

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Beaufort County

Honorable Jennifer B. McCoy, Circuit Court Judge

STANLEY WRIGHT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2019-000676

APPENDIX

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PAGES 1 – 500

INDEX

INDEX	i
TRIAL TRANSCRIPT (SEPTEMBER 16-18, 2013)	1
APPLICATION FOR POST-CONVICTION RELIEF	603
RETURN AND MOTION FOR MORE DEFINITE STATEMENT	610
POST-CONVICTION RELIEF HEARING TRANSCRIPT (DECEMBER 4, 2018)	616
ORDER OF DISMISSAL	643
DEFENDANT'S MOTION TO ALTER OR AMEND THE JUDGMENT	653
ORDER DENYING MOTION TO ALTER OR AMEND THE JUDGEMENT	659
INDICTMENTS	661
SENTENCING SHEETS	667

State of South Carolina.,) In the General Sessions
) Court of Beaufort
)
) Case No.: 2011-GS-07-01851
) 2011-GS-07-01852
) 2011-GS-07-01853
) 2011-GS-07-01854
 County of Beaufort.) 2011-GS-07-01855
)

State of South Carolina.,)
)
 Plaintiff.,)
)
 -vs-) Transcript of Record
)
 Stanley Leonard Wright.,)
)
Defendant.)

September 16-18, 2013
 Beaufort, South Carolina

B E F O R E:

The Honorable Maite' Murphy, Judge, and a jury.

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

	<u>WITNESS</u>	<u>BY:</u>	<u>PAGE NO.</u>
1			
2			
3	Sally Irvin	Mr. Johnson	P.90-103 (IC)
4			P.107-109 (IC)
5		Solicitor Shelton	P.103-107 (IC)
6	Erin Parlagreco	Mr. Johnson	P.111-116 (IC)
7			P.123-124 (IC)
8		Solicitor Shelton	P.116-123 (IC)
9			P.125
10	Sonya Ford	Mr. Johnson	P.126-135 (IC)
11		Solicitor Shelton	P.135-137 (IC)
12	Deputy Jonathan Collier	Solicitor Shelton	P.138-142 (IC)
13			P.207-217
14		Mr. Johnson	P.143 (IC)
15			P.217-221
16	Officer Mitchell Archbell		
17		Solicitor Shelton	P.182-192
18		Mr. Chaplin	P.192-206
19	Officer Walter Criddle	Solicitor Shelton	P.222-225
20		Mr. Chaplin	P.225-228
21	Officer Rebecca Whitney	Solicitor Shelton	P.230-236
22			P.315-316
23		Mr. Johnson	P.236-238
24			P.316-317
25			

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

	<u>WITNESS</u>	<u>BY:</u>	<u>PAGE NO.</u>
1			
2			
3	Sergeant Andre Florencio		
4		Solicitor Shelton	P.239-247
5			P.250-262 (IC)
6			P.270-290
7			P.298-301
8		Mr. Johnson	P.291-298
9	Officer James Lauver	Solicitor Shelton	P.302-310
10			p.314
11		Mr. Chaplin	P.310-314
12	Corporal Raymond Heroux		
13		Solicitor Shelton	P.318-335
14			P.339-380
15			P.388-392
16		Mr. Chaplin	P.380-388
17			P.392
18	Officer James Padgett	Solicitor Shelton	P.398-406
19		Mr. Chaplin	P.406-413
20	Eileen Rios	Solicitor Shelton	P.414-422
21			P.433-437
22		Mr. Chaplin	P.422-432
23			P.437-440
24			
25			

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

<u>WITNESS</u>	<u>BY:</u>	<u>PAGE NO.</u>
Renita Berry	Solicitor Shelton	P.441-465
		P.469
	Mr. Chaplin	P.465-468
Officer Jennifer Snider	Solicitor Shelton	P.470-474
	Mr. Chaplin	P.474-479
Corporal Cynthia Payne	Solicitor Shelton	P.482-489
		P.491-492
	Mr. Johnson	P.489-491
Jennifer Mills	Solicitor Shelton	P.493-515
	Mr. Johnson	P.515-516
Closing Arguments	Solicitor Shelton	P.531-553
	Mr. Johnson	P.553-561
Charge to the Jury		P.561-585
Verdict		P.591-594
Sentencing		P.594-602
Court Reporter's Certificate Page.		P.603
Voir Dire/Batson Sheet		P.604
C of C Computer Generated Strike Sheet		P.605-606
Reporter's Note: (IC) Indicates Camera Hearings		

I-N-D-E-X - CON'TE-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
CT.1	Note from Bailiff 9/17/13		P.173
CT.2	Fax from Juror to Clerk		P.269
CT.3	Affidavit from Tom Paige dated 9/18/13		P.529
CT.4	Jury Charge		P.530
CT.5	Jury Charge/Second Print.		P.581
CT.6	Jury Note/Question from jury with Judge's response.		P.589
ST.1	Photograph	P.89	P.233
ST.2	911 Call	P.89	
ST.3	911 Call	P.89	
ST.4	911 Call	P.89	
ST.5	Not entered into evidence		
ST.6	Photo of digital scales.		P.353
ST.7	Purple Crown Royal Bag		P.346
ST.8	Photo of Photo of Defendant in mirror.		P.356
ST.9	Close up of St.8		P.356
ST.10	Photograph		P.245
ST.11	Photograph		P.244
ST.12	Photo/Visa Card.		P.351
ST.13	Close up of St.12.		P.351

I-N-D-E-X- CON'TE-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
ST.14	Photograph		P.233
ST.15	Photo/MB Closet, shoes		P.364
ST.16	Photograph		P.233
ST.17	Photograph		P.233
ST.18	Photo/marijuana.		P.233
ST.19	Photo/marijuana.		P.330
ST.20	Photo/2 Mason jars		P.358
ST.21	Photo/shoes & mail		P.372
ST.22	Not entered into evidence		
ST.23	Not entered into evidence		
ST.24	Photo/Currency		P.374
ST.25	Photo/Currency		P.374
ST.26	Photo/Currency		P.374
ST.27	Duplicate Exhibit		
ST.28	Diagram/Home Interior.		P.324
ST.29	Photo/Home Exterior.		P.325
ST.30	3 bags marijuana		P.448
ST.31	Cocaine Bag.		P.512
ST.32	Defendant's Visa Card.		P.351
ST.33	Photograph of Def. (Original).		P.357
ST.34	Digital Scales		P.354
ST.35	Sandwich bag box		P.344

1 (COURT IN SESSION IN THE MATTER OF STATE V. STANLEY
2 LEONARD WRIGHT, MONDAY, SEPTEMBER 16, 2013 AT 10:58 A. M..)

3 (JURY ROLL CALL BY THE CLERK OF COURT OFF THE RECORD.)

4 THE COURT: Good morning everyone. Thank you. You
5 may have a seat.

6 Good morning, ladies and gentlemen of the jury, my
7 name is Maite' Murphy I am a circuit court judge from
8 Dorchester County and it is a pleasure to be here in
9 Beaufort County with you. And this is a one week term of
10 court for General Sessions Court so I just want to make
11 sure everyone is in the correct courthouse. So your jury
12 service for this week will be Monday through Friday. We
13 certainly understand the inconvenience a jury service may
14 cause on your life but we will try be mindful of your time
15 as we possibly can and hopefully this will be an enjoyable
16 and educational week for you.

17 The purpose this morning is to determine your
18 qualifications for jury service.

19 (THE COURT ADJUST MICROPHONE.)

20 THE COURT: Is that better?

21 The purpose this morning is for to determine your
22 qualifications for jury service for this week and I
23 understand that you've already done the actual roll call
24 this morning so you've met our Clerk of Court and our Court
25 Reporter and our wonderful bailiffs and the staff here in

1 the courthouse and their job of course is to make your jury
2 service run as smoothly as possible this week.

3 I have certain questions that I have to ask you by
4 state law to determine your eligibility to serve. And
5 quite frankly sometimes these questions may be somewhat
6 embarrassing or you may not want to stand up in front of
7 the whole panel and answer these questions. So if after
8 each question I will ask if the question applies to you, to
9 please stand. If you don't want to do so at that time I
10 will give you an opportunity at the end of the questioning
11 process to stand up and we have a catch all if there is any
12 potential reason why you should not be eligible to serve.
13 So you can have an opportunity to come forward and you
14 should do so.

15 So the questions that we have to ask are the first
16 question is any member of the jury panel not a citizen of
17 the United States; if so, please stand?

18 (NO RESPONSE.)

19 THE COURT: Is any member of the jury panel not a
20 resident and citizen of Berkeley County or Beaufort County,
21 I'm sorry, South Carolina, if so, please stand?

22 (NO RESPONSE.)

23 THE COURT: Is there any member of the jury panel
24 unable to read, write, speak or understand the English
25 language, if so, please stand?

1 (NO RESPONSE.)

2 THE COURT: Is any member of the jury panel have less
3 than a sixth grade education or it's equivalent, if so,
4 please stand?

5 (NO RESPONSE.)

6 THE COURT: Is any member of the jury panel unable
7 because of mental or physical infirmities to render
8 efficient jury service? For example, the member of the
9 jury panel if you have a medical condition that would
10 prevent you from serving on the jury, if so, please stand?

11 (NO RESPONSE.)

12 THE COURT: Is any member of the jury panel been
13 convicted by guilty plea or trial in a state or federal
14 court of record of a crime punishable by imprisonment for
15 more than one year and your civil rights have not been
16 restored by pardon or amnesty? Punishable by more than one
17 year doesn't mean that you actually got one year but the
18 potential sentence could have been for one year. If so,
19 please stand.

20 (NO RESPONSE.)

21 THE COURT: Is there any member of the jury panel a
22 clerk or deputy clerk of court, constable, sheriff or other
23 official law enforcement officer, probate judge, county
24 commissioner, magistrate, or other county officer or
25 employed within the walls of any courthouse, if so, please

1 stand?

2 (NO ONE STANDS.)

3 THE COURT: Is there any member of the jury panel who
4 has previously served on jury duty in circuit court, not in
5 city court or magistrate court or federal court during this
6 calendar year, if so, please stand?

7 (NO RESPONSE.)

8 THE COURT: Has any member of the jury panel served as
9 a member of the Beaufort County Grand Jury during the past
10 several years, if so, please stand?

11 (NO ONE STANDS.)

12 THE COURT: We now move to jury exemptions. State law
13 provides for several exemptions for jury service. An
14 exemption does not mean that you are not qualified to
15 serve. It simply means that you have the right to say I
16 choose not to serve.

17 The first exemption is for those of you that are
18 sixty-five years of age or older. You may be exempted from
19 jury service. Those of you who are sixty-five years of age
20 or older of course possesses a tremendous pool of talent
21 and experience and wisdom which can come in very handy for
22 jury service. But if you are sixty-five years of age or
23 older and you wish to be exempt from jury service this
24 week, if so, please stand.

25 (NO ONE STANDS.)

1 THE COURT: Another exemption concerns prior jury
2 service. No person is required to serve as a juror more
3 often than once every three calendar years. Therefore if
4 any member of the jury panel has served on jury duty the
5 last two calendar years you may be exempted from service
6 this week if you choose to be exempted. This exemption
7 does not apply if your jury service was in Magistrate
8 Court, City Court, or a Federal Court. If this exemption
9 applies to you and you wish to exercise it, if so, please
10 stand?

11 Yes, sir, your juror number?

12 A. 130. I know it's close. I'm not exactly sure how
13 close but it's been in the last couple of years.

14 THE COURT: In the last --

15 A. It may be within three years.

16 THE COURT: Okay, sir. You don't recall the date?

17 A. I don't know the exact date.

18 THE COURT: Madame Clerk, could you check on this?

19 MADAME CLERK: Yes, ma'am.

20 THE COURT: You said you were Juror Number 130?

21 A. 130 yes.

22 THE COURT: All right, sir. What we'll do is we'll
23 just check the prior jury service and you stay with us for
24 right now and we'll check. Thank you.

25 A. Thank you.

1 THE COURT: Persons who have served on a Grand Jury in
2 the last five calendar years may also be exempt from jury
3 service. If any member of the jury panel has served on a
4 Grand Jury within the last five calendar years and wish to
5 be exempted please stand?

6 (NO RESPONSE.)

7 THE COURT: The next exemption deals with those of you
8 who have legal custody of young children. Listen very
9 careful as all these conditions must apply for you to be
10 eligible for an exemption.

11 If you have a child under the age of seven years, you
12 have legal custody of your child or children you have the
13 physical care custody and control of your child or children
14 and you are unable to make arrangements for the adequate
15 care of your child or children while performing jury duty,
16 if all those requirements apply to you you may be exempted
17 on that basis. Does anybody wish to be exempted on that
18 basis?

19 (NO RESPONSE.)

20 THE COURT: Another exemption is if you are the
21 primary care taker of a person sixty-five years of age or
22 older, and you are unable to provide adequate care for the
23 person while performing jury service you may be exempt from
24 jury duty. If this exemption applies to you and you wish
25 to be exempted, please stand?

1 (NO RESPONSE.)

2 THE COURT: The other exemption is if you are the
3 primary care taker of a severely disabled person who is
4 unable to care for himself or herself and cannot be left
5 unattended and you are unable to provide adequate care for
6 the person while performing jury service you may be exempt
7 from jury duty. If this exemption applies to you raise
8 your hand.

9 (NO RESPONSE.)

10 THE COURT: The next exemption involves those who may
11 be attending school at this time or working in some
12 capacity with a school. If this exemption applies to you
13 and you wish to transfer your service to another term of
14 court that would not interfere with your involvement in
15 school responsibility and you wish to be exempted please
16 stand?

17 Yes, ma'am, your juror number?

18 A. 139.

19 THE COURT: Ms. Howard?

20 MS. HOWARD: Yes.

21 THE COURT: Ms. Howard, do you work with the school
22 system?

23 MS. HOWARD: Yes. I'm a career specialist and I
24 transition in many schools and we're just starting up.

25 THE COURT: Okay, ma'am. I can transfer you to

1 another term of court. Would you like to go in the summer
2 time or during the winter breaks? Is there a time that's
3 more convenient for you?

4 MS. HOWARD: I really can't tell you that, ma'am,
5 because of the activities that we have, program services.

6 THE COURT: Okay. If you would like to come forward we
7 can get the scheduling clerk to send you a new - We'll pick
8 a better date for you okay, ma'am, thank you.

9 Is there any member of the jury panel who is employed
10 with the Department of Corrections or a penitentiary and
11 you would like to be exempted please stand?

12 (NO RESPONSE.)

13 THE COURT: Is there any juror performing services for
14 businesses whether it's commercial or an agricultural
15 enterprise which are so essential to the operation of the
16 enterprise that if you were required to perform jury duty
17 the enterprise would have to close or stop functioning and
18 if so if you wish to be exempted please stand?

19 (NO RESPONSE.)

20 THE COURT: Ladies and gentlemen, that concludes the
21 statutory questions of qualifications and exemptions for
22 jury service. It may be that you are qualified and those
23 exemptions applies to you but jury service this week would
24 constitute an extreme hardship on you for a particular
25 reason, I cannot permanently excuse a juror from jury

-16-

1 service but under extremely compelling circumstances I can
2 transfer your service to another term of court. And
3 particular jurors that have not been previously transferred
4 that's certainly an option. We understand that the
5 general inconvenience of jury service has and we certainly
6 don't want to inconvenience you and have jurors function
7 effectively.

8 Ladies and gentlemen, now is the chance for you if you
9 did not respond earlier to any of my questions that I ask
10 of you that may have a compelling reason to request a
11 transfer of your jury service to another week if any of the
12 questions apply to you or you have one of those compelling
13 reasons if you would please stand? If you wish to discuss
14 with the Clerk.

15 Ma'am, would you like to come up?

16 A. To the bench?

17 MADAME CLERK: Yeah, please come up to the side.

18 Ladies and gentlemen, if you all would form a line
19 over here by Bailiff Bob. If you have a request to be
20 excused. Let me finish that statement. If you have a
21 request of the judge stand in line otherwise stay seated.

22 THE BAILIFF: Your Honor, Juror Number 10.

23 THE COURT: Yes, ma'am.

24 JUROR NUMBER TEN: I'm involved in a case that's
25 actually in this courthouse before. I'm on my fourteenth

1 court appearance and it involved the sheriff's department
2 and some other official entities and I don't believe I can
3 be objective regarding testimony from law enforcement right
4 now.

5 THE COURT: Okay. So you don't feel you can be fair
6 and impartial ---

7 JUROR NUMBER TEN: I know I can't.

8 THE COURT: --- in a criminal trial. Okay. What
9 we'll do is we'll transfer you to a civil term.

10 JUROR NUMBER TEN: Thank you.

11 THE BAILIFF: Your Honor, Juror Number 143.

12 THE COURT: Mr. Houston. Yes, sir.

13 MR. HOUSTON: I'm just requesting a transfer to
14 something close like in January. I'm single and self
15 employed and I've had a negative income for the past five
16 years. My business is directly slower right after the
17 first of year so I'm requesting a transfer to that time.

18 THE COURT: Okay we can do that. Yes, sir, Number
19 Ten?

20 MR. HOUSTON: 143.

21 THE BAILIFF: Your Honor, Juror 247.

22 THE COURT: Good morning.

23 JUROR NUMBER 247: Good morning. Last year I was
24 convicted of a crime. I think at the time it was breach of
25 trust and now I'm going to the PTI program, I have

-18-

1 restitution to pay back by November of next year.

2 THE COURT: You're going through PTI or you're on
3 probation?

4 JUROR NUMBER 247: I'm going through PTI. I'm not on
5 probation or anything. I have until November of next year
6 or it's gonna pick back up and it goes to trial.

7 THE COURT: Did you actually plead guilty or did you
8 go straight to PTI?

9 JUROR NUMBER 247: I'm not sure of the PTI so I don't
10 know. I know it comes up on my record.

11 THE COURT: It's an arrest but not a conviction?

12 JUROR NUMBER 247: Correct.

13 THE COURT: Okay. So you don't actually have a
14 conviction so you're okay.

15 JUROR NUMBER 247: Okay.

16 THE COURT: Okay. It does show you had a guilty
17 disposition on that so we'll have to excuse you on that
18 basis. Just hang with us. We'll look it up. You hang
19 with us. And you're 247?

20 JUROR NUMBER 247: Yes, ma'am.

21 THE COURT: Okay. Just hang with us and we'll check
22 on that. Thank you.

23 THE BAILIFF: Your Honor, Juror Number 65. 6-5.

24 THE COURT: Good morning.

25 JUROR NUMBER 65: Good morning. How are you doing?

1 THE COURT: Good. And you are Mr. Dailey?

2 MR. DAILEY: Yes. I'm a retired New Jersey state
3 trooper.

4 THE COURT: Yes, sir.

5 MR. DAILEY: I also was a insurance investigator, SIU,
6 investigating various fraud things. I also am currently a
7 senior lost prevention specialist and currently training
8 somebody for the job he just came on. This is his first
9 week and I have a meeting tomorrow at the Savannah Police
10 Department however I can see a theft problem we have in
11 Savannah and I don't think anyone's gonna put me on a jury
12 because in my mind if a police officer arrested somebody
13 their guilty.

14 THE COURT: Well - And it's Mr. Dailey?

15 MR. DAILEY: Uh-huh.

16 THE COURT: Mr. Dailey, you know the jury instructions
17 would be that you must listen to the evidence set forth by
18 and follow the law. Basically are you telling me that you
19 cannot be fair and impartial and follow the law as
20 instructed?

21 MR. DAILEY: If I can follow the law and everything as
22 far as that goes. But if a police officer gets up there
23 and testifies anything he says to me is gospel.

24 THE COURT: What we'll do is we'll transfer you to a
25 civil term of court.

1 MR. DAILEY: This is my second time back.

2 THE COURT: Then you'll need to hang with us. This is
3 your second - You were transferred previously?

4 MR. DAILEY: Yes.

5 THE COURT: Okay. Sir, you need to stick with us
6 then.

7 MR. DAILEY: Okay.

8 THE BAILIFF: Your Honor, Juror 91. 9-1.

9 THE COURT: Mr. Fields, how are you today?

10 MR. FIELDS: Good. My name is Anthony Fields and I'm
11 the senior pastor from Newburg Fellowship Ministries.

12 THE COURT: Yes, sir.

13 MR. FIELDS: And because of religious reasons I don't
14 believe that I would be able to do the jury. Plus my mom
15 is - she lives with us. She has alzheimers Level III and
16 because of those two things I think that it would be kind
17 of hard for me to do it.

18 THE COURT: Well I understand jury service sometimes
19 may be difficult. Let's talk about the alzheimers
20 situation first. Are you in charge of caring for your
21 mother?

22 MR. FIELDS: My sister is but she lives with me.

23 THE COURT: Okay. So you've got someone to be able to
24 able to help with that situation?

25 MR. FIELDS: Yeah, huh-huh.

1 THE COURT: As far as your religious convictions do
2 you feel that you could of course nobody is asking you to
3 violate your religious convictions but basically listen to
4 the evidence as presented and follow the law as given by
5 the court. Do you think you could follow the law and be
6 fair and impartial?

7 MR. FIELDS: I think I would have a problem with the
8 judging part you know as far as the judging and you know
9 making a decision on that basis because of my religious
10 reasons.

11 THE COURT: And your religious reasons as far as - The
12 judging part basically you would just be the judge of the
13 facts. You judge facts everyday.

14 MR. FIELDS: Right.

15 THE COURT: Like when you go to the grocery store you
16 say okay --

17 MR. FIELDS: Right. Right.

18 THE COURT: I look at commercial A and commercial B
19 and I'm gonna pick out this kind so you judge facts every
20 day.

21 MR. FIELDS: Right.

22 THE COURT: That's all that you're being required to
23 do here.

24 MR. FIELDS: Right. Okay.

25 THE COURT: You okay with that?

1 MR. FIELDS: Yeah I guess.

2 THE COURT: Okay. All right, so you can set that
3 aside and just judge the facts just like you do in everyday
4 life. And you can be fair and impartial to both the State
5 and to the Defense?

6 MR. FIELDS: Uh-huh.

7 THE COURT: Okay. Stay with us.

8 MR. FIELDS: Okay.

9 THE BAILIFF: Your Honor, Juror 3-4-7. 3-4-7.

10 THE COURT: Good morning.

11 A. Good morning.

12 THE COURT: Are you Ms. Young?

13 MS. YOUNG: Yes, ma'am.

14 THE COURT: And what is your situation?

15 MS. YOUNG: I got a preschooler and we have some staff
16 out in our and I wanted to know if I could serve at a later
17 date.

18 THE COURT: If you want to transfer because of your
19 school responsibilities?

20 MS. YOUNG: Yes, ma'am.

21 THE COURT: Yes, ma'am, if you'll see our scheduling
22 clerk over there she can help you.

23 MS. YOUNG: Thank you.

24 THE BAILIFF: Your Honor, Juror 85.

25 THE COURT: Yes, sir.

1 A. Financially I cannot afford to drive from Hilton Head
2 to be here for everyday. I'm in customer service at
3 Publix, I'm not full time yet. I do not get paid for today
4 and I borrowed my girlfriend's car to get here.

5 THE COURT: Okay.

6 A. So transportation and financially would be a big
7 burden on me right now.

8 THE COURT: Well do you think there would be a time
9 better like in six months or so that you would be better
10 able to serve?

11 A. Uh-huh.

12 THE COURT: You okay with that?

13 A. Yeah.

14 THE COURT: Okay. So we'll transfer you to another
15 term, okay?

16 A. That's fine. Thank you.

17 THE COURT: Thank you.

18 THE BAILIFF: Your Honor, Juror 293, 2-9-3.

19 THE COURT: Good morning.

20 A. Good morning.

21 THE COURT: You're 293?

22 A. Yes.

23 THE COURT: And what's your situation?

24 A. I'm a Jehovah Witness and we don't usually take part
25 in jury or court or anything political.

1 THE COURT: Okay. Well this isn't political really.
2 Basically you would be ask if you're selected on the jury
3 to be fair and impartial and determine the facts.

4 A. Right.

5 THE COURT: I'm the judge of the law but you would
6 determine which facts to believe whether it's the State or
7 the Defendant and we just ask that you set any previous
8 notions aside and determine the case based on the evidence
9 that's presented in court.

10 A. Right.

11 THE COURT: Can you set that aside and just be fair
12 and impartial on the facts?

13 A. I guess.

14 THE COURT: Well let me give you an example.

15 A. Okay.

16 THE COURT: You make decisions on facts everyday.

17 A. Uh-huh.

18 THE COURT: Like when you go the grocery store you
19 make a decision on what brand to buy.

20 A. Right.

21 THE COURT: That's the same type, you're making a
22 decision on the facts and the law as presented to you. You
23 think you can set aside any - Nobody is asking you to
24 violate your religious beliefs - - -

25 A. Right.

1 THE COURT: --- but just make a determination on the
2 facts, on the evidence that's presented in the courtroom.

3 A. Correct.

4 THE COURT: Okay. You can do that? Be fair and
5 impartial?

6 A. Yes.

7 THE COURT: All right. Thank you. Please stick with
8 us.

9 A. Where do you want me to go? Back to my seat?

10 THE COURT: Yes. Thank you.

11 THE BAILIFF: Your Honor, Juror 171.

12 THE COURT: Good morning.

13 A. Good morning.

14 THE COURT: She needs to be able to hear what you're
15 saying.

16 A. Okay. I served on a jury I think it was either the
17 spring of 2010 or 2011 but I don't really know what kind of
18 jury it was to be honest. It was a criminal case.

19 THE COURT: Was it in this courtroom?

20 A. No it was in Ohio actually.

21 THE COURT: Oh, in Ohio.

22 A. I don't know if that makes a difference.

23 THE COURT: Do you remember what the case was about?

24 A. Yeah it was breaking and entering and aggravated
25 assault. I don't know the technical terms but felons had

1 weapons.

2 THE COURT: And you just don't recall when it was?

3 A. It was either 2010 or 2011 but I don't know if it
4 applies. It was a county case. I don't know if it was
5 like the magistrate or whatever.

6 THE COURT: Now that wouldn't disqualify you if it was
7 a General Sessions type but it may allow you to be
8 exempted. You don't want to serve this week?

9 A. Well I have an annual religious retreat that's out of
10 state that starts on Thursday so I'd really like to attend
11 that.

12 THE COURT: So you want to actually be transferred?

13 A. Yeah.

14 THE COURT: Okay. We can transfer you to another term
15 of court.

16 A. Okay. Just go sit down?

17 THE COURT: Yes, ma'am.

18 THE BAILIFF: Your Honor, Juror 87.

19 THE COURT: Ms. Evans?

20 MS. EVANS: Uh-huh.

21 THE COURT: Yes, ma'am.

22 MS. EVANS: I'm a realtor and I have a closing today.
23 One of the attorney's office called me they can't find the
24 earnest money and I'm negotiating four contracts all in the
25 time frame. I mean time deadlines.

1 THE COURT: Okay.

2 MS. EVANS: There is nobody else, I'm the assistant
3 right now and there is nobody else that can do my job. The
4 business will be essentially shut down this week.

5 THE COURT: Okay. Is there a time that would be more
6 convenient we can transfer you to a different term of
7 court. Obviously all these people are in the same
8 situation.

9 A. Right. I don't know. I don't know what people do.
10 I've never had - I've never been called so I don't know.

11 THE COURT: Well if we agree to a transfer basically
12 we give you plenty of notice and you would know so you
13 could make plans ahead of time ---

14 MS. EVANS: Uh-huh. Uh-huh.

15 THE COURT: --- as to when you would be able to serve.

16 MS. EVANS: Uh-huh. Probably December would be a
17 better time for me.

18 THE COURT: Okay.

19 MS. EVANS: Holidays. Closer to the holidays.

20 THE COURT: All right. If you will get with our clerk
21 they'll schedule it at another time.

22 MS. EVANS: Thank you.

23 THE BAILIFF: Your Honor, Juror 165. 1-6-5.

24 THE COURT: How are you?

25 A. Good. I was convicted back in the mid '80s of a

1 drunken conviction. I did a plea agreement.

2 THE COURT: Uh-huh.

3 A. I did not serve time. I paid a fine and was on
4 probation for two years.

5 THE COURT: Okay. So you would be disqualified to
6 serve. Thank you, sir. Have a good day.

7 THE BAILIFF: Your Honor, Juror 76.

8 THE COURT: Good morning.

9 A. My name is Jeff Dewey.

10 THE COURT: Yes, sir.

11 MR. DEWEY: The question I'm having to ask is that I
12 did go to jail and I did do two months and it was because
13 it was for sales of narcotics. And I know it sounds - I
14 just got out of the military because there is the thing, my
15 wife left me and this guy in this bar where I was having a
16 hamburger and something to eat I saw him going around to
17 different people and he came up to me and he said he just
18 got out of the military because you know we talked a little
19 bit so I told him what happened to me and my wife and he
20 said he just got out of the military with his wife and ask
21 if I can get him some. Well I said what do you mean?

22 THE COURT: Well let me just ask you this. The charge
23 that you were convicted of did it carry more than a year?

24 MR. DEWEY: I don't know. I only did two months.

25 THE COURT: Correct. But could you have received a

1 different sentence?

2 SOLICITOR SHELTON: Its out in California where it's a
3 controlled substance so it probably did.

4 THE COURT: Yes. We'll go ahead and excuse you from
5 this term of court. Okay.

6 MR. DEWEY: Okay.

7 THE COURT: Thank you.

8 THE BAILIFF: Your Honor, Juror Number 9.

9 THE COURT: Good morning. Number 9? Yes, ma'am.

10 A. The problem I'm having is that we have one car. I am
11 responsible for getting my daughter to work and then
12 getting my grandbaby to the baby sitter and she has no way
13 to get home if I'm - -

14 THE COURT: Okay. Well what we can do is if you are
15 selected we can have a deputy bring you back and forth to
16 court so she can have the car. Okay?

17 A. Oh okay. I didn't know that would be - okay.

18 THE COURT: All right. Sure. So you hang with us Ms.
19 Baker.

20 MS. BAKER: Okay.

21 THE COURT: Thank you.

22 THE BAILIFF: Your Honor, Juror 241.

23 THE COURT: Good morning, how are you?

24 A. I'm fine. How are you?

25 THE COURT: Ms. Reed?

1 MS. REED: Yes.

2 THE COURT: And what's your situation?

3 MS. REED: Well, Your Honor, I don't mind serving. I
4 have a daughter in law who is in a pregnancy that is not
5 going well and I am caring for my two grandchildren helping
6 her out with that.

7 THE COURT: Okay.

8 MS. REED: So it wouldn't be an inconvenience only in
9 that she would have to find other people to help care for
10 her children. And I had been doing that for the last two
11 weeks. She is not on bed rest but she can't do very much.
12 We're trying to keep the baby in a little bit longer.

13 THE COURT: So really you just want to transfer to
14 another term that's more convenient for you?

15 MS. REED: If I could. It would just - it would help
16 her to not to have to find friends and other people to pick
17 up the children from school.

18 THE COURT: Okay. All right, well we'll transfer you
19 to another term of court. If you'll see the clerk down
20 there.

21 MS. REED: Thank you so much.

22 THE BAILIFF: Your Honor, Juror 278.

23 THE COURT: Good morning. How are you, sir.

24 A. I'm all right. How you doing?

25 THE COURT: Well is there a situation?

1 A. No I'm just saying my reading skills - -

2 THE COURT: I'm sorry.

3 A. My reading skills.

4 THE COURT: Oh, okay. Your reading skills. Let me
5 ask you this, sir. Do you work?

6 A. Yes.

7 THE COURT: And you pay your bills?

8 A. Yeah.

9 THE COURT: And you function obviously normal day to
10 day. Right?

11 A. Uh yeah.

12 THE COURT: And are you able to understand the English
13 language pretty well. You just can't read very well?

14 A. Yeah.

15 THE COURT: Okay. And if you are able to understand
16 and basically living in today's society I mean that is
17 really more than a sixth grade education if you're paying
18 your bills on time and going to work and that type of
19 thing. Would you feel comfortable serving on the jury?

20 A. I wouldn't cause I wouldn't you know wouldn't
21 understand all - everything.

22 THE COURT: Okay. You don't really have to do
23 reading. It would be a matter of listening and applying
24 the evidence to the facts as you hear from the testimony in
25 the case. Do you think you'd be able to do that?

1 A. I don't know. I don't know.

2 THE COURT: You don't feel comfortable doing that?

3 A. No.

4 THE COURT: Okay. We'll go ahead and excuse you, Mr.
5 Snowten. Thank you.

6 THE BAILIFF: Your Honor, Juror Number 4. Number 4.

7 THE COURT: You might have to bend down. Sorry.

8 Mr. Allen, how are you?

9 MR. ALLEN: I'm doing okay.

10 THE COURT: And what's your situation, sir?

11 MR. ALLEN: I just went through a long process of
12 getting my kids ---

13 THE COURT: Yes, sir.

14 MR. ALLEN: --- on the weekends. But I just committed
15 to a - I'm a truck driver so I just committed to a certain
16 job that allows me to get home on the weekends. If I work
17 this week right here if I stay out I'm gonna have to make
18 it up next week which I won't be able to get my kids.

19 THE COURT: Well.

20 MR. ALLEN: Its been a year. I didn't have them for a
21 whole year.

22 THE COURT: You hadn't seen them for a whole year?

23 MR. ALLEN: Well I just got them back within the last
24 three weeks, my visitations and everything.

25 THE COURT: So basically if you don't work during this

1 --

2 MR. ALLEN: I'm gonna have to make it up because I
3 committed to a contract.

4 THE COURT: Okay. And you can't switch for next week?

5 MR. ALLEN: I cannot switch at all. I'm gonna have to
6 make it up next week. I committed to a certain amount that
7 I have to run and I've got to do that.

8 THE COURT: Okay. You realize that you might not get
9 picked on the jury and then you'd be done with your jury
10 service. You don't want to roll the dice?

11 MR. ALLEN: Two hundred and fifteen miles away from
12 here just to go get it. So I got to go up to Gaffney.

13 THE COURT: So basically you're asking to be
14 transferred to a different term so you can have your
15 children?

16 MR. ALLEN: Yes, ma'am. Uh-huh.

17 THE COURT: And you're Number Four?

18 MR. ALLEN: Uh-huh.

19 THE COURT: Okay. We'll transfer you to another term.

20 MR. ALLEN: All right.

21 THE BAILIFF: Your Honor, Juror 183.

22 THE COURT: Ms. Major, yes, ma'am.

23 MS. MAJOR: I'm sick and I heard this was for one day.
24 And I'm a real estate agent and I'm having people coming
25 from Florida, coming up from Florida to look at houses

-34-

1 Wednesday so I can't be here for the whole week like today.
2 And tomorrow I could but I can't be here for like the whole
3 week.

4 THE COURT: Well, Ms. Major, you know we've got a
5 couple of cases going for trial and they may not last all
6 week. The term is for the entire week but you may not be
7 selected on both of them but that's - I think you need to
8 stick with us because certainly everybody has got
9 employment obligations that they've got to take care of.
10 But the first trial should probably last until Wednesday
11 and you may not even be selected so I really can't just
12 excuse you on that basis.

13 MS. MAJOR: Okay.

14 THE COURT: All right. Thank you, ma'am.

15 THE BAILIFF: Your Honor, Juror 273.

16 THE COURT: Good morning. Ms. Singleton?

17 A. Yes.

18 THE COURT: Yes, ma'am, what is your situation?

19 MS. SINGLETON: Well I don't think I can serve on a
20 jury because I don't know what trial is coming up but if
21 it's a Mullen day I can't serve.

22 THE COURT: I'm sorry.

23 MS. SINGLETON: I don't know what trial is coming up.

24 THE COURT: Yes, ma'am.

25 MS. SINGLETON: But if it's the Mullen days I can't

1 serve.

2 THE COURT: If it's a what?

3 MS. SINGLETON: The aunt.

4 THE COURT: Okay. Well if there is - When we start
5 the jury selection process if you actually know anybody
6 involved in the case and I will ask you at that time.

7 MS. SINGLETON: Okay.

8 THE COURT: So you will be provided a list of the
9 witnesses'.

10 MS. SINGLETON: I didn't know. Okay.

11 THE COURT: Yes, ma'am. So you feel that except for
12 the case that you know somebody in you can be fair and
13 impartial and serve as a juror?

14 MS. SINGLETON: Uh-huh.

15 THE COURT: Okay. Thank you, ma'am.

16 MS. SINGLETON: Okay.

17 THE COURT: You stay, ma'am.

18 THE BAILIFF: Your Honor, Juror 19.

19 THE COURT: Good morning. Ms. Best?

20 MS. BEST: It's just a little embarrassing.

21 THE COURT: That's fine.

22 MS. BEST: I have a little bit of irritable bowel
23 syndrome..

24 THE COURT: Okay.

25 MS. BEST: So already this morning I've had diarrhea

-36-

1 and I'm just uncomfortable cause I keep popping up to go to
2 the bathroom. As long as that's permissible.

3 THE COURT: Sure. If there is any kind of medical
4 requirements if you are selected on a jury if you need to
5 take a break at any time you just let me know.

6 MS. BEST: Okay.

7 THE COURT: I'm happy to and we can even have some
8 sort of signals so it doesn't point you out you know
9 automatically. Okay.

10 MS. BEST: Okay. Cause it's just very uncomfortable
11 today.

12 THE COURT: Certainly. Thank you, ma'am, I appreciate
13 that.

14 THE BAILIFF: Your Honor, Juror 342. 3-4-2.

15 THE COURT: Come in close so she can hear you.

16 A. It concerns work. I have two employees that work for
17 me. One went out for back surgery has been out - this will
18 be his eighth week. His wife faxed me something from the
19 Spine Institute saying he will be out for another four
20 weeks. That leaves my one employee that's sixty-two years
21 old.

22 THE COURT: Uh-huh.

23 A. I hate to even ask but if there is a way that I could
24 come back. I'm happy to serve but.

25 THE COURT: I understand. Basically you're one

1 employee. The first trial may really just be a couple of
2 days and you may not have to serve all week if you're
3 selected.

4 A. Okay.

5 THE COURT: And we're picking two jury's so it
6 wouldn't you know chances of you really being here all
7 week.

8 A. And that's what I'm concerned about.

9 THE COURT: Right. Chances are very low that you
10 would actually be here all week. So if you're selected on
11 the first jury you should be done hopefully by Wednesday.

12 A. Okay.

13 THE COURT: And really that exemption applies if your
14 business would have to actually shut down. I understand
15 you have one employee and I understand it's a hardship and
16 an inconvenience.

17 A. Yes, ma'am.

18 THE COURT: But if you would be willing to stay and
19 serve we certainly appreciate that.

20 A. Yes, ma'am. Will do.

21 THE COURT: Thank you.

22 A. Thank you for your consideration.

23 THE BAILIFF: Your Honor, Juror Number 239.

24 THE COURT: Ms. Reaves.

25 A. Yes.

1 THE COURT: Yes, ma'am.

2 MS. REAVES: My husband had served some time. In fact
3 its been a while.

4 THE COURT: Yes, ma'am.

5 MS. REAVES: And for all circumstances and I'm just
6 afraid I can't find somebody guilty because of what he went
7 through and what all the family went through.

8 THE COURT: Well let me ask you this. I understand
9 that was your husband's situation but what you would be
10 called upon would be fair and impartial to the facts as you
11 hear in this courtroom.

12 MS. REAVES: I know. But I'm afraid I can't. I'm
13 biased. I'm afraid that you don't get all the information
14 you need. It was a pretty hard time for me and I have hard
15 feelings.

16 THE COURT: And you can't be fair and impartial?

17 MS. REAVES: I'm afraid I can't be.

18 THE COURT: Okay. I'm gonna transfer you to a civil
19 term of court. Okay. Thank you, ma'am.

20 SOLICITOR SHELTON: It appears that Juror Number 247
21 has aggravated assault in New Jersey. The least it can
22 carry is eighteen months so he should be disqualified.

23 THE COURT: Juror Number 247, Mr. Ritchie. Would you
24 come forward please.

25 (WHITE MALE COMING FORWARD.)

1 THE COURT: Mr. Richie, I just want to let you know
2 that we checked on that situation for you and you're not
3 eligible to serve so I'm gonna go ahead and excuse you.
4 Thank you for letting us know.

5 MR. RITCHIE: No problem.

6 THE COURT: Juror Number 130. We checked on your
7 prior jury service and you are able to be exempted, sir.
8 A. Okay. Thank you.

9 THE COURT: Ladies and gentlemen, you are now - the
10 jury panel is now qualified. There are some general
11 guidelines of course for jury service and that would be
12 that you do not have cell phones or pagers or do any type
13 of independent research since you've been selected for jury
14 service. Also be mindful that the parties and the
15 attorneys cannot speak to you so if you see somebody in the
16 hallway and they are not being friendly its not that they
17 are just not being friendly. They are not allowed to have
18 any contact with you and you are not allowed to have any
19 contact with any member or people trying the case here.

20 And, ladies and gentlemen, we'll begin the jury
21 selection process for our first trial in a few minutes.

22 Are the parties ready to proceed on the first trial?

23 SOLICITOR SHELTON: Yes, Your Honor, the State is.

24 MR. CHAPLIN: Yes, Your Honor, we are.

25 THE COURT: Do you have a copy of the indictment or

1 your information?

2 SOLICITOR SHELTON: The Clerk's office has the
3 indictment. I have a copy of the indictment here, Your
4 Honor.

5 MR. CHAPLIN: Your Honor, may we approach?

6 THE COURT: Sure.

7 (BENCH CONFERENCE OFF THE RECORD AT 11:38 A.M..)

8 THE COURT: Ladies and gentlemen, before we begin the
9 selection of our first jury, we will take a quick fifteen
10 minute break. That will allow everybody to use the
11 restroom or whatnot but if you will please be back here in
12 the jury room at ten 'till then we'll begin the jury
13 selection process at that time. Thank you.

14 (JURY PANEL EXITS COURTROOM AT 11:39 A.M..)

15 THE BAILIFF: The jury pool is clear, Your Honor.

16 THE COURT: Thank you.

17 All right, I understand that there is some issues we
18 need to take care of before we select the jury; is that
19 correct?

20 SOLICITOR SHELTON: Yes. Your Honor, the Defense -
21 May it please the court. Defense has this case involves a
22 sweep of a residence that Judge Kristi Harrington in May of
23 this year when the defendant - We might want to get the
24 defendant in here.

25 THE COURT: Is he in the court - well we'll wait until

1 we get him in here.

2 SOLICITOR SPRINGS: I apologize, Your Honor. Thank
3 you.

4 (PAUSE.)

5 SOLICITOR SHELTON: May it please the court.

6 THE COURT: Yes, sir.

7 SOLICITOR SPRINGS: May the record reflect Mr. Wright
8 has been seated in the courtroom. The defendant.

9 (DEFENDANT STANLEY WRIGHT SEATED AT DEFENSE TABLE.)

10 SOLICITOR SHELTON: This is a case in which Judge The
11 Honorable Kristi Harrington as part of a pretrial motion in
12 May of this year in the May General Sessions term of court
13 in which she ruled that a sweep of a residence, the
14 defendant's residence, was lawful when law enforcement
15 responded to an alleged domestic violence incident. They
16 did not find the victim there. I have the entire
17 transcript here, Your Honor. And I apologize for not
18 providing this to you ahead of time. I thought that Judge
19 Mullen may be trying this case so I emailed it to her. I
20 don't know if she shared it with you or not.

21 I have this available, I also have a PDF copy for your
22 clerk. Since then the defendant has gotten rid of his old
23 lawyer Mr. Sam Bower and now has retained Mr. Joenathan
24 Chaplin. Mr. Chaplin's office believes there is additional
25 information that they want to bring a pretrial motion

-42-

1 regarding the sweep of the residence and wants to have a
2 hearing on that. The State would prefer to go ahead and
3 select the jury in the matter without actually swearing the
4 jury just as we normally do with pretrial motions. And I
5 have - If the Court is inclined to hear the motion after
6 reviewing the record the State believes the record is very
7 sufficient in establishing the record in Judge Harrington's
8 ruling based on an officer's knowledge at the time of the
9 incident and what they testified to at the time. And what
10 they will testify again to today if necessary.

11 However we would prefer because to not to take up the
12 court's time then I have to call back the jury tomorrow if
13 the motion is upheld as it is, go ahead and select a jury
14 today and if necessary select another jury if possible for
15 backup trial instead of waiting having the jury back there
16 hearing a motion that I have officers who are work night
17 duty coming at 1:30 here if Your Honor is inclined to hear
18 it even. Basically I believe that the defense doesn't want
19 to select the jury until after the motion. We'd like to go
20 ahead and select the jury now.

21 THE COURT: Mr. Chaplin.

22 MR. CHAPLIN: Your Honor, I refer to Mr. Johnson.

23 THE COURT: Mr. Johnson.

24 MR. JOHNSON: Thank you, Your Honor, may it please the
25 court. Your Honor, its our position that we have

1 discovered newly discovered evidence that was discovered
2 once we became involved in the case which indicates that
3 there are witnesses that was not used during the issue,
4 motion when it was heard. There is an officer that was not
5 - did not testify at that hearing that we think can offer
6 evidence to show that the police had knowledge prior to
7 going into that house, that the victim was not in the house
8 thereby meaning that they did it and did not have probable
9 cause to go into the house.

10 We have witnesses there to testify as well as the
11 State has been informed and they have informed the officer
12 that did not testify at the prior hearing would also be
13 here.

14 THE COURT: Okay. Go ahead.

15 MR. JOHNSON: And I think it goes to probable cause
16 because the search is not - if the search is held up to -
17 is found to be insufficient then the evidence would be
18 thrown out and it won't be a trial.

19 THE COURT: Well I think just for time wise and not
20 having the jury panel out there waiting I think we should
21 go ahead and select the jury and just not swear them in
22 until after we hear the motions and that way we can keep
23 them without having to inconvenience the jury.

24 MR. JOHNSON: That would be fine with us, Your Honor.

25 THE COURT: Okay. Any objections to that?

1 MR. JOHNSON: None.

2 THE COURT: That's how we'll proceed on that.

3 And, Mr. Shelton, if you don't mind getting me a copy
4 of that transcript.

5 SOLICITOR SHELTON: Absolutely. I'll give you my
6 paper copy. I have the transcript. And then I will email
7 the PDF to your law clerk and I might ask for that back
8 that's all I have.

9 THE COURT: That's fine.

10 SOLICITOR SHELTON: Thank you.

11 MR. CHAPLIN: Also, Your Honor, I don't know why I'm
12 thinking that we get ten strikes and they had five. For
13 whatever reason I just want to clear that up for the
14 record.

15 SOLICITOR SHELTON: Well I look at - I'm looking right
16 now, Your Honor, at Section 14-7-1110 of the South Carolina
17 Code of Laws. And if Your Honor would like to you can go
18 ahead and pull that up or I can go ahead and tell you what
19 the State's - but in this this is the statute that governs
20 peremptory strikes and there is no rhyme or reason. There
21 is no cap of time or anything. As most practitioners know
22 it just happens to be that any person who is arraigned for
23 the crime of murder, manslaughter, burglary, arson,
24 criminal sexual conduct, armed robbery, grand larceny, or
25 breach of trust when it's punishable by as for grand

1 larceny, as for grand larceny, perjury, or forgery is
2 entitled to peremptory challenges not exceeding ten. And
3 the State in these cases is entitled to peremptory
4 challenges not exceeding five.

5 Any person who is indicted for any crime or offense
6 other than those enumerated above has the right to
7 peremptory challenges not exceeding five.

8 THE COURT: I agree. I think you are entitled to ten.

9 SOLICITOR SHELTON: Ten. I'm sorry I believe he's
10 only entitled to five.

11 THE COURT: I think on burglary the defendant gets
12 ten.

13 SOLICITOR SHELTON: This isn't burglary. This is a -
14 This is not burglary. This is a trafficking charge.

15 THE COURT: Oh, I'm sorry.

16 SOLICITOR SHELTON: I apologize. I should have first
17 told you what the charges were.

18 THE COURT: I'm backward. I'm sorry. I thought this
19 was a burglary first.

20 SOLICITOR SHELTON: No.

21 THE COURT: I apologize on that. Do you have a copy
22 of the indictment?

23 SOLICITOR SHELTON: I do, Your Honor. And for the
24 record the State is proceeding on 2011-GS-07-0-1-8-5-1
25 possession with intent to distribute marijuana. 1-8-5-2

-46-

1 with trafficking in cocaine over two hundred grams. And is
2 also - Well its not listed here. As well as possession of
3 a weapon during the commission of a violent crime. The
4 defendant has two other charges with possession with intent
5 to distribute and trafficking within proximity to a park.

6 We are not proceeding on those indictments because the
7 State concedes that the indictment does not say knowingly
8 as required by the Omnibus Act so therefore it would not be
9 sufficient.

10 THE COURT: All right. Mr. Chaplin, I do, for some
11 reason I was thinking that it was burg first in the first
12 trial and that's why I thought you were entitled to ten
13 strikes but I concur with the State. I think you're
14 entitled to five.

15 MR. CHAPLIN: Thank you, Your Honor.

16 THE COURT: Have both parties had - I just got the
17 copy of the voir dire. Have both parties had a chance to
18 review each other's voir dire? Any objections or - -

19 SOLICITOR SHELTON: No, Your Honor. I don't believe
20 we have any objections to Mr. Chaplin's voir dire.
21 Anything we'll usually just defer to the Court's wisdom in
22 that.

23 THE COURT: Do we have a witness list?

24 SOLICITOR SHELTON: Yes, Your Honor.

25 THE COURT: Looks like we got a couple of minutes

1 before we ask the jury to come back so we'll do a quick
2 break and you let me know when they're back and ready.

3 SOLICITOR SHELTON: Thank you, Your Honor.

4 (COURT AT EASE AT 11:48 A. M..)

5 (COURT BACK IN SESSION AT 12:05 P.M..)

6 THE COURT: Ladies and gentlemen of the jury panel, we
7 are now about to get start the case of the State of South
8 Carolina versus Stanley Wright. Before we select a jury
9 there is several questions which I will ask you.

10 Is anyone on the jury panel ever been related by blood
11 or marriage to either the attorneys for the State and

12 Mr. Shelton, I'll ask you to please stand up and
13 introduce yourself and members of your staff.

14 SOLICITOR SHELTON: Thank you, Your Honor. May it
15 please the court.

16 Good morning everybody. My name is Ben Shelton I'm an
17 Assistant Solicitor for the solicitor of the Fourteenth
18 Circuit who is McGuffy Stone, Isaac McGuffy Stone an
19 elected official. He represents five counties Beaufort
20 being one of them as well as Allendale, Hampton, Collenton
21 and Jasper Counties. Seated with me is Ms. Mary Concannon.
22 She is also an assistant solicitor in our office and also
23 Mr. Raymond Heroux and he is a deputy with the Beaufort
24 County Sheriff's office. Also in my office some of them I
25 will list some of the attorneys just out of the abundance

1 of caution to make sure none of you know them.

2 We have Patrick Hall. We also have many more. Shawn
3 Thornton is the deputy solicitor. We have Mary Limpus.
4 Price Sumner. Also Ben Coppage as well as Samantha
5 Prinsonn all in the Beaufort County office along with
6 Solicitor Stone. Thank you so much.

7 THE COURT: Is anyone in the jury panel related by
8 blood or marriage or ever had a close personal relationship
9 with anyone in the solicitor's office or any of the
10 attorneys for the State, if so, please stand?

11 (NO ONE STANDS.)

12 THE COURT: Is anyone have a close relationship or
13 related by marriage with the attorneys for the defense?

14 Mr. Chaplin, if you would please stand up and
15 introduce the lawyers.

16 MR. CHAPLIN: My name is Joenathan Chaplin. I
17 practice out of Richland County but I'm from Walterboro,
18 South Carolina.

19 MR. JOHNSON: My name is Charlie Charlie Johnson. I
20 practice out of Columbia but I really from Dorchester.

21 THE COURT: Any member of the jury panel related by
22 blood or marriage to either of these gentlemen, if so,
23 please stand?

24 (NO ONE STANDS.)

25 THE COURT: Mr. Chaplin, if you would please introduce

1 your client Mr. Wright.

2 MR. CHAPLIN: This is Stanley Wright and he's from
3 here.

4 THE COURT: Any member of the jury panel related by
5 blood or marriage or have any close personal relationship
6 to Mr. Wright, if so, please stand?

7 (NO ONE STANDS.)

8 THE COURT: The following is a list of potential
9 witnesses in this case and if anybody again is related by
10 blood or marriage or any of the people that are on this
11 list you have a close personal relationship would you
12 please stand.

13 Deputy Mitchell Archbell with the Berkeley County or
14 Beaufort County Sheriff's office. Deputy Jonathan Collier,
15 Deputy Raymond Heroux, Officer Rebecca Whitney, Deputy
16 Andres Florencio, Deputy Cynthia Payne, Deputy Jennifer
17 Snider, and Jennifer Mills, Walter Criddle, Eileen Rios,
18 James Padgett, James Lauver, Renita Berry, James Hoyt,
19 William Squires, Kyle Strickland.

20 Anyone related by blood or marriage or a close
21 personal relationship with any of those potential
22 witnesses?

23 Yes, sir, your juror number?

24 A. 142.

25 THE COURT: 142. And who do you know, sir?

-50-

1 A. Jimmy Hoyt lives across from me but no real personal
2 relationship. Just location.

3 THE COURT: And would that prevent you in any way from
4 being fair and impartial and listen to the evidence
5 presented here in this trial?

6 A. No.

7 THE COURT: Thank you, sir, you may sit down.

8 Yes, ma'am.

9 A. 308.

10 THE COURT: And who do you know, ma'am?

11 A. Walter Criddle. I grew up with his daughter and he's
12 a friend of my family.

13 THE COURT: Okay. And would that relationship in any
14 way prevent you from setting that aside and be fair and
15 impartial based on the evidence that you hear from the
16 witness stand?

17 A. Yes, ma'am.

18 THE COURT: Thank you. Anybody else?

19 THE BAILIFF: One standing here, Your Honor.

20 THE COURT: Oh. Yes, ma'am.

21 A. Juror Number 14, Pamela Baxley. My husband is Carl
22 Baxley in the sheriff's office so they work under him at
23 some particular point.

24 THE COURT: Okay. And would that relationship with
25 those members and the sheriff's office could you set that

1 aside and be fair and impartial and listen to the evidence
2 that's presented in this courtroom?

3 A. Yes, ma'am.

4 THE COURT: And render a true and just verdict?

5 A. Yes, ma'am.

6 THE COURT: Thank you, ma'am.

7 Yes, ma'am.

8 A. Your Honor, I used to be a Adjunct instructor at Clark
9 University and I just wanted out of the abundance of
10 caution just say that Corporal Heroux was one of my
11 students.

12 THE COURT: And based on that relationship can you set
13 that aside and be fair and impartial based on the evidence
14 and make a decision based on the evidence that you hear in
15 this courtroom?

16 A. Yes, Your Honor.

17 THE COURT: Thank you.

18 MADAME CLERK: Number? Your number, Ms. Dovell?

19 MS. DOVELL: I'm Juror Number 78.

20 THE COURT: Has any member of the jury panel formed or
21 expressed any opinion about the issue or matter involved in
22 this case, if so, please stand?

23 Before we actually get started on that the charges
24 against Mr. Wright he has the indictment for possession
25 with an intent to distribute marijuana. The State alleges

-52-

1 that in Beaufort County on or about August 31st the
2 defendant, Stanley Wright, did unlawfully possess with
3 intent to distribute, dispense, or deliver a quantity of
4 marijuana in violation of the South Carolina Code of Laws.

5 The other indictment is for drugs, trafficking
6 containing two hundred grams or more. The State alleges in
7 this case that in Beaufort County, South Carolina on or
8 about August 31st the defendant did unlawfully and
9 knowingly did sell, manufacture, cultivate or deliver,
10 purchase or bring into this state a controlled substance
11 cocaine. And the last indictment is for weapons
12 possession. That in Beaufort County on or about August
13 31st, 2011 the defendant Stanley Wright did possess a
14 handgun or visibly displayed what could be a handgun during
15 the commission or attempted commission of trafficking
16 cocaine involved in a crime all in violation of the state
17 laws of South Carolina.

18 Does any member of the jury panel formed or expressed
19 an opinion about any issue that may be involved in this
20 case, if so, please stand?

21 (NO ONE STANDS.)

22 THE COURT: Any member of the jury panel whether bias
23 or prejudice towards either the State or the Defendant in
24 this case, if so, please stand?

25 (NO ONE STANDS.)

1 THE COURT: Is there any member of the jury panel that
2 was a member of the Grand Jury which issued the indictment
3 in this case, if so, please stand?

4 (NO ONE STANDS.)

5 THE COURT: Is there any member of the jury panel who
6 is a member or contributor to any group which has a primary
7 concern to the promotion of law enforcement or victim's
8 rights? These groups would include but certainly not
9 limited to MAD, SADD, CAV, any kind of Victim's Against
10 Violent Crimes, if so, please stand?

11 (NO ONE STANDS.)

12 THE COURT: Any member of the jury panel know any
13 reason whatsoever why he or she should not serve as a juror
14 in this case with particular emphasis being fair and
15 impartial to both the State and to the Defendant, if so,
16 please stand?

17 If you all will come up to the front please.

18 THE BAILIFF: Your Honor, Juror 65. 6-5.

19 THE COURT: Mr. Dailey.

20 MR. DAILEY: Yes. Police officers arrest that means
21 he's guilty.

22 THE COURT: Well, Mr. Dailey, as we discussed before
23 you have a duty to listen to the facts and the evidence
24 presented. Do you think you could follow the law and
25 listen to the facts and the evidence presented --

-54-

1 MR. DAILEY: If the police officer's uphold the
2 justice there is no doubt in my mind that they followed the
3 laws. And he's been arrested. He's guilty.

4 THE COURT: That's not what you told me earlier.

5 MR. DAILEY: That's what I'm trying to pertain to you
6 if basically I'm understanding that a police officer made a
7 valid arrest he's gonna be guilty.

8 THE COURT: Okay, Mr. Dailey, why don't you just hang
9 with us and stay with the jury panel.

10 MR. DAILEY: All right.

11 THE COURT: Obviously we need to excuse him but I
12 think he's just trying to get out of jury service.

13 MR. CHAPLIN: Is he excused? I'd say excuse him.

14 THE BAILIFF: Your Honor, Juror Number 221.

15 THE COURT: Mr. Orage?

16 MR. ORAGE: Yes.

17 THE COURT: Yes, sir.

18 MR. ORAGE: I've known - I think I know the family
19 real well.

20 THE COURT: Which family, sir?

21 MR. ORAGE: The Wright family.

22 THE COURT: The Wright family?

23 MR. ORAGE: Yes.

24 THE COURT: And based on that knowledge do you think
25 you can set that aside and be fair and impartial?

1 MR. ORAGE: I don't think so. We go back a long way.

2 THE COURT: Okay, sir. All right, sir. We'll excuse
3 you from this trial but sit tight because we may be
4 selecting another jury for a different trial, okay.

5 MR. ORAGE: Okay.

6 THE COURT: Okay. Thank you, sir.

7 THE BAILIFF: Your Honor, Juror 169, 1-6-9.

8 THE COURT: Ms. Lee?

9 MS. LEE: Yes. If I were to find out later that there
10 was any kind of violent crime with a gun then I would be
11 very partial toward that if there was a gun used in the
12 crime or if there were something like that. I've been a
13 victim of that type thing before and so that would cause
14 stress for me and so I would be very prejudicial toward
15 that.

16 THE COURT: Okay. Based on your circumstance, you're
17 the victim of a crime?

18 MS. LEE: Yes a bank robbery and the guy was on drugs
19 and he was stealing money for drugs and a gun to the head
20 so I would be very prejudice toward that.

21 THE COURT: All right. So you wouldn't - You don't
22 think you can set that aside?

23 MS. LEE: I don't think I can set that aside.

24 THE COURT: All right. We'll excuse you from this
25 jury but stay with us as we may be able to select another

1 jury, okay?

2 MS. LEE: Okay.

3 THE COURT: Thank you.

4 THE BAILIFF: Your Honor, Juror 110.

5 THE COURT: Good morning.

6 A. How are you?

7 THE COURT: Doing fine. Yes, ma'am.

8 A. I'm raising two grandchildren because the mother has
9 been incarcerated for drug related charges and I'm not sure
10 I'm partial I could be in this kind of case.

11 THE COURT: Okay. So basically on a drug case you
12 don't think you can be fair and impartial and set aside
13 that and be fair?

14 A. I think I would have a little bit of bias.

15 THE COURT: Okay. What we'll do is we'll excuse you
16 from this trial but stick with us you may be selected for
17 the next trial, okay?

18 A. Okay. Attorney Anthony Doyle was in here earlier and
19 I don't know if he's involved with any of the - -

20 THE COURT: No, ma'am.

21 A. Okay. Just wanted to make sure.

22 THE COURT: Thank you.

23 A. Thank you.

24 THE BAILIFF: Your Honor, Juror Number 14. 1-4.

25 A. I doubt I'll get picked cause my husband is a deputy

1 but I have a nephew that was murdered here in Beaufort
2 County. Drugs was in his system. And I have not my
3 husband but my son when he was younger he was arrested for
4 drugs so I didn't know if that would play in anything or
5 not.

6 THE COURT: Oh no. I certainly appreciate your candor
7 and I'm sorry for your loss. Do you think you could be
8 fair and impartial?

9 A. Probably more than most people.

10 THE COURT: More than most people? Okay. Well I can
11 certainly appreciate your candor. Thank you, ma'am.

12 (COURT RETURNS TO THE BENCH.)

13 THE COURT: The next question is, is any member of the
14 jury panel or any member of the potential jurors family
15 have been in the past employed with the state, federal or
16 law enforcement agency included but not limited to the city
17 of Beaufort Police Department, Beaufort County Sheriff's
18 Department, State Law Enforcement Division, Highway Patrol
19 or the FBI, if so, please stand?

20 Yes, ma'am, your juror number? Just for the record
21 your juror number again, ma'am.

22 A. 14.

23 THE COURT: 14. And, Ms. Baxley, I understand that
24 you work before and that you have a relationship with law
25 enforcement and you stated that you can be fair and

-58-

1 impartial and set that aside. Is that correct?

2 MS. BAXLEY: Correct.

3 THE COURT: And that's still your opinion?

4 MS. BAXLEY: Yes.

5 THE COURT: Thank you, ma'am. You may have a seat.

6 A. 65, Brian Dailey.

7 THE COURT: Yes, sir. You've already expressed your
8 opinion, sir.

9 Is there anything in the nature of the allegations in
10 this case which would cause any member of the jury panel to
11 have any problems sitting as an impartial juror, if so,
12 please stand?

13 THE BAILIFF: Your Honor.

14 THE COURT: Yes, sir.

15 THE BAILIFF: The previous question - a retired law
16 enforcement officer.

17 THE COURT: Oh yes. Yes, ma'am.

18 A. I'm retired from New York City Police Department. I
19 guess that isn't - -

20 THE COURT: Oh, yes, ma'am. Thank you so much. And
21 your juror number again.

22 A. 19.

23 THE COURT: Juror Number 19. And would that previous
24 employment can you set that aside and be fair and impartial
25 and listen to the evidence presented in this case and then

1 render a fair and just verdict?

2 A. Yes, ma'am.

3 THE COURT: Thank you, ma'am.

4 Is any member or a member of the jury panel a friend
5 or acquaintance or any member of your family been the
6 victim of a murder, burglary, armed robbery or any other
7 type of violent crime, if so, please stand?

8 If you all would come up to the side.

9 (COURT LEAVES THE BENCH.)

10 THE BAILIFF: Your Honor, Juror Number 9.

11 THE COURT: Ms. Baker?

12 MS. BAKER: Yes, ma'am. My brother robbed a bank.

13 THE COURT: I'm sorry.

14 MS. BAKER: My brother robbed a bank.

15 THE COURT: Okay. Based upon that do you feel that
16 you can set that aside and listen to the evidence presented
17 and be a fair and impartial juror in this case?

18 MS. BAKER: Yes, ma'am.

19 THE COURT: Thank you, ma'am. I appreciate that.

20 THE BAILIFF: Your Honor, Juror 273.

21 THE COURT: Ms. Singleton?

22 MS. SINGLETON: Uh-HUH.

23 THE COURT: Yes, ma'am.

24 MS. SINGLETON: I was in the - I came here earlier
25 about the days Mullen - Uh-huh.

-60-

1 THE COURT: Right. And do you think you can still set
2 that aside and be fair and impartial based on the evidence
3 that you hear from the witness stand and render a fair and
4 just verdict?

5 MS. SINGLETON: Hum. I'm gonna be honest with you no.

6 THE COURT: You don't think so?

7 MS. SINGLETON: No.

8 THE COURT: Tell me again your situation. I'm sorry.

9 MS. SINGLETON: My situation?

10 THE COURT: Yeah.

11 MS. SINGLETON: Okay. The day Mullen the little I
12 think what the little six year old boy before he was four
13 and Oh God Jeneane Mullen.

14 THE COURT: Okay.

15 MS. SINGLETON: Yeah that was my niece and nephew.

16 THE COURT: Okay, ma'am.

17 MS. SINGLETON: Uh-huh.

18 THE COURT: Okay. I understand, ma'am, and I
19 appreciate you being honest with me. That's all we ask the
20 questions okay.

21 MS. SINGLETON: Uh-huh.

22 THE COURT: We'll excuse you from this jury, okay?

23 MS. SINGLETON: All right.

24 THE COURT: Thank you.

25 THE BAILIFF: Your Honor, Juror Number 262. 2-6-2.

1 THE COURT: Mr. Schneider?

2 MR. SCHNEIDER: Yes, Your Honor. My sister was
3 involved in a drug related homicide.

4 THE COURT: Okay.

5 MR. SCHNEIDER: She was I guess not a trigger man but
6 she was with the killer who was a drug dealer.

7 THE COURT: And would that experience in that
8 relationship with your sister can you set that aside and be
9 fair and impartial and listen to the evidence that's
10 presented in the courtroom and render a fair and just
11 verdict?

12 MR. SCHNEIDER: I believe so.

13 THE COURT: You can?

14 MR. SCHNEIDER: Yes, ma'am.

15 THE COURT: All right, sir. Thank you.

16 THE BAILIFF: Your Honor, Juror 307.

17 THE COURT: Yes, sir.

18 A. Nothing of great significance. My mother had her
19 purse snatched from her when I was with her as a child.
20 That's about it.

21 THE COURT: Okay. And based on that experience you
22 feel like you can be fair and impartial and set that aside
23 and render a fair and just verdict based on the evidence
24 that's presented?

25 A. Of course.

-62-

1 THE COURT: Thank you, sir.

2 THE BAILIFF: Your Honor, Juror Number 98.

3 THE COURT: Mr. Gathers? Yes, sir.

4 MR. GATHERS: I been involved - I been burglarized
5 before and I have you know a family member that's ill or
6 that's waiting to be tried for murder and stuff like that
7 so I was trying to get excused because I don't feel like
8 you know to handle the case properly.

9 THE COURT: Well what you would be ask to do is to
10 listen to the evidence that's presented in the courtroom
11 and render a fair and just verdict based upon the evidence
12 that you hear if you can set that aside.

13 MR. GATHERS: That's what I'm saying. I don't know if
14 I can set it aside.

15 THE COURT: You don't think you can?

16 MR. GATHERS: Yeah I don't think I can set it aside..

17 THE COURT: All right. Well what we'll have to do is
18 transfer you to a civil term. We'll transfer you to a
19 civil term of court, okay?

20 MR. GATHERS: All right. So what do I do? Just wait
21 here.

22 THE COURT: Get with the scheduling clerk and she will
23 change it.

24 THE BAILIFF: Your Honor, Juror 142. 1-4-2.

25 THE COURT: Mr. Hunter?

1 MR. HUNTER: My niece is now eighteen, nineteen. At
2 thirteen she was raped in Utah.

3 THE COURT: Okay. Sir?

4 MR. HUNTER: It's been five years ago or so. And then
5 the second thing is Melanie Louthour which was killed in
6 Prichardville, Beaufort, the Bluffton area, she was a good
7 friend of my wife.

