

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Letitia H. Verdin, Circuit Court Judge

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SC Court of Appeals

THE STATE

RESPONDENT,

V.

VICTORIA LORRAINE SANCHEZ

APPELLANT

APPELLATE CASE NO 2018-002163

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBITS NOS. 1-3 (PHOTOGRAPHS),
STATE'S EXHIBIT NO. 9 (DASH CAM VIDEO OF TRAFFIC STOP),
STATE'S EXHIBIT NO. 10 (IN-CAR RECORDING)**

STATE OF SOUTH CAROLINA	) COURT OF GENERAL SESSIONS
	)
COUNTY OF GREENVILLE	) THIRTEENTH JUDICIAL CIRCUIT
	)
State of South Carolina	) Case No(s) : 2017GS2310232,
	) 2017GS2310233
Plaintiff,	)
	)
-VS-	) TRANSCRIPT OF RECORD
	)
Victoria Sanchez,	) Volume 1 of 2
	)
Defendant.	)
	)

December 4 - 5, 2018
Greenville, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

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P R O C E E D I N G S

(The Court goes on the record at approximately
9:25 a.m.)

THE COURT: Good morning, Ms. Sanchez.

MS. SANCHEZ: Good morning.

THE COURT: Will you stand? Stand and raise
your right hand for me.

(The defendant is first duly sworn.)

THE COURT: All right. You can put your
hand down. If you want to remain seated though, I
-- I mean, remain standing, I've got something I
want to talk to you about. My understanding is
that you are going to trial. What's the exact
charge?

MS. OWENS: Trafficking in illegal drugs,
more than 28 grams, and unlawful conduct towards
a child, Your Honor.

THE COURT: Okay. And you're saying -- and
my understanding is that the possible sentence
range is a minimum of 25 years up to 40 years; is
that right?

MS. OWENS: That's correct, Your Honor.

THE COURT: Okay. And you have offered the
-- you have offered for her to plead to a charge
with a recommendation from the state of 18 years;

1 For our purposes right now, an indictment
2 just lists the bare-bones allegations that the
3 state has to prove against the defendant. That's
4 it. I'm going to go through the two indictments
5 in this case to find out if anyone in this jury
6 panel believes he or she knows anything about
7 this particular case.

8 The first indictment is for trafficking
9 heroin. It alleges that Victoria Lorraine Sanchez
10 did, in Greenville County, on or about the 20th
11 day of June 2017, knowingly sell, manufacture, or
12 bring into the State of South Carolina or did
13 knowingly provide financial assistance or
14 otherwise aid, abet, attempt, or conspire to
15 sell, manufacture, deliver, or bring into this
16 state or was knowingly in actual or constructive
17 possession of more than 28 grams of heroin, in
18 violation of the Code of Laws of South Carolina.

19 The second indictment is for unlawful
20 conduct towards a child. That alleges that
21 Victoria Lorraine Sanchez did, in Greenville
22 County, between the 28th of June 2017, while
23 being the legal custodian, parent, or guardian,
24 placed the child, Y.M.O., at reasonable risk of
25 harm, affecting the child's life, physical or

1 mental health, or safety; or, two, unlawfully or
2 maliciously do or cause to be done any bodily
3 harm to the child so that the life or health of
4 the child is endangered or likely to be
5 endangered or willfully abandoned the child in
6 violation of the Code of Laws of South Carolina.

7 Any member of the jury panel believe he or
8 she knows anything about the particular
9 allegations in this case? If so, please stand.

10 (No audible response.)

11 And none are standing.

12 All right. Ladies and gentlemen, you've met
13 the attorneys involved in this case; you met the
14 defendant; you've heard the potent -- all the
15 potential witnesses in this case; you've heard
16 the allegations; you know the nature of the
17 charges in this case. Is there any reason
18 whatsoever that any member of the jury panel
19 could not be a fair and impartial juror in the
20 trial of this case, for any reason whatsoever?
21 And if so, please stand.

22 **THE JUROR:** Yes.

23 **THE COURT:** Yes, sir. Will you -- will you
24 approach for me please?

25 **THE JUROR:** Yes, ma'am.

1 **MR. MARTINEZ:** Yes, Your Honor. We're
2 waiting on Ms. Sanchez.

3 **THE COURT:** Oh, I'm sorry.

4 All right. Ms. Sanchez, we're ready to get
5 started. All right. Do you need a minute or
6 anything to talk to your attorneys one last time?

7 **MS. SANCHEZ:** No.

8 **THE COURT:** I understand. All right. Very
9 well.

10 Yes, sir.

11 **MR. MARTINEZ:** May it please the Court.
12 Michael Martinez on behalf of the defendant.
13 First, Your Honor, we'd ask that witnesses be
14 sequestered throughout this trial.

15 And, second, brief overview of sort of the
16 facts and the basis for our motions here this
17 morning: This case arose when Greenville County
18 Sheriff's Office deputies received a tip from
19 Homeland Security agents regarding a car that
20 they believed left a -- what they believed to be
21 a suspected drug stash house in Atlanta. They
22 notified Greenville County deputies. They could
23 not identify who was in the vehicle or whether
24 anything illegal was in the vehicle. So they
25 contacted Greenville County to conduct a stop of

1 the vehicle -- car.

2 Deputy Reese stopped Ms. Sanchez for minor
3 traffic violations of following too closely and
4 hitting the white dotted line. Neither of those
5 infractions are captured on the video, the dash
6 cam. Once he stops her, he conducts an unrelated
7 and off-topic questioning of Ms. Sanchez for
8 several minutes and then, ultimately, gains
9 consent to search before handing Ms. Sanchez the
10 warnings that he had prepared.

11 The search goes on for quite a while. It was
12 an extremely baseless search of the vehicle. Our
13 essential bases for our motion is that there was
14 insufficient evidence for probable cause for the
15 stop. Second, there was -- the off-topic
16 questioning conducted by Deputy Reese extended
17 the stop and caused a subsequent unlawful
18 detention, unsupported by reasonable suspicion.
19 The consent to search was obtained as an
20 exploitation of that unlawful seizure. And
21 finally, the search --

22 **THE COURT:** Excuse me.

23 **MR. MARTINEZ:** -- the search exceeded the
24 scope of the consent granted.

25 **THE COURT:** All right. All right.

1 Ms. Owens, are you ready to proceed?

2 THE WITNESS: Yes, Your Honor.

3 THE COURT: All right.

4 MS. OWENS: In response to --

5 Are you --

6 THE COURT: Oh, anything else,

7 Mr. Martinez?

8 MR. MARTINEZ: It's the state's burden to
9 establish probable cause.

10 THE COURT: All right. Very well.

11 MS. OWENS: In an effort to respond to
12 that, Your Honor, I'd like to call Mr. Drew
13 Reese.

14 THE COURT: All right.

15 MS. OWENS: Mr. Reese, if you would, sir,
16 come up and be sworn.

17 ANDREW REESE

18 having first been duly sworn, testifies as follows:

19 THE CLERK: Thank you. You may be seated.

20 Please state your full name for the record.

21 THE WITNESS: My name is Andrew Hunt Reese.

22 DIRECT EXAMINATION

23 BY MS. OWENS:

24 Q Mr. Reese, where do you work right now?

25 A Greenville Tractor Company.

1 **Q** Back in 2017, where were you working?

2 **A** Greenville County Sheriff's Office.

3 **Q** How long had you been working at the
4 sheriff's office at that point in time?

5 **A** Three years, four years.

6 **Q** Do you remember what your specific
7 assignment was?

8 **A** I was a deputy on the interdiction team on
9 Interstate 85.

10 **Q** Generally speaking, what are the
11 responsibilities of the interdiction team at the
12 sheriff's office?

13 **A** To detect, locate, and seize illegal
14 narcotics; monies derived from illegal activities;
15 criminals; basically, anything unlawful that travels
16 along the interstate.

17 **Q** Did you receive specific training about how
18 to do that task for the sheriff's office?

19 **A** I have.

20 **Q** How long did you serve in that specific
21 capacity?

22 **A** On the interdiction team, I was there a
23 year.

24 **Q** Now, do you remember whether that was your
25 assignment in June of 2017?

1 **A** It was.

2 **Q** And specifically, with respect to June 28,
3 2017, what was going on? What do you remember?

4 **A** That day we were -- a regular assigned day
5 to work. We were on the interstate. We did get a call.
6 And at approximately 8:00, 8:15 that evening, in
7 the p.m., I made a traffic stop on a silver Kia
8 Sorrento; identified the driver as Victoria Sanchez,
9 subject, based on a Texas identification card.

10 **Q** Before we get into the details of your
11 exchange with the defendant, what initially drew your
12 attention to this particular car?

13 **A** The first thing that I noticed was that she
14 kept crossing over the dotted line to her left. She
15 was in what we will call the number two lane, or the
16 middle lane, traveling northbound on 85. As I came up
17 behind her, she got up against a tractor trailer,
18 18-wheeler tractor trailer carrying automobiles, was
19 following extremely close to that, almost as to try to
20 blend in with the flow of traffic. And then, she ended
21 up going around it on the left side.

22 **Q** Now, were you looking for this particular
23 silver Kia?

24 **A** Yes.

25 **Q** Why?

1 **A** Because I had received information from the
2 Department of Homeland Security that this particular
3 vehicle had left a house or location in Atlanta,
4 Georgia, which was a hub city for narcotics, that they
5 had been watching. They weren't sure if she could be
6 involved or not be involved, but she had left a known
7 area.

8 **Q** So after you observed what you believed to
9 be these traffic violations, what did you do?

10 **A** I made a traffic stop on the vehicle.

11 **Q** Okay. And how did you -- how did you
12 approach?

13 **A** Well, I approached the passenger side of the
14 vehicle, which we do on the interstate to stay out of
15 the flow of traffic. The way I handle my traffic stop
16 there is speak to the driver; identify the driver;
17 obtain the basics for a traffic stop: license,
18 registration, and insurance; like to check the vehicle
19 to see if there's any other occupants in it or
20 anything within plain view.

21 In doing so, the first thing she did, was
22 hand me a Texas identification card. She handed me a
23 registration card, or registration information that
24 was to a gentleman and an insurance card that showed
25 the vehicle was insured in another gentleman's name.

1 So, obviously, I'm going to question that to figure
2 out whether she has permission or doesn't have
3 permission for the vehicle.

4 She told me that she was buying the vehicle.
5 She had put down a \$4000 deposit on a \$10,000 vehicle.
6 And she gave me, what she called to be, the bill of
7 sale. While I was speaking to her about those things,
8 I noticed some indicators of criminal behavior. I
9 noticed that she had a Red Bull, or energy drink, cans
10 in the vehicle.

11 Q Why was that particularly suspicious to you?

12 A Well, if you're going to -- you got
13 something you've got to haul or go a long way, you're
14 going to get energy. You get something sugar. You got
15 to make a quick trip. You've got to get where you're
16 going.

17 Q Is that a factor that you discussed or been
18 instructed about in any of your training?

19 A Absolutely.

20 Q Okay. What other factors?

21 A I also noticed that the vehicle key -- the
22 only thing on the keychain, other than a clip, was the
23 vehicle key, there were no personal keys, nothing that
24 would link her to that vehicle, which I also found
25 that to be an indicator that something was going on.

1 She had two cell phones, which is not standard for
2 most people. I also found that to be interesting.

3 So based on what I saw on the vehicle, the
4 issue I had with the paperwork that was not consistent
5 or standard with what you would normally see on a
6 traffic stop, I had her step out of the vehicle to go
7 back with me, so that I could speak with her while I
8 issued her a warning and tried to check the status of
9 her driver's license, the vehicle insurance, and what
10 have you.

11 Q Was she ever able to present to you a
12 driver's license?

13 A No, ma'am.

14 Q Generally speaking, what did she tell you
15 about the car? How she acquired it? What the status of
16 its purchase was?

17 A She told me that she purchased the vehicle.
18 There was no legal documents, nothing, as far as what
19 -- you know, the DMV registration or anything like
20 that that we would have in the state of South
21 Carolina. But she told me that she had flown into
22 Atlanta, Georgia, in the recent past, not too long
23 before I stopped her and had met a gentleman that told
24 her about a car for sale, that he was selling for
25 \$10,000; and that she gave him 4000 down -- and I'm

1 not sure what arrangements were going to be to pay for
2 the rest of it -- and that's how she came about
3 acquiring that vehicle.

4 Q Did she give you any information about her
5 destination?

6 A She was going to -- she had left already
7 Lorado, a week prior, and stayed in Atlanta, with
8 family. And then, she was traveling to New Jersey for
9 maybe two weeks, she thought, to stay with family.

10 Q Was there anybody else in the car?

11 A There was a small child in the vehicle with
12 her, which I did question if that was her child, you
13 know, so I could find out the relationship. And she
14 stated that it was her child, that she was traveling
15 with her; and she had two other children home, in
16 Texas, with her boyfriend.

17 Q After you decided to issue warning citations
18 for these traffic violations, what did you do?

19 A Well, after having spoke with her, while I
20 was issuing the warning, just having normal
21 conversation with her, I got out and explained the
22 warning to her. I wanted to make sure: one, she
23 understood what she did wrong, as to not repeat the
24 process, you know, don't want to cause a collision or
25 anything significant on the interstate; and two, made

1 sure she understood that what I was issuing her was
2 not a traffic citation that had any type of fine or
3 points to go against her license but simply a warning
4 or contact form, as some people would call it.

5 Once she stated she understood all of that,
6 I, then, asked her for consent to search her vehicle.
7 And she replied, "Sure." Well, sure could be "sure,
8 but no" or "sure, but maybe." So I asked her again to
9 get a "yes" or a "no," and she provided a yes.

10 **Q** Did you perceive any hesitation or
11 reluctance or confusion on her part about that
12 question?

13 **A** No, ma'am. She was stoic during the entire
14 dealings with her.

15 **Q** Did she provide any instruction to you about
16 where you could search, as opposed to where you could
17 not search?

18 **A** No, ma'am.

19 **Q** At any point during the search, did she
20 express to you that she wished to rescind her consent
21 and, basically, get you to stop searching the car?

22 **A** No, ma'am.

23 **Q** Based on your recollection, how long do you
24 believe that the entire stop -- from the point that
25 you made contact with her until she gave you consent

1 to search the car, how long do you think that process
2 took?

3 A Without looking at the video, I would say
4 probably somewhere in the 7- to 10-minute range.

5 Q Okay. Now, after -- after you obtained
6 consent, affirmative consent from the defendant to
7 search the car, what did you -- what did you decide to
8 do?

9 A Deputy Wasserman had pulled up on the scene
10 with me. So I asked her to stand with me and I
11 requested that Master Deputy Harrison respond to the
12 location to assist me in the search. Once he arrived
13 on scene, we did a thorough search of the interior
14 vehicle. He was actually able to locate some things
15 that were not standard in the vehicle, and that led us
16 to looking under the back seat where he located a
17 compartment.

18 Q Specifically in the car, where was this
19 compartment located?

20 A So the rear seat is a bench seat. And if you
21 raise it up, there's a cap there to access the fuel
22 tank or the fuel pump. It was inside of that cap.

23 Q Did you notice anything particularly
24 suspicious about that location before you opened it?

25 A I didn't open the compartment.

1 **Q** Okay.

2 **A** But after -- but seeing what there was,
3 there were bolts that had been placed in the seat.
4 Instead of factory black, they were silver. Once the
5 lid was picked up on, you see the screws that normally
6 hold the lid down had been cut off and screwed in. And
7 things like that were pointed out that Master Deputy
8 Harrison had located during the search.

9 **Q** Okay. Well, what was inside?

10 **A** There were Ziploc bags inside that were --
11 had some brown and clear packaging on them. They were
12 rectangular. And once we removed all the bags, we
13 opened the package up. It was a brown powder substance
14 that I field tested for heroin; and it field tested
15 positive.

16 **Q** Now, you mentioned that before you began to
17 search the car, you contacted Master Deputy Harrison
18 to come out and assist you. How long do you think it
19 took him to arrive?

20 **A** A minute, two minutes. We work a very small
21 stretch of the interstate so that we can get to each
22 other relatively fast.

23 **Q** Okay. And once the search began, how long do
24 you think the two of you searched that car before you
25 ultimately located those packages?

1 **A** Five minutes, at most; somewhere right
2 around in there.

3 **Q** Now, before you asked the defendant if you
4 could search the car, what -- what made you -- what
5 made you want to search the car? Why were you
6 suspicious?

7 **A** From what I found in the vehicle to start
8 with: having the energy drinks; and the single key;
9 and coming out of a hub city, Atlanta, Georgia, which
10 is a known high-drug area; and then being told that
11 she works at Applebee's, but has the funds to be able
12 to go to Georgia and buy a vehicle and go to New
13 Jersey for a couple of weeks for no real purpose; and
14 she's traveling with a kid, but she has two more kids
15 at home that she's just away from; they're not even
16 with the children's father, they were with a boyfriend
17 at that time. And none of that is really standard for
18 anybody that you stop. Usually anybody you stop that's
19 traveling has some sort of itinerary or they have a
20 vehicle that's slam full of luggage or, you know, all
21 of these different factors that made me believe that
22 she was involved in some sort of criminal activity.

23 **Q** Did she reveal to you whether she paid cash
24 for the car?

25 **A** I don't recall if she indicated paying cash.

1 Q Okay. I don't believe I have any additional
2 questions. If you would, answer any questions the
3 other parties may have for you.

4 A Thank you.

5 **CROSS-EXAMINATION**

6 **BY MR. MARTINEZ:**

7 Q So we know that you received a tip from
8 Homeland Security; correct?

9 A Yes, sir.

10 Q And it involved surveillance that had been
11 conducted of a house in Atlanta; right?

12 A A location; be it a house, building.

13 Q And the tip was that they observed a car
14 leave that warehouse --

15 A That's correct.

16 Q -- that house location?

17 A That's correct.

18 Q But they did not know who was driving it?

19 A They did not provide me with a driver
20 identity.

21 Q Or if they contained anything illegal?

22 A That's correct.

23 Q But they wanted Greenville County deputies
24 to keep an eye out for it?

25 A That's correct.

1 Q Stop it, if possible.

2 A If you can find a reason.

3 Q And so you didn't note any of -- anything
4 about the tip in your report.

5 A That's correct.

6 Q That's correct? And like you said, you --
7 if you could find a reason to stop it, that means you
8 knew you needed probable cause to stop the car; you
9 needed some traffic violation?

10 A Sure.

11 Q And so you found the car described in the
12 tip?

13 A That's correct.

14 Q And so you had to wait to pull it over until
15 she violated a traffic law?

16 A (No audible response.)

17 Q Right?

18 A She did make a traffic infraction. That's
19 why I stopped her. Correct.

20 Q Was there a tip about a second car?

21 A No.

22 Q No? You have a dash cam in your patrol car;
23 correct?

24 A That is correct.

25 Q And it was working that day?

1 **A** It was.

2 **Q** And you decide when you -- when to start the
3 recording?

4 **A** I can manually start it; however, we start
5 it when the blue lights are turned on. It
6 automatically turns on it and shows a prerecorded 30
7 seconds.

8 **Q** And again, you -- you wanted to stop the
9 car, and so you needed a reason to stop it; right?

10 **A** Correct.

11 **Q** And so you knew it was important to make
12 sure you had evidence of traffic violations to support
13 the probable cause?

14 **A** Sure.

15 **Q** Okay. Your dash camera was in normal
16 operating condition that day?

17 **Q** Are you asking me that or telling me that?

18 **A** I'm asking.

19 **A** Yes, sir. My dash cam worked.

20 **Q** And it accurately produces and records
21 video?

22 **A** Yes, sir.

23 **Q** And you heard and saw what the video
24 recorded?

25 **A** Yes, sir.

1 **Q** And when you watched it later, it had
2 accurately recorded what happened?

3 **A** Yes, sir.

4 **MR. MARTINEZ:** Your Honor, we'd ask for the
5 video to be admitted or at least made a Court's
6 exhibit.

7 **THE COURT:** All right. For purposes of this
8 hearing. Any objection to that?

9 **MS. OWENS:** No, I don't object to it. But I
10 -- I don't know if he wants to use --
11 -- your copy and formally admit --
12 -- if the defendant wants to admit this
13 evidence or if the Court's directing the state to
14 admit evidence on behalf of the defendant.

15 **THE COURT:** No. I'm just -- I'm asking if
16 you have any objection to his admitting that.

17 **MS. OWENS:** No.

18 **THE COURT:** All right. And any objection to
19 his using your equipment to publish?

20 **MS. OWENS:** No.

21 **THE COURT:** All right. All right.

22 **COURT REPORTER:** I haven't marked anything.

23 **THE COURT:** We're off the record for just a
24 second.

25 (The Court goes off the record at approximately

1 11:18 a.m.)

2 (The Court goes on the record at approximately
3 11:18 a.m.)

4 **BY MR. MARTINEZ:**

5 **Q** And this is the video that your dash cam
6 recorded?

7 **A** Yes, sir.

8 (Dash cam video is played.)

9 **BY MR. MARTINEZ:**

10 **Q** All right. So your reason for stopping her
11 was for following too closely?

12 **A** And driving over the left dotted line when
13 she was behind the 18-wheeler. Yes, sir.

14 **MR. MARTINEZ:** I'm sorry, Your Honor. For
15 the record, the video stopped at 20:18:19.

16 **THE COURT:** All right. Thank you.

17 **BY MR. MARTINEZ:**

18 **Q** And the recording that we just saw began
19 after she went past that tractor trailer that you said
20 she was following; correct?

21 **A** That's correct.

22 **Q** And after the hitting -- the alleged hitting
23 the white line?

24 **A** That's correct. The 18-wheeler in question
25 is the vehicle she is beside when the recording

1 starts.

2 Q And she was behind the tractor trailer for
3 at least a mile; right?

4 A Yeah. I would say close to it, maybe.

5 Q That's what you wrote in your report?

6 A Okay.

7 Q And so you were following her for around a
8 mile.

9 A Yes.

10 Q And you can choose when to start recording.

11 A Sure.

12 Q Let's talk about the stop itself, now. You
13 first approached the vehicle and spoke to Ms. Sanchez
14 about a minute and 10 seconds into the video. Does
15 that sound right?

16 A Yes.

17 Q You asked her for her license, registration,
18 insurance; asked if she had been drinking?

19 A That's correct.

20 Q You didn't conduct any field sobriety tests?

21 A I did not.

22 Q You explained why you stopped her?

23 A Yes.

24 Q Told her she needed to be two car lengths
25 for every mile that she was traveling?

1 **A** Yes, sir.

2 **Q** Around three minutes and 30 seconds into the
3 video, you had her accompany you to your patrol
4 vehicle?

5 **A** Okay.

6 **Q** And she was only stopped at this point,
7 again, for following too closely and hitting the white
8 line?

9 **A** That's correct.

10 **Q** How long, on average, does it normally take
11 you to complete a traffic stop for those types of
12 violations?

13 **A** There's no average traffic stop, so I can't
14 put a time on that.

15 **Q** You -- after watching the video, you spoke
16 with her for about 12 minutes from the time you first
17 approached the vehicle. Does that seem correct?

18 **A** Say that one more time.

19 **Q** From the time you first approached the
20 vehicle till the time you requested consent, was about
21 a 12-minute conversation.

22 **A** Okay.

23 **Q** And we heard you ask her a series of
24 questions. She told you about how she learned about
25 the car for sale from her cousin.

1 **A** Yes, sir.

2 **Q** Right? And she answered each of your
3 questions calmly?

4 **A** Yes.

5 **Q** I think you said she was stoic throughout
6 the entire time?

7 **A** Yes.

8 **Q** And you asked her about, you know, whether
9 there was anything illegal in the car; right?

10 **A** That's correct.

11 **Q** And she answered -- she denied all of those,
12 calmly?

13 **A** Yes, sir.

14 **Q** She wasn't sweating abnormally?

15 **A** Nope.

16 **Q** Hands weren't shaking?

17 **A** Nope.

18 **Q** She didn't seem nervous to you?

19 **A** No, sir.

20 **Q** And you weren't arresting her for driving
21 without a license?

22 **A** No. She received a warning for all the
23 traffic violations.

24 **Q** The car was insured?

25 **A** She had an insurance card. I didn't verify

1 that.

2 Q And it had valid registration?

3 A Not in her name. No.

4 Q But the car was registered?

5 A She has to legally register it in her name.

6 The car -- the vehicle was registered through the
7 state of Georgia.

8 Q All right. And she told you that she
9 purchased the car for 10,000, with a \$4000 down
10 payment on it?

11 A Yes, sir.

12 Q But she didn't have the title yet?

13 A That's correct.

14 Q Would it be possible that she would get the
15 title upon complete payment?

16 A Yeah. I mean, anything's possible. Legally,
17 no. You can't do that. But -- and that was -- you
18 know, somebody's going to give you a car, that you
19 don't know, and expect you to make payments on it?

20 Q And you then got out of the car with her;
21 right?

22 A I was -- I was -- she was out of the
23 vehicle. And then I got out and spoke to her. Is that
24 what you're asking?

25 Q Were you both in your vehicle, at some

1 point?

2 A No.

3 Q No. And you start to explain the warnings to
4 her; right?

5 A Yes.

6 Q You're still holding the warnings in your
7 hand?

8 A Yes.

9 Q You asked for consent to search the car?

10 A Yes.

11 Q You hadn't fully let go of the warnings yet?

12 A Yes.

13 Q That was about 12 minutes, 10 seconds into
14 the stop?

15 A Yes.

16 Q And you had her stand by with the second
17 officer while you conducted the search?

18 A Yes.

19 Q And you call for Deputy Harrison; correct?

20 A Correct.

21 Q You weren't wearing a body cam during the
22 search, were you?

23 A I don't recall.

24 Q There's no photos or a video of the interior
25 search?

1 **A** I don't believe so.

2 **Q** You started with the front passenger side
3 door?

4 **A** Yes.

5 **Q** And you started shaking it; right?

6 **A** Yes.

7 **Q** You did that to see if there was anything --

8 **A** Within the door panels.

9 **Q** Within the door panel. And you begin
10 checking the front seat area?

11 **A** I believe she had a purse there. I checked
12 her personal belongings first.

13 **Q** And you looked in the trunk and found some
14 luggage; right?

15 **A** Yes, sir.

16 **Q** You looked through that?

17 **A** I'm sorry?

18 **Q** You looked through that?

19 **A** Yes, sir.

20 **Q** The luggage had contained clothes and other
21 things for a trip?

22 **A** Personal items, I'm sure.

23 **Q** Then Deputy Harrison arrived and started
24 looking at the undercarriage of the car?

25 **A** Yes.

1 **Q** He takes the child's car seat out of the
2 back?

3 **A** Yes.

4 **Q** And this is about nine minutes into the
5 search?

6 **A** Okay.

7 **Q** About 24 minutes into the stop and 12
8 minutes into the search, you remove the back seat
9 cushion from the car and threw it on the ground;
10 right?

11 **A** Yes.

12 **Q** About three minutes later, Deputy Harrison
13 returned with a crowbar?

14 **A** Yes.

15 **Q** And he used that to pry open the fuel pump
16 cover plate?

17 **A** Yes.

18 **Q** And that's when you observed this hidden
19 compartment?

20 **A** Correct.

21 **Q** Okay.

22 **A** Or the contents within the compartment. He
23 noticed the compartment from the underside when he
24 told me that he had located it.

25 **Q** But you needed to pry it open to see what

1 was contained in it?

2 **A** I'll let him testify to that. I did not pry
3 it open.

4 **Q** Did you observe him pry it open?

5 **A** He wasn't -- he thought he was going to have
6 to pry it open. And when I started pulling it out, I
7 realized that the screws were not actually intact.

8 **Q** And I believe when you -- you asked her for
9 consent to search, you just said, "Can I search your
10 car?" Right?

11 **A** That's correct.

12 **Q** You didn't -- you never told her you might
13 be using a crowbar or taking anything out of the --
14 removing anything from the car?

15 **A** I didn't -- I didn't need to explain that to
16 her. I had found enough prior to removing the seat
17 that I would no longer need her consent at that point.

18 **Q** All right. No further questions.

19 **THE COURT:** All right. Any questions? Any
20 follow-up?

21 **MS. OWENS:** No additional questions for
22 this witness.

23 **THE COURT:** All right.

24 **MS. OWENS:** But at this point, I will call
25 an additional witness, Your Honor, very briefly.

1 **THE COURT:** Of course.

2 Sir, you can step down.

3 **THE WITNESS:** Thank you, Your Honor.

4 **THE COURT:** Thank you.

5 **MS. OWENS:** Your Honor, the state would
6 call Master Deputy Harrison to be sworn.

7 **DAVID HARRISON**

8 having first been duly sworn, testifies as follows:

9 **THE CLERK:** Thank you. You may be seated.
10 Please state your full name for the record.

11 **THE WITNESS:** Michael David Harrison, Jr.

12 **DIRECT EXAMINATION**

13 **BY MS. OWENS:**

14 **Q** Master Deputy, what's your current
15 assignment at the sheriff's office?

16 **A** I am a master deputy on the Interstate
17 Criminal Enforcement team.

18 **Q** How long have you served in that particular
19 capacity?

20 **A** Since January 9, 2017.

21 **Q** Before joining the sheriff's office, where
22 were you employed?

23 **A** I spent 17 years with the South Carolina
24 Highway Patrol.

25 **Q** What was your assignment with the highway

1 patrol?

