride. It's a color test.
22 If it is positive for cocaine, the first step will be blue,
23 will turn blue, and the second step will remain blue. I had a
24 positive blue/blue for both of those. I then performed a base
25 sampling chloride extraction and place it onto instrumentation

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COURTNEY JOHNSON - DIRECT BY ERVIN

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1 for results.

2 Q: When were those tests performed?

3 A: They were performed on February 22nd, 2016.

4 Q: And from those, you were able to -- were you able to form
5 an expert opinion as to what that was?

6 A: Yes, sir.

7 Q: What was it?

8 A: Cocaine.

9 Q: And what is the basis of your opinion?

10 A: A positive presumptive as well as the confirmatory
11 analysis.

12 Q: And did you prepare a -- an official drug report for this
13 case?

14 A: Yes, sir, I did.

15 Q: I'm handing you what's been marked as State's 6 for
16 identification purposes. Can you tell the jury what that is?

17 A: It's a copy of my drug report.

18 Q: And is that the drug report that you generated for this
19 case?

20 A: Yes, sir.

21 Q: And do the numbers on that drug report match up to the
22 BEST kit numbers ---

23 A: Yes, sir.

24 Q: --- you have in front of you?

25 A: They match to the BEST kit numbers as well as the lab

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COURTNEY JOHNSON - CROSS BY LONG

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1 number that I have assigned to the case.

2 MR. ERVIN: Your Honor, at this time, the State would
3 move Exhibit 5 and Exhibit 6 into evidence.

4 MR. LONG: No objection, Your Honor.

5 THE COURT: Without objection.

6 STATE'S EXHIBIT NUMBER 5 AND NUMBER 6

7 ADMITTED INTO EVIDENCE

8 BY MR. ERVIN:

9 Q: Ms. Johnson, thank you. Please answer the Defense
10 questions.

11 MR. LONG: Thank you, Your Honor.

12 CROSS EXAMINATION OF COURTNEY JOHNSON BY MR. LONG:

13 Q: Good afternoon, ma'am; how are you?

14 A: Great, how are you.

15 Q: I'm pretty good. Your -- I'm gonna hand you your report,
16 State's Number 6. You indicated that in that report that the
17 combined weight of the -- well first of all, you say the item
18 to be tested was a Ziplock bag containing two sandwich bags
19 contained a white-powder substance?

20 A: Yes, sir.

21 Q: Did you weigh that entire thing?

22 A: No, sir, only the net weight; just the substance itself.

23 Q: So you emptied the bag?

24 A: Two bags; yes, sir.

25 Q: You emptied the bag that had the two bags and then you

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COURTNEY JOHNSON - CROSS BY LONG

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1 emptied the two bags into ---

2 A: Yes, sir.

3 Q: --- into a container. And that weighed what? 11.2
4 grams?

5 A: No, sir. I don't -- we don't combine the bags before the
6 confirmatory analysis comes back. So, what I did was, it came
7 in a ziplock bag, inside of the BEST kit. So, I opened up the
8 ziplock bag, took out the two bags. I then put weigh paper
9 down, weighed the one bag on its own, so 1.11 by itself, did
10 the presumptive test on that, attained a representative
11 sample, did the extraction and then put that for a
12 confirmatory analysis. The same thing happened with 1.12 and
13 that was never combined. So, we did not -- I did not take the
14 two bags and combine them and take the weight of that. Those
15 two weights were not combined until after analysis came back
16 off of the GCMS.

17 Q: Okay. So, your report doesn't indicate the separate
18 weight of the two bags?

19 A: No, sir.

20 Q: Would you normally do that?

21 A: No, sir.

22 Q: And then your report also doesn't indicate which bag you
23 tested?

24 A: What do you mean by that?

25 Q: Well, there were two separate bags?

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COURTNEY JOHNSON - CROSS BY LONG

- 1 A: Yes, sir.
- 2 Q: Did you combine the drugs before you tested them?
- 3 A: No, sir.
- 4 Q: Okay. So which bag did you test?
- 5 A: I test both bags.
- 6 Q: Okay. And even though your report comes back presumptive
7 of the total combined weight, it was actually of two separate
8 bags?
- 9 A: It's not presumptive, but, yes, sir.
- 10 Q: Okay.
- 11 A: It was the combined weight of the two bags after
12 confirmatory analysis was performed. So, I had the weight
13 from 1.11 and then the weight from 1.12 and the combined one,
14 yes, sir.
- 15 Q: Okay. And that would be the reason why Officer Crews had
16 a 13 gram plus weight and you ended up with 11.2 gram weight?
- 17 A: I can't answer for what Officer Crews did; I'm sorry.
- 18 Q: 2.2 grams difference in the weight?
- 19 A: From my experience, officers never weigh the net
20 substance; they only weigh the item within its packaging and I
21 don't weight the item within its packaging.
- 22 Q: Okay. An ounce is roughly 28 grams?
- 23 A: Yes, sir.
- 24 Q: And this was 11 grams, so less than half of one ounce,
25 correct?

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COURTNEY JOHNSON - CROSS BY LONG

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- 1 A: Yes, sir.
- 2 Q: You're familiar with equal, sweet and low and sugar
3 packets like we get in a restaurant ---
- 4 A: Yes, sir.
- 5 Q: --- to sweeten our coffee or tea. Do you know that
6 they're 1 gram each; did you know that?
- 7 A: I did not know that, I'm sorry.
- 8 Q: You don't know that?
- 9 A: Huh-uh (negative response).
- 10 Q: Okay. And the bags themselves -- I'm gonna hand you
11 State's Number 5. The -- the rectangle bag, I'm sorry, I'm
12 making ---
- 13 A: That's okay. No problem.
- 14 Q: The rectangle bags with the red lines across the top like
15 a ziplock type thing ---
- 16 A: Yes, sir.
- 17 Q: --- those were provided by you?
- 18 A: Only the ones that you see where the plus is at. So,
19 when you see a plus on the bottom, that means I added these to
20 the case.
- 21 Q: Okay.
- 22 A: So, I only added these two bags. I know that's a little
23 bit hard to see the one in the back, but that's how it was
24 submitted to me. And so, I label it the item number, but I
25 don't put a plus on the bottom. I didn't add it to it.

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COURTNEY JOHNSON - CROSS BY LONG

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- 1 Q: And so, these balled up sandwich bags ---
- 2 A: Yes, sir.
- 3 Q: --- weighed 1.1 and 1.2 each, correct?
- 4 A: Weighed 1.1 and 1.2?
- 5 Q: Yeah. Did they not?
- 6 A: No, sir, I don't know what they weighed.
- 7 Q: I thought you weighed the bags and subtracted that from
- 8 the total weight?
- 9 A: No, sir. I was ---
- 10 Q: That's how you got net weight?
- 11 A: No, sir. No, what I did was, the 1.12 is just it's item
- 12 number. So, what you see here is not a weight. I didn't -- I
- 13 never weighed the bag itself. I put a weigh paper down, empty
- 14 the cocaine onto a weigh paper and took only the weight of the
- 15 substance. I did not take the weight of any packaging. We
- 16 never weigh packaging.
- 17 Q: So, you took -- you took this white powder completely out
- 18 of those two bags?
- 19 A: Yes, sir.
- 20 Q: That's how it ended up out like that.
- 21 A: Yes, sir. It's not busted; it's repackaged from when I
- 22 opened it up, put it back in there, and then I put it inside
- 23 of that thicker ziplock bag.
- 24 Q: Okay. That's all I have. Thank you.
- 25 THE COURT: Anything further for this witness?

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BY THE COURT

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1 MR. ERVIN: No, Your Honor.

2 THE COURT: Thank you, ma'am. You may step down.

3 A: Thank you.

4 MR. ERVIN: Your Honor, at this point, the State rests.

5 THE COURT: All right. Let me get y'all to step up real
6 quick.

7 (REPORTER'S NOTE: A bench conference was held off the record
8 in the presence of but out of hearing of the Jury.)

9 BY THE COURT:

10 THE COURT: All right, ladies and gentlemen, it's two
11 minutes to 1:00. We're gonna break at this time for lunch.
12 I'm gonna ask you to be back in the jury room at 2:30; that
13 gives you an hour and a half.

14 Please have no conversation with anybody about the case
15 and do not allow anyone to talk with you. Continue to protect
16 your ability to remain fair and impartial. And then when you
17 get back at 2:30, we'll proceed at that point. Okay?

18 Everyone else please remain seated while the members of
19 the jury are excused.

20 (REPORTER'S NOTE: Jury exits courtroom. The following takes
21 place outside the presence of the Jury.)