8 THE COURT: Okay, sir. And based on those two
9 experiences do you feel that you can set that aside and
10 listen to the evidence that's been presented in the
11 courtroom and render a fair and just verdict based on the
12 evidence that you hear in the courtroom?

13 MR. HUNTER: Correct.

14 THE COURT: You can do that?

15 MR. HUNTER: Uh-huh.

16 THE COURT: Thank you, sir.

17 MR. HUNTER: Okay. Thank you.

18 THE BAILIFF: Your Honor, Juror 319.

19 THE COURT: Mr. Watson?

20 MR. WATSON: Uh-huh.

21 THE COURT: Yes, sir.

22 MR. WATSON: I have a cousin that was convicted for
23 drugs. Drug charge.

24 THE COURT: Your cousin was? And based upon that
25 experience and your relationship with your cousin do you

-64-

1 think you can set that aside and listen to the evidence and
2 be fair and impartial based on what you hear in this
3 courtroom and render a just verdict?

4 MR. WATSON: Yes, ma'am.

5 THE COURT: You can. Thank you.

6 THE BAILIFF: Your Honor, Juror 14.

7 A. I think we covered it the last time but especially
8 since you ask.

9 THE COURT: Yes, ma'am. No I appreciate you - we have
10 to have all this of course covered on the record and, Ms.
11 Baxley, Juror Number 14, obviously previously stated that
12 you have a relationship with law enforcement and several
13 other factors that apply and you can still be fair and
14 impartial and set those relationships aside and experiences
15 NAD render a fair and just verdict based upon the evidence?

16 MS. BAXLEY: Yes, ma'am.

17 THE COURT: Thank you, Ms. Baxley.

18 THE BAILIFF: Your Honor, Juror 271.

19 THE COURT: Ms. Simmons?

20 MS. SIMMONS: Yeah.

21 THE COURT: Yes, ma'am.

22 MS. SIMMONS: I don't know I was in my house and
23 somebody broke in and I was attacked.

24 THE COURT: When?

25 MS. SIMMONS: Ten years ago in Beaufort.

1 THE COURT: Do you think you can set that experience
2 aside and listen to the evidence that's presented and
3 render a fair and just verdict?

4 MS. SIMMONS: Uh-huh.

5 THE COURT: Is that a yes?

6 MS. SIMMONS: Yes. Yes, I'm sorry. Yes.

7 THE COURT: She has to take something.

8 THE BAILIFF: Your Honor, Juror 215.

9 THE COURT: Good morning. Yes, ma'am.

10 A. Good morning. My husband was a victim of a armed
11 robbery.

12 THE COURT: Okay.

13 A. On his way home from the American Bar Association
14 dinner.

15 THE COURT: Oh goodness. Do you think you can
16 actually set that experience aside and render a fair and
17 just verdict based on the evidence that you hear in this
18 courtroom?

19 A. Sure. No problem.

20 THE COURT: Thank you.

21 THE BAILIFF: Your Honor, 260. 2-6-0.

22 THE COURT: Ms. Scarborough?

23 MS. SCARBOROUGH: Yes, ma'am. I was sexually
24 assaulted in college. But I also have a daughter who was
25 addicted to marijuana and alcohol in her teenage years and

-66-

1 has a lot of close personal relation with law enforcement
2 many times. And I also wanted to mention because I don't
3 know if it has anything to do with anything you've ask
4 before but I had one fraudulent check a long time ago but I
5 was not - go to court or anything like that. I just wanted
6 to mention that while I was up here.

7 THE COURT: I appreciate that. That - The check
8 wouldn't affect your ability to serve.

9 MS. SCARBOROUGH: Yes.

10 THE COURT: But the other two situations do you feel
11 that you could set that aside and ---

12 MS. SCARBOROUGH: Absolutely.

13 THE COURT: --- and be fair and impartial?

14 MS. SCARBOROUGH: Absolutely.

15 THE COURT: All right. Thank you, ma'am.

16 MS. SCARBOROUGH: Thank you.

17 THE BAILIFF: Your Honor, Juror 107.

18 A. Good morning, Your Honor.

19 THE COURT: Good morning, sir.

20 A. I have a grandson who was arrested, indicted, tried
21 and acquitted for similar allegations as today.

22 THE COURT: Okay, sir. And based on that experience
23 do you think you can set that aside and listen to the
24 evidence and render a verdict based on the evidence as
25 presented in the courtroom?

1 A. Oh sure.

2 THE COURT: And be fair and impartial to both sides?

3 A. Yeah. Uh-huh.

4 THE COURT: Is that a yes?

5 A. I have additional burden. I'm a lawyer and I don't
6 want to be chosen.

7 THE COURT: All right, sir. So you can be fair and
8 impartial?

9 A. Yes, ma'am.

10 THE COURT: Thank you, sir.

11 (COURT RETURNED TO THE BENCH.)

12 THE COURT: Is any members of the jury panel a friend
13 or acquaintance or any member of your family been arrested
14 or charged with a drug offense, if so, please stand?

15 Ma'am, your juror number again?

16 A. 260.

17 THE COURT: 216?

18 A. 2-6-0.

19 THE COURT: 2-6-0. Ms. Scarborough. And I understand
20 you disclosed that information to the court and it is your
21 position still that you can set that aside and be fair and
22 impartial in this case?

23 MS. SCARBOROUGH: Yes, ma'am. Thank you, ma'am, you
24 may have a seat.

25 Ms. Baxley, Number - Juror Number 14. Juror Number

-68-

1 14. You as well previously approached the court to
2 disclose that information. Can you still set that aside
3 and be fair and impartial based upon the evidence that's
4 presented in court and render a fair and just verdict?

5 MS. BAXLEY: Yes, ma'am.

6 THE COURT: Thank you, ma'am.

7 Yes, ma'am.

8 A. Juror Number 110.

9 THE COURT: Ms. Green.

10 A. Right.

11 THE COURT: And you have also - it was the same
12 information that you previously disclosed to the court and
13 you can still be fair and impartial and render a fair and
14 just verdict?

15 MS. BAXLEY: I didn't disclose earlier that I'd have
16 to do it without bias.

17 THE COURT: Why don't you approach the bench.

18 (COURT LEFT THE BENCH.)

19 THE COURT: Ms. Green, I'm sorry. We did excuse you
20 from this trial but you stick around for the other one.

21 MS. GREEN: Do I need to stand up for anything else?

22 THE COURT: No not to this trial.

23 MS. GREEN: Okay.

24 THE COURT: Thank you.

25 And, sir. Might as well do it while we're here.

1 THE BAILIFF: Number 307, Your Honor.

2 THE COURT: Thank you. Mr. Vanderpool, you also
3 previously stood and approached the court regarding that
4 situation. Anything further?

5 MR. VANDERPOOL: Just that I believe the question is
6 different. I have a nephew who's been in and out of the
7 jury system in Ohio similar. It would have been substance
8 abuse charges I'm sure.

9 THE COURT: Okay, sir. And based upon that
10 relationship can you set that aside and be fair and
11 impartial and listen to the evidence that's presented in
12 this court and render a fair and just verdict?

13 MR. VANDERPOOL: Yes I can.

14 THE COURT: Thank you, sir.

15 THE BAILIFF: One more standing, Your Honor.

16 306, Your Honor.

17 THE COURT: Yes, ma'am.

18 A. I have a brother that spent two years in the state
19 penitentiary for drug related arrest or whatever.

20 THE COURT: Okay. And based on that relationship with
21 your brother in that experience do you think you can set
22 that aside and be fair and impartial and listen to the
23 evidence that's presented and render a fair and just
24 verdict from the evidence that you hear ---

25 A. Yes.

1 THE COURT: --- from the witness stand?

2 A. Yes.

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

4 A. Yes, ma'am. Thank you.

5 THE COURT: I believe that's it.

6 (COURT RETURNED TO THE BENCH.)

7 THE COURT: Has any member of the jury panel read or
8 heard anything about this case before today, if so, please
9 stand?

10 (NO ONE STOOD.)

11 THE COURT: Has any member of the jury panel discussed
12 this case or heard anyone else discuss this case before
13 today, if so, please stand?

14 (NO ONE STOOD.)

15 THE COURT: Is any member of the jury panel formed any
16 opinion about this case and cannot be fair and impartial,
17 if so, please stand?

18 (NO ONE STOOD.)

19 THE COURT: And I'm not sure that there has been but
20 if there has been any recent media coverage or news stories
21 regarding this case, if anything that you've seen, any
22 member of the jury panel would be influenced by that in
23 making a decision in this case, if so, please stand?

24 (NO ONE STOOD.)

25 THE COURT: Has any member of the jury panel or friend

1 or acquaintance of any member of your family ever worked at
2 a drug treatment facility or program, if so, please stand?

3 (NO ONE STOOD.)

4 THE COURT: Any further voir dire from either the
5 State or the Defense?

6 SOLICITOR SHELTON: Not from the State, Your Honor.

7 Thank you.

8 MR. CHAPLIN: Your Honor, not from the defense.

9 THE COURT: All right, sir, thank you.

10 We will now give the instructions to our jury, Madame
11 Clerk.

12 MADAME CLERK: Yes, Judge.

13 THE COURT: Ladies and gentlemen of the jury, at this
14 time we will now begin the selection process in this
15 particular case. If your name is called would you please
16 come forward to the front and either the State or the
17 Defense will exercise - you may be seated for the jury, you
18 may be excused. When your name is called bring all of your
19 things with you in case you are seated in the trial of this
20 case and we'll sit you in the jury box.

21 You may proceed, Madame Clerk.

22 MADAME CLERK: Juror Number 142, Roland Hunter.

23 (WHITE MALE COMING FORWARD.)

24 MADAME CLERK: What says the State?

25 SOLICITOR SHELTON: Please seat the juror.

1 MADAME CLERK: What says the Defense?

2 MR. JOHNSON: Please excuse the juror.

3 MADAME CLERK: Juror Number 310, Sharon Walczy.

4 (WHITE FEMALE COMING FORWARD.)

5 MADAME CLERK: What says the State?

6 SOLICITOR SHELTON: Please seat the juror.

7 MADAME CLERK: What says the Defense?

8 MR. JOHNSON: Please seat the juror.

9 MADAME CLERK: Juror Number 298, Mark Thomas.

10 (WHITE MALE COMING FORWARD.)

11 MADAME CLERK: What says the State?

12 SOLICITOR SHELTON: Please seat the juror.

13 MADAME CLERK: What says the Defense?

14 MR. JOHNSON: Please seat the juror.

15 MADAME CLERK: Juror Number 46, John Christensen.

16 (WHITE MALE COMING FORWARD.)

17 MADAME CLERK: What says the State?

18 SOLICITOR SHELTON: Please seat the juror.

19 MADAME CLERK: What says the Defense?

20 MR. JOHNSON: Please seat the juror.

21 MADAME CLERK: Juror Number 293, Dominique Ocello.

22 (WHITE FEMALE COMING FORWARD.)

23 MADAME CLERK: What says the State?

24 SOLICITOR SHELTON: Please excuse the juror.

25 Thank you.

1 MADAME CLERK: Juror Number 215, Margaret O'Regan.
2 (WHITE FEMALE COMING FORWARD.)
3 MADAME CLERK: What says the State?
4 SOLICITOR SHELTON: Please seat the juror.
5 MADAME CLERK: What says the Defense?
6 MR. JOHNSON: Please excuse the juror.
7 MADAME CLERK: Juror Number 183, Sandra Major.
8 (WHITE FEMALE COMING FORWARD.)
9 MADAME CLERK: What says the State?
10 SOLICITOR SHELTON: Please seat the juror.
11 MADAME CLERK: What says the Defense?
12 MR. JOHNSON: Please excuse the juror.
13 MADAME CLERK: Juror Number 166, Michael Lavelle.
14 (WHITE MALE COMING FORWARD.)
15 MADAME CLERK: What says the State?
16 SOLICITOR SHELTON: Please seat the juror.
17 MADAME CLERK: What says the Defense?
18 MR. JOHNSON: Please seat the juror.
19 MADAME CLERK: Juror Number 115, David Hahn.
20 (WHITE MALE COMING FORWARD.)
21 MADAME CLERK: What says the State?
22 SOLICITOR SHELTON: Please seat the juror.
23 MADAME CLERK: What says the Defense?
24 MR. JOHNSON: Please seat the juror.
25 MADAME CLERK: Juror Number 83, Nicholas Dzendzel.

1 (WHITE MALE COMING FORWARD.)
2 MR. JOHNSON: What's the number again?
3 MADAME CLERK: Juror Number 83.
4 What says the State?
5 SOLICITOR SHELTON: Please seat the juror.
6 MADAME CLERK: What says the Defense?
7 MR. JOHNSON: Please seat the juror.
8 MADAME CLERK: Juror Number 66, Dominic Dasher.
9 (BLACK MALE COMING FORWARD.)
10 MR. JOHNSON: That number?
11 MADAME CLERK: I'm sorry, Juror Number 66.
12 What says the State?
13 SOLICITOR SHELTON: Please seat the juror.
14 MADAME CLERK: What says the Defense?
15 MR. JOHNSON: Please seat the juror.
16 MADAME CLERK: Juror Number 154, Daniel Kane.
17 (WHITE MALE COMING FORWARD.)
18 MADAME CLERK: What says the State?
19 SOLICITOR SHELTON: Please seat the juror.
20 MADAME CLERK: What says the Defense?
21 MR. JOHNSON: Please seat the juror.
22 MADAME CLERK: Juror Number 3-0-4, Donna Trantel.
23 (WHITE FEMALE COMING FORWARD.)
24 MADAME CLERK: What says the State?
25 SOLICITOR SHELTON: Please seat the juror.

1 MADAME CLERK: What says the Defense?

2 MR. JOHNSON: Please excuse the juror.

3 MADAME CLERK: Juror Number 295, Landon Terhune.

4 (WHITE MALE COMING FORWARD.)

5 MADAME CLERK: What says the State?

6 SOLICITOR SHELTON: Please seat the juror.

7 MADAME CLERK: What says the Defense?

8 MR. JOHNSON: Please seat the juror.

9 MADAME CLERK: Juror Number 340, Daniel Woodfill.

10 (WHITE MALE COMING FORWARD.)

11 MR. JOHNSON: What was the number again?

12 MADAME CLERK: Juror Number 340.

13 What says the State?

14 SOLICITOR SHELTON: Please seat the juror.

15 MADAME CLERK: What says the Defense?

16 MR. JOHNSON: Please seat the juror.

17 MADAME CLERK: Juror Number 3-0-7, Mark Vanderpool.

18 (WHITE MALE COMING FORWARD.)

19 MADAME CLERK: What says the State?

20 SOLICITOR SHELTON: Please excuse this juror from the
21 trial of the case.

22 MADAME CLERK: Juror Number 56, Meredith Crocker.

23 (WHITE FEMALE COMING FORWARD.)

24 MADAME CLERK: What says the State?

25 SOLICITOR SHELTON: I beg the Court's indulgence.

1 (PAUSE.)

2 SOLICITOR SHELTON: Please seat the juror.

3 MADAME CLERK: What says the Defense?

4 MR. JOHNSON: Please seat the juror.

5 MADAME CLERK: Juror Number 25, William Brady.

6 (WHITE MALE COMING FORWARD.)

7 MADAME CLERK: What says the State?

8 SOLICITOR SHELTON: Please seat the juror.

9 MADAME CLERK: What says the Defense?

10 MR. JOHNSON: Please seat the juror.

11 MADAME CLERK: Now we'll be choosing our first
12 alternate.

13 Juror Number 33, Jolene Buchanan.

14 (WHITE FEMALE COMING FORWARD.)

15 MADAME CLERK: Juror Number 33.

16 What says the State?

17 SOLICITOR SHELTON: Please seat the alternate.

18 MADAME CLERK: What says the Defense?

19 MR. CHAPLIN: We apologize, say that number one more
20 time.

21 MADAME CLERK: Juror Number 33.

22 MR. JOHNSON: Please seat the juror.

23 MADAME CLERK: And then we'll be selecting our second
24 alternate.

25 Juror Number 19, Elethia Best.

1 (BLACK FEMALE COMING FORWARD.)

2 MADAME CLERK: What says the State?

3 SOLICITOR SHELTON: Please seat the juror as an
4 alternate.

5 MADAME CLERK: What says the Defense?

6 MR. JOHNSON: Please excuse the juror.

7 MADAME CLERK: Juror Number 1-0-7, John Grauer.

8 (WHITE MALE COMING FORWARD.)

9 MADAME CLERK: What says the State?

10 SOLICITOR SHELTON: Please excuse the juror.

11 MADAME CLERK: Juror Number 35, Helen Byas.

12 (BLACK FEMALE COMING FORWARD.)

13 MADAME CLERK: What says the State?

14 SOLICITOR SHELTON: No cause, Your Honor.

15 MADAME CLERK: What says the Defense?

16 MR. JOHNSON: Please seat the juror.

17 THE COURT: Any exceptions from either the State or
18 the Defendant in the selection - jury selection process of
19 this jury? Anything to be said regarding - -

20 SOLICITOR SHELTON: No, Your Honor.

21 MR. CHAPLIN: No, Your Honor.

22 THE COURT: Ladies and gentlemen of the jury who have
23 now been selected, what we will do is a short housekeeping
24 matter.

25 Would the attorneys please approach?

1 (BENCH CONFERENCE OFF THE RECORD AT

2 THE COURT: Ladies and gentlemen of the jury that's
3 been selected, we will start the trial in this case at 9:30
4 in the morning so if you would - you will be excused from
5 the jury room so you will know where to go in the morning.
6 If you'll report a few minutes before that please be on
7 time so that we can get started with the trial of the case
8 on time. Also do not talk about the case or discuss the
9 case with anyone because obviously you will need to hear
10 all of the testimony from both sides before deliberating
11 whatsoever so don't discuss the case or listen to any news
12 media about the case or do any research. But if you would
13 report to the jury room about 9:14, 9:20, we'll get started
14 with the trial of the case in the morning. Thank you.

15 THE COURT: And the remaining members of the jury
16 panel, if you would sit tight for just a few minutes.
17 We're waiting to see if we will have another jury to select
18 this afternoon or not and it will just take a second for
19 us.

20 THE BAILIFF: The jury is cleared.

21 THE COURT: Thank you.

22 (PETIT JURY EXITS COURTROOM AT 12:55 P.M..)

23 (BENCH CONFERENCE OFF THE RECORD.)

24 THE COURT: Ladies and gentlemen of the jury panel, we
25 do have one more jury to select this afternoon but we will

1 go ahead and take a lunch break and allow you an
2 opportunity to go grab some lunch before we select the
3 second jury. We will do jury selection and if you will be
4 back in the courtroom a few minutes before two o'clock
5 we'll start on that second jury selection. Thank you.

6 (JURY POOL EXITS COURTROOM.)

7 (COURT IN LUNCH RECESS AT 01:00 P.M..)

8 (NOTE: JURY SELECTION CONDUCTED IN THE MATTER OF
9 STATE V. ARIE BAX AT 02:18 P.M..)

10 (COURT BACK IN SESSION IN THE MATTER OF STATE V.
11 STANLEY WRIGHT AT 03:00 P.M..)

12 THE COURT: You ready to proceed on - -

13 SOLICITOR SHELTON: The State is, Your Honor. And my
14 understanding is the Defense has numerous motions. Some of
15 them you have I believe you have the list in front of you -
16 the actual motions Mr. Chaplin has given them to you. Some
17 of them we worked out already and we can just consent to
18 and stipulate to. Others we have some issues but the first
19 thing - matter before the court will be the motion that's
20 really already been heard with Mr. Chaplin. And Mr.
21 Johnson believes they have additional - they want to
22 possibly put up some additional evidence.

23 The State is opposed to any more evidence being put up
24 in a motion we believe has already been litigated and
25 argued. And anything that happens in this motion is not

-80-

1 going to make change the officer's testimony as to Officer
2 Collier and Officer Archbell deputies who were at the scene
3 of this domestic response call and could not locate the
4 victim, made efforts to find the victim, and still could
5 not locate the victim and their testimony is that at a
6 point not being able to locate the victim of a domestic
7 response call the victim sounded to be in distress.
8 That's the information they had on hand at the time. They
9 decided, specifically Collier who is the supervising
10 officer, decided to do a safety sweep of the house and
11 therein looked into any place where a victim may be stored
12 or hiding. And one of those places was the master vanity
13 in the master bedroom bath and that is where the drugs were
14 seen in plain view immediately recognizable as drugs
15 without any type of manipulation. Officer Collier's
16 testimony at previous the previous hearing as you can see
17 through the transcript is that they did not know where the
18 victim was at the time and the reason they did the sweep
19 was for the safety of the victim. Officer or Deputy
20 Archbell's testimony is the same. Based on that and based
21 on case law and based on their understanding of the events
22 that's what the judge takes into consideration respectfully
23 the court should take into consideration.

24 And, Your Honor, during this argument - I apologize -
25 I'm gonna move off track here. I think the multiple

1 defense witnesses' have possibly just entered the
2 courtroom. And we ask that all witnesses' be sequestered
3 during the course of this argument if any witnesses' are
4 going to be called.

5 THE COURT: Do you have any objection to that, Mr.
6 Johnson?

7 MR. JOHNSON: We have no objection, Your Honor.

8 SOLICITOR SHELTON: The State's witnesses are already
9 sequestered, Your Honor.

10 THE COURT: Thank you.

11 SOLICITOR SHELTON: I'm gonna pause if that pleases
12 the court.

13 (PAUSE.)

14 MR. JOHNSON: Your Honor, they are outside.

15 THE COURT: Thank you.

16 SOLICITOR SHELTON: Thank you, Your Honor.

17 The State's purpose for asking them to use the
18 transcript is because the State's maintaining the testimony
19 is not going to change, the testimony is going to be the
20 same because that's what happened.

21 Secondly based on you take the situation based on the
22 officer at hand and their knowledge at the time and they've
23 already testified to that.

24 And finally and we completely understand if we want to
25 call witnesses' we will do that and not a problem.

-82-

1 Obviously, Your Honor, we'll leave it in your firm wisdom
2 and discretion. However, we do have a situation here where
3 this is the eleventh hour before trial and we've already
4 had this motion once and then suddenly we have additional
5 witnesses' that have never been raised any issues before,
6 never had any issues like that before. And I know what
7 they're gonna say is that the defense is gonna say well
8 that's because we're new to the case and we just got the
9 transcript and we were just able to look over all this
10 information.

11 But the record is very clear as to the statements in
12 what happened. The record is very clear that they
13 attempted to locate the victim and took strides to locate
14 the victim including going to a ball field nearby and
15 that's what the subject of this hearing is gonna be. An
16 officer who went to the ball field could not find the
17 victim and then went to the incident location and
18 transferred that information to the officers who did the
19 sweep. And the officers who have already testified stated
20 that before they did the sweep they could not find the
21 victim and they did not know where the victim was.

22 The State knows that they were not - if we had any
23 question about whatsoever this wouldn't be a motion the
24 State would dismiss the charges. But we obviously believe
25 the - leave everything in the discretion of the court.

1 Thank you.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: Thank you, Your Honor. May it please
4 the court.

5 Your Honor, it is our position that the evidence that
6 we have - newly discovered evidence - there is a Sally
7 Erring, Officer Sally Erring who did not testify at the
8 first hearing. She is the most important part to this.
9 She is the - We have no problem in the transcript from the
10 first hearing. As a matter of fact it helps our case by
11 using that transcript of what that original officer said
12 because they indicated that Ms. Irving actually did not go
13 into the house until Ms. Irving returned back to the scene,
14 that Irving stood by the defendant while the two officers
15 entered the house. We have evidence that we think we can
16 present to the court to indicate that Irving met with the
17 victim at the ball park and talked with the victim before
18 she returned to the scene thereby having information that
19 would indicate that they knew that the victim was not in
20 the house. And we believe that by showing that to the
21 court that would indicate they did not have probable cause
22 to go into the house.

23 Now the State is making a big point about what the two
24 officers knew but they left out what Ms. Irving knew. Who
25 is also an officer and also was present at the scene.

-84-

1 THE COURT: But she wasn't present at the actual home?

2 MR. JOHNSON: Yes she was.

3 THE COURT: When the initial officer's went to do the
4 protective sweep?

5 MR. JOHNSON: Yes she was.

6 THE COURT: And you're saying that - I want to make
7 sure I have the facts structure because I haven't had an
8 opportunity to review the transcript as well as Judge
9 Harrington's previous ruling. I just want to make sure
10 you're saying that Officer Irving went to the house and did
11 a protective sweep with the other two officers who
12 testified?

13 MR. JOHNSON: Well understand, Your Honor, is that - -

14 THE COURT: Hold on a second. I want to make sure.
15 Is that yes or no?

16 MR. JOHNSON: What I'm saying is that Ms. Irving - the
17 officers did not enter the house and they stated in the
18 transcript, Your Honor, they could not enter a house until
19 Ms. Irving was at the scene because they ask Ms. Irving to
20 stand beside the defendant to watch him. He was not
21 arrested at that time.

22 THE COURT: Right.

23 MR. JOHNSON: They had Ms. Irving stand beside the
24 defendant at the house and then they entered the house.

25 THE COURT: And how does that change the facts which

1 Judge Harrington has already ruled upon?

2 MR. JOHNSON: Because we have evidence that indicate
3 that Officer Irving went to the ball park prior to coming
4 to the scene. And at the ball park we had testimony from a
5 number of witnesses that Ms. Irving talked to including the
6 victim.

7 THE COURT: Now are these witnesses are supposed to be
8 sequestered?

9 MR. JOHNSON: Yes they are sequestered.

10 THE COURT: Okay. Then none of them are in the
11 courtroom?

12 MR. JOHNSON: That's correct.

13 SOLICITOR SHELTON: The State did not call Ms. Irving
14 in the first hearing because - and in the transcript it
15 says that she did arrive on the scene - I can't remember
16 whether it's Collier or Archbell says that she was there to
17 stay with the defendant while they did the sweep of the
18 house for safety purposes. And in fact Collier requested -
19 I don't remember if this is in the transcript or not but in
20 my interviews with him candidly as an officer of the court
21 that someone go to the ball field to look for the victim.
22 And in the CAD Report it shows that Ms. Irving went to the
23 ball field trying to locate the victim. It never says that
24 she locates the victim. And in the testimony - as I
25 understand that will be today and would have been before

-86-

1 and it still remains the same as then - she did end up - we
2 don't know candidly whether Ms. Irving went to the location
3 then went to the ball field and came back. We do know that
4 they didn't go into the house until after she arrived on
5 the scene after going to the ball field. That would be the
6 testimony today and that she did not find the victim at the
7 ball field. And had she found the victim at the ball
8 field, she had not gone into the house.

9 THE COURT: So, Mr. Johnson, if she did not find the
10 victim at the ball field, how does that change anything?

11 MR. JOHNSON: Your Honor, it's our contention that she
12 did. And just because the officers are saying it that
13 doesn't necessarily mean they told the correct - and the
14 correct evidence, Your Honor. We think that we have
15 evidence to indicate that she - We have a witness, Your
16 Honor, that we present to the Court and we will proffer
17 this witness will testify Ms. Irving talked with them and
18 the victim. See the ball park, Your Honor, is only like
19 three seconds from the house. That Ms. Irving talked to
20 the victim as well as another witness. And my witness's
21 father left the ball park and went back to the house and
22 was actually at that house when Ms. Irving arrived before
23 they entered that house. And that Ms. Irving knew that the
24 victim was not in the house.

25 THE COURT: Are you planning on calling the victim or

1 Ms. Irving, which one?

2 MR. JOHNSON: Well I plan on calling both, Your Honor.

3 THE COURT: You plan on calling both?

4 MR. JOHNSON: Ms. Irving, the victim, and we have a
5 second witness that actually left the scene and went to the
6 house that saw the police enter twice that she saw that
7 when they entered the house the first time for the
8 allegedly protective search as well as she saw the second
9 search where they had the dogs and they did the drug sweep.
10 She was present at both times. We also, Your Honor, have a
11 neighbor who initially was at the house - He can even be
12 heard on some of the 911 tapes - that told the police that
13 the victim was at the ball park with her kids.

14 SOLICITOR SHELTON: And that's why we went to the ball
15 park.

16 MR. JOHNSON: And he stayed at the scene and he also
17 saw Ms. Irving go to the ball park and come back and also
18 saw that. So we intend on showing that there is
19 significant evidence, Your Honor, to indicate that the
20 police knew that the victim was not in the house and they
21 used this as a pretext to go into the house and search for
22 drugs.

23 THE COURT: Mr. Shelton, any response?

24 SOLICITOR SHELTON: The entire motion is based on
25 officer's lying and I encourage the Court to call all the

-88-

1 witnesses' possible. And again if we had any question
2 whatsoever or any thought that the victim was - that the
3 victim knew - Excuse me - that the deputies knew where the
4 victim was before they went into the house. These deputies
5 didn't even know Mr. Wright. First of all Collier doesn't
6 know Wright. Archbell doesn't know Wright. Collier who is
7 a road deputy corporal doesn't know Mr. Wright and then
8 some pretext to go search for drugs? We would encourage
9 his motion if that's the argument of the defense that the
10 officers is some grand conspiracy and all the officers are
11 lying.

12 MR. JOHNSON: Your Honor, we're not making an argument
13 about a grand conspiracy or anything of that nature. We're
14 just saying that the Court in order to make a decision
15 about whether there was probable cause on a case such as
16 this where there is very little - If there was probable
17 cause, Your Honor, without the - In this case, Your Honor,
18 if the officers did not have probable cause the State is
19 aware they don't have a case. And if we believe that the
20 Court should have all the evidence in order to make the
21 determination and that my client has a right to have all
22 the evidence heard. We would not present any witness that
23 was part of the original transcript because we would go by
24 what they said on their transcript. We are only presenting
25 new evidence such as Officer Irving was not called and

1 other witnesses' that should have been called that wasn't
2 called.

3 THE COURT: Okay, Mr. Johnson, I think its proper for
4 you to limit the new evidence, not matters that have
5 already been ruled upon in the transcript. You may call
6 your first witness.

7 MR. JOHNSON: Thank you, Your Honor.

8 SOLICITOR SHELTON: May it please the Court?

9 THE COURT: Yes, sir.

10 SOLICITOR SHELTON: If it pleases the Court, if we're
11 gonna call witnesses' I also have Officer Collier here as
12 well and the State would like to call him as a witness,
13 recall him as a witness.

14 THE COURT: Certainly.

15 SOLICITOR SHELTON: Thank you.

16 MR. JOHNSON: Your Honor, at this time we'd like to
17 start with Officer Irving.

18 THE COURT: Officer Irving

19 (WHEREUPON: STATE'S EXHIBITS ONE THROUGH FIVE
20 REMARKED FOR IDENTIFICATION.)

21 MADAME CLERK: Okay, ma'am, would you place your left
22 hand on the Bible and raise your right hand for me please.

23 (WHEREUPON: SALLY IRVIN,
24 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

25 MADAME CLERK: Please be seated. State your name and

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-90-

1 spell it for the court.

2 OFFICER SALLY IRVIN: My name is Corporal Sally Irvin.

3 THE COURT: Mr. Johnson.

4 MR. JOHNSON: Thank you, Your Honor, may it please the
5 Court.

6 DIRECT EXAMINATION - IN CAMERA

7 OFFICER SALLY IRVIN Y MR. JOHNSON:

8 Q. Good afternoon, Officer Irvin. Officer Irvin, back
9 on August the 31st, 2011 do you recall that date?

10 A. Yes, sir.

11 Q. And at that time were you called to a domestic
12 violence case or a scene?

13 A. A 911 call.

14 Q. 911 call?

15 A. Someone called 911 and hung up.

16 Q. Okay. I'm sure since you've been made aware of what
17 this case is about and you've had some time to think about
18 it. Can you tell me about what time did you approximately
19 first become involved in this case?

20 A. In the late afternoon.

21 Q. Late afternoon? Now I was looking at a copy of the
22 report. And I have a copy of the dispatch action for the
23 event record of the dispatch record.

24 MR. JOHNSON: Your Honor, may I approach the witness?

25 THE COURT: Yes, sir.

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-91-

1 BY MR. JOHNSON:

2 Q. I want to just give you a copy of it. Would you
3 please take a look at it to refresh your memory.

4 Does it tell you on there what time that you made your
5 initial - that you can see something on there where you
6 made your initial response?

7 A. 18:01.

8 Q. 18:01? And what does it state there that you did?

9 A. It says trying to locate other at the ball field.

10 Q At the ball field?

11 A. Uh-huh.

12 Q. Now who would be the other that you are trying to
13 locate at the ball field?

14 A. The person who called 911.

15 Q. Okay. That would be the victim in this case.

16 Correct?

17 A. Correct.

18 Q. Okay. Now it didn't have anything on there as far as
19 whether you contacted the victim or not. Do you - Did you
20 contact the victim?

21 A. No.

22 Q. You didn't? Okay. You went to --

23 A. I attempted to locate the victim.

24 Q. Did you talk to someone at the scene?

25 A. I don't remember.

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-92-

1 Q. You don't remember. So you went to the scene to
2 locate someone but you didn't ask for them?

3 A. Didn't ask for - I didn't find the victim. The person
4 that called 911.

5 Q. All right. Had you ever met the victim before?

6 A. Never met the victim. Not to my knowledge.

7 Q. All right. What did you do to ascertain that the
8 victim was there?

9 A. I looked for someone in distress. To my knowledge it
10 was a 911 hangup.

11 MADAME COURT REPORTER: I'm sorry. To my knowledge
12 what?

13 A. To my knowledge there was a 911 hangup at the
14 residence off Mitchellville Road.

15 Q. Right.

16 A. So since the deputies did not find the person that
17 called 911 who were there before looking for me but what I
18 was doing was trying to locate someone that was possibly in
19 distress.

20 Q. And you were told to go to the ball park.

21 A. Yes.

22 Q. You were told to go to the ball park. Correct?

23 A. To look for the person that may have called 911.

24 Q. Who told you to go to the ball park?

25 A. The deputy that were on the scene.

1 Q. The deputy on the scene?

2 A. The deputy on the scene.

3 Q. So the deputy on the scene had some evidence that she
4 might have been at the ball park?

5 A. Possible. I don't know what the evidence is but she
6 could be there.

7 Q. Right. And is it reasonable to believe that since the
8 deputy was not there when the accident happened that
9 somebody had to tell them that. Correct?

10 A. That's what they ascertained.

11 Q. Okay. Now you went to the ball park to look for
12 someone in distress but you didn't talk to nobody, speak to
13 nobody, or say anything at all?

14 A. I said I could not remember if I was talking to
15 anyone. I don't know who I spoke to. Its possible that I
16 spoke to someone but I don't remember talking to anyone.
17 I don't remember talking to anyone in distress.

18 Q. So you don't remember talking to the victim and the
19 victim telling you that they did not want to press charges?

20 A. I didn't know the victim.

21 Q. Right. So you cannot remember speaking to the victim
22 or you --

23 A. I didn't speak to anyone that I remember when I went
24 to the ball park.

25 Q. So I guess --

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-94-

1 A. I know that I did not make contact with anyone that
2 needed help - they came up to me in distress.

3 Q. Okay. So you don't know if you talked to the victim
4 or not?

5 A. I didn't at that time know who the victim was.

6 Q. Right.

7 A. I just knew that I was looking for someone that needed
8 help.

9 Q. All right. How would you - -

10 A. I would remember if I made contact with the victim.
11 I believe the victim would have told me they are the ones
12 that called.

13 Q. But you said you really don't remember anything about
14 it.

15 A. I don't remember making contact with anyone in
16 particular asking about the person in distress. I don't
17 remember making contact with anyone that told me they
18 called 911. I don't remember if there was no one there I
19 made contact with that told me they called 911 and that
20 they needed help.

21 Q. Let me ask you this. What did you do when you got
22 there?

23 A. I looked for someone that looked like they may be in
24 distress that would call 911.

25 Q. And what did you do to facilitate looking for someone?

1 What specifically do you do?

2 A. Well you go there first and then you look around for
3 someone who could possibly needs your assistance.

4 Obviously they were not at the scene. The deputies didn't
5 make contact with them. And a lot of experience in the
6 past someone who is in distress that calls 911 and hangs up
7 may get to a safer place and then they contact the deputies
8 when they feel safe and that's what I was doing.

9 Q. But you don't remember who you talked to?

10 A. I didn't talk to anyone that needed assistance.

11 Q. Ma'am, that is not what I ask you. I ask you, did you
12 talk to anyone?

13 A. I don't remember talking to anyone.

14 Q. So you don't remember talking to anyone?

15 A. I don't remember talking to anyone that needed help.

16 Q. That is not what I ask you.

17 A. I don't remember if I spoke to someone. Maybe it was
18 somebody there. Maybe I did speak to someone and ask them
19 hey do you know if anyone that needs help. I could have
20 spoken to somebody that I don't know their name that ask
21 does anyone here need help. I don't remember who that
22 person was or if I spoke to an individual.

23 Q. Officer Irvin, I'm not asking you, could you have done
24 something. I'm asking you what did you do.

25 A. I looked for someone that was in distress and I did

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-96-

1 not see anyone that was in distress.

2 Q. But did you talk to anyone?

3 A. I don't remember speaking to anyone in distress. I
4 don't remember ---

5 Q. You keep --

6 A. --- speaking to anyone in distress.

7 Q. You keep adding distress. Did you talk to anyone
8 whether they needed distress or not did you talk --

9 A. I don't remember if I spoke to anyone. It could be
10 that there was someone there in the parking lot that I
11 might have ask that person do you remember in the past ten
12 or fifteen minutes anyone come and go here that might of
13 looked like they needed some help. I don't know who that
14 person is if I spoke to them.

15 Q. But you don't even know what you said do you?

16 A. I don't remember talking to anyone and that's what I
17 told you.

18 Q. So you - -

19 A. The purpose of me being there was to locate someone in
20 distress and I don't remember locating anyone in distress.
21 I did not find the person that called 911 at the ball park.

22 Q. Officer, I'm just trying to clarify what specifically
23 did you do to ascertain if somebody was in distress. Not
24 did you find anyone or anything of that nature. So this is
25 what I'm asking you again. When you got to the ball park

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-97-

1 you were told to go by the ball park by the officer from
2 the scene; is that correct?

3 A. Correct.

4 Q. All right. You went to the ball park at 18:01.
5 Correct?

6 A. Correct.

7 Q. This was before you entered - went back to the scene
8 and the officers went into the house. Correct?

9 SOLICITOR SHELTON: Objection. Misleading. She said
10 back to the scene. She testified she initially responded
11 to the ball park based on the CAD Report the police
12 supplied to her.

13 THE COURT: Can you rephrase the question?

14 MR. JOHNSON: Okay.

15 Q. You went to the ball park at 18:01. Correct?

16 A. That's what the files indicate yes, sir.

17 Q. All right. You left the ball park and went back to
18 the scene of the house. Correct?

19 A. After I left the ball park I went to the incident
20 location.

21 Q. So therefore you would have had to --

22 A. You say back to. I don't remember if I went there.

23 Q. I'm sorry. I don't want to put words in your mouth.
24 You went to the incident location.

25 A. That is correct. After I left the ball park looking

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-98-

1 ---

2 Q. Correct.

3 A. --- for a 911 caller.

4 Q. Correct. When you got to the house location did you
5 talk to the officer at the scene?

6 A. Yes.

7 Q. Okay. What did you tell them?

8 A. I could not find anyone who needed assistance at the
9 ball park.

10 Q. Then they entered the house; is that correct?

11 A. That's correct

12 Q. So they entered the house after you left the ball
13 park?

14 A. That's correct

15 Q. At the ball park - according to your prior testimony -
16 you don't remember what you said or who you talked to.

17 A. I meant that I did not find anyone that needed - well
18 looking for assistance.

19 Q. I'm not asking what you found. I'm asking you do you
20 remember specifically what you said at the ball park to
21 anybody?

22 A. I don't remember speaking to anyone.

23 Q. Okay. And you don't remember talking to anyone do
24 you?

25 A. I don't remember speaking to anyone at the ball park.

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-99-

1 Q. So is it fair to say that if you don't remember what
2 you said you don't remember talking, you don't remember
3 talking to anyone, you don't remember anything about what
4 happened then do you?

5 A. I know that I did not find anyone in distress.

6 Q. How can you be so certain if you don't remember what
7 you did and who you talked to?

8 A. I do remember what I do. I look for somebody who is
9 in distress.

10 MR. JOHNSON: One moment, Your Honor.

11 (PAUSE.)

12 Q. Officer, one other question. So it's fair to say that
13 if you had talked to the victim before you went to the
14 house, then you would have known that there was not
15 probable cause to go into the house. Correct?

16 A. I didn't speak to the victim.

17 Q. That's not what I'm asking you. I'm asking you that
18 if you had - and some of those people that you talked to -
19 you would have known that there was not probable cause to
20 go into the house?

21 SOLICITOR SHELTON: Objection. That calls for a legal
22 - and the question to a legal question and I believe that
23 she is not qualified to answer that question.

24 MR. JOHNSON: Your Honor, I believe that she is
25 qualified to answer that question because officers make

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-100-

1 legal decisions every day as to whether they have probable
2 cause to go forth with a search.

3 SOLICITOR SHELTON: I further my objection, Your
4 Honor. Plus she was not at the scene of the house to know
5 all the other or possible articulated facts that were there
6 before she arrived at the scene.

7 THE COURT: Officer Irvin, you may answer if you know
8 based upon what you knew at the time whether or not you had
9 the probable cause.

10 She has already answered that she did not speak to the
11 victim. You may proceed.

12 SOLICITOR SHELTON: I think if you could restate the
13 question I think she might know.

14 THE COURT: If you'll restate the question.

15 If you knew at the time whether or not there was
16 probable cause based upon whether or not you had a
17 conversation with the victim.

18 You may answer that.

19 BY MR. JOHNSON:

20 Q. So your testimony is that you did not speak to the
21 victim; is that correct?

22 A. I did not know the victim. And if there was someone
23 that was standing there that I had spoken to it could have
24 very well been the victim. I just didn't know. I never
25 met the victim.

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-101-

1 MR. JOHNSON: Well, Your Honor.

2 A. No one expressed any kind of distress to me.

3 MR. JOHNSON: Well, Your Honor, then I'm just
4 concerned about what the court just said about her
5 testimony whether she did not talk to the victim. She just
6 changed it.

7 THE COURT: Well I think you can still answer the
8 question. In her mind it appears at the time she did not
9 realize it was the victim. Nobody identified themselves as
10 a victim so you may further inquiry into that if that's
11 what she's trying to get across.

12 MR. JOHNSON: Thank you.

13 Q. So my question is this. How would you ascertain that
14 somebody was a victim if you didn't ask them their name?

15 A. I ask - What you could do is ask if anyone needed
16 help.

17 Q. I'm --

18 A. There had been someone to call 911 to make ---

19 Q. I'm not --

20 A. --- to call 911 we're coming to help and there was no
21 one that spoke to me at the ball park that needed help.

22 Q. I'm not asking you whether they needed help or not.

23 I'm asking you did you approach anyone and ask them their
24 name?

25 A. I did not.

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-102-

1 Q. Did you know the name of the alleged victim?

2 A. I did not.

3 Q. So when you went to a ball park and you wrote down -
4 went to look for at 16:01 you said tried to locate other
5 half at the ball park that was what you reported?

6 A. Okay.

7 Q. How were you going to determine who the other half was
8 without asking questions?

9 A. I'm not sure there were no questions that were asked.
10 Maybe there was questions ask. I just know I didn't find
11 anyone at the ball park that was the 911 caller that told
12 me they called 911 and needed assistance.

13 Q. So I guess your testimony is that you don't remember
14 anything except that you didn't find anybody?

15 A. That's right. I didn't find anyone that needed
16 assistance.

17 Q. But you don't remember anything you did?

18 A. I remember I looked around for someone that possibly
19 was in distress and I did not find anyone that was.

20 Q. But you could have talked to the victim but you're not
21 sure?

22 A. I just was there trying to find someone that needed
23 help but I did not find that person.

24 Q. That is not what I ask you. You could have talked to
25 the victim --

OFFICER SALLY IRVIN: BY SOLICITOR SHELTON - IN CAMERA

-103-

1 A. I don't know that I could have talked to the victim.
2 She was not answering dispatch. She ended the call so how
3 was I supposed to make contact with her?

4 Q. How about --

5 MR. JOHNSON: Your Honor, I have no other questions.

6 THE COURT: Anything, Mr. Shelton?

7 CROSS-EXAMINATION - IN CAMERA

8 OFFICER SALLY IRVIN BY SOLICITOR SHELTON:

9 Q. Officer Irvin, you stated that you responded to Ball
10 Field Road. Correct?

11 A. I responded to --

12 Q. Excuse me. I apologize. The ball park. Correct?

13 A. Yes.

14 Q. And where is that located?

15 A. That's located probably a hundred, two hundred yards
16 away from the incident location to the ball field.

17 Q. And what was your purpose of going there?

18 A. To look for someone that called 911 that needed help.

19 Q. And is that what you did?

20 A. Yes, sir.

21 Q. Have you responded to locations where people have
22 called 911 before?

23 A. Yes.

24 Q. And typically what happens?

25 A. They are in a dangerous situation and --

OFFICER SALLY IRVIN: BY SOLICITOR SHELTON - IN CAMERA

-104-

1 MR. JOHNSON: Your Honor, objection. I object to the
2 question. What is the relevance of what somebody else did
3 at another scene? We're talking about this particular
4 scene.

5 THE COURT: Over ruled.

6 SOLICITOR SHELTON: It's extremely relevant. Sorry,
7 Your Honor.

8 A. We do often times in a dangerous situation someone
9 will leave the incident location where the perpetrator is
10 and go to a stable location so that they can make contact
11 with law enforcement.

12 Q. And have you responded to domestic violence incidents
13 before?

14 A. Many times.

15 Q. And are you normally able to ascertain who called 911?

16 A. Sometimes you can, sometimes you cannot. A lot of
17 times there is not a name given to the 911 call taker so
18 you just - you know maybe it's a female - You know it's a
19 male or woman typically who - and you might just have to go
20 look for someone that's flagging or waiving you down that
21 may be away from the incident location in a safer area.

22 Q. And when you responded to the ball park, you stated
23 that you were looking for someone in distress?

24 A. That's correct.

25 Q. Why?

1 A. Because the person who called 911 hung up. The 911
2 operator was not able to finish the call and they ended the
3 call so it could be that that person needs assistance and
4 they're in a dangerous situation. In the past phones are
5 broken or disconnected or they loose their phone as they're
6 running away to get to a safe area.

7 Q. And did you have - If you had made any contact with
8 anyone there that you knew had any connection with
9 Mitchellville Road. Correct? The incident location.

10 A. I did not make contact with anyone that told me they
11 had a connection with Mitchellville Road.

12 Q. Did you make contact with anyone there that said I
13 don't want to press charges?

14 A. No one said that to me.

15 Q. Did you have contact with anyone at the scene who
16 answered in the affirmative that they had called 911?

17 A. I did not make contact with anyone that told me they
18 called 911.

19 Q. When you left the ball park did you know whether you
20 had located the victim or not?

21 I apologize. Did you know whether you located the
22 victim?

23 A. I knew that I did not locate any - the victim because
24 I would imagine that the person that needed help was there
25 they would have come and told me.

OFFICER SALLY IRVIN: BY SOLICITOR SHELTON - IN CAMERA

-106-

1 Q. Was that your belief at the time?

2 A. Yes.

3 Q. And is that the belief that you reported to the
4 officers on the scene?

5 A. That is correct.

6 Q. And once on the scene what happened? On scene - When
7 I say on scene, I mean at Michellville Road at the actual
8 incident location.

9 A. When I arrived at that incident location I made
10 contact with the deputies there and told them that I was
11 not able to locate the person that made the 911 call.

12 Q. And that's what you told deputies?

13 A. Yes.

14 Q. And that's the truth?

15 A. Yes, sir.

16 Q. And this has been almost two years, over two years.
17 Correct?

18 A. That's correct.

19 Q. Did you write any supplements to this case?

20 A. No.

21 Q. Are you going by memory?

22 A. Yes I am.

23 Q. And what Mr. Johnson reported to you is on the CAD
24 Report?

25 A. Yes, sir.

OFFICER SALLY IRVIN: BY SOLICITOR SHELTON - IN CAMERA
BY MR. JOHNSON - IN CAMERA

-107-

1 Q. And you haven't even looked at the rest of the CAD
2 Report so you - without me telling you you don't know
3 whether the victim's name was published to you and you
4 might have known the victim or not. Correct?

5 A. Correct.

6 Q. You're just going by memory?

7 A. That's correct

8 Q. So - Thank you.

9 SOLICITOR SHELTON: That's all the questions I have.

10 THE COURT: Anything further, Mr. Johnson?

11 MR. JOHNSON: Yes, Your Honor, just a few questions.

12 REDIRECT EXAMINATION - IN CAMERA

13 OFFICER SALLY IRVIN BY MR. JOHNSON:

14 Q. Officer Irvin, just for clarification, is your
15 testimony that you went to the scene and your investigation
16 was that you don't remember who you talked to?

17 A. Which scene?

18 Q. You went to the ball park.

19 A. I went to the ball park to locate a 911 caller.

20 Q. And you don't remember who you talked to?

21 A. I don't think I spoke to anyone.

22 Q. You didn't speak to anyone?

23 A. Didn't speak to anyone to my knowledge.

24 Q. So when you said before - -

25 A. I know that I didn't speak to the 911 caller. That

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

-108-

1 person did not identify themself. That's what know.

2 Q. But you don't remember if you talked to anyone at the
3 scene or not? Or are you saying that you did?

4 A. I know that I did not speak to the 911 caller.

5 Q. That is not what I'm asking you. Just answer the
6 question I ask you. Is it your testimony that you did not
7 talk to anyone?

8 A. I will not testify to that.

9 Q. Okay. So is it that you don't remember?

10 A. It could be that I remember if I spoke to someone that
11 might have been standing in the parking lot. But I knew I
12 didn't speak to someone in distress.

13 Q. Well I'm gonna ask you this. Did you talk to anyone?

14 A. I don't remember.

15 Q. Did you even --

16 A. If there had been someone there that I mentioned in
17 the past ---

18 Q. I'm not asking you - -

19 A. --- but I know I didn't speak to anyone in distress.

20 Q. I'm not asking you to - I'm only asking you to just
21 say what you know and what you don't know.

22 A. What I can say is that I did look for someone in
23 distress and I just did not see anyone that was in
24 distress.

25 Q. But when you say look for someone in distress, did you

1 stand here and just look around?

2 A. Yes I did. I went into the parking lot and looked
3 around and did not see anyone approach me that seemed like
4 they had any kind of concerns.

5 Q. And that was the totality of your time there?

6 A. Correct.

7 Q. So now you're saying that you didn't talk to anyone?

8 A. I could not find anyone in distress. That's why I
9 keep saying that there could have been others there but no
10 one that was in distress. I would remember that. I know
11 that my point of being there was to locate someone that
12 needed help. That was not done, I was not able to locate
13 anyone that needed help.

14 Q. You go back to this locate and looking for and I'm
15 trying to ascertain and what do you mean by that. When you
16 say locate what did you do to locate someone?

17 SOLICITOR SHELTON: Ask and answered, Your Honor. She
18 has testified over and over again what she did on the
19 scene.

20 MR. JOHNSON: She hasn't said anything about what she
21 did.

22 THE COURT: Mr. Johnson, you've ask her the same
23 question several times so I'll sustain the objection.

24 MR. JOHNSON: Your Honor, I have no other questions.

25 THE COURT: Thank you.

-110-

1 Anything further from the Defense?

2 MR. JOHNSON: Nothing further, Your Honor.

3 THE COURT: You may step down.

4 (WITNESS LEAVING WITNESS STAND.)

5 THE COURT: You may call your next witness, Mr.

6 Johnson.

7 MR. JOHNSON: Your Honor, at this time we'd like to
8 call Erin Parlagrecko.

9 MR. CHAPLIN: Your Honor, can Officer Irvin stay?

10 THE COURT: You want to --

11 MR. CHAPLIN: Yes she needs to stay a little bit
12 longer.

13 THE COURT: You need to recall her.

14 Officer, if you can have her stay. Not inside but
15 outside.

16 MR. CHAPLIN: Thank you, Your Honor.

17 THE COURT: Sure.

18 MADAME CLERK: Would you place your left hand on the
19 Bible and raise your right hand.

20 (WHEREUPON: ERIN PARLAGRECKO,

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

22 MADAME CLERK: Please be seated. State your name and
23 spell it for the court please, ma'am.

24 A. Just have to state my name?

25 MR. JOHNSON: Yes.

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

-111-

1 A. Erin Parlagrecko.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: Thank you, Your Honor. May it please
4 the Court.

5 THE COURT: Ma'am, would you please spell your last
6 name for the court reporter?

7 A. P-a-r-l-a-g-r-e-c-o.

8 DIRECT EXAMINATION - IN CAMERA

9 ERIN PARLAGRECO BY MR. JOHNSON:

10 Q. Erin, I cannot pronounce your last name so forgive me
11 for calling you Erin okay.

12 A. Okay.

13 Q. All right. Erin, back on August the 31st, 2011, do
14 you remember that day?

15 A. Yeah.

16 Q. Did you make a phone call, a 911 call to the police?

17 A. Yes.

18 Q. What was the nature of that call? What was that
19 about?

20 A. Because my car was kicked and damaged.

21 Q. Your car was kicked and damaged?

22 A. Uh-huh.

23 Q. And who was you alleging had kicked and damaged your
24 car?

25 A. Stanley Wright.

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

-112-

1 Q. Is that the defendant in this case?

2 A. Yes.

3 Q. Okay. And where did this happen?

4 A. At his residence.

5 Q. At his residence?

6 A. Yeah.

7 Q. And what's his address? Do you remember?

8 A. [REDACTED].

9 Q. Okay. What happened after you made the phone call?

10 A. They ask me if I wanted them to come to the house. I
11 told them no that I would come to them. So then I left and
12 took my kids to football practice.

13 Q. Now you left and went to football practice?

14 A. Uh-huh.

15 MADAME COURT REPORTER: Is that yes?

16 A. Yes.

17 BY MR. JOHNSON:

18 Q. How far is the football field from the location of the
19 residence?

20 A. Not very far at all.

21 Q. When you say not very far, can you give me a time
22 period?

23 A. On the same road less than a mile, less than half a
24 mile.

25 Q. Less than half a mile away?

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

-113-

1 A. Yes.

2 Q. And is that where you went after you made your phone
3 call?

4 A. Yes.

5 Q. Was you ever contacted by police during that time?

6 A. Yes. The officer came to the field and spoke to me.

7 Q. About what time was that?

8 A. It was as soon as I left and went to the field. I was
9 getting my kids equipment out of the car in the trunk and
10 she came and pulled behind my car.

11 Q. So you was going to football practice. Correct?

12 A. Yes.

13 Q. What time does football practice normally start?

14 A. Six o'clock.

15 Q. Were you there at the beginning of football practice?

16 A. Yes.

17 Q. So it was approximately six o'clock, a little bit
18 after six?'

19 A. Yes.

20 Q. That she came?

21 A. Yes.

22 MR. JOHNSON: Your Honor, if I could, could I get
23 Officer - ask Officer Irvin to step into the courtroom to
24 see if she can identify her?

25 THE COURT: Yes, sir.

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

-114-

1 THE BAILIFF: She's in the restroom, Your Honor.

2 MR. JOHNSON: Okay. When she comes --

3 Your Honor, can I go on and get back to that?

4 THE COURT: Yes.

5 BY MR. JOHNSON:

6 Q. And you spoke with the officer there at the football
7 field?

8 A. Yes I did.

9 Q. Was there anybody else present with you when you spoke
10 to this officer?

11 A. Sonya Chisholm.

12 Q. Sonya Chisholm?

13 A. Uh-huh.

14 Q. She was present at that time?

15 A. Yes she was.

16 Q. What did the officer ask you?'

17 A. She ask me if I was okay and I told her yes and she
18 ask me if I wanted to press charges for my car and I told
19 her no because someone had already kicked the dent out.

20 Q. Okay. And that was your full conversation with that
21 officer?

22 A. Yes.

23 Q. Will you describe the officer?

24 A. She had blonde hair and she was white.

25 Q. White female?

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

-115-

1 A. Yes.

2 Q. Young, older, middle age?

3 A. Maybe middle age. Not older.

4 Q. Okay. And you can identify her if you see her again?

5 A. Yes.

6 Q. Okay. And that was approximately right about six
7 o'clock; is that correct?

8 A. Yes because I was just dropping my kids off and I was
9 getting the stuff out of the trunk there.

10 Q. Now did the officer ask you anything else?

11 A. Not that I can remember. I was just about to the car
12 and if I was okay and if I wanted to press any charges or
13 follow through with anything.

14 Q. Did anybody else ever contact you any more about this
15 incident?

16 A. No.

17 Q. Not since that day?

18 A. Not since that day. The family called me a little bit
19 later when all of the police were out there and said that
20 they were looking for me which I told them they've already
21 talked to me and they already saw me so I went back down
22 there but they didn't care about me.

23 Q. So nobody ever questioned you?

24 A. No. Only her. Did the State, no lawyers, nobody.

25 Q. Nobody?

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA
BY SOLICITOR SHELTON - IN CAMERA

-116-

1 A. Until I spoke with you guys.

2 Q. Okay. So - But you did talk to an officer?

3 A. Yes I did at the ball field.

4 Q. At approximately six o'clock that day?

5 A. Yes.

6 MR. JOHNSON: Your Honor, I guess that's all the
7 questions I have and then I guess I can just want to
8 followup when the officer gets back.

9 THE COURT: That's fine.

10 MR. JOHNSON: Okay.

11 THE COURT: Mr. Shelton.

12 MR. SHELTON: Thank you, Your Honor, may it please the
13 court. I have a brief question when she identifies.

14 CROSS-EXAMINATION - IN CAMERA

15 ERIN PARLAGRECKO BY SOLICITOR SHELTON:

16 Q. Hi, Ms. Parlagreco.

17 A. Hi.

18 Q. How you know Stanley Wright again?

19 A. We have three children.

20 Q. Three children together?

21 A. Yes.

22 Q. Do you know where he lives or where he was living on
23 August 31st, 2011?

24 A. Yes.

25 Q. Where?

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

-117-

1 A. [REDACTED].

2 Q. [REDACTED]? Were you there at some point
3 during the day that day?

4 A. Yes.

5 Q. And you say that you called 911?

6 A. I did.

7 Q. Why?

8 A. Because we were arguing.

9 Q. Why did you call 911 if you were just arguing?

10 A. Cause he kicked my car.

11 Q. And why did you call 911 cause he kicked your car?

12 A. Because I was fed up with --

13 Q. Fed up with what?

14 MADAME COURT REPORTER: Because she was?

15 A. I was fed up with Dovie Knott.

16 Q. What is that?

17 A. His friend.

18 Q. And you called 911 because you were fed up with his
19 friend?

20 A. And he kicked my car and damaged it and I don't know
21 why I did. That was dumb.

22 Q. And you called 911 one time?

23 A. One time.

24 Q. And that's all?

25 A. I might a hung up at one point but they were still on

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

-118-

1 there.

2 Q. And that's the only time that you talked to 911 that
3 day?

4 A. That I remember that afternoon yes.

5 Q. Does your phone have service?

6 A. My phone doesn't get good service down there. It goes
7 in and out.

8 Q. But you were able to call 911 at the scene?

9 A. Yes.

10 Q. Okay. I'm going to play what's already been
11 introduced into evidence as State's Exhibit Number Two.

12 And this is for pretrial purposes only, Your Honor.

13 (NOTE: STATE'S EXHIBIT NUMBER TWO PUBLISHED TO THE
14 COURT.)

15 Q. Do you recognize that call?

16 (NOTE: STATE'S EXHIBIT NUMBER TWO PUBLISHED TO THE
17 COURT.)

18 SOLICITOR SHELTON: Your Honor, let the record reflect
19 that is State's Exhibit Number Two. Those are actually the
20 calls that were sent into Hilton Head 911 communications
21 before the transfer in and the initial calls go there and
22 they determine whether there is police or fire emergency
23 and then they're transferred to Hilton Head Dispatch if
24 necessary.

25 Q. That was you on the phone?

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

-119-

1 A. Yes. And that wasn't the whole thing.

2 Q. I know. Thank you. Now I'm gonna play for you
3 State's Exhibit Number Three which is the 911 call with
4 dispatch at the actual from the dispatcher after is's
5 transferred from Hilton Head Communications to dispatch
6 here in Beaufort County for the Court's information.

7 MR. JOHNSON: Your Honor, I have an objection. I
8 don't know what the relevance is to this dispatch tape.
9 We're trying to determine if the officer talked to my
10 client prior to going into the house. We're not objecting
11 to what's on the record. That was put up to the court. I
12 don't know the relevance of it.

13 THE COURT: Well first I didn't have an opportunity to
14 hear it. Is the transcript of the 911 located in the
15 transcript?

16 MR. JOHNSON: Not before the 911 I don't believe. And
17 the reason the State is, this is more for impeachment
18 purposes and also for clarification purposes as to what she
19 testified earlier - to earlier and to give the Court - and
20 for her to hear her voice and to have me ask questions and
21 cross examine her about what her voice sounded like.

22 THE COURT: I'll allow it. I think it's relevant.

23 MR. JOHNSON: Okay.

24 (NOTE: STATE'S EXHIBIT NUMBER THREE PUBLISHED TO THE
25 COURT.)

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

-120-

1 BY SOLICITOR SHELTON:

2 Q. Ms. Poparlagreco, is your number 227-3185 or was it
3 on August 31st?

4 A. Yes.

5 Q. And you just heard that recording. Correct?

6 A. Yes.

7 Q. Would you agree with me the last thing you told
8 officers is that you were gonna go to make a report?

9 A. Yes.

10 Q. And you heard your voice in that recording. Correct?

11 A. Yes.

12 Q. Would you say that you were in distress - your voice
13 sounded as if you were in distress?

14 A. I was crying and I was - it was the neighbor I was
15 arguing with. It wasn't really him at that point.

16 Q. So at the very end when you said do you want here he
17 is right here do you want to talk to the 911 officer you
18 weren't talking to Mr. Wright?

19 A. When I was arguing in the background that was not
20 Stanley that was David.

21 Q. It wasn't Stanley when you said here he's right here
22 and that wasn't Mr. Wright's voice?

23 A. That was David.

24 Q. It wasn't Mr. Wright's voice?

25 A. Everyone was yelling in the back ground that day. I

1 was arguing at that time with David.

2 Q. Who yelled, you called 911 on me get out of my yard?

3 A. He was probably in the background but when I was
4 arguing that probably was him but when I was arguing it was
5 David.

6 Q. Him being who?

7 A. He was arguing at the same time.

8 Q. Him being who?

9 A. David. But when he was yelling in the background too
10 that was Stanley.

11 Q. You called 911 that was Stanley?

12 A. Yes. When I called it was on Stanley.

13 Q. That was the loud voice you heard at the end?

14 A. Yes that was.

15 Q. Now you testified you went straight to the ball field.
16 Correct?

17 A. Yes I did. My children were in the car.

18 Q. And you went straight to the ball field?

19 A. Yes.

20 Q. Did you have your phone on you?

21 A. Yes. And Crickett does not pick up service.

22 Q. Did you try to call law enforcement back and tell them
23 you were alright?

24 A. No because I already told them that I was coming to
25 them I didn't need them to come to me. When I was arguing

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

-122-

1 mainly it was with David and it wasn't in a violent manner.

2 Q. But at the end you admit that that was Stanley Wright
3 who was yelling at you, you called 911?

4 A. Yes.

5 Q. And then you hear it escalate and the phone goes dead?

6 A. Yes. And at the same time when I was pulling out the
7 officers were just pulling in. When I went to Parker Field
8 an officer came to me and she talked to me.

9 Q. So are you saying that when you were pulling out the
10 officers were just pulling in?

11 A. There was one officer on the road already.

12 Q. When you pulled out?

13 A. When I pulled out.

14 Q. Are you pulling out right after you had the argument?

15 A. Yes.

16 Q. You said you have three children with Stanley Wright?

17 A. Yes.

18 Q. Do you know what happened after law enforcement got to
19 the scene? Were you there?

20 A. I was not there. I was at the Parker Field.

21 Q. So you weren't there at the scene?

22 A. No I was not.

23 Q. Were you aware subsequently that they found a bunch of
24 drugs in his house?

25 A. Later that evening I was.

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA
BY MR. JOHNSON - IN CAMERA

-123-

1 Q. And do you know what type of charges he's facing?

2 A. Now I do. All that time I didn't.

3 Q. Do you feel bad about it?

4 A. Yes.

5 Q. Do you feel like it's your fault?

6 MR. JOHNSON: Your Honor, what's the relevance of
7 that?

8 THE COURT: Proffer impeachment testimony.

9 A. I don't really feel it's my fault cause I didn't call
10 on him.

11 Q. Was the family upset with you?

12 A. No.

13 Q. None of them are?

14 A. No.

15 Q. Are you still with Mr. Wright?

16 A. No I'm not.

17 SOLICITOR SHELTON: I beg the Court's indulgence.

18 (PAUSE.)

19 SOLICITOR SHELTON: No further questions. Reserve for
20 after she identifies the officer if she knows him.

21 THE COURT: Mr. Johnson, your witness.

22 MR. JOHNSON: Thank you, Your Honor.

23 REDIRECT EXAMINATION - IN CAMERA

24 ERIN PARLAGRECKO BY MR. JOHNSON:

25 Q. Erin, we would like for you to identify - see if you

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

-124-

1 can identify someone if you could.

2 Officer, will you please stand please?

3 If that's okay with the court?

4 (OFFICER IN COURTROOM STOOD.)

5 A. Yes. That is --

6 Q. Do you recognize her?

7 A. I spoke with her at Barker Field.

8 Q. At Barker Field?

9 A. Yes.

10 Q. At what time?

11 A. It was as soon as I got there at Barker Field and she
12 came there when I was getting the kids stuff out of the
13 trunk.

14 Q. For practice?

15 A. Yes.

16 Q. And what time did practice start?

17 A. Six o'clock.

18 Q. Was you late for practice?

19 A. We were just a few minutes but not late.

20 Q Not late.

21 MR. JOHNSON: I have no other questions, Your Honor.

22 THE COURT: You may step down, ma'am. Thank you.

23 THE COURT: I'm sorry. Did you have any further -

24 SOLICITOR SHELTON: I did. Just very briefly.

25 THE COURT: Ma'am, sit back down. I apologize.

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

-125-

RECROSS-EXAMINATION - IN CAMERA

ERIN PARLAGRECO BY SOLICITOR SHELTON:

Q. Have you ever seen Officer Irvin before?

A. Before today?

Q. Yes.

A. At the field.

Q. And that's the only time?

A. That's the only time.

Q. And that's her?

A. That's her.

Q. And you're sure of it?

A. Yes.

Q. And how long has it been?

A. Its been two years.

Q. And you described her as a white woman?

A. With blonde hair.

Q. Do you know of any other white women with blonde hair?

MR. JOHNSON: Your Honor, objection.

THE COURT: Sustain.

SOLICITOR SHELTON: Thank you.

THE COURT: Now you may step down. Thank you.

(WITNESS LEAVING WITNESS STAND.)

THE BAILIFF: Your Honor, she's to be separated from
the other witnesses'?