2 **A** From 2000 to 2004, I was assigned to Oconee
3 County, answering wreck calls, traffic complaints,
4 typical traffic duties. 2004, I began my career as a
5 full-time criminal interdiction officer with the
6 highway patrol. I also did my final three years as a
7 K-9 handler with the narcotics protection dog with the
8 highway patrol.

9 **Q** Now, over the course of your career with the
10 highway patrol and, now, the sheriff's office, have
11 you received specific training about drug trafficking
12 and interdiction traffic stops?

13 **A** Yes, ma'am.

14 **Q** Over the course of your career, have you
15 conducted a number of traffic stops related to the
16 objective and the purpose of drug interdiction?

17 **A** Yes, ma'am.

18 **Q** Do you participate in any ongoing training
19 about things to look for or indications of the habits
20 or the behaviors or practices of drug traffickers?

21 **A** Yes, ma'am. Typically, at least once a year,
22 I attend some sort of training. Also once or twice a
23 year, I am an instructor with the National Criminal
24 Enforcement Association where I actually teach other
25 officers around the country in criminal interdiction,

1 which is what I refer to it as, not solely drug
2 interdiction. There's way more crime than that that go
3 up and down the roadways.

4 **Q** Do you remember whether you were working on
5 the night of June 28?

6 **A** Yes, ma'am.

7 **Q** Do you remember whether you spoke to anybody
8 employed by the Homeland Security agency?

9 **A** Yes, ma'am.

10 **Q** How did that happen?

11 **A** Basically, that particular day, we had
12 already had one seizure that took us off the road for
13 a while. We were actually headed home to end our
14 shift. I received a call from one of the full-time
15 agents with Homeland Security that works in
16 Greenville. He had received a call from an agent that
17 he used to work with at Homeland Security in Atlanta.
18 Basically, the only information he had was that the
19 agents in Atlanta were watching a particular building
20 or stash house -- what they thought was a stash house
21 -- saw a vehicle there; got the license plate off of
22 it; and once the vehicle left, they followed it.

23 As they saw that the vehicle was getting
24 onto 85 North and it didn't appear that the vehicle
25 was stopping or going anywhere, you know, around the

1 city, that's when they called us to see if we could
2 possibly intercept it. The only thing is: They had no
3 idea who was driving it, no idea if there was anything
4 in the car. It was basically just a poke and a hope,
5 for lack of better terms.

6 Q Did you share that information with other
7 members of the interdiction team?

8 A Yes, ma'am.

9 Q Were those of you on the team, working at
10 that time, looking for this particular car?

11 A Yes, ma'am.

12 Q Now, we've heard some testimony about how
13 the car was stopped and how we come to be on the side
14 of the road. How did you get involved?

15 A So basically, once the vehicle reached our
16 jurisdiction here in Greenville, we had decided that
17 Deputy Reese would make the stop and see if there was
18 anything to it and we would take it from there. I
19 believe -- I believe he was the first one to see it,
20 but I'm not 100 percent on that. I stayed stationary,
21 where we were sitting at the Greenville/Anderson
22 County line, as did Deputy Wasserman, to wait to see
23 if anything materialized.

24 Q Now, are you in contact by way of radio with
25 the other deputies during the course of this entire

1 event?

2 **A** Yes, ma'am.

3 **Q** Okay. At what point, between the time that
4 Deputy Reese leaves your stationary spot to initiate a
5 traffic stop, did you join this roadside location?

6 **A** I stayed back until he called me. I left it
7 up to him to determine, again, if anything was going
8 to materialize. And, obviously, he called me to
9 expedite the search, because we know when we stop a
10 car, the stopwatch begins.

11 **Q** What was happening when you showed up?

12 **A** So when I pulled up, Deputy Wasserman was
13 standing by with the subject, the driver, and a small
14 child. And I saw Deputy Reese at the rear of the
15 vehicle with the hatch open.

16 **Q** Did you have a conversation with him about
17 the status of things, so to speak?

18 **A** I did. I did.

19 **Q** Did he share with you information about his
20 conversation with the defendant?

21 **A** Yes, ma'am. Basically it was a short, sweet
22 conversation about things that he noticed or observed
23 during the stop. And we practice this on all of our
24 interdiction stops, where we kind of let the backup
25 officer know, "You know, hey, this is what I'm seeing;

1 this is what I'm hearing or smelling." So he ran
2 through the things that he had observed. And I believe
3 I commented, shortly thereafter, that it's most likely
4 going to be an aftermarket hidden compartment
5 somewhere in the vehicle.

6 **Q** Why would you feel that way?

7 **A** Basically, through my training and
8 experience working that interstate, dealing with what
9 we deal with; the fact that you've got a newly
10 purchased vehicle that's traveling long distance that
11 has a vehicle license registered to an unknown male,
12 has insurance that's to another male, neither of whom
13 were present; and then, also coming from a source city
14 traveling to another source area to New Jersey; also
15 looking at the vehicle, just doing a rapid assessment,
16 as I am walking up — that type vehicle was a very
17 plain Jane; nothing flashy; nothing fancy; nothing
18 that would stick out; basically, a vehicle that's not
19 going to draw a lot of attention from law enforcement.
20 Even the color being silver, that is a color that's
21 easily able to be blended in with other traffic when
22 traveling on the interstate. I'll probably see
23 hundreds of silver vehicles every day during my shift
24 when I'm working the interstate.

25 **Q** Now once you actually got up to this car and

1 started to look at it, did you notice anything
2 unusual, immediately?

3 A No, ma'am. Nothing unusual, but it was very
4 clean in appearance. It was clean. It wasn't -- it
5 didn't have road wash all over it and dirty windows
6 and tires and things. It was a fairly clean vehicle.

7 Q Well, suspecting, at this point, that you're
8 looking for a compartment, how did you decide to look
9 for it?

10 A So that type of vehicle, again, in my
11 training and experience, that is a good vehicle for
12 aftermarket compartments. So the locations I typically
13 check on a vehicle, a small SUV like that, is the
14 floor, the floorboard, underneath the vehicle, the
15 rear deck, and also the rear floor that goes over the
16 plastic gas tank. Before I get into this, I would like
17 to testify that I am not a mechanic by any means. I do
18 love cars, that's my hobby, old cars. But these are
19 the areas that I typically check on a car.

20 It's very easy to tell, even laying on your
21 back on an emergency lane of I-85 in Greenville, if
22 something has been modified or is not factory. So
23 again, knowing the type vehicle, knowing what I'm
24 looking for could possibly be -- you know, could
25 possibly find, I lay on my back. I'm looking at the

1 floor, all the undercarriage. I'm looking at the
2 condition. The car had a lot of road wash underneath,
3 which is normal, driving in the rain, driving in the
4 dirt, et cetera, et cetera.

5 Unfortunately, where they made this
6 compartment, they had to lower the factory gas tank to
7 be able to put the metal box above it. So they
8 elongated or lengthened the bolts that hold scraps in,
9 that holds the plastic gas tank in. And there was
10 about that much of a thread showing.

11 Now, car manufacturers, they have strict
12 tolerances. They're not going to turn anything away
13 from the factory like that, nowadays. Everything
14 should be nice and tight. I also notice on the
15 elongated bolts that they had been freshly
16 spray-painted black. Everything had road wash and
17 grime on it, except for where the bolts were at. They
18 were nice and shiny and black, and it caught my
19 attention like that.

20 Matter of fact, I told Drew, I said, "Hey,
21 buddy, you've got an aftermarket compartment." At that
22 point -- I'm sorry.

23 Q So at this point, after just looking at the
24 exterior of the vehicle, what is your conclusion about
25 what was happening with that car?

1 **A** That there was definitely an aftermarket
2 compartment in the vehicle and that, in my opinion,
3 aftermarket compartments are put in vehicles for one
4 reason, and that is to hide or smuggle contraband.

5 **Q** At this point, again, during the exterior
6 evaluation of this car, before even getting inside of
7 the car, was it your opinion, at that point in time,
8 that it was more likely than not that there was
9 something illegal inside of that car?

10 **A** Yes, ma'am. It was also my opinion that even
11 though the sub -- the driver was not technically in
12 handcuffs, that she was not free to go and we were not
13 moving from that interstate until I confirmed or
14 dispelled my suspicion that there was something in
15 that compartment.

16 **Q** Now, after evaluating all of this under the
17 car, what did you do next to get to this compartment?

18 **A** I believe I went back to my car and
19 retrieved a crowbar. I like to refer to it as my
20 master key because we do have to break into a lot of
21 these compartments. When I went to pry the -- we
22 removed the back seat, which was all you do is pull it
23 up and take it out. It's not very intrusive. I see the
24 cover for the fuel pump, where the fuel pump would go
25 down into the gas tank. It's got four screws in it

1 from the factory. I went to pry the lid up or see if I
2 can pry it up, and one of the screws was -- had been
3 sawed off and then glued to the lid to make it look
4 like the screws were still being used.

5 Unfortunately, they had taken a trunk lock,
6 which is what would hold your trunk lid down for your
7 car, and they had welded it inside of the compartment
8 and then welded a small hook to the factory fuel pump
9 cover. And that was the access door for the
10 compartment. When I went to go pry it, it was loose. I
11 turned it. Picked it up. They didn't even bother
12 securing it well for the trip, whoever -- whomever.

13 Q Did you even have to use the pry bar?

14 A No, ma'am. No, ma'am. I think, on the video,
15 you can see me throw it down. But the packages were,
16 as soon as the lid was removed, were evident. I mean,
17 they were -- they were right there.

18 Q Okay. I don't believe I have any additional
19 questions for you. If you would answer any questions
20 that Mr. Martinez has.

21 A Yes, ma'am.

22 **CROSS-EXAMINATION**

23 **BY MR. SARRATT:**

24 Q Master Deputy Harrison, how are you?

25 A Good.

1 **Q** I'm Stuart Sarratt, for the record. I just
2 want to be brief with you here. As you said, you may
3 not have formal -- well, do you have formal training
4 in the mechanics of cars? I know you said you're not a
5 mechanic, per se. But have you had training with
6 highway patrol about that?

7 **A** No, sir.

8 **Q** Okay. But you have experience, from what
9 you're telling me?

10 **A** A lot. Yes, sir.

11 **Q** I could tell. You -- is it fair to say that
12 when you first started searching, you're shaking the
13 doors; you're looking at its seams; you're looking for
14 any kind of panel that might be built into the
15 exterior of the car?

16 **A** Yes, sir.

17 **Q** And you didn't find any from the exterior?
18 I'd say above the wheels, you didn't find anything?

19 **A** No, sir.

20 **Q** All right. And it's not until, really, you
21 get underneath the car that you start to notice things
22 that are out of the ordinary; is that correct?

23 **A** Right.

24 **Q** Okay. And just again, to show how
25 experienced you are, the kind -- the type of things

1 that you noticed were that the welds were not factory
2 welds; right?

3 **A** Yes, sir.

4 **Q** So you would know enough to tell the
5 difference between a welding that came from someone
6 who was not trained in a factory and somebody who
7 works at a factory?

8 **A** Yes, sir.

9 **Q** And also what length certain screws should
10 be and how many inches the exhaust should be and
11 things like that? I'm sorry. That was a compound
12 question. You noticed things like length of screws not
13 being factory?

14 **A** Yes, sir.

15 **Q** And that the exhaust was lowered a couple of
16 inches beyond what it should've been?

17 **A** As well as the gas tank, yes, sir.

18 **Q** And none of this was apparent, again, until
19 you got underneath the car to take a look at the
20 underside; is that right?

21 **A** Yes. Can I explain that?

22 **Q** Oh, sure.

23 **A** Okay. So we search the undercarriage to all
24 the vehicles that we search when we believe that there
25 is reasonable suspicion of criminal activity going on.

1 The reason we do that is because people have become
2 ingenious with the way that they hide contraband,
3 going to lengths as using magnets on pelican cases,
4 which are waterproof plastic cases and attaching them
5 to the inside of frame rails of rental vehicles. So
6 the chassis or undercarriage search is typical on all
7 of our vehicle searches. And all of our searches are
8 conducted the least intrusive method. Case in point,
9 we didn't take the door panels off. It's easier to
10 shake the door or use a flashlight to look at the
11 undercarriage.

12 Q Okay. Tell me: When you noticed from the
13 underside that there likely was a compartment, the
14 next thing you did was you took the back seat out; is
15 that correct?

16 A The seat bottom. Yes, sir.

17 Q And did you have to cut or tear into that,
18 or did it just remove from --

19 A No, sir. You lift it up and then take it
20 out.

21 Q Okay. Once you got that seat off, it's my
22 understanding you found a plate there that was not
23 factory; is that correct?

24 A No, sir. It is a factory cover for the fuel
25 pump.

1 **Q** Oh, okay. But you noticed something that was
2 suspicious about it that made you want to inspect it;
3 correct?

4 **A** Yes, a screw that was cut off and then glued
5 to the cap.

6 **Q** Okay. And how were you able to tell that it
7 had been cut and glued?

8 **A** Actually, when we took the seat off and I
9 touched the panel to pull on it a little bit, it
10 popped the screw out.

11 **Q** Okay.

12 **A** And it had a -- it had traces of the
13 silicone on it.

14 **A** I understand. It's at that point that you
15 were able to confirm that there was contraband inside.

16 **A** Once I removed the lid, yes, sir.

17 **Q** All right.

18 **MR. SARRATT:** One moment.

19 **THE COURT:** Certainly.

20 (There is a pause.)

21 **MR. SARRATT:** No further questions.

22 **THE COURT:** All right. Any follow-up?

23 **MR. MARTINEZ:** No, Your Honor.

24 **THE COURT:** Thank you, sir.

25 **THE WITNESS:** Thank you, ma'am.

1 **MS. OWENS:** I have no additional evidence
2 to present, but I'd be happy to argue to the
3 Court. I don't know whether you want to hear from
4 the defendant first or whether you would like to
5 hear from the state about the basis of the
6 motion.

7 **THE COURT:** All right. Anything -- anything
8 you would like to say, Mr. Martinez, at this
9 point?

10 **MR. MARTINEZ:** I believe Mr. Sarratt is
11 going to begin and then I will...

12 **THE COURT:** Sure. All right.

13 **MR. MARTINEZ:** We were going to --

14 **THE COURT:** That sounds good. All right.
15 No. That's fine.

16 **MR. SARRATT:** For my part, on this
17 argument, there -- this Officer Reese lacked
18 probable cause for the traffic stop, the initial
19 traffic stop. I believe the testimony was that he
20 followed the car for a mile and it was, at that
21 point, that he noticed all the traffic
22 infractions of following too closely and touching
23 the dotted line. Unfortunately, that driving
24 conduct was not captured on camera.

25 Once the camera does initiate, however, to

1 my -- my eye, I don't see any traffic; I don't
2 see any bumping up against the line; certainly,
3 no following too closely because she's no longer
4 behind the 18-wheeler. But unfortunately, we're
5 just -- we're left to the officers' testimony and
6 recollection of what he perceived, but it really
7 would have been nice to have video in this case.
8 That's one of the reasons I am presenting this.

9 I'm asking the Court to not only suppress
10 the evidence, but to craft a rule, prophylactic
11 rule. I understand I may be speaking to a higher
12 court here, that in cases where we -- all parties
13 agree there is a pretextual stop, which is
14 allowed under the law, and a traffic camera is
15 installed, that that camera must be activated in
16 order to assure everyone, including judges and
17 attorneys and the public, that there was actually
18 a traffic violation that occurred. It promotes
19 the integrity of the justice system, and we
20 believe that this is a remedy that this court
21 should grant in this case in addition to
22 suppressing the evidence.

23 **THE COURT:** All right. All right. Well, I
24 appreciate your argument in this case, certainly.
25 And if a court higher than I decides to implement

1 that rule, then that certainly is their purview
2 to do that.

3 However, I am, of course, aware of no such
4 rule, and I do find that there was probable cause
5 to stop the car. The deputy spoke to a number of
6 infractions that he viewed; and then, at the
7 point at which he believed that he could stop the
8 car, he did initiate his traffic camera for some
9 period of time and left it running throughout the
10 duration of the stop. So your motion is
11 respectfully denied ---

12 **MR. SARRATT:** Thank you, Your Honor.

13 **THE COURT:** --- but preserved for the
14 record.

15 **MR. SARRATT:** Thank you.

16 **THE COURT:** Thank you.

17 Yes, sir.

18 **MR. MARTINEZ:** Your Honor, the extensive
19 off-topic questioning by Deputy Reese here,
20 unreasonably prolonging the stop resulting in a
21 seizure under the Fourteenth Amendment. In
22 *Rodriguez v. United States*, that site is
23 135 S. Ct. 1609, the Supreme Court United States
24 held that a traffic stop, quote, exceeding the
25 time needed to handle the matter for which the

1 stop was made, violates the Constitution's shield
2 against unreasonable seizures. And a seizure
3 justified only by police-observed traffic
4 violation becomes unlawful if it is prolonged
5 beyond the time reasonably required to complete
6 the mission of issuing a ticket for the
7 violation.

8 Here, the stop was made for following too
9 closely and striking the left white dotted line.
10 The officer had already observed the alleged
11 violations included -- concluded that Ms. Sanchez
12 did not need field sobriety tests, but proceeded
13 to engage in extremely broad off-topic
14 questioning, that included her education, where
15 she's from, her origin, her romantic life, where
16 she works, what her boyfriend does, where her
17 kids are. All of this questioning prolonged the
18 stop beyond the time reasonably required to
19 complete the warnings as explained by Rodriguez.

20 Although that case involved extending the
21 stop while conducting a dog sniff, I believe that
22 the language in that case is broad enough to
23 include all unrelated or off-topic investigation.
24 I realize that our state Supreme Court in *State*
25 *v. Provet* held off-topic questioning during that

1 time don't violate the Fourth Amendment, but that
2 decision was released two years before *Rodriguez*,
3 which made clear that it was a reasonableness
4 inquiry.

5 The state must establish that he did not
6 extend the stop beyond the time needed to
7 reasonably complete the purpose of the stop. The
8 stated purpose was two minor infractions. As we
9 saw from the video and heard from Deputy Reese,
10 she had luggage in the car that contained items
11 for a trip; she had documentation supporting her
12 purchase of this car the day before; she had an
13 itinerary that included traveling to New Jersey
14 to see family who was going to put her up for the
15 time that she was there.

16 You know, the only facts that we would have
17 here are that she was traveling from Atlanta,
18 which was a -- as testified is a drug hub; she
19 had a single key on a car that she had just
20 purchased; and she had Red Bull in the car. I
21 don't believe that is sufficient to justify
22 reasonable suspicion to extend the stop further.
23 The officers questioning her goes far beyond
24 ordinary inquiries incident to a stop, which is
25 checking her license, determining outstanding

1 warrants and inspecting the registration and
2 proof of insurance.

3 The critical question under *Rodriguez* is
4 whether that additional investigation prolonged
5 the stop here. I'd be glad to go to my next
6 ground or if you just --

7 **THE COURT:** Hold on just one second.
8 Let me hear from you on that.

9 **MS. OWENS:** Certainly, Your Honor. I think
10 there are two issues that are kind of pushed
11 together, so I'm going to try to treat them
12 separately. The first is whether there is
13 anything inappropriate about the questioning
14 tactic by Deputy Reese. I certainly -- I think
15 that it's helpful for the Court to consider that
16 during the entire recorded duration of this
17 exchange between the deputy and the defendant, it
18 is evident in the background of this tape that
19 you can hear typing, the clicking of keys.

20 **THE COURT:** Uh-huh.

21 **MS. OWENS:** I think that speaks very
22 clearly to the purpose of what's happening
23 off-camera. We're not even going to see this, but
24 we're able to hear it. So there's no question
25 before this Court that that questioning extended

1 the stop. If anything, it was occupying the time
2 during which the deputy was filling out the
3 paperwork that he had to fill out. There's no
4 evidence on this video that the deputy stopped
5 filling out these documents, stopped conducting
6 reference check inquiries about the status of
7 this defendant's license or any other standard
8 protocol-type records checks that they do during
9 these traffic stops. As the video demonstrates,
10 as soon as that is accomplished, he delivers that
11 paperwork after explaining it to her.

12 So I don't believe there's any evidence that
13 the questioning -- perfectly appropriate
14 questioning did anything to extend the stop. I
15 think it's relevant, too, to consider that the
16 entire duration of the stop, start to finish,
17 before we reach the search, is 11 minutes. It's
18 an extremely quick transaction. With respect to
19 whether the questions extended the stop, I don't
20 believe there's any evidence for the Court to
21 decide that there was anything extended here.

22 Now, separately, the issue is whether,
23 during that exchange, during that 11 minutes,
24 this deputy amounted enough reasonable suspicion
25 to justify asking the defendant to search her

1 car. That's where we get into the dirty details
2 of what was so suspicious about having multiple
3 Red Bull cans, having no driver's license, this
4 other unknown third-party insurance card, which
5 is, arguably, not even viable evidence that the
6 car is insured, and unclear information and, as
7 the deputy testified, suspicious information
8 about the circumstances by which the defendant
9 came to be in possession of the car.

10 He, specifically, mentioned -- both deputies
11 mentioned that they found it suspicious that the
12 defendant indicated she purchased the car for
13 \$10,000 from an unknown person but had only paid
14 \$4000 toward the car before being able to drive
15 away with it from this unknown person. There is
16 certainly something suspicious about conducting a
17 transaction with a perfect stranger and then
18 allowing you to leave with the goods that you've
19 purchased without any consideration toward future
20 payment.

21 So in addition to that, the bizarre
22 insurance situation, the fact that she has no
23 driver's license, in combination with the
24 information we have from HSI, this Court's task
25 is to evaluate the totality of the circumstances,

1 not only their experience and training in dealing
2 with cars that are trafficking contraband and
3 illegal material, but also this credible and
4 reliable tip from the federal government that
5 this car was leaving what the federal government
6 believed to be a stash house for drugs. So in
7 light of the total circumstances surrounding this
8 traffic stop, there's certainly sufficient
9 evidence for these deputies to have asked this
10 defendant for consent to search her car, which
11 she gave.

12 **THE COURT:** Well, I find that the stop was
13 not unreasonably prolonged, in fact, not
14 prolonged from my watching of the video. There
15 was some off-topic questioning, which is
16 certainly permissible. Part of that was prompted
17 by, again -- to use the state's words on this --
18 I think, unusual ownership situation and
19 insurance situation in this case. They certainly
20 had enough evidence to prompt asking for consent
21 to search as has been set forth: Red Bull can; no
22 driver's license is a very big one; the
23 third-party insurance; and unclear ownership of
24 the car. I find under *State v. Culbreath* that the
25 officer's suspicions were further aroused and

1 continued questioning, although it does not seem
2 that the traffic stop was unreasonably lengthy;
3 and therefore, respectfully deny your motion as
4 to that.

5 Yes, sir.

6 **MR. MARTINEZ:** I would just note one thing
7 for the record: As the officer testified to, she
8 -- she did only pay 4000, but she had not
9 received title yet.

10 **THE COURT:** Uh-huh.

11 **MR. MARTINEZ:** I believe that goes to why
12 she had not received title yet. Moving on,
13 Your Honor --

14 **THE COURT:** And I will just -- if I could
15 just highlight one area: the "no driver's
16 license" is certainly a very concerning area and
17 would very much arouse suspicion and would prompt
18 -- might have prompted further action than what
19 happened there at the scene. But all right. Go
20 ahead.

21 **MR. MARTINEZ:** In addition to -- I
22 understand your ruling -- in addition to the
23 off-topic questioning that occurred here, we
24 believe that when Deputy Reese handed Ms. Sanchez
25 the warnings, but did not fully let go of them

1 and requested consent, that based on the total
2 circumstances, he, again, seized her anew without
3 reasonable suspicion to request that consent to
4 search.

5 A person -- reasonable person under those
6 circumstances would not feel free to leave when
7 the officer is still holding the warnings when he
8 requested consent. We know that a roadside
9 consent request to search is unlike a normal
10 field interview. There's already been a seizure

11 ---

12 **THE COURT:** Uh-huh.

13 **MR. MARTINEZ:** --- which enhances the
14 enforciveness of the situation. She had already
15 been pulled over and asked to come back to the
16 patrol car, answered evasive questions about --
17 for nearly 10 minutes; there were two officers,
18 both in uniform, carrying firearms; she had not
19 told that she needed to go; and there was
20 immediate transition from the stop to the request
21 to search that she may not have realized the
22 initial seizure ended. All of these factors, in
23 totality of the circumstances, she was seized
24 again when Deputy Reese requested the consent to
25 search.

1 To separate the issues as well, there was
2 not reasonable suspicion here, unlike in *Provet*,
3 the officer did -- said she was not nervous; he
4 said she was stoic; her hands weren't shaking;
5 she didn't have accelerated breathing. You could
6 tell from the video that she answered all of
7 those questions calmly. Additionally, a
8 third-party, in itself, does not in itself create
9 reasonable suspicion. When -- the search begins
10 12 minutes into the stop and took another 15
11 minutes. She was seized. The consent here was
12 obtained as an exploitation of that seizure. And
13 so the state would bear burden exception of the
14 consent as voluntary and not an exploitation of
15 the stop.

16 **THE COURT:** All right. Well, you know,
17 oftentimes, we don't have a video of the actual
18 consent to search and that becomes more
19 problematic, certainly. In this particular
20 instance, you know, it's clear from the video
21 that the officer was not intending on writing her
22 even a ticket, but rather just wrote her a
23 warning; informed her that he was writing a
24 warning; was -- and appeared to be concluding the
25 stop itself.

1 I think that was the -- definitely, under
2 the totality of the circumstances, the feeling
3 was that the stop would shortly end. When he
4 asked for consent, he asked so in a very casual
5 manner, not a demeaning or threatening manner,
6 certainly didn't tie it to any outcome of the
7 stop. And then, her response was immediate,
8 unequivocal, and at no time did she ever try to
9 limit the search or ask what the purpose of the
10 search even was. She just immediately consented
11 to the search itself. Therefore, I do find that
12 the search was voluntary and that she did not
13 feel any coercion, does not appear to have felt
14 any coercion to have consented to that search.

15 **MR. MARTINEZ:** And just to clarify your
16 ruling -- I believe I know the ruling, but your
17 ruling is that the stop was not extended.

18 **THE COURT:** Right. The stop was not
19 extended. I find that the stop was not extended
20 and that they had enough evidence to request
21 consent to search; was freely and voluntarily
22 given consent to search.

23 **MR. MARTINEZ:** One final ground: the search
24 here exceeded the scope of consent. Under both
25 the United States Constitution and the state

1 constitution, including South Carolina's
2 expressed right to policy, an officer does not
3 have carte blanche to search what they please,
4 even if an individual does not specifically limit
5 the scope of the consent. *Florida v. Jimeno*, 500
6 U.S. 248, United States Supreme Court, as well as
7 *State v. Forrester*, Supreme Court case, 343 S.C.
8 637, the drugs here were found after a 15-minute
9 search and required removal of the back seat and
10 removal of a cover from beneath that seat.

11 This is not a situation where it was just
12 found in the glove compartment or the center
13 console or the back seat. This was a search that
14 far exceeded what a reasonable person would have
15 believed the request to search would have
16 entailed. They would have understood it to be the
17 front seats, the back seats, the compartments in
18 the car, but not removal of any portion of the
19 vehicle.

20 As Deputy Reese here, he specifically said
21 can he search her car. He didn't specifically say
22 that parts would be removed or anything like
23 that. For that reason, we believe that the scope
24 exceeded the consent and we would ask that the
25 drugs be suppressed.

1 **THE COURT:** Well, I do find that the
2 defendant was present for the entirety of the
3 search. As I said, she freely gave consent to
4 search. I will cite to the learned and very
5 esteemed Judge Miller in *State v. Funderburg*,
6 that says that because she did not object or
7 limit the scope of that search at any point in
8 time, that -- that -- that case is practically on
9 all fours with this factual scenario, that he --
10 that the deputy did not exceed the scope of the
11 search and, as noted by the deputy, who -- after
12 extensive training, said he almost from sight,
13 could tell looking underneath the car that
14 something would warrant further search in that
15 area. So based on all of that, again, I
16 respectfully deny your motion, though it is
17 certainly preserved for the record.

18 **MR. MARTINEZ:** Thank you, Your Honor.

19 **THE COURT:** Thank you. Is there anything
20 else?

21 **MR. MARTINEZ:** Nothing from the defense.

22 **THE COURT:** Anything from the state?

23 **MS. OWENS:** Not at this point, Your Honor.
24 We may have some logistical issues before we
25 begin, some statements and some pieces of the

1 video that we may need to discuss in the morning.
2 But there's certainly no reason to deal with that
3 today.

4 **THE COURT:** Okay. All right. All right.
5 Very well. And perhaps with our time this
6 afternoon, maybe some of that, y'all can talk
7 about and see if you couldn't get it situated.

8 **MS. OWENS:** Certainly.

9 **MR. MARTINEZ:** Just one last thing about
10 getting the CD marked.

11 **THE COURT:** Oh, yes. Thank you, and Teresa
12 thanks you. Yes, we'll mark that for purposes of
13 today's hearing as Defendant's Exhibit Number 1.

14 **COURT REPORTER:** Can I think on that for a
15 second?

16 **THE COURT:** You want to think on that?
17 (Pause.)

18 So let me just ask this: The state intends
19 on introducing this video?

20 **MS. OWENS:** Yes, Your Honor.

21 **THE COURT:** Does the defense know of any
22 objection you would have to introduction of this
23 video?

24 **MR. MARTINEZ:** There were maybe a few
25 things that we would ask to be redacted, but

1 overall, no. No objection.