22 MR. ERVIN: Your Honor, it came to mind earlier, I don't
23 think there was any discussion about a jury foreman or
24 forewoman?

25 THE COURT: Yeah, I've got that information.

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1 evidence and you've been able to follow everything, that's
2 fine.

3 MR. MONTGOMERY: Yes, sir.

4 THE COURT: All right. Thank you, sir. You may go back
5 and have a seat in the jury room.

6 THE COURT: Solicitor, I think I'm gonna respectfully
7 deny the motion. He seems to indicate that he's gotten
8 everything. He mentions -- he mentioned that, I don't know
9 who the witness, I guess it was the chemist. That was the
10 only female that was on the stand, I think.

11 MR. ERVIN: Yes, sir, and he did say ---

12 THE COURT: I just think he needs to remain in place.

13 Now, the State has rested their case and at this time,
14 I'll take up any motions that the Defense has at the close of
15 the State's evidence.

16 MR. MARTIN: In accordance with the rule, Your Honor, we
17 would, at this time move for directed verdict of not guilty.
18 The State has failed to present sufficient evidence to sustain
19 a verdict of guilty as related to two charges against the
20 Defendant of failure to stop and trafficking in drugs.

21 THE COURT: All right. I'm gonna respectfully deny the
22 motion. I think that the evidence has been presented, it's a
23 jury issue. It's -- I think that depending on how the jury
24 views the evidence and the weight that the jury gives to the
25 evidence, I think there is evidence whereby they could find

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1 the Defendant guilty of the crimes depending on how they view
2 the evidence. And so, I'm gonna respectfully deny the motion.

3 MR. MARTIN: In addition to that, Judge, we'd move at
4 this time for a mistrial based on the fact that there was --
5 the State was allowed to present evidence about what occurred
6 in the Socastee area in the, quote, known drug house and
7 place.

8 THE COURT: Okay. Now that was not the testimony. There
9 was no testimony before this jury that it was a known drug
10 house or a known drug place.

11 MR. MARTIN: Well ---

12 THE COURT: Because they made sure not to go down that
13 road.

14 MR. MARTIN: High drug traffic area or ---

15 THE COURT: I think their testimony was that they had
16 received -- that they were in the area responding to narcotics
17 complaints.

18 MR. ERVIN: Narcotics complaints.

19 MR. MARTIN: Okay. I'll accept that.

20 THE COURT: Yeah.

21 MR. MARTIN: There was testimony that they were on
22 patrol and they were investigating a narcotics complaint and
23 that they saw the Defendant backed into a place and that they
24 went around and they surveilled and they followed him as a
25 result of his activity. And that was told to the Court that

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1 that was an important part of the case and they felt like they
2 needed to get it into evidence, thus they argued and we
3 objected to it. That information was not provided to us prior
4 to the trial of the case. The information that we have is
5 that everything that was relevant according to it is provided
6 in the report of the investigation by the investigating
7 officer, his name's not on it, but it was Officer Crews.

8 THE COURT: Crews, yeah.

9 MR. MARTIN: And we believe that inasmuch as we had
10 filed a motion for discovery -- I know Mr. Long filed one at
11 the appropriate time -- that the failure to provide that
12 information and the gist of it is prejudicial and that we
13 would move at this time for a trial, and I would enter into
14 the record at the appropriate time, a copy of the police
15 report, which is the only investigative report/statement of
16 the pertinent facts of the case.

17 THE COURT: All right, sir.

18 MR. ERVIN: Your Honor, we did take this up yesterday and
19 Your Honor did find that the -- everything that happened
20 before the stop and the legality of the stop was justified.
21 As Your Honor indicated before his -- his ruling outside of
22 the jury's presence, the three officers that I had testify
23 that were plainclothes, undercover, narcotics agents needed to
24 paint the picture of why they were involved and why they got a
25 marked patrol car involved. And the State believes we limited

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1 it to a narcotics complaint and that was not prejudicial, but
2 it just showed the background and gave the jury the res gestae
3 necessary for these officers involved.

4 THE COURT: All right, sir. All right. I'm gonna
5 respectfully deny the motion for a mistrial. I think that the
6 -- now with regards to not receiving any reports, I think the
7 testimony was that there weren't any reports prepared. But
8 still it does cause me a little concern, that there was not a
9 disclosure of their involvement, but we did take that up
10 yesterday before we began the case. As a matter of fact,
11 apparently the Defense did have some information regarding
12 that because I think the State tried to not go down that road.
13 I mean, I think your position was, Judge, none of that's
14 relevant, which is why there's not a report, but the Defense
15 then was aware of, of that activity and how they got involved
16 and proffered a fair amount of testimony yesterday at the
17 Defense's insistence. So, and I understand your position that
18 you were entitled to that information prior to that, but I
19 think that there was -- it appeared to the Court that there
20 was -- you were aware of that situation and had enough time to
21 deal with it. I think that is part of the res gestae. I
22 think that in fact that is part of this case; that's where
23 this case started. As a matter of fact, I think, Mr. Martin,
24 pursuant to your questioning of the witness, I think you asked
25 a question about -- about how it got started and he said,

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1 well, that was Crews, and you said no, I mean, technically it
2 was Crews, but we know when this thing got started; this thing
3 got started when you guys called Crews. And so it appears to
4 the Court that it was -- it was completely part of the case
5 and I'm -- and I'll hear from you.

6 MR. MARTIN: Well, just simply to say I think I did ask
7 questions about it. I think that when we got the details of
8 anything of that occurred before the traffic stop was in the
9 -- in the motion to suppress or motion to dismiss testimony of
10 Officer Rhew, I believe it was.

11 THE COURT: Right.

12 MR. MARTIN: And, you know, we did bring it up then.
13 Now, of course, Your Honor, said it was admissible, so I think
14 I did ask questions about it. But again, I don't want to
15 belabor the fact, but, you know, it is clear that the
16 discovery presented us and the reports that we have and will
17 enter into evidence the record we have and they can enter in
18 anything in addition to that obviously ---

19 THE COURT: Sure.

20 MR. MARTIN: --- doesn't include disclosure about that
21 aspect to the case. It starts with ---

22 THE COURT: The traffic stop.

23 MR. MARTIN: --- attempted to stop the silver in color
24 Infinity for failure to signal. And we just feel like that if
25 there's backdrop, back story, back information, then we were

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1 entitled to that. There apparently were no statements that
2 were written by any of these officers of any kind, but I
3 believe they would have given them to us if they had it, but
4 again, it was just not information provided. And so we would
5 make that motion.

6 THE COURT: Have you got the copy we can mark?

7 MR. MARTIN: Yeah. And I believe Russell's got a copy
8 somewhere.

9 THE COURT: We can mark that as a Court's Exhibit for
10 purposes of this motion?

11 MR. LONG: Yes, sir.

12 THE COURT: We can mark that as a Court's Exhibit for
13 purpose of this motion?

14 MR. MARTIN: Yes.

15 COURT'S EXHIBIT 1

16 MARKED FOR IDENTIFICATION

17 THE COURT: All right. Let me -- anything else?

18 MR. MARTIN: No, sir; I'm don't think so.

19 THE COURT: All right. Have y'all discussed with Mr.
20 Campbell his rights with regards to his constitutional rights
21 to remain silent as well as his rights to testify?

22 MR. LONG: We have prior to today. We just had a
23 conversation more so about the two witnesses that I'm about to
24 call, but he was -- he's super intelligent and very aware of
25 what's happening.

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1 anyway, thank you for your willingness to do that, sir.

2 Now, when we broke for lunch, you recall, the State had
3 rested their case. At the close of the State's case in every
4 case that's tried in this court, I have to take up motions at
5 the close of the State's evidence, and I've done that and
6 resolved those matters and now we're ready to proceed. And
7 so, I would recognize Mr. Long on behalf of the Defense.

8 MR. LONG: Thank you, Your Honor. The Defendant would
9 call Ms. Felicia Williams.

10 THE COURT: All right, Ms. Williams, if you'd please come
11 around to be sworn.

12 CLERK: Please raise your right hand.

13 FELICIA DENISE WILLIAMS, HAVING BEEN
14 DULY SWORN TESTIFIES AS FOLLOWS:

15 CLERK: You can state your full name and spell your first
16 and last name for the Court.

17 MS. WILLIAMS: My full name is Felicia Denise Williams.
18 It's F-E-L-I-C-I-A, Williams, W-I-L-L-I-A-M-S.

19 DIRECT EXAMINATION OF FELICIA DENISE WILLIAMS BY MR. LONG:

20 Q: Ms. Williams, you live in Myrtle Beach?

21 A: Yes, sir; I do.

22 Q: Where do you live in Myrtle Beach?

23 A: I live ~~XXX~~ Oceola Street, Apartment ~~XXX~~.

24 Q: In Sandygate?

25 A: Yes, sir; that's Building 1, Apartment 3.

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1 Q: Building Number 1?