THE COURT: Yes.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

-126-

1 THE BAILIFF: At this point?

2 THE COURT: Yes.

3 Ma'am, you are not to discuss your testimony with any
4 other witness.

5 MR. JOHNSON: Your Honor, if it pleases the Court. I'd
6 like to call Sonya Ford.

7 MADAME CLERK: If you'd place your left hand on the
8 Bible and raise your right hand.

9 (WHEREUPON: SONYA FORD, BEING
10 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

11 MADAME CLERK: Please be seated. State your name and
12 spell it for the court please, ma'am.

13 A. Sonya Chisholm Ford. So-n-y-a, C-h-i-s-h-o-l-m,
14 F-o-r-d.

15 THE COURT: Your witness, Mr. Johnson

16 MR. JOHNSON: Thank you, Your Honor.

17 DIRECT EXAMINATION - IN CAMERA

18 SONYA FORD BY MR. JOHNSON:

19 Q. Ms. Ford, do you recall August the 31st of 2011?

20 A. Yes, sir.

21 Q. At that time at approximately six o'clock that day do
22 you remember where you were you were located?

23 A. On Barker Field.

24 Q. You have to speak up a little bit so everybody can --

25 A. On Barker Field.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

-127-

1 Q. On Barker Field? And what was you doing there at that
2 time?

3 A. I was a cheer coach.

4 Q. A cheer coach?

5 A. For cheerleading yes. Our practice was about to
6 begin.

7 Q. So you were a coach of the cheerleaders at that time?

8 A. Yes, sir.

9 Q. Let's do a little background here. Are you from this
10 area?

11 A. Yes, born and raised in Hilton Head, South Carolina.

12 Q. Okay. Are you employed?

13 A. Yes, sir.

14 Q. Where do you work?

15 A. I'm a cosmetologist.

16 Q. How long have you been doing that?

17 A. Nineteen years.

18 Q. For nineteen years?

19 A. Yes, sir.

20 Q. Are you married?

21 A. Yes, sir.

22 Q. How long have you been married?

23 A. Nineteen years. October will be nineteen years.

24 Q. Do you have any kids?

25 A. Yes three boys.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

-128-

1 Q. Three boys?

2 A. Yes, sir.

3 Q. And you live here with your husband and children ---

4 A. Yes, sir.

5 Q. --- in this area? Now on August the 31st, 2011 you
6 was located at Barker's Field; is that correct?

7 A. Yes, sir.

8 Q. Do you know Erin - I cannot pronounce her name - but
9 Erin?

10 A. Parlagrecko.

11 Q. Do you know her?

12 A. Yes, sir.

13 Q. Did you see her that day?

14 A. Yes, sir.

15 Q. Was she there at the field when you saw her?

16 A. Yes, sir.

17 Q. About what time was it?

18 A. A little before six so six o'clock.

19 Q. Right around six o'clock?

20 A. Yeah. We get there about ten or fifteen minutes
21 early.

22 Q. Why do you remember the day like six o'clock? This
23 was like two years ago.

24 A. Because the football practice is at six, cheerleading
25 is right at six too.

1 MADAME COURT REPORTER: I'm sorry, you need to speak
2 up. You said football practice is?

3 A. Is at six o'clock, cheerleading is at six o'clock.

4 Q. So she arrived in time for football, for the football
5 practice and the cheerleading practice?

6 A. Yes, sir..

7 Q. Okay. Now --

8 THE COURT: Could you repeat that?

9 A. Yes, sir.

10 THE COURT: Okay. Thank you.

11 Q. Did you see her have contact with the police at the
12 field there that day?

13 A. Yes, sir.

14 Q. Was that approximately around six o'clock?

15 A. Yes, sir.

16 Q. How do you know - Tell the court what you personally
17 saw at approximately six o'clock that day.

18 A. I was on the field because I get there early so that I
19 can get the cheerleaders situated. One of Stanley's sons
20 came to me and said that I needed to go down the road and
21 check on him. I started going to my car and then I looked
22 over and I saw Erin and I saw an officer parked behind
23 her. She was in her trunk. I walked over there.

24 Q. Before you go any further, so you got to see the
25 officer face to face?

SONYA FORD: BY MR. JOHNSON - IN CAMERA

-130-

1 A. Yes, sir. She ask me my name.

2 Q. Do you see the officer here in court today?

3 Where is she?

4 MR. CHAPLIN: They walked her back outside.

5 THE BAILIFF: No she's right here.

6 A. Yes, sir.

7 Q. Do you recognize that officer?

8 A. Yes, sir.

9 Q. Is that the officer that was there at the field at six
10 o'clock that day?

11 A. Yes, sir. I remember it yes, sir.

12 Q. And you saw her talking to Erin?

13 A. Yes and she talked to me too.

14 Q. She talked to you as well?

15 A. Yes, sir.

16 Q. Do you remember what she said?

17 A. I was upset because they told me something happened
18 between Stanley and Erin so I was asking Erin what was
19 going on. And she ask me for my name and ask me what
20 relation was I to Stanley. Well to the problem, what was
21 going on.

22 Q. And you told her?

23 A. And I told her.

24 Q. And was that your total conversation with her?

25 A. That was it with her. She was talking with Erin and

SONYA FORD: BY MR. JOHNSON - IN CAMERA

-131-

1 Erin was in her trunk yes.

2 Q. Were you present during the conversation?

3 A. Not the whole conversation no.

4 Q. But you heard something?

5 A. I walked over and I heard them talking.

6 Q. But they did talk?

7 A. Yes.

8 Q. Did it also appear that she knew that Erin was the
9 person involved in the conflict?

10 A. Yes.

11 Q. How do you know that?

12 A. Because when I walked over they were talking about
13 something and Erin was like she would go back, she wasn't
14 going back to the house. And I said I was going down to
15 the house and I went down there.

16 Q. So you went to the house after you saw them have a
17 conversation?

18 A. Yes.

19 Q. Did you go to the house before the officer went back
20 to the house?

21 A. No.

22 Q. What time did you go?

23 A. Right after I left from Erin because the officer was
24 asking me where was I. I got in my truck and I left my
25 kids there and I told one of my family members to watch

SONYA FORD: BY MR. JOHNSON - IN CAMERA

-132-

1 them while they practiced and told them to watch the
2 cheerleaders.

3 Q. So when you got back in your truck the officer was
4 still talking to Erin when you was headed to your truck?

5 A. I'm not sure. I think she left. She left too because
6 Erin left.

7 Q. So did you - So when you got to the house where were -
8 Where were Mr. Wright? He was standing outside?

9 A. Standing outside.

10 Q. Okay. Was he handcuffed or anything?

11 A. No he wasn't in handcuffs yet.

12 Q. Okay. Did that officer go back - Did you see that
13 officer back at the scene when she was there?

14 A. I'm not sure. There was a couple of female officers
15 there.

16 Q. Okay.

17 A. That was coming. It was officers coming back and
18 forth.

19 Q. But when you got to the house had they went inside the
20 house yet?

21 A. Not to my knowledge no.

22 Q. And you stayed there at the house at the scene?

23 A. I stayed there the entire time. Somebody else brought
24 my kids back from the field and I sent them home with
25 someone else and I stayed there until late that night.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

-133-

1 Q. How many times did they go in the house while you was
2 there?

3 A. There was people going in and out. Different people.
4 They went in and more cars came. They sent some of the
5 officers away and a truck or two came also and they came
6 with the police.

7 Q. Let me ask you this. Were you there when they first
8 went into the house?

9 SOLICITOR SHELTON: Objection. I don't know if she
10 can answer that question cause she testified she wasn't
11 there the whole time. She doesn't know whether it was the
12 first time she went to the house or not.

13 MR. JOHNSON: Well then she should be allowed to
14 answer if she can answer it.

15 THE COURT: If you know specifically.

16 A. I think I was yes.

17 Q. What makes you think that you was at first that you
18 saw her the first time you went into the house?

19 A. Because when I got there I went and ask them what was
20 going on. I walked that way and he was still standing
21 there.

22 Q. So he wasn't handcuffed?

23 A. No he wasn't handcuffed when I got there.

24 Q. Okay. He was just standing up at that time?

25 A. On the outside yes.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

-134-

1 MADAME COURT REPORTER: I'm sorry. I didn't
2 understand.

3 A. Yes on the outside.

4 Q. When you saw - The first time you saw someone go in
5 the house how many officers went into the house?

6 A. I'm not sure cause we was sitting on my sister's porch
7 when they first come.

8 Q. But just for clarification purposes, it was right at
9 six o'clock that you saw the officers talking to?

10 A. I can't say exactly six o'clock cause I get there
11 about fifteen minutes early.

12 Q. Okay.

13 A. And it was between that time. I hadn't started
14 practice yet.

15 Q. Okay. And you left and went straight to the house
16 from there?

17 A. Yes.

18 Q. How long did it take you to get to the house?

19 A. Its within walking distance. About a minute, a minute
20 and a half.

21 Q. So you left straight from there and went to the house?

22 A. Uh-huh.

23 Q. And you stayed there the rest of the afternoon?

24 A. Yes, sir.

25 MR. JOHNSON: One moment, Your Honor.

SONYA FORD: BY SOLICITOR SHELTON - IN CAMERA

-135-

1 (PAUSE.)

2 Q. And the officer that you saw here in court, was the
3 officer that you saw talking to Erin?

4 A. Yes, sir.

5 MR. JOHNSON: I have no other questions, Your Honor.

6 THE COURT: Mr. Shelton, do you have any questions?

7 MR. SHELTON: Briefly. Thank you, Your Honor.

8 CROSS-EXAMINATION - IN CAMERA

9 SONYA FORD BY SOLICITOR SHELTON:

10 Q. What is your relationship or connection with Stanley
11 Wright?

12 A. I'm his aunt.

13 Q. You're his aunt? Mother's or father's side?

14 Mother's for father's side?

15 A. I'm his mother's sister.

16 Q. You said there was a couple of female officers at the
17 scene when you ended up getting at the house?

18 A. No I didn't say that.

19 Q. I thought you just said that.

20 A. I said there was a couple of female officers that
21 were on the scene. Not when I got to the house.

22 Q. Okay.

23 A. It was officers coming in and out.

24 Q. All right. And you don't know whether Ms. Irvin who
25 was here earlier was the officer that was at the scene when

SONYA FORD: BY SOLICITOR SHELTON - IN CAMERA

-136-

1 you got there? You testified, you said you were not sure
2 whether she was the one but there was a couple of female
3 officers there. Correct?

4 A. Well there during that time that they did everything
5 that they did.

6 Q. Right. But you're sure she was the one at the
7 ball field?

8 A. Yes because I spoke with her. She spoke with me.

9 Q. And you think it was between - you got there about
10 fifteen minutes early?

11 A. Yes.

12 Q. And you said at first that she might, being Ms.
13 Parlagrecko, got there a little bit late, at first you said
14 that?

15 A. I get to the field earlier than a lot of most of the
16 people because I help out with the program.

17 Q. I'm sorry. I didn't mean to interrupt you. Finish
18 what you were saying. I didn't mean to interrupt you.

19 A. I wasn't saying anything.

20 Q. Okay. And then you said it was sometime between you
21 think 5:45 and six o'clock?

22 A. No. You said was it at six o'clock or after or
23 whatever he said. And is said practice I hadn't begun
24 cheerleading practice yet so it was around that time.

25 Q. Around that time?

SONYA FORD: BY SOLICITOR SHELTON - IN CAMERA

-137-

1 A. Yes. I can't say exactly what time it was. Sometime
2 around that time.

3 Q. And it starts at six o'clock?

4 A. Yes.

5 SOLICITOR SHELTON: Those are all the questions I
6 have.

7 Thank you.

8 MR. JOHNSON: I have no other questions, Your Honor.

9 THE COURT: You may step down, Mr. Ford. Thank you.

10 THE BAILIFF: May I put her with the first witness,
11 Your Honor, or keep her separate?

12 THE COURT: Separate.

13 (WITNESS LEAVING WITNESS STAND.)

14 THE COURT: Mr. Johnson, do you have any further
15 witnesses'?

16 MR. JOHNSON: I have one more repeat. Can I have one
17 moment, Your Honor.

18 THE COURT: Sure.

19 (PAUSE.)

20 MR. JOHNSON: Your Honor, I don't think we have any
21 other - I think that we rest on this motion.

22 THE COURT: All right, is there anything -

23 SOLICITOR SHELTON: I would like to briefly call
24 Jonathan Collier.

25 THE COURT: All right, sir.

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON - IN CAMERA

-138-

1 SOLICITOR SHELTON: Thank you.

2 Jonathan Collier, Deputy Collier.

3 MADAME CLERK: Would you place your left hand on the
4 Bible and raise your right hand for me please.

5 (WHEREUPON: JONATHAN
6 COLLIER, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
7 FOLLOWS:

8 MADAME CLERK: You may be seated. State your name and
9 spell it for the court please.

10 A. My name is Jonathan Allen Collier.

11 THE COURT: Your witness, Mr. Shelton.

12 SOLICITOR SHELTON: Thank you.

13 First let me ask. If Sally is here she needs to get
14 out.

15 I apologize, Your Honor. They are waiting on - I
16 don't know what.

17 Thank you, Officer Collier.

18 DIRECT EXAMINATION - IN CAMERA

19 OFFICER JONATHAN COLLIER BY SOLICITOR SHELTON:

20 Q. Deputy Collier, you work for the Beaufort County
21 Sheriff's Office. Correct?

22 A. Yes, sir.

23 Q. And were you working for the Beaufort County Sheriff's
24 Office on August 31st, 2011?

25 A. Yes, sir.

1 Q. And you were in road patrol on the south side.

2 Correct?

3 A. Yes, sir.

4 Q. And that means south of the Broad River. Correct?

5 A. Yes, sir.

6 Q. And you were a corporal. Correct?

7 A. Yes, sir.

8 Q. Did you respond that day to - You've already testified
9 to this in an earlier hearing, however did you respond that
10 day to [REDACTED]?

11 A. Yes, sir.

12 Q. Please tell the court about that.

13 MR. JOHNSON: Your Honor, objection. I thought we had
14 agreed that we would not put up any evidence that had not
15 already been testified to. The officer has already
16 testified. His testimony is part of the record.

17 SOLICITOR SHELTON: I'll --

18 MR. JOHNSON: And to go back over that again I think,
19 Your Honor, --

20 THE COURT: Right. I don't think we need to reinvent
21 the wheel and go over the whole thing. I think just the
22 relevant portions of it.

23 SOLICITOR SHELTON: I'm just establishing what was
24 there when he responded there, Your Honor. For Your
25 Honor's information I'm gonna go straight into the crux of

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON - IN CAMERA

-140-

1 the issue.

2 MR. JOHNSON: Your Honor, I would object again because
3 he can change the testimony today and it would be different
4 that what's on the transcript. We would like stay with
5 what's on the transcript.

6 THE COURT: Well obviously I wasn't the judge that
7 heard the original one and I haven't had an opportunity to
8 review the transcript but this is somewhat laying a
9 foundation to put us back as it relates to Officer Irving.
10 And if he changes his testimony then your right to cross
11 examine him but I think it's just to establish where we are
12 here today not to go over the whole incident so obviously
13 that's already been testified to.

14 SOLICITOR SHELTON: Thank you, Your Honor. And I will
15 tailor my questions with the court's permission to be a
16 little bit more specific.

17 MR. JOHNSON: Thank you, Your Honor.

18 SOLICITOR SHELTON: Thank you.

19 Q. When you were out on the scene, who was there?

20 A. Deputy Archbell and Mr. Wright.

21 Q. Were you able to locate anyone who you could identify
22 as to the 911 caller?

23 A. No, sir.

24 Q. Did you know where she was?

25 A. No, sir.

1 Q. Do you know whether attempts were being made to find
2 her?

3 A. Yes, sir, dispatch advised us to go and try to make
4 contact with them.

5 Q. And do you know whether anyone went to the ball park
6 nearby in response to try and find her there?

7 A. Yes, sir.

8 Q. And why did that take place?

9 A. Because I ask the deputy to go to that field to
10 respond and to stop by and see if the victim was at the
11 ball field because Mr. Wright said that she might be there.

12 Q. So Mr. Wright told you she was there?

13 MR. JOHNSON: Your Honor, objection. He's leading the
14 witness.

15 THE COURT: Can you just rephrase your question?

16 SOLICITOR SHELTON: I just repeat what she just said.

17 But yes, Your Honor.

18 Q. Mr. Wright told you she was at the ball field?

19 A. He said that she might be yes.

20 Q. Okay. Might be at the ball field. And in response
21 to that you just testified that you called to request that
22 someone go to the ball field to locate her?

23 A. Yes, sir, that's correct.

24 Q. And why did you do that?

25 A. Just to cover the bases to see if we could locate

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON - IN CAMERA

-142-

1 the victim because we were on the scene looking for her.
2 We needed to make contact with her or didn't make contact
3 with her.

4 Q. Do you know who went to the ball field?

5 A. Corporal Irvin.

6 Q. And would that be Sally Irvin?

7 A. Yes.

8 Q. And did you then have any contact with Sally Irvin
9 after that?

10 A. Yes.

11 Q. Where?

12 A. At the incident location [REDACTED].

13 Q. And were you able to determine whether she made
14 contact with who you could address as the victim?

15 A. Her statement to me was that she did not make contact
16 with the victim at the ball field.

17 Q. And based on that information what did you do?

18 A. We conducted a sweep of the house to check for the
19 victim to see if the victim was inside.

20 Q. So the time you did the sweep you were unable to
21 locate the victim to your knowledge?

22 A. Yes, sir, that's correct.

23 Q. Thank you.

24 SOLICITOR SHELTON: Those are all the questions I
25 have.

OFFICER JONATHAN COLLIER: BY MR. JOHNSON - IN CAMERA

-143-

1 THE COURT: Mr. Johnson.

2 CROSS-EXAMINATION - IN CAMERA

3 OFFICER JONATHAN COLLIER BY MR. JOHNSON:

4 Q. Good afternoon, Officer Collier.

5 A. Good afternoon, sir.

6 Q. Well, Officer Collier, if Officer Irvin had contacted
7 the victim, would you have been able to go inside the
8 house?

9 A. No, sir.

10 Q. I have no other questions.

11 THE COURT: Thank you.

12 SOLICITOR SHELTON: Nothing further, Your Honor.

13 THE COURT: You may step down, sir. Thank you.

14 (WITNESS LEAVING WITNESS STAND.)

15 SOLICITOR SHELTON: Those are all the questions, those
16 are all the witnesses' the State has. Thank you.

17 With Defense approval, he worked last night and is
18 back on nights tonight. I ask that he sleep if he can.

19 OFFICER COLLIER: Thank you, Your Honor.

20 THE COURT: I'll be happy to hear any brief arguments
21 from either side.

22 MR. JOHNSON: Your Honor, based on our argument
23 actually its an extremely simple argument, Your Honor.

24 Our argument is that the State did have notice that
25 the victim was not in the house. Now whether Officer Irvin

-144-

1 told the officer is not really our concern. Officer Irvin
2 is still a member of the state. If she did not tell them
3 that's something she will have to deal with. But we think
4 that we have shown substantial evidence that by their own
5 records she stated that she went to the ball field. She
6 went to the ball field because people, numerous people,
7 including Mr. Wright, told the officer at the scene that
8 there was someone that - that the alleged victim in this
9 case had went to the ball field. And apparently the
10 message got to the officer because they sent an officer to
11 the ball field Ms. Sally Irvin.

12 Ms. Irvin testified that she went to see if someone
13 was in distress but I would ask the Court to note, she
14 never said that she didn't locate someone or talk to
15 someone. She kept going back to I didn't see anyone in
16 distress, I didn't see anyone in distress. And its my
17 argument that she was fudging around the case as to whether
18 she talked to the victim. Because she might a made a
19 simple mistake, Your Honor. I'm not saying that this is
20 some conspiracy. In most cases it's not a conspiracy. But
21 officers are still required to follow the law. If they
22 make a mistake unfortunately, Your Honor, the law requires
23 that that mistakes results in them not being here to
24 prosecute their case.

25 In this case we have the victim stating that she

1 talked to Ms. Irvin. She identified Ms. Irvin and
2 testified that she did not see Ms. Irvin or knew Ms. Irvin
3 until today when she identified Ms. Irvin here in court.
4 You have another witness who testified that she also saw
5 Sally Irvin at the ball park. She even spoke to Ms. Irvin.
6 And if you remember Ms. Irvin stated that she might have
7 talked to someone but the person was not in distress.

8 The State did not present any evidence to say that any
9 of our witnesses' who stated that Ms. Irvin knew that the
10 victim was not in danger at around six o'clock prior to the
11 search. It's not true. I think we have given substantial
12 evidence from the victim, from Ms. Irvin, as well as the
13 witness to indicate that the police had knowledge prior to
14 going in that house and without that knowledge - and with
15 that knowledge they did not have a right to do a protective
16 search. As a result they did not have a right to the fruit
17 of their labor which is the evidence in this case and we
18 ask that the evidence be suppressed.

19 THE COURT: Thank you, Mr. Johnson.

20 Mr. Shelton.

21 SOLICITOR SHELTON: Thank you, Your Honor.

22 Your Honor, you heard the testimony and I won't
23 belabor it. Officer Irvin did report that she went to the
24 ball field to look for the victim. Officer Collier, Deputy
25 Collier stated that he actually sent someone to the ball

-146-

1 field, requested they go to the ball field to confirm
2 whether the victim is there before they actually indeed did
3 go into the residence. The State argues that that is
4 actually shows a lot of due diligence on the State's part
5 in making sure - certain that they do not perform a
6 protective sweep of this house unless absolutely necessary.

7 We had testimony from Ms. Erin Parlagrecko. Your
8 Honor, you're obviously the judge of the law for the
9 purposes of this motion, but in it you have to look at the
10 - obviously as you know the totality of the circumstances
11 when you have conflicting testimony. We have conflicting
12 somewhat conflicting testimony in this case. And some of
13 the testimony can be proven through records to be
14 inaccurate. For example Ms. Parlagrecko stated that she
15 went straight to the ball field after she hung up the
16 phone. The problem with that is, is that the dispatch call
17 was - ended at 17:35, well after 17:35. And she stated
18 that the officer was there when she arrived at the ball
19 field. The ball field is a hundred to two hundred yards
20 away. I'd just like to point that out; obviously that is
21 not true.

22 She also stated that she might have gotten there, Ms.
23 Parlagrecko, there yet a little late. She obviously would
24 not have gotten there a little late had she gone straight
25 to the ball field so that is also an inconsistency of what

1 we can show from the record is the truth. What we do know
2 from the record as the truth is that an officer in deed did
3 go to the ball field exercising due diligence in trying to
4 remedy the situation before taking - making the act of
5 sweeping the house. And at the ball field the officer's
6 testimony is that she did not locate what she could
7 determine to be the victim otherwise she would have
8 notified the other officer at the scene as a victim.

9 An officer at the scene testified, and that would be
10 Officer Collier, that at the scene she reported, being
11 Officer Irvin, to him that she could not locate the victim.
12 The officers understanding of the facts is paramount in
13 this case. Officer Collier and Officer Irvin both
14 testified that they were unable to locate the victim in
15 this case and that is in fact what their state of mind,
16 what their understanding of the facts were at the time.

17 You heard the 911 tapes. She was in distress. They
18 were looking for someone in distress. And you heard the
19 escalation up into the 911 tape a domestic violence
20 incident, domestic incident obviously is inherently very
21 volatile. They had the duty at that point to search and
22 verify the victim's safety and that has already been ruled
23 upon. All that is at question here is whether they knew
24 whether the victim was safe at that point or not. We have
25 conflicting testimony and I'd like to point out for the

-148-

1 record that some of the testimony, the heart of the
2 testimony was given by two witnesses' who have a strong,
3 strong propensity for bias because of their relationship
4 with the defendant. And one whose call - One who has three
5 children with the defendant whose call got him into this
6 entire mess to begin with. And this testimony is coming at
7 this hearing the eve before this trial of the case.

8 Thank you.

9 THE COURT: Thank you, gentlemen.

10 Mr. Johnson, I'm gonna to respectfully deny your
11 motion to suppress. I think really Officer Irvin although
12 she testified she could not recall specifics of the
13 conversation, she did testify that no one made contact with
14 her that said they had any connection at the incident
15 location and I do find that her testimony was credible in
16 that fact. All she did recall specifically is she went
17 there specifically to look for someone in connection with
18 the case and then went back and reported to Officer Collier
19 that she did not find anybody. His testimony corroborates
20 that. Clearly Ms. Parlagrecko has a strong incentive to
21 the domestic violence situation and was clearly escalating
22 as previously ruled upon by Judge Harrington and I find
23 that it does meet the prongs as outlined in her previous
24 order in the transcript so I repectfully deny your motion.

25 MR. JOHNSON: Thank you, Your Honor.

1 THE COURT: Now I understand there are other several
2 pretrial motions that you've come to an agreement upon.

3 SOLICITOR SHELTON: Now that we're over this hurdle,
4 one pretrial motion that we've spoken of is not admitting
5 the 911 tape. The State has no intention of admitting the
6 911 tape to the jury at trial. I think we can take care of
7 that.

8 THE COURT: Okay.

9 SOLICITOR SHELTON: Also, Your Honor, there was a
10 motion to - something about chain. I don't know if Mr.
11 Chaplin wants to or Mr. Johnson wants to address that. The
12 State wants to bring to the Court's and Mr. Chaplin and Mr.
13 Johnson's intention of - its intent to use some pictures
14 from inside of the residence. And one of the pictures
15 shows a mail bag that has Mr. Wright's identifying
16 information that's being to Mr. Wright. And I want to
17 raise it to the Court's attention out of all candor because
18 it also shows Watered Correctional Institution address to
19 it. The State's argument is that the approbative value far
20 outweighs any danger of unfair prejudice in this case.
21 We're not gonna make any reference whatsoever to the
22 correctional institution identification on the actual
23 address. We're only gonna make reference to the fact that
24 the mail is in his name and it's in his bedroom. Attached
25 to that bedroom is where the drugs and the gun were found.

-150-

1 There are other - Candidly there is other identifying
2 information as well but all this case comes down to at this
3 point in the State's perspective is knowledge and
4 possession. And those are crucial for the State's case and
5 we believe the approbative value showing that he has a bag
6 full of mail because one issue is that - Excuse me before I
7 finish that sentence.

8 The approbative value of showing his address and
9 showing his name on the mail shows that that is his
10 residence because he's keeping it all there. His ID that's
11 next to his bed and bedroom has actually [REDACTED]
12 [REDACTED] written on it. This is [REDACTED] so we
13 think it's very important for us to show that this is where
14 he was staying, this is where he was living at the time to
15 prove our case.

16 THE COURT: Counsel.

17 MR. CHAPLIN: And, Your Honor, we feel that obviously
18 this is extremely prejudicial and cumulative. I mean he
19 has multiple other ways to determine the location of where
20 this individual lived aside providing something that's
21 gonna say something that's coming from a correctional
22 facility and going to wherever. I haven't had a chance to
23 look to see that but in turn we just think that definitely
24 the prejudicial side extremely outweighs the approbative
25 value from his point.

1 THE COURT: I agree. I think the Department of
2 Corrections portion of the picture you can redact it
3 somehow, blow it up, and take that part of it out I think
4 its fine. I think it's more prejudicial than approbative.

5 SOLICITOR SHELTON: We can do that as long as we are
6 able to not use that as an argument that we don't know
7 that's where he lives for the purpose of the mail itself.

8 THE COURT: So pursuant to that caveat, Mr. Chaplin,
9 basically redact and take out that portion of it. Do you
10 have any objections to that?

11 MR. CHAPLIN: Well, Your Honor, I guess I say to not
12 say that, Your Honor, I don't know what he's gonna actually
13 - what information he's gonna actually gonna put forth and
14 I don't want to be able to not say that that may or may not
15 be his residence so I don't want to concede to that for the
16 purpose of that.

17 THE COURT: Sure. And I understand that completely.

18 MR. CHAPLIN: Okay.

19 THE COURT: I think you're correct in doing that. I
20 think as we go forward you can certainly make argument and
21 I don't want to prevent you in any way to making proper
22 arguments under the same picture and it must be redacted.

23 SOLICITOR SHELTON: And all I mean is for the purposes
24 of this exhibit that because we're gonna have to redact
25 this information only for this purpose that he can't hold

-152-

1 it up in closing argument and say like they redacted this
2 what does that show you. That's the only thing that I'm
3 trying to prevent.

4 MR. CHAPLIN: Your Honor, I clearly understand that.

5 SOLICITOR SHELTON: I mean that's all I mean.

6 MR. CHAPLIN: That's the purpose of us talking right
7 now.

8 THE COURT: Sure. I think we're on the same page.

9 SOLICITOR SHELTON: Okay. And because I'm just saying
10 that because I think sometimes I try to think on the
11 defense side and if it's not something that we would be - -

12 MR. CHAPLIN: And I try to think on the prosecution
13 side.

14 THE COURT: Thank you, ladies and gentlemen. Okay,
15 what else have we got?

16 Anything else?

17 SOLICITOR SHELTON: I plan to possibly use a
18 demonstrative exhibit on either in opening or closing. And
19 I want to bring it to the defense attention as well as the
20 Court's attention. I haven't decided for sure whether I
21 will do it or not but it involves a scale and it involved a
22 Pyrex dish and probably sugar and it involved pouring it
23 into it to get it the weight. I think it is very
24 approbative to show jury's don't have any idea what two
25 hundred and twenty grams makes for the purposes of

1 trafficking. And we have to prove it's a violent offense
2 and prove beyond a reasonable doubt that more than ten
3 grams is trafficking cocaine. And we have to prove beyond
4 a reasonable doubt that there are over two hundred grams of
5 cocaine. Just had an assistant solicitor today tell me
6 that when she gets drug reports that she doesn't have any
7 idea what a half a gram or one grams or two grams or what
8 that actually means in real life and that would be the
9 purpose of using it. It's only in closing. Really it's
10 just - Its not an exhibit its just a demonstration to show.
11 And I want to bring it to the defense attention now instead
12 of broad siding them with it or the court with it. And I'm
13 not even sure I want to do it but it was something I was
14 thinking about doing in this case for the purposes of
15 demonstrating to the jury the trafficking weight of this
16 cocaine.

17 MR. JOHNSON: Your Honor, of course we would object to
18 that. The State is going to put up evidence from SLED I'm
19 assuming or the pertinent weight of the evidence. The
20 chemist, they would have a chemist, a chemical analysis
21 that would state the weight. The State is gonna put that
22 in as official weight that will be determined. They can
23 show that to the jury and say this is what it weighed. The
24 jury is not so concerned. The reason the State wants to
25 put this big thing is for the prejudicial effect. It has

-154-

1 no approbative value at all. There is no question when the
2 chemist comes in and if the evidence comes in from the
3 chemist that this is the weight that's the weight. The
4 weight is just effect for sentencing purposes, Your Honor,
5 it has nothing to do with guilt.

6 THE COURT: I'm going to think on that one. I'll let
7 you know in the morning.

8 SOLICITOR SHELTON: And finally, Your Honor, from the
9 State we have a detective with the drug task force,
10 formerly in drug task force, I think it's entitled
11 something different but specifically in drug crimes he's
12 been in that unit for ten years and he's now the
13 supervisor. We would like to qualify him an expert as to
14 drug value period. Just drug value, and we'll limit it to
15 what's been ruled upon by our Court of Appeals for the
16 purposes of only wholesale and retail and that's it.

17 And I'd also like for him to speak to what it means to
18 have plastic baggies, drugs, scale found at the same
19 location. This is something that regular jurors do not
20 understand. We believe that it would really help the jury
21 understand the nature of this offense.

22 THE COURT: Gentlemen.

23 MR. JOHNSON: Once again, Your Honor, this offense is
24 a possession offense, it is not a distribution offense. It
25 is not where they're saying my client is selling or sold to

1 anyone or undercover or anything of that nature. They
2 found the evidence allegedly at my client's house. It's a
3 possession offense. The cause of it or whether that is not
4 the element that the State has to prove. It serves no
5 purpose whatsoever except to inflame the jury.

6 THE COURT: I disagree with you, Mr. Johnson. I think
7 clearly that type of evidence is admissible in a trial of
8 this nature. Of course you are welcome to renew your
9 objection at the proper time.

10 MR. JOHNSON: Thank you, Your Honor.

11 And I guess I'll get the chance to cross examine the
12 expert?

13 THE COURT: Absolutely.

14 MR. JOHNSON: Thank you, Your Honor.

15 SOLICITOR SHELTON: Thank you, Your Honor.

16 And I will hand Your Honor these cases as well as the
17 Defense. I think I've already handed them these cases.
18 The cases we're relying upon in doing this are *South*
19 *Carolina case State v. Jamieson*. That's 372, S.E., 649.
20 That's a Court of Appeals case from 2007. It cites within
21 it *Martin v. State of Texas*. And in *Martin v. State of*
22 *Texas* that is 823, S.W., 2d., 726. In *Martin v. State of*
23 *Texas* this testimony is determined to help the jury
24 understand drugs in terms that can be easily understood and
25 that's really the crux of the reason we want to use it.

-156-

1 THE COURT: Thank you. If you could pass that up.

2 SOLICITOR SHELTON: Thank you, Your Honor.

3 THE COURT: Any other motions from either parties?

4 I have a list here of...

5 MR. JOHNSON: Your Honor, at the appropriate time the
6 defense cannot think of anything.

7 THE COURT: So was there a statement that needed a
8 Jackson v. Denno in the morning?

9 MR. JOHNSON: I don't think it's a statement.

10 SOLICITOR SHELTON: There is no statement. Again out
11 of candor, there is a form that the defendant signed
12 relinquishing his money. He was Mirandized, he stated he
13 did not want to speak with officers at the scene. It was
14 my understanding this form was later signed at the jail.
15 And I haven't determined whether we're gonna use it or not.
16 I just wanted to bring it to the defense and the Court's
17 attention so that we don't be blind sided with it tomorrow
18 at some point. Deputy Heroux would be the individual it
19 would be offered through. And all it is a seizure form
20 that states how much money was taken from the defendant and
21 Heroux's signature and Stanley Wright's signature.

22 MR. CHAPLIN: Your Honor, what it actually is it's
23 just showing that the amount of money that was taken at the
24 scene but it's not actually being - No it's not a typical
25 form where he's relinquishing the money.

1 SOLICITOR SHELTON: Right.

2 MR. CHAPLIN: All it is is saying this is how much
3 money was found. Not that yeah this money is drug money
4 and I'm giving it to --

5 SOLICITOR SHELTON: We're not arguing that he's making
6 any admission on that standpoint. We're just saying that
7 this is how much money was found at the scene. And it does
8 have his signature on the bottom of it and that's the
9 reason I want to bring it to the Court's attention.

10 We wouldn't argue it's an admission. He just
11 acknowledges I read and acknowledge that the above
12 described property was seized from me.

13 MR. CHAPLIN: As long as that's all it says, Your
14 Honor. Like he just read that's what he's alleging we
15 don't have an issue with that.

16 THE COURT: All right. Thank you, Mr. Chaplin.

17 Anything further before we recess until in the
18 morning?

19 SOLICITOR SHELTON: That's all the State can think of
20 at this time, Your Honor.

21 THE COURT: I ask the jury to come back at 9:30.
22 Again I'll be here about 9:15 if you all have anything to
23 go over in the morning before we get started.

24 SOLICITOR SHELTON: Thank you so much, Your Honor.

25 MR. JOHNSON: Thank you, Your Honor.

1 MR. CHAPLIN: Thank you, Your Honor.

2 (COURT IN RECESS AT 04:42 P.M..)

3 (COURT BACK IN SESSION TUESDAY, SEPTEMBER 17, 2013 AT
4 09:45 A.M..)

5 THE COURT: Are the parties ready to proceed?

6 SOLICITOR SHELTON: Your Honor, the State has one
7 issue we want to raise with the court and I spoke with Mr.
8 Chaplin and Mr. Johnson about this briefly yesterday. We
9 kind of have an - I don't know if it's a bad act, but we
10 have the 911 call and the reason officers responded that is
11 kind of inherent in this case and then the sweep. We've
12 We've talked about different ways of handling it, and after
13 speaking with them, they've stated to just go forward the
14 way I want to and have the court handle it. I apologize
15 for not bring it up yesterday because we were trying to
16 stipulate to something.

17 What the State would propose is to state that for the
18 initial responding officers responded to a 911 hangup and
19 they were looking for a missing person. Could not locate
20 the missing person; did a sweep of the residence in an
21 attempt to find this missing person; described what they
22 did in the sweep; what they found; backed out; called and
23 got the search warrant; other officers responded to execute
24 the search warrant.

25 That is how we would propose to handle it. I think it

1 goes to res gestae. I don't know how we'd talk about one
2 thing without talking about the other. I spoke with my
3 common sense wife last night, who is very helpful with
4 these matters to me, and asked well what would you think if
5 just an officer testified they responded to the scene,
6 detained Mr. Wright and waited for a search warrant to
7 arrive, and she stated would that - is actually - would
8 leave a big question in my mind as to why they originally
9 got there and I think that would really inhibit the State's
10 case.

11 THE COURT: Mr. Chaplin or Mr. Johnson.

12 MR. JOHNSON: Your Honor, it is our position that they
13 should include everything, so we don't really have a
14 disagreement. I guess we should start from the beginning.

15 THE COURT: So by including everything you're okay
16 with them not putting in the 911 actual call; is that
17 correct?

18 MR. JOHNSON: We actually wanted the 911 in, Your
19 Honor. We want the call and everything in.

20 SOLICITOR SHELTON: We're not going to publish the 911
21 call because we don't think it's relevant to this. This
22 Court has already ruled on the sufficiency of the sweep and
23 that is a matter of law; not for the jury to determine.
24 Now, all the other issues of possession, constructive
25 possession, whether he knew it was there, those are the

-160-

1 issues in this case. Whether he possessed the marijuana
2 with intent to distribute, those are the issues in this
3 case after your earlier ruling. Not that this guy was the
4 subject of an illegal sweep and you should feel sorry for
5 him and not therefore - I'm not saying that they're going
6 that way, but that's the only reason that I can think that
7 that would be relevant.

8 THE COURT: Well certainly Mr. Johnson would with all
9 respect I think we need to keep it to the issues of what he
10 is charged with and frankly I think keep it more generic so
11 the jury can understand okay there is a 911 call and not
12 procedurally but the way the sheriff's departments operate
13 is if they have a 911 call they have a duty to investigate
14 to make sure everything is okay and that's their policy to
15 respond to ensure that someone is not missing or someone is
16 not hurt and not to go into details with the potential CDV.
17 I think's more harmful to your client than helpful.

18 MR. JOHNSON: Well, Your Honor, I think that if we're
19 allowed to put everything in its place it would show that
20 there was no one hurt; that my client was never charged
21 with a CDV. All that would come out as well as it would
22 show that there was really no incident or nothing that my
23 client did that resulted in the 911 charges. It would
24 explain the 911 call. I think that if you have a 911 call,
25 eventually the jury is going to come back and say can we

1 hear the tape.

2 THE COURT: Well, the thing of it is, I can't tell the
3 Solicitor how to try this case as far as that's up to him
4 if he wants to put the 911 call in and he says he doesn't
5 want to. If at some point during the defense that you
6 choose to submit evidence, then we'll deal with it at that
7 point. But if he's stating he is not putting it in I can't
8 make him.

9 MR. CHAPLIN: Your Honor, I'm not asking you to make
10 him put it in. You asked me my opinion about it.

11 THE COURT: Okay.

12 MR. CHAPLIN: I was just giving you my opinion. I
13 would never tell the Court what to do. But I'm just saying
14 that that's our position and if the State wants to go a
15 certain way, that's fine and then we'll act accordingly.

16 SOLICITOR SHELTON: Your Honor, and that is precisely
17 the reason we think the discussion about the CDV and the
18 911 call is irrelevant, is very prejudicial to him that
19 they determine that because I can't go and argue that as a
20 CDV, he is a wife beater or girlfriend beater, so
21 therefore, you shouldn't - that's why they responded to the
22 scene. I'm not about to argue that because it's not
23 relevant and he just admitted that the reason they wanted
24 it in, this would be a motion in limine to restrict any
25 offering of evidence to show that you've already ruled on

1 this.

2 This is a matter of law for the Court to determine
3 whether the sweep is lawful. It is not a matter of law for
4 the jury to determine whether the sweep is lawful. Whether
5 or not he actually is a domestic violence - whether he
6 committed domestic violence or not. That's not at issue in
7 this case. It has nothing to do with this drug case. All
8 this drug case has to do with - it actually has nothing to
9 do with the drug case. All it is, is determining the
10 extengencies of the initial act that constituted the
11 probable cause for the initial sweep of the residence and
12 that's a matter for the Court to determine.

13 That is not a matter for the jury to determine and to
14 enable them to then argue to the jury that, well they went
15 out there for an illegitimate purpose and he's not - no one
16 was even hurt so you shouldn't even convict him because
17 they shouldn't have even gone into his house is precisely
18 why it should not even be allowed into evidence. It's not
19 material. It's not relevant. It shouldn't come in under
20 403. It shouldn't come in under 402. It's not relevant
21 under 401.

22 THE COURT: Mr. Johnson.

23 MR. JOHNSON: Well, Your Honor, if the State can argue
24 my case that's fine, but I think I'm allowed to argue my
25 case and if the Court would rule on what I attempt to do,

1 so as a matter of that, I just think its moot what he's
2 talking about.

3 THE COURT: Well, as we discussed yesterday, Judge
4 Harrington's ruling stands as far as the initial testimony.
5 The additional testimony that we had yesterday, this Court
6 held again that there were exigent circumstances for the
7 search and under the totality of the circumstances of
8 having received the call, there was obviously an escalating
9 domestic dispute. It was a hang up that officer's
10 testimony that she went to the scene and was not impressed
11 by anybody that stated that they were in any way connected
12 with the altercation.

13 The Court found credible her testimony that was
14 corroborated by Deputy Collier, so I found that those were
15 exigent circumstances to be there so the seizure of the
16 drug evidence and the testimony in a previous hearing it is
17 clear that they were looking for a person. So they were
18 lawfully there, they found the complaint to be an exception
19 because of the fact that they were looking in locations
20 where it would be immediately apparent they were looking
21 for a person.

22 They weren't looking in the shoe boxes. They weren't
23 looking in the drawers. They were looking in the closets
24 and under beds and under apparently under a large vanity
25 sink where a person could have potentially been so that

-164-

1 ruling stands. And I don't think it is relevant to go into
2 the domestic violence as far as trying to say that the
3 police were not there lawfully and the search was not
4 lawful. I think that's the ruling of the court and so you
5 will be limited to arguing to the jury that they were there
6 unlawfully.

7 MR. JOHNSON Your Honor, I never said anything about
8 arguing about that.

9 THE COURT: Okay. Well, I just wanted to make sure we
10 were all on the same page. Anything further on that issue?

11 SOLICITOR SHELTON: I respect the Judge's order and we
12 would just ask for a motion in limine to comply and finally
13 a motion in limine obviously and I have great respect for
14 Mr. Chaplin and Mr. Johnson. I do this in every case in
15 deference to them just so they know, no comment on any type
16 of punishment involved in this case whatsoever and we won't
17 comment on that and ask that they not comment on that and I
18 do that as a cart blanche for every - I'm not specifically
19 targeting them. I don't think they would do that. I just
20 do that in every case, especially when it involves a
21 mandatory minimum and bringing that to the Court's
22 attention.

23 THE COURT: Yes, sir. I know both gentlemen are very
24 professional and very well oriented to the rules and I'm
25 sure they would not do that. Anything further before we

1 bring out the jurors?

2 MR. CHAPLIN: Your Honor, a continuance motion issue.

3 THE COURT: Yes, sir.

4 MR. CHAPLIN: I didn't touch on it yesterday but I
5 wanted to go ahead and do that now before the jury comes
6 up.

7 Your Honor, I was hired, my law office was hired after
8 attorney Sam Bowers representing Mr. Wright, after a period
9 of time his family contacted me. I then contacted Mr.
10 Bower, replaced Mr. Bower, substituting Mr. Bower as legal
11 counsel. When I came in on the case, the case had a date
12 certain already that set up by Judge Mullen and the
13 prosecutor, Mr. Shelton. I then requested a continuance
14 because at that time I did not have a transcript of the
15 suppression hearing as well as I was still receiving other
16 information from the Solicitor's office as well as from
17 Attorney Bower.

18 After that, a conversation existed on three-way
19 between myself and Judge Mullen and Mr. Shelton and we
20 spoke at that time about when or if this transcript,
21 whenever it was going to show up. At that time on the
22 phone it was said that even before the date certain that
23 that transcript would be available. It was not available.
24 I think it became available to Mr. Shelton on August the
25 2nd or he reached out on August the 2nd concerning it.

-166-

1 At that time, we contacted the court reporter who at
2 that time still thought Sam Bower was the attorney so would
3 not release anything to my office. We then contacted
4 Attorney Shelton again. He then contacted via e-mail the
5 court reporter to let the court reporter know that hey, it
6 is okay to give it to Mr. Chaplin. Once we did that, it
7 still took her two weeks for the paperwork to still get to
8 me. I actually received it three to four days prior to the
9 conversation with Judge Mullen and Attorney Shelton on last
10 week, Thursday, is when I got called and said that this
11 trial was probably going to be up based on some other
12 trials falling out. Which I explained to her I thought
13 that I definitely needed more time based on the fact that I
14 was getting everything on the eve of.

15 Even though I was brought in, he shouldn't be punished
16 based on the fact of his counsel or who he had or who he
17 didn't have. At that time, I was informed that I was not
18 going to be granted a continuance; that it needed to go
19 forward. Therefore, at this time I'm just stating on
20 record that's why a lot of information we're coming at the
21 Court with on the last minute in the last hour because as
22 fast as we get it we're giving it to the Court, and
23 actually still may receive something else later today.

24 That is where we are at this point. I just want to
25 renew my motion for a continuance at this time.

1 THE COURT: Mr. Shelton.

2 SOLICITOR SHELTON: Your Honor, the State would just
3 appreciate Mr. Chaplin accurately stating we believe
4 everything that has transpired. We also just want to place
5 on the record exactly when he received the information so
6 that we know the Court has a good knowledge of what took
7 place and also for the purposes of a record for appeal,
8 candidly.

9 The State did provide Mr. Chaplin with all the
10 discovery in this case by hand delivery to his Columbia
11 office and I have an Affidavit of Service that was served
12 on him on July 12th, 2013.

13 The transcript in question was one the State actually
14 requested anticipating a problem like this and we ordered
15 it and we paid for the original transcript.

16 I actually notified a Mrs. Volpe that Mr. Chaplin
17 would need a copy before I received my copy on August 2nd.
18 I do have a confirmed e-mail from Ms. Volpe stating that
19 she sent Mr. Chaplin's office an amount for the transcript
20 on August 29th, 2013 so I know an amount was sent to him by
21 that date. I don't know, I can't speak to when he actually
22 requested it and received it, that would be within his
23 knowledge. We do know that he has received the transcript
24 and he had the time to review the transcript.

25 I also just want to place on the record that this case

-168-

1 was original scheduled for a date certain, July 29th, 2013,
2 a little more than a month after Mr. Chaplin was originally
3 retained. That was continued by Judge Mullen. We tried to
4 schedule it for the subsequent term of court, which would
5 have been August the 26th, if I remember correctly, 2013.
6 Mr. Chaplin informed me that he was going to be out on
7 vacation that week and I have an e-mail here from him on
8 July 10th, 2013 stating that I am on vacation that week but
9 the next week until September 2nd any week following would
10 be fine, so we scheduled the trial for September 16th,
11 2013. I had another trial scheduled for first up as being
12 second of last week that was continued by Judge Mullen on
13 Thursday that involved forty-five witnesses, and I told Mr.
14 Chaplin that could be a possibility on last Wednesday that
15 he could be first up.

16 I just know that Mr. Chaplin had notice of the
17 September 16th term of court in early July and I respect
18 his motion. I understand it is a serious case. It's a
19 serious matter for the State as well and we've had to rush
20 to get things together, but we do think that it's within
21 your firm discretion whether to grant a continuance or not.
22 We know that he has all the discovery that the State has
23 and we provided them access to the transcript as well and
24 we would ask the Court to deny his motion.

25 MR. CHAPLIN: Your Honor, he touched on one point. I

1 just want to - actually a date. Yes, I was on vacation.
2 He stated that someone did contact my office on the 29th,
3 which I would have been out of the country on the 29th.
4 When I returned, I then was aware that, hey we do have this
5 issue dealing with getting this transcript into our hands
6 so that is correct. I wanted to clear that up for the
7 record.

8 Oh yeah. And then I also told Judge Mullen on the day
9 when I was speaking to her on that Thursday, I was actually
10 in court in Laurens, South Carolina. I explained to her
11 that I was a sole practitioner in my firm and that for me
12 to be able to just stop everything and be able to be ready
13 that following Monday which we were I would probably - I
14 would have to reach out and do something, so at that time I
15 contacted my cohort here, Mr. Charlie Johnson, and
16 explained to him what he was going to be doing for the
17 weekend. And so we then started in on every aspect of what
18 we had to do just in case we weren't granted a continuance.
19 That's where we are, so he was brought in last week,
20 Thursday.

21 THE COURT: Thank you, Mr. Chaplin, I would
22 respectfully deny your motion. I've been there in private
23 practice and certainly understand sometimes you do have to
24 kind of drop everything to get ready for trial. That's the
25 nature of the business and certainly I think you've had

-170-

1 ample opportunity and with your wealth of experience in
2 trying cases, I am confident that you are well prepared and
3 have had plenty of opportunity to be ready to go to trial
4 for this week.

5 MR. CHAPLIN: Nothing further from the defense at this
6 time, Your Honor.

7 SOLICITOR SHELTON: Thank you, Your Honor. Nothing
8 further.

9 THE COURT: All right.

10 SOLICITOR SHELTON: Your Honor, may I step out and
11 talk to my first two witnesses and instruct them regarding
12 in accordance with your ruling on what they can testify to.

13 THE COURT: Sure.

14 SOLICITOR SHELTON: Thank you.

15 THE COURT: You want to do that after the --

16 SOLICITOR SHELTON: Sure. I can do that. Thank you.

17 THE COURT: We'll take a little break before we bring
18 the jury out.

19 (NOTE RECEIVED UP BY THE COURT.)

20 (JUROR ENTERS THE COURTROOM.)

21 THE COURT: Ms. Sharon Walczyk, do you recall your
22 juror number?

23 MS. WALCZY: 310.

24 THE COURT: Number 310. Ms. Walczyk, I received a note
25 which I will mark as Court's Exhibit from our bailiff, Mr.

1 Bob here. Did you approach him about a medical problem
2 that you did not disclose; is that correct?

3 MS. WALCZY: I don't consider it a medical problem.
4 Its an embarrassment problem.

5 THE COURT: Yes, ma'am. Is there a particular reason
6 why under oath you didn't disclose that to the court when
7 ask if you had a problem why you would not be able to
8 serve?

9 MS. WALCZY: I thought that I maybe would be able to
10 serve. I thought that if we came in at ten again or if the
11 trial in my imagination the trial was gonna start that
12 afternoon it would be finished that afternoon and I'd like
13 to do my civic duty. I'd be embarrassed if I had an
14 accident that's all.

15 THE COURT: I understand. I'm sensitive certainly to
16 your position.

17 MS. WALCZY: Yes.

18 THE COURT: But tell me as far as - and I don't want
19 to embarrass you in any way shape or form so you don't have
20 to be specific.

21 MS. WALCZY: All right.

22 THE COURT: However I need to know based on how you
23 feel as far as your condition is concerned whether you
24 think you can serve. This trial will obviously last --

25 You state its not a diagnosed medical condition.

-172-

1 MS. WALCZY: Yeah it is. My doctor could give me a
2 note if I wanted to.

3 THE COURT: Okay. So my concern really is that you
4 did not disclose it to the court -

5 MS. WALCZY: I know.

6 THE COURT: --- when I ask.

7 MS. WALCZY: I know.

8 THE COURT: That's something that's very concerning
9 because obviously you're under oath and I have to have
10 accurate information in selecting a jury. In doing so - -

11 MS. WALCZY: I was torn. I wanted to do my civic duty
12 and I also didn't want to come up here and embarrass myself
13 so I was torn about that.

14 THE COURT: Okay. Well I understand that. I really
15 have no choice but to remove you from this serving on this
16 jury considering the fact that you did not properly
17 disclose and answer all of the questions. It's obviously
18 an issue that's very serious and really could be an issue
19 of contempt of court. I understand the embarrassing nature
20 of it but what I'm going to do is if you bring a note from
21 your physician confirming your condition I will not hold
22 you in contempt of court. But you need to have that note
23 back here by five o'clock p.m.

24 MS. WALCZY: Okay.

25 THE COURT: Okay. Just submit it to the clerk's

1 office.

2 MS. WALCZY: Do I have to go and get it and bring it
3 back or can I have them fax it to you guys?

4 THE COURT: You can fax it to - You can have the
5 physician fax it to the Clerk of Court's office.

6 MS. WALCZY: Okay. And is that information somewhere?

7 THE COURT: Yes, ma'am. I'm sure we can get that
8 information for you in just one second.

9 MS. WALCZY: I'm sorry for any inconvenience.

10 THE COURT: That's okay.

11 THE BAILIFF: Care of the step please.

12 Thank you, Your Honor.

13 THE COURT: Thank you.

14 (JUROR NUMBER 310, SHARON WALCZY, DISMISSED FROM THE
15 JURY BY THE COURT.)

16 THE COURT: Any objections from either party regarding
17 the juror issue?

18 SOLICITOR SHELTON: No, Your Honor.

19 MR. CHAPLIN: No, Your Honor.

20 THE COURT: What I would like to do, is I would like
21 to just mark this as a Court's Exhibit, the note that was
22 handed to the court from our bailiff.

23 (WHEREUPON: COURT'S EXHIBIT NUMBER ONE, IDENTIFIED
24 AND MARKED, RECEIVED INTO EVIDENCE.)

25 THE COURT: And the first alternate I believe is Juror

-174-

1 Number Thirty-three and we'll put her in as instead of Ms.
2 Walczy.

3 SOLICITOR SHELTON: Thank you, Your Honor.

4 THE COURT: Thank you.

5 SOLICITOR SHELTON: And I'd also like to just finally
6 for the record, there - exhibits are already entered into
7 evidence for pretrial. They've not been introduced as
8 evidence for purposes of the trial of the case and the
9 State is not planning to enter them into evidence except
10 for Exhibit Number One which is a picture, so the rest of
11 them are not in evidence. I just wanted to make sure
12 that's clear.

13 THE COURT: Okay.

14 MR. CHAPLIN: Your Honor, one of the exhibits we
15 wanted to make sure - what number is that one?

16 SOLICITOR SHELTON: That is the CAD call.

17 MR. JOHNSON: Right. And we wanted to make sure that
18 was entered.

19 THE COURT: And that's one that is entered; right?

20 SOLICITOR SHELTON: They're all entered into evidence
21 for pretrial purposes. None of them are entered into
22 evidence for the trial of the case in front of the jury.

23 THE COURT: Do you need a second to talk to your two
24 witnesses before we bring the jury in?

25 SOLICITOR SHELTON: Yes, please, Your Honor, to make

1 sure they don't testify to anything improperly.

2 (COURT AT EASE AT 10:08 A.M..)

3 (COURT BACK ON THE RECORD AT 10:11 A.M..)

4 THE COURT: We ready for our jury?

5 SOLICITOR SHELTON: Yes, Your Honor.

6 THE COURT: Let's have our jury.

7 THE BAILIFF: The jury is entering, Your Honor.

8 (JURY REENTERS COURTROOM AT 10:13 A.M..)

9 THE BAILIFF: The jury is seated, Your Honor.

10 THE COURT: Thank you.

11 Good morning, ladies and gentlemen of the jury. We
12 are now ready to begin the trial of this case. But before
13 we do that I'm going to ask Madame Clerk to swear you and
14 place you under oath.

15 MADAME CLERK: Ladies and gentlemen of the jury, would
16 you please stand and raise your right hand for me please.

17 (PETIT JURY SWORN AT 10:13 A.M..)

18 MADAME CLERK: You may be seated.

19 THE COURT: Solicitor.

20 SOLICITOR SHELTON: Thank you, Your Honor, may it
21 please the Court.

22 Counsel. May it please the Court.

23 Sorry, technical difficulties, ladies and gentlemen of
24 the jury. We'll do it the old fashioned way.

25 In Beaufort County there are a lot of occupations.

-176-

1 Folks come from all kinds of lines of work. You've got
2 fire fighters, you've got vice presidents, you've got
3 former CEO's. You have housekeepers. You have people who
4 work in transportation, teachers, lawyers, doctors,
5 fisherman, oyster men. It's a very diverse workplace. We
6 have all kinds of people. People in the Marine Corp.

7 Unfortunately, there are illicit trades as well. And
8 in August of 2011, the defendant, Mr. Stanley Wright,
9 seated right here with the white shirt and tie on, he was
10 involved in the illicit trade of trafficking in cocaine.

11 Evidence in this case is going to show that officers
12 responded to a 911 hangup at his residence. They were
13 looking for a person. That person could not be found. Who
14 was at the residence? Mr. Stanley Wright, the defendant
15 right there. He was the only one at the residence. They
16 could not find this person. And what did they do? For
17 safety reasons they sweep the residence to try to find this
18 person and they looked everywhere where a person could be
19 hidden or stowed as they are trained to do.

20 They looked in the master bedroom closet and they
21 looked in the master bedroom vanity sink which is a large
22 vanity sink about the size of a small office. They opened
23 the door and what do they see? Drugs, that they know from
24 training and experience are in plain view right there.
25 They don't seize it. That's not what they're there for.

1 They keep looking for the person. They go through the rest
2 of the house. They get out. They detain Mr. Wright and
3 they arrest them. The drugs that they saw in plain view
4 that they knew right away in plain view that were drugs is
5 marijuana. They initially arrested him and detained him
6 for simple possession of marijuana.

7 They searched him incident to arrest and they found
8 One Thousand, Four Hundred and Eighty Dollars on his
9 person, cash. They called their supervisor. Their
10 supervisor called what's called the Drug Task Force.

11 The Drug Task Force is specialized in handling drug
12 cases like this. The Drug Task Force of the Sheriff's
13 office goes and gets a search warrant for the residence.
14 They go into the residence and what do they find? They
15 find inside of that vanity a hundred and sixty-one grams of
16 marijuana. That's over five ounces of marijuana. In South
17 Carolina possessing over an ounce of marijuana is an
18 inference of distribution weight. He had over five ounces
19 of marijuana.

20 They also found over two hundred and twenty-two grams
21 of cocaine in a Crown Royal bag right in front of that
22 marijuana. In South Carolina, possession of over ten grams
23 of cocaine is trafficking in cocaine. The defendant was in
24 possession of over two hundred and twenty-two grams of
25 cocaine.

-178-

1 How do we know that? Well, it's not time to argue
2 about this but I can state what's going to be shown in
3 evidence to you and you can make your own judgments.

4 Underneath those drugs in the same vanity were Mr.
5 Wright's debit card. Above the vanity on the mirror was a
6 picture of Mr. Wright. In the master bedroom next to that
7 master bathroom on the floor next to his bed was Mr.
8 Wright's South Carolina ID card. On the floor in the
9 bedroom was a bag of mail addressed to Mr. Wright. And
10 then the closet, they found a pistol loaded with a bullet.

11 Possession of more than ten grams of cocaine is
12 trafficking in cocaine. That is the crime, possession of
13 it. Knowing possession.

14 Possession of a handgun while being in knowing
15 possession of cocaine is possession of a handgun during a
16 violent crime because possession of cocaine and more than
17 ten grams is trafficking and that's a violent crime.

18 They also found baggies. They found a digital scale.
19 They found Mason jars. And you're gonna hear testimony to
20 explain the relevance of all this. And in the living room
21 they also found an additional One Thousand Dollars in cash.

22 Mr. Wright was in the business of trafficking in
23 cocaine and that's what this case is about. The issues in
24 this case is whether he knew it was there and whether he
25 had possession of it. Those are the issues of this case.

1 He's a businessman, an illegal businessman. He had his
2 product - his drugs. He had his capital - his cash. And
3 he had his security - his gun.

4 Thank you and please pay close attention to the
5 defense as you paid to me. Thank you very much.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: Thank you, Your Honor, may it please the
8 Court.

9 THE COURT: Yes, sir.

10 MR. JOHNSON: Good morning.

11 Ladies and gentlemen, my name is Charlie Johnson. I'm
12 a criminal defense attorney practicing law in Columbia,
13 South Carolina. I'm originally from Hardeeville, South
14 Carolina, down in the low country. My co-counsel is Mr.
15 Joe Chaplin. He practices in Columbia as well and he is
16 originally from Collenton, South Carolina.

17 This is a criminal case. My client, Stanley Wright,
18 is thirty-one years old. He grew up here in this area in
19 Beaufort County. He graduated from high school --

20 SOLICITOR SHELTON: Objection. This is irrelevant and
21 he is talking about the defendant's credibility.

22 MR. JOHNSON: Your Honor, it's opening statement.

23 THE COURT: Overruled. You may proceed.

24 MR. JOHNSON: Thank you.

25 As I was saying, Mr. Stanley Wright grew up here in

-180-

1 Beaufort, South Carolina. He is thirty-one years old. He
2 went to high school here in Beaufort, South Carolina. He
3 has a family here. He has three kids.

4 SOLICITOR SHELTON: Objection.

5 MR. CHAPLIN: Your Honor, may we approach.

6 THE COURT: Please approach all attorneys.

7 (WHEREUPON, BENCH CONFERENCE OFF THE RECORD OUT OF THE
8 HEARING OF THE JURY.)

9 THE COURT: Ladies and gentlemen of the jury,
10 sometimes there are matters that must be taken outside of
11 your presence. You are of course the judges of the facts
12 and I'm the judge of the law and sometimes an attorney may
13 ask me - I try to not inconvenience you as much as possible
14 to put you in and out of the courtroom so that's why
15 sometimes we hear matters outside of your presence because
16 it's my job to make sure you hear the proper evidence that
17 is before you so now we will continue with Mr. Johnson's
18 opening statement.

19 MR. JOHNSON: Good morning again, ladies and
20 gentlemen.

21 My client, Stanley Wright, thirty-one years old, grew
22 up here in Beaufort, went to school here and graduated high
23 school. At the time he was arrested he was employed. He
24 worked as a cook.

25 MADAME COURT REPORTER: I'm sorry. I'm so sorry, I

1 cannot hear you.

2 MR. JOHNSON: I'm sorry. I'll speak up.

3 He worked as a cook here working at a local club here
4 as a cook when he was arrested. He is charged with drug
5 trafficking. You heard the State in their opening argument
6 call my client a drug trafficker. Whatever myself or the
7 State say is not evidence. Evidence will be presented to
8 you in this case.

9 As my client sits there now, he is innocent according
10 to the laws that we live by here in America. He is not
11 guilty of anything until the State proves him guilty. He
12 is not a drug trafficker. He is a citizen, such as
13 yourself. You make the determination as to whether he is
14 guilty or not; not the State; not me. It is my duty to
15 present the evidence to you in the best light of my client,
16 but it is not my duty to prove he is innocent because he is
17 innocent until the State proves him guilty.

18 That is very important here. A lot of times in cases
19 we have a tendency to pre-judge. All I ask you to do is
20 to carry your oath out and listen to the facts in this
21 case. It is very important to listen to the facts in this
22 case. It is our belief and our intent that after you look
23 at the facts in this case, that you will come to the same
24 conclusion that we believe that you should come to and that
25 is that Stanley Wright is innocent of these charges. And

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

-182-

1 we will just let the facts state whether he is or not and
2 you as the jury will make that determination. But as of
3 right now, Stanley Wright for a fact is not a drug dealer.
4 He is an innocent American citizen that deserves his day in
5 court and we ask that you give that to him. Thank you.

6 THE COURT: State may call their first witness.

7 SOLICITOR SHELTON: Thank you, Your Honor. The State
8 calls Mitchell Archbell, Beaufort County Sheriff's office.

9 MADAME CLERK: Place your left hand on the Bible and
10 raise your right hand for me please.

11 (WHEREUPON, MITCHELL

12 ARCHBELL, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
13 FOLLOWS:)

14 MADAME CLERK: Please be seated. State your name and
15 spell it for the court please.

16 A. Mitchell Archbell, Beaufort County Sheriff's Office.

17 DIRECT EXAMINATION

18 OFFICER MITCHELL ARCHBELL BY SOLICITOR SHELTON:

19 Q. Thank you, Mr. Archbell. Will you please spell your
20 last name?

21 A. A-r-c-h-b-e-l-l.

22 Q. And you said you work for the sheriff's office?

23 A. Yes, sir.

24 Q. Did you respond to [REDACTED] on August
25 31st, 2011?

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

-183-

1 A. Yes, sir.

2 Q. Are you prepared to tell the jury what you found and
3 saw that day?

4 A. Yes, sir.

5 Q. Please speak - if I can hear you, I know that the jury
6 can hear you. If the jury can hear me, I know that you can
7 hear me so if I can hear you - if I can't hear you, I'm
8 going to ask you to speak up. Okay?

9 A. Yes, sir.

10 Q. Thank you. Let's talk about that day, but first let's
11 talk about what you do now for the sheriff's office and
12 what you were doing then.

13 A. Right now for the sheriff's office, I actually work on
14 a special unit. I'm on the SEU Team.

15 Q. What is that?

16 A. Special Enforcement Unit. We go more in the
17 neighborhood and go door to door. Take complaints
18 from individual residents and then go deal with those
19 complaints however we see fit.

20 Q. And what were you doing, what was your role on August
21 the 31st, 2011?

22 A. I was on road patrol in Hilton Head Island.

23 Q. And what do you call that?

24 A. Respond to calls that are dispatched to us. Also
25 patrol businesses, residences, trying to prevent crime

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

-184-

1 whenever we're out on a call.

2 Q. And for the jury's information, how is the Beaufort
3 County Sheriff's office broken up as far as Beaufort County
4 in general? In general for road patrol.

5 A. For road patrol?

6 Q. Do you have different divisions?

7 A. Yes. We have a northern and a southern side.

8 Q. And where is the geographical area in the southern
9 division?

10 A. You got the area of Bluffton, which is Area Four, and
11 you've got Hilton Head which is split into two different
12 areas. You've got Five Alpha which is the southern end of
13 Hilton Head and Five Bravo which is the northern end of
14 Hilton Head.

15 Q. And where were you patrolling that day?

16 A. In Five Bravo.

17 Q. So that would be the northern end of Hilton Head?

18 A. Yes.

19 Q. And did you receive a call to be dispatched to [REDACTED]

20 [REDACTED]?

21 A. Yes, I did.

22 Q. What is that call about?

23 A. Its about a 911 hangup.

24 Q. And when you respond to a 911 hangup, what are you
25 looking for?

1 A. Anything out of the ordinary. Anything that's wrong.

2 Q. Are you looking for the caller?

3 A. Yes.

4 Q. When you arrived on scene, what do you see?

5 A. When I arrived on scene, I saw a male subject exiting
6 the house.

7 Q. Was the caller a male or a female?

8 A. The caller was a female.

9 Q. And who was that male subject?

10 A. Later identified as Stanley Wright.

11 Q. And do you see him in the courtroom today?

12 A. Yes, sir.

13 Q. Would you please identify him for the jury?

14 A. He is in the white shirt with the tie on.

15 SOLICITOR SHELTON: Please let the record reflect that
16 he is pointing to the defendant, Madame Court Reporter, Mr.
17 Stanley Wright.

18 (WITNESS IDENTIFIED DEFENDANT STANLEY WRIGHT.)

19 Q. You said he was at the door?

20 A. Yes, sir.

21 Q. Did he come to the door from inside or outside?

22 A. From inside.

23 Q. And what did he do when he came outside?

24 A. He immediately shut the door behind him.

25 Q. And while you were on the scene, did anyone else

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

-186-

1 arrive from the sheriff's office?