2 THE COURT: Okay. The reason is: We're
3 wondering about marking it and remarking it.

4 MS. OWENS: Let's mark a second copy.

5 THE COURT: Okay. All right.

6 MS. OWENS: That suits me just fine.

7 THE COURT: Okay. Perfect. We'll do that,
8 then. Very well. Thank you so much.

9 MR. MARTINEZ: Thank you.

10 COURT REPORTER: Thank you.

11 THE COURT: Teresa is happy, so I'm happy.
12 All right. Anything else to take up before we
13 break for the day?

14 MS. OWENS: No, Your Honor.

15 THE COURT: All right. Thank you very much.

16 MS. OWENS: Thank you.

17 MR. SARRATT: Thank you, Your Honor.

18 THE COURT: Thank you.

19 (Defendant's Exhibit 1 is marked for
20 identification and admitted into the record.)

21 (The Court recesses for the day at approximately
22 12:33 p.m.)
23
24
25

STATE OF SOUTH CAROLINA	) COURT OF GENERAL SESSIONS
	)
COUNTY OF GREENVILLE	) THIRTEENTH JUDICIAL CIRCUIT
	)
State of South Carolina	) Case No(s) : 2017GS2310232,
	) 2017GS2310233
Plaintiff,	)
	)
-VS-	) TRANSCRIPT OF RECORD
	)
Victoria Sanchez,	) Volume 2 of 2
	)
Defendant.	)
	)

December 4 - 5, 2018
Greenville, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

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

KATRINA OWENS, Esquire
Attorney for the Plaintiff

MICHAEL MARTINEZ, Esquire
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P R O C E E D I N G S

(State's Exhibits 1 through 6 are marked for identification.)

(The Court resumes on the 5th day of December 2018, at approximately 9:06 a.m.)

THE COURT: Alrighty. Y'all ready to bring the jury back in?

MS. OWENS: Certainly. We're ready to proceed.

THE COURT: Oh, yeah. Hold on one second until we get Ms. Sanchez in. (Pause.)

MR. MARTINEZ: I don't know that I need to do this, but just renewing my motions from yesterday.

THE COURT: Okay. All right.
(Ms. Sanchez enters the courtroom.)

THE COURT: And you requested that witnesses be sequestered?

MR. MARTINEZ: Yes, Your Honor.

THE COURT: Any objection to that?

MS. OWENS: Well, to the extent that he's not articulated any basis to do so, I'd object.

THE COURT: All right. Well, we'll -- I'll grant your motion to sequester, except, of course, your main witness, or case manager.

1 Katrina, I don't know if you know it, but --
2 well, I'll say this to everybody that Teresa has
3 been elected president of the national court
4 reporters' association.

5 **MS. OWENS:** What? Put that on the record.

6 **THE COURT:** I know. So we have -- we now
7 address her as La Presidente. Anyway, all right.
8 So we're going to go on the record and you wanted
9 to renew your motions.

10 **MR. MARTINEZ:** Yes, Your Honor, just for
11 the record, just to renew my motion from
12 yesterday to suppress all the drugs on the
13 grounds that we had discussed yesterday.

14 **THE COURT:** All right. And your motions
15 are certainly renewed at this time, and
16 respectfully denied.

17 **MR. MARTINEZ:** Thank you, Your Honor.

18 **THE COURT:** Thank you.

19 (Jury enters at approximately 9:15 a.m.)

20 **THE COURT:** Good morning, ladies and
21 gentlemen. Thank y'all so much for being so
22 prompt this morning. That's very helpful.

23 And I understood that some of you wanted --
24 or requested to take notes. That's perfectly
25 fine. And I'm very appreciative that you all are

1 taking your responsibility very seriously. I will
2 just caution you that some people are better
3 notetakers than others; some people take notes in
4 lieu of listening. If you feel like you are one
5 of those people who would take notes rather than
6 listen and watch the witness on the stand, then
7 I'd encourage you to not take notes, just because
8 I want you to listen to the witness. And a lot of
9 what you have to do is determine credibility.
10 And, of course, a lot of that is from looking at
11 folks on the stand.

12 But some people love to just take some notes
13 to refresh their memory. I think that's a
14 fantastic idea. Then when we get to the end of
15 the trial, I'll give you just a little bit of
16 guidance on how to use those notes, since not
17 everybody is taking notes, in the jury
18 deliberation room. All right.

19 All that being said, we've got one matter of
20 business.

21 Ms. Jan, will you --

22 **THE CLERK:** Ladies and gentlemen, would you
23 please stand and raise your right hand for the
24 oath in this case. Your correct response will be,
25 "I will." You shall well and truly try this case,

1 2017-GS-23-10233, the State of South Carolina
2 versus Victoria Lorraine Sanchez, indicted for
3 trafficking in heroin; and 2017-GS-23-10232 for
4 unlawful conduct towards a child, and a true
5 verdict render according to the law and the
6 evidence, so help you God?

7 (Each juror responds.)

8 **THE CLERK:** Thank you.

9 **THE COURT:** Thank you, ma'am.

10 Mr. Foreperson and the remaining members of
11 the jury, we are now ready to move to opening
12 statements.

13 Yes, ma'am.

14 **MS. OWENS:** Thank you, Your Honor. May it
15 please the Court.

16 **THE COURT:** Yes, ma'am.

17 **MS. OWENS:** Good morning, ladies and
18 gentlemen. As I told you yesterday, my name is
19 Katrina Owens, and I prosecute criminal cases
20 here in Greenville County. Before we begin the
21 trial of this case, I want to very briefly tell
22 you three things: what this case is about; what
23 the state is required and intends to prove; and
24 how we intend to prove it.

25 Every day, drugs of all kinds are shipped,

1 transported, smuggled and delivered to locations
2 across this country. Those drug distribution
3 networks enlist individuals who are willing to
4 personally escort those drugs from one location
5 to the next. This defendant is one of those
6 individuals.

7 On June 28, 2017, deputies with the
8 Greenville County Sheriff's Office stopped this
9 defendant on Interstate 85, right here in
10 Greenville County. After ultimately searching her
11 car, they found inside nearly 7 kilos, more than
12 17 pounds, of packaged heroin.

13 Now, as you've heard from the judge, the
14 defendant is charged with two separate crimes in
15 connection to that June 28 traffic stop. The
16 first of those is trafficking in heroin. Now, to
17 prove that the defendant is guilty of the crime,
18 the state has to prove two things: first, the
19 state has to prove that the defendant sold,
20 purchased, delivered, or brought into this state,
21 a quantity of illegal drugs; or that the
22 defendant provided assistance to -- financial or
23 otherwise -- someone to sell, deliver, purchase,
24 or bring into this state a quantity of illegal
25 drugs; or that the defendant aided, abetted,

1 conspired, or attempted to sell, purchase,
2 deliver, or bring into this state, a quantity of
3 drugs; or possessed a quantity of illegal drugs.
4 Now, the state must prove that the defendant did
5 any one of those things with respect to more than
6 28 grams of heroin.

7 Now, the defendant is also charged with
8 unlawful conduct towards a child. Again, to prove
9 that ground, the state has to prove two things:
10 first, that the defendant was a parent, guardian,
11 custodian of a child under the age of 18 and that
12 in that capacity as a custodian, a parent, or a
13 guardian, that the defendant did something to
14 place the child at an unreasonable risk of harm.

15 Now, to prove that the defendant is guilty
16 of both of those crimes, you're going to hear
17 testimony from several witnesses. First, you
18 going to hear from the deputies themselves who
19 were part of this traffic stop. Mr. Andrew Reese,
20 who was a deputy at the sheriff's office at the
21 time of this traffic stop in 2017, is going to
22 testify to what about drew his attention to the
23 silver Kia that this defendant was driving on the
24 evening of June 28. He's going to tell you what
25 he saw, what he did, and what made him so

1 increasingly suspicious as this traffic stop went
2 on.

3 You're going to see the video that was
4 recorded for the duration of this traffic stop.
5 You'll be able to see for yourself exactly what
6 happened on the side of the road that day.

7 After that, you're going to hear from Master
8 Deputy David Harrison. Deputy Harrison is going
9 to testify about what was going on when he showed
10 up to help search this car and how they
11 ultimately discovered this enormous quantity of
12 heroin inside.

13 You'll also hear testimony from folks who
14 are responsible for safekeeping the evidence
15 since the time of the traffic stop in June until
16 trial here today. And you will hear from a crime
17 lab chemist, whose job it is to chemically
18 analyze these substances. And you'll hear about
19 what he learned as the result of his analysis.

20 Ladies and gentlemen, the evidence in this
21 case is very straightforward. The trial of this
22 case is likely to be very short. And at the end
23 of the trial, after you've heard all of the
24 evidence and had an opportunity to see for
25 yourself exactly what happened on Interstate 85

1 on June 28, 2017, I'll ask you to return a
2 verdict that this defendant is guilty of both of
3 those crimes. Thank you.

4 **THE COURT:** Thank you.

5 Yes, sir.

6 **MR. SARRATT:** May it please the Court.

7 **THE COURT:** Yes, sir.

8 **MR. SARRATT:** Good morning, ladies and
9 gentlemen. Once again, I'm Stuart Sarratt, and I
10 am defending Victoria Sanchez.

11 So as you've heard -- let me take some of
12 the mystery out. Victoria Sanchez was in that
13 Kia, and that Kia did have 17 pounds of heroin in
14 it. Open and shut; right? Not quite. You see, not
15 only does the state have to prove those things,
16 they have to prove that she knew that what she
17 was doing was wrong. The state has to prove that
18 she knew that those drugs were there.

19 Now, what the evidence is going to show is,
20 again, that there are 17 pounds of heroin loaded
21 in this car. Well, how could you not know? I
22 mean, the car must be overflowing with heroin;
23 right? See, what the state is also going to show
24 -- what the evidence will show is that the 17
25 pounds of heroin were hidden in a compartment

1 that was welded between the gas tank and the
2 undercarriage of the car. This was extremely well
3 hidden.

4 The state, and the evidence, is going to
5 show that Victoria was -- this was a new car to
6 Victoria. She had only had possession of this car
7 for a couple of days. The evidence is also going
8 to show that Victoria Sanchez does not have a
9 driver's license and has never had a driver's
10 license.

11 Now, let's talk about what the evidence is
12 not going to show. There's not going to be any
13 evidence of any undercover agents, any
14 confidential informants, any wiretaps. There's
15 not going to be an organizational chart with "El
16 Chapo" Guzman at the top and Victoria Sanchez
17 down here. There's none of that. We have Victoria
18 Sanchez in a car with heroin loaded into a secret
19 compartment. But the issue in this case is: Did
20 she know?

21 After you hear all of the evidence, I am
22 convinced that you will find that she did not
23 know, and that you will find Victoria Sanchez not
24 guilty.

25 **THE COURT:** All right. Thank you.

1 Yes?

2 **MS. OWENS:** May it please the Court,
3 Your Honor.

4 **THE COURT:** Yes.

5 **MS. OWENS:** The state calls Mr. Andrew
6 Reese.

7 Mr. Reese, would you, sir, please come up
8 and be sworn.

9 **ANDREW REESE**

10 having first been duly sworn, testifies as follows:

11 **THE CLERK:** You may be seated. Please state
12 your full name for the record.

13 **THE WITNESS:** Good morning. My name is
14 Andrew Hunt Reese.

15 **DIRECT EXAMINATION**

16 **BY MS. OWENS:**

17 **Q** Mr. Reese, I'm going to stand way back here,
18 so I can be sure that I can hear you and so that the
19 jury can hear you. Okay?

20 **A** Yes, ma'am.

21 **Q** Can you tell the jury where do you work now?

22 **A** I actually work at Greenville Tractor
23 Company now, here in Greenville, South Carolina.

24 **Q** How long have you been there?

25 **A** Just over a year.

1 Q Where were you working back in June of 2017?

2 A I worked at the Greenville County Sheriff's
3 Office on our criminal interdiction team.

4 Q Just for the jury's understanding, what is
5 the interdiction team at the sheriff's office?

6 A The interdiction team is comprised of four
7 deputies who spend the majority of their time on the
8 interstate doing criminal interdiction. What is
9 criminal interdiction? That is looking for the obvious
10 large amounts of drugs, guns, or drugs obtained in
11 U.S. currency. We also look for felons crossing over
12 the state line, whether it be murder, any type of
13 fraud, anything like that. Interdiction isn't just a
14 drug job; it's a combination of anything illegal.

15 Q What -- how do you -- does one on the
16 interdiction team go about learning what to look for?

17 A We go through some specialized training
18 through -- be it local here -- you know, some of the
19 local agencies will provide it. We also travel to
20 Georgia, Atlanta, specifically, and take national
21 training on what to look for: indicators, criminal
22 behavior.

23 Q How long did you serve in that particular
24 capacity at the sheriff's office?

25 A On the interdiction team, I served a year.

1 **Q** Now, do you remember what you were working
2 the evening of June 28, 2017?

3 **A** Yes, ma'am.

4 **Q** Generally speaking, where were you?

5 **A** Interstate 85, all day long. That evening, I
6 was on the northbound side, to be exact.

7 **Q** What drew your attention to this defendant's
8 car?

9 **A** We had been a regular day shift that day,
10 wrapping up things that evening. My supervisor called
11 me and said that he had received a phone call from an
12 HSI agent, which is the Department of Homeland
13 Security. They had spoke to someone outside of their
14 Atlanta office who indicated they had observed --

15 **MR. MARTINEZ:** Objection, hearsay.

16 **THE COURT:** I'm going to allow this, just
17 sort of setting the scene, but limitedly. All
18 right.

19 **MS. OWENS:** Yes, Your Honor.

20 **THE WITNESS:** So to summarize, basically, I
21 had been told that a vehicle had left somewhere
22 that they were watching, and asked that we look
23 for the vehicle; and if you could find a lawful
24 reason to stop the vehicle, do so; identify the
25 driver and try to determine if she's involved in

1 any type of criminal activity.

2 **BY MS. OWENS:**

3 **Q** Was that information that you received from
4 agents at Homeland Security?

5 **A** Yes, ma'am.

6 **Q** Did they indicate to you whether they, at
7 that moment, were, themselves, watching this car?

8 **A** They were following the vehicle northbound
9 on Interstate 85 from Atlanta, Georgia.

10 **Q** So ultimately, where were you when you saw
11 this car that you were looking for?

12 **A** I located the vehicle as it came into
13 Greenville County on Interstate 85 northbound. If you
14 ever travel along Interstate 85 northbound, and you
15 come along the 42-mile marker, you'll probably see a
16 worn-out spot on the right side or you see patrol cars
17 sitting there all the time. That's where we sit.
18 That's where I observed the vehicle, and that's where
19 I began following the vehicle.

20 **Q** Generally, what did you observe?

21 **A** Traffic was fairly light for 85, that time
22 of night. When she came past me and I got behind her,
23 we were in the number two lane, or the middle lane.
24 There's three northbound lanes on that side of 85
25 there. As we continued northbound from around White

1 Horse and approaching Augusta, she was -- kept
2 touching the left dotted line. Be it whether she could
3 have been impaired or she was watching me, I wasn't
4 sure.

5 As we continued, she traveled up behind an
6 18-wheeler that was towing vehicles. I refer to it as
7 a car hauler. When she got up behind that, she got in
8 about two car lengths behind it. Then she traveled
9 around it on the left side. When she passed it on the
10 left and got back in front of it, I initiated the
11 traffic stop for both: following too closely and
12 improper lane use.

13 Q Where were you on the interstate when you
14 finally decided to activate your blue lights and stop
15 this car?

16 A I activated on 85 in Greenville County in
17 between White Horse Road and Augusta Road.

18 Q Is that location still inside Greenville
19 County?

20 A That is within Greenville County, as well.

21 Q Now, what did you do as you turned on the
22 blue lights and as this traffic stop began? What
23 happened?

24 A So I activated my blue lights, which does a
25 couple of things: It activates my camera for me and

1 indicates to the driver that I wish for them to pull
2 over. And she did. She immediately pulled to the right
3 side of the road. I positioned my vehicle. I got out
4 and approached the vehicle and spoke to the driver who
5 I, at that time, identified, on a Texas identification
6 card, as a Victoria Sanchez.

7 Q Was she able to present to you any other
8 form of identification?

9 A The only thing she prevented -- presented
10 identification-wise was a Texas identification card.
11 She did not have a valid driver's license with any
12 state in the United States.

13 Q What else do you routinely request, in the
14 ordinary course of a traffic stop?

15 A Sure. So it's basic, just like you see on
16 TV: license, registration, and proof of insurance.
17 Those are the three main things that you know you have
18 to have to operate a motor vehicle.

19 She handed me her Texas identification card;
20 she handed me a registration card, which was in a
21 third-party gentlemen's name; and she handed me an
22 insurance card, which was in a different third-party
23 gentleman's name. Then she handed me a bill of sale
24 where she claimed to be purchasing a vehicle from the
25 gentleman that it was registered to.

1 **Q** Was that particularly of interest to you?

2 **A** It was extremely of interest to me. First
3 and foremost, vehicles do get sold between private
4 parties, and then you can complete a bill of sale. I
5 asked her, you know, where or how she got the vehicle
6 and how much she was paying for the vehicle. There was
7 no -- she did not have the title for the vehicle.

8 The first thing she told me that really
9 caught my interest was that she was purchasing the
10 vehicle for \$10,000 from this unknown male that it was
11 registered to, and she had only paid him \$4000. Well,
12 she has got a \$6000 balance to an unknown male, but
13 she's already taken possession of the vehicle and
14 she's driving, you know, several hours away.

15 **Q** Did she indicate to you where she was going?

16 **A** She was traveling to New Jersey from
17 Atlanta, Georgia, which is a hub city for narcotics.
18 And she -- had just a general conversation with her.
19 I'm no robot. I like to find out who I'm dealing with.
20 I was informed that she had been in Atlanta, Georgia,
21 for about a week, where she had flown to from Laredo,
22 Texas, which is where she claims to be from and live.
23 Had flown in there. Stayed with a relative for about a
24 week in a hotel. Then, she bought this vehicle and was
25 traveling to New Jersey, where she was going to stay

1 for a couple of weeks, no known itinerary, and going
2 to stay with family members up there.

3 Q Was any of that particularly unusual to you,
4 based on your training and experience?

5 A Well, the main thing is: She was traveling
6 between two major hub cities. Not just leaving one,
7 but traveling to New Jersey, which is also a good
8 destination for narcotics. Also, the fact that she
9 didn't have any kind of itinerary of where she was
10 going and she was traveling with a small child. I
11 think that we all know, when we leave to go on
12 vacation or to stay with someone, where we're going;
13 how long we're going to be there; and if you have two
14 other children back home, when you're going to return
15 to see your children that are staying with your
16 boyfriend in Laredo, Texas. So where she was going and
17 why she was going did not make sense and was extremely
18 suspicious to me at that time.

19 Q Now, just narrowing down on the child
20 situation, was there anybody else in the car?

21 A Just the -- just the small child.

22 Q Do you know how old that child was?

23 A I believe she was approximately three. I did
24 ask Ms. Sanchez if the child was hers. She stated that
25 it was her child.

1 **Q** Where was the child, physically, in the car?

2 **A** She was in the back seat on the driver's
3 side in a car seat.

4 **Q** And you mentioned, a moment ago, that you
5 asked about the defendant's other children. Could you
6 explain to the jury again what information she gave
7 you about traveling with this child and what was going
8 on with her other children?

9 **A** She was traveling with this child because it
10 was too difficult to travel with three children. And I
11 agree with that. It is very difficult to travel with
12 multiple children. But she said that she was traveling
13 with this one because the other ones would ask --
14 would bug her about, "Are we there yet?" and things
15 like that. So she left them with her boyfriend in
16 Laredo, Texas.

17 **Q** Now while you were -- while you are speaking
18 to the defendant about all of this, where are you,
19 physically?

20 **A** The first part of my conversation happens at
21 her vehicle, which is where I request the documents.
22 I'm doing a safety scan, you know, kind of rapid
23 assessment of the vehicle, and I'm up there making
24 sure there's no weapons nearby or anybody else in the
25 vehicle. And I -- every vehicle I stop, I'm looking

1 for indicators of criminal activity. A few that I
2 noticed right off the bat in her vehicle: As soon as I
3 made it to the window, there was an overwhelming odor
4 of air freshener, which is often used as a masking
5 tool to cover up the odor of narcotics. You know, it
6 wasn't just a little air freshener. It was "give you a
7 headache."

8 She had a single key in the ignition. What
9 that tells me is: She's trying to distance herself
10 from ownership of the vehicle. If you go buy a new
11 vehicle, the first thing you do is take your key off
12 your key chain and stick your new one on there with
13 the rest of your keys. She had a couple of energy
14 drinks, Red Bulls, in the vehicle, which tells me that
15 she's trying to make a straight shot or go as far as
16 she can, all at one time.

17 And she had multiple cell phones. She had
18 two cell phones in the vehicle. Most people that we
19 find on the interstate involved in some type of
20 criminal activity have what we call a "burner phone"
21 or an extra phone, a paid phone, something that they
22 are not attached to.

23 **Q** Do you remember what types of phones the
24 defendant had?

25 **A** I don't recall off the top of my head. I

1 know one was a flip phone, I believe, and I don't
2 recall what the other one was.

3 Q Now, at this point, after you're having this
4 conversation and you are observing all of these things
5 inside of the car, what do you do next? What do you
6 decide to do?

7 A Well, after seeing some indicators that made
8 me start thinking there's possibly some criminal
9 activity involved, I know that I've got to run her
10 license. I've got to check the paperwork for her
11 vehicle. So I have her step out of the vehicle and
12 come back to my patrol car, where I have access to my
13 MDT and my laptop to run that information. I always
14 get the violator to stand at my passenger window while
15 I sit inside and handle the paperwork, so I brought her
16 back there with me.

17 Then, had her stand on the passenger side
18 while I both -- I checked, you know, her information,
19 the vehicle information and made sure it's not stolen
20 and see if I can figure out why in the world it's
21 registered to somebody and insured to somebody else
22 and being driven by third person and, also, to be able
23 to issue her a warning for the violations.

24 Q Did you continue to engage her in
25 conversation while you were processing that paperwork?

1 **A** Absolutely did. I, you know, like to get
2 along with everybody and find out who I'm dealing
3 with. There are a lot of unique people out there. So I
4 carry on casual conversation. You know, we have air
5 cards in our computers. They're not super fast, so it
6 takes a little while for some things to come back.
7 Believe it or not, I can write and talk at the same
8 time. So why not carry on a conversation with
9 somebody? You know, you can either make a friend or
10 make an enemy; and I choose to try to make a friend.

11 **Q** Now, during that conversation, did you learn
12 anything else from the defendant that affected your
13 impression or perception about what was going on
14 inside of that car?

15 **A** One -- you know, one of the main things that
16 stuck out with me as we carried on the conversation
17 about where she was coming from and where she was
18 going was, you know, that she had worked at Applebee's
19 for a short period of time. But then, basically, the
20 way it sounded was she had the funds to travel from
21 Laredo, Texas, to Atlanta and spend a week; and then
22 buy a vehicle; and then travel to New Jersey to spend
23 another couple of weeks; and then get back to Laredo.
24 Just trying to, from a common sense standpoint,
25 understand how you can afford to do that. Didn't make

1 much sense to me. Then, just not having any itinerary,
2 nothing at all, no reason to travel, also started
3 raising my suspicions.

4 Q Did she give you any information about how
5 she learned about this car for sale?

6 A Her cousin told her about a vehicle he heard
7 was for sale. They went and met this guy that she
8 doesn't know and she bought it.

9 Q Was it your understanding that she flew to
10 Georgia for the purpose of purchasing a car?

11 A No, she just flew to Georgia to visit, and
12 heard about a car being for sale.

13 Q Now after you wrapped up that conversation
14 and ended the records check that you're doing at the
15 same time, what happens next?

16 A So once I made sure that she's not wanted,
17 not have any warrants out anywhere, her license is not
18 suspended, she just simply does not have a license to
19 drive, the vehicle is not stolen that I can tell, I
20 exit my vehicle; go to the front of my vehicle where I
21 speak to her.

22 First off, wanted to make sure she
23 understood what she did wrong and explain to her, you
24 know, why you've got to stay in your lane and, you
25 know, the safe distance to be behind another vehicle

1 in front of you. And once she understood that, I
2 explained to her that I was issuing her what we call a
3 warning or a public contact, just a piece paper saying
4 that I stopped her and why I stopped her, that we are
5 required to issue. And made sure she understood it was
6 not a ticket. Once she understood that, I asked for
7 consent to search her vehicle.

8 Q And what was her response?

9 A She said sure. And just to make sure that I
10 was understanding "sure" was a "yes" answer, I asked
11 her again to get a "yes" or a "no" out of her. And she
12 said yeah.

13 Q Did she express any hesitation about that?

14 A No. No. She was extremely comfortable. You
15 know, during the entire encounter, she was very stoic.
16 She was almost uncomfortably comfortable during the
17 whole event. Extremely calm.

18 Q Did it surprise you that she was so willing
19 to give you consent to search that car?

20 A No, not really.

21 Q Why?

22 A Well, if you have a compartment hidden in
23 the vehicle, you don't expect the average road deputy
24 or officer to be able to locate it.

25 Q During your cursory search of the car, what

1 -- what did you notice? What did you see?

2 **A** So once -- once I gained consent to search
3 the vehicle, once she provided me with a verbal yes,
4 my partner, that I work pretty close with, was already
5 on the scene. I asked him to stand with Victoria. And
6 I asked Victoria to get the small child out of the
7 vehicle. It wouldn't be appropriate to leave her in
8 the vehicle while we were searching it.

9 Then I -- Master Deputy Harrison, who's our
10 supervisor on the interstate, I had him come down
11 there. He's done a lot of my training for me and does
12 a lot of training here in the state and nationally, as
13 well, and is very good with compartments. So I had him
14 come down there. Gave a brief description of why I was
15 searching the vehicle, what I heard from her that
16 didn't make sense, or what I saw upon contact.

17 Then I began searching her personal effects.
18 She had a pocketbook in the front passenger seat and
19 then some luggage -- she a little -- what would be her
20 personal effects in one little bag in the back, and
21 then a suitcase for the child. So I began searching
22 there just to make sure there was nothing obvious
23 right away.

24 Deputy Harrison began looking for a
25 compartment within the vehicle. While I was searching

1 the back hatch where the luggage was, he looked up at
2 me and said, "Yeah. You got a compartment." After
3 that, we went to the back seat.

4 I opened up -- we actually took the back
5 seat and raised it up. It's nothing complicated to get
6 a back seat out of anything, a SUV or a car. He went
7 back and got a crowbar, or what he calls his master
8 key. So what we ended up finding was -- there is a
9 plastic lid underneath the rear bench seat of most
10 vehicles that you can take off and get to your fuel
11 pump that's inside of your gas tank.

12 Once we removed that, I was able to see a
13 Ziploc bag sticking out, which is not factory
14 standard. And we pulled out the contraband, or what I
15 later found to be heroin, from that compartment.

16 Q Did y'all have a particularly difficult time
17 removing that lid?

18 A No, we thought that we were going to have to
19 break it off with a crowbar because of the screws
20 being in there. They were actually glued in. Master
21 Deputy Harrison can really describe that a lot
22 further, because he was the one that actually pulled
23 the lid off. He went back to get his crowbar. And
24 whenever he brought it back up there and went to lift
25 it off with the crowbar, it was already off, for the

1 most part. We just picked it up. The screws had been
2 cut off, so they weren't actually -- wasn't attached.
3 And they had been glued back in to make it look like
4 they were there.

5 Q Did you immediately see these plastic bags?

6 A As soon as we removed the lid, yes, ma'am.

7 Q So at that point, do you start removing them
8 from the compartment?

9 A Absolutely.

10 Q Do you remember how many you retrieved?

11 A Individual bags, I don't recall exactly how
12 many there were.

13 Q Well, what -- what did you do with the bags
14 that you removed?

15 A So the first thing we did is: Make sure she
16 was secured, since we knew we had some sort of
17 contraband. Because you don't go buy a pair of shoes
18 and hide them underneath your back seat from your
19 husband above your gas tank. We knew it was something
20 illegal. Secured her. Put her in the back seat of my
21 patrol car. And then, as we took the packages out, we
22 placed them on the hood of my patrol car, which is
23 still in view of my in-car camera. And then left them
24 there during the remainder of the traffic stop that
25 occurred on the interstate.

1 **Q** I'm going to show you State's Exhibit 1. Do
2 you recognize what's depicted in that photo?

3 **A** It is the bags that we removed from the
4 compartment, and that is on the hood of my patrol car.

5 **Q** Is that photograph an accurate
6 representation of the bags as they were removed from
7 this defendant's car?

8 **A** Yes, ma'am.

9 **MS. OWENS:** Your Honor, the state offers
10 Exhibit 1 into evidence.

11 **THE COURT:** Any objection?

12 **MR. MARTINEZ:** No objection.

13 **THE COURT:** All right; so admitted.

14 (State's Exhibit 1 is admitted into the record.)

15 **MS. OWENS:** At this time, I'd like to
16 publish it for the jury.

17 **THE COURT:** Certainly.

18 (There is a pause.)

19 **MS. OWENS:** I apologize, Your Honor. I had
20 this ---

21 **THE COURT:** That's -- no.

22 **MS. OWENS:** --- ready to go.

23 **THE COURT:** It's fine. Sometimes technology
24 does not cooperate.