2 A: Yes, sir.

3 Q: All right. On this map, point to me what building you
4 live in. This is Mr. Joe White, Ocala, and then you turn
5 into the Complex.

6 A: I live in this building right here, Building Number 1.

7 Q: Building Number 1?

8 A: Yes, sir.

9 Q: And now tell me, that building, how many apartments are
10 in Building Number 1?

11 A: It's eight apartments; there's four downstairs and four
12 upstairs.

13 Q: Okay. How many sets of steps are there up to the second
14 floor?

15 A: It's one set; it's just one that goes up to the second
16 floor.

17 Q: All right. I'm gonna show you what we've had marked as
18 Defendant's Number 2 a long time ago and I'm gonna ask you if
19 that is a photograph of the front of Building Number 1?

20 A: Yes, sir; that's the building I live in.

21 Q: And that is the building you live in?

22 A: Yes, sir.

23 Q: Okay. Now, have you been in the courtroom for part of
24 this trial?

25 A: Yes, sir.

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FELICIA WILLIAMS - DIRECT BY LONG

1 Q: And you've heard the allegation that in late November --
2 I think it's November the 30th of 2015 -- that David Campbell,
3 after running from the police in his vehicle was chased
4 through this building here, which you now say is Building
5 Number 1?

6 A: Yes, sir.

7 Q: Were you there during that?

8 A: Yes, sir; I was.

9 Q: And your apartment is on the bottom floor; is that
10 correct?

11 A: Underneath the stairwell, yes, sir.

12 Q: Okay. And, Your Honor, at this point, I would move
13 Defendant's Number 2 into evidence?

14 THE COURT: All right. Any objection?

15 MR. ERVIN: No objection.

16 THE COURT: All right. Without objection, Defendant's 2
17 is in evidence.

18 DEFENDANT'S EXHIBIT NUMBER 2

19 ADMITTED INTO EVIDENCE

20 BY MR. LONG:

21 Q: So, I'm gonna how you Defendant's Number 2, which is a
22 photograph of the front of the building. Now, so there would
23 be -- tell me, how are the apartments laid out? Is there one
24 on each side and then you go through the breezeway and there's
25 another one on each side?

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- 1 A: It's when you come in the breezeway it's one right here
2 and one across.
- 3 Q: One on the left and one on the right?
- 4 A: And then there's another one in the back and then another
5 one in the back.
- 6 Q: In the back there's one on the ---
- 7 A: Yes.
- 8 Q: And then once you go up the stairs, the same way?
- 9 A: It's the same way up; yes, sir.
- 10 Q: Okay. And the stairs of made of metal?
- 11 A: Yes, sir; they are.
- 12 Q: And then on top of the stairs, there's a platform for the
13 second floor; is that correct?
- 14 A: Yes, sir.
- 15 Q: And there's a handrail?
- 16 A: Yes, sir; it is.
- 17 Q: And does that hand railing have mesh metal?
- 18 A: Yes, sir.
- 19 Q: Between the railing and the floor?
- 20 A: Yes, sir.
- 21 Q: Correct? All right. Now, so as I'm looking at this
22 photograph going into the front ---
- 23 A: Uh-huh (affirmative response)
- 24 Q: --- of Building Number 1, your unit is which one?
- 25 A: My unit is gonna be right there where the windows are.

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1 Q: The first one on the right ---

2 A: Yes.

3 Q: --- no, the first one on this side.

4 A: It's gonna be the first one on this side.

5 Q: On the right?

6 A: Yes, sir.

7 Q: Okay. So, on the day in question, were you inside or
8 outside?

9 A: I opened my door, I was heading outside to take my
10 daughter to the doctor. I heard a loud crash so I opened the
11 door to be nosey to see what was going on and when I walked --
12 when I came to the door, I seen Mr. Campbell and another
13 officer running behind Mr. Campbell to the parking lot. All
14 you heard was get down, get down. I was in here to see the
15 video and you heard someone scream, nobody's in here, nobody's
16 in here, that was me. I opened my door and I was told to
17 close my door also by one of your officers, the officer that's
18 sitting over there.

19 Q: Okay. All right. And I'm gonna show you what's been
20 marked as Defendant's Number 1, that's a closer photograph; is
21 that the same stairwell?

22 A: Yes, sir; that is the same stairwell.

23 Q: Is that the breezeway where you live?

24 A: Yes, sir; that is.

25 Q: Is that the breezeway where you heard and saw this

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1 commotion on November the 30th of 2015?

2 A: Yes, sir; it is.

3 MR. LONG: Judge, we'd move Defendant's Number 1 in.

4 MR. ERVIN: No objection.

5 THE COURT: Without objection, Defense 1 is in evidence.

6 DEFENDANT'S EXHIBIT NUMBER 1

7 ADMITTED INTO EVIDENCE

8 BY MR. LONG:

9 Q: I'm gonna show you one more, Ms. Williams. This is
10 Defendant's Number 3. Okay. Now, is this a photograph of
11 your building?

12 A: Yes, sir. Those are the cameras pointing inside our
13 building.

14 Q: All right. You see the Number 1 on the building in the
15 background?

16 A: Yes, sir.

17 Q: How many cameras, you're talking about cameras on poles,
18 right?

19 A: Uh-huh (affirmative response)

20 Q: How many cameras, do you know how many cameras are out
21 there in the parking lot pointed towards your building?

22 A: It's those two right there and there's also one by Street
23 Reach that points towards our building also.

24 Q: Okay. And by Street Reach, you would mean there's one
25 over here?

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1 A: Yes, sir.

2 Q: Okay. And there's also, if I can ---

3 MR. LONG: Your Honor, we'd move Number 3 in, I don't
4 know if I've done that yet or not?

5 THE COURT: Any objection to Defense 3?

6 MR. ERVIN: No objection.

7 THE COURT: All right. Without objection.

8 DEFENDANT'S EXHIBIT NUMBER 3

9 ADMITTED INTO EVIDENCE

10 BY MR. LONG:

11 Q: And then back to Defendant's Number 2, above the
12 apartment building number, Building Number 1, what does that
13 sign say?

14 A: It says no loitering.

15 Q: Why, why is there a sign outside of an apartment building
16 that says no loitering, do you know?

17 A: Yes, sir.

18 Q: Why?

19 A: Because we have a lot of traffic in and out that
20 building.

21 Q: All right.

22 A: In all the buildings in Sandycate. It's just in the one;
23 it's all the buildings.

24 Q: Okay. Do you have a lot of police presence out there
25 from time to time?

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- 1 A: Yes, sir; we do.
- 2 Q: Do you have a lot of drug activity out there from time to
3 time?
- 4 A: Yes, sir; we do.
- 5 Q: A lot of trouble at Sandysgate from time to time?
- 6 A: Yes, sir.
- 7 Q: Does it make it a little difficult to live there
8 sometimes?
- 9 A: Yes, sir; it does.
- 10 Q: These are in, so I'm gonna give these here. Is there
11 anything -- are you related to David?
- 12 A: No, sir; I'm not.
- 13 Q: Did you see David throw anything?
- 14 A: No, sir; I didn't. And after I seen Mr. David get locked
15 up in the parking lot, after they followed him to the parking
16 lot -- am I able to point, sir?
- 17 Q: Yes, ma'am.
- 18 A: Okay. It was that guy right there in the black coat, he
19 was the one that followed David to the parking lot and took
20 David down.
- 21 Q: You're pointing to Officer Neely?
- 22 A: Yes, that man right there.
- 23 Q: That's Detective Neely.
- 24 A: Okay, Detective Neely. Okay. He's the one that got him
25 so when after I seen him get David down, I ran upstairs to the

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1 neighbor to let her know what was going on. I knocked on her
2 door and I saw the drugs up there, and I said, Asia, it's
3 drugs right there. And your officer that's behind him --
4 what's your name, sir, I lost track of your name?

5 MR. SAULS: Detective Sauls.

6 Q: Detective Sauls?

7 A: Sauls, that's when he heard me; he came up there with his
8 gun and said get in the house. He said get in the house. You
9 had your gun drawn. Okay. I was hysterical. I'm pretty sure
10 you believe me, I was crying and everything. I ran into the
11 neighbor's house. You picked the drugs up and you went back
12 downstairs.