2 A. Corporal Collier arrived yes.

3 Q. Corporal Collier did?

4 A. Yes.

5 Q. When Corporal Collier got there, what did you do?

6 A. We ended up doing a protective sweep of the residence.

7 Q. And why?

8 A. To ensure the victim in this case was not hurt or
9 injured.

10 Q. You say a victim. Do you mean the caller?

11 A. The caller.

12 Q. And when you do a protective sweep of a residence
13 looking for a person, what do you look into?

14 A. Any place that someone can be either placed into or
15 someone could hide in.

16 Q. Including?

17 A. Cabinets, under beds, closets.

18 Q. And why do you do that?

19 A. To ensure that they are not injured or dead inside the
20 residence.

21 Q. Did you do that in this case?

22 A. Yes.

23 Q. And please describe for the jury when you performed
24 the sweep exactly how you do it with Corporal Collier.

25 A. Well actually another officer did arrive, but myself

1 and Corporal Collier went into the residence and as soon as
2 we went into the residence we smelled an overwhelming smell
3 of marijuana and we immediately went straight into the
4 first room and made sure there was no one in there and we
5 wrapped around to the right going into the bedroom after
6 that checking any cabinets big enough for someone could be
7 in or under the bed or any closets.

8 Q. Did you eventually make your way to the master
9 bedroom?

10 A. Yes.

11 Q. And describe the master bedroom.

12 A. We went into the master bedroom. We checked
13 underneath the bed and then the master bathroom was
14 immediately attached to it so we went into the master
15 bathroom and checked the vanity which it was a large vanity
16 that someone could be placed in.

17 Q. Did you see anything inside?

18 A. Yes, sir.

19 Q. What did you see?

20 A. At the time, there was a bag of suspected marijuana
21 and a Crown Royal bag that had a white powdery substance in
22 it.

23 Q. And from your training and experience, did you believe
24 the white powdery substance could be anything?

25 A. I believe it was suspected to be cocaine.

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

-188-

1 Q. What did you do with it?

2 A. We didn't touch it. We continued our sweep of the
3 residence.

4 Q. What were you looking for again?

5 A. Anyone who could be the 911 caller at that time.

6 Q. And when you completed the sweep of the residence,
7 what did you do?

8 A. After we finished searching for the caller, we
9 couldn't find her but we immediately exited the residence
10 and placed Mr. Wright in handcuffs.

11 Q. And when you placed him in handcuffs, what did you do
12 to Mr. Wright?

13 A. I advised him of his *Miranda* rights.

14 Q. And what else?

15 A. I placed him in - well, so I conducted a search of his
16 person incident to arrest and pulled everything out of his
17 pockets.

18 Q. Did you find anything in his pockets?

19 A. Yes, I did.

20 Q. What did you find?

21 A. A large sum of money. I think it was like - if I can
22 reference.

23 Q. And before you do that.

24 SOLICITOR SHELTON: May I approach, Your Honor?

25 THE COURT: Yes, sir.

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

-189-

1 SOLICITOR SHELTON: I would like to show the defense
2 counsel what you are referencing before you reference
3 anything.

4 (SIDE BAR BETWEEN ATTORNEYS OFF THE RECORD.)

5 MR. CHAPLIN: No objection.

6 THE COURT: Thank you.

7 BY SOLICITOR SHELTON:

8 Q. You say you'd like to reference something. What is
9 this for the jury's information?

10 A. That's the original report that I wrote.

11 Q. And would this help refresh your recollection?

12 A. It would.

13 Q. Thank you.

14 SOLICITOR SHELTON: May I approach?

15 THE COURT: Yes, sir.

16 SOLICITOR SHELTON: Thank you, Your Honor.

17 A. Thank you, sir.

18 I did one of our - conducted a search incident to
19 arrest and in his left front pants pocket I discovered One
20 Thousand, Four Hundred and Eighty Dollars.

21 Q. One Thousand, Four hundred and Eighty dollars?

22 A. Yes, sir.

23 Q. And do you have knowledge whether anyone else
24 responded that day to the scene, law enforcement wise?

25 A. Prior to us responding?

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

-190-

1 Q. After you responded.

2 A. After we responded, yes.

3 Q. And when you said prior to you responding, did anyone
4 else respond? Excuse me, while you were there, did anyone
5 else respond?

6 A. While we were there, yes. Our deputies responded.

7 Q. And this is confusing, but before you went into the
8 residence did anyone else respond?

9 A. Yes.

10 Q. Who was it?

11 A. Deputy Irving.

12 Q. And why did you wait for her to get there?

13 A. So we would have someone - It takes at least two
14 people to do a protective sweep of a residence for security
15 reasons and we needed one person to stand with the subject
16 that walked out of the residence, so Ms. Irving stood with
17 him while we did the protective sweep.

18 Q. But you were alone inside the residence doing the
19 protective sweep with Corporal Collier?

20 A. Myself and Collier yes.

21 Q. And I apologize. Now, let's go move forward. After
22 you did a protective sweep of the residence, saw the
23 suspected drugs, after you detained Mr. Wright and located
24 the Fourteen Hundred and Eighty Dollars on his person, did
25 anyone else from law enforcement respond to the scene?

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

-191-

1 A. Yes.

2 Q. Who?

3 A. After that there were - I know Collier made contact
4 with our supervisor who contacted Investigator Criddle from
5 the Drug Task Force and he responded to the scene.

6 Q. Investigator Criddle. What's his name?

7 A. Investigator Criddle.

8 Q. And you personally saw him arrive on the scene?

9 A. Yes. And then Investigator Squires.

10 Q. Now between the time Investigator Criddle and Squires
11 arrived on the scene, do you remember them arriving on the
12 scene? Describe what condition the scene was in.

13 A. No one could go in the house or anywhere around the
14 house because we ended up setting up a perimeter.

15 Q. And during the sweep of the house, you found no one
16 else inside the house?

17 A. No.

18 Q. You did not and Mr. Wright was alone at the house when
19 you arrived?

20 A. Yes, he was.

21 Q. Now, did you ever have contact with the caller later
22 that day?

23 A. Yes. Later after we did the protective sweep and the
24 investigators and everyone arrived on the scene, yes the
25 caller ended up showing back up at the house.

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON
BY MR. CHAPLIN

-192-

1 Q. So you were able to eventually confirm her safety?

2 A. Yes we were.

3 Q. But you did not know that at the time of the sweep?

4 A. No.

5 MR. JOHNSON: Your Honor, objection. He is leading
6 the witness.

7 THE COURT: Just rephrase your question, please.

8 SOLICITOR SHELTON: Okay. I'll just withdraw the
9 question.

10 Strike it from the record.

11 Thank you.

12 THE COURT: Ladies and gentlemen of the jury, that
13 means is that you must not consider that question or
14 potential answer if it's stricken from the record.

15 BY SOLICITOR SHELTON:

16 Q. [REDACTED], what county is that in?

17 A. Beaufort County.

18 SOLICITOR SHELTON: Thank you. Those are all the
19 questions I have for you. Please answer any questions that
20 Mr. Chaplin may have for you.

21 THE COURT: Mr. Chaplin, your witness.

22 MR. CHAPLIN: Thank you.

23 CROSS-EXAMINATION

24 OFFICER MITCHELL ARCHBELL BY MR. CHAPLIN:

25 Q. How are you doing, Officer?

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-193-

1 A. Good, sir.

2 Q. Good. The sheet that you just had that you were
3 refreshing your memory with, you have it?

4 A. Yes, sir.

5 Q. Can I have it. Thanks.

6 Officer, how long have you been on the force?

7 A. Now or at the time?

8 Q. At the time how long have you worked for law
9 enforcement?

10 A. At the time, I've been out of the Academy about -
11 I can't give a definite answer but probably about two
12 months.

13 Q. Two months? Sixty days?

14 A. Three months, somewhere around there.

15 Q. So how many of these type calls have you ever been on
16 at that time?

17 A. 911 hangups?

18 Q. Yes.

19 A. It's a daily occurrence.

20 Q. No, no, no. At that time, in sixty days that you were
21 employed, had you ever responded to another one?

22 A. Yes.

23 Q. How many times?

24 A. I can't give - honestly, I would be speculating if I
25 told you a certain amount of times.

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-194-

1 Q. More than five?

2 A. Most likely yes.

3 Q. More than five?

4 A. Yes.

5 Q. How many times were you first on the scene? That
6 might make it easier.

7 A. I honestly can't remember.

8 Q. Less than five ---

9 a. I don't know.

10 Q. --- in those sixty days?

11 A. I don't know. It was a long time ago, sir.

12 Q. Okay. And then how did you -- who taught you or where
13 did you learn what to do when you get there at the scene?
14 When you get there.

15 A. The Police Academy. Along with a field training
16 officer.

17 Q. Okay. So when you initially got to the scene -- what
18 was the address again?

19 A. [REDACTED].

20 Q. When you got to that address, my understanding is when
21 you pulled up, the first person you saw was who?

22 A. Was the defendant.

23 Q. Okay. Then who did you see next?

24 A. Corporal Collier.

25 Q. Who did you see after him?

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-195-

1 A. I believe it was Ervin showed up on scene.

2 Q. Okay. Well did you have an occasion to see one of Mr.
3 Wright's neighbors? Did you see her?

4 A. Before we went into the house? I do not know.

5 Q. So no one approached you other than Mr. Wright?

6 A. No. Before going into the house, no.

7 Q. Okay. And you're positive?

8 A. Yes, sir.

9 Q. Or do you need to look at your notes?

10 A. No, sir. I'm positive.

11 Q. So at no time prior to going in you spoke to a
12 neighbor of Mr. Wright?

13 A. No, sir.

14 Q. This incident occurred about two years ago. Correct?

15 A. Yes, sir.

16 Q. Okay. Did the Solicitor's office prep you for your
17 testimony this morning?

18 A. I don't understand the question.

19 Q. Did you meet with the Solicitor's office prior to your
20 testimony to be prepared for today?

21 A. Yes, sir.

22 Q. You did?

23 A. Yes, sir.

24 Q. Once? Twice?

25 A. Once.

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-196-

1 Q. Once. When was that?

2 A. It was a couple of months ago.

3 Q. So a couple months ago you met with the Solicitor's
4 office just to make sure you understood what was going to
5 be going on today?

6 A. Yes, sir.

7 Q. Okay. How many times have you testified in trial?

8 A. In trial?

9 Q. Like we are today.

10 A. Numerous times.

11 Q. Numerous?

12 A. Yes, sir.

13 Q. How many? More than five? More than ten?

14 A. In General Sessions Court is my first one. In
15 Magistrate's Court numerous.

16 Q. I was referring to General Sessions.

17 A. This is my first time.

18 Q. First time. You also - A question was posed to you
19 concerning - Well they actually was asking you about the
20 vanity and you said that the vanity was - well actually you
21 tell me. What size was the vanity?

22 A. It was large enough that a person could be placed in.

23 Q. Show me with your hands what's a large vanity.

24 A. I can't - I don't know as far as size with hands. It
25 was a double sink vanity. I believe there was two sinks at

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-197-

1 least. I know it was at least that wide.

2 MR. CHAPLIN: May I approach?

3 THE COURT: Yes, sir.

4 Q. Let's use this bar. Let's use this. From one end to
5 the other end, put your hand and show me how wide that
6 vanity is.

7 A. It was about as wide as the entire thing.

8 Q. So you're telling me that the sink is as large as
9 this?

10 A. Yes.

11 Q. And a small vanity would be?

12 A. One with single cabinets.

13 Q. You also gave another interpretation of - I think you
14 were showed, how much money you said you took from Mr.
15 Wright?

16 A. One Thousand Four Hundred and Eighty Dollars.

17 Q. Okay. And I think the terminology you used is it was
18 a large sum?

19 A. Yes, sir.

20 Q. Would that be a large sum for someone who was
21 employed?

22 A. It would be a large sum period. You usually you don't
23 find that much money on a person.

24 Q. Even if a person is working, that's a large sum to
25 you?

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-198-

1 A. Yes.

2 Q. Once you - Once the other officer appeared at the
3 scene - you said Ms. Irving?

4 A. Corporal Collier was the next officer on the scene.

5 Q. And then the next one was?

6 A. Ms. Ervin.

7 Q. Okay. When she appeared, where was she prior to
8 coming to you?

9 A. I did not know where she was.

10 Q. You don't know where she was prior to coming to you?

11 A. No. I just know she responded to us.

12 Q. Did you talk to her on the radio?

13 A. I did not. No.

14 Q. You didn't?

15 A. No.

16 Q. Are you aware if Officer Collier spoke to her?

17 A. I'm not aware if he did or not.

18 Q. Who was the person that actually found what appeared
19 to be marijuana?

20 A. Corporal Collier was the first one to see it. I
21 turned around and looked about the same time.

22 Q. Say that one more time.

23 A. Corporal Collier was the first one to see the
24 marijuana and we were both doing the protective sweep. At
25 that point I turned around and also saw it.

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-199-

1 Q. Okay. And then what did you do once that occurred?

2 A. We continued our sweep of the residence.

3 Q. Okay. When, if any, when did you approach Mr. Wright?

4 A. After we finished our sweep to ensure there was no one
5 in the house.

6 Q. Okay. And who approached Mr. Wright?

7 A. Myself and Corporal Collier.

8 Q. Okay. Did you all ask him did he had any marijuana in
9 the property or any -- did you ask him any --

10 A. I placed him in handcuffs and I advised him of his
11 *Miranda* rights.

12 Q. Okay. And speaking of that, you advised him of his
13 what?

14 A. *Miranda* rights.

15 Q. And just tell me exactly -- say that now for me so that
16 we'll know what you told Mr. Wright, the *Miranda*.

17 A. His *Miranda* rights?

18 Q. Yeah.

19 A. Is it all right if I read it ---

20 Q. However you told him.

21 Q. --- off the card?

22 MADAME COURT REPORTER: One at a time please.

23 Q. Yeah, that's fine if you've got to read it off the
24 card, read it off the card.

25 A. "You have the right to remain silent. Anything you

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-200-

1 say can be and may be used against you in the court of law.
2 You have the right to talk to a lawyer and have a lawyer
3 present while you are being questioned. If you want a
4 lawyer before or during questioning and cannot afford to
5 hire a lawyer, one will be appointed to represent you at no
6 cost before any questioning. Do you understand each of
7 these rights as I have explained it to you? Having these
8 right in mind, do you wish to answer any questions?"

9 Q. And after you read that, he said? After you read that
10 to him, did he say anything?

11 A. No I didn't attempt to interview him. I just placed
12 him in the back of the car.

13 Q. Okay. Now, let's go back to where you found - well,
14 where I guess both of you all found the marijuana; is that
15 correct?

16 A. Uh-huh.

17 THE COURT: Say yes.

18 A. Yes. I'm sorry.

19 Q. Did you see cocaine?

20 A. We saw a white powder substance that appeared to be
21 cocaine.

22 Q. At that time?

23 A. Yes.

24 Q. And did you field test it?

25 A. No.

1 Q. You didn't?

2 A. No.

3 Q. Okay. What about the marijuana? Did you do any type
4 of test to the marijuana when you supposedly saw the
5 marijuana?

6 A. Whenever I saw the marijuana I did not.

7 Q. Okay. You didn't?

8 A. No.

9 Q. Do you know if anyone else did?

10 A. I'm unaware if anyone did.

11 Q. No. Are you aware of anyone testing any of the drugs
12 at the scene?

13 A. I'm unaware of that.

14 Q. You're unaware of that. How long after this sweep,
15 after that took place, how long did you stay on the scene
16 awaiting - because I guess you contacted someone else or
17 let's just say you all contacted someone else to come to
18 the scene. Who did you all contact?

19 A. We contacted our supervisor and he contacted the Drug
20 Task Force.

21 Q. And how long did you all wait for the Drug Task Force
22 to get there?

23 A. I don't know exactly how long it was until
24 Investigator Criddle got there, but I know he arrived on
25 scene and then it was turned over to him but we still

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-202-

1 stayed out there as part of our units.

2 Q. You stayed out there until what?

3 A. We stayed out there to ensure the house was secured.

4 Q. Okay. And did you remain at the scene the entire
5 time?

6 A. I remained on the scene until the search warrant
7 arrived on scene and after they issued the search warrant
8 and served it and then while they were finishing their
9 search of the house, that's whenever I left the scene.

10 Q. Okay. And just to -- I didn't know you stayed that
11 long. So when the search -- Let's say you waited on the
12 search warrant?

13 A. Yes, sir.

14 Q. What time did you get to the scene?

15 A. I believe it ---

16 Q. Oh excuse me.

17 A. --- was 17:00 or probably five o'clock. I arrived
18 on scene at 5:47 p.m..

19 Q. 5:47. And what time did the search warrant get there?

20 A. I am unaware but the time that I left the scene was
21 23 or -- I'm sorry, 11:04 p.m..

22 Q. So almost six hours?

23 A. Yes, sir.

24 Q. Eleven 0-what?

25 A. Eleven 0-four. Eleven zero four.

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-203-

1 Q. And was Mr. Wright there when you left?

2 A. No he was not.

3 Q. Where was Mr. Wright?

4 A. He was transported to the Beaufort County detention
5 center.

6 Q. Okay. So he wasn't even at the scene anymore?

7 A. No, sir.

8 Q. But he was there when you all found the marijuana?

9 A. Yes, sir.

10 Q. How long did he stay at the scene period?

11 A. I can't give you - He stayed there for a little while.
12 I mean I don't remember the exact time frame.

13 Q. What would be a little while? I mean a few hours
14 after?

15 A. Probably an hour. Thirty minutes to an hour somewhere
16 around there.

17 Q. After you read the *Miranda* rights?

18 A. Yes, sir.

19 Q. You said thirty minutes to an hour?

20 A. I know once Investigator Criddle got there, that's
21 whenever - after he got there, that's whenever he was
22 transported to the detention center.

23 MR. CHAPLIN: Beg the Court's indulgence

24 THE COURT: Yes, sir.

25 (PAUSE.)

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-204-

1 Q. What time did you say Officer -- you said McCurry had
2 got there?

3 A. McCurry?

4 Q. Is that the name you said?

5 A. He's the one that transported. I didn't say that, no.

6 Q. Okay, but he is the one that did the transport?

7 A. Yes, sir.

8 Q. Okay. So if I told you Officer McCurry didn't get to
9 the scene until 21:43, would that be about right?

10 A. Probably.

11 Q. Okay. So sometime after that is when he took Mr.
12 Wright back?

13 A. As soon as McCurry got on the scene, he took Mr.
14 Wright. He didn't hang around on the scene. The only
15 reason he came to the scene was to transport Mr. Wright to
16 the detention center.

17 Q. Okay. So for I guess anyone who don't know military
18 time, that would be about 10:00 p.m.?

19 A. What time was that?

20 Q. 21:43.

21 A. Yes. It would be 9:43 p.m.

22 Q. Okay. So actually he was there I think you said
23 thirty minutes after you read the *Miranda* rights, that's a
24 thirty minutes to an hour but really you were mistaken when
25 you said that?

1 A. I told you that I could not give you an exact time.

2 Q. Okay.

3 A. That I didn't remember.

4 Q. So actually you stayed there until at least probably
5 10:00 p.m. Correct.

6 A. McCurry showed up at 21:43, I guess so probably.

7 Enough time to take him out of my car and place him
8 into McCurry's car.

9 Q. Okay. But still at 10:00 p.m., at that time, you
10 still hadn't searched the home at 10:00 p.m.?

11 A. No, we had not.

12 Q. Did you ever come in contact with anyone other than
13 law enforcement while you were at that residence? Did you
14 have an occasion to speak to anyone else ---

15 A. Before the sweep

16 Q. --- any other civilian before the sweep?

17 MADAME COURT REPORTER: I'm sorry. I'm sorry, one at
18 a time.

19 A. Yes, ma'am, I apologize.

20 Q. Before the sweep?

21 A. Before the sweep, no. After the sweep, yes.

22 Q. Who did you speak to?

23 A. A Mr. David Aiken.

24 Q. Okay. So after you swept the home, you spoke to a Mr.
25 David Aiken.

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

-206-

1 A. Uh-huh. And the only thing I told him --

2 THE COURT: Is that a yes?

3 A. No I apologize. The only thing --

4 THE COURT: After you spoke to David Aiken?

5 A. Yes. The only thing I told Mr. Aiken was he needed to
6 get away from the scene because he was trying to come over
7 and interfere. That's it.

8 Q. Okay. And what, if anything, did you learn from Mr.
9 Aiken?

10 A. Nothing.

11 Q. So your conversation with Mr. Aiken consisted of what?

12 A. Me informing Mr. Aiken he needed to get away from the
13 scene because we were trying to secure the residence at
14 that time.

15 Q. Okay. So was he trying to provide you information?

16 A. No. He was being unruly.

17 Q. Okay. But he didn't try to provide you any type of
18 information?

19 A. To me, no he did not.

20 MR. CHAPLIN: Nothing further, Your Honor.

21 THE COURT: Anything redirect?

22 SOLICITOR SHELTON: No, Your Honor. Thank you, Your
23 Honor. I ask that this witness be excused subject to
24 recall on an on-call basis.

25 THE COURT: Any objection?

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

-207-

1 MR. CHAPLIN: No, Your Honor.

2 THE COURT: You may be excused.

3 (WITNESS LEAVING WITNESS STAND.)

4 SOLICITOR SHELTON: Thank you, Your Honor.

5 The State calls Jonathan Collier of the Beaufort
6 County Sheriff's office.

7 MADAME CLERK: Would you place your left hand on the
8 Bible and raise your right hand for me, sir.

9 (WHEREUPON, JONATHAN COLLIER,
10 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

11 MADAME CLERK: Please be seated. State your name and
12 spell it for the court please.

13 A. My name is Jonathan Allen Collier.

14 THE COURT: Your witness.

15 SOLICITOR SHELTON: Thank you, Your Honor. May it
16 please the Court.

17 DIRECT EXAMINATION

18 OFFICER JONATHAN COLLIER BY SOLICITOR SHELTON:

19 Q. Deputy, do you work for the Beaufort County Sheriff's
20 office?

21 A. Yes, sir, I do.

22 Q. And I apologize. I should have asked you first.

23 Please spell your last name for the court reporter.

24 A. It's C-o-l-l-i-e-r.

25 Q. Thank you. And were you working for the Beaufort

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

-208-

1 County Sheriff's office on August 31st, 2011?

2 A. Yes, sir, I was.

3 Q. And did you respond to [REDACTED] on that
4 date?

5 A. Yes, sir.

6 Q. Are you prepared to tell the jury about what you saw
7 and what happened?

8 A. Yes, sir.

9 Q. Please tell me what part of Beaufort County you were
10 working in at that time.

11 A. That day I was working on Hilton Head.

12 Q. And where are you working now?

13 A. Now I work north of the Broad River. Everything
14 north.

15 Q. And what was your rank then?

16 A. I was a corporal at the time.

17 Q. And what is your rank now?

18 A. I'm a sergeant.

19 Q. Now, as a deputy working road patrol on Hilton Head
20 Island, do you respond to 911 calls?

21 A. Yes, sir.

22 Q. And did you respond to any 911 calls that day?

23 A. Yes, sir.

24 Q. Can you describe the nature of that 911 call or the
25 one in question in this case?

1 A. Yes, sir. It came in as a 911 hangup from a female
2 that sounded I guess to be in distress.

3 Q. And did you respond to that 911 call?

4 A. Yes, sir.

5 Q. And what was that location?

6 A. It was [REDACTED].

7 Q. Is that in Beaufort County?

8 A. Yes, sir, it is.

9 Q. Now when you responded, describe what you see.

10 A. When I pulled up the residence the two people on the
11 scene were Deputy Archbell and Mr. Wright.

12 Q. And you say Mr. Wright. What's his name?

13 A. Stanley Wright.

14 Q. And do you see him in the courtroom today?

15 A. Yes, sir.

16 Q. Will you please identify him for the jury?

17 A. The gentleman in the white shirt and tie in the middle
18 of the table there.

19 Q. Thank you.

20 SOLICITOR SHELTON: Please let the record reflect,
21 Madame Court Reporter, that he has identified the
22 defendant, Mr. Stanley Wright.

23 (WITNESS IDENTIFIED THE DEFENDANT STANLEY WRIGHT.)

24 SOLICITOR SHELTON: Thank you.

25 Q. Where were they standing exactly?

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

-210-

1 A. They were standing outside in front of the residence
2 right at the base of the steps near the stairs.

3 Q. Were you able to locate this 911 caller?

4 A. No, sir, not at the time.

5 Q. Did you take - And based on that information, what did
6 you do?

7 A. Based on the fact that we could not locate the caller
8 we ended up conducting a sweep, protective sweep of the
9 house to see if we could locate the victim.

10 Q. Did you do that immediately?

11 A. No, sir. Not as soon as I arrived on the scene.

12 Q. Why not?

13 A. Because we were still trying to make an attempt to
14 locate the victim without going in Mr. Wright's house.

15 Q. Was there anyone else that arrived on the scene before
16 you did the sweep?

17 A. Yes. One other deputy.

18 Q. Who was that?

19 A. Deputy Ervin.

20 Q. And why did you wait for her?

21 A. Because I wanted to have her check the - well, two
22 reasons. I wanted to have the ball field checked where we
23 thought she might be and also --

24 Q. You say she. Who is she?

25 A. The victim. The female victim that called. And also

1 I wanted another deputy there to stay with Mr. Wright. In
2 the event we had to go in and clear the house we needed
3 somebody to stay with Mr. Wright.

4 Q. And why is that?

5 A. Just officer safety to make sure that he didn't walk
6 in behind us. Just officer safety.

7 Q. So when you do a 911 and you do a sweep looking for a
8 possible victim, describe how you do it to the jury.

9 A. When we conduct a sweep of a house looking for a
10 victim, we check anywhere and everywhere inside in the
11 residence where a person could hide or possibly be placed
12 anywhere.

13 Q. And in this instance, can you tell the jury some of
14 the places you looked?

15 A. Yes, sir. We checked all the rooms. We checked
16 closets. We checked under the cabinets or in cabinets that
17 were big enough that person could reasonably be in. Just
18 everywhere. All the rooms.

19 Q. And did you make your way -- describe how you worked
20 your way through the residence.

21 A. When we entered the front door, I believe it was like
22 a living room area kind of in I guess maybe the center area
23 of the house. We went in and then Deputy Archbell and
24 myself started to sweep the right side first. Typically
25 what I try to do. And we just kind of slowly worked our

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

-212-

1 way around all the way around through all the rooms until
2 we were completed.

3 Q. And did you make your way to the master bedroom of the
4 residence?

5 A. Yes, sir.

6 Q. And what was attached to the master bedroom?

7 A. There was a bathroom attached.

8 Q. And did you make your way into the master bathroom?

9 A. Yes.

10 Q. Did you look into anything in the bathroom?

11 A. Yes, sir.

12 Q. What did you look into?

13 A. I looked underneath the cabinets. Inside the cabinets
14 that were underneath the, I guess the vanity underneath the
15 sink.

16 Q. Do you recall approximately what size those cabinets
17 were?

18 A. Not what size no. I just mean, I felt they were big
19 enough for someone to possibly be in. That's why I checked
20 them.

21 Q. And when you looked inside, what do you see?

22 A. When I opened the door, I noticed there was a clear
23 bag of what I suspected to be marijuana in plain view right
24 in the front. And then just to the right of that was a
25 purple Crown Royal bag that was partially open in the top

1 that you could in plain view see a little bit of a white
2 powder substance

3 Q. Did you do anything with those?

4 A. No, sir.

5 Q. Why not?

6 A. Because we weren't there for that at the time and
7 there was nobody walking through with us so we left it and
8 we continued our sweep of the house.

9 Q. When you finish your sweep of the house, did you
10 locate anyone inside the house during the sweep?

11 A. No, sir.

12 Q. And you said that Mr. Wright was alone in the
13 residence?

14 A. Yes, sir.

15 Q. When you exited the house, what happened with Mr.
16 Wright?

17 A. Mr. Wright was detained and the perimeter of the
18 house was secured so nobody could enter.

19 Q. So the moment that you got to the scene, Mr. Wright
20 was the only one there. Correct?

21 A. Yes, sir, when I arrived yes, sir.

22 Q. And you performed a sweep of the house and no one else
23 was inside the residence. Correct?

24 A. That's correct.

25 Q. And then when you exited the house --

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

-214-

1 MR. JOHNSON: Your Honor, objection. He's leading the
2 witness. He is making statements.

3 THE COURT: Please rephrase your question.

4 Q. You testified that --

5 SOLICITOR SHELTON: Thank you, Your Honor.

6 Q. You testified just now that you exited the house -- you
7 entered the house --

8 MR. JOHNSON: Your Honor, objection again. He's still
9 making statements. He's saying what he testified to. The
10 jury heard that.

11 THE COURT: Overruled.

12 Q. Just to backtrack so the jury understands where we're
13 going. You testified that when you got to the scene there
14 was no one there.

15 A. Correct.

16 Q. And that you swept the house and except for Mr.
17 Wright?

18 A. Correct.

19 Q. And you swept the house --

20 MR. JOHNSON: Your Honor, objection. It's been asked
21 and answered. He has already said that. He keeps
22 repeating the same thing over and over again.

23 THE COURT: Overruled.

24 BY SOLICITOR SHELTON:

25 Q. And you did not find anyone inside the residence?

1 A. That's correct.

2 Q. When you swept the residence. Correct?

3 A. Yes, sir, that's correct.

4 Q. And when you exited, you detained Mr. Wright? When
5 you exited, Mr. Wright was detained?

6 A. Yes, sir, that's correct.

7 Q. And then state again to the jury what you did after
8 Mr. Wright was detained.

9 A. After Mr. Wright was detained, I called my supervisor
10 who was working at the time, obviously Staff Sergeant Hoyt,
11 and just notified him of what we had and he notified --

12 Q. You said what we had. What do you mean by that?

13 A. Just that we had secured the outside of the residence
14 due to what was located inside.

15 Q. And what do you mean by that specifically for the
16 jury?

17 A. The suspected marijuana and the white powder substance
18 that we found inside was still inside the house.

19 Q. Now when you were doing the sweep, did you locate
20 anything else that you remember besides the marijuana and
21 the white powdery substance?

22 A. There was a handgun.

23 Q. Where was that located?

24 A. If I remember correctly it was in maybe one of the
25 closets up on the shelf.

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON

-216-

1 Q. Okay. Thank you.

2 A. I don't remember exactly where.

3 Q. I apologize for backtracking. Now you just testified
4 that you contacted your Master Sergeant.

5 MR. JOHNSON: Your Honor, objection. He's going back
6 over it again.

7 THE COURT: Please just don't lead the witness.

8 SOLICITOR SHELTON: I apologize. I'm just trying to
9 bring him back to where he is for the purposes of moving
10 along the testimony.

11 Q. Now, after you called Sergeant Hoyt, what did you do
12 next?

13 A. After that, I just waited outside for the drug
14 investigative team to arrive with their search warrant to
15 conduct their investigation.

16 Q. And what was the status of the house during that
17 period?

18 A. It was empty, it was vacant and it was secured by us,
19 by law enforcement so nobody could - we could assure that
20 nobody got in.

21 Q. Now, do you remember anyone from the Drug Task Force
22 who arrived?

23 A. The one person - I remember several coming on scene
24 but the only one that I can remember exactly who was there
25 was Walter Criddle. I just remembered him specifically.

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON
BY MR. JOHNSON

-217-

1 Q. And you know Mr. Criddle?

2 A. I do, yes, sir.

3 Q. When did you leave the scene?

4 A. I left I think it was right when they showed up with
5 the search warrant. I was there for a little while.

6 Q. So they arrived - you have personal knowledge that
7 they arrived with a search warrant for the residence?

8 A. I didn't actually see the search warrant. I saw three
9 or four people show up that I was under the impression that
10 they were the ones with the warrant but I never saw the
11 warrant.

12 Q. Okay. And were there other officers at the scene
13 including Mr. Criddle when you left?

14 A. Yes, sir.

15 Q. And the entire time you were at the scene you said it
16 was secured?

17 A. Yes, sir.

18 Q. Thank you.

19 SOLICITOR SHELTON: Those are all the questions I
20 have. Please answer any questions the defense might have.

21 THE COURT: Mr. Johnson.

22 MR. JOHNSON: Thank you, Your Honor.

23 CROSS EXAMINATION

24 OFFICER JONATHAN COLLIER BY MR. JOHNSON:

25 Q. Good morning, Officer Collier.

OFFICER JONATHAN COLLIER: BY MR. JOHNSON

-218-

1 A. Good morning, sir.

2 Q. Officer Collier, I just have a few questions for you.

3 You stated that when you got there, you was coming on
4 a 911 call; is that correct?

5 A. Yes, sir.

6 Q. And you was - I think I heard you say, correct me if
7 I'm wrong, but I think I heard you say that you sent an
8 officer to a ball field or something? Did you direct
9 someone there?

10 A. Yes, sir, I directed someone there.

11 Q. Okay. First of all, who did you direct to the ball
12 field?

13 A. It was - I think she was a corporal at the time, her
14 name was Sally Irvin.

15 Q. Okay. Where did you get the information to send her
16 there?

17 A. I heard Mr. Wright say that she might be there with -
18 or she might be there.

19 Q. Okay. And you also give them a description of a car.
20 Or did you give a description of a car or something
21 for them to look for at the ball field?

22 A. I don't recall if I did or not, sir, I'm sorry.

23 Q. Okay. But you never found anyone injured. That's
24 correct?

25 A. That's correct yes, sir.

1 Q. And as far as you know, no one was ever charged with
2 any domestic violence charge or anything of that nature?

3 A. As far as I know nobody was yes, sir.

4 Q. Okay. So you entered the house to do a protective
5 sweep. Correct?

6 A. Yes, sir. Correct.

7 Q. Yourself and Officer Archbell?

8 A. Yes, sir.

9 Q. Okay. Did the two of you stay together all the time?

10 A. We were together most of the time. I don't know if
11 we entered every single room together. I don't remember.
12 I know we both started out going to the right and we just
13 kind of slowly worked around to the left. I wasn't
14 watching where he was the whole time, but I did see him
15 some.

16 Q. The items that you suspected to be marijuana and
17 cocaine, did you ever touch the bags?

18 A. No, sir, I didn't

19 Q. Did you ever touch the cocaine bag?

20 A. No, sir, I didn't

21 Q. So you suspected it to be marijuana and cocaine but you
22 personally cannot testify that it was marijuana and
23 cocaine. It appeared to you that that is what it was; is
24 that correct?

25 A. That's correct that it appeared yes, sir.

OFFICER JONATHAN COLLIER: BY MR. JOHNSON

-220-

1 Q. You didn't field test it yourself?

2 A. No, sir.

3 Q. And you never touched the bags or any of the items?

4 A. No, sir.

5 Q. So your only involvement was that you reported back

6 what you suspected to be cocaine back to someone else?

7 A. Yes, sir, that's correct.

8 Q. As far as Mr. Wright, did he cooperate with you fully?

9 A. Yes, sir. He was very cooperative.

10 Q. Did he attempt to run?

11 A. No, sir.

12 Q. And he cooperated with your questions - Well did he

13 cooperate with your questions when you ask him where I

14 guess the alleged victim of the 911 call and he told you

15 she might have been at the ball field; is that correct?

16 A. Yes, sir, he did.

17 Q. Okay. And you had no problems with him at all at the
18 scene?

19 A. No, sir, none

20 Q. What time did you leave the scene?

21 A. I have no - I'm not sure, sir.

22 Q. Okay.

23 A. I was there for a little while but I'm not sure what
24 time I left.

25 Q. You did not have anything to do with detaining my

OFFICER JONATHAN COLLIER: BY MR. JOHNSON

-221-

1 client. I mean, after — once he was arrested, you had no
2 other contact with him?

3 A. No, sir, I did not.

4 Q. So except for initially making the initial entrance
5 into the house detecting something that you thought was
6 cocaine or marijuana, you have really nothing else to do
7 with this case?

8 A. No, sir, I don't.

9 MR. JOHNSON: I have no other questions. Thank you.

10 A. Yes, sir.

11 THE COURT: Any redirect?

12 SOLICITOR SHELTON: Nothing further from the State,
13 Your Honor. I ask that he may be excused to go sleep.

14 THE COURT: Any objections, Mr. Johnson? Any
15 objections to Sergeant — or being excused?

16 MR. JOHNSON: No. I'm sorry, Your Honor.

17 THE COURT: You may be excused. Thank you.

18 SOLICITOR SHELTON: Your Honor, State calls Walter
19 Criddle as it's next witness.

20 MADAME CLERK: Would you raise your left hand and
21 place your —

22 (WHEREUPON, WALTER CRIDDLE,
23 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

24 MADAME CLERK: Please be seated. Please state your
25 name and spell it for the court please.

OFFICER WALTER CRIDDLE: BY SOLICITOR SHELTON

-222-

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DIRECT EXAMINATION

OFFICER WALTER CRIDDLE BY SOLICITOR SHELTON:

Q. Well we'll just have to speak up very loud, is that okay?

A. Sure.

Q. Mr. Criddle, will you please spell your last name for the court reporter?

A. It's C-r-i-d-d-l-e.

Q. Thank you. And are you employed now?

A. No, sir. I'm retired.

Q. And where are you retired from?

A. The Beaufort County Sheriff's Office.

Q. Were you working for the Beaufort County Sheriff's Office on August 31st, 2011?

A. Yes, sir, I was.

Q. And what were your duties then?

A. I was a sergeant assigned to the Drug Task Force at that time.

Q. And what does the Drug Task Force do?

A. We enforce all state and county laws like any other officer and also work narcotics in the County of Beaufort.

Q. You say narcotics. The common uses for narcotics?

A. Drugs.

Q. Drugs?

A. Uh-huh.

OFFICER WALTER CRIDDLE: BY SOLICITOR SHELTON

-223-

1 Q. As part of that, what are some of the things that you
2 specialize in?

3 A. We work street crime drugs for people out on the
4 streets and we do under cover drug buys. We do follow-ups
5 from anonymous tips.

6 Q. Do you ever respond to for search warrants?

7 A. Yes, sir. We also do search warrants and assist other
8 agencies.

9 Q. Now, do you recall responding to [REDACTED]
10 [REDACTED] on that day August 31st, 2011?

11 A. Yes, sir.

12 Q. Are you referring to anything to refresh your
13 recollection right now?

14 A. Yes, sir.

15 Q. May I bring that to defense counsel to make sure they
16 know what it is?

17 SOLICITOR SHELTON: May I approach, Your Honor?

18 THE COURT: Yes, sir.

19 SOLICITOR SHELTON: Thank you.

20 (COUNSEL AT SIDE BAR OFF THE RECORD.)

21 MR. CHAPLIN: Your Honor, no objection.

22 THE COURT: Thank you.

23 SOLICITOR SHELTON: Thank you, Mr. Chaplain.

24 Q. Mr. Criddle, you just handed me this. What is this?

25 A. That's my Supplemental Report from what actions I took

OFFICER WALTER CRIDDLE: BY SOLICITOR SHELTON

-224-

1 on the scene.

2 Q. And would this help refresh your recollection about
3 what you did that day?

4 A. Yes, sir.

5 SOLICITOR SHELTON: May I approach the witness
6 please?

7 THE COURT: Yes, sir.

8 A. Thank you.

9 Q. Thank you.

10 (WITNESS REVIEWING DOCUMENT.)

11 Q. Do you recall now?

12 A. Yes, sir.

13 Q. And when you responded, do you remember seeing anyone
14 there?

15 A. We responded - We had a phone call from the road
16 supervisor, they were at that location, and they requested
17 for the drug unit to respond. I got there and I met with
18 Deputy Sheriff Archbell. He advised what was going on. I
19 was back and forth in contact with my supervisor, Staff
20 Sergeant Florencio, and at that time other members got
21 there to the location. We secured the residence, had an
22 officer placed at each corner of the residence to ensure
23 nobody came in or went out and the other officers were at
24 that time gathering information and obtaining a search
25 warrant for the location.

OFFICER WALTER CRIDDLE: BY SOLICITOR SHELTON
BY MR. CHAPLIN

-225-

1 Q. And did you remain there for the entire time?

2 A. Yes, sir. I stayed outside. I had the outside
3 security for the location.

4 Q. And you said you had the outside security for the
5 location. What does that mean?

6 A. That means that we had people on each corner and
7 nobody entered the location or around the location during -
8 until the search warrant was signed and on the grounds.

9 Q. And you don't have personal knowledge of what occurred
10 before you arrived on the scene, do you?

11 A. No, sir.

12 Q. No. You can only testify to what occurred when you
13 arrived on the scene?

14 A. Yes, sir.

15 Q. Those are all the questions I have.

16 SOLICITOR SHELTON: Please answer any questions the
17 defense might have.

18 THE COURT: Mr. Chaplain?

19 CROSS-EXAMINATION

20 OFFICER WALTER CRIDDLE BY MR. CHAPLIN:

21 Q. It's retired Officer Criddle?

22 A. Yes, sir.

23 Q. How are you doing?

24 A. Pretty good.

25 Q. Let me hold that piece of paper that you just had.

OFFICER WALTER CRIDDLE: BY MR. CHAPLIN

-226-

1 You said you were contacted by who to come to the
2 scene?

3 A. I was contacted by Staff Sergeant Hoyt who was the
4 actually uniformed officer that day running the shift on
5 Hilton Head Island and he advised basically that they were
6 on a call. They had some reasons to call the Drug Task
7 Force to come out and I advised my supervisor and he sent
8 me out and until everybody was located and figured out, you
9 know, got everything together, what was going on.

10 Q. Okay. And when you first got to the scene, you spoke
11 to who?

12 A. Deputy Sheriff Archbell I think.

13 Q. Okay. And I think you said he advised you. What did
14 he advise you?

15 A. Just that they had entered the residence on a health
16 and welfare basically and that's about as far as he went.
17 And that there was some contraband found inside the
18 trailer.

19 Q. Okay. At that time, did he tell you if he or if
20 anyone had located the person they were trying to find?

21 A. No, sir.

22 Q. And then if I have it right, you didn't go inside the
23 home?

24 A. No, sir.

25 Q. And your job was primarily just to make sure no one

1 else went into the house?

2 A. Exactly.

3 Q. What if anything else did you do other than watch just
4 to make sure no one went in?

5 A. After the defendant was placed under arrest and they
6 had placed him in the car, I went over to interview the
7 defendant. He had already been Mirandized and --

8 Q. By who?

9 A. By Archbell I believe it was.

10 Q. Okay.

11 A. And I talked to Mr. Wright. He advised that at this
12 time he wished not to make any statements and that was - I
13 said okay and he was transported to the detention center
14 from there.

15 Q. Okay. So you spoke to him, he said he wanted to - to
16 not speak to you at - to anyone at the time ---

17 A. Yes, sir.

18 Q. --- and he didn't sign anything?

19 A. No, sir.

20 Q. He didn't point out anything?

21 A. No, sir.

22 Q. He didn't say a thing?

23 A. He didn't.

24 MR. CHAPLIN: Beg the Court's indulgence.

25 (PAUSE.)

OFFICER WALTER CRIDDLE: BY MR. CHAPLIN

-228-

1 Q. Last question. Officer Archbell said that he was -
2 that you were there. Tell me again what he told you, what
3 he advised you?

4 A. He advised that they were there for a call. I'm not
5 sure whether it was a domestic or what but they went there.
6 They ended up not finding anybody they thought was a 911
7 caller and they went inside to secure, a sweep of the
8 evidence and make sure no one was inside the home.

9 Q. Okay. So every time law enforcement runs into this
10 issue, meaning they find what they suspect to be drugs,
11 they call the Task Force every single time?

12 A. Ninety-nine percent of the time they do.

13 Q. So it's just a normal thing for them to reach out for
14 you all?

15 A. Yes, sir, because we're - our job is to investigate
16 crimes of drugs. The uniformed officers have a lot more
17 calls backed up so, obviously, we have time to dedicate to
18 that call and they go, you know, to other calls.

19 Q. Okay. But on this occasion, actually, the officers
20 basically stayed - most of these officers stayed at the
21 scene with you all. Correct?

22 A. There were a couple there that their supervisors
23 assigned them to stay there as uniform officers because
24 we're all in plain clothes and for the presence of the
25 sheriff's office being there. I mean I'm not sure to how

1 many was there.

2 MR. CHAPLIN: No further questions for this witness.

3 We don't have any need for him after that.

4 THE COURT: Anything further?

5 SOLICITOR SHELTON: No, we ask that he may be excused.

6 Thank you. Enjoy your retirement.

7 THE COURT: You may be excused. Thank you.

8 (WITNESS LEAVING WITNESS STAND.)

9 THE COURT: You may call your next witness.

10 SOLICITOR SHELTON: Thank you, Your Honor.

11 The State calls Rebecca Whitney of Beaufort Police
12 Department.

13 MADAME CLERK: Would you place your left hand on the
14 Bible and raise your right hand for me please.

15 (WHEREUPON, REBECCA WHITNEY,
16 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

17 MADAME CLERK: Please be seated. State your name and
18 spell it for the court please.

19 A. Officer Rebecca Whitney.

20 THE COURT: Your witness.

21 MR. JOHNSON: Your Honor, can we approach?

22 MR. CHAPLIN: May we approach?

23 THE COURT: Yes, sir.

24 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
25 THE JURY.)

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON

-230-

1 THE COURT: Your witness, Solicitor.

2 SOLICITOR SHELTON: Thank you so much, Your Honor.

3 May it please the Court.

4 DIRECT EXAMINATION

5 OFFICER REBECCA WHITNEY BY SOLICITOR SHELTON:

6 Q. Officer Whitney, will you please spell your last name
7 for the court reporter?

8 A. W-h-i-t-n-e-y.

9 Q. Thank you. And did you have the occasion to respond
10 to [REDACTED] on August 31st, 2011?

11 A. Yes, sir.

12 Q. And why did you respond there?

13 A. There was a domestic call and --

14 Q. What are you referring to?

15 A. A domestic violence call in reference to Wright and
16 his girlfriend having an argument in the house.

17 Q. Is that why you responded?

18 A. I responded because there was narcotics/drugs found in
19 the home when ever they did the sweep.

20 Q. And where were you working at the time?

21 A. I was working at Bluffton, but I was on the Drug Task
22 Force.

23 Q. And it's an inter jurisdictional Drug Task Force?

24 A. Yes, sir, uh-huh.

25 Q. So you were one of the Bluffton representatives of the

1 Drug Task Force?

2 A. Yes, sir.

3 Q. And you responded in what role as a member of the Drug
4 Task Force to this location?

5 A. I went in as backup and I was a part of the search
6 team once we got the search warrant to go into the house.

7 Q. You say search team ---

8 A. Uh-huh.

9 Q. --- after you received the search warrant to go into
10 the house?

11 A. Right, yes, sir.

12 Q. What were your duties as a part of the search team?

13 A. I was on Search Team Two and I searched bedroom four.

14 Q. Are you referring to something?

15 A. Yes, my report.

16 Q. Okay. May I see that? Is that your report?

17 A. It's actually Heroux's.

18 Q. Okay. I'm going to ask that you not refer to Mr.
19 Heroux's report ---

20 A. Okay.

21 Q. --- and maybe testify to your memory. Do you have any
22 personal knowledge and personal memory as to what you -
23 where you searched?

24 A. I searched the master bedroom, the master bedroom
25 closet and the master bath.

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON

-232-

1 Q. And did you find anything in those locations?

2 A. Yes, sir.

3 Q. I'm going to approach with State's Exhibit Number One,
4 State's Exhibit Number Eighteen, State's Exhibit Number
5 Fourteen, State's Exhibit Number Sixteen, and State's
6 Exhibit Number Seventeen for identification purposes, which
7 means don't show them to the jury, please.

8 A. Uh-huh.

9 Q. Just look over them, ask me if you recognize these
10 pictures. Look over them all, and then tell me if you
11 recognize these pictures, please.

12 (WITNESS REVIEWING PHOTOS.)

13 A. Yes, sir.

14 Q. What do you see in those pictures?

15 A. I see where I located the narcotics, the drugs, and
16 then also where I located a pistol.

17 Q. And are those fair and accurate depictions of the way
18 those looked at the time you located them?

19 A. Yes, sir.

20 SOLICITOR SHELTON: The State moves those exhibits
21 into evidence. That will be State's One, Eighteen,
22 Fourteen, Sixteen, and Seventeen.

23 THE COURT: Any objection?

24 MR. JOHNSON: Your Honor, we renew our objection as
25 stated.

1 THE COURT: Yes, sir. Subject to your objection.

2 Thank you.

3 MR. JOHNSON: Thank you, Your Honor.

4 (WHEREUPON: STATE'S EXHIBIT NUMBERS ONE, FOURTEEN,
5 SIXTEEN, AND SEVENTEEN AND EIGHTEEN IDENTIFIED AND MARKED,
6 RECEIVED INTO THE RECORD.)

7 SOLICITOR SHELTON: I ask that if I may ask - have her
8 explain it on a one-by-one and then publish to the jury,
9 Your Honor.

10 THE COURT: Yes.

11 Q. When you look at these pictures, please refer to it to
12 the exhibit numbers so the court reporter can know what
13 you're referring to.

14 MR. JOHNSON: Your Honor, just - And just one small
15 fact. As of yet, the State have not presented any evidence
16 to indicate that that is what they are saying it is, so to
17 say that that's drugs I think is inappropriate at this
18 time, because the State has not presented any evidence to
19 indicate that that is drugs.

20 THE COURT: I'll sustain that objection.

21 You may refer to it as what it appeared to be a the
22 time so until it's actually tested.

23 A. Exhibit One is in the master bath and it's where the
24 suspected narcotics/drugs were located.

25 Q. What do you see in that picture?

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON

-234-

1 A. The master bathroom sink and cabinet where the
2 suspected narcotics was found.

3 SOLICITOR SHELTON: May I approach?

4 THE COURT: Yes, sir.

5 SOLICITOR SHELTON: Thank you, Your Honor. Ask that I
6 publish.

7 Q. I'm going to ask the jury to look at this before you
8 speak about the next one. Exhibit rather, the next
9 exhibit.

10 (STATE'S EXHIBIT ONE PUBLISHED TO THE JURY.)

11 Q. I ask now, Officer Whitney, that you look at State's
12 Exhibit Eighteen and describe what you see for the jury.

13 A. Eighteen is after the narcotics was taken from
14 underneath the cabinet and laid out and a photo was taken
15 of the narcotics that was found in the back of the -
16 underneath the cabinet. It's on the floor in the master
17 bath.

18 Q. Okay. And is that a fair and accurate depiction of
19 that picture?

20 A. Yes, sir.

21 Q. And now State's Exhibit Fourteen, Sixteen, and
22 Seventeen, one-by-one, would you explain what you see in
23 those pictures?

24 A. Fourteen is the master bedroom closet and it's at the
25 doorway showing a - where we had found a handgun.

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON

-235-

1 Q. And what do you see in the top left picture of that?

2 A. I can see back butt of the handgun.

3 Q. You said that is in the master bedroom closet?

4 A. Yes, sir.

5 Q. And Exhibit Sixteen?

6 A. That is the butt and the magazine that was on the
7 shelf in the master bedroom closet.

8 Q. And Exhibit Seventeen?

9 A. This is a full picture of the magazine, the gun and
10 a bullet.

11 Q. Thank you.

12 SOLICITOR SHELTON: Ask that I publish to the jury?

13 THE COURT: Yes, sir.

14 SOLICITOR SHELTON: Thank you, Your Honor.

15 (STATE'S EXHIBIT FOURTEEN, SIXTEEN, SEVENTEEN, AND
16 EIGHTEEN PUBLISHED TO THE JURY.)

17 Q. Now, when you're part of the Drug Task Force Search
18 Team, when you're executing a search warrant, were you the
19 case officer in the case?

20 A. No, sir.

21 Q. Who was that?

22 A. Ray Heroux.

23 Q. And when your role is to search for things, what do
24 you do?

25 A. We have a designated area that we search, and then

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON
BY MR. JOHNSON

-236-

1 once we locate something, we call Ray in and he takes
2 photos of it and looks to see what it is and takes it into
3 evidence.

4 Q. So did you personally seize anything in this case?

5 A. No, sir.

6 Q. You just found the items and called them out to Ray?

7 A. Yes, sir.

8 Q. Regarding Investigator Heroux?

9 A. Yes, sir.

10 Q. So in State's Exhibit Number Eighteen, did you touch
11 or manipulate these drugs in any way when you found them?

12 A. No, sir.

13 Q. Thank you.

14 SOLICITOR SHELTON: That's all the questions I have.

15 THE COURT: Cross examination?

16 MR. JOHNSON: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 OFFICER REBECCA WHITLEY BY MR. JOHNSON:

19 Q. Good morning.

20 A. Good morning, sir.

21 Q. Just to clarify some statements you made. You said
22 that you was called to the house because there as a 911
23 domestic call?

24 A. I don't know if it was a 911. I just know that there
25 was a domestic call issue at that residence.

1 Q. And you said that it was a argument between my client
2 and his girlfriend in the house?

3 A. I don't know what their relationship is, but I knew it
4 was a domestic-related issue.

5 Q. And you said - When you was talking earlier you said
6 in the house?

7 A. That's what I believe that it was at the house.

8 Q. Okay.

9 A. Because --

10 Q. I mean, I'm just asking. I'm not trying to put words
11 in your mouth, but I was just trying to clarify that you
12 said that in the beginning, that's all.

13 A. Yes.

14 Q. Okay. So there was at least two people that you're
15 aware of that was located at the scene, my client and the
16 alleged victim and some type of domestic complaint.

17 A. Can you ask that again? I didn't understand what
18 you just said.

19 Q. There was at least two people located at the house, my
20 client and an alleged victim in a 911 call, a domestic
21 violence call?

22 A. I wasn't there, so I couldn't answer what - who was
23 found at the house at the time of the call, the domestic
24 call. I couldn't tell you that.

25 Q. When you arrived, you had suspected two people because

OFFICER REBECCA WHITNEY: BY MR. JOHNSON

-238-

1 that's why you did a search, you was looking for a second
2 person.

3 A. Right. Uh-huh.

4 Q. So it had to be two people. Correct? If you found
5 one, you was looking for another one. Correct?

6 A. Right, we were.

7 Q. Okay. Of all the pictures and all the evidence you
8 found, you found no drugs on my client?

9 A. I never seen your client, sir.

10 Q. At all?

11 A. Uh-huh.

12 Q. So all these drugs and everything you found was in the
13 house?

14 A. Yes, sir, what I testified to.

15 Q. So you cannot testify that you ever saw my client even
16 with drugs, can you?

17 A. No, sir, I cannot.

18 Q. No questions.

19 THE COURT: Anything further redirect?

20 SOLICITOR SHELTON: No, Your Honor.

21 THE COURT: Any objection to her being excused?

22 SOLICITOR SHELTON: No, Your Honor.

23 MR. JOHNSON: No objection, Your Honor.

24 THE COURT: You may be excused, Officer Whitney.

25 Thank you.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-239-

1 (WITNESS LEAVING WITNESS STAND.)

2 THE COURT: You may call your next witness.

3 SOLICITOR SHELTON: Thank you, Your Honor. The State
4 calls Officer Andre Florencio.

5 Your Honor, may we approach briefly?

6 THE COURT: Sure.

7 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
8 THE JURY.)

9 MADAME CLERK: Would you place your left hand on the
10 Bible and raise your right hand for me, please.

11 (WHEREUPON: ANDRE FLORENCIO,
12 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

13 MADAME CLERK: Please be seated. State your name and
14 spell it for the court please.

15 THE COURT: Sir, would you please state your name and
16 spell your last name?

17 MR. FLORENCIO: My name is Andre Florencio, last name
18 is F-l-o-r-e-n-c-i-o.

19 THE COURT: Your witness.

20 SOLICITOR SHELTON: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 SERGEANT ANDRE FLORENCIO BY SOLICITOR SHELTON:

23 Q. Staff Sergeant Florencio?

24 A. Yes.

25 Q. Who do you work for?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-240-

1 A. I work for the Beaufort County Sheriff's Office.

2 Q. And what are your duties?

3 A. I am a staff sergeant and I'm a supervisor with the
4 Drug Investigation Section.

5 Q. How long have you been with the Drug Investigation
6 Section?

7 A. I've been assigned to the Drug Investigation Section
8 since actually July 9th of 2004.

9 Q. And was it formerly called anything different?

10 A. Yes, it was. It used to be called the Beaufort/Jasper
11 Multi-Agency Drug Task Force.

12 Q. Drug Task Force?

13 A. Yes.

14 Q. Was that what it was caused in August 31st, 2011?

15 A. Yes, it was.

16 Q. On August 31st, 2011, do you have knowledge as to
17 whether you helped execute any search warrants in Beaufort
18 County?

19 A. Yes, I did. I was the supervisor on duty that day.

20 Q. And where, if anywhere, in the Mitchellville area, did
21 you respond? Did you respond to [REDACTED]?

22 A. Yes, I did.

23 Q. And did you help execute that search warrant?

24 A. Yes, I did.

25 Q. You said you were the supervisor?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-241-

1 A. I was one of the supervisors there yes, sir.

2 Q. And as one of the supervisors there, did that mean
3 that you were the case agent or could that be assigned to
4 someone else?

5 A. That could be assigned to someone else. I just
6 supervise the operation in the totality.

7 Q. And do you understand, do you have knowledge as to who
8 the case agent was?

9 A. Yes, I do.

10 Q. Who was that?

11 A. That was Corporal Ray Heroux.

12 Q. And do you see him in the courtroom today?

13 A. Yes, he's seated right there.

14 Q. Thank you.

15 SOLICITOR SHELTON: Please let the record reflect he
16 is pointing to Heroux, Investigator or Corporal Heroux here
17 with the Solicitor's office table.

18 (WITNESS RECOGNIZED CORPORAL RAY HEROUX AT SOLICITOR'S
19 TABLE.)

20 Q. Now, when you respond to this incident location at [REDACTED]
21 [REDACTED], what duties were you assigned?

22 A. Well, I responded because I remember that we had a
23 call from the road patrol that there was an incident and it
24 required the assistance of narcotics investigators. I was
25 not one of the first ones to arrive. I believe Sergeant

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-242-

1 Criddle and another investigator were the first ones. By
2 the time I got there the residence was secured on the
3 outside and we waited for a search warrant before we
4 initiated a search. My main job is to supervise the
5 investigators.

6 Q. And why did you wait for the search warrant?

7 A. We can't enter and search without a search warrant.

8 Q. Other than other reasons that are emergencies?

9 A. Yes.

10 Q. Now, what was your role when you helped execute the
11 search warrant?

12 A. Besides supervising, I also assisted in searching part
13 of the residence. I believe it was the - when you enter
14 the residence it was the left hand side of the residence.
15 I did most of the search on that side.

16 Q. And do you recall whether you found anything of value?

17 A. Yes, I found a couple of things.

18 Q. And when I say of value, I mean of interest to
19 yourself.

20 A. Yes.

21 Q. I'm going to approach with what has been premarked as
22 State's Exhibit Number Ten and Eleven.

23 SOLICITOR SHELTON: May I approach the witness, Your
24 Honor?

25 THE COURT: Yes.

1 SOLICITOR SHELTON: Thank you.

2 Q. Staff Sergeant Florencio, will you please look at
3 those pictures, without showing them to the jury, and tell
4 me whether you recognize them, State's Exhibits Number Ten
5 and Eleven first of all?

6 A. Yes, I do recognize them.

7 Q. Now, referring to them by the exhibit number, will you
8 please tell the court and the jury what you see in those
9 pictures?

10 A. State's Exhibit Ten is a picture of a bed. There's
11 some items on the floor and one of the items on the floor
12 on top of, I believe it's some kind of box, is a South
13 Carolina ID

14 Q. And who is that South Carolina ID of?

15 A. Well, in Exhibit Number Ten, you can't see because
16 it's a far away picture, but Exhibit Number Eleven is a
17 close-up and it is a South Carolina ID of a Stanley Leonard
18 Wright.

19 Q. And did you find this ID eventually?

20 A. Yes, I did.

21 Q. Are you the one who seized it?

22 A. No, I did not seize it. I located it.

23 Q. And when you locate it, what do you do?

24 A. Well, we have procedures that we normally follow
25 when we do search warrants to keep everything organized and

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-244-

1 to be able to make the best cases we can. And one of those
2 things as a case officer, we have people divided into
3 search teams. They search different rooms, different
4 areas, and those are assigned by the case officer. That
5 way we ensure that every room where every section of the
6 house has been searched or whatever place we're searching.
7 So I was assigned by Corporal Heroux to search this area
8 and during the search, this is one of the items that I
9 located.

10 Q. And when you find it what do you do?

11 A. When I find it, if it's - let's say if it's something
12 that's in plain view that's not hidden, I don't manipulate
13 it. We call the case officer and the case officer comes
14 and photographs it in place, and then the case officer
15 seizes it and takes it back and either logs it into
16 evidence at a table where they're set up or they might do
17 it in the same place.

18 Q. Okay. And that's what happened here?

19 A. Yes.

20 Q. Are those fair and accurate depictions of where you
21 found that ID and then the picture of the close-up of the
22 ID?

23 A. Yes.

24 SOLICITOR SHELTON: I move State's Exhibit Numbers Ten
25 and Eleven into evidence.

1 THE COURT: Any objection?

2 MR. JOHNSON: No objection, Your Honor.

3 THE COURT: Thank you.

4 (WHEREUPON: STATE'S EXHIBIT NUMBER TEN AND ELEVEN,
5 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

6 SOLICITOR SHELTON: Ask that I publish to the jury.

7 THE COURT: Yes, sir.

8 Q. And as I publish, where did you say you located this?

9 A. I know that I searched the left-hand side of the
10 house, and I believe it was in one of the bedrooms. I
11 couldn't tell you which one it was.

12 Q. Correct.

13 A. But I believe it's a bedroom.

14 Q. Please wait until the jury has the opportunity to
15 review the evidence.

16 (WHEREUPON: STATE'S EXHIBIT NUMBERS TEN AND ELEVEN
17 PUBLISHED TO THE JURY.)

18 Q. Officer Florencio, how long have you said that you
19 have been working in drug enforcement, specifically?

20 A. I've been assigned specifically to drug enforcement
21 since July 9th of 2004, but prior to that when I was
22 assigned as a criminal investigator, because I speak
23 Spanish, I had the opportunity to work many cases with the
24 Drug Task Force and ICE and DA because I was involved in
25 translating a lot, so I got a lot of experience helping

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-246-

1 them with that.

2 Q. And how long did you do that for?

3 A. Well, I've been translating since I started with the
4 Sheriff's Office in '97 and probably my first major case
5 that I helped with, with a drug case was probably shortly
6 after that.

7 Q. Working drug cases, or suspected drug cases, how - do
8 you have any idea how many drug investigations that you
9 have actually taken part in?

10 A. I really couldn't tell you. Numerous. I can tell you
11 that just in search warrants alone, the last couple of
12 years we've been averaging seventy a year, and that's just
13 search warrants. That's not counting other investigations
14 we've done. That's not counting a traffic stop which could
15 be a drug investigation so I mean pretty much I work, you
16 know, five days a week and then I come in and work some
17 sort of drug investigation everyday.

18 Q. And you've been doing that almost ten years?

19 A. I've been doing that with the Sheriff's Office
20 assigned to the Drug Task Force, yes, going on my
21 tenth year.

22 Q. And before that you took part in drug investigations
23 with investigators office?

24 A. Yes.

25 Q. Now, have you had an opportunity to interview

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-247-

1 known-drug users, dealers, and informants during this
2 experience?

3 A. Yes, I have.

4 Q. Please tell the jury about that?

5 A. Well, --

6 MR. CHAPLAIN: And, Your Honor, objection. What's the
7 relevance of that?

8 THE COURT: I think he's establishing the basis for
9 the expert.

10 Is that correct?

11 SOLICITOR SHELTON: Correct, Your Honor.

12 MR. JOHNSON: An expert in what, Your Honor?

13 THE COURT: Well, he's setting the foundation for
14 that. He hadn't gotten there. Do you need to approach?

15 MR. CHAPLAIN: Yes, yes, Your Honor.

16 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
17 THE JURY.)

18 THE COURT: Ladies and gentlemen of the jury, at this
19 time what we're gonna do is we're gonna - it's getting
20 close to lunchtime, so we're going to take a quick break
21 for lunch. However, before you do that, I'm going to give
22 you several - just instructions before you go out there.

23 Remember again to please not discuss the case even
24 amongst yourselves or allow anybody else to discuss the
25 case with you during this time. And the purpose of that is

-248-

1 that, of course, you are the finders of the facts and until
2 you have all of the evidence that's been properly admitted
3 you must be open minded and only consider the properly
4 admitted evidence at the close of the case when after
5 you've been given the jury instructions and the case is
6 actually submitted to you.

7 So again it's for the purpose of keeping it in an open
8 mind and waiting to hear all of the evidence. As you've
9 seen sometimes when parties have come up, and because you
10 are the judge of facts and I'm the judge of law, I don't
11 want to do anything or say anything which would give you
12 any speculation that I have an opinion as to the facts,
13 because I'm not allowed to do that, so that's why we have
14 certain matters held outside of your presence. So again
15 you will be the judges of the facts and you will be asked
16 not to deliberate whatsoever. Also don't do any kind of
17 investigation on your own whether its to be on Facebook or
18 any kind of internet media and that type of thing.

19 Let me make sure I don't leave anything else out here
20 that I needed to advise you of before you have the matter
21 of lunch. We will take - give you plenty of time to have
22 lunch. I'll give you about - if you could be back in your
23 jury room at 1:15, that way we can start the trial of the
24 case right after that and you - if you will go to your jury
25 room if I left anything out I will then excuse you for

1 lunch, okay. Thank you. Actually, before you go,
2 gentleman in the front there on the left with the black
3 shirt, can you tell me your name again, sir?

4 A. Cain, Daniel Cain.

5 THE COURT: Mr. Cain, I think you're seated in the
6 perfect position. I think I'm going to appoint you as our
7 jury foreperson. And what that means is not that you have
8 any more say-so than anybody else on the jury, but you are
9 actually the spokesperson for the jury, so if the jury
10 actually needs to contact the court for any reason or has
11 any kind of questions or concerns that need to be addressed
12 to the court, then you're that person, okay?

13 MR. CAIN: Okay.

14 THE COURT: Thank you, sir.

15 (JURY EXITS COURTROOM.)

16 THE COURT: Anything further before I excuse the jury
17 for lunch?

18 SOLICITOR SHELTON: No, Your Honor. Just with Officer
19 Florencio's qualifications.

20 THE COURT: Is there anything from the defense?

21 MR. CHAPLAIN: We have nothing, Your Honor.

22 THE COURT: You may excuse them for lunch. Thank you.

23 (JURY EXCUSED FOR LUNCH RECESS AT 11:56 A.M..)

24 THE COURT: You may proceed?

25 SOLICITOR SHELTON: Thank you, Your Honor.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA

-250-

DIRECT EXAMINATION - IN CAMERA

SERGEANT ANDRE FLORENCIO BY SOLICITOR SHELTON:

Q. Continuing with your qualifications, Staff Sergeant Florencio. I had earlier ask you and I want to repeat the question just for clarification. Have you had an opportunity in your years working in the drug and narcotics enforcement, to interview known drug users, dealers and informants?

A. Yes, I have.

Q. How many have you do you think, first of all, drug dealers have you interviewed?

A. Basically I really couldn't tell you. I interview so many between drug dealers, drug users and confidential informants and I've been doing this say going on ten years plus all the translating I did. I mean it's like fifteen years worth of interviewing people.

Q. So to put a number on it, would it be hundreds, thousands?

A. Probably hundreds.

Q. Now, and have you had an opportunity to see residences and other locations occupied by known drug dealers?

A. Yes.

Q. Have you had the opportunity to conduct controlled purchases of small and large quantities of cocaine?

A. Yes, I have.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA

-251-

1 Q. Marijuana?

2 A. Yes.

3 Q. How many?

4 A. Like I said, I've been helping - I'm the supervisor.

5 As a supervisor, I have to be pretty much at every
6 controlled buy we do a supervisor has to be there. I can
7 probably count on one hand the number of controlled buys I
8 probably missed in the last ten years as a supervisor.
9 Probably four or five hundred at least. I mean we do a
10 lot.