25 **BY MS. OWENS:**

1 Q Okay. Well, in an effort to just keep this
2 moving along, we'll revisit this at a later time. But
3 after you've taken all those packages out of the car
4 and laid them on the hood of your patrol car, do you
5 know, in fact, what you were dealing with?

6 A We actually, at first, thought it was
7 currency; money.

8 Q Why?

9 A When you felt it, it was very hard packed.
10 It felt like rectangular packaging inside of those
11 bags, so we thought it was money. We cut the Ziploc
12 bag, some of the bigger packaging, opened and found
13 that there were what you would call bricks or smaller
14 -- about five smaller packages in each large package
15 that was there. Then we were able to tell that it was
16 some sort of powder or crystal substance. We knew it
17 was probably going to be some type of narcotic, and we
18 needed to do some sort of field test on it to figure
19 out exactly which kind it was.

20 Q I'm going to show you State's Exhibit 2. Do
21 you recognize what's depicted in this photograph?

22 A I do.

23 Q What is that?

24 A So that is -- after we moved off the
25 interstate to a secure location, we opened up all the

1 large packages. Took the small packages out of it.
2 That way, we could field test them. That is them
3 opened with a large packaging that we removed off of
4 them and placed just above each package.

5 Q Is this photograph, State's Exhibit 2, an
6 accurate depiction of the contents of each of the
7 plastic bags retrieved from the defendant's car on
8 June 28.

9 A Yes, ma'am.

10 MS. OWENS: Your Honor, the state offers
11 Exhibit 2, at this point.

12 THE COURT: Any objection?

13 MR. MARTINEZ: No objection.

14 THE COURT: All right; so admitted.

15 (State's Exhibit 2 is admitted into the record.)

16 BY MS. OWENS:

17 Q Now anytime you're dealing with what you
18 believe to be drugs, what is the protocol? What do you
19 do during your investigation to determine whether
20 you're dealing with drugs?

21 A We do what we call "field test." We have
22 small plastic packets that have different chemical
23 makeups in them. You take a small Q-tip sample of
24 whatever substance you find; place it in the kit. Some
25 have two or three glass vials within them. You break

1 one at a time. You have pretty clear-cut written
2 directions on the front that if it -- you know,
3 certain things, if it turns blue, it's cocaine; or if
4 it turns purple, it's meth; green, it's marijuana. And
5 things like that to confirm your suspicions of what it
6 may be.

7 **Q** Now is this test that you're doing different
8 than the final chemical analysis that happens?

9 **A** Yes, ma'am. I'm not qualified to do a final
10 chemical analysis. This is to give me a basis of what
11 I believe it is. It is pretty much, every time,
12 accurate. But there has to be a qualified person to
13 test it, eventually. So what we do after we field test
14 it, is we secure it in Property and Evidence, and
15 complete a chain of custody, and then submit it for
16 lab analysis to be tested.

17 **Q** Did you field test some representative
18 portion of the bags that were taken from the car?

19 **A** I did.

20 **Q** Do you recall the results of that test?

21 **A** It field tested positive for heroin.

22 **Q** I'm going to show you State's Exhibit 3. Do
23 you recognize what's depicted in this photograph?

24 **A** That is the field test kit.

25 **Q** Is that the field test kit that you used the

1 night of June 28 to test the samples that were taken
2 from the defendant's car?

3 A That is correct.

4 Q Is that photograph an accurate
5 representation of the field test and the substance it
6 depicts?

7 A Yes, ma'am.

8 MS. OWENS: All right. At this point, I'd
9 offer State's Exhibit 3.

10 THE COURT: Any objection?

11 MR. MARTINEZ: No objection.

12 THE COURT: So admitted.

13 (State's Exhibit 3 is admitted into the record.)

14 BY MS. OWENS:

15 Q Now, at this point, once you discover all of
16 these things from the car, what's happening on the
17 side of the road? What do you do next?

18 A Once we removed the packages from the
19 vehicle -- what we know and what we can see that's in
20 there -- Ms. Sanchez is secured in the rear of my
21 patrol car. For the time being, and for the child's
22 sake, we placed the child in the back seat of the
23 patrol car with Ms. Sanchez. It's a big ordeal for
24 her. I contact the Department of -- DSS, for the
25 children. So they respond. And I have another deputy

1 standby with the child to deal with that side of it. I
2 secure the narcotics, or heroin, in my patrol car. And
3 then I transport Ms. Sanchez to the detention center.

4 Once we get to the detention center, going
5 in, I asked her if she had anything illegal on her. It
6 comes a higher charge if you get caught with it -- I
7 shouldn't say higher charge, an additional charge, if
8 you carry something illegal into the jail with you. So
9 for her sake and to try to save her, just in case she
10 did have something on her, I asked if she had anything
11 illegal on her.

12 She said that she has some cocaine in her
13 bra. And I did not want to retrieve that; that
14 wouldn't be appropriate, having a female detention
15 officer there. So I had a female detention officer
16 come out and she pulled a \$20 bill from Ms. Sanchez's
17 bra that had residue on it, of cocaine.

18 Q Could you, yourself, see the powder
19 substance on this \$20 bill?

20 A Yes, ma'am. It was either a -- what would be
21 a small amount that she was getting ready to use it or
22 the remnants from something she had previously used.

23 Q How was the \$20 bill concealed?

24 A It was rolled up super, super tight; and it
25 was in her bra. I don't know if it was under her

1 breast or where. I didn't look at any of that; didn't
2 need to. But it looked like she used the bill itself
3 as a way to snort it.

4 Q Now, you testified earlier that on the
5 roadside ---

6 A Uh-huh.

7 Q --- while you were having this initial
8 exchange, that the defendant presented to you a bill
9 of sale to explain her possession of this car;
10 correct?

11 A Yes, ma'am.

12 Q I'm going to show you State's Exhibit 4. Do
13 you recognize this document?

14 A This is the bill of sale she provided me
15 that she claimed shows she was purchasing the vehicle
16 from Mr. Campos.

17 Q Is this a representation of the document
18 that she provided to you that day on the roadside?

19 A Yes, ma'am.

20 MS. OWENS: Your Honor, at this point, I'd
21 offer State's Exhibit 4.

22 THE COURT: Any objection?

23 MR. MARTINEZ: No objection.

24 THE COURT: So admitted.

25 (State's Exhibit 4 is admitted into the record.)

1 **BY MS. OWENS:**

2 **Q** You also testified that she presented you
3 with proof of insurance that didn't bear her name, but
4 the name of some other individual. Do you recall that?

5 **A** Yes, ma'am.

6 **Q** I'm going to show you State's Exhibit 5. Do
7 you recognize that document?

8 **A** Yes, ma'am. This is the insurance she
9 provided me for the vehicle. As I stated earlier, it's
10 not bearing her name or the vehicle owner's name.

11 **Q** Was that particularly suspicious to you?

12 **A** It was extremely suspicious.

13 **Q** Why?

14 **A** It's further, in my mind, evidence of her
15 distancing herself from ownership of the vehicle and
16 its contents?

17 **Q** Is it your understanding that an individual
18 has to ensure the car themselves?

19 **A** That is required, yes, ma'am.

20 **Q** So does this insurance comply with your
21 understanding of what a driver's legal responsibility
22 is?

23 **A** No, ma'am.

24 **Q** Was that car even insured?

25 **A** Not that I could confirm.

1 **Q** Is this, State's Exhibit 5, a photographic
2 representation of what the defendant provided to you
3 on the traffic stop that day?

4 **A** Yes, ma'am.

5 **MS. OWENS:** Your Honor, at this time, I'd
6 offer State's Exhibit 5.

7 **THE COURT:** Any objection?

8 **MR. MARTINEZ:** No objection.

9 **THE COURT:** So admitted.

10 (State's Exhibit 5 is admitted into the record.)

11 **BY MS. OWENS:**

12 **Q** Now, you testified a little bit about what's
13 happening on the roadside and what happened when
14 Master Deputy Harrison showed up. What, physically,
15 happened with this silver car that the defendant was
16 driving after she's arrested and DSS is contacted and
17 you've done everything that you need to do during the
18 traffic stop?

19 **A** When I was leaving, everybody was clearing
20 the scene at the same time. What we like to do, if we
21 find anything in the vehicle, is do a secondary
22 search, make sure there's no other compartments or
23 contraband we haven't found; also look at paperwork in
24 the vehicle. To do that, we take it to a safe spot and
25 get off the interstate where people aren't going to be

1 staring at the blue lights and hit it.

2 So Master Deputy Harrison and agents with
3 the Department of Homeland Security took the vehicle
4 to our service on Keith Drive to do a more detailed
5 search, in-depth search, look around, make sure we
6 didn't miss anything, as well as look at paperwork or
7 receipts or anything that might indicate any other
8 suspects or people that are involved in the crime.

9 **Q** After you finished your process with the
10 booking at the detention center and placing all of
11 this evidence into Property and Evidence, did you join
12 them at this second location for the secondary search
13 of the car?

14 **A** Yes, ma'am.

15 **Q** Okay.

16 **A** And I -- just to clarify, when I cleared the
17 detention center, I took the narcotics with me back to
18 the service center, as well. That's where the
19 photograph was taken of everything laid out.

20 **Q** So at some -- so at some point, after you
21 finish this second spot -- the second search spot, you
22 took them back to Property and Evidence?

23 **A** That is correct.

24 **Q** Okay. I'm going to show you State's
25 Exhibit 6. Do you recognize this document?

1 **A** Yes, ma'am. That is a another bill of sale
2 that was located in the vehicle she had.

3 **Q** Was this piece of paper inside the silver
4 car that was searched and seized that day, on June 28?

5 **A** Yes, ma'am. That was in the Kia Sorrento.
6 That was not what she presented me, but that is for a
7 different vehicle that was found in her vehicle.

8 **Q** So is State's Exhibit 6 an accurate
9 representation of the other document that was located
10 inside that car?

11 **A** Yes, ma'am.

12 **MS. OWENS:** I'd offer State's Exhibit 6, at
13 this point.

14 **THE COURT:** Any objection?

15 **MR. MARTINEZ:** No objection.

16 **THE COURT:** So admitted.

17 (State's Exhibit 6 is admitted into the record.)

18 **MS. OWENS:** Your Honor, can we approach
19 briefly?

20 **THE COURT:** Certainly.

21 (Bench conference is held off the record.)

22 **THE COURT:** Ladies and gentlemen, we're
23 going to take a brief break for just a moment,
24 just to get everything squared away so we won't
25 delay -- delay the trial anymore. If you would

1 step to your jury deliberation room, but please
2 don't discuss the case with anyone. Thank you so
3 much.

4 (Jury exits at approximately 9:57 a.m.)

5 **MS. OWENS:** I'm so sorry.

6 **THE COURT:** No problem. Grace is sitting
7 right behind you, so she can track that down.

8 **MS. OWENS:** I will find an answer
9 immediately.

10 **THE COURT:** All right. Very well. We'll be
11 in recess for 10 minutes. Thank you.

12 (The Court goes off the record at approximately
13 9:57 a.m.)

14 (The Court goes on the record at approximately
15 10:21 a.m.)

16 **MS. OWENS:** I still have no video.

17 **THE COURT:** I didn't even think why we
18 broke. Okay. Yes. You still don't have a video?

19 **MS. OWENS:** I have no idea what is
20 happening.

21 **THE COURT:** Okay.

22 **MS. OWENS:** These discs were finished. I
23 didn't get information until extremely late
24 yesterday afternoon about what needed to be
25 redacted.

1 **THE COURT:** Sure.

2 **MS. OWENS:** So we just haven't had the
3 physical hours to accomplish it. So my paralegal
4 has been working on it since 8:00. I am just not
5 sure.

6 **THE COURT:** Well, if you feel good about
7 your ability to stop it, you know, in those
8 particular portions. I'm fine with that. Of
9 course, it's a risk, but I'm fine with it.

10 **MS. OWENS:** I mean, I know exactly where
11 they are. I think there are two specific spots
12 that they are concerned about. The only remaining
13 issue is that I do not have a physical disc of
14 the second, which is a rear-seat recording. I do
15 not intend to publish that video right now.

16 **THE COURT:** Okay.

17 **MS. OWENS:** I don't think it's necessary,
18 but I do intend to have it identified and
19 admitted into evidence. So I -- I'm missing that
20 physical disc.

21 **THE COURT:** Okay. All right.

22 **MS. OWENS:** So like I said, I'm happy to go
23 forward and mute those spots. That suits me just
24 fine. It's not a big deal. Of course, I would be
25 generous in the parts that are -- the volume is

1 removed. But I need to lay hands on the second
2 one so I can properly authenticate it.

3 **THE COURT:** It may be necessary for me to
4 give some instruction to the jury that there are
5 some -- there are some portions that I have asked
6 to be redacted because they just were not
7 relevant to this case.

8 **MR. MARTINEZ:** I'm fine with that,
9 Your Honor, and as long as those portions are not
10 played.

11 **THE COURT:** Okay. Okay. All right.

12 **MS. OWENS:** Let me see if I can get the
13 second disc here and we can, at least, come up
14 with some actual solution.

15 **THE COURT:** Okay.

16 (Jury enters at approximately 10:21 a.m.)

17 **THE COURT:** Thank you so much for your
18 patience with us. As you know, technology is a
19 beautiful thing, when it works; and the worst
20 thing, when it doesn't. But I think we've moved
21 around a few things and we're ready to start
22 back, so thank y'all.

23 **MS. OWENS:** Thank you, Your Honor. May it
24 please the Court.

25 **BY MS. OWENS:**

1 Q All right. Mr. Reese, we talked at length
2 about the items that were seized from inside
3 Ms. Sanchez's car. I'm going to bring you this sealed
4 package. If you would retrieve something that will
5 help you break the seal on these, so that you can look
6 at them.

7 A (Reviewing.)

8 Q Before we talk about the contents of this
9 box, could you tell the jury a little bit about how
10 you packaged up what you found inside the car?

11 A Everything I found with -- inside the
12 vehicle, was placed into this. (Indicating.)

13 I went with paper. That's all I had that
14 day. These were dropped in it. These are the test kits
15 that I used. Heroin, heroin, and heroin, all heroin.
16 So I placed them in here, taped around it, initialed
17 everywhere it could be opened and placed it in the
18 locker in Property and Evidence.

19 Q Is that the protocol for dropping any
20 evidence into the Property and Evidence facility?

21 A It is, after-hours. During hours, we hand it
22 to a evidence technician.

23 Q You after packaged it up in this paper bag,
24 did you place tape around it?

25 A Yes, ma'am.

1 Q Did you initial the bag?

2 A I did. It looks like they -- no, it's still
3 on here. Yes, ma'am.

4 Q And what's the purpose of that?

5 A To show that I was the last person to be
6 inside of it, to have actual possession of whatever
7 the contents are in the bag.

8 Q Now, since the time that you turned in this
9 paper bag, it has obviously been opened. Do you know
10 what has happened to the bag since you dropped it off
11 at Property and Evidence?

12 A I don't. It would have been secured there, I
13 assume. But I have not had possession of it at all,
14 since then.

15 Q Okay. So when you left it at Property and
16 Evidence on the evening of June 28, 2017, it was taped
17 and sealed?

18 A That's correct.

19 Q Okay. Was it in this box that we now see it
20 today?

21 A No.

22 Q All right.

23 (State's Exhibit 7 is marked for identification.)

24 **THE COURT:** Ms. Owens, you seem like you
25 are controlling this pretty well. If the witness

1 needs to step down and help you with this, that's
2 fine, too.

3 **MS. OWENS:** Thank you, Your Honor.

4 **THE COURT:** Okay.

5 **BY MS. OWENS:**

6 **Q** Okay. In the interest of keeping everything
7 square, this box that we just cut open is State's
8 Exhibit 7. Now, you've opened this box and you've
9 examined what's inside. Just so that we're all clear,
10 could you describe for the jury what is inside State's
11 Exhibit 7?

12 **A** That is the packaging that you saw in the
13 picture there of the actual narcotics with, I believe
14 -- I haven't seen what's inside the bag. But it could
15 have the packaging that I removed from the narcotics,
16 as well.

17 **Q** As well as this test kit?

18 **A** Those are three test kits.

19 **Q** Okay. Let's take a look at that bag.

20 **A** Uh-huh.

21 **Q** You can cut it open so that you can examine
22 what's inside.

23 **A** (Reviewing.)

24 **Q** Just generally speaking, what's inside of
25 this plastic bag that we just cut open here?

1 **A** What we just cut open is all of the
2 packaging. It looks like they've removed -- yeah,
3 that's been removed from the packaging. This is actual
4 narcotics within that.

5 **Q** So is this how it looked when you turned it
6 in to P&E -- I'm sorry, the Property and Evidence
7 division?

8 **A** No.. No.

9 **Q** Okay. However, when you dropped it off in
10 the sealed bags, how was -- how was it contained
11 inside the sealed paper bag?

12 **A** Within the packaging that's located in here.

13 **Q** And what were those packagings? What was
14 actually inside of this brown paper bag?

15 **A** Heroin, vacuum-sealed packages, Ziploc bags,
16 duct tape, all things consistent with trying to
17 conceal it enough where the odor wouldn't be detected
18 by a canine.

19 **Q** As best you can tell, is all of that
20 material zip-sealed -- I'm sorry, Ziploc bags, vacuum
21 sealing, the actual substantive drugs, as well as duct
22 tape and the other packaging material, is that all
23 inside this plastic bag?

24 **A** Yes.

25 **Q** Okay. Did you weigh it when you dropped it

1 off at Property and Evidence?

2 A I weighed it as one item. Yes, ma'am.

3 Q As best you can recall, what was the -- what
4 was the weight of what you turned in?

5 A Right at 17 pounds, as a single item.

6 Q At the point that you dropped off the sealed
7 paper bag, containing all of this packaging and all of
8 the drugs, what is the protocol for processing? What
9 did you do next, as your role as the investigator?

10 A As far as with the narcotics?

11 Q That's right.

12 A I don't do anything else with it once I turn
13 it in. It goes -- like I said, I submit the narcotics
14 as it is. I submit a couple of forms: one is a chain
15 of custody form; one is a lab analysis form, where I
16 request what I want it tested for. Based off the field
17 test kits, that's heroin. And from there, lab
18 personnel takes that, test it. And then, as long as it
19 is what we suspected it to be, that's the end of it.
20 If that's not what we suspected it to be, then we're
21 notified that was found to be something different.

22 Q So after completing the lab analysis request
23 and the paperwork documenting who dropped it off and
24 where it's going, do you have any other contact with
25 this item after June 28, 2017?

1 **A** No, ma'am. Once I lock it away, it's gone.

2 **Q** You testified earlier about discovering some
3 cocaine ---

4 **A** Yes.

5 **Q** --- in the defendant's bra?

6 **A** Yes

7 (State's Exhibit 8 is marked for identification.)

8 **BY MS. OWENS:**

9 **Q** I'm going to show you State's Exhibit 8. You
10 can open that envelope and take a look inside. Do you
11 recognize what's inside of State's Exhibit 8?

12 **A** That is a \$20 bill that was located in
13 Ms. Sanchez's bra. It does still contain a significant
14 amount of residue on it.

15 **Q** How do you know that's the same \$20 bill?

16 **A** Well, if you look at it, the larger
17 packaging is done by P&E personnel, but the inside
18 packaging is from me, my initials, case number and
19 date. It's all listed on there, which is -- place
20 something sealed in evidence, it has that three
21 things: case number, initials, and date.

22 **Q** And would you have sealed it that night
23 right alongside this paper bag of suspected heroin?

24 **A** Yes, ma'am.

25 **Q** Okay. Was it sealed when you turned it in?

1 **A** Yes, ma'am.

2 **Q** All right. Had you had any contact with it
3 since June 28, 2017?

4 **A** No, ma'am.

5 **Q** You testified earlier about what happens
6 inside your patrol when you initiate a traffic stop.

7 **A** Yes, ma'am.

8 **Q** Could you tell a little -- the jury a little
9 bit about how the recording system works: where it is,
10 what it records, how it captures, and how it gets
11 started?

12 **A** The recording device that I was using is
13 what we call an Arbitrator system. It is a digital
14 recording device. It's always running. When we
15 activate our blue lights, it is usually set up to
16 record the 30 seconds prior to activating your blue
17 lights onto that video, and then everything after
18 that, until we turn the video off.

19 (State's Exhibit 9 is marked for identification.)

20 **BY MS. OWENS:**

21 **Q** Let me show you State's Exhibit 9. Do you
22 recognize that item?

23 **A** It's a copy of that video..

24 **Q** Have you had a chance to take a look over
25 that video?

1 **A** Yes, ma'am.

2 **Q** Is it an accurate depiction of the video as
3 captioned from your in-car camera during the traffic
4 stop on June 28?

5 **A** Yes, ma'am.

6 **MS. OWENS:** Your Honor, at this point, I'd
7 offer State's Exhibit 9.

8 **THE COURT:** Any objection?

9 **MR. MARTINEZ:** No objection.

10 **THE COURT:** It's so admitted.

11 (State's Exhibit 9 is admitted into the record.)

12 **MS. OWENS:** With the Court's permission, I
13 would like to attempt to publish it.

14 **THE COURT:** Certainly. Certainly.

15 (State's Exhibit 9 is played, and then stopped.)

16 **MS. OWENS:** Your Honor, I don't think it's
17 necessary to publish any more of this video at
18 this point, if it suits the defendant.

19 **THE COURT:** All right.

20 **MR. MARTINEZ:** Suits us just fine.

21 **THE COURT:** All right. Very well, then.

22 **BY MS. OWENS:**

23 **Q** We saw a lot of different people on this
24 video. Can you describe for the jury, at the point
25 that you're searching the car, who else is on scene

1 that we can't see behind your patrol car?

2 **A** There are agents with the Department of
3 Homeland Security Investigations. They're on scene, as
4 well.

5 **Q** Are those the same agents that followed this
6 Kia from Atlanta?

7 **A** Yes, ma'am.

8 (State's Exhibit 10 is marked for
9 identification.)

10 **BY MS. OWENS:**

11 **Q** We have heard some -- obviously, seen the
12 video and heard some testimony about the recording
13 equipment that's in your patrol car. Is there an
14 additional camera recording in your patrol car?

15 **A** It's not always recording. I have a back
16 seat camera that faces the back seat; suspect camera.
17 If you watch the video, you can hear me tell them to
18 click on it and it lights up red and, I think, did
19 some motion like this. I asked Deputy Wasserman to
20 turn it down to record the activity in the back seat
21 of my patrol car. We turn that on: one, to catch what
22 they may say; and two, if they were to have something
23 on their person that they remove and hide in the seat,
24 they can't say that it's not theirs.

25 **Q** So does the view of the camera catch

1 everything that's happening in the back seat of your
2 patrol car?

3 A Yes, ma'am.

4 Q Okay. I'll drop the disc off of here. It is
5 State's Exhibit 10. Do you recognize that item?

6 A That's the copy from that recording.

7 Q Is that an accurate recording of the
8 activity in your back seat beginning at the time you
9 began the recording during this traffic stop until the
10 defendant left your back seat?

11 A Yes -- yes, ma'am.

12 MS. OWENS: Your Honor, the state offers
13 Exhibit 10.

14 THE COURT: Any objection?

15 MR. MARTINEZ: No objection.

16 THE COURT: So admitted.

17 (State's Exhibit 10 is admitted into the record.)

18 BY MS. OWENS:

19 Q From the view of that back seat -- I'm
20 sorry, let me back up. At what point did you place the
21 defendant in the back seat as opposed to just standing
22 on the grassy shoulder of the interstate?

23 A As soon as Master Deputy informed me that he
24 located a compartment, I had Deputy Wasserman have
25 Ms. Sanchez and her juvenile child sit in the rear

1 seat of my patrol car.

2 Q From that vantage point, was the defendant
3 able to see what was happening with respect to her
4 car?

5 A Yes.

6 Q I don't believe I have any additional
7 questions. Please answer any questions Mr. Martinez
8 may have for you.

9 A Thank you.

10 MR. MARTINEZ: May it please the Court.

11 CROSS-EXAMINATION

12 BY MR. MARTINEZ:

13 Q Deputy Reese, I'm Michael Martinez from the
14 public defender's office. All right. So when you first
15 stopped Victoria, she talked to you about how she
16 purchased this car; right?

17 A In the process of purchasing it, that's
18 correct.

19 Q Right. In the process. She had not received
20 title, is what I think you said?

21 A She did not have a title to present me with.
22 That's correct.

23 Q She did not have a title, but she still owed
24 about \$6000 on the car; right?

25 A According to what she was purchasing the

1 vehicle for and what she had put down, that was
2 correct.

3 Q And that bill of sale, which has been
4 entered into evidence as State's Exhibit 4, it's
5 notarized; right?

6 A Correct.

7 Q And it reflects the day before you pulled
8 her over; is that right?

9 A Correct.

10 Q And it indicates that an Edwin Campos sold
11 -- was the seller of the car?

12 A That's correct.

13 Q And the purchaser of the car was Victoria
14 Lorraine Sanchez?

15 A Correct.

16 Q These are their signatures here at the
17 bottom?

18 A It appears to be so, yes.

19 Q Okay. And the car was insured; right?

20 A She had an insurance card. I didn't speak
21 with any insurance company to verify.

22 Q And I believe this is State's Exhibit 5 ---

23 A That's correct.

24 Q --- that's been admitted into evidence?

25 A That's correct.

1 Q And it shows a Rigoberto Guzman?

2 A That's correct.

3 Q All right. Do you recall whether the record
4 of the registration -- the record of the registration
5 of the car, who was listed on it?

6 A As far as the tag is concerned, it was
7 Mr. Campos that's listed on the bill of sale there.

8 Q Do you recall whether a Rigoberto Guzman was
9 listed previously as an owner of the vehicle?

10 A Through what I have -- I don't have access
11 to that, unless it's with the state of South Carolina.

12 Q Okay. All right. And again, she did not have
13 a driver's license?

14 A No, sir. She presented me with a Texas
15 identification card.

16 Q And she told you she had flown to Atlanta to
17 visit her cousin; right?

18 A Flown to Atlanta to visit family.

19 Q To visit family.

20 A And saw her cousin while she was there.

21 Q And her cousin told her about someone he
22 knew who was selling the vehicle?

23 A Someone he had heard of that was selling a
24 car.

25 Q And he introduced her to this individual to

1 purchase a car?

2 A She said that he took her there.

3 Q So there is some connection to this
4 individual through her cousin?

5 A Yeah. That's -- yeah.

6 Q And she told you she was traveling to New
7 Jersey to see family?

8 A That's correct.

9 Q And I think you testified that she told --
10 that she had no reason to be traveling; is that
11 correct? Is that what you testified to earlier?

12 A I don't know that I said she had no reason
13 to be traveling, as much she did not have an
14 itinerary.

15 Q But again, she was traveling to New Jersey
16 to visit family?

17 A According to her, she was traveling to have
18 fun and to see family.

19 Q Okay. And in your conversation with her, she
20 answered all of your questions calmly; right?

21 A Absolutely. Extremely stoic.

22 Q Her hands weren't shaking?

23 A No, she was --

24 Q Go ahead.

25 A She was uncomfortably comfortable.

1 Q Uncomfortably comfortable. Okay. She wasn't
2 sweating abnormally?

3 A No.

4 Q No nervousness?

5 A (Shakes head.)

6 Q This bill of sale that we -- that's in
7 evidence and we've discussed, did you conduct any
8 investigation into that bill of sale?

9 A You're going to have to ask me further. What
10 -- what --

11 Q You didn't talk -- you didn't try to reach
12 out to the seller, Edwin Campos, did you?

13 A No, there's no -- I don't have access to
14 phone numbers and stuff, if it's not, you know,
15 listed. If it is, I didn't call him.

16 Q Okay. Is there an address listed on there
17 for Edwin Campos?

18 A Yes.

19 Q And this notary, did you try to speak to
20 this notary?

21 A No, sir. That's -- that's -- you know, I'm
22 going to look to make sure the vehicle is not stolen
23 and -- but I'm trying to take as least amount of time
24 as possible. It's not practical to -- if it's not
25 listed on NCIC, you don't try to track down the notary

1 or an owner. If it's not listed on NCIC, that
2 information is not readily available.

3 Q Okay. So you have no records that indicate
4 that the sale of this car was not legitimate?

5 A I don't have any records of that, no.

6 Q Let's talk about this -- I believe you
7 described it as another bill of sale, State's
8 Exhibit 6?

9 A Yes, sir.

10 Q It says offer to purchase here at the top;
11 does it not?

12 A That's correct.

13 Q That's from June 21 of last year?

14 A It's dated June 21, 2017.

15 Q And that is before she was pulled over
16 obviously; right?

17 A Correct.

18 Q And it's -- appears to be a car dealership
19 from Laredo, Texas; correct?

20 A Correct.

21 Q So she was looking for cars in Laredo,
22 Texas?

23 MS. OWENS: I object, Your Honor. This
24 calls for speculation.

25 THE COURT: To the extent that he can

1 answer the question, I'll allow him to. If he
2 doesn't know, he doesn't know.

3 **THE WITNESS:** I didn't talk to her in
4 Laredo -- or ask her about her looking for
5 vehicles. She told me that she sold a vehicle in
6 Laredo.

7 **BY MR. MARTINEZ:**

8 **Q** That says it's an offer to purchase; right?
9 Purchase a vehicle?

10 **A** Yeah. It says offer to purchase.

11 **Q** And it's a week before this occurred?

12 **A** Yes.

13 **Q** And there is no amount of payment that has
14 been made indicated on here; right?

15 **A** Not that's indicated on here. No, sir.