13 Q: Okay. So ---

14 MR. ERVIN: Your Honor, I would have to object. I would
15 ask that the witness to direct her testimony to Mr. Long's
16 question.

17 THE COURT: Yeah.

18 MR. LONG: I don't think she intended that.

19 A: I'm sorry.

20 THE COURT: But I just -- refocus, yeah.

21 BY MR. LONG:

22 Q: Okay. So, stay with me; answer my questions and don't
23 make statements toward other people ---

24 A: I won't, sir.

25 Q: I know you didn't mean anything by it, but it is one of

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1 the rules. So, you're saying that you opened your door, saw
2 them chase David through the breezeway and, and grab him and
3 start to arrest him?

4 A: Yes, sir.

5 Q: Then you went up the stairs?

6 A: Yes, sir; I did.

7 Q: You saw drugs laying on the, the platform?

8 A: Yes, sir, the bags were right together.

9 Q: And you told the police that there were drugs up there?

10 A: I made the comment to the neighbor. I said, Girl,
11 there's drugs up here. He overheard me, he looked dead in my
12 face and came up with there with his guns drawn.

13 Q: Okay. And then you went into the neighbor's?

14 A: Yes. He said get in the house and I went into the
15 neighbor's house.

16 Q: All right. Is there anything else about that scene that
17 you think this jury needs to know?

18 A: No, sir.

19 Q: All right. Answer any questions the Solicitor may have.

20 MR. ERVIN: Thank you, Your Honor, may it please the
21 Court?

22 THE COURT: Yes, sir.

23 CROSS EXAMINATION OF FELICIA DENISE WILLIAMS BY MR. CARAKER:

24 Q: Ms. Williams, would you please remind us where Detective
25 Neely and the Defendant were when you say Detective Neely was

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1 about to arrest him?

2 A: They were in front of the building on the sidewalk.

3 Q: Okay. Not in the breezeway?

4 A: No, they were not in the breezeway; they were out of the
5 breezeway.

6 Q: Okay. And do you know about how long the police were
7 there that day?

8 A: I'm not sure how long they were because after it
9 happened, I called my father and I was hysterical about the
10 gun being drawn while we were upstairs. I was upstairs to the
11 neighbor and, like I said, I was taking my daughter to the
12 doctor, so I was kind of upset and I was going ahead to take
13 my daughter to the doctor.

14 Q: Okay. Were they still there when you left?

15 A: Yes, they were.

16 Q: Before you went upstairs, after you saw the Defendant get
17 arrested, as you were standing downstairs, did you know there
18 was drugs up there on the second floor until you got up there?

19 A: No, sir; there was no way I would have known. We can't
20 see through the -- through the stuff, you have to go upstairs.

21 Q: Okay. And, and I understand that you were upset and
22 Detective Sauls had his gun out and he was running around and
23 there was a lot of chaos, correct?

24 A: Yes, he actually apologized afterwards, also.

25 Q: But at some point, while you were there, had it calmed

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1 down a little bit?

2 A: Yes, it did.

3 Q: The officers called that the scene was secure. Would you
4 -- do you know what I mean when I say that, everything is kind
5 of calming down, there's not people running around like crazy
6 anymore; is that a fair assessment?

7 A: Yes, I would say it was secure.

8 Q: Okay. And since you encountered Detective Neely and the
9 Defendant outside of the breezeway, you didn't see him throw
10 any drugs up on top of there, right?

11 A: No, sir.

12 Q: Because you were outside of the breezeway?

13 A: No, I was not outside ---

14 Q: He was outside of the breezeway, I apologize.

15 A: He was outside of the breezeway. I was at my doorframe
16 underneath the stairs.

17 Q: Did you see anyone throw the drugs up there?

18 A: No, sir. I didn't see anyone throw the drugs up there.

19 Q: And is it the purpose of your testimony here today just
20 to see -- just so to tell the jury I didn't see anything or
21 that I know the Defendant didn't do it?

22 A: I didn't see the Defendant do it at all.

23 Q: Okay. But you didn't see who did?

24 A: No, sir; I didn't. When I ran upstairs to go let the
25 neighbor what was going on, which is my best friend, I went

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FELICIA WILLIAMS - CROSS BY CARAKER

1 upstairs to knock on her door. It was no one up there when I
2 went upstairs at all.

3 Q: Is it -- is it -- and I apologize, I don't quite
4 understand. I'm just trying to get to the heart of your
5 testimony ---

6 A: Okay.

7 Q: --- a little bit, and I apologize if I'm confusing you.

8 A: It's okay.

9 Q: Is it your testimony that he sits here today falsely
10 accused?

11 A: Yes, he is.

12 Q: But you didn't see what he did before Mr. Neely got to
13 him, correct?

14 A: I would've seen -- my door was open.

15 Q: Okay.

16 A: My door was open. They ran past me. That's when the
17 second officer, Mr. Crews, I believe?

18 Q: Sauls, maybe?

19 A: Sauls, Mr. Sauls was saying close the door, close the
20 door.

21 Q: Okay. And so, because he's falsely accused, you ran down
22 there and you told these gentlemen, wait a minute, you got the
23 wrong guy?

24 A: No, I didn't say anything to them. I spoke with my
25 father, and my father, on the other hand, I believe spoke with

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1 Mr. Sauls.

2 Q: All right. And he told Mr. Sauls that this man was
3 falsely accused?

4 A: No, he -- Mr. Sauls apologized and said that he intended
5 to not scare me, that there was just a lot going on in that
6 building and he was trying to secure the situation.

7 Q: Understandable. And this happened the end of November
8 2015?

9 A: Yes, sir.

10 Q: About a year and a half ago, give or take?

11 A: Uh-huh (affirmative response).

12 Q: Sometime between today and then, you went to the police
13 department and told them they had they had the wrong guy?

14 A: No, I didn't. I didn't know Mr. Campbell was charged
15 with that at all.

16 Q: Did you file a complaint against the officer for
17 arresting the wrong the man?

18 A: No, I didn't. I spoke with my father, which he is a
19 retired police officer, and let him handle it from there.

20 Q: So, he did that?

21 A: My father did speak with Mr. Sauls because he came back
22 and told me Mr. Sauls apologized, and he also apologized while
23 we were out there because I was very upset, I was crying.

24 Q: And yet, here Mr. Campbell sits?

25 A: Yes.

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ALIGA CAMPBELL - DIRECT BY LONG

1 Q: I have no further questions. Thank you.

2 MR. LONG: I don't have anything else, Your Honor. Ms.
3 Williams is under subpoena. We'd ask that that subpoena be
4 lifted and she be allowed to be excused.

5 THE COURT: Any objection?

6 MR. CARAKER: No, sir, Your Honor.

7 THE COURT: All right, Ms. Williams, thank you very much,
8 ma'am. You're free to go.

9 MS. WILLIAMS: Thank you.

10 MR. LONG: Thank you. All right. Aliga Campbell, come
11 to the witness stand, please, sir.

12 CLERK: Please raise your right hand and place your left
13 hand on the Bible.

14 ALIGA CAMPBELL, HAVING BEEN DULY

15 SWORN TESTIFIES AS FOLLOWS:

16 CLERK: State your full name and spell your first and
17 your last name for the Court.

18 MR. CAMPBELL: Full name, Aliga Campbell. First name, A-
19 L-I-G-A last name, Campbell, C-A-M-P-B-E-L-L.

20 DIRECT EXAMINATION OF ALIGA CAMPBELL BY MR. LONG:

21 Q: Aliga, where do you live?

22 A: ~~XXX~~ White Street.

23 Q: Okay. And on November -- are you related to David
24 Campbell?

25 A: Yes, sir.

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- 1 Q: How?
- 2 A: It's my second cousin.
- 3 Q: Okay. So, David Campbell is your second cousin?
- 4 A: Yes, sir.
- 5 Q: So, maybe one of your parents is his first cousin?
- 6 A: Yes.
- 7 Q: Is that the way it works?
- 8 A: His momma, I meant, his momma and my grandma is sisters.
- 9 Q: Gotcha. You -- were you present at Sandygate on November
10 the 30th of 2015?
- 11 A: Actually, I was, sir.
- 12 Q: Okay. I'm gonna show you this big map and this case has
13 been all about Building Number 1?
- 14 A: Uh-huh (affirmative response)
- 15 Q: Were you in or near Building Number 1 on November the
16 30th of 2015 when the police were on foot chasing David
17 Campbell?
- 18 A: I was in the building, but I didn't -- I wasn't there
19 when -- when he ran through, but I was there.
- 20 Q: Where were you in the building?
- 21 A: I was upstairs at Number 8, 108.
- 22 Q: Okay. And I'm gonna show you Defendant's Number 2, which
23 is the front of Number 1, Building Number 1?
- 24 A: Yes, sir.
- 25 Q: You were upstairs. There's been testimony that ---