11 Q. And during these interviews with the informants and
12 dealers and users, have you had the opportunity to speak
13 with them about money involved in drug transactions?

14 A. Yes.

15 Q. And how much ---

16 A. Yes.

17 Q. --- certain transactions cost?

18 A. Yes.

19 Q. How much certain weights are valued at?

20 A. Yes. A lot of times when we interview whether it be a
21 person that wants to be a confidential informant or someone
22 that we've arrested that wants to confess or even drug
23 dealers that we've arrested that want to confess or have
24 some kind of arrangement. We always interview them and in
25 a lot of those instances we take opportunity and they

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA

-252-

1 pretty much tell us everything. They tell us how they do
2 it. They tell us how they, you know, from making a
3 specific kind of drug or cutting it or how they package it
4 or how it was that they got it by us or if we miss
5 something. They - we pretty much try to get everything and
6 that's a lot of ways how we learned and how we keep up with
7 what's going on.

8 Q. And when you conduct these controlled purposes, ---

9 A. Yes.

10 Q. --- do you rely on some of that information?

11 A. Yes.

12 Q. And who provides the money to execute the controlled
13 purchases?

14 A. We do. Its from the controlled Task Force funds.

15 Q. And do you arrange the quantity you're going to
16 purchase in a controlled purchase ahead of time?

17 A. Yes, we - when we send someone whether it be an
18 undercover officer or a confidential informant to buy drugs
19 from a person, we usually buy what they normally buy from
20 that suspected drug dealer. We're not gonna send someone
21 that buys a gram for a hundred bucks to go and try to buy a
22 kilo for Thirty Thousand Dollars because it would be
23 abnormal or vice-versa, someone who's used to buying large
24 quantities of drugs to go buy a smaller amount of drugs.
25 So we interview the person that's gonna be the informant or

1 the undercover officer that we know who the target is, we
2 kind of know, you know, if it's going to be a big deal or a
3 small deal and that's how we arrange it.

4 Q. And also in these interviews with known drug users and
5 also dealers, do you discuss how much money they sell drugs
6 for or buy drugs for?

7 A. Yeah, we do and actually it changes over time-periods
8 and areas. You know the closer you get to the border, the
9 cheaper it is. The farther away you get, the more
10 expensive it is.

11 Q. And in Beaufort County is it pretty consistent?

12 A. Well, I can tell you that when I first started on the
13 Drug Team back in 2004, you could probably get a kilo in
14 Beaufort County for Eighteen to Twenty Thousand Dollars.
15 Nowadays it's more like Thirty or Thirty-two.

16 Q. Thousand dollars?

17 A. Yes, That'll be a kilo of cocaine.

18 Q. Now, do you also speak with these users and dealers
19 about how to package, store, and pay for drugs?

20 A. Yes.

21 Q. And what are some of your conversations about that?

22 A. Well, a lot of times when we deal with some of these
23 bigger investigations when they're bringing it from let's
24 say other states, some of the cases I work with the federal
25 government with the DA, with ICE, how they transport it.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA

-254-

1 You know, where they get their cars with the traps which
2 are the hidden compartments where they go and, you know,
3 where they make those cars, who are they buying from, how
4 they package it to try to get by so if they get stopped,
5 it's not gonna get smelled a canine officer. How they hide
6 it so if you get stopped on the side of the road and you do
7 get a canine officer so the hit is so well hidden that, you
8 know, you can't take the time on the side of the road to
9 actually to find it or different ways of masking the odor
10 and disguising it.

11 Q. And what about different quantities of typical drug
12 purchases, whether in bulk or retail?

13 A. Yeah, usually if you're going to buy in bulk, it's
14 more expensive as far as the initial amount.

15 Q. Specifically for what drug?

16 A. Let's say for cocaine.

17 Q. Uh-huh.

18 A. Obviously, a kilo of cocaine, a thousand grams is
19 gonna be worth a lot more than a gram of cocaine but if you
20 buy a kilo of cocaine, once you cut it and stuff like that
21 and you sell it, you can make a lot more money and actually
22 you buy it for a larger amount of money but it'd be cheaper
23 in the long run. Kind of like shopping at - let's say you
24 go to Publix or you go to Sam's Club, you buy in bulk you
25 get - it lasts a lot longer. More back for your buck.

1 Q. But you're stating that the actual weight per gram
2 buying in bulk would be more than weight per gram selling
3 it? You would make more money that way?

4 A. Yes, if you - if you want to make money, you gonna buy
5 in bulk and then break it down and sell it in more quantity
6 for more - it would be a lot more money if you sell a gram
7 versus you just sell - pretty much what I'm trying to say
8 your profit margin if you sell a - just one kilo versus if
9 you take that kilo and break it down into, you know, a
10 thousand grams and sell those thousand grams your profit is
11 gonna be a lot more once you sell that.

12 Q. Right. And with your training and experience and
13 interviews with drug dealers, have you been able to
14 determine whether - why it is that they're able to cut it
15 from a larger kilo? What is it about a kilo - first -
16 please redact that question.

17 I'm going to backtrack a little bit, Your Honor, if I
18 may. Let's talk about kilos and other amounts that are
19 typically sold that would be what you call bulk. What
20 would be other than a kilo?

21 A. You can sell a - a kilo of cocaine is a very large
22 quantity of drugs. You can sell - you can sell half a
23 kilo, a quarter kilo, then you can start selling it in
24 ounces, half-ounces, eight-ball which is three and a half
25 grams and you can sell half a gram, a gram.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA

-256-

1 Q. And what would you classify as a bulk purchase?

2 A. Well, if - Normally through my experience if you have
3 a cocaine problem, if you're gonna sniff or buy a half a
4 gram or a gram of cocaine, let's say you going to have a
5 big party and you're gonna have some people over, you might
6 by an eight-ball. And if you're gonna have a really big
7 party and a bunch of people chip in, I mean you might buy,
8 you know, a quarter of an ounce of cocaine for like a big
9 party the normal --

10 Q. And how many grams are in a quarter of an ounce?

11 A. A quarter of an ounce would be seven. But normally I
12 you are a typical cocaine user, you're probably not going
13 to buy more than half a gram to a gram, maybe two at the
14 most if you're going out to party.

15 Q. Okay. Now, that we've established the basis of
16 you know what the prices are, I'd like to establish the
17 basis of exactly how much they're sold for.

18 If you're selling retail, what would you classify as a
19 typical drug sale, how much would it be for the typical
20 user?

21 A. From my training and experience from right now in
22 Beaufort County if I was a cocaine user and I wanted to get
23 a gram of cocaine, depending where I bought it, it would be
24 anywhere between a hundred to hundred-and-twenty bucks. I
25 can buy a half-a-gram, fifty, sixty bucks.

1 Q. And would that be a typical purchase of amount for a
2 typical user?

3 A. Yes.

4 Q. And what if you wanted to buy a quarter kilo of
5 cocaine?

6 A. If you wanted to buy a quarter kilo of cocaine? Well,
7 a kilo right now is about thirty, thirty-two; half a kilo
8 would not be half, you would take - well a kilo is thirty
9 and half of a kilo would be fifteen. It would probably be
10 more like eighteen or seventeen, five.

11 Q. And you can say seventeen-five, you mean - you're
12 referring to Eighteen Thousand?

13 A. Thousands, yes.

14 Q. Seventeen-and-a-half thousand dollars?

15 A. If you doing a quarter kilo which is half a kilo, you
16 just suspect, okay, well maybe it's more like seven or
17 eight, but it'd probably be more like nine maybe closer to
18 ten depending.

19 Q. You said a quarter kilo would be a half a kilo, you
20 mean a half of half a kilo?

21 A. Yes, half of a - yes, excuse me. A quarter kilo would
22 be two hundred and fifty grams which should be half of a
23 half of a kilo which is five hundred grams.

24 Q. And how much would you say that would typically be
25 sold for today?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA

-258-

1 A. You could probably get it for seven, eight thousand
2 dollars, maybe a little bit more, less depending on who you
3 buying it from, what kind of credit you have with that
4 person, how much you buy from that person.

5 Q. And 2011 in August, was that amount different or the
6 same?

7 A. The last couple of years it's been about the same.

8 Q. Now, you've already talked about your experience in
9 speaking with drug - known drug users and known drug
10 dealers, and the investigations you've conducted and all of
11 your experience. Will you now speak to your training and
12 the specific training you've had with narcotics and also
13 generally in law enforcement?

14 A. I graduated from the South Carolina Criminal Justice
15 Academy in 1997. I've been to numerous investigators
16 classes, basic investigator, basic narcotic investigator,
17 advanced narcotic investigations. I've been to several
18 Drug Task Commander courses. I've been to interrogations
19 for gangs and drugs. Meth schools, prescription drug
20 schools, just a bunch of different kinds of drug schools.

21 Q. And during your training, and also pursuant to your
22 experience, have you come to understand what drug dealers
23 use in packaging and storing their supplies?

24 A. Yes, in my training and experience I have seen that.
25 The instruments they've used throughout the years and a lot

1 of times it doesn't really change.

2 Q. For example, let's specifically target marijuana.

3 Marijuana, if someone is going to be buying marijuana
4 in order to then distribute it, what would you typically
5 see the marijuana condition be?

6 A. A lot of times if you're going to buy marijuana to
7 distribute it, marijuana is, depending on the type of the
8 marijuana, it's - you can get a high-grade marijuana that
9 can be five, six thousand dollars a pound or you can get
10 cheaper marijuana, it can be a thousand to two thousand
11 dollars a pound. Usually, when you are getting it, you
12 usually get it in pounds.

13 If it's heat sealed it's gonna be kind of compressed
14 so once you take it apart, it falls apart then you would,
15 obviously need a scale to measure it. You need Zip-Lock
16 bags either gallon size or sandwich bag size, or maybe what
17 more people prefer to as dime bags which is a smaller size
18 which you would pack for to sell to people on the street so
19 they can smoke it.

20 Q. So you are saying it is typically for them to store
21 digital scales and sandwich bags with their marijuana to
22 package it?

23 A. Yes.

24 Q. What about cocaine?

25 A. The same thing. Cocaine depending on what - if you're

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA

-260-

1 just gonna to cut it and break it down to make it less
2 potent which would make it - you can - pretty much you can
3 take an ounce of cocaine, put some cut in it, which could
4 be either - I've seen baby formula, I've seen various
5 things you can get from GNC to use it to cut it and you can
6 make an ounce - Some people can make a ounce into two
7 ounces, some people can make an ounce into an
8 ounce-and-a-half so they've pretty much almost double their
9 product and then they can sell it and make double the
10 money. If they pay, let's say just to keep it easy, a
11 thousand dollars for an ounce, and then now they make that
12 ounce, they try to make it two ounces and you have twenty-
13 eight grams in an ounce, you sell one ounce, that's - and
14 you sell that for a hundred bucks a gram, that's Twenty-
15 eight Hundred Dollars.

16 Q. Correct.

17 A. And already, you've already got Eighteen Hundred
18 Dollars. You've already paid for the Thousand Dollars you
19 spent on it and you made an additional Eighteen Hundred and
20 then now you still have this other ounce that you can sell
21 and make an additional Twenty-eight Hundred Dollars.

22 Q. Now, let's speak specifically on packaging. What is
23 typical for someone who is dealing in cocaine to package
24 the drugs in?

25 A. I've seen it many different ways. I've seen it in,

1 again small dime bags. I've seen them where you take you
2 go to the grocery store, say a Wal-Mart bag. You take the
3 end you break it and use that and use little like - the
4 little things that come with the garbage bags, the ties to
5 tie, I've seen it sold like that. I've seen it sold in
6 small pieces of paper. I've seen it given out in dollar
7 bills.

8 Q. And, typically, when drug transactions take place, how
9 are they paid for?

10 A. Usually in cash.

11 Q. And particularly if you're buying small quantities how
12 is it paid for? I mean do people write checks?

13 A. No, they don't.

14 Q. Do drug dealers normally have ATM machines?

15 A. No, they don't.

16 Q. It's typically in cash. Correct?

17 A. Yes.

18 Q. Is it typical for drug dealers, people who have drugs
19 in their possession with intent to distribute it, or
20 commonly deal drugs, to have large quantities of cash?

21 A. Yes, it is.

22 Q. And what would you classify as a large quantity of
23 cash?

24 A. Well, for different people, different things. I know
25 that nowadays most people don't carry cash because everyone

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON - IN CAMERA

-262-

1 carries ATM and stuff like that. But I usually if I do
2 have cash, me personally, I don't carry more than maybe a
3 hundred or a hundred-and-fifty bucks in my pocket.

4 Q. Now, especially I'm talking about for someone with a
5 drug - that is involved with drug dealing?

6 A. The people that I've seen - I've seen people that -
7 Well it is not uncommon when we arrest people for dealing
8 drugs that they have thousands of dollars, a thousand, two
9 thousand, three thousand, four, five, six thousand dollars
10 in their pockets. You know two or three grand in one
11 pocket and two or three grand in another pocket. It's not
12 uncommon.

13 Q. Is it common when you do search warrants to find cash
14 inside the house?

15 A. Yes, it is. Usually hidden.

16 SOLICITOR SHELTON: I think those are all the
17 questions I - that would, not necessarily be, Your Honor,
18 what - everything I would get into in front of a jury but
19 for his qualification as a expert, those are the
20 qualifications I wanted to express to the court is his
21 training and knowledge and experience specifically of drug
22 trade practices, also drug evaluation.

23 And we would defer to the court's judgment if the
24 court rules that he is qualified as an expert to speak to
25 either amount - either degree to what to ask him and what

1 we are obviously able to have him testify to.

2 The State's intention is to limit the testimony to
3 retail buys of cocaine and retail buys of marijuana. What
4 are the typical amounts and what are - what's the typical
5 weight amount, and then what is the typical - what is the
6 typical amount sold for for retail, and then talk
7 specifically about wholesale and what's the typical amount
8 sold for wholesale of marijuana and cocaine. If there are
9 typical amounts, what are they sold for and what is the
10 going rate for them.

11 And then finally the other thing that the State would
12 proffer from this witness - is proffering from this witness
13 rather - is what are common instruments used in drug
14 packaging and distribution.

15 We have a possession with intent to distribute
16 marijuana case along with this trafficking cocaine case in
17 this case. We have to prove the intent to distribute
18 marijuana. The fact that he has baggies and the fact that
19 he has a scale we believe is very approbative to the fact;
20 however, without an expert in the field to testify to what
21 - how those things go together along with the cash, the
22 jury - I think it helps the jury understand the State's
23 case.

24 THE COURT: Thank you, Mr. Shelton.

25 Mr. Johnson, did you have any voir dire?

-264-

1 MR. JOHNSON: Your Honor, my question, I guess, is not
2 necessarily one for - my question is not necessarily one
3 for the witness. I don't - don't - it's the purpose of all
4 these questions. He's - it's my understanding that for a
5 witness to be qualified as an expert that we look at his
6 qualification. He has done a lot of time on testifying as
7 to his experience that doesn't - it's like he's giving a
8 testimony to the jury instead of giving the jury his past
9 experience and then the Court making a determination
10 whether he's a expert. Then I could then be able to inject
11 the certain questions to ask of him as to relevance.

12 THE COURT: Well, sure, obviously I think you're
13 correct as far as the procedural aspect of it. I - I was
14 giving you an opportunity to - to cross-examine on his
15 experience and his training which he was testifying to with
16 the State. I think certainly he has testified regarding
17 his schooling, his tactical experience, his experience on
18 the field to - to ascertain whether or not he's a qualified
19 expert based on his training and experience in the drug
20 trade. And I think certainly it's relevant to show motive
21 and potential as far as - and it helps the jury understand,
22 because most jurors don't understand how drugs are packaged
23 or the value of drugs or the quantity of drugs, so I think
24 it's relevant just for the jury to understand facts at
25 issue in this case.

1 MR. JOHNSON: And that's my point, Your Honor, 'cause
2 I - I would have no problem stipulating to - to this
3 officer being an expert in the field, but I still would ask
4 the court to allow me to object to certain questions as to
5 relevance as related to this case because this is a
6 possession case. There is no one - there is no evidence,
7 that I'm aware of, where they are saying that my client
8 packaged anything to sell or anything.

9 The inference that the State is trying to make as a
10 trafficker, that can be inferred by just the weight. They
11 don't need any other evidence as to baggies or scales to
12 get trafficking. They can do that by the weight of the
13 product. And as of yet, they have still not put them into
14 evidence in the case that that's even drugs. They are
15 putting someone up to testify about my client having the
16 drugs.

17 THE COURT: Well, we're putting the cart before the
18 horse a little bit, Mr. Johnson. I think you know
19 certainly your motion at that point would be you know after
20 the State rest if they didn't put the sufficient motion.
21 He's got to call his witnesses one at a time and I think
22 the expert testimony is admissible to the trier of fact, I
23 think it's relevant to show a motive to have the drugs. I
24 think the baggies are certainly relevant to show he's
25 charged with trafficking, possession with intent to

-266-

1 distribute by the definition alone. I think it's certainly
2 relevant to show how it's packaged and distributed and how
3 it's commonly done in the - in the course of the drug
4 business.

5 MR. JOHNSON: Your Honor, I will stipulate to his
6 qualifications as a expert in drugs.

7 THE COURT: I - Well, Mr. Shelton, are you willing to
8 stipulate to his qualifications or do you want the jury to
9 hear his qualifications?

10 SOLICITOR SHELTON: I need the jury to hear his
11 qualifications so they understand who he is and what he's
12 testifying to.

13 MR. JOHNSON: But that's my point, Your Honor. See,
14 it's not about qualifications. It's about him wanting the
15 jury just to hear him talk about it. They're not trying to
16 qualify him.

17 THE COURT: Yes, sir, they are trying to qualify him.
18 That's what he - he's moved to qualify him as an expert.

19 MR. JOHNSON: But I just stipulated to it.

20 THE COURT: But he doesn't have to accept the
21 stipulation if he wants the jury to hear his qualifications
22 and experience.

23 MR. JOHNSON: That's fine, Your Honor. I - they - If
24 they want to go forward, I'll cross-examine him.

25 THE COURT: Yes, sir. Okay.

1 So the purposes of this hearing, the court will find
2 that he is qualified as an expert witness. I will allow
3 you to go into the testimony in front of the jury. I think
4 you need the scientific and other specialized knowledge to
5 properly testify and assist the trier of fact in those
6 matters.

7 And also pursuant to the *State v. Jamison* case, I find
8 that it's relevant and material because it helps the jury
9 comprehend the amount of contraband in terms that are
10 easily understood by the jury. Further, I find that it's -
11 it's relevant to show that the quantity of drugs involved
12 which is relevant to the actual charges the defendant is
13 charged with and also goes to show motive and control of
14 the - of the possession of the drugs.

15 SOLICITOR SHELTON: Thank you, Your Honor. And to
16 clarify the record, I don't know if I placed it on the
17 record, I apologize. I'm tendering him as he's accepted to
18 be tendered as an expert in illicit drug trade practices
19 and illicit drug evaluation.

20 THE COURT: Yes, sir.

21 SOLICITOR SHELTON: Thank you, Your Honor.

22 THE COURT: Anything further at this time before we
23 take our lunch break?

24 SOLICITOR SHELTON: Not from the State, Your Honor.
25 Thank you.

-268-

1 MR. JOHNSON: Your Honor, the only thing I have is
2 that my objection is that as of this point, the State has
3 not introduced any evidence as to there being drugs.
4 Therefore, when the officer speak of drugs, he's misspoken.
5 He did not test these drugs. The State have not presented
6 any evidence that the drugs have been analyzed and that are
7 drugs and, therefore, it is our position that they cannot
8 call this drugs.

9 THE COURT: I see what you're saying. I think - and I
10 certainly - you can certainly cross-examine him on that.
11 And certainly during his direct testimony if he's speaking
12 as to what was done at the scene prior to it being tested,
13 you can state they were alleged drugs, or what they
14 appeared to be until they were properly tested, so I
15 understand your objection, Mr. Johnson. I'm sorry.

16 MR. CHAPLAIN: Thank you, Your Honor.

17 THE COURT: Anything further at this time?

18 SOLICITOR SHELTON: No, thank you, Your Honor.

19 MR. JOHNSON: I have nothing.

20 THE COURT: We will be in recess.

21 (COURT IN LUNCH RECESS AT 12:22 P.M..)

22 (COURT BACK IN SESSION AT 01:32 P.M..)

23 THE COURT: Thank you everyone. You may have a seat.
24 All right, you ready to proceed?

25 SOLICITOR SHELTON: The State is ready to go.

1 THE COURT: I take it that by not being on the video
2 there is stuff on the video.

3 MR. CHAPLIN: No, Your Honor, and we actually are
4 still trying to put it in our hands. We spoke to a young
5 lady named Nan and then Nan put us with a IT guy named Tom
6 Brady. Yeah, it was Tom Brady, and then we would still
7 have to do a subpoena to them to put it in our hands so ---

8 THE COURT: Well, if Tom Brady is available to
9 testify, I want him here.

10 MR. CHAPLIN: I know, Your Honor. I said the same
11 thing.

12 THE COURT: All right. Let's have our jury - oh, just
13 for matter of housekeeping, we do - we did receive the
14 medical information to the Clerk of Court from our juror so
15 I'll just make that a Court's Exhibit.

16 SOLICITOR SHELTON: Good. I'm glad of that.

17 (WHEREUPON: COURT'S EXHIBIT NUMBER TWO, IDENTIFIED
18 AND MARKED, RECEIVED INTO EVIDENCE.)

19 THE COURT: You're welcome to look at it if you like.

20 MR. CHAPLIN: We're fine with that, Your Honor.

21 THE COURT: Thank you.

22 Let's have our jury.

23 MR. JOHNSON: Your Honor.

24 THE COURT: Yes, sir.

25 MR. JOHNSON: And just for the record, I just - I

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-270-

1 understand you ruling about the officer testifying.

2 THE COURT: Yes, sir.

3 MR. JOHNSON: I just want to put it on the record that
4 we did object and that you ruled that the officer could
5 testify.

6 THE COURT: Absolutely, thank you so much.

7 MR. JOHNSON: Just to keep the record clear. Thank
8 you.

9 THE BAILIFF: Your Honor, the jury is entering.

10 (JURY REENTERS COURTROOM AT 01:35 P.M..)

11 THE BAILIFF: The jury is seated, Your Honor.

12 THE COURT: Thank you.

13 Ladies and gentlemen, we are now ready to proceed with
14 the trial of this case with the testimony of Mr. Florencio.

15 You may proceed.

16 SOLICITOR SHELTON: Thank you, Your Honor. May it
17 please the court.

18 DIRECT EXAMINATION - CON'T

19 SERGEANT FLORENCIO BY SOLICITOR SHELTON:

20 Q. Staff Sergeant Florencio, you were beginning to tell
21 us about your experience as a narcotics agent, investigator
22 and officer. Correct?

23 A. Yes.

24 Q. How many years have you been working as a - in the
25 narcotics intervention?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-271-

1 A. I was assigned to the -- well, back then it was the
2 Beaufort/Jasper Multi-Agency Drug Task Force in July 9th of
3 2004.

4 Q. On July 9th, 2004?

5 A. Yes.

6 Q. And please speak up because the microphones aren't
7 working and make sure the jury can hear you if you don't
8 mind. Thank you.

9 And did you have any training or did you have any
10 experience in narcotics investigations before 2004?

11 A. Yes, because I am fluent in Spanish ever since I was
12 hired by the Sheriff's Office in 1997. I have always
13 translated and because I was able to do that, I had
14 opportunities to work with the Drug Task Force prior to me
15 becoming a member and also worked with ICE and DEA in many
16 big investigations translating and assisting them.

17 Q. And what is DEA?

18 A. That's the Drug Enforcement Administration.

19 Q. And what branch of government - what government is
20 that?

21 A. That's the federal government.

22 Q. Now, as part of your narcotics training and
23 experience, what is your role now?

24 A. I am the supervisor, I'm the shift supervisor. I
25 control and run the daily activities of the Drug

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-272-

1 Investigation Section.

2 Q. Now, during your experience, do you have any idea how
3 many drug investigations you have been a part of?

4 A. Very many. I couldn't - I couldn't count.

5 Q. How many do you do typically a year?

6 A. Well, I mean, I work five days a week and I - everyday
7 I come to work I'm doing a drug investigation or working a
8 drug investigation.

9 Q. And how many years have you been doing that again?

10 A. Assigned to the team since 2004.

11 Q. Now, so would you say hundreds?

12 A. Yes.

13 Q. If not thousands?

14 A. Yes.

15 Q. Now, during these investigations have you had an
16 opportunity to interview known drug users?

17 A. Yes, I have.

18 Q. Have you had an opportunity to interview known drug
19 dealers?

20 A. Yes, I have.

21 Q. What about informants?

22 A. Yes, I have.

23 Q. And can an informant be a drug dealer or a user or
24 both?

25 A. Yes.

1 Q. How many of those interviews do you think you've taken
2 part of?

3 A. Well, I review most of the people that are going to be
4 informants for the team so at one point or another, I
5 always end up interviewing them, so pretty much almost
6 every single informant that is approved by my supervisors,
7 I have to talk to. And then like I said, I've been doing
8 this for over ten years, so over - definitely way over a
9 hundred.

10 Q. And you say informant, we use that as a term that we
11 understand, but please tell the jury what an informant is?

12 A. Well, an informant, there is different types of
13 informants. An informant can be someone that just gives
14 information that is just a witness that not necessarily is
15 involved in any kind of criminal activity.

16 We have cooperating witnesses, either someone that
17 we've busted that might be a drug user that wants to get
18 leniency for their charges and decide they want to be a
19 informant or confidential informant and they assist us in
20 drug investigations. A lot of times when we arrest, let's
21 say, a large-scale drug dealer and they are facing a lot of
22 time, they'll also strike a deal and give information and
23 actually work as informants or give information as to how
24 to do things to receive lesser - lesser penalties.

25 Q. Now, do you have an opportunity when you're having

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-274-

1 conversations with these informants to talk about
2 quantities of controlled substances and what are purchased?

3 A. Yes. Whenever -- First of all, whenever we interview
4 someone that's going to be a potential informant, we always
5 interview them very specifically about the drug trade; what
6 the types of drugs they use, how much they buy, different
7 prices and anything related specifically to their case in
8 very great detail.

9 Q. Have you ever had an opportunity to control -- to
10 conduct controlled purchases of small and large quantities
11 of cocaine?

12 A. Yes, I have.

13 Q. Well, how about marijuana?

14 A. Yes, I have.

15 Q. Now, when you do those controlled purchases, who
16 provides the money?

17 A. If we're buying -- if we're buying it, we provide the
18 money.

19 Q. And I say controlled purchases and you say controlled
20 purchases, but the same as informants, will you please tell
21 the jury what a controlled purchase is?

22 A. Well, controlled purchase is exactly what it is. It's
23 part of an investigation. It's a tool we use to actually
24 make a case against a drug dealer. We'll either use a
25 confidential informant or an undercover officer where we

1 actually send that person to meet with someone that we
2 suspect is a drug dealer and actually do transactions where
3 we as police officers using undercover officers or
4 informants buy drugs from people.

5 Q. And during those, you say you provide the cash?

6 A. Yes, we use - we have a fund, the Drug Cash Fund, from
7 the sheriff's office that is used specifically just for
8 that.

9 Q. And then do you know how much you're going to purchase
10 in a, speaking of the actual narcotics involved, ahead of
11 time before you do a controlled purchase?

12 A. Yes, because like I said a controlled purchase is --
13 could be very dangerous. We're not going to send someone
14 that is used to buying maybe a gram or half-a-gram of
15 cocaine, you know, forty to a hundred dollars worth of
16 cocaine and send them to go buy a kilo of cocaine which is
17 like Thirty Thousand Dollars. And vice versa, we're not
18 going to send someone that is a big known drug dealer that
19 buys kilos or half kilos to go buy like a gram or two of
20 cocaine. It just doesn't make sense.

21 Q. So with those opportunities to do the controlled
22 purchases and interview informants and drug dealers and
23 drug users, do you have a grasp as to what the value,
24 street value of illicit drugs are?

25 A. Yes, it changes year to year. It's kind of like

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-276-

1 supply and demand but yes, we keep current on that.
2 Everyone that we arrest, and we try to drain them for as
3 much information as we can when we do their debriefs or
4 interviews, and that's just a part of a standard of what we
5 do every day.

6 Q. Now, furthermore do you have an opportunity to
7 actually see residences and other locations that are
8 occupied and used by known drug dealers?

9 A. Yes, pretty much almost every day.

10 Q. Do you have an opportunity to see what are the common
11 practices and the common instruments they use in the drug
12 trade?

13 A. Yes.

14 Q. And you've spoken a lot as to your experience, will
15 you please also tell the jury about your training as a
16 narcotics officer.

17 A. I graduated from the South Carolina Criminal Justice
18 Academy in December of 1997. I've attended Basic
19 Investigator School, Basic Drug Investigation School. I've
20 attended numerous Advanced Narcotics Investigation classes
21 such as advanced classes dealing in prescription drugs,
22 dealing in methamphetamines. I've done Marijuana Spotter
23 School. I've been certified to analyze marijuana, even
24 though my certification has expired. I've done, like I
25 said, meth classes, numerous interdiction classes,

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-277-

1 interview interrogation for drug and gang investigations.

2 SOLICITOR SHELTON: At this time, Your Honor, the
3 State tenders Staff Sergeant Florencio as an expert in
4 illicit drug trade practices, as well as illicit drug
5 evaluation -- excuse me -- valuation.

6 THE COURT: Any voir dire?

7 MR. JOHNSON: No, no, voir dire, Your Honor. Just
8 renew our initial objection.

9 THE COURT: Yes, sir. Subject to your previous
10 objection. Also qualify him as an expert.

11 Ladies and gentlemen of the jury, normally a person
12 cannot give an opinion testimony. When a person testifies,
13 he must testify as to what they either saw, heard or sensed
14 by smell or something of that nature; however, there is an
15 exception when someone is qualified as an expert witness,
16 they are permitted to give their opinion in certain areas
17 if the court qualifies them that way and this witness will
18 be qualified in the field of wholesale and retail drug
19 values as well as in the practice and instruments in the
20 drug trade is what he's offered for and that's what he will
21 be qualified in that area.

22 It does not mean that you must accept his opinion, but
23 it is evidence for you to use in any way you see fit and
24 give it the weight and credibility that you believe is
25 appropriate.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-278-

1 You may proceed, Solicitor.

2 SOLICITOR SHELTON: Thank you, Your Honor. May it
3 please the court.

4 Q. Staff Sergeant Florencio, when you typically do a
5 controlled purchase of cocaine or when a -- instead of
6 saying you typically do a controlled purchase for cocaine,
7 a typical cocaine user, not a dealer but a user, how much
8 do they purchase at a given time?

9 A. From my experience working here in Beaufort County,
10 when we go do controlled buys of someone that has -- that
11 we've busted and is a cocaine user, has a cocaine problem,
12 usually they buy no more than let's say half a gram to a
13 gram of cocaine which is about fifty to a hundred dollars.

14 Q. So fifty dollars for a half a gram?

15 A. Yes, and a hundred dollars for a gram.

16 Q. And that's for a user. Correct?

17 A. Yes, for a user.

18 Q. Now, let's talk about quantities of cocaine sold, what
19 we would call wholesale purposes, please explain that to
20 the jury?

21 A. Well, the drug business is just like a regular
22 business. To run those you can, you know, when you're a --
23 let's say you shop at Sam's and you're going there like a
24 normal person, you get a certain rate and certain store
25 hours. When you shop at Sam's and you go in and buy in a

1 bulk because you're a business you get different rates and
2 different store hours and you buy bigger quantities. A
3 person that, from my experience, that has a cocaine problem
4 is going to buy, like I said, half a gram to a gram of
5 cocaine.

6 If they are going to have a party, let's say, for the
7 weekend, they might buy, you know, a couple of more grams.
8 They might buy what's called an eight-ball which is
9 three-and-a-half grams so they can party all weekend. If
10 they going to have some friends over, you know five, six
11 people, they might pool their money together and may buy a
12 quarter ounce which is about seven grams of cocaine to make
13 it last for the weekend and those parties are common.

14 But usually when you start buying more than, you know,
15 a gram or two at a time, that's not someone that's going to
16 -- that's going to use cocaine, that's someone either has a
17 really bad habit or someone that's going to use that
18 cocaine and do what we call cut it or step on it which
19 means they add some other element such as - I've seen many
20 different things, baby formula. You can buy stuff at GNC,
21 supplements that you can use to cut it and you make it into
22 a bigger quantity so you can sell it and make more money.

23 Q. And what would you classify as a larger purchase of
24 cocaine as a wholesale purchase?

25 A. Well, anything over - definitely anything over an

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-280-

1 eight-ball which is three-and-a-half grams, you know, half
2 an ounce, a quarter ounce, a quarter ounce is seven grams.
3 A half a ounce is fourteen grams and an ounce is
4 twenty-eight grams.

5 Q. How much does it -- would an ounce cost at wholesale?

6 A. A ounce if -- well, like I said, most people that are
7 users aren't going to buy an ounce, so an ounce would be
8 something more that someone that's going to take it and cut
9 it up and maybe divide it to sell would buy it. You can
10 buy a ounce, depending on the quality, anywhere between a
11 thousand to Twelve Hundred bucks nowadays.

12 Q. A thousand to Twelve Hundred dollars for an ounce ---

13 A. Yes.

14 Q. --- which would be twenty-eight grams?

15 A. Twenty-eight grams.

16 Q. Now, how much does a kilo go for? You kind of touched
17 on that already but, first of all, how many grams are in a
18 kilo?

19 A. It would be a thousand grams are in a kilo, a
20 kilogram.

21 Q. And how much would that typically sell for today?

22 A. Well, nowadays, like I said, back when I started in
23 2004, you can probably buy one between eighteen to Twenty
24 Thousand. Now, it's more like Thirty, Thirty-two Thousand.

25 Q. And that would be a kilo, a thousand kilograms of

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-281-

1 cocaine?

2 A. Yes.

3 Q. What about in 2011, August 2011 has the valuation
4 changed a lot since then?

5 A. It's about - about the same price it is today.

6 Q. Now, is it typical to buy less than a kilo, between an
7 ounce and a kilo?

8 A. Depending what type of drug dealer you are, a major
9 range drug dealer or a large drug dealer and how much you
10 has is how much you buy. Someone that buys a kilo is a
11 pretty significant dealer and half a kilo, pretty
12 significant.

13 Q. What about a quarter kilo, how much would that cost?

14 A. A quarter kilo would be 250 grams. Normally you would
15 think, well, let's say just to keep it even, if a kilo
16 costs Thirty Thousand, then half a kilo will cost Fifteen.
17 Well, it's not like that. A half a kilo is still going to
18 cost you a little bit more, maybe Eighteen Thousand.

19 So you figure a quarter kilo which would be half of a
20 -- half a kilo would probably be like half of fifteen,
21 well, it's not like that, or half of eighteen which would
22 be about nine, but as you get -- as - the more you buy, the
23 better price you get. The least -- the less you buy, it's
24 more expensive. So a quarter a kilo could be anywhere
25 between Nine and Ten Thousand dollars depending on the

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-282-

1 purity and also depending on, you know, your supplier.

2 If you're - you know, it's kind of like going to Sam's
3 Club, the more you buy, you build up points and you get a
4 discount. So if you've got a person that you buy from a
5 lot of times, they going to give you a better price or give
6 you a discount here and there.

7 Q. So you said that a user would typically buy a half to
8 one gram of cocaine?

9 A. Yeah, about anywhere between Fifty to a Hundred bucks.

10 Q. And a quarter kilo would cost anywhere between Eight
11 to Ten Thousand, Nine to Ten Thousand dollars?

12 A. Yes.

13 Q. How many grams are in a quarter kilo?

14 A. Two-hundred and fifty.

15 Q. Now, when drugs are packaged in kilos, specifically
16 cocaine, what is the consistency of the drug?

17 A. Well, if you're going to buy a kilo of cocaine,
18 probably most of the time from my experience, it can't be
19 for the county, it's not going to be - it's not originating
20 here. It's going to originate obviously probably coming
21 from Mexico. And just like the regular laws of supply and
22 demand and the regular business, the closer you get it to
23 the border the cheaper in price you get and actually the
24 better quality. Once you start getting closer to here, you
25 know, stuff's getting taxed or you have to pay more money,

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-283-

1 because it costs money to pay people to transport. It's a
2 greater risk. So by the time you get it over here, it's
3 going to be more expansive.

4 Also you have to package it in a way where when you
5 transport it, it's not going to get detected. By this you
6 transport it in a vehicle and you get stopped and the
7 patrolman has a canine and they do a canine sniff, they're
8 going to try to package it in a way where it's not going to
9 get detected and they also got to hid it. I've seen it
10 done many different ways. I've seen it - you know,
11 everyone knows about you package it in coffee grinds and
12 the dogs can't do - can't smell through it. You use
13 multiple layers of heat wrapping. Sometimes they put axle
14 grease on it. I've seen ---

15 Q. And --

16 A. --- I've seen people put garlic. I mean all kinds of
17 different ways.

18 Q. I apologize for interrupting you. And also with
19 consistency about physical consistency, what is it -- how
20 is it packed physically?

21 A. It's going to be like I said probably heat sealed and
22 it's going to be compressed. It's going to be more like a
23 brick, like a rock-like substance versus a powder.

24 Q. And what are pieces of cocaine that come off of that
25 brick, what is their consistency?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-284-

1 A. Well, most probably in my experience and training, the
2 -- If you have a kilo coming straight from Mexico, it's
3 going to be more pure than if you buy a kilo here. You can
4 cut it up. You can recompress a kilo.

5 Q. And for - I'm talking about physical consistency of,
6 you said it's compressed like a brick. Correct?

7 A. Yes.

8 Q. And pieces that you take off of that brick, what is
9 their physical consistency going to be?

10 A. It's going to look like it's a piece of rock that
11 broke off another rock.

12 Q. Now, let's talk about specifically marijuana, okay.

13 Have you had similar training and experience in
14 marijuana and sales ---

15 A. Yes.

16 Q. --- purchases ---

17 A. Yes.

18 Q. --- interviewing drug dealers ---

19 A. Yes.

20 Q. --- drug users?

21 A. Yes.

22 Q. Are you familiar with the going rate for different
23 values of marijuana?

24 A. Yeah, marijuana is a little bit more tricky than
25 cocaine, because you have different strands. You have

1 different names. You have -- you can get what people call
2 ragweed for Eight Hundred to a Thousand dollars a pound.
3 You can get some real expensive hydroponics weed that can
4 cost Six, Seven Thousand dollars a pound. It all depends,
5 you know, the quality you want. Kind of like a fine cigar.

6 Q. And a typical user, what do they purchase at a time?

7 A. Well, marijuana is a lot more prevalent. I've seen
8 people purchase a dime bag or --

9 Q. What is a dime bag?

10 A. It's usually worth Ten bucks worth. It's not really a
11 lot, a gram or two, or I've seen people purchase, you know,
12 a quarter ounce for Sixty bucks or a half an ounce for, you
13 know, Eighty, Ninety bucks.

14 Q. Do you oftentimes see people purchase more than an
15 ounce for personal use?

16 A. Not really more than an ounce. Sometimes a lot of
17 people that have a real bad marijuana habit or likes to
18 smoke every day and like to buy maybe an ounce at a time or
19 a half an ounce at a time just because that lessens the
20 time they have to go and see the drug dealer and the
21 opportunity of them getting caught and it's just they save
22 it at home and just smoke it.

23 Q. Now, you've stated and testified that you have been
24 able to actually see places that are known drug dealing
25 residencies as well as other locations. Correct?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-286-

1 A. Yes.

2 Q. And you've participated in numerous search warrants.

3 Correct?

4 A. Yes.

5 Q. And you've able - been able to interview multiple
6 confidential informants as well as drug dealers?

7 MR. JOHNSON: Your Honor, objection. He's leading the
8 witness.

9 THE COURT: Can you just rephrase your question,
10 Solicitor?

11 Q. You've already testified to all those facts. What I'm
12 going to ask you now is do you know of the common
13 instruments used that are common to drug dealers?

14 A. Yes.

15 Q. Will you please tell the jury about that?

16 A. In my time working in investigations and as a drug
17 investigator, I've seen all kinds of tools. The most
18 common tool, obviously, if you're going to package
19 something for sale and distribution, you're going to need
20 some kind of scale. I've seen numerous types of digital
21 scales, small ones, big ones. You can buy them at, you
22 know, the -- you can buy them at the grocery store, you can
23 buy them at the post office. I've seen -- that's just for
24 the weighing. You can buy hand scales for smaller weights.
25 You can buy those at hardware stores.

1 I've seen for packaging you can go to Sam's Clubs or
2 you can go to Publix, Bi-Lo, you can get sandwich bags.
3 You can get gallon size plastic bags, Zip-Lock bags. I've
4 seen those. I've seen - a lot of times you get the - when
5 you go to a grocery store and they give you all those
6 hundreds of plastic bags and you just thrown them in a
7 corner somewhere. I've seen drug dealers package - use
8 those to package drugs for sale and distribution. They use
9 the corners on there and tie them up.

10 For - let's say for marijuana, a lot of times you try
11 to hide the odor so you can use a food saver and a
12 heat-sealing materials to package it to try to keep the
13 odor from coming out. I've seen people keep it in Mason
14 jars. I've seen people keep it in Tupperware.

15 Q. And for typical sales of small amounts of marijuana
16 for users, what is it typically packaged in?

17 A. A lot of times dime bags or, like I said, I've seen it
18 packaged - and which a dime bag is about the size of a
19 small square and maybe an inch by an inch. I've seen them
20 in, like I say, a lot of times just a corner of a grocery
21 bag.

22 Q. Any other bags?

23 A. I've seen it in paper. I've seen it in -- I mean just
24 pretty much anything you can think of I've seen used.

25 Q. And, I'll apologize, I'll flash forward for a moment.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-288-

1 And what are the values, how much does it typically
2 cost in value, cash value, for someone to purchase what you
3 were describing as a personal amount of marijuana?

4 A. A personal amount of marijuana, you can spend
5 as little as, I mean you know, I know up in New York and
6 high school and around here, you can go spend Five, Ten
7 bucks for a little bit of weed or you can spend, you know,
8 Sixty bucks to a Hundred bucks. That would be --

9 Q. And what about an ounce?

10 A. An ounce, opinion, like I said if you want quality
11 weed, you can spend Two, Two-fifty, Three hundred. It all
12 depends the type of marijuana you want.

13 Q. And you say weed, what is that vernacular for?

14 A. Weed is another term for calling for marijuana, a
15 slang word for marijuana.

16 Q. Now, you've taken part in numerous drug transactions
17 as far as controlled buys. Correct?

18 A. Yes, I've done controlled buys as a case agent, I've
19 done controlled buys supervised, and I've also done some
20 undercover stuff in the past.

21 Q. And what do you use as currency for the controlled
22 buys?

23 A. We provide the money. The Drug Task Force, we have
24 funds that we use specifically for that.

25 Q. What type of currency is it, is it checks, credit

1 cards?

2 A. It's cash.

3 Q. Cash. Now why is that?

4 A. Because most -- all of the drug deals I have ever
5 participated in or supervised or been a case agent, we
6 always pay in cash.

7 Q. Do you oftentimes find drug dealers with large amounts
8 of cash on them when they're arrested?

9 A. Yes, it's not - it's not uncommon to arrest someone
10 with over Five Hundred, over a Thousand, and I have
11 arrested people with Two or Three Thousand in one pocket
12 and Two or Three Thousand in another pocket and another
13 couple of hundred in the back pocket of their pants,
14 clothes.

15 Q. If you are to find marijuana, cocaine, plastic
16 sandwich bags, scale, in close proximity to each other, and
17 the defendant with cash on him, what is your opinion of
18 that?

19 A. Well, from my training and experience, usually if you
20 have, you know, drugs and baggies and scales it's not
21 usually -- you're not a person with a habit, you're a
22 person that's selling it. But also like I said, it also
23 depends where you have it. I mean is it illegal for
24 someone to have Zip-Lock bags in their house, no it's not.
25 I have - If you go to my kitchen right now, I have a whole

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-290-

1 big case of sandwich bags, but they're in the kitchen where
2 they're supposed to be.

3 Is it illegal for someone to have a scale, I have a
4 scale in my house. It's in the bathroom so I could weight
5 how thin I wish I was, but -- you know, but when you start
6 finding those things together, combined, maybe in your
7 bedroom instead of the kitchen or maybe hidden somewhere in
8 the house or maybe hidden in a trunk of a car, it's a total
9 different story.

10 Q. And what do you mean by that?

11 A. I mean, like I said, it's pretty much commonsense. If
12 you're going to have a scale, the scale should be where it
13 needs to be in the house. If you're going to have Zip-Lock
14 bags, it should be where it needs to be used in the house.
15 If you have, you know, stuff for food storage, a lot of
16 times from my training and experience when I have been
17 through search warrants they like to -- the drug dealers
18 like to keep their drugs close to them so a lot of times,
19 it's in their bedroom, so you'll find, you know, large
20 amounts of cocaine or marijuana stuck together underneath,
21 let's say, the bed or in a closet somewhere or hidden in
22 shoes or somewhere close to them. Somewhere were normally
23 people don't keep sandwich bags and digital scales.

24 A lot of people like to put the -- I've seen them --
25 in one search warrant I did, I took the trash out and the

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON
BY MR. JOHNSON

-291-

1 digital scale was hidden in the trash barrel underneath so
2 people wouldn't find it. I've seen them hidden in, like I
3 said, trunks of cars. I've seen them hidden in sofas. I
4 mean it's just I've seen them hidden a bunch of different
5 places.

6 SOLICITOR SHELTON: I beg the court's indulgence?

7 THE COURT: Yes, sir.

8 SOLICITOR SHELTON: Thank you.

9 Thank you, Staff Sergeant Florencio. Please answer
10 any questions defense might have for you.

11 STAFF SERGEANT FLORENCIO: Yes, sir.

12 THE COURT: Mr. Johnson?

13 MR. JOHNSON: Thank you, Your Honor. May it please
14 the court?

15 CROSS-EXAMINATION

16 SERGEANT FLORENCIO BY MR. JOHNSON:

17 Q. Good afternoon.

18 A. Good afternoon.

19 Q. Sergeant, I got a few questions for you.

20 A. Yes, sir.

21 Q. That was very educational, but we are here about my
22 client ---

23 A. Yes.

24 Q. --- so I need to ask you specific questions about
25 that.

SERGEANT ANDRE FLORENCIO: BY MR. JOHNSON

-292-

1 A. Yes, sir.

2 Q. In this particular case ---

3 A. Yes.

4 Q. --- did you arrest him selling drugs?

5 A. Did I arrest him? No.

6 Q. In this particular case, was there evidence that he
7 was arrested selling drugs to a undercover agent?

8 A. No, he was not.

9 Q. Okay. Was he arrested cooking crack cocaine?

10 A. No, he was not.

11 Q. Was he arrested with drugs in his pocket?

12 A. I couldn't answer that question, 'cause I wasn't there
13 when he was taken into custody and searched.

14 Q. You're the supervisor of the investigation?

15 A. Uh-huh.

16 Q. In the evidence that was given to me and the evidence,
17 you went over all of the evidence, correct?

18 A. I don't understand your question.

19 Q. As supervisor of the investigation, you went over all
20 the evidence?

21 A. As supervisor, I supervised to make sure that
22 everything was run correctly.

23 Q. Okay.

24 A. I do not believe, to my knowledge that I remember,
25 that he was arrested with the drugs on him.

SERGEANT ANDRE FLORENCIO: BY MR. JOHNSON

-293-

1 Q. Okay.

2 A. But I couldn't testify one hundred percent.

3 Q. Okay. But as far as you know, you don't know of any
4 drugs being on him?

5 A. As far as him being arrested with kilos of cocaine or
6 anything on him no, I do not.

7 Q. Okay. You made a thing about money, about having a
8 Thousand dollars or whatever. Are you saying that only
9 drug dealers have a Thousand dollars in their pockets?

10 A. No, it is not -- that's not what I said and it's not
11 what I meant.

12 Q. Okay. I'm just trying to clarify for the jury. Are
13 you saying it's uncommon for people that have Five Hundred,
14 Six Hundred, a Thousand dollars in their pocket?

15 A. No, what I'm saying is in my experience. Like, for
16 instance, I might walk around with a Hundred and Fifty
17 Dollars in my pocket. Nowadays, everyone has a ATM card
18 and to my experience seldom a lot of people don't carry
19 money. Now, I'm sure there are people that carry a lot of
20 money but in my experience and in my training and the
21 people that I know and the people in my family and my
22 friends ---

23 Q. Uh-huh.

24 A. --- most of us don't walk around with hundreds or
25 thousand dollars in our pockets, but that's not saying that

SERGEANT ANDRE FLORENCIO: BY MR. JOHNSON

-294-

1 someone can't do that.

2 Q. All right. So I got Six Hundred and Fifty Dollars in
3 my pocket now. So if you was to have stopped me, you would
4 -- I would be suspicious of being a drug dealer?

5 A. No, I just wish I had your job.

6 Q. You know what, that would be funny, but I don't think
7 it would be funny to my client because under your synopsis,
8 that would be suspicious to you?

9 A. It would only be suspicious, like I explained about
10 the totality of the circumstances.

11 Q. Correct, because --

12 A. Just because you have Six Hundred Dollars or just
13 because you have a Thousand Dollars by itself does not make
14 you a drug dealer. If you have a small amount of cocaine
15 by itself does not make you a drug dealer if you have a
16 gram or two. What I'm talking about is commonsense when
17 you take the totality of the circumstances.

18 Q. But what I'm talking about is that you are basing that
19 things on people that you deal with, as you said your
20 family, things that - people that you deal with. But when
21 you go out in the public, you are dealing with more than
22 just your family and people you deal in your traffic or
23 circles. Correct?

24 A. Yes, but I also said from my training and experience
25 from all my years of working as a narcotics officer, all of

SERGEANT ANDRE FLORENCIO: BY MR. JOHNSON

-295-

1 the people I've interviewed, all of the people I've dealt
2 with.

3 Q. In this case, the evidence that you should give about
4 how drug dealers do everything and sales and all of this
5 ---

6 A. Yes.

7 Q. --- let's be specific about this case. My client was
8 arrested standing outside a house where he lives. Correct?

9 A. I can't - I was not there when he was taken into
10 custody. I know that he was found at the residence. I can
11 tell you that.

12 Q. Okay. Uh-huh.

13 A. But I was not there when he was taken into custody. I
14 can't tell you exactly where he was standing. I know that
15 he was there.

16 Q. What was your participation in this case?

17 A. Like I explained, I was called to the scene by
18 Sergeant Criddle. He said that the patrol had requested
19 our assistance. When I got there the house was secure.
20 That meant that no one was allowed in or out of it. Once
21 Corporal Heroux obtained the warrant I helped execute it, I
22 supervised, and I helped search.

23 Q. Did you find anything?

24 A. Yes, I did.

25 Q. What did you find?

SERGEANT ANDRE FLORENCIO: BY MR. JOHNSON

-296-

1 A. Well, if my memory serves me correctly, I found an
2 ID that belonged to Mr. Wright.

3 Q. Okay.

4 A. It was in a bedroom.

5 Q. Is having a ID in a bedroom where you sleep is legal?

6 A. Absolutely correct, it is legal.

7 Q. Okay. What else did you find?

8 A. I believe that I found a cell phone that was seized,
9 I'm not exactly sure where, and I found a box that
10 contained suspected green leafy matter believed that might
11 be marijuana. I can't testify that it was or not, because
12 I did not test it.

13 Q. Okay. Anything else?

14 A. No.

15 Q. So under your own testimony, you haven't found
16 anything that was illegal?

17 A. Well, when you start asking me specific questions
18 about what exactly I have found, what --

19 Q. That's what I'm asking you.

20 A. What I'm telling you is when I search, we get assigned
21 a room. When it -- when I say found, I mean stuff that I
22 located and called the case officer to come collect. Now
23 if you start asking me did I walk around the house and I
24 see any other stuff ---

25 Q. I'm not - I'm not asking you --

SERGEANT ANDRE FLORENCIO: BY MR. JOHNSON

-297-

1 A. --- I can answer a different question --

2 Q. I'm asking you a specific question.

3 THE COURT: Mr. Johnson, let him finish answering the
4 question before you ask him another one, please.

5 Q. Are you finished?

6 A. No. If you want me to tell you everything I saw in
7 the house, I can tell you that. If you want me to -- ask
8 specifically about the stuff that I search, I as a
9 supervisor I did walk around the house. I did observe
10 other stuff. Are you asking me specifically about what I
11 located as far as to the search warrant?

12 Q. And that's what I'm asking you, specifically what did
13 you locate and you told me. Correct?

14 A. Yes.

15 Q. The thing that you specifically located under your own
16 testimony, you do not -- you have no evidence that you what
17 found was narcotics. You suspect it to be, but you had no
18 evidence of that, correct, 'cause you didn't test it?

19 A. Well, marijuana is not a narcotic.

20 Q. Well --

21 A. Marijuana is a drug, but I cannot testify that was
22 marijuana, correct.

23 Q. So any -- so what you specifically found, you found
24 nothing illegal as it relate to my client?

25 A. Yes, I did not find specifically that's listed in the

SERGEANT ANDRE FLORENCIO: BY MR. JOHNSON
BY SOLICITOR SHELTON

-298-

1 search warrant anything illegal. Now I can tell you that I
2 observed drugs if you want.

3 Q. I'm not asking you to tell me anything else about
4 anything except for specifically what I ask you.

5 A. That is correct.

6 Q. I have no other questions for you.

7 THE COURT: Any redirect?

8 SOLICITOR SHELTON: Briefly on this witness, Your
9 Honor.

10 REDIRECT EXAMINATION

11 SERGEANT ANDRE FLORENCIO BY SOLICITOR SHELTON:

12 Q. You said that a typical drug buyer for personal use
13 buys about one gram of cocaine?

14 A. Yes.

15 Q. Is that a small or a large amount of cocaine?

16 MR. JOHNSON: Your Honor, objection. It's outside the
17 scope of my cross-examination.

18 THE COURT: Will you approach?

19 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
20 THE JURY.)

21 BY SOLICITOR SHELTON:

22 Q. You said you were the supervisor?

23 A. Yes.

24 Q. And as a supervisor you actually did look through
25 all of the house?

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-299-

1 A. Yes, I conduct what's a walk-through before and after
2 and during the time where I'm not searching, I do walk
3 around, but I did not search the whole house. I searched
4 the specific areas that Corporal Heroux had asked me to
5 search.

6 Q. And were you able to see anything inside the house?

7 MR. JOHNSON: Objection, Your Honor. That's outside
8 the scope of my entire - of my cross-examination. I asked
9 specifically what he saw.

10 THE COURT: Overruled. I think that is within the
11 scope of your cross-examination. Thank you.

12 BY SOLICITOR SHELTON:

13 Q. Did - And you stated that there are certain things you
14 found?

15 A. Yes, that I located.

16 Q. And you've already testified to that on direct.

17 Correct?

18 A. Yes.

19 Q. And then you said there's things you saw?

20 A. Correct.

21 Q. And those won't be things you located?

22 A. No.

23 Q. What are some of the things you saw?

24 A. I saw some money that was found. I believe it was in
25 the living room. I can't tell you exactly where it was

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-300-

1 found 'cause I'd be lying. I do remember seeing a white
2 powder substance that I cannot tell you if it was cocaine
3 or not but my - from my training and experience just by
4 looking at it I believed to be cocaine.

5 I saw marijuana or, excuse me, I saw a green leafy
6 substance that from my training and experience I believed
7 to be marijuana packaged in separate bags in the same
8 proximity as the cocaine.

9 Q. And he asked you if it was illegal to have an ID.

10 A. It is not illegal to have an ID.

11 Q. And he asked you if it was illegal to have a large sum
12 of money?

13 A. Yes, he did.

14 Q. And is it illegal to have a large sum of money?

15 A. No, it is not illegal to have a large sum of money.

16 Q. It is illegal to have a large amount of cocaine?

17 A. It's illegal to have any amount of cocaine.

18 Q. What about 222 grams of cocaine?

19 A. That's almost a quarter kilo.

20 Q. And you testified that these individuals - He asked
21 you questions about these individual things not being
22 illegal. Correct?

23 A. Yes.

24 Q. And you tried to answer about the totality of the
25 circumstances.

SERGEANT ANDRE FLORENCIO: BY SOLICITOR SHELTON

-301-

1 MR. JOHNSON: Objection. He is leading the witness.
2 If he has a question he needs to ask the question.

3 THE COURT: Will you rephrase your question, please?

4 BY SOLICITOR SHELTON:

5 Q. The totality of the - what is your opinion
6 specifically about what Mr. Wright was doing in his house
7 when you consider the totality of the circumstances?

8 MR. JOHNSON: Your Honor, objection. He can give
9 opinion. We stipulated as an expert to give an opinion
10 about certain areas but the totality of whether my client
11 is guilty or not is called for an opinion and he cannot
12 give that opinion.

13 THE COURT: That's sustained.

14 SOLICITOR SHELTON: The State admits he opened the
15 door to it, but we'll withdraw the question and thank you,
16 Your Honor.

17 No further questions.

18 THE COURT: Can he be excused?

19 MR. JOHNSON: Yes, Your Honor.

20 THE COURT: Mr. Florencio, you may be excused. Thank
21 you.

22 MR. FLORENCIO: Thank you, Your Honor.

23 (WITNESS LEAVING WITNESS STAND.)

24 THE COURT: You may call your next witness.

25 SOLICITOR SHELTON: The State calls Deputy Lauver.

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

-302-

1 MADAME CLERK: Would you place your left hand on the
2 Bible and raise your right hand for me please.

3 (WHEREUPON: JAMES LOUVER,
4 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

5 MADAME CLERK: Please be seated and state your name
6 and spell it for the court please.

7 SERGEANT LAUVER: Sergeant Jeffrey Lauver.

8 THE COURT: Your witness.

9 DIRECT EXAMINATION

10 SERGEANT JAMES LOUVER BY SOLICITOR SHELTON:

11 Q. Will you please spell your last name for the record?

12 A. It's L-a-u-v as in Victor, e-r.

13 Q. Thank you. Now, where do you work?

14 A. For the Beaufort County Sheriff's Office on the
15 Southern Patrol Division.

16 Q. And what specific duties do you have?

17 A. As a patrol supervisor and a canine officer.

18 Q. A canine officer?

19 A. Yes.

20 Q. Now, tell us a little bit about being a canine
21 officer?

22 A. Basically, I handle a Belgium Malinois patrol dog that
23 has several different tasks that it performs. It's a
24 tracking dog, drug dog, conducts article searches, building
25 searches and does criminal apprehension.

1 Q. Have you had any training in handling dogs?

2 A. Yeah, I have been a canine handler for eleven years.

3 As far as our initial training, we're sent to an
4 organization where we go through a training process, test
5 and so on, to get certified on a dog.

6 Q. And are you certified?

7 A. Yes.

8 Q. Do you handle a dog in normal day to day operations?

9 A. Yes.

10 Q. And what are some of the - first of all, what's your
11 dog's name?

12 A. Buck.

13 Q. And what are some of the things that Buck does?

14 A. Like I said, he's a drug dog. That's the function
15 that he performs most often in my daily activities as far
16 as working the road through traffic stops, search warrants
17 and so on. He also does tracking; example, somebody robs a
18 store or something and runs off, then we can go attempt to
19 track on that person. Does building searches, so if you
20 have a burglary, activated alarm so on, I can put him in
21 there and let him search for possible suspects. He does
22 article searches which is basically some - maybe somebody
23 throws a weapon or any type of evidence from a crime, I can
24 take him and hopefully find that piece of evidence and he
25 does criminal apprehensive.

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

-304-

1 Q: And you say drug dog, be more specific about that if
2 you don't mind.

3 A. Drug detection, he's trained on six specific drugs
4 which would be crack cocaine, heroin, MDMA, marijuana and
5 I'm missing one here. Crack cocaine, heroin. METH, sorry.

6 Q. Thank you. And has he been trained?

7 A. Yes.

8 Q. How does that happen?

9 A. Basically, these dogs are or my dog, specifically, is
10 imported from Europe by a vendor which is also the
11 organization that we are certified through. He's imprinted
12 with the drug detection. I am then taken up and get
13 certified on the dog with the - as part of drug detection
14 and the other assists that he does, and then we continue to
15 do the training every week to increase everything that that
16 dog does and perform better and better as far as as time
17 goes on.

18 Q. Now, how many incidents have you been involved in
19 where you actually get a - what we call sniff for drugs?

20 A. I mean, I don't know that I could give you a number.
21 I mean, it's multiple. I've had him for seven and a half,
22 eight, almost eight years now, so we've done countless.

23 Q. And is it common to use him during search warrants?

24 A. Yes.

25 Q. What's the function there?

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

-305-

1 A. Strictly, you know, once a search warrant is obtained
2 and so on, one of the Drug Task Force personnel will come
3 and tell me hey, it's time to go in and run the dog. The
4 dog's basic specific function is, you know, to locate the
5 drugs inside the house as, to check different areas, to
6 check different levels. What I like to say is low, medium,
7 high and above - out of reach are the different levels that
8 we check for as depending on safety functions for the dog
9 and so on, and then basically in that task, you know, I'll
10 have a Drug Task Force officer alongside me keeping notes
11 of where so they have all the information of where the dog
12 actually hit at and in what areas.

13 Q. You say hit. Describe that?

14 A. Basically a hit - well, it's an indication that the
15 dog gives that says there was something here, there is
16 something here, or a mannerism that the dog gives.
17 Normally, Buck will scratch at something. Sometimes bite
18 or sometimes it can just be a body language change that I
19 recognize from handling and using him

20 SOLICITOR SHELTON: At this time, Your Honor, the
21 State would tender Deputy Lauver as an expert in dog
22 handling, specifically with drugs detection.

23 THE COURT: Any further voir dire?

24 MR. JOHNSON: No.

25 MR. CHAPLIN: None, Your Honor.

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

-306-

1 THE COURT: I'll so qualify him. Thank you.

2 SOLICITOR SHELTON: Thank you, Your Honor.

3 Q. Deputy Lauver, were you called out to [REDACTED]

4 [REDACTED] on August 31st, 2011 to assist in a
5 search warrant execution?

6 A. Yes, sir. Yes, sir.

7 Q. And are you prepared to tell us about that today?

8 A. Certainly.

9 Q. What are - are you looking at something right now?

10 A. Just my report, my supplement that I wrote to the --

11 SOLICITOR SHELTON: May I approach and take that to
12 show it to defense counsel?

13 THE COURT: Yes, sir.

14 A. Sure.

15 MR. CHAPLIN: No objection, Your Honor.

16 BY SOLICITOR SHELTON:

17 Q. And please tell the jury exactly what this is again.

18 A. Basically, it's just my version of the report of what
19 I did in that situation as far as, you know, walked the dog
20 in, checked whatever room and where the dog gave an
21 indication or as I said hit to say where there was either
22 the presence of drugs or drugs being located.

23 Q. Would this help refresh your recollection?

24 A. Oh, yes, sir.

25 Q. Thank you.

1 SOLICITOR SHELTON: May I approach?

2 THE COURT: Yes, sir.

3 SOLICITOR SHELTON: Thank you, Your Honor.

4 Q. Does it refresh your recollection?

5 A. Yes, sir. Yes, sir. I mean ---

6 Q. Okay.

7 A. --- I do a lot of them so.

8 Q. Yes, sir. I understand. What was your participation
9 in this execution of the search warrant?

10 A. Basically, like I said, they obtained the search
11 warrant and they advise me when they're ready for me to
12 come in and run the dog inside the residence. I run the
13 dog inside the residence. I have another Task Force
14 officer with me.

15 Q. Do you know who that Task Force officer was?

16 A. I do - I do not recollect who it --

17 Q. But you know you had a Task Force officer with you?

18 A. Yes, yes, yeah.

19 Q. Sorry, go ahead and continue and this - just be
20 specific, if you don't mind, about this case.

21 A. Okay. Basically, I start from normally wherever I
22 walk in at and start working the dog into - from room to
23 room, bathroom to bathroom as it falls in place in the
24 layout of the residence checking all areas. If the dog
25 gives me an indication on an area or something, you know, a

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

-308-

1 body language change, whatever, I'll have the officer
2 that's with me document it on, obviously, a notebook or
3 whatever so that I can have all the locations when I'm done
4 with the search of the residents.

5 Q. And did you document whether there was any hit in this
6 case?

7 A. Yes.

8 Q. Where is it?

9 A. As far as what I've written as the layout of the
10 house, basically, I went into the hallway to the right upon
11 entering and into the first bathroom. The first place he
12 indicated was on the sink and vanity in that bathroom. As
13 far as completing that bathroom, I had no further
14 indications.

15 Went back into the hallway and into a bedroom. I did
16 not have any indications in that bedroom. Was taken into
17 another bedroom where he indicating on a shelf in - shelf
18 in the closet and on a couch. A further check of the rest
19 of that room there were no more indications. He was then
20 worked into the third bedroom - in a third bedroom that had
21 no indications.

22 He was taken into the kitchen area which I had no
23 indications. He was taken in the living room where he
24 indicated on a box sitting on a table, in a shoebox sitting
25 next - sitting on the floor. No further indications in the

1 living room.

2 He was next taken to master bedroom/bathroom area
3 where there were several indications in the bedroom on some
4 pants on a shelf in the closet, a pair of brown pants
5 sitting on the floor of the closet, a chair with clothes
6 sitting on it, a clothes basket, and under the bed, and
7 then into the bathroom on a vanity cabinet and shelf in the
8 closet, I guess, in the bathroom, and that basically was
9 the rest of - the whole residence.

10 I also conducted sniffs on two vehicles on the
11 exterior, but I didn't get any alerts on the vehicles.

12 Q. And when you execute a search warrant or assist in
13 executing a search warrant, when do you go in in relation
14 to the rest of the officers?

15 A. Basically, they obtain the search warrant. Normally,
16 I believe, they videotape it, and then they will call me to
17 go in and do the sniff of the interior.

18 Q. Sniff of the interior?

19 A. Yes.

20 Q. And at that point has anything been seized to your
21 knowledge?

22 A. No.

23 Q. No. So you're trying to locate the areas for drugs at
24 that time?

25 A. Correct.

SERGEANT JAMES LAUVER: BY MR. CHAPLIN

-310-

1 Q. Thank you. Those are all the questions I have.

2 THE COURT: Your witness.

3 MR. CHAPLIN: Thank you.

4 CROSS-EXAMINATION

5 SERGEANT JAMES LAUVER BY MR. CHAPLIN:

6 Q. How are you doing, officer?

7 A. All right, sir. How are you?

8 Q. Good. You said you've been handling the dogs for how
9 long?

10 A. Around eleven years.

11 Q. Eleven years. And, basically, you just read your
12 report. You went inside with your dog and he gave you some
13 alerts that you accustomed to train - accustomed to see him
14 do and then you've just followed that out.

15 A. Yes, sir.

16 Q. Correct?

17 A. Yes, sir.

18 Q. Now, he asked you a question at the end and it said
19 once you get the search warrant. Right?

20 A. Yes, sir.

21 Q. Then the officers do what?

22 A. I believe they video the incident interior.

23 Q. So the officers actually go in prior to you going in
24 with your dog?

25 A. Yes, sir.

SERGEANT JAMES LAUVER: BY MR. CHAPLIN

-311-

1 Q. And how long were they in videoing before you were
2 able to take, is it, Buck?

3 A. Yes.

4 Q. How long before you and Buck to get loose inside?

5 A. I don't remember exact. I'd be --

6 Q. Would it be thirty minutes?

7 A. I don't remember the exact time, amount that they were
8 in there.

9 Q. Well, let me tell you what time you got there.

10 A. Okay.

11 Q. If I told you that you got to the location at 20:21:15
12 by looking at the CAD Report, would that be correct?

13 A. I'd assume.

14 Q. And how long did you stand outside once you got there?

15 A. I was there a good while, but I don't remember the
16 exact amount of time. I didn't --

17 Q. What's a good while?

18 A. I honestly couldn't give you an exact. I'd be - I
19 wouldn't be able to give you an exact time of the length of
20 time that I was there ---

21 Q. Okay. But --

22 A. --- but normally, you know, they have to go get the
23 search warrant and get it signed and so on, so I - whatever
24 the time frame that took.