16 **Q** So all you know is that there was an offer
17 to purchase a car?

18 **A** Correct.

19 **Q** Not that a car was actually purchased?

20 **A** Sure. Sure.

21 **Q** All right. Let's talk about the search of
22 the car. You were not wearing any body cam that would
23 have captured the search of the car.

24 **A** There is no body cam footage from that stop.

25 **Q** Okay. And you begin at the passenger side

1 front door?

2 A That's correct.

3 Q And begin shaking it?

4 A That's correct.

5 Q To see if there -- to see if there's
6 anything inside; right?

7 A That's correct.

8 Q You looked in the trunk area?

9 A Through her personal effects.

10 Q And she had a suitcase?

11 A There were two pieces of luggage.

12 Q Containing items for a trip: clothing,
13 things of that nature?

14 A Personal effects. I couldn't tell you
15 exactly what was in them. No illegal items.

16 Q And Deputy Harrison arrived at that point;
17 right?

18 A That's correct.

19 Q And he began searching the vehicle, as well,
20 with you?

21 A Yes.

22 Q He checks the front seats?

23 A Yes. You can see in the video, he looks in,
24 starts looking around at different items on the
25 vehicle; looking for anything not factory standard, is

1 what we're looking for.

2 **Q** He then gets on the ground?

3 **A** Correct. Looking underneath the
4 undercarriage, spare tire area.

5 **Q** He, then, takes the child's car seat out of
6 the back seat; right?

7 **A** No, sir.

8 **Q** He does not take --

9 **A** He does, eventually. May I elaborate?

10 **Q** Sure.

11 **A** He notices something under the vehicle,
12 which is the exhaust and the gas tank lowered. Okay.
13 At which point, he looks up at me and says, "You have
14 a compartment." He goes back to his vehicle. He
15 obtains his crowbar -- or somewhere around in there --
16 and then we take the car seat out -- or takes the car
17 seat out and looks in. But before he takes the car
18 seat out, he tells me what he sees and why we're going
19 to remove it.

20 **Q** I believe, in the video, he takes the child
21 car seat out around nine minutes into the search.

22 **A** Sure.

23 **MS. OWENS:** Objection, Your Honor, as to
24 the form of the question.

25 **THE COURT:** Overruled. I'll allow it.

1 **BY MR. MARTINEZ:**

2 **Q** And then, about 12 minutes into the search,
3 per the video, you and Deputy Harrison remove the back
4 seat cushion?

5 **A** Are you telling me that?

6 **Q** You and Harrison removed the back seat
7 cushion; correct?

8 **A** I did remove -- yeah, I removed -- it was --
9 you picked -- we picked up on it to expose the rear
10 hatch. And then, I slid it out of the way.

11 **Q** And underneath that was the fuel pump cover
12 plate that -- you believed?

13 **A** That's what I would describe it is. I don't
14 know what the true term for it is. Sure.

15 **Q** And you needed to remove that to get
16 underneath to see what was underneath there?

17 **A** Correct.

18 **Q** And your -- you are not part of a forensics
19 division; right?

20 **A** No, sir.

21 **Q** So you are not responsible for getting
22 fingerprints?

23 **A** I don't do any fingerprints. No, sir.

24 **Q** DNA?

25 **A** No, sir.

1 **Q** But you can submit requests for those types
2 of tests; right?

3 **A** Yes, sir.

4 **Q** Did you submit any requests for testing for
5 DNA or fingerprints on any of the packages that you
6 recovered?

7 **A** I don't know if lab analysis was submitted
8 for DNA or latent processing without looking back at
9 what was submitted with the narcotics.

10 **Q** Okay. Did you ask for any testing on the
11 cover plate or anything around that secret
12 compartment?

13 **A** No, sir.

14 **MR. MARTINEZ:** One moment, Your Honor.

15 **THE COURT:** Certainly.

16 (There is a pause..)

17 **MR. MARTINEZ:** Nothing further, Your Honor.

18 **THE COURT:** All right.

19 **MS. OWENS:** No redirect from the state,
20 Your Honor.

21 **THE COURT:** Thank you, sir.

22 **THE WITNESS:** Thank you, Your Honor.

23 **MS. OWENS:** Your Honor, at this point, the
24 state would like to call Master Deputy David
25 Harrison.

1 **THE COURT:** All right. Is everybody okay?
2 Does anybody need to take a break? If you do, we
3 can. It might be a good idea to stand and just
4 stretch a little bit. I don't know. Thank you.
5 (Pause.)

6 **MS. OWENS:** Master Deputy, if you would
7 come up and be sworn.

8 **THE CLERK:** Mr. Harrison, please place your
9 left hand on the Bible and raise your right hand.

10 **DAVID HARRISON**
11 having first been duly sworn, testifies as follows:

12 **THE CLERK:** Thank you. You may be seated.
13 Please state your full name for the record.

14 **THE WITNESS:** Michael David Harrison, Jr.

15 **DIRECT EXAMINATION**

16 **BY MS. OWENS:**

17 **Q** David, what's your current assignment at the
18 sheriff's office?

19 **A** I'm currently assigned to the interdiction
20 unit. We work Interstate 85 in Greenville County.

21 **Q** Is that the bulk of your responsibility,
22 just to monitor the interstate here in Greenville
23 County?

24 **A** Yes, ma'am. So we're actually assigned under
25 the traffic team with the Greenville County Sheriff's

1 Office. Our ultimate goal is to protect the innocent
2 motor and the public.

3 Q How long did you serve in this particular
4 capacity?

5 A With the sheriff's office, since
6 January 2017..

7 Q Where did you work before that?

8 A South Carolina Highway Patrol.

9 Q How long were you with the highway patrol?

10 A My effective start date was July 16, 2000. I
11 was stationed in Oconee County until 2004. Then, I was
12 assigned to the ACE team, which is the criminal
13 interdiction unit for the state, until I came to the
14 sheriff's office last year.

15 Q What does interdiction mean?

16 A Interdiction, basically, is just seeking out
17 criminal -- criminal acts through traffic stops;
18 typically, high-volume traffic stops for all sorts of
19 violations. It can include: drug offenses, bootleg
20 merchandise, people who are wanted. You name it. Any
21 kind of criminal activities.

22 Q As part of your assignment at the sheriff's
23 office and with the highway patrol, did you get any
24 special training about what it means to do the job of
25 traffic interdiction?

1 **A** Yes, ma'am.

2 **Q** What is the training like?

3 **A** So basically, it's -- I've had hundreds of
4 hours over my career. It's basically things to look
5 for that are out of the ordinary; that's not normal;
6 it could be something as simple as two or three empty
7 cans of energy drink or multiple bags of fast food in
8 the floorboard of a rental car that was rented by
9 someone who's not in the car.

10 **Q** Over the course of your career, both with
11 the sheriff's office and with highway patrol, have you
12 -- have you searched a lot of cars?

13 **A** Yes, ma'am.

14 **Q** Do you search every car you pull over?

15 **A** No, ma'am.

16 **Q** Generally speaking, how often do you find
17 hidden compartments?

18 **A** It's quite regular, in my opinion. I'll
19 explain that. When I first started interdiction, I
20 worked with a trooper who didn't think that we had
21 those type things this far east from the border, which
22 our southern border is typically where we are seeing
23 the bulk of our illegal narcotics and things coming
24 from.

25 I went through some training in Valdosta,

1 Georgia, that was put on by a sergeant with the
2 Maryland State Police. And the entire week, he showed
3 us compartment after compartment after compartment
4 that he and his guys were getting in Maryland. I
5 assumed that if they were seeing that type stuff in
6 Maryland, that we should be seeing it here.

7 And I had a lot of hurdles to overcome,
8 because the trooper that I worked with, he was also my
9 supervisor, so I had to kind of make him happy. But
10 after coming back from Valdosta, my partner who was in
11 that class with me, my other partner, who was our K-9
12 handler, he stopped a minivan and it had a compartment
13 it. From that day forward, I just started thinking
14 compartment, instead of popping the trunk and checking
15 a suitcase and hoping it's there and then moving on.
16 It just really opened my eyes -- that training opened
17 my eyes to the world of aftermarket components.

18 I think, this year, we have had three.
19 Unfortunately, all three that we found had been empty.
20 But we see them out here. They're using our
21 interstates every day.

22 Q Now based on this training that you
23 received, but also your day-to-day experience, since
24 looking for these things, do you have a system or a
25 checklist or a list of things that you look for to

1 locate these compartments or indicators that a
2 compartment exists?

3 **A** Yes, ma'am. And it's mental notes. But the
4 way that I've taught the guys that work with me now,
5 any of the classes that I've taught over the years as
6 an instructor, you look for little cues that just
7 aren't normal.

8 Now, I'm a huge car person. I don't have any
9 formal training; however, I know what should be normal
10 and what should not be normal on a car. The easiest
11 thing that I can explain to people who are trying to
12 locate compartments is think about your car that you
13 drive every day. You drive in the rain. You drive
14 through dirt. The undercarriage of your vehicle is
15 going to have a film of dirt that I refer to as road
16 wash. And that's normal, unless you have your
17 undercarriage steam cleaned, which I don't think many
18 people do that.

19 So when I'm searching vehicles, I always
20 check the undercarriage. Most people -- most police
21 officers, in my opinion, probably would not check
22 there. But most police officers don't have the amount
23 of interdiction training that some of us go through.
24 But when you look at the undercarriage of the vehicle,
25 it's very easy, in my opinion, to spot an aftermarket

1 compartment. If your vehicle has road wash on it and
2 you get up under a vehicle and you shine your
3 flashlight and do a rapid assessment of the
4 undercarriage and you see shiny black paint in an area
5 that probably shouldn't have shiny black paint or
6 fresh undercoating, that is when I start slowing down.
7 As a police officer, I'm curious by nature, so I want
8 to find out why there is fresh black undercoating or
9 fresh black spray paint above the gas tank of a
10 vehicle. And I'm sorry if I'm rambling. I'm kind of
11 getting off topic here, but --

12 Q Well, we can -- let's refocus then.
13 Basically, every time you approach a car, is there
14 sort of a precursory regular list of things that you
15 look for?

16 A Yes, ma'am.

17 Q Okay. So focusing now on June 28, 2017, were
18 you working that day?

19 A Yes, ma'am.

20 Q And you described that you are part of a
21 team of a handful of deputies who work together?

22 A Yes, ma'am.

23 Q Did you speak with agents from HSI that day?

24 A I did.

25 Q Did they share with you some information

1 about a particular car?

2 **A** Yes, ma'am.

3 **MR. SARRATT:** Objection, Your Honor.

4 Speculation; hearsay.

5 **THE COURT:** I understand. We've already had
6 some testimony about it, and I allow it just to
7 set the scene. All right.

8 **MS. OWENS:** Thank you, Your Honor.

9 **THE COURT:** As long as we're not going too
10 far into it.

11 **MS. OWENS:** Certainly, Your Honor.

12 **THE COURT:** Thank you.

13 **BY MS. OWENS:**

14 **Q** Based on your conversation with the agents
15 at Homeland Security, what did you do?

16 **A** So basically, when I spoke with the agent,
17 we were actually about to head in and end of our
18 shift. I called my supervisor, immediate supervisor,
19 to let him know what I'd been told. We decided to hold
20 the guys out, stay back, and see if we could make a
21 stop on this vehicle.

22 **Q** Where did you set up?

23 **A** We were 85 northbound, Interstate 85
24 northbound, at the county line -- at the
25 Anderson/Greenville county line on the Greenville

1 side.

2 Q Which other deputies were with you in that
3 particular location?

4 A So it would have been Deputy Reese and
5 Deputy Wasserman.

6 Q At some point, do you remember whether this
7 car passed through?

8 A I do.

9 Q What happened?

10 A So once the car came through, Deputy Reese
11 -- I'm not sure when he observed the violation, but he
12 took off from where we were sitting stationary.

13 Q And while all of this is happening, are you
14 in radio contact with Deputy Reese and the other
15 deputies in the area?

16 A Yes.

17 Q So are you hearing what's happening?

18 A Yes.

19 Q At some point, did you go to their location?

20 A I did.

21 Q What was going on when you got there?

22 A So when I arrived, Deputy Reese was at the
23 rear of the vehicle that he had stopped and had the
24 rear hatch opened up. It looked like he was searching
25 the car, to me.

1 **Q** Did he give you some basic information about
2 what was going on?

3 **A** He did.

4 **Q** Did you tell --

5 **A** So it's --

6 **Q** Can you tell -- I'm sorry. Go ahead.

7 **A** So it's common practice with us to kind of
8 share the cliff notes version or the details of the
9 stop, things that, you know, he thought were weird.
10 And so he let me know the things that he had seen,
11 smelled, or heard. The biggest thing that stuck out to
12 me was how the car was obtained, how the vehicle was
13 registered and how the insurance was -- was listed. So
14 again, doing this for as long as I have, I told him
15 it's most likely a compartment, which is not
16 information that was given to me by the agents that
17 made the phone call.

18 **Q** Did he tell you that the defendant had given
19 consent to search the car?

20 **A** I don't recall.

21 **Q** Would it surprise you if she had consented
22 to allow you to search the car?

23 **A** No, ma'am.

24 **Q** Why not?

25 **A** In my experience --

1 **MR. SARRATT:** Objection, Your Honor;
2 speculation.

3 **THE COURT:** Overruled.

4 **MS. OWENS:** Thank you, Your Honor.

5 **THE COURT:** Okay.

6 **THE WITNESS:** So in my experience with
7 multiple narcotic seizures, money seizures,
8 things like that, it is not uncommon for someone
9 to give consent to search the vehicle, especially
10 when there is a hidden compartment. That is
11 definitely not out of the norm.

12 **BY MS. OWENS:**

13 **Q** Now, after you spoke briefly with Deputy
14 Reese about the circumstances of what he learned, what
15 did you do to begin the process of your search and
16 then going through your checklist?

17 **A** I, typically, still look inside the vehicle.
18 Just do a rapid-- my own rapid assessment to see, you
19 know, what he's seeing. And then, I normally, either
20 pull my flashlight out of my pocket or I have to go
21 back to my patrol car and get it, but I always use a
22 flashlight, even in the daytime, so we can see the --
23 the -- you know, behind the dashboard, underneath the
24 car, under the engine compartment. And I think that's
25 what I did that day, was I had to go back and retrieve

1 the flashlight.

2 Q Did you notice anything in the front of the
3 car? You said you started by looking inside. Did you
4 notice anything that made you suspicious or caught
5 your attention?

6 A I don't recall on this particular traffic
7 stop.

8 Q Did you move to look at the outside of the
9 vehicle?

10 A I did.

11 Q Did you notice anything about the outside of
12 the vehicle that made you suspicious or caught your
13 attention?

14 A So I do recall that on the outside of the
15 vehicle or the vehicle that we're discussing, it was
16 silver in color, it was a small or midsize SUV. It was
17 clean in appearance. Nothing flashy. No fancy rims, no
18 bright chrome work, nothing like that. It's a vehicle
19 that I would consider -- a vehicle that could easily
20 blend in with other traffic, which, again, in my
21 experience over the years, that's typically what I
22 have seen. I have never made any significant seizures
23 out of, you know, high-end luxury cars or sports cars
24 or nothing -- you know, nothing like that. So that
25 kind of stood out to me. Again, I felt that with

1 everything that Deputy Reese had told me and the type
2 vehicle and the way it looked that day, I was still
3 tracking towards this is possibly a compartment
4 vehicle.

5 Q Did you, at some point, look under the car?

6 A I did.

7 Q What are you looking for?

8 A So again, I'm looking for anything other
9 than what should be normal, like the road wash, the
10 dirt, grime, grease, that should be under a car. And
11 that day, as I'm using my flashlight, I could see
12 where the fact -- where the gas -- the fuel tank for
13 the vehicle was at, it was lowered. The bolts that
14 held onto the scraps to secure the fuel tank had been
15 lengthened and that area had been spray-painted black,
16 which is not factory.

17 Q So based on what you saw there under the
18 car, when did you decide to do? How did you approach
19 locating whether there is actually a compartment in
20 this car?

21 A I let Deputy Reese know, "Hey, we definitely
22 have a compartment. The next step was to find the
23 access door, the way into it, to see if it was loaded
24 with contraband or what have you. Based on where the
25 gas tank in that vehicle was, it should have been

1 under the middle row of seats for the passengers. So
2 we simply lifted up the rear seat cushion and removed
3 it from the truck, or the SUV.

4 Q Did you find that seat to be attached in any
5 meaningfully strong way?

6 A No, ma'am. No, ma'am.

7 Q Once you lifted up that seat, what did you
8 do?

9 A So on the driver's side, once you lift up
10 the passenger seat cushion, there is a factory cover
11 for -- it's basically an access cover that goes into
12 the fuel tank. Most cars have a fuel pump. That's
13 where you would change out the fuel pump for the
14 vehicle. I kind of figured, again, based of where the
15 compartment was, that that was probably going to be
16 your access door for the compartment.

17 I tried to -- I want to say there were four
18 Phillips-head screws that held that door in or that
19 cover on. I tried to take the first screw off. The
20 screw basically just fell off. I examined the screw.
21 It had actually been cut and then siliconed onto the
22 door to make it look factory.

23 I then went to my patrol car and I retrieved
24 the -- I have a crowbar in my trunk. I've had it for
25 years. I refer to it as my master key. That's

1 typically what we get into these aftermarket
2 compartments with. I went to pry on the lid. When I
3 did, the lid was actually not secured. So it just came
4 right up.

5 I did some studying and -- because I'm
6 always curious about how these compartments are built.
7 I can tell that whoever made the compartment used an
8 actual trunk latch from another vehicle and welded
9 that trunk latch on the inside of the compartment and
10 then welded a hook to the factory fuel pump cover
11 plate. That's what would've held the door in. Again,
12 that day, it was not secured. I don't know why.
13 Removed the door. Packages were visible immediately.

14 Q What did you see when you opened that access
15 panel?

16 A It was -- the compartment was probably four
17 to five inches deep. And with the entire width of the
18 vehicle, it was probably about 18 inches wide towards
19 the back of the vehicle.

20 But the packages that I observed and
21 actually removed were Ziploc bags with something
22 square inside of it. The first one I pulled out, the
23 way it felt to me in my hands -- and, of course, we
24 wear gloves and, obviously, our adrenaline was up, but
25 it felt to me like it could be US currency. I didn't

1 know what it was at the time. But with my training and
2 experience, I felt like, that whatever this was,
3 somebody really wanted to hide that.

4 Q Now, we've watched the video from the
5 traffic stop and we know that all of these bags were
6 removed. Once they were piled up on the car, what
7 happened next? What did you do as it relates to the
8 investigation of this case?

9 A I called someone. I don't remember exactly
10 who I called, probably my supervisor or one of the
11 agents with Homeland Security. I know that there was a
12 child, that we had to call someone to transport the
13 child from the scene.

14 Q And did somehow, somebody, move this car to
15 a separate location?

16 A Yes. So I know the car went to our
17 maintenance shop, which is more secure for us. It gets
18 us off the interstate. I want to say that that's where
19 agents met us from that point on.

20 Q Okay. Did you have any contact with these
21 packages once they left the side of the road?

22 A Not that I recall.

23 Q I don't think I have any additional
24 questions. If you would answer any questions
25 Mr. Martinez has -- I'm sorry, Mr. Sarratt.

1 **THE COURT:** Mr. Sarratt.

2 **CROSS-EXAMINATION**

3 **BY MR. SARRATT:**

4 **Q** How are you?

5 **A** I'm good.

6 **Q** So you know a lot about cars?

7 **A** Yes, sir.

8 **Q** Okay. Well, I don't, so I'm going to ask you
9 a couple questions.

10 **A** Okay.

11 **Q** This compartment, you talk about it's
12 located, like, above the fuel tank; is that right?

13 **A** Yes.

14 **Q** Under the undercarriage?

15 **A** Yes.

16 **Q** Would you have had to drop the fuel tank out
17 to put this thing in?

18 **A** Yes.

19 **Q** In fact, did you notice that the scraps had
20 been removed recently to drop the fuel tank?

21 **A** The -- I don't recall if the straps -- if
22 you can tell the scraps had been removed. I just
23 remember the bolts being too long ---

24 **Q** Okay.

25 **A** --- for it.

1 Q Okay. And you also found that the
2 compartment had been welded in; is that right?

3 A Yes.

4 Q Okay. And that welding was not factory
5 welding; it was aftermarket; somebody else welded it?

6 A Correct.

7 Q Okay. And you also talked about how the
8 cover plate underneath the back seat that led to the
9 compartment. Now, that was factory, correct, the plate
10 itself?

11 A Yes.

12 Q Okay. And you said it had some screws that
13 would've been factory-sealed; is that right?
14 Initially, like when the cover plate was put on by the
15 factory?

16 A Yes.

17 Q Okay. But when you found it, those screws
18 had been cut and glued back into place?

19 A They had been altered, yes.

20 Q Okay. So whoever put this compartment in
21 would need equipment to drop a fuel tank; is that
22 right?

23 A Yes.

24 Q Would need a welding torch to weld the
25 compartment in?

1 **A** They would need a welder, yes.

2 **Q** Okay. And, you know, the ability to cut
3 screws and glue them back into place and that kind of
4 thing, and the knowledge to do this?

5 **A** Yes.

6 **Q** All right. No further questions.

7 **THE COURT:** Any other questions for this
8 witness?

9 **MS. OWENS:** Nothing on redirect,
10 Your Honor.

11 **THE COURT:** Sir, you can step down.

12 **THE WITNESS:** Thank you.

13 **THE COURT:** Thank you.

14 **MS. OWENS:** I have some very brief
15 witnesses, but it may be -- depending on the
16 Court's schedule, it may be an opportunity to
17 break now. I'll defer to the Court.

18 **THE COURT:** All right. Ladies and
19 gentlemen, is everyone all right to keep going
20 for about, maybe 30 minutes? If you would like to
21 break now, we'll break now.

22 Mr. Foreperson, if you want to kind of check
23 with your jurors and see what they think.

24 (Pause.)

25 **THE JUROR:** All good.

1 **THE COURT:** All good?

2 **THE JUROR:** All good.

3 **THE COURT:** All good. All right.

4 **MS. OWENS:** May we approach very briefly?

5 **THE COURT:** Certainly. Uh-oh. I might have
6 asked too early.

7 (Bench conference is held off the record.)

8 **THE COURT:** Well, ladies and gentlemen, the
9 best laid plans, as they say. I'll tell you what,
10 we are probably at a good point to break for
11 lunch. We could -- we could wait a minute more
12 and see where we are, but I think it would be
13 wise to go ahead and break.

14 I'm going to ask you to be back in your jury
15 room deliberation room at 1:30. So if you will be
16 back at 1:30, we will begin promptly thereafter.
17 I think it is still the expectation that this
18 case will be in your hands this afternoon. I
19 think that's still the expectation. So I hope you
20 have a good lunch and look forward to seeing you
21 back after lunch. I'll sound like a broken
22 record, but please don't discuss the case with
23 anyone. Thank you..

24 (Jury exits at approximately 11:57 a.m.)

25 **THE COURT:** All right. Y'all want to talk

1 about some jury charges?

2 **MR. MARTINEZ:** Sure.

3 **THE COURT:** All right. Is that okay to talk
4 about your charges while she runs to the
5 restroom?

6 **MR. SARRATT:** I'm sure that's fine.

7 **THE COURT:** Absolutely.

8 **MR. MARTINEZ:** Obviously, Your Honor is
9 going to charge the language of the statutes.

10 **THE COURT:** Sure.

11 **MR. MARTINEZ:** We would ask for charges on
12 knowingly, constructive possession, mere
13 presence. We would respectfully request the Court
14 charge the old Edwards charge on circumstantial
15 evidence. I could read that to you if you would
16 like. "The jury may not convict unless every
17 circumstance relied upon by the state is proven
18 beyond a reasonable doubt and all the
19 circumstances so proven are consistent with each
20 other and, when taken together, point
21 conclusively to the guilt of the accused to the
22 exclusion of every other reasonable hypothesis.
23 It is not sufficient that they create a
24 probability, though a strong one and if, assuming
25 then to be true, they may be accounted for upon

1 any reasonable hypothesis which does not include
2 the guilt of the accused, the proof has failed."

3 **THE COURT:** Okay. Well, and I'm happy for
4 you to mark that. I actually have a
5 circumstantial charge that I think encapsulates
6 the spirit of that, but I think is a little
7 clearer. And I will tell you: I kind of crafted
8 that one a little bit over time myself. But
9 certainly, please mark that.

10 **MR. MARTINEZ:** And then, one -- we would
11 request -- we would object to a jury instruction
12 that knowledge and possession may be inferred
13 when a substance is found on property under the
14 defendant's control. The charge is attributed to
15 a case, *State v. Adams*, 291 S.C. 132. In that
16 case, the Supreme Court cited *State v. Hudson*,
17 which is 277 S.C. 200, for the premise that a
18 court should instruct a jury to this effect. But
19 what *Hudson* really holds is that, where there is
20 evidence that the defendant is exercising
21 dominion and control over a premise or piece of
22 property, it gives rise to an inference of
23 knowledge, which may be sufficient to carry the
24 case to the jury and not that the Court should
25 instruct the jury to that effect.

1 I think that language even suggest that, in
2 some cases, the exercise of dominion and control
3 over premises may not even be sufficient to
4 sending the case to the jury. I think in this
5 case, in particular, this instruction would
6 lessen the state's burden of proof, allowing it
7 to show guilt solely based on her control of this
8 vehicle where the drugs were found. It's
9 primarily useful in close cases, not in one where
10 possession is clear. So for that reason, we would
11 ask that that instruction not be given. I would
12 also note for the record that we believe it's a
13 charge on the facts in violation of Article 5,
14 Section 21 of the South Carolina Constitution,
15 it's an impermissible comment by the Court on the
16 facts.

17 And for the record, there's -- that
18 provision has been interpreted in two cases from
19 1997 that deal with railroads that I think are
20 actually instructive. *Yarborough v. Southern*
21 *Railway*, 78 S.C. 103 and *Finch v. Atlanta & C Air*
22 *Line Railway*, 87 S.C. 190. In *Yarborough*, the
23 Court said, "A trial court may not charge a jury
24 that they may infer acceptance by the railroad of
25 a package left on their loading dock for a

1 certain period of time." In *Finch*, an instruction
2 that the jury may infer negligence from
3 particular facts was improper because it's a
4 comment on the facts.

5 This case is the same situation. The
6 instruction tells the jury that they infer
7 possession of the drugs and, therefore, guilt,
8 based solely on the defendant's control of the
9 car.

10 **THE COURT:** I'll tell you my portion of my
11 charge that -- and your motion, while I have to
12 say I'm impressed with the level of research that
13 you've done on this -- defendant's knowledge and
14 possession may be inferred when a substance is
15 found on the property under the defendant's
16 control. However, this inference is simply an
17 evidentiary fact to be taken into consideration
18 by you, along with other evidence in the case,
19 and to be given the weight you decide it should
20 have. So I think that covers any comment on the
21 facts or that it -- or saying that it could be
22 based solely -- a conviction could be based
23 solely on that inference. I instruct the jury
24 explicitly to take all that facts into
25 consideration and that's just one thing that they

1 can consider.

2 **MR. MARTINEZ:** Yes, Your Honor. And I
3 understand the ruling. Just for the record, we,
4 of course, object to --

5 **THE COURT:** Certainly. I understand. I
6 understand. Anything else?

7 **MR. MARTINEZ:** That's it, Your Honor.

8 **THE COURT:** All right. Anything from the
9 state, so far as instruction?

10 **MS. OWENS:** No. I think Mr. Martinez has
11 covered everything. Obviously, constructive
12 possession and circumstantial evidence are two
13 that I think are highlights. Otherwise, again, I
14 defer to the Court's charge on all of the issues.

15 **THE COURT:** Let me read this to you all:
16 Constructive possession means that the defendant
17 had dominion and control or the right to exercise
18 dominion and control over either the heroin
19 itself or the property on which the heroin was
20 found. Mere presence at the scene where the drugs
21 were found is not enough to prove possession.
22 Actual knowledge of the presence of the heroin is
23 strong evidence of the defendant's intent to
24 control its disposition or use. The defendant's
25 knowledge and possession may be inferred when a

1 substance is found on the property under the
2 defendant's control. However, this inference is
3 simply an evidentiary fact to be taken into
4 consideration by you, along with other evidence
5 of the case, and to be given the weight you
6 decide it should have.

7 MS. OWENS: That certainly suits me,
8 Your Honor.

9 THE COURT: All right, then. And I know you
10 object to that, and your objection is noted for
11 the record.

12 MR. MARTINEZ: Thank you, Your Honor.

13 THE COURT: All right. Thank y'all. We'll
14 be in recess then until 1:30.

15 (The Court goes off the record at approximately
16 12:04 p.m.)

17 (The Court goes on the record at approximately
18 1:38 p.m.)

19 THE COURT: Okay. All right. Anything we
20 need to take up before we bring the jury back in?

21 MS. OWENS: To everyone's relief, we are
22 finally ready to proceed.

23 THE COURT: Fantastic. Okay. Well, we're
24 good.

25 MR. MARTINEZ: Just one matter, Your Honor

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THE COURT: Yes, sir.

MR. MARTINEZ: --- regarding the jury instructions. We received them.

THE COURT: Oh, yeah. Okay.

MR. MARTINEZ: Just a couple of things that I wanted to add. Just knowingly -- following the trafficking statute, just defining what "knowingly" is. And then, I know we hadn't talked about this. I don't believe Ms. Sanchez intends to testify, so just an instruction about her silence.