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- 1 A: Matter of fact, I was ---
- 2 Q: --- there's a unit on the left, a unit on the right and
3 then in the back there's another unit on the left and unit --
4 so which one is Number 8?
- 5 A: The unit on the right in the back.
- 6 Q: Upstairs ---
- 7 A: Upstairs.
- 8 Q: --- to the back ---
- 9 A: To the far right.
- 10 Q: --- on the right?
- 11 A: Yes, sir.
- 12 Q: You were there visiting someone?
- 13 A: Yes, sir.
- 14 Q: And tell me what happened?
- 15 A: Well, me and like three other guys, me -- you know what
16 I'm saying, that's -- be at Sandygate. Sandygate like a
17 little chill spot. Because being that I stay on White Street,
18 it's a little hot neighborhood and so I go to Sandygate and
19 just ---
- 20 Q: Hold on now, you're using words that I'm unfamiliar with.
21 Sandygate is a chill spot and White Street's a hot
22 neighborhood. What do you mean by those two things? What's a
23 chill spot?
- 24 A: A chill spot is where everybody go to chill and, you
25 know, do your thing, you know, like ---

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- 1 Q: And White Street is a hot neighborhood?
- 2 A: Right.
- 3 Q: What's that mean?
- 4 A: Where you go and sell your drugs or you know.
- 5 Q: White Street's got a lot of trouble?
- 6 A: Yes, sir.
- 7 Q: Okay. So, you were at Sandycate chilling on November the
8 30th, 2015?
- 9 A: Yes, sir.
- 10 Q: And what happened?
- 11 A: Well, okay, like I was saying, me and three other guys,
12 we was standing up there, you know what I'm saying, we was
13 chillin, smoking, you know.
- 14 Q: Smoking what?
- 15 A: Smoking marijuana.
- 16 Q: Okay.
- 17 A: And we heard a big old boom. So, when we heard the boom,
18 all we heard was 12, 12, get right. So, the first thing I
19 did, we being paranoid and scared, I reached in my pocket, my
20 left pocket, and dropped two bags and went in the house. But
21 I told my cousin, my cousin James, I told him to check the
22 door to make sure the stuff was still there and about the time
23 he opened up the door, the only thing he heard was somebody
24 say get in the house. So, you know ---
- 25 Q: So, I'm gonna show you what's marked and in evidence as

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ALIGA CAMPBELL - DIRECT BY LONG

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1 State's Exhibit Number 5. Inside of these bags with the red
2 stripes were provided by the government.

3 A: Yes, sir.

4 Q: Inside of those are two sandwich bags, each one
5 containing an amount of white powder?

6 A: Yes, sir.

7 Q: Are you saying that when you heard the police and you
8 heard the commotion, you were on the balcony and you dropped
9 these two bags of drugs and went inside?

10 A: Yes, sir.

11 Q: And these were your drugs?

12 A: Yes, sir.

13 Q: Do you understand the enormity of coming into this
14 courtroom and claiming possession of illegal narcotics?

15 A: Yes, sir.

16 Q: You understand that you put yourself in the bull's eye so
17 to speak?

18 A: Yes, sir. Well, really, sir, it's not really about
19 putting myself in the bull's eye, sir. Growing up, my grandma
20 always told me to be honest and me just being me and I know
21 for a fact that this man right here didn't have nothing to do
22 -- I mean, I understand he got in a high speed chase or
23 whatever, but when it's coming down to involving the drugs, I
24 know for a fact myself -- and apologize, like I told you
25 before, I apologize for even putting you in this predicament,

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ALIGA CAMPBELL - CROSS BY CARAKER

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1 but I would ask -- I did that.

2 Q: Thank you, sir. Answer any questions the Solicitor might
3 have.

4 MR. CARACKER: It please the Court, Your Honor?

5 THE COURT: Yes, sir.

6 CROSS EXAMINATION OF ALIGA CAMPBELL BY MR. CARAKER:

7 Q: You guys are cousins?

8 A: Yes, sir.

9 Q: Okay. And your testimony is that you were there at
10 Sandygate that day?

11 A: Yes, sir. And if you guys was to look on the camera in
12 Sandygate at the day of that accident -- that incident, you
13 will see.

14 Q: Okay. Did you know that Defendant Campbell had been
15 arrested for that dope?

16 A: No, actually I didn't know.

17 Q: When did you find that out?

18 A: I found that out like later on that day, to be honest
19 with you.

20 Q: So same day, just not right then?

21 A: Yes, sir.

22 Q: And on that day, you knew that was your dope and not his?

23 A: Yes, sir.

24 Q: All right. Because as you put it, you're just being
25 honest?

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ALIGA CAMPBELL - CROSS BY CARAKER

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- 1 A: Yes, sir.
- 2 Q: That's a lot of dope; is it not?
- 3 A: I mean, if you -- if you want it call it, yeah. Yeah.
- 4 Q: For -- I mean it's trafficking weight, right?
- 5 A: Yes, sir.
- 6 Q: You're an honest drug trafficker?
- 7 A: Yes, sir.
- 8 Q: So, a year and a half has passed. At some point, either
9 that day or between now and then, because you want -- you've
10 put yourself in the trick bag now ---
- 11 A: I understand.
- 12 Q: --- at some point, you went and told the police they got
13 the wrong guy?
- 14 A: No, sir.
- 15 Q: You filed a complaint against Detective Neely because he
16 arrested the wrong man?
- 17 A: I didn't file no complaint.
- 18 Q: But that's a big deal, is it not? I mean, you've
19 admitted to a felony?
- 20 A: But you guys see, see you got to look at, excuse me, but
21 you got to look at it in my point of view. See, I'm a young
22 man, you know what I'm saying, and okay, I admit I'm out here
23 doing what I'm doing. So, with that being said, if I was to
24 see any of that going on, of course, I'm not gonna be, oh
25 yeah, yeah, you've got the wrong man. I'm gonna be -- I'm

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ALIGA CAMPBELL - CROSS BY CARAKER

1 gonna be quiet. But then they at my grandma's -- see him and
2 my grandma, that's like my grandma's son. And my grandma,
3 like I said, she always told us to be honest and all that.
4 So, she told me, she sat down and talked to me, she was like,
5 if you know for a fact that Mr. David ain't got anything to do
6 with them drugs, you need to be a man and own up and serve
7 your consequences. So, I am here today to say that them was
8 my drugs.

9 Q: And pursuant to that conversation, had Defendant Campbell
10 already hired a lawyer; do you know?

11 A: Not that I know of.

12 Q: About when did that conversation take place?

13 A: Actually, I didn't even -- I don't even think -- I ain't
14 had no conversation about lawyers or nothing.

15 Q: No, I'm talking about when you had that conversation with
16 your grandmother about being honest?

17 A: And you asked me did he already have a lawyer?

18 Q: Yeah, at that time.

19 A: Not that I know of, no.

20 Q: Okay. But you know at some point, he hired Mr. Long to
21 represent him ---

22 A: Yes, sir.

23 Q: --- correct? At that point, you reported to the police,
24 instead of having him hire a lawyer and saving him all that
25 money, then you reported to the police that they had the wrong

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ALIGA CAMPBELL - CROSS BY CARAKER

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1 guy?

2 A: I never reported to no police.

3 Q: And at some point, he hired Mr. Morgan Martin as well,
4 did he not?

5 A: Yes, sir.

6 Q: Knowing that with an admission like that prior to trial
7 here this week, you could have stopped that train from coming
8 down the track, then you told the police that they had the
9 wrong man?

10 A: Can you repeat that?

11 Q: Defendant Campbell had to hire not one, but two lawyers
12 in this matter. Knowing that that happened, that's when you
13 went to the police finally and told them they had the wrong
14 man?

15 A: I never went to the police, sir. I'm here today to speak
16 on that behalf.

17 Q: Just today? After they've engaged in I don't know how
18 many hours of trial prep, after His Honor is here presiding
19 over this trial, and after these folks have taken time out
20 their day, out of their week and out of their lives, which all
21 could've have been avoided had you, as you say, been honest
22 and stepped up before this and said, you guys got the wrong
23 guy. You could've stopped it then, but you didn't; is that
24 right?