25 Q. Oh, okay. Well, let me - okay. Let me go - were you

SERGEANT JAMES LAUVER: BY MR. CHAPLIN

-312-

1 on the scene when they went inside to videotape?

2 A. I don't remember particularly seeing them go in and
3 videoing but that's just the normal procedure before I
4 would go in and run the dog. As far as when I arrived from
5 when they got the search warrant from when they did that, I
6 couldn't tell you the times, because I was there I'm sure
7 well before the search warrant 'cause I was working.

8 Q. Okay. But it would be safe to say that as soon as
9 they come out of the house with the video after they do
10 their videotaping --

11 A. It was therein or a short period after that, I would
12 be going inside.

13 Q. Okay.

14 A. Yes, sir.

15 Q. Now, hypothetically speaking, if one of these officers
16 were inside videoing, right, and somehow came upon drugs
17 while they're inside videoing, right, like brushed up
18 against it unknowingly, wouldn't that trace of bumping into
19 that drug go to the other room with them? Wouldn't Buck
20 follow that?

21 A. It may be on their person. Would it transfer the
22 scent? I guess it would be depending on the drug, the type
23 of drug, how much of the drug, so on and so on.

24 Q. But it's possible?

25 A. It's possible.

SERGEANT JAMES LAUVER: BY MR. CHAPLIN

-313-

1 Q. Okay. You said you had the - you had the dogs go out
2 and sniff on the vehicle?

3 A. I believe - I have written down two vehicles with one
4 had no tag, one had a paper tag.

5 Q. Okay.

6 MADAME COURT REPORTER: One had no tag and one had?

7 A. A paper tag.

8 Q. Okay. And now I could be completely wrong when I tell
9 you what I'm about to tell you. I thought you said Buck is
10 also trained in tracking people?

11 A. Yes.

12 Q. Okay. So have you ever gotten a call from this same -
13 well, from law enforcement before and asked you, like if
14 they're looking for a person, to come out and track that
15 person?

16 A. On particular certain situations but depending on what
17 the actual situation is.

18 Q. Right. Were you asked to track a person that day?

19 A. No, sir.

20 Q. No. But Buck could do it?

21 A. He can depending on the situation. Missing persons,
22 I'm not probably going to put him on that track, because
23 he's an apprehension dog.

24 Q. Right, but he - but he has been trained to track?

25 A. Yes, sir. Yes, sir.

SERGEANT JAMES LAUVER: BY SOLICITOR SHELTON

-314-

1 Q. People?

2 A. People yes, sir.

3 MR. CHAPLIN: Nothing further.

4 THE COURT: Any further redirect?

5 SOLICITOR SHELTON: Briefly.

6 REDIRECT EXAMINATION

7 SERGEANT JAMES LAUVER BY SOLICITOR SHELTON:

8 Q. You say he's an apprehension dog?

9 A. He is an apprehension dog.

10 Q. Will you elaborate on that?

11 A. Basically, if it's somebody that's committed a violent
12 offense, Buck can be sent on a apprehension, will bite the
13 subject and hold the subject until he can be detained or
14 handcuffed or whatever. And the reason that we don't track
15 missing persons or, you know, victims, or anything like
16 that with the apprehension dogs is because if they're
17 passed out in the grass or woods or whatever and he gets to
18 them before I do, then he's probably going to bite 'em.

19 Q. Thank you. No further questions.

20 THE COURT: Anything further?

21 MR. CHAPLIN: No further questions, Your Honor. He's
22 free to go.

23 THE COURT: Thank you, Officer Lauver, you're excused.

24 OFFICER LAUVER: Thank you.

25 (WITNESS LEAVING WITNESS STAND.)

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON

-315-

1 THE COURT: You may call your next witness.

2 SOLICITOR SHELTON: The State asks to recall Officer
3 Whitney.

4 THE COURT: Officer Whitney, you're still under oath.
5 Your witness.

6 SOLICITOR SHELTON: Thank you, Your Honor.

7 REDIRECT EXAMINATION

8 OFFICER REBECCA WHITNEY BY SOLICITOR SHELTON:

9 Q. Officer Whitney, I'm going to approach, if it pleases
10 the court, with State's Exhibit One and State's Exhibit
11 Eighteen ---

12 A. Yes, sir.

13 Q. --- and ask you to look at State's Exhibit One, and
14 then look and what do you see in that picture?

15 A. I see the sink, the vanity with the door open.

16 Q. And looks at State's Exhibit Eighteen.

17 A. Uh-huh.

18 Q. You previously testified to what's in that picture?

19 A. That this is the suspected narcotics/drugs that was
20 taken out of the vanity.

21 Q. Will you look at that picture and study it?

22 A. That's going to be on the vanity on top.

23 Q. Are you certain about that?

24 A. No, actually I'm not.

25 Q. Okay. So earlier when you testified it was on the

OFFICER REBECCA WHITNEY: BY SOLICITOR SHELTON
BY MR. JOHNSON

-316-

1 floor of the vanity ---

2 A. Uh-huh.

3 Q. --- could that be untrue?

4 A. Yeah, that is untrue.

5 Q. Where is it?

6 A. It looks to - I wasn't - I didn't take the picture so.

7 Q. Correct.

8 A. It looks like it's on the vanity with the - against
9 the wall of the wallpaper that's in that bathroom.

10 Q. On top of the vanity or underneath the vanity? You
11 just can't say.

12 A. Sir, I can't say, because I did not take the photo.

13 Q. Thank you and that's what I wanted to clarify.

14 A. Uh-huh.

15 Q. So you made a mistake earlier?

16 A. Yes, sir; I did.

17 Q. Thank you.

18 THE COURT: Any cross?

19 MR. CHAPLAIN: Yeah, just one.

20 RECROSS-EXAMINATION

21 OFFICER REBECCA WHITNEY BY MR. JOHNSON:

22 Q. So, Officer, is it fair to say you don't know where
23 that picture is at, do you?

24 A. I did not take the picture.

25 Q. So you don't know where it at? You don't know where

OFFICER REBECCA WHITNEY: BY MR. JOHNSON

-317-

1 that picture was - well, I mean what that picture shows
2 you, do you, since you didn't take it?

3 A. I know that this is the narcotics, suspected drugs
4 that was under the counter.

5 Q. But you don't where it - you've already testified it
6 been two different locations.

7 A. You're correct.

8 Q. So you don't know where it's at?

9 A. I didn't take the picture.

10 Q. You already answered.

11 Thank you, Your Honor.

12 THE COURT: You may step down, Officer Whitney.

13 OFFICER WHITNEY: Thank you.

14 (WITNESS LEAVING WITNESS STAND.)

15 THE COURT: You may call your next witness.

16 SOLICITOR SHELTON: Thank you, Your Honor. The State
17 calls Deputy Ray Heroux.

18 MADAME CLERK: Raise your left hand and place your
19 right hand...

20 (WHEREUPON: RAYMOND HEROUX,
21 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

22 MADAME CLERK: Please be seated. State your name and
23 spell it for the court.

24 MR. HEROUX: Corporal Raymond Heroux, Beaufort County
25 Sheriff's Office, H-e-r-o-u-x.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-318-

1 THE COURT: Your witness.

2 DIRECT EXAMINATION

3 OFFICER RAYMOND HEROUX BY SOLICITOR SHELTON:

4 Q. Thank you, Officer Heroux. I apologize. I just
5 misplaced my note.

6 Officer Heroux, what's your job now?

7 A. I'm assigned to the Beaufort County Sheriff's Office
8 Northern Patrol Division.

9 Q. What participation did you have in an investigation at
10 [REDACTED] on August 31st, 2012?

11 A. I was assigned as the case officer.

12 Q. When you say you're assigned as the case officer, what
13 do you mean by that?

14 A. Basically, I am the one who obtains the search
15 warrant, develops - I should say write the probable cause,
16 develop the search warrant, present that to the judge for
17 approval or denial.

18 Q. And you did that in this case?

19 A. I did.

20 Q. And then once you get to - once you get to the scene,
21 what are your duties?

22 A. Basically, I assign certain people areas to search and
23 have an assisting case officer. Sometimes that person is
24 assigned by the supervisor, in that case Staff Sergeant
25 Florencio, or at times you pick someone yourself.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-319-

1 Q. And did you do that in this case?

2 A. I did.

3 Q. When you arrived at the scene, will you please
4 describe the scene?

5 A. It was in the evening. Drug Task Force members were
6 already on-scene. There were some uniform deputies still
7 on-scene. I believe there was some family members. The
8 incident location is very close to some other trailers in
9 the area. Sergeant Lauver was on-scene with his canine. I
10 think that's about it. The house was secured. I was
11 advised that nobody else has been inside.

12 Q. Now, you say it was secured. You said there's some
13 family members on-scene, were they actually inside the
14 residence?

15 A. No, they were around on the outer perimeter that was
16 kept by the sheriff's office.

17 Q. And so you said there is a perimeter kept by the
18 sheriff's office. Describe that.

19 A. Basically, if you have a trailer, or a house, you put
20 members, police officers, deputies, law enforcement around
21 that perimeter so that no one can gain access to it and if,
22 in fact, during a search someone was missed that was inside
23 the house, if they tried to egress out of the house, they
24 would be identified.

25 Q. And did you have the opportunity to go inside the

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-320-

1 house?

2 A. I did.

3 Q. And you said - tell us about all of your duties as far
4 as the case officer, like when you get into the house and
5 you're executing a search warrant, what do you do and what
6 do you assign?

7 A. Well, initially I told PFC Lindle, who was my
8 assistant, Deputy Lindle, to go ahead and videotape the
9 exterior and interior of the residence. After that's done
10 --

11 Q. Why do you do that?

12 A. Just to document things where they initially lie.
13 Maybe after we're done, we broke a window or we had to
14 damage something to gain access to where we thought drugs
15 might have been from a canine alert or something to that
16 effect, we can document this is the way it looked and at
17 the end, we also videotape this is the way it looked at the
18 end.

19 Q. Okay. So it's basically to cover property damage as
20 well as anything that's seen?

21 A. That and it also helps record where things initially
22 lie.

23 Q. And she did that. Correct?

24 A. Yes.

25 Q. Do you know where she is now?

1 A. She has since left the department. I believe she - I
2 don't know what she's doing, but she's somewhere in the
3 North Central part of the country, Illinois or somewhere,
4 Indiana.

5 Q. Okay. And she was your assistant and you were the
6 case officer. Correct?

7 A. That's correct, sir.

8 Q. And when you assigned that duty to her as the
9 assistant, did you assign any other duties to any other
10 officers?

11 A. Yes, there were several other officers that I assigned
12 search areas to.

13 Q. Uh-huh.

14 A. And we entered the house. I believe I entered with
15 Sergeant Lauver to do the initial canine sniff.

16 Q. You believe or you did?

17 A. I believe I did.

18 Q. And Sergeant Lauver was the previous - the canine
19 officer who testified?

20 A. Yes..

21 Q. And then after that's done what do you do?

22 A. We both come out and we are actually ready to start
23 the search. We discuss who's going to search where. We
24 find an area in the residence where we can set up a table
25 or an area big enough where we can document evidence.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-322-

1 SOLICITOR SHELTON: Can everyone hear in the jury?

2 Q. You did that in this case?

3 A. I did, sir.

4 Q. And do you know who you assigned where?

5 A. I'd have to look at my report here to tell you
6 differently.

7 Q. May I bring that report to counsel so they can take a
8 look at it?

9 SOLICITOR SHELTON: May I approach, Your Honor.

10 THE COURT: Yes, sir.

11 SOLICITOR SHELTON: Thank you.

12 Q. If it will refresh your recollection, please take a
13 look at your report, and then tell the jury what you're
14 about to.

15 A. Well, I've indicate Search Team 1 is - would comprise
16 of Bedroom Number 1, 2 and 3. Also at the end made a rough
17 diagram to kind of layout how the house was laid out so
18 that's attached to the report as well. And Bathroom 1 and
19 2, living room, dining room and kitchen, that was Lance
20 Corporal Strickland was assigned that area or those areas.
21 Search Team 2 was Bedroom 4 and Bathroom 3, that was
22 Corporal Whitney. And Search Team 3 is the living room,
23 laundry room and Bathroom 3, Staff Sergeant Florencia.

24 Q. Now, you said you made a diagram of the home?

25 A. I did.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-323-

1 Q. One moment.

2 SOLICITOR SHELTON: May I approach the witness, Your
3 Honor?

4 THE COURT: Yes, sir.

5 Q. I'm approaching you, Deputy Heroux, with State's
6 Exhibit Number Twenty-eight. Do you recognize that?

7 A. I do.

8 Q. What is it?

9 A. It is a diagram of the interior of [REDACTED]
10 [REDACTED] that I constructed.

11 Q. And is that absolutely to scale?

12 A. By no means, sir, no. It indicates it's not to scale.

13 Q. Okay. However, does it accurately reflect where the
14 rooms are located inside the house?

15 A. It does, sir.

16 SOLICITOR SHELTON: The State would submit State's
17 Exhibit Number Twenty-eight into evidence.

18 THE COURT: Any objection?

19 MR. JOHNSON: No objection, Your Honor.

20 THE COURT: Thank you.

21 SOLICITOR SHELTON: Thank you.

22 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-EIGHT,
23 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

24 BY SOLICITOR SHELTON:

25 Q. Now, before I publish this to the jury, I'd like you

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-324-

1 to, first of all, explain it, explain where the front is,
2 explain where the back is in relation to the actual house
3 to help the jury look at it.

4 A. Okay. So the exhibit sticker, you would actually hold
5 upside down. The front entrance is located here up in the
6 twelve o'clock position, and then you would maneuver
7 through the house to the right and so forth to the last
8 bedroom here which is Bedroom Number 4 and the bath area
9 which is attached to the master bedroom. And the backdoor
10 is indicated. I didn't put windows or anything like that.

11 Q. And if you were to look at it as the front of the
12 house, how would you look at it, flip it upside down?

13 A. And all the wording would be upside down. The front
14 of the door would be here and all of the wording would be
15 upside down, so you actually have to turn it this way ---

16 Q. Okay.

17 A. --- and it's clearly marked front door.

18 Q. Thank you. I'm approaching you with what's been
19 marked as State's Exhibit Twenty-nine for identification
20 purposes only. What do you see in that picture?

21 A. State Exhibit Twenty-nine shows a mobile home which
22 was located at [REDACTED] where we served the
23 search warrant.

24 Q. That's actually where the search warrant was served?

25 A. That is correct, sir.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-325-

1 Q. And what color is that picture in?

2 A. It's black and white.

3 Q. Other than it being in black and white, is it a fair
4 and accurate depiction of the mobile home?

5 A. Yes, sir.

6 Q. Now, will you please --

7 SOLICITOR SHELTON: I move State's Exhibit Number
8 Twenty-nine into evidence, Your Honor.

9 THE COURT: Any objection?

10 MR. JOHNSON: No objection, Your Honor.

11 THE COURT: Thank you.

12 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-NINE,
13 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

14 Q. Now, looking at that picture and comparing it with the
15 diagram, where is the master bedroom?

16 A. The master bedroom would be here.

17 (WITNESS INDICATED.)

18 Q. Thank you. And where would the master bath be?

19 A. It would be opposite on the other side of the house,
20 the back side of the trailer.

21 Q. The master bath on the back side of the house on the
22 same corner?

23 A. Yes, sir.

24 Q. So if you showed it to the jury, what direction would
25 it be in?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-326-

1 A. It'd be over here on the other half of the house on
2 the backside.

3 Q. Okay. And that would be the front of the house or the
4 back of the house?

5 A. This is the front of the house.

6 Q. And that is marked on the diagram as the front of the
7 house on your diagram?

8 A. Yes, sir.

9 Q. On State's Exhibit Number Twenty-eight?

10 A. Twenty-eighty.

11 Q. Thank you. I'm going to ask you to hold onto those
12 for a moment before we publish them to the jury.

13 Now, before we get into anymore exhibits, I'd like to
14 ask you what roles people have when they're sent out into
15 zones. What are their duties and what are their roles?

16 A. Well, they're supposed to search an area and if they
17 come across anything that they believe is of evidentiary
18 value, they are to - they can say "Ray, over here," get
19 Corporal Heroux," whatever the case is. They're supposed
20 to notify the case officer. The case officer will come
21 discuss what, in fact, it is, if it is worth any value.
22 The case officer will document it by taking a photograph
23 and will actually seize it. None of the search teams
24 actually seize evidence, take physical custody of it.

25 Q. Who seizes evidence?

1 A. The case officer does.

2 Q. And you're the case officer in this case?

3 A. That is correct.

4 Q. Are you the one who seized all the evidence in this
5 case?

6 A. I am.

7 Q. I'm going to approach with State's Exhibit Number One
8 and State's Exhibit Number Eighteen which have already been
9 admitted into evidence.

10 Will you describe what you see in State's Exhibit
11 Number One?

12 A. State's Exhibit One, this is going to be the bathroom
13 vanity in the master bathroom of, I believe, it's going to
14 be Bedroom 4.

15 Q. You say the master bathroom. What is that next to?

16 What is it pertinent to in relation to the - how do
17 you get to the master bath?

18 A. You have to go through the bedroom.

19 Q. Which bedroom?

20 A. Bedroom Number 4, I believe it is.

21 Q. And what would you classify that as in vernacular
22 terms?

23 A. Master bath.

24 Q. And what do you see inside of that picture?

25 A. There is a scale on top of the vanity. It's a

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-328-

1 two-sink vanity. There appears to be a pair of sunglasses.
2 The right-hand door is open all the way to the right of the
3 vanity and there is a purple bag which is a Crown Royal
4 bag, a large plastic bag, and another type of grocery bag.
5 If you don't want to use the plastic bags to save the
6 trees, you would use these other type of bags that you can
7 purchase.

8 Q. Now, look at State's Exhibit Number Eighteen. What do
9 you see in that picture?

10 A. This is a Crown Royal bag. There is also a smaller
11 bag behind it with what appears to be some suspected
12 marijuana. And to the right of the Crown Royal bag there
13 is a large plastic Zip-Lock bag with suspected marijuana.
14 And you can see the piping for the bottom of the sink to
15 drain and the water shutoff and possibly a Wal-Mart bag
16 which is the green bag that I described. And this is --

17 Q. And is that a fair and accurate depiction in that
18 picture of that - of the way those objects looked?

19 A. Yes, sir.

20 Q. And where are those objects?

21 A. These objects are underneath the sink in the master
22 bedroom.

23 Q. You're the one who took the picture?

24 A. I did.

25 Q. And that's how you found them?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-329-

1 A. Yes, sir.

2 Q. Is that where you were before you seized them?

3 A. Yes, sir.

4 Q. Now, I'm going to hand you now State's Exhibit Number
5 Nineteen and State's Exhibit Number Seven.

6 SOLICITOR SHELTON: May I approach the witness, Your
7 Honor?

8 THE COURT: Yes, sir.

9 Q. First of all and just for identification purposes, I
10 want to ask if you recognize those pictures?

11 A. I do.

12 Q. Referring to the Exhibit number, what are they?

13 A. Exhibit Number Nineteen are plastic sandwich bags,
14 some of which have suspected marijuana in them.

15 Q. Now, if you look to the screen, which will be State's
16 Exhibit Number Eighteen here, do you see where those are in
17 this screen?

18 A. They would be right behind the Crown Royal bag right
19 on top and in front of the pipe that's coming down, you can
20 see a white box with the blue line.

21 Q. Is that a fair and accurate depiction of the way it
22 looked inside of that vanity?

23 A. Yes, sir.

24 SOLICITOR SHELTON: I move State's Exhibit Number
25 Nineteen into evidence, Your Honor.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-330-

1 THE COURT: Any objection?

2 MR. CHAPLAIN: No objection, Your Honor.

3 THE COURT: Thank you.

4 (WHEREUPON: STATE'S EXHIBIT NUMBER NINETEEN,

5 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

6 Q. That's still State's Exhibit Number Eighteen.

7 Now, what did you do, first of all, with the
8 marijuana?

9 A. I took photographs.

10 Q. And those are the photographs you're speaking of?

11 A. Yes, sir.

12 Q. Then what'd you do with it?

13 A. I seized it.

14 Q. When you say seized it, what do you mean by that?

15 A. Physically take custody.

16 Q. What do you do with it then?

17 A. I take it over to where the assistant case officer is.

18 ---

19 Q. Uh-huh.

20 A. --- put it in an evidence bag.

21 Q. When you say evidence bag, describe the evidence bag.

22 A. The evidence bag could be either paper or plastic.

23 It's something supplied by the Beaufort County Sheriff's
24 Office Evidence Division. They come in various sizes. You
25 find the size that you need for that particular item. Some

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-331-

1 items require that they breathe so they will go in paper;
2 other items don't require that and can go into plastic.

3 Q. And then what did you do with it?

4 A. Logged it in on the Search Warrant Inventory Sheet and
5 assigned it a number as it flows on the search warrant
6 inventory.

7 Q. And do you have that Search Warrant Inventory with
8 you?

9 A. I have a copy of it here, sir.

10 Q. And just in case you need to reference it. You don't
11 need to pull it out right now.

12 A. Okay.

13 Q. Now, what did you do with it after it's in the
14 evidence bag or whether it's in the evidence bag, what did
15 you do with it then?

16 A. Well, once we leave the area and we are completely
17 done with the search warrant, we went back to the office.
18 People do various paperwork like supplements and so forth.
19 I still have custody of the evidence. The evidence is
20 field tested or certain evidence I should say is field
21 tested. Marijuana, and if it smells like marijuana, it
22 looks like marijuana, it - we assume that it is. We don't
23 have test kits for that. The cocaine, we have test kits
24 for that and it is a cocaine NIK wipe. It's our Model 6500
25 and basically it's like a little Handi Wipe that you would

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-332-

1 use for your hands when they're sticky. It's pink. Once
2 it comes in contact with a cocaine base, it turns blue, so
3 all you really have to do is just touch it or take a sample
4 out and put it on there. It'll turn blue which it did.

5 Q. Let's go back to the marijuana. I didn't mean to
6 interrupt you. What did you do with the baggies of
7 marijuana once you brought them back to the office?

8 MR. JOHNSON: Your Honor, he didn't bring this up, but
9 they have not presented evidence that stated that was
10 marijuana.

11 SOLICITOR SHELTON: Oh, I apologize. The suspected
12 marijuana. Thank you. I apologize.

13 Strike that, please strike that from the record. The
14 suspected marijuana.

15 A. The suspected marijuana was placed into what we would
16 call a Best bag. It's a drug bag that goes to the forensic
17 laboratory for analysis.

18 Q. Do you know the - whether those bags have any
19 identifying characteristics?

20 A. They do. Each one has a number already assigned on
21 it, it's imprinted on it. We have nothing to do with that.
22 It's called a control number. It's usually C and then some
23 numbers after it.

24 Q. And do you do anything actually to the bag to also
25 identify it?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-333-

1 A. Yes, it asks for the date that you sealed it. It asks
2 you to print your name and to also attach your signature,
3 and then you seal it at the top. It's a self-sealing.
4 Once you put the two areas together, it sticks, and then
5 you send it off.

6 Q. And did you put the evidence in the Best bag in this
7 case?

8 A. I did.

9 Q. Did you seal it?

10 A. I did.

11 Q. Do you know what Best bag control number you placed it
12 into? I'm referring to the suspected marijuana.

13 A. I would have to refer to our report.

14 Q. If it would help to refresh your recollection, please
15 do so.

16 A. Okay. It went into Best Bag Number C-0-0-7-5-8-9 and
17 that contained the three large sandwich bags of suspected
18 marijuana and two small baggies containing suspected
19 marijuana.

20 Q. What did you do with the bag after you put the
21 suspected marijuana in it, being the actual Best bag?

22 A. The Best bag once it's sealed it goes along with your
23 other evidence that you have and it goes into what we call
24 temporary evidence storage. Basically, it's a locker.
25 They are various sizes depending on the size that you need.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-334-

1 There is a lock that's unlocked. No one has a key to it
2 except evidence personnel and once you put your item in
3 there, you don't have access to it and that's what I did, I
4 placed it into temporary evidence storage, locked it, and
5 then it made its way to evidence.

6 Q. I am going to hand to you for identification purposes
7 only State's Exhibit Number Thirty. I note that it is a
8 plastic bag with a Best bag contained inside. I ask - with
9 control number 0-0-7-5-8-9. I ask that you tell the jury
10 whether you recognize this.

11 A. I do recognize State Exhibit Thirty.

12 Q. What is it?

13 A. This is the Best bag that I placed the marijuana into.

14 Q. How do you know that?

15 A. My name is printed on it and signed by me and has the
16 date sealed 9/1/2011 and it has the corresponding Control
17 Number C-0-0-7-5-8-9.

18 Q. And is that the same control number that you just
19 testified to as being the control number of the Best bag
20 you put the marijuana, suspected marijuana in?

21 A. That is correct, sir.

22 Q. Now, has it been altered in any way? Does its
23 physical appearance - I'll rephrase the question.

24 Is its physical appearance different today than it was
25 when you seized it and placed it in the Best bag ---

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-335-

1 A. Yes, sir.

2 Q. --- and sealed it?

3 A. Yes.

4 Q. Please describe that to the jury.

5 A. Well, there's another clear bag over the Best --

6 Q. Please don't show it to the jury, just please describe
7 it for the jury.

8 A. Okay.

9 MR. JOHNSON: Excuse me, Your Honor. May we approach?

10 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
11 THE JURY.)

12 THE BAILIFF: Excuse me, Your Honor, may I approach?

13 THE COURT: Yes, sir.

14 (SIDE BAR BETWEEN THE COURT AND THE BAILIFF.)

15 THE COURT: Ladies and gentlemen, I understand that we
16 need a quick recess for a restroom break, so we'll be happy
17 to do that and we'll take about ten minutes. Just let us
18 know when you're ready to proceed. Thank you.

19 (JURY EXITS COURTROOM AT 02:58 P.M..)

20 THE BAILIFF: The jury is clear, Your Honor.

21 THE COURT: Yes, sir. Thank you.

22 Mr. Johnson, do you have an objection?

23 MR. JOHNSON: Yes, Your Honor. Your Honor, I must be
24 missing something here, but he's trying to introduce that
25 as evidence to the jury and it has not been identified as

-336-

1 marijuana by a forensic examiner or anyone to the court
2 here. I think that by an officer describing this and
3 holding it up and whether you call it suspected marijuana,
4 whatever, it's extremely prejudicial, it is not approbative
5 at the present time, Your Honor. He's out of sequence.
6 He's having this officer identify it and then presenting it
7 to the jury.

8 SOLICITOR SHELTON: I'm not about to move it into
9 evidence yet and I asked him not to show it to the jury.
10 I'm having him identify it as to what it is as suspected
11 marijuana. I did not ask him to show it to the jury. I
12 asked him to not show it to the jury after he showed it to
13 the jury.

14 Please do not show it to the jury, until proper.
15 That's why I state it's for identification purposes only
16 when I hand it to you.

17 This is to establish a chain-of-custody, establish
18 what he did with it and what the substance is. I have to
19 call it suspected marijuana, I have to have him explain how
20 it looks when it -- that day he put it in. I have to have
21 him explain how it is different today. Whether he has
22 personal knowledge of how that happened or not and you will
23 or not. I'm not about to publish it to the jury yet. So I
24 don't understand what this -- what the problem is.

25 MR. JOHNSON: By an officer describing what he sees,

1 he's publishing it to the jury.

2 THE COURT: He's not actually publishing the actual
3 bag to the jury. I think he has to establish it for
4 chain-of-custody purposes whether or not it's been tampered
5 with and describe whether or not it's in the same condition
6 other than somebody else handling it when he submits it for
7 testing, so he's trying to build that foundation.

8 I will instruct the officer to not publish it to the
9 jury, but he is allowed to testify regarding his handling
10 of what's been submitted for identification purposes only.
11 He has not moved it into evidence at this time and it will
12 not be published to the jury. If you --

13 SOLICITOR SHELTON: Thank you, Your Honor.

14 THE COURT: If - Mr. Johnson, if you would like for me
15 to do a curative instruction to the jury not to look at it,
16 I don't want to bring further attention to it, but that's
17 your call. I think if we keep it not published to the jury
18 it --

19 MR. JOHNSON: At the present time, Your Honor, as long
20 as it's not published to the jury and the continued term of
21 this is marijuana, this is cocaine, I believe that at least
22 something needs to be done to it or at least make the State
23 aware that that needs to stop.

24 SOLICITOR SHELTON: I said suspected marijuana, Your
25 Honor. That's what we will -- we can rephrase it to say

-338-

1 green leafy substance. I think from his training and
2 experience he is able to testify whether it's suspected
3 marijuana or not and I don't think it's really prejudicial.
4 It's what the case is and, eventually, it's establishing,
5 it's contingent upon the fact that we're going to have a
6 chemist come in and state that that is marijuana.

7 THE COURT: Sure, and I think the approbative value
8 outweighs the prejudicial effect especially if he says
9 suspected marijuana or alleged marijuana or alleged
10 cocaine, whichever substance they're referring to until the
11 chemist testifies and identifies it as such I think - your
12 objection is noted and it -- and I've ruled with you on
13 that, so I think the witness should be continued to be
14 instructed to answer the questions in that manner.

15 MR. JOHNSON: Thank you, Your Honor.

16 THE COURT: Thank you. Anything further? Do you all
17 need a quick break?

18 SOLICITOR SHELTON: I would like to take a quick
19 break.

20 Thank you, Your Honor.

21 THE COURT: You all let me know when you're ready.

22 SOLICITOR SHELTON: Thank you.

23 (COURT IN RECESS.)

24 (COURT BACK IN SESSION AT 03:22 P.M..)

25 THE COURT: Thank you. You may have a seat.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-339-

1 Are the parties ready to proceed?

2 MR. JOHNSON: Yes, Your Honor.

3 SOLICITOR SHELTON: Yes, Your Honor.

4 THE COURT: Bring in our jury, please.

5 BAILIFF: The jurors are entering, Your Honor.

6 (JURY REENTERS COURTROOM AT 03:22 P.M..)

7 THE BAILIFF: All right, Your Honor, they are seated.

8 THE COURT: Thank you.

9 Ladies and gentlemen, we will now proceed with the
10 trial of the case.

11 You may proceed Solicitor Shelton.

12 SOLICITOR SHELTON: Thank you, Your Honor.

13 DIRECT EXAMINATION - CON'T

14 CORPORAL RAYMOND HEROUX BY SOLICITOR SHELTON:

15 Q. Deputy Heroux, when we broke, you were looking, for
16 identification purposes only, at the Best bag State's
17 Exhibit Thirty which is Best Bag Control Number C-0-0-7-5-
18 8-9, and I asked you the question, I'm going to ask it
19 again, is it been - is the appearance of the Best bag or
20 its packaging any different from when you initially put the
21 suspected marijuana into the Best bag?

22 A. Yes.

23 Q. Please describe that to the jury without showing the
24 jury the exhibit.

25 A. It appears that the best bag has been placed into

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-340-

1 another clear plastic bag and I assume it's got to be
2 sealed by heat, and then there is various markings on it,
3 initials, dates, names, tags, and things of that nature.

4 Q. And but that is the same Best bag with the same
5 control number?

6 A. It is with my signature and my name on it.

7 Q. And what is the date that you initialed?

8 A. 9/1/2011.

9 Q. And do you know - This occurred on August 31st, 2011.
10 Correct?

11 A. That is correct.

12 Q. Do you know the time you actually put it in the Best
13 bag?

14 A. I would have to refer to you a evidence submittal
15 form.

16 Q. Please go ahead and do that.

17 A. It was submitted at 02:37 hours which is 2:37 in the
18 morning on the first of September, 2011.

19 Q. That would be the next morning after ---

20 A. That is correct.

21 Q. --- and carried through through the night until the
22 next morning of the investigation?

23 A. It did.

24 Q. Now, I also had handed you State's Exhibit Number
25 Eighteen and Nineteen. Correct?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-341-

1 A. That's correct.

2 Q. And you have authenticated in State's Exhibit Number
3 Nineteen -

4 If I am correct, Madame Court Reporter, is admitted
5 into evidence?

6 MADAME COURT REPORTER: It is.

7 SOLICITOR SHELTON: Thank you.

8 Q. I am now going to publish to you State's Exhibit
9 Number Nineteen to the jury.

10 Does that reflect State's Exhibit Nineteen?

11 A. It does, sir.

12 Q. And what do you see in this picture?

13 A. I see a white cardboard box that contains plastic
14 sandwich baggies what you'd use to pack your kid's sandwich
15 or your own sandwich. There are other bags coming out of
16 the opening, and then there is what I believe to be
17 suspected marijuana that is packaged using the sandwich
18 bags.

19 Q. And is that suspected marijuana also contained in Best
20 Bag Control Number C-0-0-7-5-8-9, State's Exhibit Number
21 Thirty?

22 A. It is, sir.

23 Q. And you placed it there ---

24 A. I did, sir.

25 Q. --- according to your previous testimony? Where was

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-342-

1 this sandwich bag located when you took that picture?

2 A. I believe that was under the vanity of the master
3 bedroom sink.

4 Q. I'm going to refer back and go back to State's Exhibit
5 Number Eighteen briefly. Do you see that same sandwich bag
6 in this picture?

7 A. Yes, sir.

8 Q. Where is it again?

9 A. It is under the vanity in the master bathroom.

10 Q. I'm going back to State's Exhibit Number Nineteen now.
11 What did you do with that sandwich bag or, excuse me,
12 that box of sandwich bags rather?

13 A. I seized them.

14 Q. And how did you seize them?

15 A. I physically took custody and took a photo prior to
16 actually taking custody of it.

17 Q. Is that the photo you took?

18 A. It would be, sir.

19 Q. And when you took custody of it, what did you do with
20 it?

21 A. I brought it over to the table where we were working,
22 myself and my assistant, placed it into an evidence bag and
23 then logged it on the Search Warrant Inventory Form.

24 Q. What did you do with the evidence bag? What did you
25 do to ---

1 A. I --

2 Q. --- the evidence bag when you placed it inside the
3 evidence bag?

4 A. I marked it.

5 Q. I'm going to approach with what's been previously
6 marked as State's - for identification purposes only at
7 this time, State's Exhibit Number Thirty-five. I'm going
8 to ask if you recognize this, without showing it to the
9 jury, please?

10 A. I do, sir.

11 Q. What is it?

12 A. It is a paper evidence bag that I placed the white box
13 of sandwich bags into.

14 Q. How do you know?

15 A. My initials are on it and it says I placed it in temp
16 storage at 02:37.

17 Q. Does it have any description that you wrote on the
18 bag?

19 A. It does. It says, "White box of sandwich bags and one
20 baggy with corner ripped off."

21 Q. I notice there is a seal on that bag. Who put the
22 seal on the bag?

23 A. I did.

24 Q. How do you know that?

25 A. 'Cause I placed it there.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-344-

1 Q. How do you know you placed it there, do you recall?

2 A. Because I'm the one who placed it there and placed it
3 into temporary storage, so no one had access to it or --

4 Q. Is that the same - I apologize. Is that the same seal
5 that you placed on it?

6 A. Yes, sir.

7 Q. Has the seal been tampered with in any way?

8 A. No, sir.

9 Q. Is that bag in substantially the same condition as
10 when you found it?

11 A. Yes, sir.

12 Q. As to when you placed it into evidence?

13 A. Yes, sir.

14 Q. And the bag - and the seal is still intact?

15 A. It is, sir.

16 Q. And that's your seal?

17 A. Yes, sir.

18 SOLICITOR SHELTON: And the State moves State's
19 Exhibit Number Thirty-five into evidence?

20 THE COURT: Any objection?

21 MR. JOHNSON: No objection.

22 THE COURT: Thank you.

23 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-FIVE,
24 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

25 SOLICITOR SHELTON: I ask that he may remove the

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-345-

1 contents of the bag.

2 (WITNESS COMPLIES).

3 Q. Will you please show it to the jury?

4 A. That's the sandwich box, the cover, and the plastic
5 baggie with the corner ripped out.

6 Q. Now, placing it back in the bag, I'm going to ask to
7 actually show it and have the jury look at this with the
8 court's permission.

9 THE COURT: Yes, sir, you may publish it to the jury.

10 SOLICITOR SHELTON: Thank you.

11 (STATE'S EXHIBIT THIRTY-FIVE PUBLISHED TO THE JURY.)

12 Q. As that's passing around I'm going to ask you, Deputy
13 Heroux, you - I also handed you a picture previous marked
14 as State's Exhibit Number Seven.

15 A. Yes, sir.

16 Q. Do you recognize that picture?

17 A. I do, sir.

18 Q. What is it?

19 A. That is the purple Crown Royal bag containing the
20 white powder substance suspected cocaine.

21 Q. And is that a fair and accurate depiction of the way
22 it looked?

23 A. Yes, sir.

24 Q. Where was it when you took that picture?

25 A. It was under the bathroom vanity in the master

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-346-

1 bathroom.

2 Q. Is that where you found it?

3 A. That's where I found it, sir.

4 Q. Is that - Did you seize it?

5 A. I did seize it.

6 SOLICITOR SHELTON: The State moves to publish and
7 move into evidence State's Exhibit Number Seven.

8 THE COURT: Any objection?

9 MR. JOHNSON: Your Honor, could we approach?

10 THE COURT: Sure.

11 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
12 THE JURY.)

13 MR. JOHNSON: No objection, Your Honor.

14 THE COURT: Thank you.

15 SOLICITOR SHELTON: State's Exhibit Seven into
16 evidence, Your Honor?

17 THE COURT: Yes, sir, it is.

18 (WHEREUPON: STATE'S EXHIBIT NUMBER SEVEN, IDENTIFIED
19 AND MARKED, RECEIVED INTO EVIDENCE.)

20 SOLICITOR SHELTON: Thank you. I ask that I publish
21 it to the jury.

22 Q. Is that State's Exhibit Seven, Deputy Heroux?

23 A. It is.

24 Q. And please tell the jury again what do you see in this
25 picture?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-347-

1 A. It's a purple Crown Royal bag, which is a alcoholic
2 beverage, and there is what appears to be suspected cocaine
3 in there.

4 Q. And where was this picture taken?

5 A. It was taken in the master bathroom underneath the
6 vanity.

7 Q. What did you do with this substance, suspected
8 cocaine, if anything?

9 A. I photographed it, I seized it, I placed it on the
10 Search Warrant Inventory and, subsequently, placed it into
11 a Best bag and sent it off for analysis.

12 Q. I'm going to approach what's been previously marked
13 for identification purposes only which means please do not
14 show it to the jury, State's Exhibit Number Twenty-two -
15 Twenty-four, rather.

16 A. Yes, sir.

17 SOLICITOR SHELTON: Excuse me, State's Exhibit, Madame
18 Court Reporter Number Thirty-one. Thirty-one.

19 Note for the record that I had previously marked this
20 State's Exhibit Number Twenty-four at a previous hearing
21 without moving it into evidence for the purposes of this
22 trial State's Exhibit Number Thirty-one.

23 THE COURT: Thank you.

24 SOLICITOR SHELTON: Thank you.

25 Q. Without showing it to the jury, please tell the jury

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-348-

1 whether you recognize that?

2 A. I do.

3 Q. What is it?

4 A. It is the Best bag that I placed the suspected cocaine
5 into.

6 Q. What's the Best bag number?

7 A. C-0-0-7-5-8-0.

8 Q. Is that the same number that's reflected on your
9 report that you placed the suspected cocaine into?

10 A. If I may look?

11 Q. Please.

12 A. It is, sir.

13 Q. And, I believe, you testified to this but after you
14 placed it in the best bag, what did you do with the best
15 bag?

16 A. I placed it into temporary evidence storage.

17 Q. Did you seal it first?

18 A. It was sealed. I placed my name on it, my signature,
19 the date, the agency that I work for, and put the lock on
20 the locker.

21 Q. And the same as before, is that bag in any different
22 condition than it was when you first placed the suspected
23 cocaine inside of that bag?

24 A. It is, sir.

25 Q. Please describe that to the jury, as well.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-349-

1 A. Again, it appears that the Best bag has been placed
2 into another clear bag and then sealed by some heating
3 device and there are various initials and dates and names
4 on the bag and stickers.

5 Q. Thank you.

6 SOLICITOR SHELTON: May I approach?

7 THE COURT: Yes, sir.

8 SOLICITOR SHELTON: Thank you, Your Honor.

9 Q. And State's Exhibit Number Seven, you - that is the
10 cocaine that you placed in that test bag - that Best bag
11 that you just testified to?

12 A. Yes, sir.

13 Q. The suspected cocaine, I apologize. Now, I'm going to
14 hand you State's Exhibit Number Twelve, Thirteen.

15 SOLICITOR SHELTON: May I approach, Your Honor.

16 THE COURT: Yes, sir.

17 Q. Please tell me, referring to the exhibit number,
18 whether you recognize those pictures?

19 A. State's Exhibit Twelve and Thirteen I do recognize.

20 Q. What are they?

21 A. It's a Bank of America debit card/Visa card that was
22 found in the master bedroom or master bathroom vanity.

23 Q. Is that the same vanity where the suspected drugs were
24 found?

25 A. It was, sir.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-350-

1 Q. And specifically State's Exhibit Number Twelve, is
2 that a fair and accurate depiction of the way that debit
3 card looked inside the vanity?

4 A. Yes, sir.

5 Q. And what about State's Exhibit Number Thirteen?

6 A. Yes, sir.

7 Q. What's the difference between the two?

8 A. State Exhibit Thirteen is a close-up photograph.

9 Q. Did you see that debit card immediately when you went
10 in to take pictures of the vanity?

11 A. No.

12 Q. Why not?

13 A. Because the suspected cocaine and marijuana was on top
14 of that.

15 Q. On top of that debit card?

16 A. Yes, sir.

17 Q. I'm going to approach what's been premarked for
18 identification purposes only as State's Exhibit Number
19 Thirty-two. You recognize that?

20 A. I do, sir.

21 Q. What is it?

22 A. This is the actual debit slash credit card that I took
23 a photograph of and seized.

24 Q. How do you know that?

25 A. Because the numbers in the photograph that I took and

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-351-

1 the numbers here on the card and the name on it, Stanley L.
2 Wright, Junior., are the same.

3 SOLICITOR SHELTON: The State moves State's Exhibit
4 Number Thirty-two into evidence.

5 THE COURT: Any objection?

6 MR. JOHNSON: No, no objection, Your Honor.

7 THE COURT: Thank you.

8 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-TWO,
9 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

10 BY SOLICITOR SHELTON:

11 Q. Quickly, Deputy Heroux, this is State's Exhibit Number
12 Twelve that you've already testified to.

13 THE COURT: Solicitor, you haven't moved that one into
14 evidence yet.

15 SOLICITOR SHELTON: I apologize. The State moves
16 State's Exhibit Number Twelve and Thirteen into evidence.

17 THE COURT: Any objection?

18 MR. JOHNSON: No objection, Your Honor.

19 SOLICITOR SHELTON: I apologize, Your Honor.

20 (WHEREUPON: STATE'S EXHIBIT NUMBERS TWELVE AND
21 THIRTEEN, IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

22 Q. State's Exhibit Number Twelve, is that the picture of
23 the debit card?

24 A. It is.

25 Q. And you said the narcotics were on top of that debit

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-352-

1 card?

2 A. Yes, sir.

3 Q. And this is a close-up picture of the debit card?

4 A. It is.

5 Q. State's Exhibit Thirteen?

6 A. It is.

7 SOLICITOR SHELTON: Now, I ask that I publish the
8 debit card to the jury, Your Honor.

9 THE COURT: That's fine.

10 SOLICITOR SHELTON: Thank you. May he remove it from
11 the bag?

12 THE COURT: Sure.

13 SOLICITOR SHELTON: Open the bag?

14 (WITNESS COMPLIES).

15 SOLICITOR SHELTON: May I approach, Your Honor?

16 THE COURT: Yes, sir.

17 Q. I'm handing you what's previously been marked as
18 State's Exhibit Six. Do you recognize that picture?

19 A. I do, sir.

20 Q. What is it?

21 A. It's a digital scale that was found on top of the
22 vanity counter of the master bathroom.

23 Q. Is that the same vanity in which the suspected drugs
24 were found within?

25 A. It is, sir.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-353-

1 Q. And is that a fair and accurate depiction of that
2 digital scale?

3 A. Yes, sir.

4 SOLICITOR SHELTON: The State moves State's Exhibit
5 Number Six into evidence, Your Honor.

6 THE COURT: Any objection.

7 MR. JOHNSON: No objection, Your Honor.

8 (WHEREUPON: STATE'S EXHIBIT NUMBER SIX, IDENTIFIED
9 AND MARKED, RECEIVED INTO EVIDENCE.)

10 Q. And that's the same picture you have up there with
11 you, State's Exhibit Number Six?

12 A. Yes, sir.

13 Q. And that is as the digital scale was found when you
14 seized it?

15 A. It is, sir.

16 Q. Tell us about where you -- if you -- whether you
17 seized it and what you did with it?

18 A. I photographed it prior to actually seizing it and
19 take physical custody of it. I logged it in on the Search
20 Warrant Inventory Sheet and then, subsequently, it was
21 placed into evidence - in an evidence bag and marked and
22 tagged for identification and submitted into the Beaufort
23 County Sheriff's Office Evidence Division.

24 Q. I'm going to approach and hand you what's been
25 previously marked as State's Exhibit Number Thirty-four for

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-354-

1 identification purposes only. Please tell me if you
2 recognize this?

3 A. I do, sir.

4 Q. What is it?

5 A. This is the digital scale that I seized and placed
6 into evidence.

7 Q. How do you know it's the same one?

8 A. It's identical to the photograph. I placed it in
9 there - in the evidence bag and it has my initials, my
10 badge number, it has the date on it and it has my name on
11 it, and it is my handwriting.

12 Q. Does it have a seal?

13 A. It does have a seal.

14 Q. Has that seal been tampered with?

15 A. No, it has not.

16 Q. Are you the one who placed the seal upon it?

17 A. I am.

18 SOLICITOR SHELTON: The State moves the State's
19 Exhibit Number Thirty-eight - Thirty-four rather into
20 evidence.

21 THE COURT: Any objection.

22 MR. JOHNSON: No, no objection, Your Honor.

23 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-FOUR,
24 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

25 Q. And I ask you to open it.

1 SOLICITOR SHELTON: Your Honor, may I approach?

2 THE COURT: Yes, sir.

3 THE COURT: May I approach again?

4 THE COURT: Yes, sir.

5 Q. Deputy Heroux, I am now handing you State's Exhibit
6 Number Eight and Nine. Please refer to the exhibit
7 numbers as you look at those pictures and tell me what you
8 see and whether you recognize it?

9 A. Yeah, State Exhibit Eight is a - it's a mirror that's
10 above the vanity of the master bathroom, and it contains a
11 photograph of the defendant, Stanley Wright, in the bottom
12 right-hand corner. Exhibit -- State Exhibit Number Nine is
13 the same photograph. It's just a up-close photograph of
14 it.

15 Q. You say it contains a photograph of Mr. Wright.

16 You're referring to an actual photograph that's on the
17 mirror?

18 A. Yes, sir, that it was placed on the mirror.

19 Q. And where is that mirror?

20 A. That mirror is in the master bathroom.

21 Q. Specifically?

22 A. Above the vanity.

23 Q. Is that the vanity you found the narcotics and drugs
24 inside of, suspected drugs inside of?

25 A. I did, sir.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-356-

1 SOLICITOR SHELTON: The State requests - moves into
2 evidence State's Exhibit Number Eight and State's Exhibit
3 Number Nine.

4 THE COURT: Any objection.

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: Thank you.

7 (WHEREUPON: STATE'S EXHIBIT NUMBER EIGHT AND NINE,
8 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

9 Q. Is that State's Exhibit Number Eight as you see it
10 there?

11 A. It is, sir.

12 Q. And that is the mirror you're speaking of above the
13 master bathroom vanity?

14 A. Yes, sir.

15 Q. And is that State's Exhibit Number Nine?

16 A. Yes, sir.

17 Q. And is that the picture of the same picture image of
18 the defendant, Mr. Stanley Wright?

19 A. It is, sir.

20 Q. I want to approach which has been previously marked as
21 State's Exhibit Number Thirty-three for identification
22 purposes only.

23 SOLICITOR SHELTON: May I approach, Your Honor?

24 THE COURT: Yes, sir.

25 Q. Please tell the jury what you see and if you recognize

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-357-

1 it and what it is and how you know that?

2 A. This is the photograph of Stanley Wright, it's
3 depicted there.

4 Q. The same photograph?

5 A. Yes, sir.

6 Q. Did you seize that photograph?

7 A. I did seize it.

8 Q. From where did you seize it?

9 A. From the mirror that was located above the vanity in
10 the master bathroom.

11 Q. That mirror that you see there in State's Exhibit
12 Number Nine?

13 A. Yes, sir.

14 Q. And has it - has it been altered in any way?

15 A. No, sir.

16 SOLICITOR SHELTON: The State moves State's Exhibit
17 Number Thirty-three into evidence, Your Honor.

18 THE COURT: Any objection.

19 MR. JOHNSON: No objection, Your Honor.

20 THE COURT: Thank you.

21 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-THREE,
22 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

23 Q. Now, I am going to approach with State's Exhibit
24 Number Twenty. You recognize this?

25 A. Yes, sir.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-358-

1 Q. What is it?

2 A. Those are the Mason jars that were, I guess for all
3 practical purposes, it was a garden tub, you would call it,
4 and it has a shelf around it, a flat surface area, and
5 that's where the Mason jars were found.

6 Q. And ---

7 A. In the master bathroom.

8 Q. --- is that where they were when you took that
9 picture?

10 A. Yes, sir.

11 Q. Does that fairly and accurately depict where you
12 located those Mason jars?

13 A. It is, sir.

14 SOLICITOR SHELTON: The State moves State's Exhibit
15 Number Twenty into evidence.

16 THE COURT: Any objection.

17 MR. JOHNSON: No objection.

18 THE COURT: Thank you.

19 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY, IDENTIFIED
20 AND MARKED, RECEIVED INTO EVIDENCE.)

21 Q. Do you see State's Exhibit Twenty there?

22 A. I do, sir.

23 Q. And that bottom right portion is the portion that you
24 were describing at the top of the garden tub?

25 A. Yes, sir.

1 Q. What is to the left where you see the corner of the
2 cup?

3 A. Most people would call it a different thing, but it's
4 - I would call it a half-wall which is an area where the
5 tub ends and then it's just a little wall area that's
6 covered in that Formica.

7 Q. I'm going to hand you - what did you do with those? I
8 apologize.

9 Strike that, please, Madame Court Reporter.

10 What did you do with the Mason jars?

11 A. Took photographs of them, and then seized them and
12 placed them in an evidence bag, marked and tagged them for
13 identification and logged them in on the Search Warrant
14 Inventory and, subsequently placed them into the Beaufort
15 County Sheriff's Office temporary storage.

16 Q. I'm going to approach, if it pleases the Court, and
17 hand you State's Exhibit Number Thirty-six.

18 Do you recognize State's Exhibit Number Thirty-six?

19 A. I do.

20 Q. What do you see?

21 A. It's a brown evidence bag with a seal on it and it
22 says, "Garden tub in bathroom of bedroom Number 4. Two
23 glass Mason jars on garden tub," with my name on it, my
24 badge number, and a case number.

25 Q. Are those the Mason jars in Exhibit Twenty seen in

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-360-

1 this Exhibit Twenty here?

2 A. Yes, sir.

3 Q. And how do you know that?

4 A. By how they are labeled and I can feel it right now
5 through a - through the bag, one's small, one's large.

6 Q. Did you affix the seal to the bag?

7 A. I did.

8 Q. Has the seal been tampered with in any way?

9 A. No, sir.

10 SOLICITOR SHELTON: The State moves State's Exhibit
11 Number Thirty-six into evidence.

12 THE COURT: Any objection.

13 MR. JOHNSON: No objection, Your Honor.

14 THE COURT: Thank you.

15 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-SIX,
16 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

17 Q. Deputy Heroux, I'm going to approach to what's already
18 been published to the jury as State's Exhibit Number Ten
19 and State's Exhibit Number Eleven. I want to ask you to
20 tell me if you recognize those briefly. They're already in
21 evidence, so you can show them to the jury.

22 A. Yes, this is the identification card that I
23 photographed and seized at [REDACTED].

24 Q. And where was that card located?

25 A. It was the only bed in the master bedroom, and

1 this was located to the right. If you're looking at the
2 bed from the footboard, it would be on the right-hand side,
3 not exactly on the floor but on top of something that was
4 on the floor and it clearly states "Stanley Leonard
5 Wright."

6 Q. You just said that is the only bed in the master
7 bedroom?

8 A. That was the only bed in there yes, sir.

9 Q. And where is the bed positioned in relation to the
10 master bathroom?

11 A. If I remember correctly, if you were laying in the
12 bed, the bathroom would be here to your left-hand side.
13 There would be a doorway and you could go into the
14 bathroom, and then the vanity would be immediately to the
15 left when you enter the bathroom.

16 Q. Is there any way to get to the master bathroom without
17 going through the master bedroom?

18 A. No, sir.

19 Q. So that ID, is it located between the bed and the
20 master bathroom?

21 A. Yes, sir.

22 Q. You said you seized the ID?

23 A. I did.

24 Q. And you said you placed it into evidence?

25 A. I did.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-362-

1 Q. I'm going to approach what's been marked for
2 identification purposes only, again, State's Exhibit Number
3 Thirty-seven. Do you recognize that?

4 A. I do.

5 Q. What is it?

6 A. It's the South Carolina identification card that I
7 seized.

8 Q. Who is it of?

9 A. Stanley Wright.

10 Q. And that's the same card that is in the picture that
11 have been previously moved into evidence as State's Exhibit
12 Number Ten and Eleven?

13 A. It is, sir.

14 Q. The one seized next to the bed in the master bathroom
15 - bedroom?

16 A. Yes, sir.

17 Q. How do you know is it -- does it appear to be altered
18 in any way?

19 A. No, sir. I placed it in the evidence bag, put
20 evidence tape on it, placed my initials here, my badge
21 number and the date that it was sealed, and there's my
22 handwriting for the description of it and where it was
23 found and what it is.

24 Q. Has the seal been broken?

25 A. No, sir.

1 SOLICITOR SHELTON: The State will move State's
2 Exhibit Number Thirty-seven into evidence.

3 THE COURT: Any objection.

4 MR. JOHNSON: No objection, Your Honor.

5 THE COURT: Thank you.

6 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-SEVEN,
7 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

8 SOLICITOR SHELTON: I beg the court's indulgence just
9 briefly.

10 (PAUSE.)

11 Q. I have just published for the jury what's been
12 previously moved into evidence as State's Exhibit Number
13 Sixteen. Do you recognize this?

14 A. Yes, sir.

15 Q. What is it?

16 A. That is the closet in the master bedroom.

17 Q. And what do you see in the top left corner of the
18 closet?

19 A. You can see it's either going to be a magazine or it's
20 going to be the butt of the pistol grip for the gun that
21 was found on the shelf there.

22 Q. I want to approach you now with the State's Exhibit
23 Number Fifteen for identification purposes only. You
24 recognize this picture?

25 A. Yes, sir.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-364-

1 Q. What is it?

2 A. It's the closet which is shown right there and this is
3 a picture of the floor with various footwear, mainly
4 sneakers.

5 Q. Is that a fair and accurate depiction of the same
6 closet?

7 A. Yes, sir.

8 SOLICITOR SHELTON: The State moves State's Exhibit
9 Number Fifteen into evidence.

10 THE COURT: Any objection?

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: Thank you.

13 (WHEREUPON: STATE'S EXHIBIT NUMBER FIFTEEN,
14 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

15 Q. And now do you see male or female clothing inside of
16 that closet?

17 A. To me it appears to be male clothing.

18 Q. And that is State's Exhibit Number Fifteen now
19 published to the jury?

20 A. That is yes, sir.

21 Q. This you see here has already been moved into evidence
22 as State's Exhibit Number Sixteen. What do you see here?

23 A. The black object all the way to the right on the shelf
24 is a magazine that fits into the semi-automatic pistol.

25 And the larger black object to the left of that is going to

1 be the pistol itself with the magazine in the magazine
2 well.

3 Q. And where did you locate that?

4 A. That was in the same closet as you just showed in
5 Exhibit --

6 Q. In State's Exhibit Twenty-one?

7 A. Fifteen.

8 Q. Fifteen and Twenty?

9 A. Yes, sir.

10 Q. Thank you.

11 A. On the shelf.

12 Q. Oh, Fifteen. Thank you. And this is State's Exhibit
13 Number Seventeen already moved into evidence. What do you
14 see here?

15 A. That is the magazine to the right. The far right is a
16 magazine that was empty. Then you have the gun itself
17 which is a .40 caliber. By its markings it indicated it
18 was a .40 caliber semi-automatic that had a magazine in the
19 magazine well with nine bullets in it that you can't see
20 there, and then one bullet to the left.

21 Q. And again, that's in the same closet as before?

22 A. Yes, sir.

23 Q. And what closet is this in the residence?

24 A. This is the closet of the master bedroom in which the
25 master bathroom is off of.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-366-

1 Q. Is there any way to get to this closet without going
2 into the master bedroom?

3 A. That would be the only way, sir.

4 Q. I'm going to hand you what's been marked State's
5 Exhibit Number Thirty-eight for identification purposes
6 only. Please tell the jury what you see.

7 A. This is a evidence box that we - normally supplied
8 with that we place firearms into and I wrote on here "Smith
9 & Wesson .40 caliber," with the model number, serial
10 number, the magazines, the bullets and where it was found
11 and case number.

12 Q. Do you know what firearm is actually inside of that?

13 A. Yes, sir. It should be --

14 Q. What is it?

15 A. It should be that firearm right there.

16 Q. By referring to "that firearm right there," you're
17 referring to State's Exhibit Number Seventeen? It's
18 State's Exhibit Number Seventeen.

19 A. Exhibit Number Seventeen, yes, sir.

20 Q. Let the record reflect it's State's Exhibit Number
21 Seventeen.

22 (WITNESS IDENTIFIED STATE'S EXHIBIT NUMBER SEVENTEEN.)

23 MADAME COURT REPORTER: And what was your answer?

24 A. Yes.

25 Q. And how do you know that?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-367-

1 A. I photographed it, I seized it, and I was the one that
2 put it in this box.

3 Q. Now, how do you know that's the same box?

4 A. Because I placed the evidence tape on it, my initials,
5 my badge number, the date. They're on all the corners.
6 They're on all the openings, and it's also my handwriting
7 as far as the descriptive wording is, my initials that I
8 submitted into temporary area storage and the date and the
9 time.

10 Q. You said evidence tape, is that what you seal it with?

11 A. That, that's what we refer to the red tape that
12 says "Evidence" on it, we commonly refer to that as
13 evidence tape.

14 Q. And is the seal still affixed to the box?

15 A. Yes, sir.

16 Q. And who sealed the box?

17 A. I did.

18 Q. And when did you do that?

19 A. On September 1st, 2011.

20 SOLICITOR SHELTON: The State moves State's Exhibit
21 Number Thirty-eight into evidence.

22 THE COURT: Any objection.

23 MR. JOHNSON: No objection, Your Honor.

24 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-EIGHT,
25 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-368-

1 SOLICITOR SHELTON: Your Honor, we do have a lock.

2 THE COURT: Oh. The next question I want to make sure
3 we have safe handling of the firearm.

4 SOLICITOR SHELTON: May I approach?

5 THE COURT: Yes, sir.

6 SOLICITOR SHELTON: Thank you.

7 THE COURT: And, Solicitor, if you would just have the
8 witness explain what he's doing with the firearm so --

9 SOLICITOR SHELTON: Would you please --

10 Thank you, Your Honor.

11 THE COURT: Thank you.

12 Q. Would you please explain exactly what you're doing
13 with the firearm and what you're doing right now as you're
14 preparing to?

15 A. Well, I don't -- we wore -- I wore gloves. We wear
16 gloves when we seize things, so I don't know where that gun
17 has been so just for protection, I put the gloves on. I'm
18 going to open up the box on the bottom to keep the gun
19 stationary. We put white zip ties, so I'm going to go
20 ahead and cut those, but I'm going to open up the box
21 first.

22 (WITNESS OPENED EVIDENCE.)

23 A. The firearm is safe. There is a zip-tie through it.
24 I also put a locking device on it as well.

25 Q. Now, did you do anything with the bullets before

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-369-

1 putting it into that box?

2 A. I took them out of the magazine.

3 Q. Did you place them in anything?

4 A. Yes, sir. I'll show those to you here. It's in a --
5 it's a brown paper bag. I put ten, .40 caliber bullets
6 with my initials on it. There are ten.

7 Q. Will you please just show those to the jury?

8 SOLICITOR SHELTON: I ask that he step down.

9 THE COURT: Sure. That's fine.

10 SOLICITOR SHELTON: You can step down.

11 (WITNESS LEFT WITNESS STAND.)

12 Q. I'd ask that I may publish the firearm to the jury
13 as long as it's secure, I'm just going to walk by and show
14 it to them, Your Honor.

15 A. It is.

16 THE COURT: Sure. I would just like the officer to
17 explain ---

18 SOLICITOR SHELTON: Okay.

19 THE COURT: --- how the lock works and the mechanism
20 so that they understand ---

21 SOLICITOR SHELTON: Thank you, Your Honor.

22 THE COURT: --- the mechanism of locking it and it is
23 unloaded and is secured.

24 A. Okay.

25 SOLICITOR SHELTON: Thank you, Your Honor.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-370-

1 A. The lock itself goes through the magazine well here
2 and out the ejection port. The slide which is the top part
3 is to the rear, so there is -- basically right now, there
4 is no way that that slide can go forward. There is no way
5 that you could put a magazine in here. There is no way you
6 can put an individual bullet in here and send the slide
7 forward and pull the trigger. There is -- right now, there
8 is no way that this can be fired.

9 THE COURT: Thank you, you may publish it to the jury.

10 A. And I have the key.

11 There is also a zip-tie in there as well and the two
12 magazines.

13 Q. Thank you. Will you please publish those for the jury
14 as well?

15 (WITNESS COMPLIED/RETURNED TO WITNESS STAND.)

16 THE COURT: You may proceed.

17 SOLICITOR SHELTON: Thank you, Your Honor, may it
18 please the court. May I approach, Your Honor?

19 THE COURT: Yes, sir.

20 SOLICITOR SHELTON: Let's give this to the court
21 reporter.

22 Q. Now, there are two magazines in State's Exhibit Number
23 Thirty-eight. Correct?

24 A. Yes, sir.

25 Q. And there are two magazines in State's Exhibit Number

1 Seventeen published now for the jury, Exhibit - you said
2 one of the magazines was loaded?

3 A. Yes, sir.

4 Q. Which magazine was loaded?

5 A. It was going to be the one that's actually in the gun
6 itself, according to my report.

7 Q. Now, I'm going to approach for identification purposes
8 only State's Exhibit Number Twenty-one.

9 Do you recognize this picture?

10 A. I do, sir.

11 Q. What does it depict?

12 A. It appears to be men's footwear, a lamp shade, a
13 bottle of Sprite, a plastic bottle, a small pillow, a gum
14 wrapper, a hanger, and there is a blue, I would call it a
15 laundry bag full of assorted mail.

16 Q. Mail?

17 A. Yes, sir.

18 Q. Where was that picture taken?

19 A. This was in between the bed and the entrance to the
20 master bathroom of the master bedroom.

21 Q. And who is the mail addressed to?

22 A. Stanley Wright.

23 Q. Is it a fair and accurate depiction of that scene on
24 that day?

25 A. Yes.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-372-

1 SOLICITOR SHELTON: The State moves to publish State -
2 moves into evidence and to publish State's Exhibit Number
3 Twenty-one.

4 THE COURT: Any objection.

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: Thank you.

7 (WHEREUPON: STATE'S EXHIBIT NUMBER TWENTY-ONE,
8 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE AND PUBLISHED
9 TO THE JURY.)

10 Q. Is this the picture you're speaking of State's Exhibit
11 Number Twenty-one?

12 A. It is, sir.

13 Q. And the blue bag you were speaking of is this, this
14 bag here?

15 A. Yes, sir.

16 Q. And the mail in that bag is addressed to Stanley
17 Wright?

18 A. Yes, sir.

19 Q. I'm now going to hand you in sequence State's Exhibit
20 Number Twenty-four, Twenty-five, and Twenty-six for
21 identification purposes only. You recognize those
22 pictures?

23 A. I do, sir.

24 Q. What are they of?

25 A. State Exhibit Twenty-four is a picture of some books

1 on a shelf and a white statue and behind the white statue
2 is U.S. currency.

3 Q. And where was that picture taken?

4 A. This was in the living room of [REDACTED].

5 Q. Did you take the picture?

6 A. I did.

7 Q. And please move to the next exhibit, State's Exhibit
8 Number Twenty-five. What do you see there?

9 A. It is just a close-up picture showing more detail of
10 the statue and of the U.S. currency behind it.

11 Q. And State's Exhibit Number Twenty-six, what do you
12 see?

13 A. And this is the U.S. currency that I seized that was
14 in that - in the previous photos for State Exhibit Twenty-
15 four and Twenty-five and the money is just laid out so that
16 we take a photo of it.

17 Q. And did you count that money?

18 A. I did, sir.

19 Q. How much was it?

20 A. If I could refer to my report quickly?

21 Q. To help refresh your recollection, please do.

22 A. It was One Thousand dollars.

23 Q. You stated that was in the living room?

24 A. Yes, sir.

25 Q. Of [REDACTED]?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-374-

1 A. Yes, sir.

2 Q. And those are all fair and accurate depictions of the
3 way the money worked on the big shelf and the money spread
4 out?

5 A. Yes, sir.

6 SOLICITOR SHELTON: At this time, Your Honor, the
7 State moves into evidence State's Exhibit Number Twenty-
8 four, Twenty-five, and Twenty-six.

9 THE COURT: Any objections. Mr. Johnson?

10 MR. JOHNSON: No, there's no objection, Your Honor.
11 I'm sorry.

12 (WHEREUPON: STATE'S EXHIBIT NUMBERS TWENTY-FOUR,
13 TWENTY-FIVE, AND TWENTY-SIX, IDENTIFIED AND MARKED,
14 RECEIVED INTO EVIDENCE.)

15 Q. This is State's Exhibit Number Twenty-four. Is this
16 the picture you just testified to seeing?

17 A. It is, sir.

18 Q. You stated that there is money on the bookshelf. Is
19 this the money you're speaking of here?

20 A. Yes, sir.

21 Q. And that's how you found it?

22 A. Yes, sir.

23 Q. And you're the one who took that picture before anyone
24 manipulated it?

25 A. That is true.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-375-

1 Q. And this is a close-up view of the money?

2 A. It is.

3 SOLICITOR SHELTON: And that's State's Exhibit Number
4 Twenty-five, Madame Court Reporter.

5 Q. Again, this is before you seized it?

6 A. That is correct.

7 Q. And this is how it looked where it lay?

8 A. Yes, sir.

9 Q. And this is State's Exhibit Twenty-six?

10 A. Yes.

11 Q. And is that when you laid it out to count it?

12 A. Yes, sir.

13 Q. And is that the same money that's in State's Exhibit
14 Number Twenty-five?

15 A. Yes, sir.

16 Q. And that is One Thousand Dollars?

17 A. Yes, sir.

18 Q. Is that the same money that was seized from the
19 Defendant's person?

20 A. No, sir.

21 Q. That's a separate One Thousand Dollars?

22 A. Yes, sir.

23 SOLICITOR SHELTON: I beg the court's indulgence
24 briefly, Your Honor.

25 (PAUSE.)