THE COURT: Yeah. Sure. Yeah.

MR. MARTINEZ: And then, finally, we understand your ruling regarding the circumstantial evidence charge. If I can hand up a proposed instruction. The language is directly from *State v. Logan*. *State v. Logan* 405 S.C. 83. If I may approach to hand the Court up. The jury instruction is on top.

THE COURT: Thank you.

MR. MARTINEZ: And then, the case is underneath. And I believe it's Page 11 and 12 that the instruction is on.

THE COURT: All right.

1 **MR. MARTINEZ:** And if I can make a copy a
2 Court's exhibit.

3 **THE COURT:** That's what I was going to say,
4 was I was going to make it a Court's exhibit.
5 (Court's Exhibit 1 is marked for identification.)

6 **MR. MARTINEZ:** Just to briefly quote. The
7 case involved whether the circumstantial
8 evidence charge given in this case was proper.
9 The Court said, "Pertinent inquiry is the proper
10 means for evaluating circumstantial evidence and
11 how the trial court may best instruct a jury as
12 to its analytical responsibility."

13 **THE COURT:** Uh-huh.

14 **MR. MARTINEZ:** On Page 11, top right
15 corner, it says, "We hold the trial court should
16 provide the following language as a
17 circumstantial evidence charge in addition to a
18 proper reasonable doubt instruction when so
19 requested by the defendant." And the language
20 there is the same language that I placed in the
21 proposed instruction.

22 **THE COURT:** I appreciate it.

23 **MR. MARTINEZ:** So we would request that
24 that language be included in the circumstantial
25 evidence.

1 **THE COURT:** All right. All right. Ad
2 certainly, your motion is preserved for the
3 record. Thank you.

4 **MR. MARTINEZ:** Thank you, Your Honor.

5 **THE COURT:** All right. Anything else we
6 need to take up before we bring the jury back
7 in? All right. We will add a definition of
8 "knowingly" in there and let you both know about
9 it before I charge. All right.

10 And Ms. Sanchez, I just wanted to say this
11 to you: We're not at this point yet, but your
12 attorney's made a good point. I don't know if
13 you plan to testify in the trial of this case,
14 but as we take breaks this afternoon, I want you
15 to continue to be talking to your lawyers about
16 this. You've got outstanding lawyers. I know
17 they talked to you about it, but I want you to
18 continue to talk to them about it because I'm
19 going to have some questions for you probably in
20 about an hour.

21 **MS. SANCHEZ:** Okay.

22 **THE COURT:** Okay.

23 Will the attorneys approach for just a
24 minute?

25 Will you hold the jury for just one second?

1 I'm sorry.

2 (Bench conference is held off the record.)

3 **THE COURT:** All right. You can bring the
4 jury back in.

5 (Jury enters at approximately 1:46 p.m.)

6 **THE COURT:** Thank you for being patient
7 with us. We were trying to work on a few things
8 that would just make the afternoon go even
9 smoother and more quickly. I hope you all had a
10 good lunch. I know at least one of you was
11 downtown. I ran into you on the street. So that
12 was -- that was nice. But we're ready to begin
13 with this afternoon's testimony.

14 Yes, ma'am.

15 **MS. OWENS:** Thank you, Your Honor, may it
16 please the Court. The state calls Ms. Kara
17 Bennick.

18 Ms. Bennick, if you would please come up and
19 be sworn.

20 **KARA BENNICK**

21 having first been duly sworn, testifies as follows:

22 **THE CLERK:** Thank you. You may be seated,
23 and please state your full name for the record.

24 **THE WITNESS:** Kara Bennick.

25 **DIRECT EXAMINATION**

1 BY MS. OWENS:

2 Q Ms. Bennick, where do you work?

3 A The property and evidence room, the
4 Department of Public Safety.

5 Q How long have you worked in that particular
6 division at the Department of Public Safety?

7 A 15 years.

8 Q What's your particular assignment?

9 A I'm the supervisor of the unit.

10 Q Generally speaking, as a supervisor, what
11 are your responsibilities day to day?

12 A I do take in evidence, just like the other
13 property and evidence techs do. But as well, I have
14 administrative duties.

15 Q Now, for the jury's education, what is
16 Property and Evidence?

17 A Property and Evidence is the secured holding
18 of all evidence or property coming in from the
19 Greenville City or Greenville County Sheriff's Office.

20 Q Is it a large facility?

21 A It is a very large facility.

22 Q Now, who has access to this particular
23 secured location?

24 A Only the five evidence techs.

25 Q Are those all employees of the Property and

1 Evidence division?

2 A Yes, ma'am.

3 Q Okay. Is it possible for anyone else to
4 enter the area without being escorted by a technician?

5 A Not without being escorted, no.

6 Q Okay. How is it that, in any particular
7 case, evidence comes into the possession of the
8 Property and Evidence?

9 A There's actually two different ways: It can
10 come in after-hours through secured holding, which
11 would be a locker or drop box system; or it could come
12 in over the counter during business hours and one of
13 the girls would receive it.

14 Q Now, once you would get an item of evidence,
15 whether it's at the counter or from this drop box when
16 you come back in the next day, what do you do with it?

17 A We will inventory it by matching it up with
18 the Property and Evidence report that is being
19 received with it. We will decide if it's going to be
20 tested or whatever's coming in with it with the off --
21 from the officer. Then we will put it in its staging
22 areas or permanent holding.

23 Q So does every item of evidence that comes
24 into your facility get assigned an identity?

25 A Yes.

1 Q How is that process work?

2 A We enter it into a bar code system. That's
3 part of the inventory process. It is transferred into
4 an digital bar code system, the item off the
5 inventory. It is, then, picked up the chain of custody
6 from that point forward.

7 Q Now, are all of the moves that a particular
8 item of evidence makes inside the facility recorded?

9 A Minus if it is in the property room itself
10 and we are moving it, that is not recorded. But
11 anything that goes from out of our hands to somewhere
12 else is recorded.

13 Q For example, if an item of evidence was
14 removed for purposes of chemical analysis, would that
15 move be recorded?

16 A Yes.

17 Q After an item is removed for chemical
18 analysis, is it returned to Property and Evidence?

19 A It is.

20 Q And is it stored there until the case is
21 summoned for trial?

22 A Yes. It then goes to permanent storage.

23 Q Now when you receive an item of evidence, do
24 you have any particular requirements about how it's
25 recorded or sealed or packaged before you will accept

1 it?

2 **A** We do, based on the type of item it is,
3 we'll require seals; we'll require initials; dates. It
4 just depends on what the item is and how it is
5 classified.

6 **Q** If you receive a particular item that isn't
7 correctly labeled or sealed, what do you do?

8 **A** It is moved to a staging area and the
9 officer is contacted in writing to come back to the
10 facility and re-inventory it and restart the
11 paperwork.

12 **Q** So will you accept an item of evidence
13 that's not sealed?

14 **A** No. We would not officially take it. It will
15 be in our custody, but it will be in a staging area
16 pending the officer's return.

17 **Q** Okay. And so if -- as you mentioned, there's
18 a recording of all this activity. If there's something
19 is wrong with this particular item would that be
20 recorded?

21 **A** Yes, there is a location on -- there is
22 actually an assigned location for those items to
23 stage.

24 **Q** Now, I want to talk specifically about the
25 two items of evidence in this particular case. You

1 testified just a moment ago that there's a particular
2 document that accompanies each item of evidence to
3 record its movements?

4 A Yes, ma'am.

5 Q Okay. So I going to show you State's
6 Exhibit 7 and the accompanying documentation. Are you
7 able to determine from examining State's Exhibit 7
8 whether the item is the item that was received by the
9 property and evidence division?

10 A I am.

11 Q How?

12 A Because all of our packaging is labeled with
13 a case number and item number and a location, and all
14 of that matches up to what we do in evidence.

15 Q And is -- does the item, State's Exhibit 7,
16 bear a bar code, as you described as the recording
17 system for keeping track of this particular item?

18 A I believe. Yes, right there.

19 Q Okay. Does it become necessary, in certain
20 circumstances, to repackage items of evidence that you
21 have received from time to time?

22 A It does.

23 Q Why?

24 A There could be any multitude of reasons. We
25 could've opened it so many times that there's no

1 longer access that we can record our signatures on. It
2 could be that it's broken through the packaging for
3 some reason, any number of reasons. But we'll always
4 keep the prior packaging and include it in the new
5 packaging and put a note in there.

6 Q Okay. With respect to State's Exhibit 8, I'm
7 going to show you that item, as well as the
8 accompanying documentation. Are you able to determine
9 from examining State's Exhibit 8 that it is an item
10 that was recorded for the property and evidence
11 division?

12 A I am.

13 Q How are you able to determine that?

14 A Again, it's marked with a case number; the
15 location; it's marked with a description; and it's
16 marked with an number.

17 Q Now, with respect to each of these items,
18 did either or both of these items leave your custody
19 for the purpose of chemical analysis at some point?

20 A Yes, ma'am.

21 Q Are you able to determine whether those
22 items were received after they were tested?

23 A I am.

24 Q And based on that documentation, are you
25 able to determine that those items remained in the

1 custody of the Property and Evidence facility until
2 they come for trial today?

3 A Yes.

4 Q Okay. I don't believe I have any additional
5 questions. If you would answer any questions
6 Mr. Martinez has for you.

7 THE COURT: Yes, sir.

8 MR. MARTINEZ: May it please the Court?

9 THE COURT: Yes.

10 CROSS-EXAMINATION

11 BY MR. MARTINEZ:

12 Q Ms. Bennett, I just have a couple of
13 questions. When it says "staging lab" on the
14 documentation ---

15 A Uh-huh.

16 Q --- does that mean it wasn't sealed and you
17 placed it in a staging area? Is that what you are
18 referring --

19 A No, staging for the lab means it has gone to
20 a secured area that is awaiting signature of the lab
21 to sign it out and take it for testing.

22 Q Okay. And then, when you received this --
23 these substances, was there any request for it to be
24 sent off for DNA for fingerprint testing, that you are
25 aware of?

1 **A** No.

2 **Q** Nothing further.

3 **THE COURT:** All right. Anything else?

4 **MS. OWENS:** No additional questions,
5 Your Honor.

6 **THE COURT:** Thank you so much.

7 **MS. OWENS:** May it please the Court,
8 Your Honor. The state calls Mr. James Armstrong.

9 **THE COURT:** Okay.

10 **MS. OWENS:** Mr. Armstrong, if you would
11 please come up and be sworn.

12 **THE CLERK:** Mr. Armstrong, please place
13 your left hand on the Bible and raise your right
14 hand.

15 **JAMES ARMSTRONG**

16 having first been duly sworn, testifies as follows:

17 **THE CLERK:** Thank you. You may be seated,
18 and please state your full name for the record.

19 **THE WITNESS:** James William Armstrong.

20 **DIRECT EXAMINATION**

21 **BY MS. OWENS:**

22 **Q** Mr. Armstrong, where do you work?

23 **A** For the Greenville County Department of
24 Public Safety Forensic Division, Crime Laboratory.

25 **Q** What's your specific assignment at the crime

1 lab?

2 **A** I have a dual responsibility as a firearm
3 examiner and a forensic drug chemist.

4 **Q** How long have you been employed in that
5 capacity?

6 **A** Almost 23 years.

7 **Q** What particular training do you have to be
8 able to perform that particular task?

9 **A** I have a bachelor of science in chemistry
10 from Erskine College. I've trained in the area of drug
11 identification approximately one year under the
12 direction of the lab supervisor. I attended numerous
13 instrumental analysis schools concerning instruments I
14 used in my analyst. I've attended a forensic chemist
15 seminar sponsored by the Drug Enforcement
16 Administration in Washington, DC. I've testified at
17 least 174 times in federal, state, and local courts,
18 as an expert in the area of drug identification.

19 **Q** In addition to that historical training, do
20 you continue to receive regular and ongoing training
21 in order to perform your --

22 **A** Yes, ma'am. I do.

23 **Q** Focusing specifically on your role as a
24 crime lab chemist rather than a firearms examiner, how
25 do you conduct that job?

1 **A** We work cases that are submitted to us by
2 request forms from multiple agencies. An officer fills
3 out a request form and we go down to our property and
4 evidence room to receive evidence. Then we'll go back
5 to our office and inventory what is there and perform
6 examinations to try to determine what the substance
7 may or may not be.

8 **Q** Over the years that you've worked in this
9 capacity as a chemist, in approximately how many cases
10 do you think you've analyze chemical substances?

11 **A** Oh, thousands.

12 **Q** And have you been qualified previously? You
13 mentioned you've testified, but have you been
14 qualified by a court, prior to date, as an expert in
15 chemical analysis?

16 **A** Yes, ma'am. 174 times.

17 **Q** Have you ever been not qualified?

18 **A** No, ma'am.

19 **MS. OWENS:** Your Honor, at this point, the
20 state offers Mr. Armstrong as an expert in the
21 field of chemical analysis.

22 **THE COURT:** Any objection or further voir
23 dire?

24 **MR. MARTINEZ:** No, Your Honor.

25 **THE COURT:** Ladies and gentlemen, the rules

1 of evidence ordinarily do not permit a witness to
2 testify as to opinions. A witness who is
3 qualified in some area, due to education or
4 experience, may become qualified as an expert
5 witness and may give his opinion in the area in
6 which he is qualified and also give the reason
7 for that opinion. This witness has been qualified
8 by the Court to give his opinion in the area of
9 chemical analysis. You may give that opinion the
10 weight you deserve -- you decide it deserves and
11 you may use that opinion in any way you see fit.
12 Thank you.

13 **MS. OWENS:** Thank you, Your Honor.

14 **BY MS. OWENS:**

15 **Q** Were you asked to analyze some chemical
16 substances in this case?

17 **A** Yes, ma'am. I was.

18 **Q** How do you obtain the substance from its
19 secure holding facility at Property and Evidence?

20 **A** I go down to Property and Evidence and ask
21 them to bring me cases that they are waiting for us to
22 work.

23 **Q** Let's start with the substantially easier
24 one to carry, State's Exhibit 8, which I believe is
25 reported as item AR1. Do you know whether you analyzed

1 this substance or this item, to determine whether a
2 chemical substance was detected?

3 **A** Yes, ma'am. I did.

4 **Q** How do you know?

5 **A** The outside bag has my initials and date
6 where I sealed it when I was finished in my analysis.
7 The inside bag has my initials and item number where I
8 actually cut the open -- the sealed bag open to do my
9 analysis.

10 **Q** So when you received that item, you
11 physically cut open the seal ---

12 **A** Yes, ma'am.

13 **Q** --- and then reseal it after you've tested
14 it?

15 **A** That's correct.

16 **Q** What specific analysis did you conduct on
17 this particular item?

18 **A** I did a chemical spot test and an infrared
19 spectroscopy test.

20 **Q** And what did you determine?

21 **A** I determined that it was a 20-dollar bill
22 with residue, that the residue does contain cocaine.

23 **Q** Of any particular weight?

24 **A** No. No weight.

25 **Q** Okay. Let's revisit State's Exhibit 7. Do

1 you know whether you conducted a chemical analysis of
2 that item?

3 **A** Yes, ma'am. I did.

4 **Q** How do you know?

5 **A** The outside of the box has my item number
6 and my initials where I had sealed it. I also have my
7 initials and the date where I cut open this paper bag,
8 as well.

9 **Q** How did you undertake analyzing such a large
10 quantity of suspected narcotics?

11 **A** Just work it as a case. Just open up the
12 items and take a weight and then do a chemical spot
13 test and instrumental analysis to confirm the presence
14 of a controlled substance.

15 **Q** Do you have to physically cut open and
16 remove the packaging?

17 **A** Yes, ma'am.

18 **Q** All right. Did you return all of that to
19 that box?

20 **A** Yes, ma'am. I did.

21 **Q** After conducting a chemical analysis on the
22 suspected narcotics in State's Exhibit 7, what was
23 your result?

24 **A** I found the box contained heroin with a
25 weight of 6.94 kilograms.

1 **Q** After you conducted your analysis and
2 completed your report regarding what you found with
3 respect to State's Exhibit 7 and State's Exhibit 10,
4 what did you do with those items?

5 **A** Once I completed my analysis, the items were
6 sealed and taken back to Property and Evidence for
7 storage.

8 **Q** I apologize. That's State's Exhibit 7 and 8.
9 Have you had any contact with them since you deposited
10 them back in Property and Evidence?

11 **A** No, ma'am. I have not.

12 **MS. OWENS:** Your Honor, the state offers
13 exhibits 7 and 8 into evidence.

14 **THE COURT:** Any objection?

15 **MR. MARTINEZ:** Subject to my prior
16 objections.

17 **THE COURT:** Subject to your prior
18 objections, I certainly -- they will be admitted.

19 **MS. OWENS:** I don't have any additional
20 questions, Mr. Armstrong. If you would answer any
21 questions that Mr. Martinez has.

22 (State's Exhibits 7 and 8 are admitted into the
23 record.)

24 **THE COURT:** Mr. Martinez?

25 **CROSS-EXAMINATION**

1 BY MR. MARTINEZ:

2 Q Mr. Armstrong, you were not on the scene;
3 right?

4 A No, sir.

5 Q So you weren't asked to collect fingerprints
6 from the scene? That's not what your --

7 A No, sir. That's not my area.

8 Q Or from anything, from the packages
9 themselves?

10 A No, sir.

11 Q Have you had cases where packages are sent
12 to you to be tested that have first been in -- tested
13 for DNA or fingerprints?

14 A I believe some of them have. I've also had
15 cases where I would separate the package or the
16 packaging had been separated by someone else for other
17 testing. Yes, sir.

18 Q But no request for testing like that was
19 done?

20 A Not that I know of. No, sir.

21 Q You were sent how many blocks of the heroin?

22 A Well, it was this box, which contains 70
23 blocks of powder substance wrapped in plastic and
24 paper.

25 Q 70 blocks wrapped in plastic and paper.

1 Okay. And -- that's all I have.

2 THE COURT: All right. Any other questions
3 for this witness?

4 MS. OWENS: No additional questions,
5 Your Honor.

6 THE COURT: All right. Thank you so much
7 for being here.

8 THE WITNESS: All right. Thank you.

9 MS. OWENS: Your Honor, the state calls
10 Investigator John Garrett.

11 THE COURT: All right.

12 MS. OWENS: Investigator, if you would
13 please come up and be sworn.

14 JONATHAN GARRETT

15 having first been duly sworn, testifies as follows:

16 THE CLERK: Thank you. You may be seated,
17 and please state your full name for the record.

18 THE WITNESS: My name is Jonathan Garrett.

19 DIRECT EXAMINATION

20 BY MS. OWENS:

21 Q Investigator, where do you work?

22 A The Greenville County Sheriff's Office.

23 Q And what is your current capacity at the
24 sheriff's office?

25 A Currently, I'm an investigator in gang

1 intelligence, and I'm a bomb technician.

2 Q How long have you served in that particular
3 capacity?

4 A Six months. Well, I've been a bomb tech
5 since 2013.

6 Q What assignment did you have before moving
7 to this particular role?

8 A Arson/bomb squad. And I was there for two
9 years. Before that, I worked narcotics for 14 years.

10 Q Before joining the sheriff's office, did you
11 have any other law enforcement experience?

12 A I do. I started my law enforcement career
13 with the Greenville City Police Department in 1992. I
14 worked there until 1996. I left there and went to the
15 Greenville County Forensic Division as a crime scene
16 technician, processing crime scenes, from 1996 to
17 1998. From 1998 to 2001, I worked for the United
18 States Border Patrol, assigned to the southwest border
19 in Del Rio, Texas.

20 Q During your tenure as a narcotics
21 investigator with the sheriff's office, have you ever
22 been employed by the department -- I'm sorry, the drug
23 enforcement agency?

24 A I was assigned to the United States DEA Task
25 Force, Drug Enforcement Administration Task Force,

1 which covers Upstate South Carolina and Western North
2 Carolina, at the time. And I was there for eight
3 years.

4 Q Now, over your course of service as a law
5 enforcement officer, have you received any special
6 training in the field of narcotics?

7 A I have.

8 Q What kind of training?

9 A Well, the basic training I got was when I
10 went to narcotics in Greenville County. You're
11 assigned to a field training officer, which is three
12 to six months according to often and how many times
13 you can accomplish the task you are required to do in
14 the field training program, which is: identify drugs,
15 work cases with confidential informant, prices,
16 surveillance, testify in court, manage my money, money
17 we used to make undercover buys for drugs, advanced
18 surveillance techniques through SLED.

19 I've attended the basic task force officer
20 for Drug Enforcement Administration. I've attended
21 clandestine labs and drug manufacturing in Quantico,
22 Virginia. I've also attended money laundering,
23 international money laundering investigations, DEA
24 task force at the academy in Quantico, Virginia; and
25 other drug manufacturing case, Meridian, Mississippi;

1 and the Regional Counter Drug Academy, are some of the
2 ones that I've attended.

3 Q During the time that you were assigned to
4 work with the DEA, did you participate in any training
5 specifically with respect to heroin?

6 A I have. And it was identification and a
7 program the DEA started in 1977. It's called the
8 Heroin Signature Program. And it's where, throughout
9 the United States and world, they'll go to certain
10 offices, which the Greenville office is the one I was
11 assigned to. We'd go out and purchase heroin in your
12 community or your area of operation, which was
13 Greenville. And it would be sent back to the lab,
14 either in Miami or the one in DC. And they would do
15 quantitative analysis -- or they would study the
16 heroin and see what heroin is showing up in what parts
17 of the country. And I had training on that, where we
18 actually went out to make purchases. They were looking
19 to see what parts of the world it was indigenous to,
20 where it came from, what purity it was, just studies
21 on the level of heroin throughout the United States.

22 Q Now, in addition to these training courses
23 and general classes that prepare you to do these jobs,
24 have you ever participated yourself in the
25 investigation of narcotics activities?

1 **A** I have.

2 **Q** How often?

3 **A** Hundreds. My last search warrant, Friday a
4 week ago, was my 270th search warrant.

5 **Q** How many of those drug investigations
6 involve heroin?

7 **A** I want to say between at least 100.

8 **Q** Have you yourself participated in the
9 orchestration of any controlled purchases of
10 narcotics?

11 **A** I have.

12 **Q** What is a controlled purchase?

13 **A** That's where either an agent undercover or a
14 confidential informant working under control of law
15 enforcement makes a purchase of narcotics from a
16 target of the investigation, where we control it.
17 They're doing it under our direction. They're wearing
18 surveillance equipment. We're conducting surveillance.
19 They're using our government money. It is documented,
20 to make a case.

21 **Q** As a result of those purchases or
22 investigations or search warrants, have you had an
23 opportunity to interview individuals engaged in the
24 sale of narcotics?

25 **A** I have.

1 **Q** How long ago?

2 **A** My estimate -- and I looked on my figures
3 earlier -- just on the DEA task force during my years
4 there -- there are larger, more complex cases -- I
5 made 57 indictments. It is very rare for somebody in a
6 federal system, that's under investigation or
7 indicted, not to cooperate. I can probably can count
8 on one hand people that don't cooperate. During a
9 federal investigation, we have agreements with their
10 attorneys and they cooperate. And they give
11 information and they tell us how organizations work,
12 how the businesses run, what we did right, what we
13 missed, stuff like that. That's the things that we
14 look for, probably in -- not just in my cases in eight
15 years, at least 100, drug traffickers.

16 **Q** As a result of those interviews, those
17 transactions in which you've participated, are you
18 familiar with the sale of heroin?

19 **A** I am.

20 **Q** How is heroin transacted?

21 **Q** In Greenville, when we make street-level
22 buys, which I've worked in undercover capacity 48
23 times, I think six of those were the purchase of
24 heroin. It usually comes in a bindle, a capsule. I
25 have even bought before where it was wrapped up in

1 tin foil. Most of them are approximately .1 gram
2 dosage.

3 **MR. MARTINEZ:** Your Honor, may we approach?

4 **THE COURT:** Certainly.

5 (Bench conference is held off the record.)

6 **THE COURT:** I should've told y'all: If
7 anybody needs any water or anything like that,
8 please let us know.

9 **BY MS. OWENS:**

10 **Q** Over the course of your involvement in the
11 investigation, the interview, the transaction or the
12 sale, the purchase of heroin, are you familiar with
13 the dollar value of heroin?

14 **A** I am.

15 **MS. OWENS:** At this point, Your Honor, I'd
16 offer Investigator Garrett as an expert in the
17 field of the identification and sale of heroin.
18 I'd ask the Court to make a finding that the
19 subject matter is outside of the ordinary scope
20 of knowledge of the jury and would assist the
21 jury in determining the factual issues and
22 evaluate the evidence in this case.

23 **THE COURT:** Any objection of that or any
24 further this witness?

25 **MR. MARTINEZ:** Just to the extent that he

1 intends to give an opinion regarding the value
2 involved here, no objection.

3 **THE COURT:** All right, then. I do find that
4 this is out -- that I would certainly believe it
5 is outside the common knowledge of the jury and
6 would assist the trier of fact in making
7 determination of the facts in this case. And I do
8 find that he is qualified in -- and tell me again
9 exactly the area that you would like him
10 qualified in.

11 **MS. OWENS:** I believe the appropriate
12 category is just the identification and sale of
13 heroin, specifically.

14 **THE COURT:** Identification and sale of
15 heroin. Ladies and gentlemen, I explained an
16 expert witness to you. This gentleman will be
17 qualified to give his opinion in the area of
18 identification and sale of heroin. Once again,
19 you give it the weight you believe it deserves
20 and you use that opinion any way you see fit.

21 **MS. OWENS:** Thank you, Your Honor.

22 **BY MS. OWENS:**

23 **Q** Investigator, you testified a few moments
24 ago about a capsule or a wrapped piece of paper. What
25 is a typical amount that a heroin user would purchase

1 at any particular time? A dosage unit, for lack of a
2 better word.

3 A Dosage unit, in my trained experience, in
4 drug laboratories that's returned back on cases I've
5 worked, is .1 gram.

6 Q Now, does -- is there, in your experience, a
7 particular dollar value associated with that quantity
8 of heroin?

9 A Yes. In the southeast, based on the
10 information I got from the Heroin Signature Program
11 and my personal experience, most dosage, which is
12 called a hit, a point, or a dose -- when I work
13 undercover, I'll usually ask for a cap or bindle -- is
14 \$20 to \$25. Consistently, in Greenville, South
15 Carolina -- is what I can testify to the most -- it's
16 been \$25 for the last 15 years.

17 Q In your experience, do sellers of heroin
18 sell pure heroin?

19 A No.

20 Q Why not?

21 A It will kill you.

22 Q So how is it that heroin in its most pure
23 form ultimately get distributed and sold to users in a
24 manageable format?

25 A It's cut down with -- cut, which is

1 laxatives -- baby laxative is common -- of
2 supplements. It's all about money. Kilos are bulk.
3 It's cut down to make more money out of it to make
4 more product. It's usually transported in the uncut
5 form because it just takes up space to cut all that
6 heroin and move it somewhere, from, like, Point A, the
7 border, to Point B, wherever. It goes uncut. Once it's
8 cut, it can be doubled, tripled, quadrupled, just to
9 make money, plus it's for transportation purposes. And
10 it's just lethal, uncut. We're seeing that here in
11 Greenville now.

12 Q I want you to take a look at State's
13 Exhibit 7.

14 A (Reviewing.)

15 Q Based on your experience, is the current
16 form of that heroin ready for distribution?

17 A Is it what?

18 Q Is the format of that heroin in that box in
19 State's Exhibit 7 ready to be sold and distributed to
20 users?

21 A No, ma'am.

22 Q Why not?

23 A From my training and experience as a border
24 patrol agent, it's packaged as if it had just come
25 from its first destination to get to its final

1 destination. It's not ready to be sold as a
2 street-level dosage yet.

3 Q What has to happen to transform what's in
4 State's Exhibit 7 to a sellable point or hit or cap?

5 A It will go to what we call in Greenville --
6 we found a few -- is a heroin dealer. It's cut down.
7 Usually, they go up north to bigger source cities.
8 Greenville is becoming somewhat of a source city. It's
9 cut down. It's diluted a cut and packaged into
10 bindles, which 25 bindles or 25 dosages would be a
11 set, what we mentioned earlier what we bought
12 throughout the United States when we're buying samples
13 for the DNA headquarters. It would be packaged up to
14 be shot, snorted, or digested in .1, being generous.
15 Probably even .2, but .1 gram dose.

16 Q So is it your testimony that .1 grams of
17 average use is purchased by a heroin user for \$25?

18 A That's correct.

19 Q What, then, is the value of 6940 grams to be
20 sold to prospective heroin users?

21 A When I calculated earlier when I looked at
22 the weights of this, in .1 dosages, would be an
23 estimated street-level value of \$1.73 million.

24 Q Now assuming that this substance is not yet
25 ready for distribution and will be cut or diluted

1 before it is ultimately sold, would the value of this
2 quantity of heroin change?

3 **A** The quantity, will it change? Yes. It will
4 be -- it will go to some destination to be cut, put in
5 a mill, and prepared for street use. It's rare to see
6 this much heroin bulk, unless it's transported. Well,
7 on the border, I saw it there. I've only seen this
8 much heroin in Greenville, probably three other times.

9 **Q** Once it's diluted, what effect would that
10 have on the value of that quantity of heroin?

11 **A** It would -- according to how much you dilute
12 it, you could cut it three, four, five six times. I
13 mean, the more you cut it, the more doses you're going
14 to get out of it. It's more money. It's all about
15 money. They don't do it for good customer service.
16 It's just about money.