25 A: Right.

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ALIGA CAMPBELL - CROSS BY CARAKER

1 Q: Would it change your testimony -- were you here when they
2 -- they played the video of the chase, were you in here for
3 that?

4 A: Uh-huh (affirmative response).

5 Q: Would it change your testimony at all, if on the video,
6 you can hear Defendant Campbell, they saw me throw that stuff?

7 A: No, it wouldn't change my testimony because that would be
8 me lying.

9 Q: What about could that be him lying?

10 A: No, that wouldn't be him lying.

11 Q: Because that's his voice, right, on that video?

12 A: I didn't actually, me personally, I didn't even -- I
13 ain't heard him say that.

14 Q: But you don't dispute that he got in a high speed chase
15 with the police?

16 A: I mean, that's his business. I'm just -- I'm here to
17 tell you what I got going on and what I'm here for.

18 Q: So, and if the video did show that, that wouldn't change
19 your testimony either, would it?

20 A: No, because like I said, if you guys was to actually, the
21 date of that incident, see on Sandygate cameras, you will see
22 three guys actually standing upstairs before all that happened
23 and separated and went in the house upstairs.

24 Q: And it wouldn't change your testimony because you'll say
25 anything to protect your cousin?

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BY THE COURT

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1 A: It's not about protecting my cousin.

2 Q: Because you're an honest drug trafficker, correct?

3 A: Right.

4 MR. CARAKER: I have no further questions.

5 MR. LONG: Nothing else, Your Honor.

6 THE COURT: All right. Thank you, sir, you may step
7 down.

8 MR. LONG: Judge, that's the Defense.

9 THE COURT: All right. Let me get y'all to step up real
10 quick here.

11 (REPORTER'S NOTE: A bench conference was held off the record
12 in the presence of but out of hearing of the Jury.)

13 BY THE COURT:

14 THE COURT: All right. Ladies and gentlemen, I was just
15 talking with the attorneys. The Defense has rested their
16 case. It's about five minutes to 4:00. We ran a little bit
17 late yesterday, a little bit early today, but in any case,
18 there's a couple of things I have to do. I first have to take
19 up motions at the close of the all the evidence there. I have
20 to discuss with the State and the Defense if there's any
21 additional testimony that we'll hear and then if there isn't,
22 then we have to go through closing arguments before I give you
23 the charge on the law and then the case comes to you. Well,
24 it's just late in the afternoon and that would keep us here
25 very late into the evening and there's no sense in us doing

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CLOSING BY LONG

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1 statements applies to their closing arguments and that is that
2 what they share with you over the next several minutes is not
3 evidence. The evidence in the case is closed, but this is
4 their opportunity to argue to you what they believe that
5 evidence as shown. So, it's important that you pay close to
6 attention to the attorneys as they argue or make their final
7 arguments to you. Once they've concluded their closing
8 remarks, I will then give you the charge on the law. Once you
9 have all of that, you will then be in a position to finally
10 have the case for your deliberations. Okay?

11 So, if you would, please give the attorneys your close
12 and undivided attention as they address you with their closing
13 remarks.

14 Mr. Long?

15 MR. LONG: Thank you, Your Honor.

16 CLOSING BY LONG:

17 MR. LONG: Mr. Foreman, ladies and gentlemen; on behalf
18 of David Campbell and my friend, Morgan Martin, we want to
19 thank you. I asked you and told you when we started this
20 early yesterday morning that we handpicked you to stay and we
21 handpicked 14 of you and eventually the 12 of you because we
22 felt like you were exactly the kind of people that needed to
23 sit and listen and do this job. It's a job and I know it's
24 hard. I do this for a living and it's hard for me to leave my
25 office for three days and come over here and do nothing but

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CLOSING BY LONG

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1 this for three days. I know it's hard for you to leave your
2 lives and to leave your work and to leave your homes and
3 everything that you got going on, drop it all and give it to
4 us for three days, but it's so incredibly important in America
5 that we ask you to do it and that you then step up and do it.
6 You've performed a very valuable service, not just to us, but
7 to this county and this state by giving us your time, you've
8 given us your attention, you've heard and you've seen
9 everything there is to hear and see in this case and now you
10 get to judge that.

11 Remember I told you early on, you're not judging David
12 Campbell. David Campbell is innocent. David Campbell walked
13 into this courtroom cloaked -- you could almost close your
14 eyes and picture him if there was a white robe that had the
15 word innocent written across it, across his shoulders. He
16 walked in here innocent and he's still innocent until the
17 State of South Carolina proves to you beyond a reasonable
18 doubt, which is a doubt which you can give a good reason that
19 he did in fact violate the law.

20 You've seen a video of him running as hard as he could
21 from the police. I think it would be impossible for David and
22 I to come into this courtroom and expect you to find him not
23 guilty of that. It's pretty clear, isn't it, he did run from
24 the police. I think his running from the police ended up
25 causing him a whole lot more trouble than he expected. We end

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CLOSING BY LONG

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1 up now with a possession of drugs charge, trafficking in drugs
2 on the tail end of this chase that we're here having to ask
3 you to take a good hard look at and that's what I want you to
4 do and that's what I know you've done so far. But I want to
5 help you summarize what you've seen so far and ask you to take
6 a good look at it.

7 First, there's some things in this case that don't make
8 any sense to me. I don't know if they make sense to you or
9 not. I'm still confused as to how three plainclothes officers
10 in an unmarked pickup truck are riding around following my
11 client and then decide to call a police officer with a marked
12 car to come and stop him. I wonder why? I don't understand
13 why none of those three plainclothes police officers will take
14 ownership of this case. I don't understand their response to
15 me about whether or not they wrote a report, about whether or
16 not they made the arrest, about whether or not they did
17 anything. According to them, they just assisted, but they
18 initiated the whole thing. They initiated the whole thing and
19 they handed to a police officer, Jeremy Crews, who did not see
20 any drugs, did not see David Campbell throw any object, did
21 not find any drugs, tried to stop him for what they told him
22 was a traffic violation and he ran. Now, I can agree with
23 everybody that watching what Jeremy Crews had to do, that's a
24 brave fellow. These are all brave men to get out there and
25 run around at high speeds and they're chasing people into

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CLOSING BY LONG

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1 situations. They don't even know what they're getting into.
2 They don't know how dangerous it is, and it's amazing thing
3 that they do every single day. And I don't want to take away
4 from that. I was brought up -- I was raised to trust and
5 listen to and obey every single thing a police officer told me
6 to do. In fact, I was taught that about my teachers in the
7 school, I was taught about the principal in school, I was
8 taught that about my mother. If they tell you to do
9 something, even if it doesn't make any sense, you do it. They
10 put a blue light on you, you stop. We all weren't raised the
11 same way though. We're all part of the same community and
12 we're all taught to trust everything a police officer does and
13 to trust everything a police officer says. But unfortunately,
14 in the past few years, we've seen an awful lot of things in
15 our world that have caused us not to trust. We've seen
16 scenarios all over our country in the past few years where one
17 thing was said and then video evidence showed the exact
18 opposite.

19 In this case, all the power of the State of South
20 Carolina was in the hands of those three narcotics officers
21 and Jeremy Crews. They had all of the equipment, all of the
22 training, all of the authority, all of the jurisdiction and
23 all of the power to do exactly what they needed to do. They
24 had everything in their -- at their fingertips to bring to you
25 into this courtroom to prove this case. What did they have?

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CLOSING BY LONG

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1 They had one DVD with one car chase. That video does not show
2 David Campbell possessing anything, does not show David
3 Campbell throwing an object as it says in the report, as it
4 said -- they said from the witness stand. I find it
5 strikingly strange and hard to believe that David Campbell
6 running full speed, for his life, being chased by one or two
7 or three police officers, could grab presumably out of his
8 pocket, two separate bags weighing less than a quarter of an
9 ounce each, and these little flimsy sandwich bags, and while
10 running full speed, could throw those up in the air 14 feet
11 over a railing and those two things could end up exactly
12 beside each other. Strikingly strange for sure. Almost
13 sounds impossible to me.

14 Reasonable doubt is that which you can give a reason.
15 You can doubt almost anything. I used to clerk for a great
16 man, Judge Sidney Floyd. He was our Resident Judge here for
17 years and he used to say in his jury charge, you can doubt
18 almost anything. Now, I could tell you that there's no salt
19 in that ocean over there at the beach. Well, you can doubt
20 that because that is doubtful. We know that that's not true;
21 let's doubt that. But do you believe that those two light
22 bags, could be thrown by somebody running full speed, 14 feet
23 up in the air and they land right beside each other. The
24 evidence that you have in this case, the only evidence that
25 you can grab on to and believe from the State's position is

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CLOSING BY LONG

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1 the testimony of one police officer. Nobody else saw it.
2 Nobody else knew anything about it. One man, running full
3 speed, not knowing what he's running into, heart pounding,
4 adrenalin spiked, says he saw an object, no idea what that
5 object is, but says he saw an object come out of David
6 Campbell's hand.