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-376-

1 SOLICITOR SHELTON: May I approach the witness, Your
2 Honor?

3 THE COURT: Yes, sir.

4 Q. Deputy Heroux, I'm going to hand you State's Exhibit
5 Number Thirty-nine. Do you recognize this?

6 A. I do, sir.

7 Q. What is it?

8 A. It is basically a property receipt notifying a
9 defendant that we are seizing property under 44-53-520 or
10 44-53-530, State statute, and it is for Fourteen Hundred
11 and Eighty Dollars from the person of Stanley Leonard
12 Wright and One Thousand Dollars from within the residence
13 searched.

14 Q. Did you sign that form?

15 A. I did.

16 Q. And did anyone else sign that form?

17 A. Stanley Wright did.

18 Q. And where was he when he signed the form?

19 A. The Beaufort County Detention Center.

20 Q. Was he in your presence?

21 A. He was.

22 Q. And is that a fair and accurate reproduction of that
23 form?

24 A. It is.

25 SOLICITOR SHELTON: The State moves State's Exhibit

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-377-

1 Number Thirty-nine into evidence.

2 THE COURT: Any objection.

3 MR. JOHNSON: I have no objection, Your Honor.

4 THE COURT: Thank you.

5 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-NINE,

6 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

7 SOLICITOR SHELTON: I ask that I may publish it to the
8 jury, Your Honor?

9 THE COURT: Yes, sir.

10 (STATE'S EXHIBIT THIRTY-NINE PUBLISHED TO THE JURY.)

11 Q. Now, Deputy Heroux, now that all of this evidence has
12 been entered in and where you seized it, I'd like to you
13 refer back to State's Exhibit Number Twenty-eight, the
14 diagram of the house.

15 SOLICITOR SHELTON: May I ask that he approach the
16 jury?

17 THE COURT: Sure.

18 (WITNESS LEAVING WITNESS STAND.)

19 Q. Showing the jury that exhibit, will you please tell
20 the jury where you located, where the master bathroom is
21 located?

22 A. The master bathroom would be up here, so if you're
23 looking at it, it'd be the top left-hand corner.

24 Q. Is that where the suspected drugs were found?

25 A. Yes.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-378-

1 Q. Where is the master bedroom?

2 A. It'd be the other area right here.

3 THE COURT: I'm sorry, I didn't hear you.

4 A. It'd be the other area located in the same block right
5 here.

6 Q. I note that you have noted two doors on the master
7 bathroom. Are there two doors going into the master
8 bathroom and will you please explain that to the jury?

9 A. On there - there is - if I remember correctly, there
10 was a French door, if you would, going in the first
11 entrance off the -- off the bedroom itself and the bathroom
12 with that second door is actually a - it should be a closet
13 is what that is.

14 Q. So that's not a second door going into the bath
15 - bathroom, just for clarification?

16 A. Yes, sir.

17 Q. Is that what you could do with your program? Is that
18 what you had to do with your program to create that
19 diagram?

20 A. Yes, sir.

21 Q. Now, when -- as you're holding it there, which side is
22 the front of the house?

23 A. This would be the front right here and is indicated
24 by the front door.

25 Q. And will you please now again get State's Exhibit

1 Number Twenty-nine and correlate that to the - that's the
2 picture of the house - correlate that picture with the
3 diagram for the jury so that they can understand it.

4 A. This room, the bedroom right here would be this window
5 right here. Now, on the opposite side on the back corner
6 is where the bathroom would be. So that's the bedroom and
7 the back side is where the bathroom would be.

8 MADAME COURT REPORTER: And on the back side?

9 A. On the back side yes, ma'am.

10 MADAME COURT REPORTER: Is where the?

11 A. Bathroom would be, the master bath would be or the
12 master bedroom.

13 Q. Thank you. Please return to the witness stand.

14 (WITNESS RETURNED TO WITNESS STAND.)

15 Q. Was all of this evidence kept in your custody ---

16 A. Yes.

17 Q. --- your custody?

18 A. Yes, sir.

19 Q. And, again, what did you do with it after you brought
20 it and packaged it at the Drug Task Force headquarters?

21 A. I placed it in the temporary evidence storage, locked
22 all the locks and continued on.

23 Q. And who has access to those locks?

24 A. Evidence personnel.

25 Q. And no one else?

CORPORAL RAYMOND HEROUX: BY MR. JOHNSON

-380-

1 A. That is correct.

2 SOLICITOR SHELTON: Thank you, those are all the
3 questions I have. Please answer any questions the defense
4 attorney may have for you.

5 THE COURT: Mr. Johnson.

6 MR. JOHNSON: Thank you, Your Honor, may it please the
7 Court.

8 CROSS-EXAMINATION

9 CORPORAL RAYMOND HEROUX BY MR. JOHNSON:

10 Q. Officer Heroux, good afternoon.

11 A. How you doing?

12 Q. All right. Just a couple of questions. There was a
13 lot of evidence that's presented to the jury. Except for
14 the bag that contained the alleged marijuana, the bag that
15 contained the alleged cocaine, did you find any drug
16 residue on any of the other items?

17 A. On any items that I had seized?

18 Q. That you presented to the jury today, right, that you
19 seized. Such as the jars. We will take one at a time.
20 The jars, was there drugs in the jars?

21 A. I'd have to look at it, but I would be speculating if
22 I said yes, but I believe there was some remnants but --

23 Q. Do you have any evidence that there was ---

24 A. No.

25 Q. --- in any type of analysis or anything like that?

CORPORAL RAYMOND HEROUX: BY MR. JOHNSON

-381-

1 A. No.

2 Q. So for this case, there is no evidence that drugs was
3 in that jar. Correct?

4 A. Correct.

5 Q. All right. The money, you - how long have you been
6 investigating to the Drug Task Force?

7 A. In 2005, I did about eight months, and then when I did
8 this search warrant, it was about six-and-a-half months, so
9 a little over a year.

10 Q. Have you found --

11 A. In total.

12 Q. Well, are you finished, I didn't want to cut you
13 short?

14 A. Yes, sir.

15 Q. Okay. Just your opinion, but is there - is there some
16 time that you can find drug residue on money because of the
17 people handling money and drugs from one person to the
18 another ---

19 A. Yes, sir.

20 Q. --- because their used to that? Was any drug residue
21 found on this - the - either one of the thousand dollars
22 that you have any evidence of?

23 A. No.

24 Q. Okay. On the Thousand Dollars, this was on the 31st
25 of the month, August the 31st. Correct?

CORPORAL RAYMOND HEROUX: BY MR. JOHNSON

-382-

1 A. That is correct, sir.

2 Q. September the 1st, if I'm not mistaken, is always a
3 holiday, correct?

4 A. Yes.

5 Q. This being the end of the month, would it be unusual
6 for an individual to get paid before the holiday?

7 A. No.

8 Q. So, therefore, it would not be unusual for a
9 individual to have a substantial amount of money, as you
10 call it, in this case Two Thousand Dollars in his home if
11 he was employed?

12 A. It's possible.

13 Q. So, therefore, Two Thousand Dollars held by my client
14 on August the 31st before a holiday except for the -- I
15 grant you, there is drugs at this house, but except for
16 those drugs being there is nothing unusual about my client
17 having Two Thousand Dollars on that particular day, is it?

18 A. Are you asking me as a common layperson or are you
19 asking me as a person with police experience to take the
20 totality of the circumstances and then answer your
21 question.

22 Q. I'm not asking you to be biased. I'm asking you --

23 A. I'm not trying to be biased, sir.

24 Q. Okay.

25 A. I'm just saying do you want me to take all my

CORPORAL RAYMOND HEROUX: BY MR. JOHNSON

-383-

1 knowledge that I have and give you an honest opinion that
2 way or just as a lay person?

3 Q. I'm asking you based on the facts, excluding granted
4 you found drugs at this house, okay? I'm asking you --

5 A. Suspected.

6 Q. Suspected drugs at this house. If you would take that
7 out of the scenario and my client on the end of the month,
8 August the 31st, the day before a holiday ---

9 A. Yes.

10 Q. --- an employed individual ---

11 A. Yes.

12 Q. --- it would not be unusual for him to have Two
13 Thousand Dollars at his home in his -- either in his pocket
14 or at his home or in total, it would not be unusual would
15 it?

16 A. I would agree.

17 Q. Okay. The thousand dollars that you found was on a
18 shelf. Right?

19 A. Yes, sir.

20 Q. And it was in the living room area?

21 A. Yes, sir.

22 Q. And it was out? You could see it, couldn't you?

23 A. That's a matter for interpretation. I would say it
24 was hidden. I wouldn't say it was out in the open.

25 Q. Well, let's find the picture so we can --

CORPORAL RAYMOND HEROUX: BY MR. JOHNSON

-384-

1 A. Can you see it? Could one see it, yes. Was it made
2 to be seen? I don't believe it was.

3 Q. Okay. So it's something that you can see, but you
4 would say it was made not to be seen?

5 A. Correct.

6 Q. Okay.

7 A. You can stick your head around a corner this much so
8 no one sees you or you can stick your head around the
9 corner that much so someone sees you, that's what I'm
10 trying to explain.

11 Q. But we're not talking about corners, sir. We're
12 talking about where this money was located.

13 A. I'm just trying to make an analogy to get my point
14 across to you.

15 Q. I understand that.

16 A. Okay.

17 Q. But we're talking about facts, not analogies. The
18 facts are that this money was on a shelf. Correct?

19 A. Yes.

20 Q. In the living room?

21 A. Yes.

22 Q. It was behind something that was used to hold it but
23 -- Let's get the picture. Do you have it there?

24 A. I do, sir.

25 Q. Take a look at it because I want to describe it.

CORPORAL RAYMOND HEROUX: BY MR. JOHNSON

-385-

1 A. Uh-huh.

2 Q. All right. So is this -- and that --

3 MR. CHAPLAIN: Your Honor, can I approach?

4 THE COURT: Sure.

5 Q. So that is money that's on a shelf, it was on a
6 bookcase.

7 A. Yes.

8 Q. Correct?

9 A. Yes, sir.

10 Q. And it's placed behind something that --

11 A. Statue of some sort.

12 Q. Statues or whatever and it's placed in somewhere that
13 you can see it? It's behind it, but it's placed somewhere
14 you can see it. Correct?

15 A. Yes.

16 Q. There was no drug residue found on the money?

17 A. Correct.

18 Q. And matter of fact, you have no evidence of any drug
19 residue being found on anything other than the items that
20 you were saying was marijuana or cocaine. Correct?

21 A. That's true.

22 Q. Okay. At the time that my client was arrested,
23 officers have stated before that they had never heard of my
24 client or had any knowledge of him. Did your Task Force
25 have him under investigation?

CORPORAL RAYMOND HEROUX: BY MR. JOHNSON

-386-

1 A. If they did, I was not aware of it.

2 Q. Okay. So he was not under investigation as of any
3 type of -- you - far as you know, there was - he was not
4 under investigation under your Drug Task Force as being a
5 drug dealer, a drug trafficker, or anything of that nature
6 prior to this incident. Correct?

7 A. That's correct.

8 Q. Okay. You do have knowledge - well, let me ask you
9 this. I don't want to ask you about anything you don't
10 have knowledge to. As the case - you was the case --

11 A. Officer?

12 Q. Officer?

13 A. Yes, sir.

14 Q. You collected the evidence, you took pictures?

15 A. Yes, sir.

16 Q. Did you do any other investigation into the case other
17 than that?

18 A. I obtained search warrant, did the search warrant
19 return, seized the money. There was no interviews with Mr.
20 Wright, 'cause he invoked his *Miranda*. Sent off the
21 suspected drugs for analysis and that was it.

22 Q. Okay. And, I guess I think it was about four o'clock,
23 you also - four o'clock in the morning you also served him
24 with an additional warrant where you charged him with
25 cocaine?

1 A. I'd have to refer to my report for that.

2 Q. Could you, please -

3 A. But - yes, sir. And I think it would --

4 Q. I'm sorry, I didn't hear you.

5 A. I don't think that sounds correct at four o'clock in
6 the morning because the bond court - typically, when you
7 have a General Sessions case, you write it on a county
8 ticket when you make a charge, say today ---

9 Q. Uh-huh.

10 A. --- and if it's after hours, you go to bond court to
11 get a warrant from the judge and bond court doesn't start
12 until nine o'clock so, initially, I would say no, it
13 wouldn't be at four o'clock in the morning, but I will look
14 ---

15 Q. But ---

16 A. --- look through the report.

17 Q. Do you - were you the one that served an additional
18 warrant on my client, because initially he was just charged
19 with marijuana possession?

20 A. Right, any -- and that was - subsequently, that was
21 dropped and then he was charged with the other offenses ---

22 Q. Right.

23 A. --- and I was the charging officer so yes, sir.

24 Q. Okay.

25 A. Yes, sir.

CORPORAL RAYMOND HEROUX: BY MR. JOHNSON
BY SOLICITOR SHELTON

-388-

1 Q. And just for clarification, the bags that you examined
2 that contained the alleged cocaine and the alleged
3 marijuana, there were tampered with after you sealed them
4 yourself?

5 A. I don't know if you want - I don't know if I would - I
6 don't like the word tampered. Did someone else do
7 something to those bags after I turned them into evidence?
8 Apparently, it looks like somebody did, yes.

9 Q. That's - that's fine enough. Thank you.

10 A. Thank you.

11 Q. I have no other questions.

12 THE COURT: Any redirect?

13 SOLICITOR SHELTON: Just briefly, Your Honor.

14 REDIRECT EXAMINATION

15 CORPORAL RAYMOND HEROUX BY SOLICITOR SHELTON:

16 Q. Defense counsel brought up the actual Mason jars. We
17 have them right here, so I'd like to actually approach and
18 have you look at them and I'll let you inspect them as
19 well. And you worked as a Drug Task Force officer.

20 Correct?

21 A. Yes, sir.

22 Q. Have you been involved with marijuana arrests before?

23 A. Yes, sir, three days ago I was.

24 Q. Okay. And other than that, have you been involved in
25 marijuana arrests before?

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-389-

1 A. Yes, sir.

2 Q. A few, a lot?

3 A. Quite a bit. The one three days ago was a Mason jar
4 to be, matter of fact.

5 Q. Are you familiar with the term "marijuana shake" or --

6 MR. JOHNSON: Your Honor, objection.

7 A. Yeah.

8 MR. JOHNSON: Could we approach?

9 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
10 THE JURY).

11 BY SOLICITOR SHELTON:

12 Q. Officer Heroux, you said you looked for evidence of
13 evidentiary value when there is a sweep or when you're
14 executing a search warrant. Correct?

15 A. Yes, sir.

16 Q. Obviously, these Mason jars were seized. Correct?

17 A. Yes.

18 Q. So you determined they had evidentiary value.

19 Correct?

20 A. Yes.

21 Q. I'm going to approach and hand these to you and have
22 you inspect them, the State's Exhibit - I apologize -

23 Number Thirty-six. Now, admittedly, not tests have been
24 done on these. Correct?

25 A. That's correct. Excuse me, sir, may I have the

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON

-390-

1 gloves, please?

2 Q. Oh, yes, yes.

3 A. There should be another set in there. Thank you.

4 Q. And based on your training and experience, have you
5 been able to be in contact before with anything that has
6 contained marijuana?

7 A. I have.

8 Q. What do you see inside of those Mason jars?

9 MR. JOHNSON: Objection, Your Honor. What he sees
10 insides the jar? There is nothing inside the jar, Your
11 Honor. He would only be speculating as to what could
12 possibly be inside of the jar.

13 THE COURT: If he knows what he can see, if he can
14 identify something, he can testify to it. If he -- he's
15 already testified that these have not been tested to.

16 Excuse me, gentleman, please approach the bench.

17 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
18 THE JURY.)

19 THE COURT: The witness may testify if he knows
20 whatever is in the jar or what his observation is but not
21 an opinion unless he has - unless he knows exactly what's
22 in there.

23 SOLICITOR SHELTON: Thank you, Your Honor. May it
24 please the court?

25 Q. Please just state what your observation is of what you

1 see inside of the jar?

2 A. Well, my observation on the large jar is like green,
3 very, very fine plant material and there is an odor
4 present. I actually just went to marijuana certification
5 class to test marijuana and tested a hundred and ten
6 samples, so I smelled a lot of marijuana during the day and
7 this is consistent with that smell.

8 MR. CHAPLAIN: Your Honor, I have to put these
9 objection on the record and I apologize, but he is
10 testifying there being marijuana there, he's already
11 testified that there is no record of marijuana. What he's
12 saying is extremely prejudicial. It is - He is giving an
13 opinion that he is not qualified to give, it's not based on
14 any facts, and I think that this is totally incorrect. I
15 understand the court ruling and I just ask to put this on
16 the record that this is totally inappropriate.

17 THE COURT: Well, I think the proper - the proper
18 thing at this point, I don't think he's established a basis
19 for stating it's consistent with marijuana based upon his
20 training and experience.

21 So members of the jury, you're to strike that answer
22 and do not give it any consideration whatsoever in your
23 minds.

24 Solicitor, please move on as to what is actually
25 admissible.

CORPORAL RAYMOND HEROUX: BY SOLICITOR SHELTON
BY MR. JOHNSON

-392-

1 SOLICITOR SHELTON: Yes.

2 Q. As I said, just state what you see, personally see and
3 observe, limited to that, what you actually see.

4 A. Yes, sir. The small jar has a small, very fine plant
5 material in it. There's actually a green haze to the
6 bottom of the jar, a staining if you would, and the same
7 thing on the larger Mason jar.

8 Q. Thank you. Those are all the questions the State has.

9 THE COURT: Anything further, Mr. Johnson.

10 MR. JOHNSON: Yes, Your Honor, if it pleases the
11 court.

12 RECROSS-EXAMINATION

13 CORPORAL RAYMOND HEROUX BY MR. JOHNSON:

14 Q. Officer, a few seconds ago, you testified that there
15 was nothing in those jars and that you had no evidence to
16 present to the jury that indicated anything about drugs.

17 Correct?

18 A. That's correct.

19 Q. And now within three minutes, you now smell marijuana,
20 you see marijuana, and there's marijuana in the jars.

21 Correct?

22 A. That's my interpretation, yes.

23 Q. I have no other questions for you.

24 A. Thank you.

25 THE COURT: You may step down. Thank you.

1 OFFICER HEROUX: Thank you.

2 (WITNESS LEAVING WITNESS STAND.)

3 THE COURT: At this point in the testimony I think
4 we'll go ahead and break for the day.

5 Ladies and gentlemen of the jury, at this time it's a
6 good time to break for the day. I know everybody is tired
7 and a lot of testimony throughout today, so I will advise
8 you again to please do not discuss this case with anybody
9 and do not allow anybody to discuss the case with you.
10 Don't do any independent research or look at any potential
11 media reports of that. And, again, don't deliberate it
12 amongst yourselves either. Have a nice evening. We will
13 resume the trial of this case at 9:30 in the morning, so if
14 you would be back in your jury rooms a little bit before
15 then so we can get started on time, I certainly would
16 appreciate that. Have a nice evening.

17 (JURY EXITS COURTROOM AT 04:37 P.M..)

18 BAILIFF: The jury is clear, Your Honor.

19 THE COURT: Thank you.

20 Counsel for both parties, can you give me a ball park
21 figure just for planning purposes of the rest of the week
22 how long you anticipate being.

23 SOLICITOR SHELTON: Thank you, Your Honor. I have
24 still the chain witnesses of James Padgett, Jimmy Padgett.
25 Also Jennifer Snider. Cynthia Payne and Eileen Rios.

-394-

1 Those are all chain witnesses only specific to drug
2 exhibits because everything else has already been admitted
3 so they should be very quick. And then I have actually two
4 chemist that are going to testify. One is going to testify
5 specifically only to the marijuana because it was tested.
6 The other chemist is going to testify to the cocaine. And
7 the other - Excuse me. The first chemist is going - Renita
8 Berry is going to testify to the marijuana and the cocaine.
9 Jennifer Mills is only going to testify as to the cocaine
10 when she retested it when we tried to put this case back on
11 the docket while Renita Berry was out of the country.

12 THE COURT: So a couple of hours max?

13 SOLICITOR SHELTON: A couple of hours max I would
14 imagine.

15 THE COURT: Thank you. And counsel for the defense, I
16 will - how long do you anticipate your side to take?

17 MR. JOHNSON: A couple of hours max, Your Honor. We
18 should be finished by tomorrow as far as our case. We
19 should be finished depending how long their - the rest of
20 their case are. It should go to the jury tomorrow, Your
21 Honor.

22 THE COURT: Okay. I just want to make sure for
23 planning purposes for the next term

24 All right, gentlemen, we'll be in recess until
25 tomorrow morning.

1 MR. JOHNSON: Your Honor, just one thing ---

2 THE COURT: Yes.

3 MR. JOHNSON: --- I'd like to put on the record. If I
4 did anything I apologize to the Court. It was not
5 intentional and I would never do anything like that.

6 THE COURT: Thank you, Mr. Johnson. Your apology is
7 accepted.

8 MR. JOHNSON: Thank you.

9 THE COURT: We will be in recess until tomorrow
10 morning. Good afternoon.

11 SOLICITOR SHELTON: Thank you, Judge.

12 (COURT IN RECESS AT 04:44 P.M..)

13 (COURT BACK IN SESSION WEDNESDAY, SEPTEMBER 18, 2013
14 AT 09:40 A.M..)

15 THE COURT: Good morning everyone. You may have a
16 seat. Are there any matters we need to take up before we
17 bring the jury up?

18 SOLICITOR SHELTON: Not from the State, Your Honor.

19 MR. SHELTON: Your Honor, I don't think the Defense
20 actually give the clerk a copy of the - may I approach -
21 jury charge?

22 THE COURT: Okay.

23 MR. JOHNSON: And that's about the only thing we have
24 for jury charge we'd like the Court to consider.

25 THE COURT: Sure. What we'll do is at lunchtime I

-396-

1 would anticipate that being probably about when you rest
2 and we'll make sure we print out all the other jury charges
3 and let you all go over everything. And think about, too,
4 if you want to have the jury actually have the actual jury
5 charge in the jury room. I'll leave that up to you all. I
6 think sometimes that's helpful for the jury to not come out
7 as many times asking questions about what the law is, but
8 I'll leave that up to you if you're okay with that so think
9 about that.

10 And then also for counsel for the defense, if you -
11 make sure you talk to your client about his right to
12 testify and that I'll be questioning him on that under oath
13 after the State rests.

14 MR. JOHNSON: We have.

15 THE COURT: Okay. I just want to make sure he had
16 plenty of heads-up on that. Anything further?

17 SOLICITOR SHELTON: No, Your Honor.

18 MR. JOHNSON: No, Your Honor.

19 THE COURT: All right. Let me get powered up here and
20 organized.

21 And counsel we just have to wait one second. We're
22 getting the exhibits brought back up here just in case you
23 need them during the trial.

24 SOLICITOR SHELTON: Thank you, Judge.

25 THE BAILIFF: Your Honor, the jury is entering.

1 (JURY REENTERS COURTROOM AT 09:48 A.M..)

2 THE COURT: Bailiff Bob, Mr. Bob.

3 THE BAILIFF: Yes.

4 THE COURT: Could we send the jury out for just one
5 second, we're missing one thing before we get started.

6 THE BAILIFF: Certainly, Your Honor.

7 THE COURT: Sorry about that.

8 THE BAILIFF: Reverse, please. Reverse. Reverse.

9 (JURY EXITS COURTROOM.)

10 THE BAILIFF: All right, Your Honor.

11 The jury is clear, Your Honor.

12 THE COURT: Thank you.

13 (PAUSE.)

14 THE COURT: Did we find it? Are we ready to go?

15 We're ready. Thank you.

16 THE BAILIFF: All right, Your Honor, the jury is
17 entering.

18 THE COURT: Thank you.

19 (JURY REENTERS COURTROOM AT 09:55 A.M..)

20 THE BAILIFF: And the jury is seated, Your Honor.

21 THE COURT: Thank you.

22 Good morning, ladies and gentlemen of the jury. Thank
23 you for your patience this morning and I apologize for the
24 confusion getting you up and down, but now we are ready to
25 resume the trial of this case.

CORPORAL JAMES PADGETT: BY SOLICITOR SHELTON

-398-

1 Solicitor.

2 SOLICITOR SHELTON: Thank you, Your Honor. May it
3 please the court, good morning. The State calls James
4 Padgett from the Beaufort County Sheriff's Office.

5 MADAME CLERK: Would you place your left hand on the
6 Bible and raise your right hand for me, sir.

7 (WHEREUPON: JAMES PADGETT,
8 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:

9 MADAME CLERK: Please be seated. State your name and
10 spell it for the court please.

11 MR. PADGETT: My name is James D. Padgett, Corporal,
12 Beaufort County Sheriff's Office. Current assignment is
13 Evidence Section as an evidence technician.

14 DIRECT EXAMINATION

15 CORPORAL JAMES PADGETT BY SOLICITOR SHELTON:

16 Q. And, Corporal Padgett, will you please spell your last
17 name for the court reporter.

18 A. Yes. P-a-d-g-e-t-t.

19 Q. Thank you.

20 A. Yes, sir.

21 Q. You said your current assignment is in the Evidence
22 Section of the Sheriff's Office?

23 A. That's correct.

24 Q. Will you describe what you do in that section of the
25 Sheriff's Office?

1 A. As an evidence tech we are responsible for taking in
2 all evidence that comes into Beaufort County Sheriff's
3 Office from the officers. My responsibilities are to make
4 sure that the case numbers are right, the evidence
5 submittal is done properly, and that the evidence container
6 information matches what is on the submittal. We then put
7 it into our computer system, generate a container number,
8 tracking number for it, and then process it on to storage
9 and list the storage in our computer system so it can be
10 tracked.

11 Q. And where do you generally operate out of mostly?

12 A. My office is the - on Hilton Head. I'm in charge of
13 the Southern Division Evidence Collection.

14 Q. And what is located there for officers to put evidence
15 into?

16 A. We have temporary storage lockers that are metal. I
17 always call them my school lockers. They're real small,
18 but they can either put the evidence in those lockers when
19 the office is not open or they can come directly into the
20 office when it is occupied and hand-deliver it to us.

21 Q. And when is the office not open?

22 A. Weekends. It - normally, it's open from eleven - I
23 mean, eleven - 7:30 till five o'clock in the afternoon
24 weekdays except for lunchtime, and then nights and weekends
25 it's closed; holidays, it's normally closed.

CORPORAL JAMES PADGETT: BY SOLICITOR SHELTON

-400-

1 Q. So if evidence comes in overnight, they put it in a
2 temporary storage locker?

3 A. Yes, sir.

4 Q. And describe what they do with the evidence when they
5 put it in the temporary storage locker?

6 A. The process is basically the same whether it's the
7 storage locker or whether it's hand-delivered except for
8 the documentation on the submittal and on the container for
9 the evidence will say temporary storage as the person or
10 receiving of that when it goes to temporary storage. If
11 it's hand-delivered, it goes - the name of the evidence
12 technician from Evidence who is signing it in. Once --

13 Q. And out? I'm sorry.

14 A. Yeah. In the temporary storage section of it, they
15 bring it in, they fill out their submittal and they fill
16 out the container, sign everything over to temporary
17 storage, then they take the lock off of - it's - the
18 lockers are unlocked all the time. So they take the
19 padlock out, open it up, put the evidence in, close it,
20 lock the padlock.

21 Q. And who has access to the padlock?

22 A. I have one key, the evidence section over here in
23 Beaufort has a key also.

24 Q. And then you say evidence section over here. What do
25 you do with evidence after it's put in evidence temporary

1 storage locker, you take it out and put the case number on
2 it, then where do you take the evidence?

3 A. After that, it is taken over here to Beaufort and the
4 process is - I'll process everything in over on Hilton
5 Head. I'll take it and I'll put it into whatever
6 container, storage container it needs to be put in a box or
7 an envelope. I then would transport it over here at the
8 evidence office here in Beaufort. I will then assign it to
9 a location in that office in our secure storage, then I'll
10 take it and place it in that area.

11 Q. Without talking about where it is, will you please
12 just describe the nature of the building that it's stored
13 in?

14 A. That you - the building it's stored in over here is
15 it's a metal building. Basically, as you walk in, you've
16 got a real evidence office type area and there is a metal
17 door that goes into a non-windowed area of the building and
18 it's - so it's locked up behind that metal door in that
19 non-accessible area except for the door.

20 Q. And who has access to that area?

21 A. The evidence technicians.

22 Q. And no one else?

23 A. No. The only ones that can go in there after that is
24 with an evidence technician and they have to be signed in
25 and signed out and followed in and stayed with the whole

CORPORAL JAMES PADGETT: BY SOLICITOR SHELTON

-402-

1 time they're there.

2 Q. Thank you.

3 MR. CHAPLIN: Objection.

4 THE COURT: Thank you.

5 (WHEREUPON: STATE'S EXHIBIT FORTY-FIVE PREMARKED FOR
6 IDENTIFICATION ONLY.)

7 Q. Mr. Padgett, I'm going to approach with a form, and
8 for identification purposes only I better put a number on
9 it for the court reporter. It will be labeled for
10 identification purposes only as State's 45. I'm going to
11 ask you if you recognize this?

12 A. Yes, sir.

13 Q. What is it?

14 A. This is a Evidence Submittal form in Beaufort County.

15 Q. And do you recognize any distinguishing
16 characteristics to it?

17 A. Yes, sir. I recognize different things as the case
18 officer which is to sign this, the officer who submitted
19 it, that it went to temp storage and that I took it out of
20 temp storage. That is done by the signatures that are on
21 here.

22 Q. And what is on the left-hand side of that form?

23 A. The left-hand side of the form, you have your
24 container numbers, and then the description of the evidence
25 that was in that particular container.

CORPORAL JAMES PADGETT: BY SOLICITOR SHELTON

-403-

1 Q. And who fills out the container number section of that
2 form?

3 A. The container number section is filled out by me.

4 Q. And is your signature on that form?

5 A. I'm sorry?

6 Q. Is your signature on that form?

7 A. Yes, sir; signature is mine.

8 Q. And what date - the evidence that's listed in that
9 form, what date did you come into possession of it?

10 A. I took that evidence in on September 1st of 2011.

11 Q. And does that form contain - described in it a best
12 bag control number 007589?

13 A. Yes, sir.

14 Q. I'm going to approach with, for identification
15 purposes only, State's Exhibit 30, please do not show it to
16 the jury, just review it and see if you can find within
17 that bag there's a best bag? Is there?

18 A. Yes, it is.

19 Q. And what best bag control number is assigned to that
20 best bag?

21 A. The control number on this one is - let me see if I
22 can - it's kind of - you have control - two control numbers
23 on this really. One is the bag number of C007589 ---

24 Q. Correct.

25 A. --- and the other is a container number and that --

CORPORAL JAMES PADGETT: BY SOLICITOR SHELTON

-404-

1 Q. Is it faded?

2 A. It's faded. I can't - 11-09-0056D ---

3 Q. Okay.

4 A. --- was the container number.

5 Q. And is that the same container number that is assigned
6 to that control - that control number of the best bag that
7 you assigned to it?

8 A. Yes, it is.

9 Q. On your form?

10 A. Yes, on the form it's the same number.

11 Q. And that's the container number that you assign to
12 that best bag?

13 A. That's correct.

14 Q. So that's the best bag you brought to Central ---

15 A. Yes, sir.

16 Q. --- storage? Thank you. On September 1st, 2011?

17 A. Right.

18 Q. And I'm going to do the same thing here. I'm going to
19 approach with State's Exhibit Thirty-one and I'm going to
20 ask if you can locate the best bag control number first.

21 A. Uh-huh.

22 Q. And first of all tell me whether there is a best bag
23 inside of that ---

24 A. Yes, sir

25 Q. --- without showing it to the jury?

CORPORAL JAMES PADGETT: BY SOLICITOR SHELTON

-405-

1 A. Yes, there is.

2 Q. There is a best bag inside of it?

3 A. Yes, there is.

4 Q. And is there a control number that's printed on that
5 best bag?

6 A. That is C-0-0-7-5-8-0.

7 Q. And according to your form, is that - was that also
8 submitted to you on September the 1st, 2011?

9 A. That is correct.

10 Q. And did you assign a container number to it?

11 A. Yes, I did.

12 Q. And according to the form what container number did
13 you assign to it?

14 A. I assigned 11-09-0055D.

15 Q. And can you read the container number that is actually
16 the on the sticker on the back? Again, it may be faded but
17 if you can, please read it?

18 A. I got 11-09-0055D.

19 Q. Is that the same container ---

20 A. Yeah.

21 Q. --- number?

22 A. Yes, sir.

23 Q. And that's the container number you assigned to it?

24 A. That is correct.

25 Q. And that is the best bag that you brought from the

CORPORAL JAMES PADGETT: BY SOLICITOR SHELTON
BY MR. CHAPLIN

-406-

1 temporary storage lockers and office in Hilton Head to
2 Beaufort Central Evidence on September 1st, 2011?

3 A. That's correct.

4 Q. Did you tamper with this evidence in any way?

5 A. No, sir.

6 Q. And was it in the same condition when you received as
7 when you - when you put it into - logged it into evidence
8 and Central Evidence?

9 A. Yes, sir.

10 Q. Those are all the questions I have. Thank you.

11 THE COURT: Mr. Chaplain?

12 CROSS-EXAMINATION

13 CORPORAL JAMES PADGETT BY MR. CHAPLIN:

14 Q. Morning, Officer.

15 A. Good morning.

16 Q. How long have you been doing the job that you were
17 doing on that day, how long you had been picking up and
18 dropping off?

19 A. As of now, I've been with Evidence Section for about
20 three years. I had been there a little over a year at that
21 time.

22 Q. Was everything on that occasion when you went to go
23 pick it up and drop it off, was it normal course of
24 business, was there anything that you did different than
25 you would normally do?

CORPORAL JAMES PADGETT: BY MR. CHAPLIN

-407-

1 A. Not to my knowledge.

2 Q. So it was dropped off at night? I know you can look
3 at that.

4 A. According to the form it was dropped off at night,
5 yes, sir.

6 Q. And who dropped it off?

7 A. Corporal Heroux.

8 Q. Okay. And he dropped it off at what time?

9 A. It indicates at 02:37.

10 Q. Two-thirty - 2:30 in the morning?

11 A. Yes, sir.

12 Q. And you picked it up when?

13 A. I picked it up at 14:15 on the 1st.

14 Q. Okay. And those who are not in the military that
15 would be?

16 A. That would be 2:15 in the afternoon. I'm sorry.

17 Q. Okay. 2:15. Okay. And you said that when the
18 corporal went to the box, it would have been, you said,
19 like a school house locker?

20 A. Yes, sir.

21 Q. And it's a open lock that's sitting in there?

22 A. No, the lock is open and sitting through the lock
23 mechanism yes, sir.

24 Q. He - he open - he takes that out of the lock, he takes
25 the lock off of it, he opens up - opens it up and he puts

CORPORAL JAMES PADGETT: BY MR. CHAPLIN

-408-

1 whatever he...

2 A. Yes, sir. And then he would close it back and put the
3 lock on.

4 Q. Okay. Then you come and you have your own key?

5 A. Yeah.

6 Q. You open it?

7 A. Yes, sir.

8 Q. You take the item out?

9 A. Yes, sir.

10 Q. And now you head off to Hilton Head?

11 A. With this - yeah, it would be back to the office to
12 enter it into the system yes, sir.

13 Q. Okay. So clarify that. So you take it out of the
14 locker, then you go somewhere and then enter it into a
15 computer?

16 A. Right.

17 Q. Okay. And where do you do that at? In Beaufort?

18 A. This one, it would have been Beaufort. This is one
19 that would have been picked up at the storage area for the
20 officers that work in the Drug Task Force.

21 Q. Okay. So once you do that - I'm just trying to - I
22 guess those who don't know how you do it, I just want to be
23 clear, clarify. I know that you already gave a whole bunch
24 of numbers and all of that.

25 A. Yes, sir.

CORPORAL JAMES PADGETT: BY MR. CHAPLIN

-409-

1 Q. I'm not really interested in that. I'm interested in
2 what you did. So Beaufort, you then enter it into the
3 computer?

4 A. Right.

5 Q. Then you take it to?

6 A. Well, if I'm doing it in Beaufort, that's where I
7 will end up being stored ---

8 Q. Okay.

9 A. --- so it makes it a little bit simpler for me, I put
10 it all in the computer there, assign the case numbers, the
11 container numbers to it, mark everything, box it up and
12 take it into the back room locker area and store it on the
13 appropriate section.

14 Q. Okay. And then I could have sworn you said something
15 about going to Hilton Head. I was just --

16 A. Well, Hilton Head is where my office is.

17 Q. Right.

18 A. So if we have temporary storage in that office also
19 ---

20 Q. Okay.

21 A. --- so that's where I am primarily located, so that's
22 where Hilton Head comes in, 'cause I take in evidence there
23 also and I have to take it to Beaufort for storage after
24 that.

25 Q. Okay. So let's just talk about this case.

CORPORAL JAMES PADGETT: BY MR. CHAPLIN

-410-

1 A. Just different areas.

2 Q. Okay. Well, let's clarify this case. The item that
3 he just showed you earlier ---

4 A. Uh-huh.

5 Q. --- that item went to the locker, came out of the
6 locker, went to you, you then took it to ---

7 A. Beaufort.

8 Q. --- Beaufort. So no talk of Hilton Head, you didn't
9 go to Hilton Head?

10 A. Hilton Head didn't come into this one at all, yes,
11 sir.

12 Q. Okay. Okay. There we go.

13 A. I'm sorry if I confused that.

14 Q. Okay. So now you've done with your part of it once
15 you enter it in?

16 A. I'm sorry?

17 Q. Once you have entered it in with a number ---

18 A. Uh-huh.

19 Q. --- are you done? Are you done at that point?

20 A. No, sir.

21 Q. Okay.

22 A. At that point I then package it like I take containers
23 and I package them up for storage, and then take them back
24 into the, the storage facility of the office and put them
25 in a designated area for that material.

CORPORAL JAMES PADGETT: BY MR. CHAPLIN

-411-

1 Q. Okay.

2 A. In other words if it - we have different sections and
3 we assign it to a section so we can locate it easily.

4 Q. Okay. Then what happens?

5 A. At that point, I'm finished with then it would be if
6 someone comes up and signs it out for whatever reason or
7 whatever then that would be done separate from what I have
8 to do.

9 Q. Okay. Good point. Okay. Let's - I'm going to even
10 make it simpler. Let's talk about hands now. From the
11 point of the - of that item being retrieved from the scene,
12 it touched his hands. Correct?

13 A. Uh-huh.

14 THE COURT: Say yes.

15 Q. Then after --

16 A. Yes.

17 Q. Corporal, I keep saying Heroux, Corporal Heroux.

18 A. Heroux.

19 Q. Heroux. Corporal Heroux. I just didn't want to
20 butcher his name. Corporal Heroux's hands, then it goes to
21 ---

22 A. It goes - it went to me.

23 Q. --- to your hands.

24 A. Okay.

25 Q. So now we're at two sets of hands?

CORPORAL JAMES PADGETT: BY MR. CHAPLIN

-412-

1 A. Okay. Right.

2 Q. Right?

3 A. Now, it goes to storage from me, storage in the
4 section of the office over here in Beaufort.

5 Q. Okay. So when you - when you're done with - as you
6 would say, per se, done with your part of it, at that point
7 it only touched Corporal Heroux's hand and your hands?

8 A. From he put it in the locker, I took it out and
9 processed it and stored over here.

10 Q. Can you look at this sheet and tell like who hands did
11 it go to next?

12 A. No, sir. That is not on this form.

13 Q. Okay. So you can't tell by looking at this who would
14 have touched it next?

15 A. No, sir. No.

16 Q. Okay. Is it Exhibit Thirty...

17 State's Exhibit Thirty-one, I'd like to show this to
18 you, and not to be shown to the jury. By looking at that
19 bag - are you with me?

20 A. Uh-huh.

21 Q. By looking at that packet ---

22 A. Yes, sir.

23 Q. --- bag, whatever, that exhibit, how many hands - by
24 just looking at it, can you tell how many hands that you,
25 by just looking at it, can tell touched that package, how

CORPORAL JAMES PADGETT: BY MR. CHAPLIN

-413-

1 many people?

2 A. No, sir, I can't tell that by just looking at it ---

3 Q. Okay.

4 A. --- myself that its...

5 Q. You don't see signatures or you don't see anything
6 that can identify that more than just two of you all
7 touched it?

8 A. No, sir. There's no signatures on here. It would be
9 computerized.

10 Q. Okay.

11 A. Once it's transferred out to another individual, it's
12 put into the computer. There is a computer record of who
13 has touched that.

14 Q. Okay. But clearly to be to this point, right at this
15 point at where we are right now, someone would have touched
16 it after you?

17 A. Yes, sir.

18 MR. CHAPLAIN: I beg the Court's indulgence.

19 (PAUSE.)

20 MR. CHAPLIN: Your Honor, I don't have anything
21 further at this time.

22 THE COURT: Any redirect?

23 SOLICITOR SHELTON: No, Your Honor.

24 THE COURT: Sir, you may step down. Thank you. You
25 may be excused. Any objection?

EILEEN RIOS: BY SOLICITOR SHELTON

-414-

1 SOLICITOR SHELTON: No objection for the State, Your
2 Honor.

3 THE COURT: Mr. Chaplin, may he be excused? Any
4 objections?

5 MR. CHAPLAIN: Oh, yeah, Your Honor, please...

6 THE COURT: Thank you.

7 MR. CHAPLAIN: Please allow him to leave.

8 (WITNESS LEAVING WITNESS STAND.)

9 THE COURT: You may call your next witness.

10 SOLICITOR SHELTON: Thank you, Your Honor. The State
11 calls Eileen Rios.

12 MADAME CLERK: Would you place your left hand on the
13 Bible and raise your right for me please.

14 (WHEREUPON: EILEEN RIOS,
15 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

16 MADAME CLERK: Please be seated, state your name and
17 spell it for the court.

18 THE COURT: Your witness.

19 SOLICITOR SHELTON: Thank you, Your Honor. May it
20 please the court?

21 MS. RIOS: Eileen Rios, last name R-i-o-s.

22 DIRECT EXAMINATION

23 EILEEN RIOS BY SOLICITOR SHELTON:

24 Q. Ms. Rios, who do you work for?

25 A. I'm employed by the Beaufort County Sheriff's Office.

EILEEN RIOS: BY SOLICITOR SHELTON

-415-

1 Q. And how long have you been employed by them?

2 A. About twenty-two years.

3 Q. And what is your job?

4 A. I'm an evidence technician that work in the Evidence
5 Section.

6 Q. And how long have you been doing that?

7 A. Sixteen years.

8 Q. What are your roles and duties within the Evidence
9 Section as an evidence technician?

10 A. My primary duty is the intake and packaging of
11 evidence for storage.

12 Q. And do you do that on a daily basis?

13 A. Yes.

14 Q. Will you please tell the jury, just without telling
15 where it is necessarily, but it's in Beaufort. Correct?

16 A. Correct.

17 Q. The Central Evidence Receiving Area?

18 A. Yes.

19 Q. And please just tell them a little bit about that
20 facility and how it's maintained.

21 A. We have three main sections in the back: general
22 shelving for boxes; we have a enclosed, secure area for
23 guns and drugs, and a safe for any mail, jewelry or money.

24 Q. And you say in the back, is that where the evidence is
25 actually stored?

EILEEN RIOS: BY SOLICITOR SHELTON

-416-

1 A. Correct.

2 Q. How do you get back there?

3 A. It's a locked secure door.

4 Q. And who has access?

5 A. Captain Keo, myself, Corporal Perkins and Lance
6 Corporal Padgett.

7 Q. That would be Jimmy Padgett?

8 A. Correct.

9 Q. Does anyone else have access?

10 A. No.

11 Q. And how could anyone else gain access?

12 A. They'd have to come to us, sign in for whatever reason
13 they had to go back. For any type of repairs to air
14 conditioning, they'd have to sign in. We'd escort them in
15 the back. Stay there with them while they do their work
16 and bring them back out and sign them back out.

17 Q. And why do you stay there with them while they do
18 their work?

19 A. So they don't have access to any of the evidence
20 that's back there.

21 Q. And why is that?

22 A. Well, we want to keep it secure and safe.

23 Q. I'm going to approach with State's Exhibit Number
24 Thirty-one. I ask that you not show this to the jury.
25 It's not been put into evidence yet, please. I ask if you

EILEEN RIOS: BY SOLICITOR SHELTON

-417-

1 recognize it and if you can tell whether you've ever
2 handled this exhibit or anything contained within that bag?

3 A. Yes.

4 Q. What is it?

5 A. This is a Beaufort County Best bag inside a K-pack bag
6 and I recognize it by the, not only the case number but
7 also the container identification.

8 Q. And what is the control number on that Best bag? Can
9 you see that, first of all?

10 A. This particular control number is C-0-0-7-5-8-0.

11 Q. And what is the container number?

12 A. The container number is 11-09-0055D.

13 Q. And who assigns the container number?

14 A. That's automatically done by our computer system.

15 Q. And in evidence would the person who first took it
16 in intake assign that number?

17 A. Correct.

18 Q. Now, do you know whether you ever personally handled
19 this item?

20 A. Yes. I - yes, I do know.

21 Q. And do you know what you did with it?

22 A. Yes. On the - I have here it was - I transferred it
23 over to Lieutenant Renita Berry for analysis back in
24 September of 2011.

25 Q. And do you know who Lieutenant Renita Berry is?

EILEEN RIOS: BY SOLICITOR SHELTON

-418-

1 A. She's our - She works with the Drug Department for the
2 Beaufort County Sheriff's Office for drug analysis.

3 Q. And did you personally deliver it to her?

4 A. She came to the Evidence. I transferred it to her in
5 our facility.

6 Q. Now, when you first transferred it to her, was it in
7 that same condition that you see it in now?

8 A. No.

9 Q. What condition would it be in?

10 A. It would be in the original Best bag which is enclosed
11 in this K pack bag.

12 Q. And would that Best bag have been sealed?

13 A. Yes.

14 Q. And would you have recognized if it wasn't sealed?

15 A. Oh, yes.

16 Q. Did you ever receive it back?

17 A. Yes, on the 12th - December 2nd of 2011, Lieutenant
18 Berry brought it back to the evidence lockup. We
19 transferred it over, and then I secured it in the evidence
20 lockup.

21 Q. And when you brought it back what - when they brought
22 it back, was it in the same condition as when you actually
23 departed with it?

24 A. It was - no. Once they have it in their facility, I'm
25 sure it's opened and once they bring it back, they bring it

EILEEN RIOS: BY SOLICITOR SHELTON

-419-

1 in their - back in their own container which is a clear K-
2 pack bag with their stickers on it.

3 Q. Do you recognize one of those similar bags containing
4 that Best bag in front of you?

5 A. Yes.

6 Q. And that's a K-pack bag ---

7 A. Correct.

8 Q. --- that you just identified ---

9 A. Yes.

10 Q. --- that you know to be used by the Beaufort County
11 Drug Lab?

12 A. Yes.

13 Q. And what did you do with it once you received it back?

14 A. At that time, I secured it in the lockup.

15 Q. And the same question, who has access to that lockup?

16 A. Again, Captain Keo, myself, Lance Corporal Padgett and
17 at that time, it was Lance Corporal Jennifer Snider who was
18 working in evidence.

19 Q. Now, do you have procedures to determine whether the
20 evidence has been logged in and out of evidence?

21 A. Yes. Yes, it's all electronic. We all have our own
22 secure sign-on and password. At that time, let's say
23 Renita Berry would come in to check evidence out, she'll
24 sign onto the computer with her unique password and
25 password and sign and she'll transfer - I'll transfer those

EILEEN RIOS: BY SOLICITOR SHELTON

-420-

1 items to her.

2 Q. And so there would be a record if anyone else touched
3 it between the time you entered - the time it was
4 originally put into evidence and the time that Renita
5 picked it up from you?

6 A. Correct.

7 Q. Was - Did it ever get taken out of evidence?

8 A. No, just on those times to go to the lab.

9 Q. Thank you.

10 SOLICITOR SHELTON: May I approach?

11 THE COURT: Yes, sir.

12 Q. I'm now going to approach with State's Exhibit Number
13 Thirty, and I'm going to ask you the same series of
14 questions. Do you recognize that?

15 A. Yes, I do.

16 Q. Do you know whether you've ever handled that item
17 before?

18 A. Yes, I do.

19 Q. How?

20 A. This was also transferred out to our lab, our
21 chemistry lab. I transferred it out to Lieutenant Berry
22 again on September 26th of 2011.

23 Q. And does that - What does that item contain by looking
24 at it?

25 A. By looking at it, it's our Beaufort County Best bag

EILEEN RIOS: BY SOLICITOR SHELTON

-421-

1 with its own unique control number.

2 Q. And is that control number printed on the bag?

3 A. It's C007589.

4 Q. Can you see the container number on that bag?

5 A. Yes, I can.

6 Q. Can you read that to the jury?

7 A. It's 11-01-0056D.

8 Q. Have you ever come into possession of that bag before?

9 A. Yes, again on - in September of 2011, I transferred it
10 to Lieutenant Berry for analysis.

11 Q. And it went directly to Lieutenant Berry?

12 A. Yes, she came into our facility and I transferred it
13 to her.

14 Q. Did anyone have access to that bag, or did anyone
15 check out that bag rather, between the time that it was
16 originally submitted into evidence and the time that you
17 submitted it to Renita Berry?

18 A. No, no one.

19 Q. Did you ever come back in contact with this bag?

20 A. Yes, in December of 2011, Lieutenant Berry brought it
21 back to the Evidence Section, and we transferred it back in
22 and I secured it in the lockup.

23 Q. And is that where that bag has remained until today?

24 A. Correct.

25 Q. Besides bringing it back and forth to court?

EILEEN RIOS: BY SOLICITOR SHELTON
BY MR. CHAPLIN

-422-

1 A. That's right.

2 Q. Thank you. And looking at that bag, is it sealed?

3 A. Yes.

4 Q. And is it in any different condition than it was when
5 you first received it?

6 A. It's in the chemistry lab's K-pack bag with their
7 identification on it.

8 Q. And, I apologize, I should have asked you this first,
9 and when you first received it, what was it in?

10 A. It was in our control - Beaufort County Control Best
11 bag.

12 Q. And was it sealed?

13 A. Yes.

14 Q. And would you have notated if it wasn't?

15 A. Correct.

16 Q. All right. Thank you. Those are all the questions I
17 have. Please answer any questions defense might have for
18 you.

19 THE COURT: Mr. Chaplain?

20 CROSS-EXAMINATION

21 EILEEN RIOS BY MR. CHAPLIN:

22 Q. How you doing?

23 A. Fine.

24 Q. Good. I want to show you State's Exhibit Thirty-one.

25 Do you recall seeing that package before?

EILEEN RIOS: BY MR. CHAPLIN

-423-

1 A. Yes.

2 Q. Okay. And when would you have first come in contact
3 with it?

4 A. When I transferred - originally transferred it to
5 Lieutenant Berry.

6 Q. Okay. And it would have came from, I guess, the
7 gentleman that as up here first. You would have received
8 it from who?

9 A. Are you speaking about Lance Corporal Padgett?

10 Q. Yes. I'm just asking, yeah.

11 A. He would - he is the original person that took the
12 evidence in and locked it in the Evidence Section.

13 Q. Okay. So after leaving him, it would come to you?

14 A. No, it would - it would be - he brings it into our
15 facility ---

16 Q. Okay.

17 A. --- secures it and it would stay there until such time
18 it would be transferred out for analysis.

19 Q. Okay. So you don't actually look at it, examine it,
20 do anything with it. It just comes in and sit in this
21 locker?

22 A. He took it in. I'm sure he looked at it ---

23 Q. Right.

24 A. --- and secured it.

25 Q. No, I'm talking about - talking about you?

EILEEN RIOS: BY MR. CHAPLIN

-424-

1 A. No.

2 Q. Right. It - you just know that he came and did his
3 job and put it in that locker?

4 A. Correct.

5 Q. Then, when you get a call or a text or page from the
6 chemist, correct?

7 A. Correct.

8 Q. Then you go grab that item?

9 A. Yes.

10 Q. And on this occasion, you're able to tell the court
11 that she came in and got it?

12 A. Correct.

13 Q. Is that what she always do?

14 A. At that time yes, she would come in and pick up the
15 item.

16 Q. How do you - what are you looking at or how do you
17 know she came in and got it from you?

18 A. Because once - it's an automated - it's an electronic
19 transfer. She has to come in and put her password, her
20 unique password into the computer system. She - I - well,
21 first I would put mine in 'cause I'm going to transfer the
22 items to her, and then she - we - you know, highlight the
23 items that she's going to check out. I have them boxed up.
24 We verify that those items are on the list on the computer.
25 I transfer them over. At that time, she puts in her

1 password and hits transfer and they all go from my custody
2 to hers and I hand them over.

3 Q. Okay. But then you -- after she does her thing, it
4 comes back from her ---

5 A. Correct.

6 Q. --- and then comes back to you via this same --

7 A. The same procedure.

8 Q. Okay. Then you're able to actually tell the court if
9 anybody have touched that package after her. Like once it
10 comes back into you, you're able to tell if anyone
11 requested that package to take a look at it or do whatever
12 with it. Correct?

13 A. Yes.

14 Q. Okay. Did anybody after it came back from Ms. Berry
15 ---

16 A. Uh-huh.

17 Q. --- did anybody request that package to take a look a
18 it?

19 A. The only time it was looked at when the Solicitor came
20 to review the evidence. I remember him coming in and doing
21 that at that time.

22 Q. Who did that?

23 A. Mr. Shelton.

24 Q. Okay. And who was with him when he came to go - take
25 a look at it?

EILEEN RIOS: BY MR. CHAPLIN

-426-

1 A. The officer was there also.

2 Q. And who was with them?

3 A. I don't recall if anyone else was.

4 Q. As far as you know it was just the Solicitor and --

5 A. Because I sat there with them when they went through
6 the evidence.

7 Q. Okay. But no one else was there that you can
8 remember?

9 A. No one else was there.

10 Q. No one else. And when was this, when did they come
11 look at it? Do you need to look at something or do you
12 have notes?

13 A. No, when I'm in the present, I - it's not transferred
14 out. It's in evidence. It's not like they took it
15 anywhere and we looked at it in another building. It's
16 still in Evidence, so and with me, I take the box of
17 evidence and I put it on the table in Evidence, they went
18 through it and reviewed it. We put it back in the box. I
19 sealed it up and secured it back in the locker.

20 Q. Okay. Well, let me make it even clearer, 'cause I'm
21 all about like "Hooked on Phonics." Do - When they came
22 in, did they get to touch it?

23 A. Yes.

24 Q. Did they get to touch that package?

25 A. Yes.

EILEEN RIOS: BY MR. CHAPLIN

-427-

1 Q. Okay. Did they get to hold it up and look at it or
2 whatever they want to do with it?

3 A. If they - if they needed to, yes.

4 Q. Okay. The only thing they can't do is walk out with
5 it?

6 A. Walk out or open anything that's sealed.

7 Q. Okay. I'm glad you mentioned that. Look at that
8 package.

9 A. Uh-huh.

10 Q. And is that packaged sealed? I want you to look at it
11 real good.

12 A. Uh-huh.

13 Q. Is it sealed ---

14 A. No, it -

15 Q. --- all the way around?

16 A. Yeah with the heat seal.

17 Q. So there's no opening --

18 A. Is broken.

19 Q. Say it again?

20 A. The heat seal.

21 Q. Is what?

22 A. Broken.

23 Q. So it's not sealed?

24 A. Yeah.

25 Q. Okay. So the heat seal that's normally sealed, right?

EILEEN RIOS: BY MR. CHAPLIN

-428-

1 A. Uh-huh. Yes.

2 Q. Is not sealed?

3 A. Correct.

4 Q. Why is that?

5 A. I take for granted that when they sealed it it didn't
6 take.

7 Q. Okay. So if the heat seal doesn't take ---

8 A. Uh-huh.

9 Q. --- then something could either go in the bag or come
10 out of the bag if it's not sealed, am I correct?

11 A. It's possible, but --

12 Q. Look at the bag one more time. I'm sorry to interrupt
13 you.

14 A. Uh-huh.

15 Q. But is it possible for something to go into that bag
16 in that opening that you're looking at?

17 A. It's possible but.

18 Q. But it is possible?

19 A. Yes.

20 Q. And now can --

21 SOLICITOR SHELTON: I ask that she's allowed to
22 explain her answer.

23 MR. CHAPLAIN: Oh, excuse me.

24 THE COURT: Sustain.

25 Q. I don't - do - I do not want to cut you off ever. If

EILEEN RIOS: BY MR. CHAPLIN

-429-

1 you think I - just keep on talking.

2 A. At the time when we were going through the evidence I
3 was there. No one put anything in this package or took
4 anything out.

5 Q. No, I didn't ask that. I just --

6 SOLICITOR SHELTON: Objection.

7 THE COURT: She's --

8 Q. What I'm ask --

9 MR. CHAPLIN: Excuse me?

10 SOLICITOR SHELTON: Objection.

11 THE COURT: Mr. Chaplain, she's still explaining her
12 answer.

13 MR. CHAPLIN: Oh, excuse me.

14 Q. Go ahead.

15 A. Now, there is - not at that time.

16 Q. That you know of?

17 A. I was there. Not at that time.

18 Q. Okay. The question I have to you when that package
19 went to law enforcement, was that seal broken then?

20 A. I believe so yes, yes --

21 Q. It was broken?

22 A. Mr. Shelton pointed out that it was open, that it - or
23 that the seal was broken. I remember that.

24 Q. Oh, you do?

25 A. Uh-huh.

EILEEN RIOS: BY MR. CHAPLIN

-430-

1 Q. And how long ago was this that you remember this?

2 A. It's within the past thirty days.

3 Q. Oh, that you realized that it was broken.

4 MR. CHAPLIN: Beg the Court's indulgence.

5 (PAUSE.)

6 Q. Okay. So you can recall if it was open then?

7 A. I remember him pointing it out to me ---

8 Q. That it was open?

9 A. --- and I - and.

10 Q. So this bag - How much evidence is back there that
11 you're in control of?

12 A. Ten thousand pieces.

13 Q. And can you say to the Court that that package never
14 came out of your purview, your - it never left you and that
15 you know positively there was no way for anyone to touch
16 that package at all? Can you say that in this courtroom
17 today, that it was no way for anyone to touch that package
18 without you knowing?

19 A. I'm not sure I understand what you - what you're
20 saying. I know it's was secure ---

21 Q. Can --

22 A. --- and --

23 Q. --- can - yes, can you say that --

24 SOLICITOR SHELTON: Objection. Again, she's trying to
25 answer his question and she's --

EILEEN RIOS: BY MR. CHAPLIN

-431-

1 A. There is only --

2 MR. CHAPLAIN: I think she asked me to clarify it.

3 THE COURT: Well, let her finish her answer --

4 A. There's only four people that have access to our
5 evidence lockup and at no time would I believe that anyone
6 would have put anything in there or taken out anything.

7 Q. Okay. And you use the word you don't believe? You
8 say you don't believe that would have happened?

9 A. That's correct.

10 Q. Right. But so now it was Officer Padgett who had it
11 at first - excuse me, Officer Heroux who had it at first?

12 A. Uh-huh.

13 Q. Then, it went to Officer Padgett. Then it came to
14 your, what you call it, lockup?

15 A. Lockup facility.

16 Q. Okay. Then it left you and went to Ms. Berry. From
17 Ms. Berry back to you.

18 A. Uh-huh.

19 Q. Then, it's four people in your section. Right? It's
20 four people in your section.

21 MADAME COURT REPORTER: Is that an answer?

22 Q. Is there four people - Oh.

23 A. Yes, four people.

24 Q. Okay. That have access to that lockup?

25 A. Yes.

EILEEN RIOS: BY MR. CHAPLIN

-432-

1 Q. And somehow that package now which is Exhibit Number

2 --

3 SOLICITOR SHELTON: Thirty-one.

4 Q. Thirty one, is open? You can safely say that?

5 A. Yes, it is open.

6 Q. Okay. And --

7 MR. CHAPLAIN: I beg the Court's indulgence?

8 THE COURT: Yes, sir.

9 (PAUSE.)

10 Q. Last question. So at this point for - At this point
11 it's safe to say six people, 'cause you count four as being
12 with you - you're one of the four. Right?

13 A. Correct.

14 Q. Okay. So six people had access to this - to what was
15 just presented to you, excuse me, seven at that point?

16 A. Okay.

17 Q. You want me to name them again?

18 A. Uh-huh.

19 Q. Okay.

20 A. Yeah.

21 MADAME COURT REPORTER: I'm sorry. I did not hear
22 that.

23 A. Correct.

24 Q. Heroux, Padgett, yourself, Berry and three others?

25 A. Yes.

EILEEN RIOS: BY SOLICITOR SHELTON

-433-

1 Q. Nothing further.

2 THE COURT: Any redirect?

3 SOLICITOR SHELTON: Yes, Your Honor. Thank you.

4 REDIRECT EXAMINATION

5 EILEEN RIOS BY SOLICITOR SHELTON:

6 Q. Does Heroux have access to the actual evidence secured
7 area?

8 A. No.

9 Q. No. Who only has access to that?

10 A. Myself, Captain Keo, at the time Lance Corporal
11 Snider and Lance Corporal Padgett.

12 Q. Do you know Renita Berry's signature?

13 A. Yes, I'd recognize it.

14 Q. And her initials?

15 A. Yes.

16 Q. What about Jennifer Snider? I mean, excuse me,
17 Jennifer Mills?

18 A. Yes.

19 Q. And do you know who Jennifer Mills is?

20 A. Yes.

21 Q. Who is Jennifer Mills?

22 A. She is another one of our chemists.

23 Q. Now, you testified earlier that when you received this
24 package back from Renita Berry, what date was that?

25 SOLICITOR SHELTON: State's Exhibit Thirty-one, Madame

EILEEN RIOS: BY SOLICITOR SHELTON

-434-

1 Court Reporter.

2 A. December 2nd, 2011.

3 Q. It was sealed. Correct?

4 A. Yes.

5 Q. And I'm going to approach you with the State's Exhibit
6 Number Thirty-one. Do you recognize Renita Berry's
7 signature on any - either one of those seals?

8 A. Yes.

9 Q. And is that seal still intact?

10 A. Yes, it's on the inside of this K-pack bag I see.

11 Q. And you said that's a K-pack bag. That's actually an
12 exterior bag. Correct?

13 A. Yes.

14 Q. Are there bags inside of that bag that you can see?

15 A. Yes.

16 Q. Now, if you look at the part where the heat seal has
17 come undone, you say I pointed that out to you?

18 A. Yes.

19 Q. When I came to inspect the evidence getting ready for
20 trial?

21 A. Yes.

22 Q. And how large is it open, without showing it to the
23 jury?

24 A. I'd say four-and-a-half inches.

25 Q. Uh-huh. Are you measuring it?

EILEEN RIOS: BY SOLICITOR SHELTON

-435-

1 A. Yeah, I'm --

2 Q. Or would you rather do this?

3 A. Oh, okay. All right.

4 Q. Okay. Is the entire seal open?

5 A. No.

6 Q. Can you turn it up and get the contents out of it?

7 A. No.

8 Q. Okay. Thank you.

9 SOLICITOR SHELTON: And may I approach, Your Honor?

10 THE COURT: Yes, sir.

11 Q. And that is the exterior K-pack bag that the lab puts
12 it in. Correct?

13 A. Correct.

14 Q. And you describe it as a heat seal. Do you know how
15 heat seals work?

16 A. Yes.

17 Q. How do they work?

18 A. It's an instrument - we use it also, and you put the
19 plastic into the - it looks like a paper cutter, but it
20 heat seals. You push it down, hold it for a few seconds
21 and let up.

22 Q. And I'm going to approach again with this exhibit and
23 I'm going to ask you to look at the seal that has become
24 open, the heat seal ---

25 A. Yes.

EILEEN RIOS: BY SOLICITOR SHELTON

-436-

1 Q. --- and see if you recognize the initials on that
2 seal?

3 A. Yes, I do.

4 Q. Who is that?

5 A. Jennifer Mills.

6 Q. And what date was that initial made?

7 A. February 14th, 2013.

8 Q. 2013. And if you look at Renita's initials what date
9 was it sealed?

10 A. I got down here 11/13/2011.

11 Q. 11/13/2011. And what day did you receive it back from
12 Renita?

13 A. I received it back from Renita December 2nd, 2011.

14 Q. And when you received it back from Renita, the other
15 seal was not even broken. Correct?

16 A. Correct.

17 Q. The other - there is only one seal that the bag had
18 been accessed and sealed upon. Correct?

19 A. Correct.

20 Q. So the other broken seal was not even in existence and
21 never been opened. Correct?

22 A. Correct.

23 Q. And to your knowledge, Renita had already done her
24 analysis. Correct?

25 A. That's right.

EILEEN RIOS: BY SOLICITOR SHELTON
BY MR. CHAPLIN

-437-

1 Q. Thank you.

2 SOLICITOR SHELTON: May I approach, Your Honor?

3 THE COURT: Yes, sir.

4 Q. You said there's other evidence technicians that work
5 in the Evidence Division. Correct?

6 A. Yes.

7 Q. You've already testified to what their duties and what
8 your duties are. Correct?

9 A. Yes.

10 Q. And does anyone go in and just mess around with
11 evidence just for the fun of it?

12 A. No.

13 Q. No. Do you have a lot of work to do?

14 A. Yes.

15 Q. And when it's logged, why do you log it and store it
16 securely?

17 A. To preserve it for court.

18 Q. Thank you.

19 SOLICITOR SHELTON: No more questions.

20 THE COURT: Thank you.

21 RECROSS-EXAMINATION

22 EILEEN RIOS BY MR. CHAPLIN:

23 Q. I like the words you just used, did you said preserve?

24 A. Yes.

25 Q. Right. I like that word. Thirty-one. I'm just

EILEEN RIOS: BY MR. CHAPLIN

-438-

1 giving that back to you, Exhibit Thirty-one. Let's stick
2 with the word preserve. Isn't it safe to say that you was
3 explaining how this heat seal machine work. Right?

4 A. Uh-huh.

5 Q. Isn't it the --

6 THE COURT: Is that yes?

7 A. Yes.

8 Q. Isn't the purpose of this heat seal is to preserve?

9 Wouldn't it be safe to say that's used to seal it, to
10 preserve it ---

11 A. Yes.

12 Q. --- whatever's inside?

13 A. Yes.

14 Q. Okay. So if that's what it's for, is that item
15 preserved right now?

16 SOLICITOR SHELTON: Objection, Your Honor.

17 A. Yeah.

18 SOLICITOR SHELTON: She does not have personal
19 knowledge as to the how the items inside are sealed.

20 Q. Is that --

21 A. Yeah.

22 Q. Is that item open?

23 THE COURT: If she knows.

24 A. Yes.

25 THE COURT: Mr. Chaplain.

1 MR. CHAPLAIN: Excuse me, Your Honor. I apologize.

2 THE COURT: Wait for the ruling before you go forward.

3 Overruled.

4 MR. CHAPLAIN: Thank you, Your Honor. I apologize.

5 Q. So is the item preserved inside right now?

6 A. Yes.

7 Q. Even though the seal is broken?

8 A. I can't - It won't come out.

9 Q. No, ma'am. The - You explained, and you looked over
10 at the jury, and you explained how this heat seal machine
11 works. What's the purpose of the heat seal machine and
12 what is it doing if it don't work, then is it performing
13 the function it's supposed to perform?