17 **Q** So if this quantity of nearly 7 kilograms of
18 heroin is at its current stage worth \$1.7 million in
19 street value, what could we expect it to be worth if
20 it is diluted?

21 **A** Five million or more; maybe, six, seven.
22 It's according to how you cut it, according to what
23 purity is it is. Pure heroin, the quantity -- the
24 Heroin Signature Program in the Southeast per DEA, I
25 think currently in the Atlanta regional area, which

1 would cover us, between here and Charlotte, is 39
2 percent. It's never 100 percent of heroin. It's always
3 come across as that. Normal heroin that's being shot
4 and used in Greenville right now is between three and
5 five percent. And it's diluted; that's pure. If I
6 bought a block heroin, it would probably be three to
7 five percent in Greenville, and that would be cut down
8 three, four, five, six percent. So 6 to \$7 million.

9 Q So without knowing the purity of this
10 heroin, it's impossible to say how diluted it would
11 become. But at best, it's worth nearly \$2 million in
12 its current form?

13 A Easily that way.

14 Q Okay. I don't have any additional questions
15 for you.

16 MR. MARTINEZ: No questions, Your Honor.

17 THE COURT: All right, sir. You can step
18 down.

19 THE WITNESS: Thank you.

20 THE COURT: Thank you.

21 MS. OWENS: Your Honor, the state rests.

22 THE COURT: All right, ladies and
23 gentlemen, we've come to a point for a break this
24 afternoon. If you would step to your jury
25 deliberation room, the state has completed their

1 case. We're not finished yet, though. So if you
2 would, just hang tight with us for a moment while
3 we take up a couple of legal matters. Thank you.
4 (Jury exits at approximately 2:18 p.m.)

5 **THE COURT:** Yes, sir.

6 **MR. MARTINEZ:** Your Honor, we would move
7 for directed verdict at this time. First, there's
8 been insufficient direct and circumstantial
9 evidence that Victoria knew the car contained
10 heroin. The statute, specifically, requires that
11 she do any of the conduct in the statute
12 knowingly.

13 The case, *State v. Miles*, Court of Appeals
14 from 2017, 421 S.C. 154, the Court there made
15 clear that the state is required to prove that
16 the defendant knew whatever was contained drugs;
17 it was a controlled substance. In the case there,
18 the Court found denial of directed verdict
19 appropriate based on certain things that are not
20 present here.

21 Specifically, in that case, the evidence
22 was, quote, literally lying at the defendant's
23 feet. He attempted to flee and ditch the box
24 containing the controlled substance when agents
25 started to approach him, giving inference of his

1 knowledge of what was in the box. Finally, he
2 admitted knowing the box contained drugs.

3 Here, the circumstances only amount to a
4 mere suspicion that she knew the drugs were
5 there. Here, the drugs were stored in a
6 compartment hidden beneath the car in a
7 specially-welded container. There's been no
8 evidence establishing that my client handled the
9 compartment or the packages in that compartment
10 in any way. There's no fingerprints. There's no
11 DNA. There's no witness who testified that he
12 observed her doing that or was in any way present
13 when this compartment was filled. There's been no
14 statements from her regarding her knowledge.

15 While the state does not to prove that she
16 knew what weight the drugs were or what, even,
17 the specific drug it was, they have to prove that
18 she knew the drugs were there period and has
19 failed to present sufficient evidence to do so.
20 We move for a directed verdict on both charges,
21 as a knowing possession of the drugs is the sole
22 basis of the child neglect charge, as well.

23 One last ground. I know I mentioned *State v.*
24 *Hudson* earlier. In that case, as I described, the
25 Court held that where an individual has control

1 -- has dominion and control over the premises it
2 may be sufficient to send it to a jury. We
3 believe that that language of "may be" means that
4 there are cases where that is not sufficient to
5 send it to a jury. This is one of those cases,
6 Your Honor.

7 Unlike in *Hudson*, that was a shared
8 residence where they specifically observed the
9 defendant's wife to be disposing of the drugs by
10 flushing them down the toilet. The Court held
11 there that the jury could infer, based on their
12 sharing the premises with this individual who was
13 seen flushing down the toilet, that a jury could
14 find that there was knowledge of possession of
15 the drugs. Here we don't have that. It's simply
16 very well hidden in the car and she just happens
17 to be in the car. There's no evidence other than
18 that. Those would be our grounds for directed
19 verdict.

20 **THE COURT:** I know you are just making an
21 argument on behalf of your client. But she didn't
22 happen to be in the car; she claimed she owned
23 the car. I think there is sufficient evidence
24 upon which a jury could find that she -- base a
25 verdict and find that she knowingly was in

1 possession of these drugs. Certainly, you've
2 raised some good point that I know you will argue
3 in closing arguments, but your motion is
4 respectfully denied.

5 **MR. MARTINEZ:** Thank you, Your Honor.

6 **THE COURT:** Thank you. And I know you are
7 renewing all of your other motions, as well.

8 **MR. MARTINEZ:** Yes, Your Honor.

9 **THE COURT:** Yes.

10 **MR. MARTINEZ:** Of course.

11 **THE COURT:** Okay..

12 **MR. MARTINEZ:** I renew those for the
13 record.

14 **THE COURT:** Very well. And -- all right.

15 Now, I know, ma'am, I told you that we were
16 going to get to a point in the trial where I was
17 going to need to talk to you about whether or not
18 you intended to testify in trial of this case. So
19 we're just about there. Here's what I'm going to
20 do: I'm going take a break. I'm going to let you
21 talk to your lawyers about that one last time.

22 There are no other convictions that you are
23 planing to use against Ms. Sanchez; is that
24 right?

25 **MS. OWENS:** That's correct, Your Honor.

1 And I think that's one of the -- we're off the
2 record.

3 (The Court goes off the record at approximately
4 2:44 p.m.)

5 (The Court goes on the record at approximately
6 2:44 p.m.)

7 **THE COURT:** We're back on the record. I
8 think in this case, if memory serves me, you
9 were careful not to introduce anything into the
10 trial of the case.

11 **MR. MARTINEZ:** That's correct, Your Honor.

12 **THE COURT:** All right, then. Very well.
13 Then we're in good shape. Okay. All right.
14 (Jury enters at approximately 2:45 p.m.)

15 **THE COURT:** All right.

16 **MR. MARTINEZ:** The defense rests,
17 Your Honor.

18 **THE COURT:** All right. Ladies and
19 gentlemen, we are now ready to move to closing
20 arguments in this case.

21 Ms. Owens, you're ready to proceed?

22 **MS. OWENS:** Yes, Your Honor.

23 **THE COURT:** Okay.

24 **MS. OWENS:** May it please the Court?

25 **THE COURT:** Yes.

1 **MS. OWENS:** Ladies and gentlemen, certain
2 words come to mind in the context of cases like
3 this: mule, smuggler, drug trafficker. At the
4 end of the day, this case is not about kingpins
5 and cartels. This is not a case about the lavish
6 luxury that drug dealers, at the top of their
7 empire, lived. It is, instead, about the people
8 that those distributors enlist to do the heavy
9 lifting, literally.

10 I told you at the beginning of this trial,
11 that to prove that the defendant is guilty of
12 crime of trafficking in heroin, the state has to
13 prove that the defendant sold, purchased,
14 delivered, or brought into this state a quantity
15 of drugs; or that the defendant attempted,
16 conspired, assisted, aided and abetted someone
17 to sell, deliver, bring into this state, or
18 purchase a quantity of drugs; or that the
19 defendant possessed a quantity of illegal drugs,
20 actual or otherwise.

21 The Judge is going to explain to you, in
22 just a few minutes, what the law is and what
23 some of those words mean. But generally
24 speaking, in this case, the most clear and
25 direct evidence is that this defendant drove a

1 car that she purportedly owned, that she had
2 told the police that she had just purchased and
3 owned; and inside, she possessed more than 28
4 grams of heroin, a great deal more than 28 grams
5 of heroin.

6 The Judge will explain to you that you can
7 determine that she was in actual possession or
8 that you can find she is guilty of possessing
9 these drugs if you feel she was in constructive
10 possession. Basically, what that means, what
11 constructive possession means, is that she had
12 the ability to exercise what the law calls
13 dominion and control over the substance. As the
14 owner of the car, as the operator of that car,
15 as the sole occupant adult of that car, the
16 evidence is, at its core, that this defendant
17 possessed this quantity of drugs. And your
18 verdict could be based on that simple connection
19 in itself, but it doesn't have to. There's a lot
20 of other evidence for you to consider and a lot
21 of other ways that you can find that this
22 defendant is guilty of this crime.

23 Now, before I -- before we get into the
24 evidence, I want to talk a little bit, too,
25 about this unlawful conduct. There has not been

1 a lot of talk about it because the great weight
2 of the testimony has been about this quantity of
3 drugs. Remember, and the judge will instruct you
4 in just a few moments, that to prove the
5 defendant is guilty of that crime, the state has
6 to prove the defendant acted as a caretaker,
7 custodian, or parent of a child under 18. You
8 heard some testimony that the child in this case
9 was three -- you saw her on the video -- and the
10 defendant represented herself as the mother of
11 that child; and that the defendant did something
12 to place the child at an unreasonable risk of
13 harm.

14 The risk of harm that this child faces is
15 being exposed to the drug trade at such
16 extraordinary levels. The defendant placed her
17 child in a car seat directly above this quantity
18 of drugs. The child was necessarily there for
19 the receipt of this car; is going to be there
20 for the delivery of these drugs. That's what
21 poses such a danger, such an unreasonable risk
22 of harm, to this otherwise helpless child.

23 Now, the ultimate question that you will
24 discuss in deciding whether you believe that
25 this defendant is guilty is whether the

1 defendant knew these drugs were in the car.
2 There's a lot of evidence that you've heard over
3 the course of the day that suggests
4 overwhelmingly that this defendant knew exactly
5 what was inside that car. I want to go over some
6 of the things that you've heard as it has been a
7 long day of testimony.

8 One of the things that the Judge is going to
9 explain to you in her instruction is the
10 difference between direct and substantial
11 evidence. Direct evidence is exactly what it
12 sounds like: someone, themselves, saw something
13 or heard something or smelled something. That's
14 direct testimony. That's direct evidence that
15 something happened.

16 Circumstantial evidence is a little bit
17 different. Circumstantial evidence is an
18 inference that you make by seeing evidence that
19 leads you to the conclusion that something else
20 happened. For example, if you go to bed tonight
21 and you get up tomorrow morning and it has
22 snowed overnight, the ground is covered in snow
23 and you see footprints in the snow -- you were
24 asleep. You never saw somebody walking by your
25 house. You never heard, yourself, anyone walking

1 by the house as you were asleep, but you know
2 someone walked in that snow and walked by your
3 house by way of circumstantial evidence, that
4 those footprints wouldn't be there until --
5 unless someone had walked through. That's what
6 circumstantial evidence is about. It's about
7 connecting logical pieces of evidence to arrive
8 at a conclusion that makes sense.

9 So one of the things that you heard about,
10 not only on the video, but from the deputies
11 that participated in this traffic stop, is how
12 they found this defendant's ownership of the car
13 to be suspicious. They talked about the fact
14 that they were first stricken by the fact that
15 she agreed to purchase a car from a perfect
16 stranger for \$10,000; told the police that she
17 had paid that person, the perfect stranger,
18 \$4000; and had driven away with the car. Is that
19 reasonable? Is that -- does that ring true in
20 your common sense that a transaction like that
21 would take place? If you or yourself were
22 selling a car for \$10,000, would you let the
23 purchaser drive away with the car after only
24 then having paid you \$4000 of the purchase
25 price? Does that make sense?

1 The circumstances of how the defendant came
2 to be in possession of this car and where she
3 was going was also suspicious, according to
4 these deputies. She mentioned that she had flown
5 from Laredo, Texas, to Atlanta; had been there
6 for a short period of time; while she was there,
7 learned that this car was for sale; decided to
8 purchase that car; and then drive to visit
9 family in Georgia. That was the story -- I mean,
10 in Jersey. That was the story that was presented
11 there on the roadside on video that that was her
12 plan.

13 You heard testimony from the deputies that
14 they found that to be bizarre because there was
15 no meaningful itinerary. Is it reasonable that
16 the defendant who indicated that she worked at
17 Applebee's as a cook simply would not go in to
18 her job, visit family or friends in Georgia,
19 discover that a car was for sale, have \$4000 in
20 cash to purchase that car, and then continue to
21 develop additional plans to now travel to New
22 Jersey? Is that reasonable? Does that make
23 sense?

24 One of the things that I want you to
25 consider when you are deliberating is another

1 component of suspicious evidence, and it's
2 State's Exhibit 6. This is something we didn't
3 talk about a lot during the trial but I think
4 has some very powerful impact on your evaluation
5 of whether this defendant had knowledge about
6 what was happening, what criminal conduct was
7 happening, and what she was participating in.

8 State's Exhibit 6 is a document about a
9 completely different car. It is noted on this
10 form that this car was for -- was a Chrysler
11 200. And the purchase price, cash delivered,
12 \$4900 cash. So I know that Ms. Sanchez's
13 attorneys made great efforts to characterize
14 this as an offer to purchase and not proof of
15 purchase, but the evidence suggests that there
16 was a purchase, that cash was delivered, nearly
17 \$5000, on this date, and that this defendant is
18 the purchaser.

19 Why is that strange? Why is that suspicious?
20 Why is that weird? If that document is accurate,
21 there are a few things that necessarily follow:
22 One, that the defendant purchased a Chrysler 200
23 in Laredo, Texas, on June 21, 2017 and paid
24 \$5000 cash for it, or nearly \$5000.

25 Six days later, in Atlanta, Georgia, or

1 thereabouts, she purchased a completely separate
2 car. This time, a 2011 Kia Sportage for \$4000
3 cash and drove it and was going to drive it to
4 possibly New Jersey or possibly some other
5 destination. Does that make sense? Is it
6 reasonable to believe that that's how this
7 defendant was conducting personal business? Had
8 cash to conduct it? If it was an innocent
9 transaction, does that ring true? Or is there
10 something else going on here? Is there something
11 else happening with these cars? Is there some
12 other reason that she's purchasing in cash, car
13 after car after car in order to outfit them with
14 hidden compartments to ultimately transport
15 illegal drugs to wherever she is told to take
16 them? Isn't that far more likely?

17 Now, the other thing that's bizarre about
18 this transaction is that, according to the
19 document itself, it's labeled Laredo, Texas.
20 This transaction happened in Laredo. How did
21 they end up in the 2011 Kia in Greenville? It
22 necessarily means that the defendant made the
23 purchase in Laredo, packed the document, flew
24 with it to Atlanta, purchased the Kia, took the
25 document and placed it in the Kia. Why?

1 Again, what's really going on here? Why is
2 it important that she have proof of purchase of
3 this car in Laredo, if all we're doing is to go
4 visit family? All of that's relevant as you
5 decided whether you can believe that she had no
6 idea these drugs were in the car or whether the
7 evidence, instead, suggests that she knew
8 exactly what was happening and was part of the
9 conspiracy to move drugs from one location to
10 the next.

11 I think it's important, too, to talk about
12 the defendant's behavior. You heard testimony
13 repeatedly that the defendant was stoic
14 throughout this entire exchange; uncomfortably
15 comfortable was the expression used; showing no
16 emotion. You have got, in evidence, State's
17 Exhibit 10, which you heard former Deputy Reese
18 testify was the rear-facing camera. You have an
19 opportunity to watch exactly what happened in
20 the back seat during this entire exchange. You
21 can see how the defendant behaved herself.

22 The last witness that you heard from, just a
23 few moments ago, shared some information about
24 what makes the defendant's theory about not
25 knowing what was in the car completely

1 implausible, incredible, and unreasonable. At
2 best, at best, in its current form today, right
3 now without any further repackaging, monkeying,
4 or modification, right now, that quantity of
5 heroin would be sold cap by cap, point by point
6 to users to net \$1.7 million. That's at best.

7 If instead, it is to be diluted, as
8 Investigator Garrett described, if instead it is
9 to be cut and stepped on and added to with other
10 substances to stretch it out, its quantity
11 doubles, triples, quadruples. Now, we're talking
12 a potential \$7 million worth of heroin. Is it
13 reasonable to believe that the distributors of
14 this heroin would let it drive away? Is it
15 reasonable to believe that they would forget
16 it's in the car and sell the car? Is it
17 reasonable to believe that they would not send
18 it in a car with someone they didn't know? Is it
19 reasonable that they would allow someone to
20 transport the drugs that they didn't trust?
21 Millions of dollars of profit on the line. Is it
22 reasonable? That's the ultimate question.

23 The way that you will evaluate the evidence
24 in this case and the credibility of these
25 theories and the stories is whether you can

1 assign a credible, logical, rational reason to
2 it. Simply because the defendant can come up
3 with a fabricated explanation, some other
4 scenario that could exist, is it enough? It is
5 enough to create reasonable doubt only if you
6 are convinced that it is reasonable and that it
7 makes sense.

8 All of the circumstances of this case are
9 engineered to give the defendant some plausible
10 deniability. This was part of the program. This
11 was part of the system. She was likely told how
12 to answer questions by the police, how to deal
13 with the police if there was a traffic stop.
14 There was likely a specific reason to place a
15 small child in that car, to put a car seat in
16 the back seat to cover the bench. There was
17 probably a very specific reason to have any
18 plain car, a very clean car, that wouldn't
19 attract the attention of police. There was also
20 very good reason to have fabricated a bill of
21 sale, to make it look like a transaction, to
22 give the defendant a basis to say, "I don't
23 really know those people. I don't know anything
24 about that car." All of it is engineered to give
25 her an opportunity to say now in court, "I

1 didn't know." But it's just not reasonable for
2 you to believe based on all of the other
3 evidence that you have heard, all the other
4 things that point to just how much she had to
5 have been a direct, compensated drug trafficker.

6 The judge is going to explain to you that
7 because your verdict must be unanimous and that
8 you must be convinced of the defendant's guilt
9 beyond a reasonable doubt. Sometimes, judges
10 will explain that as being firmly convinced. It
11 is not the state's burden to prove the
12 defendant's guilt beyond on -- beyond all
13 possible scenarios. Instead, the state is
14 required to convince you of her guilt beyond a
15 reasonable doubt.

16 So please use your common sense, consider
17 all the things that you have heard today and ask
18 yourself during deliberations: Does this make
19 sense? Does this ring true in light of
20 everything you've seen? I'm going to ask you to
21 consider all the evidence that you have heard
22 and, in light of all of the testimony that you
23 have seen, find the defendant guilty of both of
24 these crimes. Thank you.

25 **THE COURT:** Thank you.

1 Mr. Martinez.

2 **MR. MARTINEZ:** May it please the Court.

3 **THE COURT:** Yes.

4 **MR. MARTINEZ:** Ladies and gentlemen of the
5 jury, this case is about knowledge and what a
6 person is expected to know when they buy a piece
7 of property. The state has to prove Victoria
8 guilty beyond a reasonable doubt and they have to
9 specifically prove that she knew the drugs were
10 in that vehicle. The state wants you to find her
11 guilty, though, based solely on the fact that she
12 was in that car and the drugs were found there.
13 But that's simply not enough.

14 Let's talk about where those drugs were
15 found. They were found in a secret compartment,
16 specially welded into this car. There was no
17 testimony today that anybody said that she welded
18 it or saw her place the drugs in there or she
19 said there were drugs in there, anything to that
20 nature. It took two well-trained, experienced law
21 enforcement officers about 15 minutes to even
22 access that compartment.

23 You heard from Master Deputy Harrison. He
24 knows more about any cars than anyone that I
25 probably ever seen. He even said most police

1 officers wouldn't even under the car to look.
2 Master Deputy Harrison has a years and years of
3 experience with aftermarket compartments. That's
4 why he gets under there and that's why he's able
5 to identify parts that shouldn't be there, parts
6 that have been lowered, factory weld versus
7 non-factory welds, bolts that are not -- not
8 straight from the factory.

9 That is Master Deputy Harrison; it's not
10 Victoria. She doesn't buy this car and get
11 underneath the car to look at whether there was
12 wash in certain places. She doesn't remove the
13 back seat as the officers did and mess around
14 with a fuel pump cover. I've never even seen the
15 fuel pump cover in my car.

16 This search required removal of that back
17 seat, removal of the cover plate. You watch how
18 thorough and how long it took these officers to
19 access that compartment. This is not case where
20 the drugs were found in the glove compartment, in
21 the center console, in the trunk, or in a duffel
22 bag in the back seat. This is an extremely
23 well-hidden compartment that they could not
24 establish her knowledge of.

25 You heard how she purchased the car the day

1 before. You've seen this bill of sale. You've
2 heard discussion of this bill of sale, the one
3 that is notarized, the one that is sworn before a
4 notary. And you heard from the officers. No
5 investigation that this bill of sale is anything
6 other than legitimate.

7 They want you to rely on this -- this offer
8 to purchase. They might say price of unit, but
9 that's exactly what it is. I realize it says cash
10 delivered price of the unit, but it doesn't say
11 anything else about amount paid. This is an offer
12 to purchase.

13 They want you to think that she just happens
14 to hear about this car in Atlanta and decided to
15 buy it. She was looking for a car. She didn't buy
16 this Chrysler. For whatever reason, she decided
17 she didn't want to. So when she gets to Atlanta,
18 she was visiting her cousin. Her cousin was like,
19 "I know a guy. He's got this Kia. Why don't you
20 buy that?"

21 The state wants you to think she paid cash
22 for that. There's been no evidence of that. All
23 we know is she purchased this car -- she told the
24 deputies that she purchased it for \$4000 and the
25 purchase price was 10,000. But she did not have

1 title. What can you infer from that? That upon
2 complete payment of the purchase price of the
3 10,000, she would get title and fully own this
4 car.

5 They want you to think -- they want you to
6 look at these red herrings about whether the car
7 was insured or registered to other parties. It's
8 not illegal to drive a car that's insured by a
9 third party or registered to a third party.

10 Just use your common sense. Why would anyone
11 who knows there is nearly \$8 million worth of
12 heroin in their car consent for the police to
13 search for it? The police want you to think -- or
14 the state wants you to think that, "Well, she
15 consented because she never thought we would find
16 it." She was free to go. Deputy Reese had handed
17 her the warnings. All she had to do was say, "No.
18 I'm good," and leave. But no, she said, "Sure,"
19 because she had no idea what was in that car. She
20 has no idea that there's over \$5 million worth of
21 heroin in that car. That's why she puts her child
22 in the back seat of that car.

23 She traveled to Atlanta to see family. She
24 had learned of a car there and then she was
25 planning to go to New Jersey. There does not need

1 to be an established itinerary. Not everyone in
2 this country travels like that. You don't need to
3 have this laid out itinerary to hand to law
4 enforcement every time you're stopped. That's not
5 how this works.

6 So the only thing that you have here is: her
7 in the car that is newly purchased and heroin
8 that is very, very well hidden. That's all you've
9 heard today. What you need to hear, what you
10 needed to hear, and what you didn't, was that
11 there was some evidence connecting her to the
12 heroin that was inside of that compartment? Where
13 are the fingerprints? Where's the DNA? Where's
14 the statement that says that she knew the drugs
15 were in that compartment?

16 You heard from Deputy Reese. You heard from
17 James Armstrong. You heard from Kara Bennick. All
18 they have to do is request the lab tests the
19 packaging for DNA or fingerprints. There were 70
20 blocks recovered from that car. They had 70
21 opportunities to try and find evidence, to bring
22 you evidence that demonstrated that she knew the
23 drugs were in that car, 70 opportunities to try.
24 They didn't do a single one. They did not even
25 try. And it was the state's decision to not try.

1 So all you have is a newly purchased vehicle and
2 a lot of drugs inside of it.

3 I've got a 12-year-old truck that works
4 pretty well right now. Sooner or later, I'm going
5 to need to look for a new car when it starts to
6 break down and things of that nature. The state's
7 theory is that I'm going to have to tear that car
8 down to its chastity to make sure there's nothing
9 illegal in it. I've got to remove the rims, the
10 wheels from the rims, I've got remove the doors
11 from the frame to make sure there's nothing in
12 there. There's not the standard.

13 I'm asking you to tell the state today that
14 is not the standard in this county. They need to
15 bring you more evidence to prove that Victoria
16 knew the drugs were there. Being in the car
17 simply is not enough.

18 It is not enough, if you go back in your
19 jury room to deliberate and you think, "Well,
20 she's probably guilty" or "She probably knew it,"
21 "She probably knew the drugs were there." There
22 is simply not enough. Your burden is to find her
23 guilty beyond a reasonable doubt. It is the
24 highest standard of proof in the legal system
25 short of absolute certainty.

1 All of the circumstances that you've heard
2 today -- this is a circumstantial evidence case.
3 There's been no direct evidence. All that lead
4 you to believe -- they need to be consistent and
5 lead you to believe that she knew the drugs were
6 there beyond a reasonable doubt.

7 Where's the evidence the state has presented
8 to you that does that? Her being in the car and
9 the drugs being in there are simply not enough.
10 Because they have not presented you more, I'm
11 going to ask you to go back in that jury room and
12 return a verdict of not guilty. Thank you.

13 **THE COURT:** Mr. Foreperson, ladies and
14 gentlemen of the jury, you have seen and heard
15 the evidence presented, as well as the arguments
16 of counsel. It now becomes my duty and obligation
17 to instruct you on the law applicable in this
18 case. It would then be your duty and obligation
19 to begin your deliberations, through which
20 process you will decide the facts, apply the law
21 as instructed by the Court, and determine whether
22 the state has met its burden of proof.

23 It is your exclusive duty to determine the
24 facts in this case. You do that based upon your
25 own common sense examination and evaluation of

1 the testimony and other evidence received in the
2 trial of this case.

3 You 12 jurors alone will decide what weight,
4 value and effect that is to be given to any
5 particular testimony or other evidence received.
6 Your ultimate goal is to determine whether the
7 state has met its burden of proof in this case
8 and, in doing so, you will have fulfilled your
9 obligation as jurors, and that is to give both
10 the state and the defendant a fair and impartial
11 trial based upon the evidence presented and the
12 law applicable to this case.

13 It is your duty to determine whether or not the
14 state has met its burden of proof.

15 In this case, the State of South Carolina
16 through the circuit solicitor -- through the
17 circuit solicitor, has charged the defendant with
18 the following criminal offenses: trafficking in
19 illegal drugs, more than 28 grams, and unlawful
20 neglect of a child. The allegations charging the
21 defendant with these crimes are set forth in the
22 indictments that have been previously explained
23 to you. The indictments are not evidence in this
24 case and may not be considered by you as evidence
25 against the defendant. The indictments will be in

1 the jury room with you, but only serve one
2 purpose, and that is: To serve as the verdict
3 forms on which your unanimous decisions will be
4 written.

5 Each indictment charges a separate and
6 distinct offense. You must decide each indictment
7 separately on the evidence and the law applicable
8 to it, uninfluenced by your decision as to any
9 other indictment. The defendant may be convicted
10 or acquitted on any or both of the offenses
11 charged. You will be asked to write a separate
12 verdict of guilty or not guilty for each
13 indictment.

14 As to the charges set forth in the
15 indictments, the defendant has entered a plea of
16 not guilty. That plea of not guilty has,
17 therefore, placed upon the state the burden of
18 proving the allegations that are set forth in
19 each of the indictments; the burden of proving
20 each of the essential elements of the crimes
21 charged; and, therefore, the burden of proving
22 the guilt of the defendant to the satisfaction of
23 you 12 jurors beyond a reasonable doubt before a
24 verdict of guilty can be returned as to any
25 indictment.

1 The burden is never upon a defendant to
2 prove that she is not guilty or to prove that she
3 is innocent because, in some cases, that might
4 not be possible. The burden is always upon the
5 state, because they have made the allegations, to
6 prove the defendant guilty beyond a reasonable
7 doubt.

8 You are further instructed that it is a
9 vital, important, and cardinal rule of law that
10 every defendant in a criminal trial, no matter
11 how serious the offense might be for which she
12 stands charged, shall always be presumed innocent
13 of that charge and that presumption of innocence
14 shall be with the defendant from the moment of
15 her arrest, and throughout the course of the
16 criminal process, and even throughout the course
17 of the actual trial.

18 The presumption of innocence shall be with
19 the defendant, even as you go into the jury room
20 to begin your deliberations and that presumption
21 of innocence shall be with her there and be with
22 her forever unless you 12 jurors determine that
23 she is no longer entitled to that presumption of
24 innocence. It is only if, unless, and until
25 you're satisfied of the defendant's guilt beyond

1 a reasonable doubt, that she would no longer be
2 entitled to the presumption of innocence.

3 I remind you that, during this trial, you
4 and I have certain duties to perform. As the
5 trial judge, it is my responsibility to preside
6 over the trial of this case, and I also have the
7 duty to rule on the admissibility of the evidence
8 offered during this trial. You are to consider
9 only the competent evidence before you. If there
10 was any testimony ordered stricken from the
11 record in this case, you must disregard that
12 testimony. You are to consider only the testimony
13 which has been presented from this witness stand,
14 any exhibits which have been made a part of the
15 record in this case, and any stipulations of
16 counsel.

17 I have the additional duty to charge you the
18 law applicable to this case. As the presiding
19 judge, I am the sole judge of the facts of this
20 case, and it is your duty as jurors to accept the
21 apply the law as I now state it to you. If you
22 already have any idea as to what the law is or
23 what the law ought to be and it does not agree
24 with what I now tell you the law is, you must
25 abandon this idea because you are sworn to accept

1 the law and apply the law exactly as I state it
2 to you.