7 Yesterday afternoon, a young man walked in here on his
8 own accord, under his own power, and I will tell you, seemed
9 awful believable and said I can't let that man, after what my
10 grandmomma has been telling me about telling the truth, I
11 can't let that guy go down for the fact that when I heard
12 police and I heard screaming and yelling, I was standing out
13 on the balcony and I put those two bags down on the ground.
14 It makes perfect sense that they ended up together from this
15 high as opposed to running full speed 14 feet in the air.
16 That actually corroborates why they're there on the balcony
17 together.

18 I think that these men who work so hard at doing what
19 they do to keep our streets safe, to try and keep this
20 community lawful, wanted David Campbell so bad, sometimes
21 their mind plays tricks on them. I'm not saying they did
22 anything improper, and I'm certainly not saying that they're
23 lying. That's not what I'm saying at all. But I think that
24 Officer Neely, in his -- in the heat of the moment, in his
25 haste, wanted to believe that he saw something thrown. You

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CLOSING BY LONG

303

1 heard our other witness, Ms. Williams, say they didn't see
2 something thrown and then ran up there and got it. She walked
3 out of her door, went upstairs, she saw it because Aliga had
4 put it there and gone back into apartment Number 8. She saw
5 it and she said, hey, there's drugs up here, and that's when
6 Sauls went up there and found it. That is evidence that it
7 wasn't thrown up there. That is evidence to the contrary that
8 someone saw someone throw something up there. In fact, she
9 had to point it out to them and there's nothing in the record
10 that says she wasn't honest with you. There's nothing to
11 refute what she told you and there's no reason for her to come
12 tell you that unless it is true. She's not in trouble. She's
13 not related to David Campbell. She has nothing to gain by me
14 sending her a subpoena and making her stay out of work and
15 come here and take that witness stand and tell you that, no
16 reason whatsoever.

17 You cannot like David Campbell. You cannot like him for
18 his actions. You cannot like him because he ran from the
19 police and endangered people and ripped the bumper off of
20 somebody's vehicle. It looked awful. It made me wince. You
21 cannot like him for his -- his racist comments from the back
22 of that police car. You cannot like him for the way he's
23 grown up. You cannot like him for everything that's been
24 involved in his life up to this point, but that doesn't mean
25 that he's guilty of trafficking cocaine. He is guilty of

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CLOSING BY LONG

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1 failure to stop for a blue light and I expect you to go in
2 there and do that real quick. But until you can say that he
3 is guilty of possessing something, the State must prove to you
4 that he did and they must do that beyond a reasonable doubt.
5 The only evidence that they have, the only evidence that they
6 brought to you was that one statement. Other things that
7 could have been brought to you, body cameras, eyes in the sky
8 all around the apartment complex, other witnesses,
9 photographs, reports. Did they intentionally not do these
10 things or did they just assume they didn't need to do these
11 things? But we, citizens, expect them to do those things. We
12 expect them to investigate. They were investigators, by the
13 way; that's what they do. We expect them when they all three
14 have cell phones in their pockets, to snap a picture of a
15 scene. I expected them to agree with me that Building Number
16 1 was where this took place. I have no idea why those three
17 men didn't want to agree with me. I have no idea why they
18 wanted to avoid the obvious, that this is where this occurred.
19 But, I was thinking about it, maybe I need to come -- what
20 reason can I give for them to give me such a hard time on
21 identifying where this took place. They were the ones that
22 were there; I wasn't. This is where it happened. Is this
23 where it happened? I can't tell. It looks like an apartment,
24 it's a set of stairs, but I don't know for sure. Why are they
25 evading me and my questions? Why? Because they want this so

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CLOSING BY LONG

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1 bad? Did they want this that bad when it happened? They
2 wanted it this bad this long to come and have you believe that
3 even though they have all the ability in the world to prove or
4 disprove this case, to come in here and tell you that
5 possession of something, followed by the decision not to at
6 least not ask somebody to fingerprint and touch DNA analyze
7 it, to see if somebody possessed it is not important, to me
8 makes no sense whatsoever. If I touched something and you can
9 prove that I touched it, then you can prove I possessed it,
10 right? They didn't even ask. We know from the witnesses that
11 it's possible. It's certainly possible to fingerprint that
12 bag and it's really certainly possible to swab it to see if
13 someone's -- someone touched it and left DNA on it. There's a
14 lab in Columbia that tests it every single day. All they had
15 to do was ask. They didn't. Why? Why did they not? Why did
16 they not bring you anything more than one witness that says he
17 saw him throw something. And why you might ask, because I've
18 asked and I figure, shoot, if I think it's curious, then you
19 must think it's curious, too. Why is the -- as soon as the
20 man whose case this was, the only person to write a report in
21 this case, the minute he got finished testifying, he walked
22 out of that door. It was his case. All the other witnesses
23 said, it's his case, not my case. So, I didn't do anything.
24 I didn't write the report because it was his case. Is it? Was
25 it? Something's not right. There's something not right here.

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CLOSING BY LONG

306

1 Okay? You probably know what it is; I don't. But, I do know
2 this, the burden is a big word, right? A burden, every time I
3 think of burden, I think of something -- me having to carry
4 something real heavy. The State carries the burden. The
5 Judge says it in every jury charge. He's gonna say it here in
6 a minute when he tells you what the law is. A burden is
7 heavy. The burden is on the State of South Carolina to
8 convince you beyond a reasonable doubt that David Campbell
9 possessed those drugs. Not only did they not bring you any
10 proof that he possessed them, but a witness took that stand
11 and said that they were mine; I possessed them. If Aliga
12 Campbell possessed them, David Campbell did not.

13 Again, every single one of you is paying attention to
14 every word I'm saying. You've done that for three days and we
15 really, really appreciate it. It's so important; you have no
16 idea. That man's life is hanging, waiting on you to make this
17 decision. We couldn't do it without you. We've been waiting
18 for this moment for a long time. Now's the time.

19 Please go in that jury room and please agree that they
20 could've -- they could've brought us a whole lot more than
21 this. Look at all the stuff they chose not -- they chose not
22 to bring. Not that they didn't have, not that they couldn't;
23 they chose for some reason not to write reports, not to bring
24 you more video evidence, not to take photographs, not to
25 fingerprint, not to DNA analysis, not to, not to, not to, not

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CLOSING BY ERVIN

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1 to. Not guilty; that's what that is. They picked their
2 poison with that. For some reason they did.

3 Now, the Judge is gonna tell you when you go into your
4 jury room that you consider everything that you've seen,
5 everything that you've heard, you're able to take this
6 evidence in there and discuss it and then you must have a
7 unanimous opinion. All 12 of you must agree. If you can't
8 agree, we'd have to get 12 other people to come do this and I
9 promise you, there are not 12 other people we want to do this.
10 You are those 12 people. You can go back in that jury room
11 and decide this case. It should be doable and we're asking
12 that you do it and I hate to put that burden, I use the word
13 burden again, on you, but I sure appreciate the fact that
14 you're willing to accept it. Thank you very much.

15 THE COURT: Thank you, Mr. Long.

16 Mr. Ervin?

17 MR. ERVIN: Thank you, Your Honor, may it please the
18 Court?

19 THE COURT: Yes, sir.

20 CLOSING BY ERVIN:

21 MR. ERVIN: Ladies and gentlemen, Mr. Long is exactly
22 correct. The officers' hearts were pounding and their
23 adrenaline was high. They had just chased this man at 90
24 miles an hour down the road. He got out of his car, he fled on
25 foot, they chased him on foot. They had no time to formulate

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CLOSING BY ERVIN

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1 a story. Officer Neely told you what he saw. Listen to the
2 video and you can take this computer back there when you're
3 deliberate. Three minutes and ten seconds into the video, you
4 hear Officer Neely say, he threw it; he threw it. No reason
5 for him to say that unless he saw this Defendant throw those
6 bags. Two minutes later, 5:20 on the video, Officer Sauls, I
7 got two bags; I see nothing else up here. Why in the world
8 would Officer Sauls have a reason to go up to the second floor
9 unless he was told the two bags were thrown up there. Their
10 heart was pounding, their adrenaline was spiked, they had just
11 chased this Defendant in a vehicle and on foot. No need to go
12 upstairs unless they saw the Defendant throw those drugs and
13 Detective Sauls had to go retrieve them. And I'll get to Ms.
14 Williams testimony in a little while and tell you why what she
15 said is just not what happened.