14 A. They heat seal it to seal everything in the bag.

15 Q. Correct.

16 A. Yeah.

17 Q. And, obviously, they heat sealed that bag and for
18 whatever reason you said it didn't take.

19 A. Correct.

20 Q. Correct. So is the item inside that bag preserved now
21 being that it's open?

22 A. I feel it's preserved.

23 Q. You feel it's preserved?

24 A. Yes.

25 Q. But is it open?

EILEEN RIOS: BY MR. CHAPLIN

-440-

1 A. Yes.

2 Q. Okay. So although it's open, this heat seal machine
3 didn't do its job. Whoever opened it last obviously when
4 they sealed it, they didn't check it. Correct?

5 A. Yes.

6 Q. Okay. But even though all of that occurred, you're
7 telling me, as well as the jury and the judge, that this
8 item is preserved?

9 A. Yes, I feel it is.

10 Q. Let me have it back.

11 MR. CHAPLAIN: Beg the court's indulgence.

12 (PAUSE.)

13 MR. CHAPLIN: I don't have anything further, Your
14 Honor, from this witness.

15 THE COURT: You may step down, Ms. Rios. Thank you.
16 May she be excused?

17 SOLICITOR SHELTON: I ask that she may?

18 MR. CHAPLAIN: Yes, Your Honor.

19 THE COURT: Thank you, ma'am.

20 (WITNESS LEAVING WITNESS STAND.)

21 THE COURT: You may call your next witness.

22 SOLICITOR SHELTON: Thank you, Your Honor. The State
23 calls Renita Berry.

24 MADAME CLERK: Would you place your left hand on the
25 Bible and raise your right hand for me please.

RENITA BERRY: BY SOLICITOR SHELTON

-441-

1 (WHEREUPON: RENITA BERRY,
2 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

3 MADAME CLERK: Please be seated. State your name and
4 spell it for the court please.

5 MS. BERRY: Renita L. Berry, B-e-r-r-y.

6 DIRECT EXAMINATION

7 RENITA BERRY BY SOLICITOR SHELTON:

8 Q. Good morning, Ms. Berry.

9 A. Good morning.

10 Q. Or Lieutenant Berry. What is your job?

11 A. I am the Lab Director for the Beaufort County
12 Sheriff's office, forensic services laboratory.

13 Q. And what are some of your duties involving being the
14 Lab Director of the Beaufort County Sheriff's lab?

15 A. As the Lab Director, my primary responsibilities are
16 day to day operations and supervision of the laboratory.

17 Q. Do you also perform forensic testing?

18 A. Yes, I do.

19 Q. What is your previous experience?

20 A. I have a Bachelor's of Science degree in chemistry
21 from the University of South Carolina. I also have a
22 Master's degree in management from Western University.
23 Once completing my undergrad degree, I was employed by
24 South Carolina Department of Health and Environmental
25 Control, commonly known as DHEC. I served there as an

RENITA BERRY: BY SOLICITOR SHELTON

-442-

1 analytical chemist for about four years. Once leaving
2 DHEC, I was then employed by South Carolina Law Enforcement
3 Division, commonly known as SLED, and I was with SLED for
4 about four years and it was at SLED where I received the
5 majority of my training as a forensic chemist.

6 While there, I completed an intensive training program
7 conducted by the Drug Analysis Department. By the Drug
8 Analysis Department I was certified as a forensic chemist
9 by the Drug Enforcement Administration and throughout the
10 years I've completed various trainings and courses for
11 instrumentation and for controlled substances.

12 Q. During your career as a forensic chemist, have you had
13 the opportunity to test cocaine?

14 A. Yes, I have.

15 Q. Do you have any idea how many times?

16 A. Thousands.

17 Q. How about marijuana?

18 A. Yes.

19 Q. Any idea how many times?

20 A. Thousands.

21 Q. Have you been qualified as an expert as a forensic
22 chemist before in any court?

23 A. Yes. Both in State and Federal.

24 Q. And do you have any idea how many times you've
25 testified as an expert as a forensic chemist?

RENITA BERRY: BY SOLICITOR SHELTON

-443-

1 A. Over eighty times.

2 SOLICITOR SHELTON: The State moves and tenders Ms.
3 Renita - Lieutenant Renita Berry as an expert in forensic
4 chemistry.

5 THE COURT: Any voir dire?

6 MR. CHAPLIN: None, Your Honor.

7 THE COURT: All right. She is so qualified.

8 SOLICITOR SHELTON: Thank you.

9 Q. Lieutenant Berry, I am first going to hand you what's
10 been previously marked for identification purposes only
11 State's Exhibit Number Thirty, Okay?

12 A. Okay.

13 Q. Lieutenant Berry, I would ask that if you would just
14 take your time and look at that, see if you recognize it
15 and tell me if you ever handled it before.

16 A. Yes, I have.

17 Q. Do you know when you first came in contact with this
18 exhibit?

19 A. I first came into contact with this evidence September
20 26th 2011.

21 Q. And on that date what did you do with it?

22 A. Upon receiving it from evidence, I then secured it in
23 the lab. It was secured in the lab.

24 Q. When you say "secured in the lab," will you describe
25 how you secure it in the lab?

RENITA BERRY: BY SOLICITOR SHELTON

-444-

1 A. Inside our laboratory, inside the chemistry portion of
2 the laboratory, is an area where we store all of our drugs.
3 It's another secure area where it has another locking
4 system and so all evidence while it is in the laboratory is
5 secured in that area until it is returned to evidence.

6 Q. When you first received that item, State's Exhibit
7 Number - Is it Thirty?

8 Let me make sure I'm referring to the right exhibit.

9 Yes, Exhibit Number Thirty. What condition is it in
10 and what is it packaged in?

11 A. Inside of this outer bag --

12 Q. Without quite showing it to the jury.

13 A. Okay.

14 Q. I'm sorry.

15 A. The evidence was turned in in what we call a best kit
16 and there is a brown envelope along with - inside of that
17 envelope is what we call a Best bag or a control bag. It's
18 a blue and white and clear bag. That is evident - you can
19 tell whether or not it has been tampered with and it has a
20 seal across it and so you can tell whether or not the seal
21 has been tampered with.

22 Q. Was it tampered with in this case?

23 A. No, it wasn't.

24 Q. It was sealed when you received it?

25 A. It was sealed.

1 Q. What did you do with it?

2 A. It was placed into, again, the evidence storage area
3 until it was time for testing and then it was tested. I
4 took various samples.

5 Q. And how do you go about the process of taking samples?

6 A. The evidence is opened up one case at a time to review
7 the evidence that's there, the different items. You work
8 with one item at a time. You take small samples depending
9 on what type of testing you are going to do. In this case,
10 we conducted presumptive testing and confirmatory testing
11 using the presumptive chemical test and then with the
12 actual confirmatory test, instrumentation.

13 Q. And you performed those tests on those samples of
14 these substances?

15 A. Yes, I did.

16 Q. And before we go into that, were you able to - how
17 many items were located within that Best bag?

18 A. In this Best bag, there were two different - inside of
19 the Best bag, there were two evidence bags.

20 Q. And inside were those evidence bags sealed?

21 A. Yes, they were.

22 Q. And did you perform testing on both bags?

23 A. Yes.

24 Q. And did you issue those bags item numbers?

25 A. Yes, I did.

RENITA BERRY: BY SOLICITOR SHELTON

-446-

1 Q. And did you distinguish those item numbers in any way?

2 A. Yes. One bag was considered Item 1 and it is notated
3 on that bag, and the other bag was listed as Item 2.

4 Q. Now, in Item 1, were you able to come to an opinion as
5 to what it contained?

6 A. Yes, I was.

7 Q. And what is your opinion?

8 A. For Item 1, it contained a green plant material and
9 based on my opinion, based on the testing that was done,
10 it's my opinion that the substance found was
11 tetrahydrocannabinol, a marijuana, found.

12 Q. And what was the weight?

13 A. The weight for Item 1 was 156.4 grams.

14 Q. How about Item Number 2?

15 A. Item Number 2. There were two small plastic bags,
16 each containing green plant material. They were both -
17 both plastic bags were analyzed and based on the different
18 testing that was completed, it's my opinion that it was
19 tetrahydrocannabinol, also known as marijuana, that was
20 found with both items.

21 Q. Lieutenant Berry, I'm going to approach with State's
22 Exhibit Number Forty-one, which is your report, and
23 reference to State's Exhibit Number Thirty . I'm going to
24 ask if you recognize it and whether it's a fair and
25 accurate copy of your report?

RENITA BERRY: BY SOLICITOR SHELTON

-447-

1 A. Yes, it is.

2 Q. And does it accurately state what your conclusions,
3 your opinion is that the items contained?

4 A. Yes, it does.

5 Q. And again, when you received this bag it was sealed?

6 A. It was.

7 Q. And then you opened it to take out the items?

8 A. Yes.

9 Q. And you tested the items?

10 A. Yes.

11 Q. And you've already stated your opinion as to what it
12 contained?

13 A. Yes.

14 Q. When you were done, what did you do with it?

15 A. Once completed, the samples or the evidence is placed
16 back into a secure bag, into an outer bag and it's heat
17 sealed and ready and stored into the storage room or
18 evidence room until we return it to the actual evidence
19 section.

20 Q. And is that the same bag you see in front of you
21 today?

22 A. Yes, it is.

23 SOLICITOR SHELTON: State moves Exhibit Number Thirty
24 into evidence.

25 THE COURT: Any objections?

RENITA BERRY: BY SOLICITOR SHELTON

-448-

1 MR. JOHNSON: No objection, Your Honor.

2 THE COURT: Thank you.

3 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY, IDENTIFIED
4 AND MARKED, RECEIVED INTO EVIDENCE.)

5 Q. I ask you to open State's Exhibit Number Thirty.

6 Madame Clerk, do you have an scissors?

7 A. Thank you.

8 Q. And would you like gloves?

9 A. I'm fine. Okay.

10 Q. Will you please take Item 1 out first. I am going to
11 approach with State's Exhibit Thirty-A sticker, Thirty-A,
12 it's alpha.

13 SOLICITOR SHELTON: May I ask the witness to leave the
14 witness stand?

15 THE COURT: Yes, sir.

16 SOLICITOR SHELTON: And approach the jury and show
17 the item to the jury of Exhibit Number Thirty-A?

18 (WITNESS LEFT WITNESS STAND.)

19 Q. You can just walk across and show it to them and
20 explain what you see there.

21 A. You see where there is evidence tape along this
22 evidence bag --

23 SOLICITOR SHELTON: I apologize.

24 THE COURT: Ms. Berry, could you speak up a little
25 bit?

RENITA BERRY: BY SOLICITOR SHELTON

-449-

1 SOLICITOR SHELTON: She can't hear you. You'll have
2 to speak up very loud.

3 A. I'll start over. You see where there is evidence tape
4 along this evidence bag and also tape along the bottom
5 where I've opened it and sealed it back. Inside you see
6 another plastic bag. Inside of that plastic bag, you can
7 see green material and you can actually smell it, I'm sure,
8 so after sitting in that other bag for a while it's got a
9 very strong odor.

10 Q. And that contains marijuana?

11 A. Yes.

12 Q. That's your opinion?

13 A. In my opinion it's marijuana.

14 Q. Thank you. I ask that you return to the witness
15 stand. Thank you so much for showing that to the
16 jury.

17 (WITNESS RETURNS TO WITNESS STAND.)

18 Q. Now I am going to approach with State's Exhibit
19 sticker Thirty-B, as in boy. And I have affixed this
20 sticker to Item Number 2 contained within State's Exhibit
21 Thirty which has already been admitted into evidence.

22 SOLICITOR SHELTON: For the record, State's Exhibit
23 Number Thirty-A was affixed to Item Number 1 which was
24 within State's Exhibit Number Thirty.

25 Q. And please describe for the jury what you see here and

RENITA BERRY: BY SOLICITOR SHELTON

-450-

1 again approach if you don't mind with the Court's
2 discretion.

3 THE COURT: Yes, you may.

4 A. Thank you.

5 (WITNESS LEFT WITNESS STAND.)

6 A. Again, another smaller evidence bag, small evidence
7 bag, and inside there are two smaller plastic bags and
8 inside each of those plastic bags is a green plant
9 material.

10 Q. Thank you. Please return to the witness stand.

11 (WITNESS RETURNED TO WITNESS STAND.)

12 Q. Now, State's Exhibit Number Thirty-B that you are
13 holding in your hand, what is the weight of that substance?

14 A. The total weight of the two plastic bags that I've
15 just shown you is 3.70 grams.

16 Q. Three point seven zero grams?

17 A. Uh-huh.

18 Q. Are they just by looking at it approximately the same
19 weight independent of each other?

20 A. One bag - for one plastic baggie the weight was 2.60
21 grams and for the second it was 1.10 grams.

22 Q. So one was almost exactly two grams, 2.07 grams, you
23 said?

24 A. Two point six zero grams and one point one zero grams.

25 Q. Thank you. And how much weight was in the larger

RENITA BERRY: BY SOLICITOR SHELTON

-451-

1 package again?

2 A. For Item 1, 156.4 grams.

3 Q. And the total weight was 161.1 grams; is that
4 correct? Or did I mistake that?

5 A. Yes. 161.1 grams total weight.

6 Q. Now, I noticed that those bags are sealed that were
7 contained within the K-pack bag. Is that common procedure?

8 A. Yes, it is.

9 Q. So what is the purpose is a K-pack bag serve?

10 A. And you are referring to this outer bag?

11 Q. The outer bag.

12 A. Evidence is placed back into the K-pack bag or to
13 is this outer bag so that we can seal everything together.
14 As you noticed, there is a black marking across the top.
15 Those are my initials along with the date that I actually
16 sealed the bag. This allows me to be able to identify that
17 the bag has not been tampered with and that my initials and
18 my seal is still in place

19 Q. And are you able to tell from the seals on the other
20 bag whether they have been tampered with?

21 A. Yes. They have not been.

22 Q. Okay. And is that a redundancy to make sure that they
23 are not tampered with?

24 A. It is.

25 Q. Now I'm going to approach - I'll actually take that

RENITA BERRY: BY SOLICITOR SHELTON

-452-

1 back from you.

2 SOLICITOR SHELTON: May I approach the witness, Your
3 Honor?

4 THE COURT: Yes, sir.

5 SOLICITOR SHELTON: Thank you.

6 Q. Now I'm going to approach with State's Exhibit
7 Number Thirty-one. This has not been admitted into
8 evidence so please do not publish it to the jury. Have you
9 ever come in contact with this piece of evidence before?

10 A. Yes, I have.

11 Q. When did you first receive it?

12 A. I first received this evidence on 9/26/2011.

13 Q. Is that the same date that you received State's
14 Exhibit Number Thirty, the marijuana?

15 A. Yes, it is.

16 Q. And for what purpose did you receive it?

17 A. For analysis.

18 Q. And what did you do with it once you received it?

19 A. Followed the same procedures as with the first set of
20 evidence. It was stored into the evidence area until it
21 was time for testing.

22 Q. And that's the same storage area you've already
23 described?

24 A. Yes, it is.

25 Q. And it's secure. And who has access to it?

RENITA BERRY: BY SOLICITOR SHELTON

-453-

1 A. Only those people working in the chemistry laboratory.

2 Q. And was it sealed when you received it?

3 A. Yes it was.

4 Q. And what condition was it, what was it packaged in
5 when you received it?

6 A. Again, it was in an outer envelope and inside of that
7 - there was an outer envelope and inside of there was a
8 blue and white evidence tamper proof - not tamper proof but
9 tamper evident plastic bag.

10 Q. And was that bag sealed?

11 A. Yes it was.

12 Q. What did you do with it?

13 A. Once it was time for testing, I then opened up that
14 case, opened up that evidence. Took out the small portions
15 of substance that I needed for testing and performed both
16 confirmatory and presumptive testing.

17 Q. And were you able to establish an opinion as to what
18 substances were inside of that bag?

19 A. Yes I was.

20 Q. And before we go into that opinion, again were you
21 able to locate separate items inside of the Best bag
22 itself?

23 A. Yes, I was.

24 Q. And did you distinguish those items in any way?

25 A. I did.

RENITA BERRY: BY SOLICITOR SHELTON

-454-

1 Q. And what item numbers did you designate to them?

2 A. There was a larger evidence bag so that bag was
3 considered Item 1 and inside there was a plastic, a
4 sandwich bag which I listed as Item 1.1. And then there
5 was another plastic bag which is marked as Item 1.2. And
6 there was another evidence bag which is Item 2.

7 Q. And did you test each item separately?

8 A. Yes, I did.

9 Q. And were those evidence bags sealed when you received
10 them that were contained within the Best bag?

11 A. The two evidence bags were sealed.

12 Q. Yes.

13 A. Uh-huh.

14 Q. And do you have an opinion as to what Item 1.1
15 contained?

16 A. Yes, I do.

17 Q. Please tell the jury what your opinion is and the
18 weight.

19 MR. JOHNSON: Your Honor?

20 THE COURT: Yes, sir.

21 MR. JOHNSON: Before she gives that answer may
22 we approach?

23 THE COURT: Sure.

24 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
25 THE JURY.)

1 THE COURT: You may proceed, Solicitor.

2 SOLICITOR SHELTON: Thank you, Your Honor. May it
3 please the Court.

4 THE COURT: Yes, sir.

5 Q. Lieutenant Berry, I just asked you and I'll ask you
6 again, do you have an opinion as to what was located in
7 Item 1.1 inside of that Best bag?

8 A. Yes, I do.

9 Q. Please tell the jury your opinion and the weight of
10 that substance.

11 A. Okay. A sandwich bag containing white powder and
12 compressed substance the results based on the different
13 tests that were completed, cocaine found, and the weight is
14 212.89 grams.

15 Q. Two hundred and twelve point eighty-nine grams in Item
16 1.1?

17 A. Yes.

18 Q. And you described it as a compressed substance?

19 A. A compressed powder substance.

20 Q. What do you mean by that?

21 A. You can look at it like a sugar cube where you can
22 tell - you know that if you were to just slightly tap that
23 sugar cube, that it would turn to various grains but it's
24 compressed. Like the little ones that you can buy just to
25 pick up and put in your coffee. It was like that, a

RENITA BERRY: BY SOLICITOR SHELTON

-456-

1 compressed powder substance. But then some had already
2 broken away from that substance so you have the powder and
3 the compressed substance.

4 Q. How about Item 1.2? Did you analyze that item?

5 A. Yes, I did.

6 Q. And please tell the jury your findings and what it
7 contained and its weight, please.

8 A. Plastic bag containing powder substance. The results
9 based on the testing, cocaine found, 10.59 grams.

10 Q. And I should have asked you this ahead of time, but
11 combined - do you know how much weight that is combined?

12 A. The combined weight for the two substances, Item 1.1
13 and Item 1.2, is 223.48 grams.

14 Q. Two hundred and twenty-three point forty-eight grams?

15 A. Yes.

16 Q. And that is all cocaine?

17 A. Yes, it is.

18 Q. You say that there is an Item Number 2 as well.

19 Correct?

20 A. Yes there is.

21 Q. Were you able to find any controlled substance in that
22 item?

23 A. No. That was an evidence bag containing, a plastic
24 containing a green crumbled substance and we did not find -
25 I was not able to determine the presence of a controlled

1 substance.

2 Q. But 1.1 and 1.2 is your opinion contained cocaine?

3 A. Yes it does.

4 Q. I'm going to approach with State's Exhibit Number
5 Forty-two.

6 THE COURT: Yes, sir.

7 Q. Do you recognize this?

8 A. Yes.

9 Q. What is it?

10 A. It's a copy of the report that was issued.

11 SOLICITOR SHELTON: I beg the Court's indulgence.

12 I'm getting ready to publish it to the jury.

13 THE COURT: Yes, sir.

14 Q. Did you complete that report?

15 A. Yes, I did.

16 Q. And that is a fair and accurate reproduction of that
17 report?

18 A. Yes, it is.

19 SOLICITOR SHELTON: State moves Exhibit Number Forty-
20 Two into evidence.

21 THE COURT: Any objections?

22 MR. JOHNSON: No objections, Your Honor.

23 THE COURT: Thank you.

24 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-TWO,
25 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

RENITA BERRY: BY SOLICITOR SHELTON

-458-

1 SOLICITOR SHELTON: I ask that I publish it to the
2 jury.

3 THE COURT: Yes, sir.

4 (STATE'S EXHIBIT FORTY-TWO PUBLISHED TO THE JURY.)

5 Q. Now Ms. Berry - Lieutenant Berry, I'm sorry. I
6 apologize. I am going to show you - I've just published
7 State's Exhibit Number Forty-two into evidence. I'm going
8 to zoom in so the jury can see this but I first want you to
9 say is that an accurate reflection of what you see in front
10 of you. You may need to step down.

11 SOLICITOR SHELTON: Is that all right, Your Honor?

12 THE COURT: That's fine.

13 SOLICITOR SHELTON: Thank you.

14 (WITNESS LEFT WITNESS STAND.)

15 A. Yes, it is.

16 Q. Thank you. Now I'm going to zoom in so we can
17 actually see it.

18 (WITNESS RETURNED TO WITNESS STAND.)

19 SOLICITOR SHELTON: Now, ladies and gentlemen of the
20 jury, some of you can read this and you'll have this later.

21 Lieutenant Berry, this is where you actually show
22 your results here?

23 A. Where are you pointing?

24 Q. For Item Number 1.1?

25 A. Yes.

- 1 Q. So that is 221.89 grams?
- 2 A. Yes, it is.
- 3 Q. And this is Item Number 1.2?
- 4 A. Yes.
- 5 Q. Ten point five nine grams?
- 6 A. Yes, it is.
- 7 Q. And both say, "results, cocaine found?"
- 8 A. Yes.
- 9 Q. And cocaine found?
- 10 A. Yes.
- 11 Q. And laboratory number 20 11 L0533?
- 12 A. Yes, it is.
- 13 Q. And what is the best bag number associated with that
- 14 laboratory number?
- 15 A. C007580.
- 16 Q. And when you received that bag, it was sealed?
- 17 A. Yes, it was.
- 18 Q. And you were the first one to take it out of evidence
- 19 to test it. Correct?
- 20 A. Yes.
- 21 Q. Now, do you have any other jobs or any other duties in
- 22 your life?
- 23 A. I am also in the Army National Guard.
- 24 Q. And have you recently returned?
- 25 A. Yes. I was deployed for about a year.

RENITA BERRY: BY SOLICITOR SHELTON

-460-

1 Q. And during that time period, was anyone else employed
2 within the Beaufort County drug lab?

3 A. Yes.

4 Q. And who would that be?

5 A. Jennifer Mills.

6 Q. And the purpose of you testifying today is to testify
7 to your results. Correct?

8 A. Yes.

9 Q. Do you have any knowledge as to whether the tests, the
10 substance that you tested in front of you, was ever
11 retested?

12 A. Yes.

13 Q. And before I go into that, let me ask you this. When
14 you finish you testing process, what did you do with the
15 substance?

16 A. After testing the substance, all the items were placed
17 into a heat sealed bag. Heat sealed along where I signed
18 my initials and then returned to evidence to the Beaufort
19 County Sheriff's evidence section.

20 Q. And you put the evidence back in the evidence bags?

21 A. Yes.

22 Q. And were those sealed?

23 A. Yes, they were.

24 Q. And you sealed them.

25 A. Yes.

RENITA BERRY: BY SOLICITOR SHELTON

-461-

1 Q. And then you put it back in the heat sealed bag, the
2 larger bag?

3 A. Yes.

4 Q. Is that sealed?

5 A. Yes.

6 Q. And do you know whether Jennifer Mills performed
7 testing on this substance in your absence?

8 A. Based on conversations with her, yes.

9 MR. JOHNSON: Objection, Your Honor. If she was
10 absent, she would know if she did or not.

11 THE COURT: If she knows, if she has reason to know.

12 I will overrule your objection.

13 BY SOLICITOR SHELTON:

14 Q. Do you have knowledge of laboratory notes and also
15 conversations with Ms. Mills?

16 A. Yes. I've reviewed her information along with mine
17 and she --

18 MR. JOHNSON: Your Honor, objection. Any conversation
19 is hearsay.

20 THE COURT: She is not testifying what the person told
21 her. She is just saying that she reviewed the notes, lab
22 notes, so as to that your objection is overruled.

23 BY SOLICITOR SHELTON:

24 Q. Did you review her lab notes?

25 A. Her lab notes along with her laboratory report.

RENITA BERRY: BY SOLICITOR SHELTON

-462-

1 Q. And are those lab notes something that are maintained
2 as regular business records?

3 A. Yes.

4 Q. And were her findings consistent with your's?

5 A. Yes, they were.

6 Q. And do you know who requested to have the substance
7 retested?

8 A. I think it was you. I'm not sure.

9 Q. And do you know why?

10 A. The Court was -- apparently the case was going to court
11 and the --

12 MR. JOHNSON: Your Honor, objection again. She said
13 she is not sure. Then he asked do you know why. If she
14 wasn't sure, how would she know why?

15 THE COURT: She didn't say she wasn't sure. You're
16 objection is overruled.

17 SOLICITOR SHELTON: Thank you.

18 A. The case was going to court and because of my absence,
19 it was requested that the samples be re-analyzed.

20 Q. So that a chemist could testify in court?

21 A. Yes.

22 Q. So this substance was actually analyzed not once but
23 twice?

24 A. Yes, it was.

25 Q. With consistent results?

RENITA BERRY: BY SOLICITOR SHELTON

-463-

1 A. Yes.

2 SOLICITOR SHELTON: May I approach, Your Honor?

3 THE COURT: Yes, sir.

4 Q. This is still not in evidence as far as the bag, but
5 I'm going to ask you to look at State's Exhibit Number
6 Thirty-one and see if you can see whether the outer
7 packaging is completely sealed.

8 A. No. There is an area here where there is an opening.

9 It's where there was an attempt to reseal it right
10 across all of the labels that you see here and it's not
11 sealed at this time.

12 Q. You say right across the labels that you see there?

13 A. Yes.

14 Q. Can that sometimes be a problem in heat sealing?

15 A. Yes. We try not to seal across labels but seal the
16 others on the other opening --

17 MADAME COURT REPORTER: I'm sorry. You try not to
18 seal across labels and?

19 A. We - I have to repeat that. Our goal is to always
20 seal the bag in the area where we know the seal is going to
21 be intact.

22 MR. JOHNSON: Your Honor, I object. She's showing the
23 bag to the jury.

24 A. I'm sorry.

25 SOLICITOR SHELTON: Sorry.

RENITA BERRY: BY SOLICITOR SHELTON

-464-

1 Q. Please just describe it without showing it to the jury
2 yet.

3 I apologize.

4 THE COURT: Thank you.

5 SOLICITOR SHELTON: Thank you.

6 Q. You were saying your goal?

7 A. The goal is always to seal in an area where there is
8 not going to be a problem with the bag reopening. And you
9 also attempt to tug on the bag to make sure that happens.
10 However, we were in a process where we were having to put
11 several labels on the bag and there was no other area for
12 her to seal.

13 Q. Now, you said it's your practice to seal the bags that
14 are within that exterior bag?

15 A. To put some type of evidence tape or some type of tape
16 along with our initials to make sure that everything is
17 still in tact.

18 Q. So there are bags contained within that bag. Correct?

19 A. Yes.

20 Q. There is not actually loose cocaine --

21 MR. JOHNSON: Your Honor, objection. He is
22 testifying.

23 THE COURT: Please don't lead the witness.

24 SOLICITOR SHELTON: I apologize, Your Honor. I didn't
25 realize I was. I apologize.

RENITA BERRY: BY SOLICITOR SHELTON
BY MR. JOHNSON

-465-

1 Please strike that question, Madame Court Reporter.

2 Q. Is there loose cocaine inside of that bag?

3 A. No, there is not.

4 Q. And is there any loose cocaine inside of the outer
5 bag?

6 A. No, there is not.

7 Q. So any cocaine would be packaged within the inner bag?

8 A. Yes.

9 Q. Thank you.

10 SOLICITOR SHELTON: Those are all the questions I
11 have. Please answer any questions defense might have.

12 CROSS-EXAMINATION

13 RENITA BERRY BY MR. JOHNSON:

14 Q. Good morning.

15 A. Good morning.

16 Q. Just a couple questions for you. The package that you
17 have there is not the package that you sealed and returned
18 back into - is not - the package that you have there, Item
19 31 I think is the one we were talking about. Its packaged
20 differently than when you packaged it and returned it
21 before you went away; is that correct?

22 A. I can't say that it is packaged differently?

23 Q. Right.

24 A. But it has been opened and resealed.

25 Q. And resealed?

RENITA BERRY: BY MR. JOHNSON

-466-

1 A. Yes.

2 Q. Now, the reason that you seal packages is to prevent
3 people from tampering with them. Correct?

4 A. To prevent tampering and to ensure that the packaging
5 stays intact. Yes.

6 Q. To ensure the chain of custody?

7 A. Yes.

8 Q. Okay. Because anything to indicate that it could have
9 been tampered with effects the chain of custody. Correct?

10 A. Yes.

11 Q. As that package is now, being opened, it gives some
12 question to whether it could have been tampered with.
13 Correct?

14 A. It gives question, yes.

15 Q. Thereby affecting the chain of custody. Correct?

16 A. Yes and no.

17 Q. That's close enough. Thank you.

18 THE COURT: Redirect?

19 SOLICITOR SHELTON: I ask that you explain that
20 answer, yes and no.

21 A. Yes and no.

22 THE COURT: You may finish your answer, ma'am.

23 A. Thank you, Your Honor. I say yes and no simply
24 because the evidence was sealed. It was secure. It was
25 placed in a secure location at all times. The entire that

RENITA BERRY: BY MR. JOHNSON

-467-

1 it is in the laboratory it's in a secure location and only
2 those persons authorized to be in that area are able to be
3 there. And in this case it was Jennifer Mills in my
4 absence. The evidence was then returned to evidence, our
5 evidence section, which is a big warehouse that secures and
6 safe keeps, and keep guards, all of the evidence for
7 Beaufort County Sheriff's office. So there it was placed
8 in whatever spot they place it in and it was secured until
9 it was time to be pulled out again, for court or for
10 whatever other reasons. So even though the bag - the seal
11 has come apart, the bag was at all times based on our
12 policy in a very secure location.

13 SOLICITOR SHELTON: Redirect, Your Honor?

14 THE COURT: Yes. Well, Mr. Johnson, do you have
15 anything further based upon her explanation of your last
16 question?

17 MR. JOHNSON: Yes, Your Honor. I thought he was
18 redirecting already.

19 THE COURT: No, sir. She was explaining her last
20 answer that you asked her so do you have anything further?

21 MR. JOHNSON: Yes.

22 THE COURT: You still have an opportunity.

23 RENITA BERRY BY MR. JOHNSON:

24 Q. But you was away for a year. Correct?

25 A. Yes, I was.

RENITA BERRY: BY MR. JOHNSON

-468-

1 Q. So you cannot say for sure that you have any knowledge
2 of what happened to that bag while you was gone. Correct?

3 A. Can I give you another yes and no answer?

4 Q. Please explain.

5 THE COURT: Just say yes and no and then explain your
6 answer.

7 A. Thank you, Your Honor. I say yes and no again because
8 the policy is there and in any situation, even if I was
9 still in Beaufort County working at the laboratory, once
10 it's been placed back into the hands of our evidence
11 custodians, it sits there and again I have no knowledge
12 other than what our policy states whether or not it's in a
13 secure location, so based on policy, yes.

14 Q. Based on policy, but --

15 A. But either way I would not have been present at the
16 evidence within the evidence section to have my eyes on the
17 evidence if that makes sense.

18 Q. I'm sure. I just want to make sure you are finished
19 before I ask you the next question.

20 A. I am. Sorry about that.

21 Q. Okay. But the reason it is sealed is to protect the
22 chain of custody. Correct?

23 A. Yes.

24 Q. And that bag is not sealed?

25 A. Yes.

RENITA BERRY: BY SOLICITOR SHELTON

-469-

1 MR. JOHNSON: No other questions.

2 THE COURT: Any redirect.

3 SOLICITOR SHELTON: Very briefly.

4 REDIRECT EXAMINATION

5 RENITA BERRY BY SOLICITOR SHELTON:

6 Q. Once again the exterior bag heat seal has come undone.

7 Correct?

8 A. Yes.

9 Q. And within that bag is the policy and procedures that
10 the actual drugs are packaged in separate bags. Correct?

11 A. Yes.

12 Q. And those bags would be sealed?

13 A. Yes.

14 Q. Thank you.

15 THE COURT: You may step down, Lieutenant, thank you.

16 OFFICER BERRY: Thank you, Your Honor.

17 (WITNESS LEAVING WITNESS STAND.)

18 THE COURT: You may call your next witness.

19 SOLICITOR SHELTON: Thank you. The State calls

20 Jennifer Snider.

21 I ask that Lieutenant Berry be excused.

22 THE COURT: Yes, ma'am. You may be excused. Thank
23 you.

24 Any objection?

25 MR. CHAPLIN: No objection, Your Honor.

OFFICER JENNIFER SNIDER: BY SOLICITOR SHELTON

-470-

1 SOLICITOR SHELTON: And I ask without defense
2 objection that she may remain in order to witness the rest
3 of the testimony.

4 MR. CHAPLIN: No, Your Honor but we - right now we're
5 saying okay but we may come up with something after this
6 testimony. We would rather her exit.

7 THE COURT: Yes, sir. The order said sequestration.

8 SOLICITOR SHELTON: Okay.

9 MR. JOHNSON: Thank you. Sorry about that.

10 (WHEREUPON: JENNIFER SNIDER,
11 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

12 MADAME CLERK: Please be seated. State your name and
13 spell it for the Court.

14 MS. SNIDER: My name is Jennifer Snider, S-n-i-d-e-r.

15 THE COURT: Your witness.

16 SOLICITOR SHELTON: Thank you, Your Honor. May it
17 please the Court.

18 THE COURT: Yes, sir.

19 DIRECT EXAMINATION

20 OFFICER JENNIFER SNIDER BY SOLICITOR SHELTON:

21 Q. Officer, Deputy Snider, where do you work now?

22 A. I worked with the Beaufort County Sheriff's office,
23 Northern Enforcement Division, as a patrol deputy.

24 Q. And where were you working earlier in this year and
25 last year?

OFFICER JENNIFER SNIDER: BY SOLICITOR SHELTON

-471-

1 A. I worked for the evidence division.

2 Q. And what were your duties when you were part of the
3 evidence division?

4 A. My duties consisted of transferring and the intake of
5 evidence for the Sheriff's office.

6 Q. I'm going to approach with State's Exhibit Number
7 Thirty-one. This has not been admitted into evidence yet
8 so I'm going to ask that you not show it to the jury.

9 Okay.

10 SOLICITOR SHELTON: May I approach, Your Honor?

11 THE COURT: Yes, sir.

12 Q. I'm also going to approach with an evidence transfer
13 sheet that I will mark for identification purposes only as
14 State's Exhibit Number Forty-six.

15 SOLICITOR SHELTON: May I approach, Your Honor?

16 THE COURT: Yes, sir.

17 Q. I ask that you recognize State's Exhibit Number Forty-
18 six and please tell the jury what it is.

19 A. Yes, sir. This is a Evidence Transfer Sheet that is
20 generated by the evidence division.

21 Q. And do you know if it refers to the evidence that
22 you personally handled?

23 A. Yes, it does.

24 Q. How do you know that?

25 A. I know that because my signature is on it.

OFFICER JENNIFER SNIDER: BY SOLICITOR SHELTON

-472-

1 Q. And does it refer to any evidence that you actually
2 have in your possession right now, State's Exhibit Number
3 Thirty-one?

4 A. Yes, it does.

5 Q. And how do you know that?

6 A. I know that because of a number that's contained on
7 the evidence and it's also on the transfer sheet.

8 Q. And that number is the same?

9 A. Yes, it is.

10 Q. What does that indicate to you?

11 A. It indicates that we transferred this piece of
12 evidence that I'm holding to the lab.

13 Q. And do you know specifically what member of the lab
14 you transferred that evidence to?

15 A. Yes, I do. I transferred it to Corporal Cynthia
16 Payne.

17 Q. And do you know Cynthia Payne?

18 A. Yes, I do.

19 Q. Are you familiar with her signature?

20 A. Yes, I am.

21 Q. Do you see her signature on that sheet?

22 A. I do. Yes.

23 Q. And what date did you transfer that piece of evidence,
24 State's Exhibit Number Thirty-one, to Cynthia Payne?

25 A. I transferred this evidence on February 6th, 2013.

OFFICER JENNIFER SNIDER: BY SOLICITOR SHELTON

-473-

1 Q. On February 6th, 2013?

2 A. Yes.

3 Q. And do you know what condition the evidence was in
4 when you transferred it?

5 A. It was in a sealed package when I transferred it to
6 the lab to her.

7 Q. Did you ever receive that evidence back?

8 A. Yes, I did.

9 Q. I'm going to approach now with what's marked as - as
10 rather State's Exhibit Number Forty-seven for
11 identification purposes only.

12 SOLICITOR SHELTON: May I approach, Your Honor?

13 THE COURT: Yes, sir.

14 SOLICITOR SHELTON: Thank you, Your Honor.

15 Q. Do you recognize this?

16 A. Yes, I do.

17 Q. And what is it?

18 A. This is an evidence receipt from the lab indicating
19 that they returned this same piece of evidence back to me
20 and it was returned by Jennifer Mills.

21 Q. Do you know who Jennifer Mills is?

22 A. Yes, I do.

23 Q. And who is Jennifer Mills?

24 A. Jennifer Mills is a chemist with the Beaufort County
25 Sheriff's office lab.

OFFICER JENNIFER SNIDER: BY SOLICITOR SHELTON
BY MR. CHAPLIN

-474-

1 Q. And do you know what date she transferred that
2 evidence back to you?

3 A. Yes. It was February 20th of 2013.

4 Q. When she transferred that evidence back to you, what
5 condition was it in?

6 A. It was in a sealed package when it was returned.

7 Q. It was sealed at the time?

8 A. Yes, I was.

9 Q. And how do you know that?

10 A. I know that because we check before we place it back
11 into evidence and they initial it and the bags are always
12 kind of hard because of the air in them, because of the K-
13 packs that they use.

14 Q. And when you received it and placed it back into
15 evidence, please describe that process.

16 A. When we receive any evidence back in, we check it. We
17 make sure we have it when we're transferring it with the
18 lab, or with another officer, and once we take it back, we
19 place it back inside our secured lockup.

20 SOLICITOR SHELTON: Those are all the questions I have
21 for you. Thank you. I ask that I receive both of these
22 back.

23 CROSS-EXAMINATION

24 OFFICER JENNIFER SNIDER BY MR CHAPLIN:

25 Q. It's still good morning.

1 A. Good morning.

2 Q. I can take a look back . How you doing?

3 A. Good, sir.

4 Q. Good. I've only got a couple questions for you. You
5 received the - the item he was referring, you received that
6 from who?

7 A. I received it back in from Jennifer Mills.

8 Q. Okay. Jennifer Mills. And are you looking at
9 something that you can tell who had it before Jennifer
10 Mills?

11 A. Who had it before her in the lab?

12 Q. Right.

13 A. It would have been Cynthia Payne who brought it to her
14 once it left evidence.

15 Q. Okay. Let me try to get straight here. I'm going to
16 tell you what I know and then I want you to come in from
17 there.

18 SOLICITOR SHELTON: Objection. He is testifying by
19 entering a statement.

20 MR. CHAPLIN: Can I --

21 THE COURT: Can you just rephrase your question,
22 please.

23 Q. I am going to name some individuals that I believe
24 were in contact with that package prior to yourself. Would
25 you be able to authenticate what I'm going to say based on

OFFICER JENNIFER SNIDER: BY MR. CHAPLIN

-476-

1 if I named the individuals, would you be able to tell who
2 had the package and when? Would you be able to do that?

3 A. Possibly.

4 Q. Okay. Well let's just go back to you then. Okay.

5 Once you received the package from Ms. Payne. Correct?

6 A. No. I gave it to Cynthia Payne.

7 Q. Okay.

8 A. From evidence I transferred it to Cynthia Payne.

9 Q. You received it from Ms. Mills?

10 A. Ms. Mills brought it back when she was completed with
11 it.

12 Q. Do you still have the package?

13 A. No.

14 Q. Okay. I'll let you hold this. Maybe that might help
15 the situation a little. By looking at the package, does
16 that help you be able to ascertain the chain of that
17 package by looking at it?

18 A. By looking at this package?

19 Q. Uh-huh.

20 A. No.

21 Q. You can't? Okay. Well, while you are still looking
22 at the package, when you received it from whoever you
23 received it from, was that package open?

24 A. No it was not. It was sealed.

25 Q. When you sent it to - Who, who did you send it to?

1 A. Initially I took the package out of our lockup and I
2 transferred it to Cynthia Payne.

3 Q. Okay. Well was it open at that time?

4 A. It was sealed.

5 Q. And then it came back to you?

6 A. Yes.

7 Q. Okay, I'm getting this. So it came back to you?

8 A. Yes, I did.

9 Q. Was it open then?

10 A. No, it was sealed.

11 Q. Is it open now?

12 A. Yes.

13 Q. Can you tell myself, the court, the jury, when was
14 that package opened?

15 A. I don't know how this package got opened or when it
16 was opened. No.

17 Q. And the purpose of having the package sealed is what?
18 Why do we seal it?

19 A. Number one, because it's drugs and number two, for the
20 chain of custody.

21 Q. I like that last part, chain of custody. So now that
22 that package is open, has the chain been broken, as to
23 chain of custody?

24 SOLICITOR SHELTON: Objection. He's asking a legal -
25 for a legal conclusion.

OFFICER JENNIFER SNIDER: BY MR. CHAPLIN

-478-

1 MR. CHAPLIN: Your Honor, she just mentioned two
2 issues. One being one and one being the chain. Can I just
3 ask her what she knows about the chain of custody?

4 THE COURT: You can ask for her specific knowledge,
5 but not a legal conclusion.

6 BY MR. CHAPLIN:

7 Q. Can you tell me your specific knowledge about the
8 chain? What do you know about the chain?

9 A. What I know about the chain of custody that I was
10 involved in is that this was a sealed package.

11 Q. What do you know about the chain as to now that that
12 package is open, how does that affect anything dealing with
13 the chain in your knowledge?

14 A. I don't believe I can answer that because we are in a
15 courtroom setting. We're not passing this back and forth
16 from evidence back to anybody else.

17 Q. Okay. But clearly it's open?

18 A. Yes.

19 Q. Okay. And it's clearly large enough - How wide is the
20 opening?

21 A. I'd say approximately four inches.

22 Q. And it wasn't like that when you first had it?

23 A. No, sir.

24 Q. It wasn't like that when you received it back?

25 A. No, sir.

1 Q. But it is now?

2 A. Yes, sir.

3 MR. CHAPLIN: I have nothing further for this witness.

4 THE COURT: Any redirect?

5 SOLICITOR SHELTON: No, Your Honor. We ask that this
6 witness be excused.

7 THE COURT: Any objection, Mr. Chaplin?

8 MR. CHAPLIN: No, no. That's fine.

9 THE COURT: You may be excused, Ms. Snider. Thank
10 you.

11 (WITNESS LEAVING WITNESS STAND.)

12 THE COURT: You may call your next witness.

13 SOLICITOR SHELTON: The State calls Cynthia Payne.

14 THE BAILIFF: Excuse me, Your Honor, may I approach?

15 THE COURT: Sure.

16 THE COURT: Ladies and gentlemen of the jury, I
17 understand we need to take a little break. We will do a
18 quick ten, fifteen minutes. You just let us know when you
19 are ready.

20 (JURY EXITS COURTROOM AT 11:27 A.M..)

21 THE BAILIFF: The jury is clear, Your Honor.

22 THE COURT: Thank you. We will take a quick recess.

23 SOLICITOR SHELTON: Thank you, Your Honor.

24 (COURT IN RECESS.)

25 (COURT BACK IN SESSION AT 11:45 A.M..)

1 SOLICITOR SHELTON: Your Honor, may it please the
2 Court.

3 THE COURT: Yes, sir.

4 SOLICITOR SHELTON: The State is not sure whether we
5 admitted Exhibit Number Forty-one which is Renita Berry's
6 Drug Report. We know she spoke of her results and we know
7 I laid a foundation for it. I intended to admit it and the
8 State requires that I just move it into evidence in front
9 of the jury because I believe the foundation is already
10 established.

11 THE COURT: That's fine. Yeah, I don't have it
12 checked off that you introduced it.

13 MR. JOHNSON: Your Honor, before the jury gets back,
14 the only objection we would have to that we noticed the
15 report but we still have the question about the chain of
16 custody of the item. We think that admitting that report
17 would be premature until we settle the issue about because
18 we are gonna raise the issue that the cocaine issue should
19 --

20 Now is that report on the marijuana?

21 SOLICITOR SHELTON: It is and the cocaine report's
22 already in evidence. And that's the marijuana report.

23 MR. JOHNSON: If that's the marijuana report I don't
24 have no objection. That's okay. Thank you.

25 THE COURT: Okay.

1 SOLICITOR SHELTON: The marijuana is already in
2 evidence. Thank you. So would you like me to just move it
3 into evidence in front of the jury or just take notice that
4 its in evidence?

5 THE COURT: However - If you prefer to do it in front
6 of the jury so they don't have a question that's fine. I
7 don't have no problems with that.

8 SOLICITOR SHELTON: Thank you. I'll just move it into
9 evidence without a witness if that's all right?

10 THE COURT: Okay. That's fine.

11 SOLICITOR SHELTON: Thank you, Your Honor.

12 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-ONE,
13 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

14 THE COURT: Anything further before we bring the jury
15 up? Where is Mr. Chaplin.

16 MR. JOHNSON: I'm prepared to go forward. He's making
17 a call.

18 THE COURT: Okay.

19 MR. JOHNSON: Thank you, Your Honor.

20 THE COURT: So we're good.

21 SOLICITOR SHELDON: Make sure Cynthia Payne is ready
22 to come in.

23 THE BAILIFF: Your Honor, the jury is entering.

24 (JURY REENTERS COURTROOM AT 11:48 A.M..)

25 THE BAILIFF: All right, Your Honor.

CORPORAL CYNTHIA PAYNE: BY SOLICITOR SHELTON

-482-

1 THE COURT: Thank you.

2 You may call your next witness.

3 SOLICITOR SHELTON: Thank you, Your Honor. May it
4 please the Court.

5 The State calls Cynthia Payne.

6 MADAME CLERK: Would you place your left hand on the
7 Bible and raise your right hand for me please.

8 (WHEREUPON: CYNTHIA PAYNE,
9 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

10 MADAME CLERK: Please be seated. State your name and
11 spell it for the court reporter.

12 A. My name is Corporal Cynthia Payne and I'm a deputy
13 sheriff for the Beaufort County Sheriff's Office.

14 THE COURT: Your witness.

15 DIRECT EXAMINATION

16 CORPORAL CYNTHIA PAYNE BY SOLICITOR SHELTON:

17 Q. Will you please spell your last name for the record,
18 Corporal Payne?

19 A. Payne, P-a-y-n-e.

20 Q. And what is your roll as a deputy sheriff
21 specifically?

22 A. I'm currently assigned to the Forensic Services
23 Laboratory where I serve as a support technician.

24 Q. And what are some of your jobs and duties as a support
25 technician?

1 A. Primarily administrative type work. I also handle the
2 evidence that comes in. Retrieve it from evidence and
3 enter it into the computer. That sort of thing.

4 Q. When you say handle the evidence be specific. You say
5 you retrieve it from evidence and enter it into a computer.
6 Do you actually physically handle the actual drugs?

7 A. No, sir. The out packaging.

8 Q. The out packaging. Thank you. I'm going to approach
9 with what had been pre-marked Exhibits for identification
10 purposes only which means don't' show them to the jury
11 please, State's Exhibit Number Forty-six and State's
12 Exhibit Number Forty-eight. I'm gonna ask --

13 SOLICITOR SHELTON: May I approach, Your Honor?

14 THE COURT: Yes, sir.

15 Q. I'm gonna ask that you just review these and ask if
16 you recognize what they are.

17 A. Yes, sir.

18 Q. What are they?

19 A. These are evidence receipts listing the chain of
20 custody for several containers including Best Bag Number C
21 Charlie 0-0-7-5-8-0.

22 Q. C as in Charlie?

23 A. Yes, sir.

24 Q. 0-0-7-5-8-0

25 A. Yes, sir.

CORPORAL CYNTHIA PAYNE: BY SOLICITOR SHELTON

-484-

1 Q. And I'm gonna ask that you speak kind of slowly. I
2 speak slowly anyway, so usually so the court reporter can
3 make sure she takes everything down.

4 A. Yes, sir.

5 Q. Okay. Now I'm going to approach with what is marked
6 as State's Exhibit Number Thirty-one for identification
7 purposes only, okay? Do not show it to the jury please.
8 I'm gonna ask if you recognize this and how?

9 A. Yes, sir, I do recognize it. It is marked with the
10 Best Bag control number Charlie 0-0--7-5-8-0. And it is
11 also marked with Lieutenant Berry's initials and with
12 Jennifer Mills initials.

13 Q. Do you know whether you've ever came into contact with
14 that piece of evidence before, Exhibit Number Thirty-one?

15 A. Yes, sir, I have.

16 Q. When?

17 A. That would be on February 6th, 2013.

18 Q. February 6, 2013. And where did you receive it and
19 who did you receive it from?

20 A. I received it at the Beaufort County Sheriff's Office
21 evidence section and I received it from Jennifer Snyder.

22 Q. And what did you do with it when you received it?

23 A. I signed for it on the Evidence Transfer Sheet and I
24 transported it to the Forensic Services Laboratory.

25 Q. And what condition was it in when you received it?

1 A. It was in a sealed package.

2 Q. And do you know whose signature was on the seal of the
3 sealed package when you received it?

4 A. It -

5 Q. First.

6 A. Correct. Yes that was Lieutenant Anita Berry. Her
7 signature is on it.

8 Q. Had Jennifer Mills to your knowledge handled the
9 evidence yet?

10 A. Not to my knowledge.

11 Q. Okay. Who did you deliver the evidence to?

12 A. I delivered it to Jennifer Mills.

13 Q. And who is Jennifer Mills again?

14 A. Jennifer Mills is the chemist, one of the two chemist
15 at the Forensic Services Laboratory.

16 Q. And can you tell from either one of those exhibits,
17 and please refer to it by the Exhibit Number, when you
18 delivered it to Jennifer Mills?

19 A. On State's Exhibit Forty-eight on February 6, 2013 I
20 delivered it to Jennifer Mills.

21 Q. And when you delivered it to Jennifer Mills was it
22 sealed?

23 A. Yes, sir.

24 Q. And how do you know from that Exhibit Forty- eight
25 that you delivered it to Jennifer Neals? Excuse me, Mills,

CORPORAL CYNTHIA PAYNE: BY SOLICITOR SHELTON

-486-

1 on that date?

2 A. It's a standard Evidence Transfer Sheet it list
3 signature and a print of who the evidence is coming from
4 and who the evidence is going to. On the transfer from
5 section there is my printed name and my signature which I
6 recognize. And the going to section there is Jennifer
7 Mills printed name and her signature which I also
8 recognize.

9 Q. Now Exhibit Number Forty-seven; you said that is your
10 signature on - that is your signature on that as well?

11 A. Forty-seven?

12 Q. The other transfer sheet.

13 A. I got Forty-six.

14 Q. Excuse me, Forty-six.

15 A. Yes that is my signature on the receiving section of
16 the evidence transfer.

17 Q. You received that from Jennifer Snyder?

18 A. Correct.

19 Q. Is that a fair and accurate depiction of that Transfer
20 Sheet?

21 A. Yes, sir.

22 SOLICITOR SHELTON: The State moves Exhibit Number
23 Forty-six into evidence as already ID'd by Jennifer Snider
24 as well.

25 THE COURT: Any objection?

1 MR. JOHNSON: No objection.

2 THE COURT: Thank you.

3 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-SIX,
4 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

5 SOLICITOR SHELTON: May I approach?

6 THE COURT: Yes, sir.

7 Q. So that sheet shows handing it - receiving it from
8 Jennifer Snyder?

9 A. Correct.

10 Q. Okay. And then tell the Court again - tell the jury
11 again briefly what you do with it? When you received it
12 from Jennifer Snyder what did you do with it?

13 A. I transported it to the Forensic Service's Laboratory.

14 Q. And where is that located?

15 A. It's at 111 Industrial Village Road in Beaufort,
16 South Carolina.

17 Q. Is there any secure facility inside in which you store
18 evidence there?

19 A. Yes, sir.

20 Q. Where is that?

21 A. That is in the chemistry storage locker which is
22 inside the chemistry laboratory.

23 SOLICITOR SHELTON: May I approach, Your Honor.

24 Q. And for State's Exhibit Number Forty-eight, I note
25 that that is the same note on it as State's Exhibit Number

CORPORAL CYNTHIA PAYNE: BY SOLICITOR SHELTON

-488-

1 Forty-six?

2 A. Correct?

3 Q. What date did you transfer it then to Jennifer Mills?

4 A. February 6th of 2013.

5 Q. And did you alter it in any way before you transferred
6 it to someone else?

7 A. No, sir.

8 Q. It was sealed when you handled it?

9 A. Correct.

10 SOLICITOR SHELTON: May I approach, Your Honor?

11 THE COURT: Yes, sir.

12 SOLICITOR SHELTON: Let me take those exhibits back
13 from you.

14 Q. Will you please look at State's Exhibit Number Thirty-
15 one? And is there any place where the seal, the heat seal
16 seems to be coming loose?

17 A. Yes, sir.

18 Q. Where is that?

19 A. That is on the seal that Jennifer Mills applied

20 Q. Is it completely loose?

21 A. No, sir.

22 Q. Is part of the seal still intact?

23 A. Yes, sir.

24 Q. Does it - When you handled this evidence was it
25 sealed?

CORPORAL CYNTHIA PAYNE: BY SOLICITOR SHELTON
BY MR. JOHNSON

-489-

1 A. Yes, sir.

2 Q. And when you delivered it to Jennifer Mills for
3 testing again, it was sealed?

4 A. Yes, sir.

5 Q. And when she received it, it was sealed?

6 A. Yes, sir.

7 Q. Before she tested it?

8 A. Correct.

9 Q. Thank you.

10 SOLICITOR SHELTON: Those are all the questions I
11 have. Please answer any questions the defense has.

12 THE COURT: Mr. Johnson.

13 MR. JOHNSON: Thank you, Your Honor. May it please
14 the Court.

15 CROSS-EXAMINATION

16 CORPORAL CYNTHIA PAYNE BY MR. JOHNSON:

17 Q. Good morning, Ms. Payne.

18 A. Good morning.

19 Q. Your job is to transport items from one location to
20 another; is that correct? As far as the evidence that
21 we're talking about.

22 A. Among other things yes, sir.

23 Q. Among other things. And you've given certain
24 documents - procedures that you have to follow in
25 transporting those items; is that correct?

CORPORAL CYNTHIA PAYNE: BY MR. JOHNSON

-490-

1 A. Correct.

2 Q. When you do evidence?

3 A. Correct.

4 Q. Now one of the procedures, one of the important
5 things, you have to do is to make sure that all the items
6 are sealed; is that correct?

7 A. Correct.

8 Q. And that's to protect the chain of custody. Correct?

9 A. Correct.

10 Q. Because if the item is open the chain of custody is
11 broke. Correct?

12 A. No. Not necessarily.

13 Q. No? Okay. Explain that to me.

14 A. A sealed chain of custody is not intact. It's the
15 seal is not intact. We don't accept any evidence into the
16 laboratory which is not sealed.

17 Q. Right. Because if the item is open the chain of
18 custody is broken.

19 SOLICITOR SHELTON: Objection, Your Honor. This calls
20 for a legal conclusion. Same objection as before.

21 THE COURT: That's sustained. And you've ask me that
22 as well.

23 MR. JOHNSON: Your Honor, I'm not asking for a legal
24 conclusion as to whether that's - that's for the court to
25 determine I understand that. I'm asking her understanding

CORPORAL CYNTHIA PAYNE: BY MR. JOHNSON
BY SOLICITOR SHELTON

-491-

1 of - she stated that those items are sealed to protect the
2 chain of custody.

3 THE COURT: You've already ask and answered that
4 question and she's already answered that question.

5 BY MR. JOHNSON:

6 Q. Last question. The item that is supposed to be
7 sealed out of Thirty-one that you just looked at.

8 A. Yes, sir.

9 Q. Correct?

10 A. Uh-huh.

11 Q. It's supposed to be sealed. Correct?

12 A. Yes, sir.

13 Q Because if you was to look at it and it wasn't sealed
14 you wouldn't transport it. Correct?

15 A. Correct.

16 Q. Is it open?

17 A. It's not fully sealed.

18 MR. JOHNSON: No other questions.

19 MADAME COURT REPORTER: It's not what?

20 A. Fully sealed.

21 THE COURT: Anything further?

22 SOLICITOR SHELTON: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 CORPORAL CYNTHIA PAYNE BY SOLICITOR SHELTON:

25 Q. And it was sealed when you received it into the lab.

CORPORAL CYNTHIA PAYNE: BY SOLICITOR SHELTON

-492-

1 Correct?

2 A. Correct.

3 Q. And it was sealed when you turned it over to Jennifer
4 Mills for testing: Correct?

5 MR. JOHNSON: Your Honor, objection. It's been ask
6 and answered.

7 A. Correct.

8 THE COURT: Sir, he's going back into redirect based
9 upon your cross. I think its proper.

10 You may proceed.

11 SOLICITOR SHELTON: Thank you, Your Honor.

12 Q. Ask again. What was your answer to the question when
13 you turned it to Jennifer Mills - turned it into Jennifer
14 Mills for testing, was the item sealed or unsealed?

15 A. It was fully sealed.

16 SOLICITOR SHELTON: Thank you.

17 THE COURT: You may step down, ma'am. Thank you.
18 Can she be excused?

19 SOLICITOR SHELTON: I ask that she may, Your Honor.

20 MR. JOHNSON: No objection, Your Honor.

21 (WITNESS LEAVING WITNESS STAND.)

22 THE COURT: You may call your next witness.

23 SOLICITOR SHELTON: Thank you, Your Honor.

24 The State calls Jennifer Mills.

25 MADAME CLERK: Place your left hand on the Bible and

JENNIFER MILLS: BY SOLICITOR SHELTON

-493-

1 raise your right hand for me please.

2 (WHEREUPON: JENNIFER MILLS, BEING

3 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

4 MADAME CLERK: Please be seated. State your name and
5 spell it for the court reporter.

6 THE COURT: Your witness.

7 SOLICITOR SHELTON: Thank you, Your Honor, may it
8 please the court.

9 DIRECT EXAMINATION

10 JENNIFER MILLS BY SOLICITOR SHELTON:

11 Q. What is your name?

12 A. Jennifer Mills.

13 Q. And will you please spell your last name for the
14 court reporter?

15 A. M-i-l-l-s.

16 Q. Thank you. And what is your occupation and who do you
17 work for?

18 A. I'm employed by the Beaufort County Sheriff's Office
19 Forensic's Services Laboratory and my responsibilities are
20 to chemically analyze substances that are submitted,
21 generate a report then testify in court if it's necessary.

22 Q. What is your previous experience?

23 A. I worked for the Charlotte-Mecklenburg Police
24 Department Crime Laboratory in Charlotte, North Carolina
25 for thirty years. And when I finished there I had an

JENNIFER MILLS: BY SOLICITOR SHELTON

-494-

1 opportunity to come here to Beaufort County to help them
2 expand their disciplines and I took that opportunity.

3 Q. Now what did you do in Charlotte-Mecklenburg?

4 A. The same responsibilities that I have here. I'm
5 qualified or certified to do drug analysis, to identify
6 ignitable liquids and fire debris. And there I also did
7 blood concentrations for DWI cases.

8 Q. What is your educational background?

9 A. I have a B.S. in biochemistry from Queens - now called
10 University in Charlotte, North Carolina and that was in
11 1975. And then in 1978 I was hired by the crime laboratory
12 in Charlotte and spent one year in service training. And
13 then since that time I spent many hours and days in
14 different seminars being the FBI Academy and also the ATF
15 Laboratory and other seminars and educational - -

16 Q. And for the folks in the jury who do not know, what is
17 ATF?

18 A. Alcohol Tobacco and Firearms.

19 Q. And what are they a branch of?

20 A. The federal government.

21 Q. Thank you. Now have you - How long - You've kind of
22 answered this question already, but how long have you been
23 analyzing suspected drugs?

24 A. Thirty-five years and four months.

25 Q. And in that thirty-five years and four months have

1 you had the opportunity to analyze marijuana?

2 A. Marijuana? Yes.

3 Q. And do you have any idea how many times?

4 A. I can guesstimate approximately thirty thousand.

5 Q. And what about cocaine?

6 A. It would be the same quantity cause generally fifty
7 percent of the analysis would be marijuana, approximately
8 fifty percent would be cocaine so another thirty thousand.

9 Q. Thirty thousand different cases possibly or at least
10 submittals?

11 A. Thirty thousand different test that I run.

12 Q. Items.

13 A. I average it out approximately two test per case.

14 Q. Thank you. Have you ever been qualified as an expert
15 as a forensic chemist before?

16 A. Yes, sir.

17 Q. In courts?

18 A. Yes.

19 Q. And how many times?

20 A. It's been over five hundred times now.

21 Q. And in what courts?

22 A. Federal court and state court in North Carolina and
23 South Carolina.

24 SOLICITOR SHELTON: The State moves and tenders Ms.
25 Mills as an expert in chemical analysis as a forensic

JENNIFER MILLS: BY SOLICITOR SHELTON

-496-

1 chemist specifically for the purposes of this trial.

2 THE COURT: Any voir dire?

3 MR. JOHNSON: I have none, Your Honor, and there are
4 no objections.

5 THE COURT: Thank you. I find she is qualified as an
6 forensic chemist.

7 SOLICITOR SHELTON: Thank you, Your Honor.

8 Q. Now would you, Ms. Mills, briefly explain the Beaufort
9 County Drug Laboratory, if it has temporary storage, and
10 then how you conduct test.

11 A. The laboratory is a new building and in that building
12 we have evidence storage areas. One side is on what we
13 call the biology or DNA side. And one storage area is
14 inside the chemistry section, it's a evidence storage room
15 or closet.

16 Q. And when you receive where does it go?

17 A. When evidence is received or brought into the
18 laboratory it is taken either to the biology secure area or
19 the chemistry secure area and put in their storage closets.

20 Q. So specifically if it was drug testing where would it
21 go?

22 A. It would go into the chemistry section and then into
23 the evidence closet and stored there.

24 Q. And who has access to the evidence closet?

25 A. Only three people.

1 Q. Who would that be?

2 A. That would be our evidence assistant or laboratory
3 assistant Cynthia Payne, our laboratory director Renita
4 Berry and then myself.

5 Q. I want to approach you with what has been marked as
6 State's Exhibit Number Thirty-one for identification
7 purposes only. Please don't show it to the jury. And I'm
8 gonna ask you if you've ever been in contact with this
9 before - exhibit? Please do not show it to the jury if
10 possible.

11 A. Yes I have.

12 Q. And now I'm going to approach with State's Exhibit
13 Number Forty-eight.

14 SOLICITOR SHELTON: May I approach, Your Honor?

15 THE COURT: Yes, sir.

16 SOLICITOR SHELTON: Thank you.

17 Q. Do you recognize that?

18 A. I do.

19 Q. What is it?

20 A. State's Exhibit Number Forty-eight.

21 Q. Please don't show it to the jury. Its not in
22 evidence; for identification purposes only.

23 A. State's Exhibit Number Forty-eight has my signature
24 and printed name and the date and time that I received this
25 piece of paper. This is a copy of that piece of paper.

JENNIFER MILLS: BY SOLICITOR SHELTON

-498-

1 Q. Is it an accurate copy?

2 A. It is.

3 Q. Now how do you know you received that? How do you
4 know it refers to the evidence that you received?

5 A. Because it has the agency case number in reference to
6 the case. It has a laboratory case number, lab report
7 number. And also the control bag number.

8 Q. And what correlation to those numbers in reference
9 to that property transfer report have to State's Exhibit
10 Number Thirty-one if any?

11 A. State's Exhibit Number Forty-eight has the same
12 agency case number and the same laboratory case number that
13 is on State's Exhibit Thirty-one.

14 Q. Does it refer into that item?

15 A. It is referring to State's Exhibit Thirty-one.

16 Q. Thank you. And is your signature on State's Exhibit
17 Number Forty-eight?

18 A. Yes it is.

19 Q. And that would be the Transfer Report?

20 A. Yes.

21 Q. And can you tell from that report who you received
22 State's Exhibit Number Thirty-one from?

23 A. Yes I can.

24 Q. Who is it?

25 A. I received State's Exhibit Number Thirty-one from

1 Cynthia Payne.

2 Q. And what date?

3 A. February the 6th, 2013.

4 Q. And what was the purpose of you receiving it?

5 A. I had a request from the Solicitor's office to analyze
6 material inside State's Exhibit Number Thirty-one.

7 Q. And why was that request given?

8 A. The case was scheduled to go to court and the analyst
9 was not present, she was deployed, therefore they made a
10 request for it to be reanalyzed by an analyst that was
11 present.

12 Q. In order to testify in court?

13 A. Yes, sir.

14 Q. Now referring to State's Exhibit Number Forty-eight,
15 is that a fair and accurate depiction of that exhibit, of
16 that, excuse me, document?

17 A. Yes.

18 SOLICITOR SHELTON: The State moves Exhibit Number
19 Forty-eight into evidence as already authenticated by
20 Cynthia Payne.

21 THE COURT: Any objection?

22 MR. JOHNSON: Is that Number Forty-eight?

23 SOLICITOR SHELTON: Forty-eight.

24 MR. JOHNSON: No objection.

25 THE COURT: Thank you.

JENNIFER MILLS: BY SOLICITOR SHELTON

-500-

1 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-EIGHT,
2 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

3 SOLICITOR SHELTON: May I approach?

4 THE COURT: Yes, sir.

5 SOLICITOR SHELTON: You want to keep that.

6 Q. Now you received this item on February 6th, 2013.

7 Correct?

8 A. Yes, sir.

9 Q. And did you perform testing on the item?

10 A. I did.

11 Q. And when did you perform testing?

12 A. I performed the test on February the 14th, 2013.

13 Q. Now when you received this item what condition was it
14 in?

15 A. It was in a sealed condition.

16 Q. What type of bag was it in?

17 A. It was in a heat sealed nylon type bag that we use to
18 secure evidence after it's been analyzed.

19 Q. And what was contained within that heat sealed nylon
20 type bag?

21 A. The outer nylon heat sealed bag contained a what we
22 call Best Bag or Control Bag. And it also contained two
23 items that were sealed.

24 Q. And those items were sealed?

25 A. Yes.

1 Q. Did in order to perform testing did you open the bag?

2 A. Yes.

3 Q. Now before we get into that let's just talk about how
4 you performed testing and how you actually do it.

5 Will you please tell the jury how you perform testing
6 on cocaine.

7 A. When an unknown substance comes into the laboratory
8 to be analyzed we open the package we get a weight of the
9 substance without the packaging, record that. We take a
10 sample and we do a wet chemical test which is a color test.
11 In this case for cocaine it would be a cobalt thiocyanate
12 test. And we take another sample and we dissolve it and
13 we run it on the instrument, the gas chromatography mass
14 spectrometry, and then the combination of those test gives
15 us a result.

16 Q. And were you able to establish an opinion of what was
17 inside of those bags?

18 A. I was.

19 Q. And before we state what that opinion is please state
20 specifically with this case exactly how you performed the
21 test and how you got to the bag.

22 A. I opened the outer nylon bag and inside the outer
23 nylon bag was a control bag that had already been opened,
24 Control Bag C-0-0-7-5-8-0. And also there was a evidence
25 bag that was sealed.