16 Now, Mr. Long basically conceded the failure to stop.
17 It's my duty to at least show you the evidence that is there.
18 Obviously, you've seen the video, and the Judge will instruct
19 you on the law here in just a little bit. You need to find
20 that the Defendant was driving a motor vehicle on the roads in
21 South Carolina though the Defendant was signaled by law
22 enforcement and that he did not stop. It's as simple as that.
23 Obviously, you heard all the officers testify that they had
24 their blue lights and sirens activated and it's obvious from
25 the video, the Defendant knew that and sped away at 90 miles

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CLOSING BY ERVIN

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1 an hour trying to get away. So, the evidence is overwhelming
2 for the failure to stop.

3 Mr. Long said that running from the police caused Mr.
4 Campbell a lot more trouble than he should have encountered.
5 Yesterday you heard from Aliga Campbell. He told you a story
6 about those drugs being his. He could've saved this Defendant
7 a lot more trouble and a lot less time. He came forward a
8 year and a half later trying to save him from the trouble. It
9 could've been done a lot sooner. We'll talk about Mr. Aliga
10 Campbell here shortly, also.

11 Obviously, you can see that the crux of this case is
12 going to be whether you believe that this Defendant was the
13 one that threw those two bags up onto the second floor. Yes,
14 we only have one officer that saw him. The State would love
15 if we had all three that saw him. Jeremy Neely put his hand
16 on that Bible and swore to you, looked you in the eye and told
17 you what he saw. The man's got 12 years of law enforcement
18 experience. He's got a lot on the line.

19 And again, I'll reiterate, that video, when you go back
20 and listen to it, at those times, you can hear the officers
21 contemporaneously with them chasing the Defendant through the
22 breezeway, you piece it together; he threw it, he threw it,
23 while they're going. And, Mr. Long would have you believe he
24 was going full speed. I think Officer Neely testified that at
25 the point that they encountered each other, I was standing

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CLOSING BY ERVIN

1 here, he was standing there, he approximated it about seven
2 feet. He never said this Defendant was in a full sprint. If
3 that -- if this Defendant had come to the opposite end of the
4 breezeway, saw Detective Neely and turned back around, threw
5 it and then full strength and those bags were clumped
6 together. It's perfectly feasible that those two bags
7 weighing 11.2 grams make it up in the same spot where
8 Detective Sauls found them.

9 Let me go through the elements real quick of the
10 trafficking just so you can piece together the facts that you
11 have and the law that you will be instructed on here shortly
12 and fit it together like -- and when that's done, you'll be
13 firmly convinced of this Defendant's guilt on both charges.

14 Trafficking requires you to find this Defendant guilty
15 beyond a reasonable doubt that the substance was cocaine. You
16 heard Ms. Johnson testify that in her expert opinion -- and
17 the tests that she deducted it was cocaine. That the
18 Defendant had possession of that cocaine, either actual or
19 constructive, and you'll get a charge on both of those. The
20 State's position is this was actual possession. This
21 Defendant actually possessed those drugs. He tried to
22 dispossess those drugs by throwing them, but he had them on
23 him at one point and Officer Neely saw that. And the last
24 element is that the drugs did in fact weigh 10 grams or more.
25 Again, the drug report is evidence submitted by Courtney

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1 Johnson, 11.2 grams.

2 Now, Mr. Long and Mr. Martin, who had to leave, but these
3 guys are the best attorneys around here. I have ultimate
4 respect for them, and you can see their eloquence in the
5 courtroom. But having this case against them has reminded me
6 of an old saying I heard -- I think it was in law school. If
7 the facts are on your side, count them down. We had the
8 facts. If the law is on your side, count on the law. We have
9 the law. If neither is on your side, put it down on the table
10 and just try to scatter everything, try to get your focus off
11 of the evidence of this Defendant's guilt. Now, they
12 scattered it so hard, they brought Felicia Williams and Aliga
13 Campbell up on the stand to tell you a story.

14 Let's take Ms. Williams. Keep in mind, ladies and
15 gentlemen, as I told you yesterday in the beginning, evasion.
16 These are evasion attempts. Ms. Williams admitted to you that
17 she did not see him throw the drugs. In fact, she told you
18 she was on the first floor when Detective Neely had already
19 detained and arrested the Defendant. By that time, Detective
20 Sauls testified to you that he had gone upstairs and retrieved
21 the two bags. There's no possible way Ms. Williams could've
22 been on that second floor and encountered Detective Sauls;
23 there's no way. She told you she couldn't see the drugs from
24 where she was standing on the first floor. Again, how would
25 Detective Sauls know the drugs were up there if she was where

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1 the arrest took place and she couldn't see them. Detective
2 Sauls had to have been told by someone they were thrown up
3 there and Detective Neely told him that. She told you never
4 came forward to the police that they had arrested the wrong
5 person. Again, and she had a year and a half to do that.
6 This incident took place November of 2015. She could have
7 saved this man a lot of trouble. He created this trouble.
8 There was nobody to save him from it.

9 I think we can -- you heard testimony and listened to the
10 video. Remember the testimony that the officers told you. It
11 doesn't jive with what she said. It just -- it's not possible
12 that she was up on that second floor.

13 Let's move to Mr. Aliga Campbell. He said he was related
14 to the Defendant. So, we have a bias. He has a reason to
15 come in here and tell you the story. This man admitted to you
16 that he would not change his testimony regardless of what was
17 presented in court. He told you once he did hear the video
18 and then he waived. I submit to you, regardless of him
19 hearing the Defendant say, he seen me throw it, and admit to
20 possession of those drugs, he would've told you the same
21 story, the honest drug trafficker. But, yet again, this man
22 waited a year and a half to come forward with this story to
23 try and put this Defendant out of his trouble. He had all the
24 time in the world. Who leaves that much cocaine laying
25 around?

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1 Let me pose something interesting to you. Let's say this
2 Defendant is not guilty of the possession, the trafficking
3 charge, possession of cocaine. Imagine you're sitting in this
4 box and Aliga Campbell sitting at that table, who in the world
5 do you think is going to be the first witness that Aliga
6 Campbell's Defense Attorney is calling to the stand? It's
7 gonna be that man, David Campbell. And do you know he's gonna
8 say; those drugs were mine. I owned them on a video. Those
9 officers heard me say that in court. We got court transcripts
10 saying they were mine; they're not Aliga's. He flipped the
11 script.

12 Evasion, that's all it is, ladies and gentlemen. What
13 you witnessed is -- the State submits to you, it's a simple
14 case. We did not have fingerprint evidence. We did not have
15 DNA evidence. Unfortunately, there was no surveillance
16 footage that was able to be obtained from there. The officer
17 saw the man throw it. There's no need to tie up resources in
18 submitting two bags that they saw this man throw. There's no
19 need for it.

20 What you've witnessed is an evolution from truth to
21 untruth presented by this man. You heard on the -- you can
22 hear it again when you take the computer back there and listen
23 to it and hopefully will be a little more clearer for you. He
24 saw me throw it. I'm F'd up. He knows it. Then the second
25 time, he says he saw me throw it. Qualifies it a little bit.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
APPEAL FROM HORRY COUNTY
Court of General Sessions
The Honorable Thomas Anthony Russo, Circuit Court Judge

Appellate Case No. 2017-001229

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

DAVID HAROLD CAMPBELL,

APPELLANT.

APPELLANT.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material. Counsel certifies that the ROA is in compliance with the August 13, 2007 Order of the Supreme Court of South Carolina relating to the inclusion of personal data identifiers and other sensitive information in documents.


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This 13th day of January, 2020

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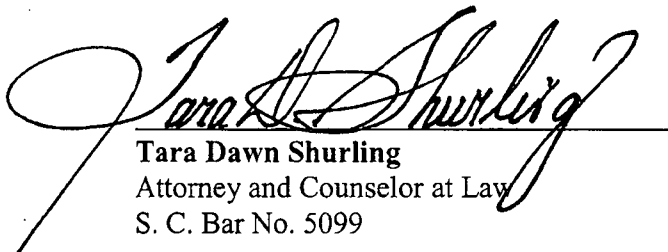
DAVID HAROLD CAMPBELL,

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that one copy of the Record on Appeal in the above-entitled case has been served upon opposing counsel by depositing in the U.S. Mail, postage prepaid, this 13th day of January, 2020, addressed as follows:

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