3 In every case tried in this court before a
4 jury, the jury becomes the sole and exclusive
5 judge of the facts in a case. A trial judge
6 cannot intimate, state, comment on, or make any
7 statement to a trial jury about the facts in a
8 case. Since you, the jury, are the sole judges of
9 the facts in this case, you are not to infer from
10 what I have said during the process of this trial
11 in ruling upon the admissibility of evidence, or
12 otherwise, or anything that I now say during the
13 course of this instruction to you that I have an
14 opinion about the facts in this case. I do not.
15 The law does not allow me to have an opinion
16 about the facts in this case. This is a matter
17 solely for you, the jury, to determine. As
18 jurors, it is your duty to determine the effect,
19 value, weight and truth of the evidence presented
20 during this trial.

21 The state has the burden of proving the
22 defendant guilty beyond a reasonable doubt. Some
23 of you may have served as jurors in civil cases,
24 where you were told that it is only necessary to
25 prove that a fact is more likely true than not

1 true, such as by the greater weight or
2 preponderance of the evidence. In criminal cases,
3 the state's proof must be more powerful than
4 that. It must be beyond a reasonable doubt.

5 Reasonable doubt is the kind of doubt that would
6 make a reasonable person hesitate to act.

7 Proof beyond a reasonable doubt is proof
8 that leaves you firmly convinced of the
9 defendant's guilt. There are very few things in
10 this world that we know with absolute certainty.
11 And in criminal cases, the law does not require
12 proof that overcomes every possible doubt. If,
13 based on your consideration of the evidence, you
14 are firmly convinced that the defendant is guilty
15 of the crimes charged, you must find the
16 defendant guilty. If, on the other hand, you
17 think there is a real possibility that the
18 defendant is not guilty, you must give the
19 defendant the benefit of the doubt and find her
20 not guilty. Facts and circumstances that merely
21 place upon the defendant a grave suspicion of the
22 crime charged or that merely raise a speculation
23 or conjecture of the defendant's guilt are not
24 sufficient to authorize a conviction of the
25 accused.

1 There are two types of evidence which are
2 generally presented during a trial: direct
3 evidence and circumstantial evidence. Direct
4 evidence is the testimony of a person who claims
5 to have actual knowledge of a fact, such as an
6 eyewitness. It is evidence which immediately
7 establishes the main fact to be proved.

8 Circumstantial evidence is proof of the
9 chain of facts and circumstances indicating the
10 existence of a fact. It is evidence which
11 immediately establishes collateral facts from
12 which the main fact may be inferred.

13 Circumstantial evidence is based on inference and
14 not on personal knowledge or observation.

15 The law makes absolutely no distinction
16 between the weight or value to be given to either
17 direct or circumstantial evidence. Nor is a
18 greater degree of certainty required of
19 circumstantial evidence than of direct evidence.
20 You should weigh all of the evidence in the case.
21 After weighing all the evidence, if you are not
22 convinced of the guilt of the defendant beyond a
23 reasonable doubt, you must find the defendant not
24 guilty.

25 Necessarily, you must determine the

1 credibility of witnesses who have testified in
2 this case. Credibility simply means
3 believability. It becomes your duty as jurors to
4 analyze and to evaluate the evidence and
5 determine if the state has met its burden of
6 proof in this case.

7 In determining the believability of
8 witnesses who have testified in this case, you
9 may believe one witness over several witnesses or
10 several witnesses over one witness. You may
11 believe a part of the testimony of a witness and
12 reject the remaining part of the testimony of
13 that same witness. You may believe the testimony
14 of a witness in its entirety or reject the
15 testimony of a witness in its entirety. You may
16 consider whether the witness has exhibited to you
17 any interest, bias, prejudice or other motive in
18 this case. You may also consider the appearance
19 and manner of a witness while the witness stand.

20 The rules of evidence ordinarily do not
21 permit witnesses to testify to opinions or
22 conclusions. An exception to that rule exists for
23 witnesses we call "expert witnesses." A witness
24 who, by education and experience, has become an
25 expert in some art, science, profession or

1 calling, may state an opinion as to the relevant
2 and material matter in which the witness claims
3 to be an expert and may also state the reasons
4 for the opinion.

5 You should consider any expert opinion
6 received in evidence in this case and, like any
7 other evidence, give it the weight you think it
8 deserves. If you decide that the opinion of an
9 expert witness is not based on sufficient
10 education and experience or if you conclude that
11 the reasons given in support of the opinion are
12 not sound or that the opinion is outweighed by
13 other evidence, you -- excuse me, you may
14 disregard the opinion entirely.

15 An expert witness's testimony is to be given
16 no greater weight than that of other witnesses
17 simply because the witness is an expert. Further,
18 you're not required to accept an expert opinion,
19 even though it is not contradicted.

20 I instruct you and emphasize that the fact
21 that the defendant did not testify is not a
22 factor to be considered by you in any way in your
23 deliberation and in your consideration of the
24 question of whether the state has met its burden
25 of proof in this case. It must not be considered

1 by you in any manner whatsoever.

2 A defendant has the constitutional right to
3 remain silent. The assertion of this right must
4 not be considered by you in your deliberations. I
5 repeat: Under your oath, you are to draw no
6 conclusion whatsoever from the fact that the
7 defendant in this case did not testify. The fact
8 that this defendant did not testify should not
9 even be discussed in the jury room. The burden of
10 proof, as I have stated to you, is on the state.
11 The defendant is not required to prove her
12 innocence. The burden of proof remains on the
13 state to prove guilt beyond a reasonable doubt.

14 In order to establish criminal liability,
15 the state must also prove criminal intent. For a
16 particular crime, the mental state required might
17 be purpose, intent, knowledge, recklessness, or
18 criminal negligence. The state must prove
19 criminal intent beyond a reasonable doubt.
20 Criminal intent is a matter that must be
21 determined by the jury from the facts of the
22 case. There is no way to prove criminal intent to
23 a mathematical certainty, so the law says that
24 criminal intent may be inferred from the
25 circumstances shown to have existed. This is how

1 you determine whether the element requiring
2 intent was present. It is not necessary to
3 establish intent by direct evidence. Intent may
4 be established by circumstantial evidence or by
5 taking into consideration the acts of the parties
6 and all the facts and circumstances of the case.

7 Criminal intent is a mental state of
8 conscious wrongdoing. It is up to you to
9 determine what the defendant intended to do based
10 on the circumstances shown to have existed in
11 this case.

12 The state must prove beyond a reasonable
13 doubt that the defendant trafficked heroin 28
14 grams or more. The state need not prove that the
15 defendant trafficked heroin for less than 28
16 grams, only that she trafficked heroin for more
17 than 28 grams.

18 Trafficking means to knowingly sell,
19 manufacture, cultivate, deliver, purchase, bring
20 into this state, provide financial assistance, or
21 otherwise aid, abet, attempt, or conspire to
22 sell, manufacture, cultivate, deliver, purchase,
23 or bring into this state, or knowingly be in
24 actual or constructive possession, or knowingly
25 attempt to become in actual or constructive

1 possession of more than 28 grams of heroin.

2 To commit an act knowingly is to do so with
3 knowledge and awareness of the facts or situation
4 and not because of mistake, accident or some
5 other innocent reason.

6 Constructive possession means that the
7 defendant had dominion and control or the right
8 to exercise dominion and control over either the
9 heroin itself or the property on which the heroin
10 was found. Mere presence at the scene where the
11 drugs were found is not enough to prove
12 possession. Actual knowledge of the presence of
13 heroin is strong evidence of the defendant's
14 intent to control its disposition or use. The
15 defendant's knowledge and possession may be
16 inferred when a substance is found on the
17 property under the defendant's control. However,
18 this inference is simply an evidentiary fact to
19 be taken into consideration by you, along with
20 the other evidence in the case, and to be given
21 the weight you decide it should have.

22 The defendant is also charged with unlawful
23 neglect of the child. The state must first prove
24 beyond a reasonable doubt that the defendant had
25 charge or custody of the child, was the parent or

1 guardian of the child, or was responsible for the
2 care and support of the child.

3 A person responsible for a child's welfare
4 includes the child's parent, guardian, or an
5 adult who has assumed the role or responsibility
6 of a parent or guardian for the child. This does
7 not necessarily have legal custody of the child.
8 This does not include a person whose only role is
9 as a caregiver and whose contact is only
10 incidental with the child, such as a babysitter.

11 The state must also prove beyond a
12 reasonable doubt the defendant placed the child
13 at unreasonable risk, either affecting the
14 child's life, physical or mental health, or
15 safety; or two, unlawfully or maliciously did, or
16 caused to be done, bodily harm to the child so
17 that the life or health of the child is
18 endangered or likely to be endangered.

19 The term "child" means a person under the
20 age of 18.

21 The attorneys in this case have graciously
22 agreed to allow you to have my charge in written
23 form. You probably noticed I was reading to you,
24 and the reason is because I want to make sure
25 what I say to you, what I'm required to say to

1 you by law is exactly what I send you in the jury
2 deliberation room. I'll give you a copy of these
3 instructions in written form your deliberations.
4 You may refer to my instructions to guide your
5 decision-making.

6 You must consider the instructions as a
7 whole and not -- may not follow some and ignore
8 others. Please return the copy of the
9 instructions to the Court at the time your
10 verdict is rendered. If you need additional
11 copies of my written charge, I'm happy to provide
12 that to you.

13 Also, I know some took notes. I just want
14 you to remember that people hear and absorb
15 information in different ways. Some people are
16 notetakers. I am. Other people listen and don't
17 take notes. I just want you to understand that
18 someone's recollection might not be absolutely
19 correct just because they took notes or didn't
20 take notes. And I want you to take that into
21 consideration.

22 Ladies and gentlemen, please remember that
23 each indictment charges separate and distinct
24 offenses. You must decide each indictment
25 separately on the evidence and the law applicable

1 to it, uninfluenced by your decision as to any
2 other indictment. Your verdict as to each
3 indictment must be a unanimous one.

4 Mr. Foreperson, when the jury agrees on the
5 verdict, if you will, mark the verdict on the
6 indictments and sign your name as foreperson on
7 each. And you will see that there is a block in
8 the lower corner of each indictment for verdict.
9 Then, if you will turn on the light that
10 indicates that you've reached a verdict and
11 inform the bailiff you have a verdict, we will
12 receive you back in the courtroom at that time.

13 I ask that you now return to your jury
14 deliberation room for just one moment. I need to
15 take up some quick legal matters with the
16 attorneys. It will be your signal to begin your
17 deliberations when you get my charge in written
18 form, the indictments, and the evidence in this
19 case.

20 For obvious reasons, the drugs that had been
21 introduced into evidence are not provided to you
22 in the jury deliberation room. However, I will
23 say to you that if anyone wants to view those
24 drugs here, please let us know and we will
25 receive you back into the courtroom to do it in

1 here.

2 All right. Thank you so much for your
3 service in this case. And we'll be sending all
4 those documents back to you in a moment.

5 (Jury exits at approximately 3:28 p.m.)

6 **THE COURT:** All right. Any objection to my
7 charge on the law from the state?

8 **MS. OWENS:** No objection.

9 **THE COURT:** Any from the defense?

10 **MR. MARTINEZ:** Just my prior objection,
11 Your Honor.

12 **THE COURT:** All right.

13 **MR. MARTINEZ:** And I just, for the record,
14 renew directed verdict and all prior motions. And
15 I do want to put just one thing, for purpose of
16 the record. The video was redacted 4 minutes 52
17 seconds to 4 minutes 55 seconds and then 30
18 minutes to 30 minutes and 7 seconds.

19 And then, finally, the comment regarding the
20 child's father being in prison, I don't believe
21 that we -- that that is relevant, nor did we open
22 the door to that reference being considered by
23 the jury at all. I'm not sure how Your Honor
24 wants to handle them watching that video in the
25 back. I realize it is 15 minutes into the video,

1 so it may not be an issue, but to be cautious, I
2 wanted to address that with the Court.

3 **THE COURT:** All right.

4 **MS. OWENS:** The last thing I want to
5 undertake is attempting to create another disk.

6 **THE COURT:** Sure.

7 **MS. OWENS:** I propose, and how I've handled
8 this issue in the past is: If the jury would like
9 to view that particular exhibit, they can do it
10 in the courtroom under Your Honor's supervision
11 to be sure that no inappropriate or otherwise
12 inadmissible materials is made public.

13 **THE COURT:** And that's what we'll do. We
14 won't provide them with a DVD -- with a computer,
15 the clean computer from the clerk's office so
16 they won't have any means to do that.

17 If you would just instruct them, please,
18 that if they wanted to watch the videos, to let
19 us know and we'll bring them back into the
20 courtroom.

21 All right. If there's nothing else, I'd ask
22 y'all to agree on all the exhibits and then we'll
23 send them back.

24 (The Court goes off the record at approximately
25 3:31 p.m.)

1 (Deliberation of the jury begins at approximately
2 3:35 p.m.)

3 (The Court goes on the record at approximately
4 4:41 p.m.)

5 **THE COURT:** We have a note from the jury.
6 It says, "To exercise dominion or control over
7 the heroin itself or the property on which the
8 heroin was found, does the bill of sale give her
9 dominion and control of the vehicle?"

10 And I'm just going to have to write, "That's
11 question for you to determine."

12 **MS. OWENS:** That suits me, Your Honor.

13 **THE COURT:** All right.

14 **MR. MARTINEZ:** Yes, Your Honor.

15 (The Court goes off the record at approximately
16 4:42 p.m.)

17 (The Court goes on the record at approximately
18 4:49 p.m.)

19 (Jury enters at approximately 4:49 p.m.)

20 **THE COURT:** All right. Ladies and
21 gentlemen, we have got the back seat video cued
22 up for you. I want to advise you that it -- the
23 video itself is probably something like an hour
24 or something. But that being said, the video
25 begins immediately when the defendant gets in

1 the back of the car, so we do start there. I
2 will tell you this: That if you all want to let
3 Mr. Foreperson here know when you've seen enough
4 -- you can see the whole thing, if you want to.
5 That makes no difference with us. But when you
6 feel like you've seen enough, please do signal
7 to us and we're happy to turn it off at that
8 point. All right.

9 (State's Exhibit 9 is played.)

10 **THE COURT:** Mr. Foreperson, the jury's seen
11 what they wanted to see?

12 **THE JUROR:** Yes.

13 **THE COURT:** All right. Thank you. All
14 right. Then I'll just ask you to step back to
15 your jury deliberation room to continue your
16 deliberations. Thank you.

17 (Jury exits at approximately 4:58 p.m.)

18 **THE COURT:** All right. We're in recess
19 pending a verdict.

20 (The Court goes off the record at approximately
21 4:58 p.m.)

22 (The Court goes on the record at approximately
23 5:08 p.m.)

24 (Jury enters at approximately 5:08 p.m.)

25 **THE COURT:** Mr. Foreperson, it's my

1 understanding the jury has reached a verdict. Is
2 that correct?

3 **THE JUROR:** That's correct.

4 **THE COURT:** All right. If you would hand
5 the verdict forms to the bailiff please.

6 (The verdict forms are handed to the Court.)

7 **THE COURT:** The verdict forms appear to be
8 in order.

9 Madam clerk, I'm going to ask you to publish
10 them please.

11 **THE CLERK:** Your Honor, this is docket
12 number 2017-GS-23-010232, the State versus
13 Victoria Sanchez, indictment for unlawful
14 conduct towards a child, the verdict is guilty.
15 Signed, foreperson, Russell Mayes, December 3,
16 2018.

17 Your Honor, this is docket
18 number 2017-GS-23-010233, the State versus
19 Victoria Lorraine Sanchez, indictment for
20 trafficking heroin. The verdict is guilty.
21 Signed, foreperson, Russell Mayes, December 5,
22 2018.

23 If this is your verdict so say you all,
24 please signify by raising your right hand.

25 (Each juror responds.)

1 **THE CLERK:** Thank you.

2 **THE COURT:** All right. Thank you. Any
3 matters we need to take before I release the
4 jury, from the state?

5 **MR. SARRATT:** None from the State.

6 **THE COURT:** Any from the defense?

7 **MR. MARTINEZ:** No, Your Honor.

8 **THE COURT:** All right. Ladies and
9 gentlemen, I want to come back here and speak
10 with you. But before I do, thank you so much for
11 your service in this case. I'm going to step
12 back and say goodbye to you. The good news is
13 that the -- you -- this is going to conclude
14 your jury service for this week, so good. Very
15 good. I'll meet you in the back, but I won't
16 hold you up. I promise. Okay. Thank you.

17 (Jury exits at approximately 5:10 p.m.)

18 **THE COURT:** I'm going to step out and speak
19 to them for a moment, and I'll be back shortly.

20 (The Court goes off the record at approximately
21 5:10 p.m.)

22 (The Court goes on the record at approximately
23 5:20 p.m.)

24 **THE COURT:** Well, I will tell you that they
25 felt like everybody did a good job. They did --

1 they hated the fact that they know and knew that
2 these were not, you know, Ms. Sanchez's drugs;
3 that she was carry -- they felt like she was
4 carrying them for somebody else. I said, of
5 course, we don't have any information on that.

6 And they were concerned about your child.
7 They were very concerned about your child. I
8 will tell you that the jury was -- had a lot of
9 questions about that, but your attorney had told
10 me beforehand that the child is safe and with
11 family.

12 All right. I guess we need to move to the
13 part that I've been dreading, and I know
14 everyone has. How long has she been in jail?

15 **MR. MARTINEZ:** I've got it here somewhere.

16 **MS. OWENS:** Since arrest. I have -- I
17 didn't calculate for today's.

18 **MR. MARTINEZ:** I believe it's 524 days.

19 **THE COURT:** All right.

20 **MR. MARTINEZ:** 524.

21 **THE COURT:** And no prior record?

22 **MS. OWENS:** Correct, Your Honor.

23 **MR. MARTINEZ:** No prior record.

24 **THE COURT:** Certainly, we heard the facts.

25 All right. Yes, sir.

1 **MR. MARTINEZ:** May it please the Court?

2 **THE COURT:** Yes.

3 **MR. MARTINEZ:** We certainly respect the
4 jury's verdict. Victoria, from the beginning,
5 has maintained that she had no knowledge of
6 those drugs. You know, I think it's apparent
7 that given the weight and the value of those
8 drugs that she's certainly not a kingpin and is
9 not moving. 7 -- nearly 7 kilos of heroin on her
10 own.

11 We understand that the sentencing range here
12 is 25 to 40. We're certainly asking for the
13 minimum here. She is -- she was arrested when
14 she was 23 years old; she's now 25. We believe
15 that a 25-year sentence is more than sufficient
16 for her conduct here. We believe that that would
17 be the same range that the kingpin who moved the
18 -- orchestrated the transportation and the
19 delivery and distribution of these -- this
20 heroin would be subject to that same sentence.
21 We believe that the 25-year sentence would be
22 appropriate in this case.

23 **THE COURT:** All right. Thank you.
24 Anything else from the state?

25 **MS. OWENS:** Your Honor, I just add what

1 we've already expressed to this point, that this
2 is a historically significant seizure in
3 Greenville County history. It's my understanding
4 from the deputies that they personally never
5 seized a quantity this large.

6 I think that speaks to a level of
7 involvement, a level of trust within the
8 organization. That reflects a great deal more
9 involvement than we may have been able to prove
10 with the evidence just in this case. The state
11 has some extraordinary concerns about this
12 defendant's connection to that criminal
13 enterprise and would ask this Court to consider
14 a sentence that is in keeping with the gravity
15 of her conduct.

16 **THE COURT:** Well, I certainly --
17 Ms. Sanchez, I take into consideration that you
18 don't have any criminal record. I do take that
19 into consideration, but I can't ignore the fact
20 that, you know, that -- I mean, certainly, and I
21 told you this in all candor earlier -- more
22 drugs than any case I've ever seen in the time
23 that I've been doing this. I'm -- the sentence
24 of the Court is 32 years, credit for 524 days
25 and 10 years concurrent, 524. Good luck to you.

1 **MS. OWENS:** Thank you, Your Honor.

2 **THE COURT:** Thank you.

3 (The Court goes off the record at approximately
4 5:25 p.m.)

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THE STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)

THE STATE)

v.)

VICTORIA LORRAINE SANCHEZ,)

DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
 THIRTEENTH JUDICIAL CIRCUIT
 Warrant/Indictment Nos.: 2017GS23010232-233

**DEFENDANT'S PROPOSED
 JURY INSTRUCTION**

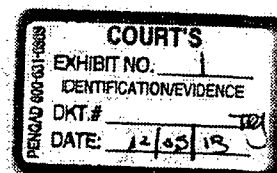
The defendant submits following proposed jury instructions:

1. There are two types of evidence which are generally presented during a trial—direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.
2. Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence, however, to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the defendant's behavior as suspicious, the proof has failed.
3. The State has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

State v. Logan, 405 S.C. 83, 99, 747 S.E.2d 444, 452 (2013).

Respectfully submitted,

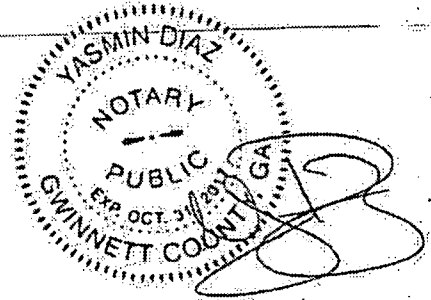
GREENVILLE COUNTY PUBLIC DEFENDER



By: Michael Martinez
Michael Martinez, Esq.
Attorney for Defendant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

Date: December 5, 2018

Form T-7 (Rev. 09/2008)



BILL OF SALE

This bill of sale provides evidence that a transaction between the buyer and seller has taken place and that the odometer reading has been declared by the vehicle's seller and acknowledged by the vehicle's purchaser. NOTE: If a COURT-ORDERED SALE, attach the court order and provide the case number under the Seller/Transferor Name Below.

On 06/27/2017, I/we, EDWIN CAMPOS
Month, Day & Year of Sale/Transfer Seller(s)/Transferor(s) Full Legal Name(s)

ROSWELL RD APT ATLANTA GA 30342
Seller(s)/Transferor(s) Street Address, City, State & Zip

Court Order Case Number _____ Georgia Tax ID Number _____

Sold/transferred the following vehicle 2011 KIA SPORTAGE SX
Vehicle Year / Make / Identification Number

To VICTORIA LORRAINE SANCHEZ
Purchaser(s)/Transferee(s) Full Legal Name(s)

4302 SALINAS LAREDO TX 78041
Purchaser(s)/Transferee(s) Street Address, City, State & Zip

Seller(s)/Transferor(s) further states that there are no liens, security interests, or encumbrances on this vehicle except as listed below:

Lien, Security Interest or Encumbrance Holder(s) Name(s)

Lien, Security Interest or Encumbrance Holder(s) Street Address, City, State & Zip

Federal regulations require the seller(s)/transferor(s) to disclose the odometer reading and the purchaser(s)/transferee(s) to acknowledge the odometer reading upon the transfer of ownership of a vehicle that is not exempt from odometer disclosure requirements. Ten-model (10) years old and older vehicles are exempt from odometer disclosure requirements. If a vehicle is ten-model (10) years old or older, the seller/transferor may enter the word "exempt" in the space provided below for the odometer reading.

I/we hereby certify that to the best of my/our knowledge the odometer reading is 114,000 (no tenths) and reflects the total actual mileage of the vehicle unless one of the following statements is checked:

- ☐ The mileage on the vehicle is in excess of the mechanical limits of the odometer.
☐ The odometer reading is not the actual mileage - Warning Odometer Discrepancy

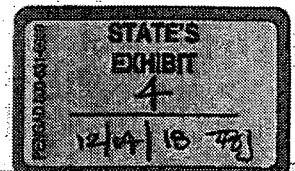
The information in this section is required for vehicles purchased outside Georgia or pursuant to a court order*		
1. Purchase Price (Cash price plus taxable fees & charges)		\$ 10,000.00
2. Trade-in Allowance (Do not include down payment or any rebates.)		\$
3. Taxable Amount (Subtract line 2 from line 1 and record total.)		\$
4. Purchaser(s) Georgia County of Residence:		
5. Georgia Sales Tax Rate in Purchaser's County	%	
6. Tax Due Amount (Amount on line 3 multiplied by sales tax rate on line 5):		\$
7. Credit (From sales tax paid to other state if applicable):		\$
8. Georgia Sales Tax Due (Amount shown on line 6 minus amount shown on line 7):		\$

Victoria Sanchez
Purchaser(s)/Transferee(s) Signature(s)
Victoria Sanchez
Purchaser(s)/Transferee(s) Printed Name(s)

Edwin Campos
Seller(s)/Transferor(s) Signatures
Edwin Campos
Seller(s)/Transferor(s) Printed Name(s)

Seller's GEORGIA Sales Tax Number (if applicable) _____

*Effective January 1, 2005, a Georgia title will not be issued (if title required) for a vehicle purchased out-of-state or purchased pursuant to a court order unless sales tax is not due, paid with the application for title, or proof of payment of Georgia sales tax is submitted; e.g. contract, dealer's invoice, bill of sale showing the amount of Georgia sales tax paid or the seller's valid Georgia sales tax number is recorded on the bill of sale.



ID Card

CLEAR BLUE INSURANCE COMPANY

B-7 Tabernacle Street Suite 912 Guaynabo, PR 00958 (Herein Company)
P.O. Box 5081, San Ramon, CA 94583 | 1-800-210-6584

State

GA

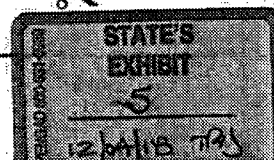
Policy Number

AG01-1372895.002

GEORGIA AUTOMOBILE INSURANCE CARD

CLEAR BLUE INSURANCE AGENCY Georgia - Liability Insurance Card		
Policy Number:	Effective Date:	Expiration Date:
	06/05/2017	12/05/2017
Year:	Make:	Model:
2011	KIA	SPORTAGE SX
NAIC #:	Body:	VIN:
28860	UTILITY 4X2 4DR	
Insured Name & Address:		
RIGOBERTO GUZMAN JR NORTHWOOD DR ATLANTA, GA 30342		
Agency Name:		Agency Phone:
FUERZA LATINA INSURANCE		404/252-6766
Drivers Listed on Policy:		
GUZMAN JR, RIGOBERTO		
Excluded Drivers and Their DOBs		
ESLY GUZMAN		
GEORGIA LIABILITY INSURANCE CARD Keep this card. IMPORTANT: This card or a copy of your insurance policy must be shown when you apply for or renew your: * motor vehicle registration * driver's license * motor vehicle safety inspection sticker You also may be asked to show this card or your policy if you have an accident or if a police officer asks to see it. All drivers in Georgia must carry liability insurance on their vehicles or otherwise meet legal requirements for financial responsibility. Failure to do so could result in fines up to \$1,000, suspension of your driver's license and motor vehicle registration, and impoundment of your vehicle for up to 180 days (at a cost of \$15 per day). For Amigo MGA customer service, call 1-800-210-6584.		
In Case of an Accident 1. Do not leave the scene of the accident. 2. Get the names and addresses of the drivers and owners of all vehicles involved. 3. Get the names and addresses of all occupants of the vehicles including your own. 4. Do not admit you were at fault or discuss the accident with anyone other than your company representative or investigating police authorities. 5. Get the names and addresses of all witnesses. To report an accident call Blackhawk Claims immediately at 1-800-999-0107. Keep this card in your motor vehicle while in operation, as evidence of insurance.		
IMPORTANT NOTICE This policy provides at least the minimum amounts of liability insurance required by the Georgia Motor Vehicle Safety Responsibility Act for the specified vehicle and named insured and may provide coverage for other persons and other vehicles as provided by the insurance policy. To report an accident call 1-800-999-0107. If the driver(s) or vehicle(s) listed above have changed, please contact your Agent, immediately.		

CLEAR BLUE INSURANCE AGENCY Georgia - Liability Insurance Card		
Número de Póliza:	Fecha de Vigencia:	Fecha de Vencimiento:
	06/05/2017	12/05/2017
Año:	Marca:	Modelo:
2011	KIA	SPORTAGE SX
NAIC #:	Estilo:	VIN:
28860	UTILITY 4X2 4DR	
Nombre del Asegurado y Dirección:		
RIGOBERTO GUZMAN JR NORTHWOOD DR ATLANTA, GA 30342		
Nombre de la Agencia:		Teléfono de la Agencia:
FUERZA LATINA INSURANCE		404/252-6766
Conductores Nombrados en la Póliza:		
GUZMAN JR, RIGOBERTO		
Conductores Excluidos y sus Fechas de Nacimiento		
ESLY GUZMAN		
TARJETA DE SEGURO DE RESPONSABILIDAD DE GEORGIA Guarde esta tarjeta. IMPORTANTE: Esta tarjeta o una copia de su póliza de seguro debe ser mostrada cuando usted solicite o renueve su: * registro de vehículo de motor * licencia para conducir * etiqueta de inspección de seguridad para su vehículo Puede que usted tenga también que mostrar esta tarjeta o su póliza de seguro si tiene un accidente o si un oficial de la paz se lo pide. Todos los conductores en Georgia deben de tener seguro de responsabilidad para sus vehículos o de otra manera cumplir los requisitos legales de responsabilidad civil. Fallar en cumplir este requisito pudiera resultar en multas de hasta \$1,000, suspensión de su licencia para conducir, su registro de vehículo de motor y la retención de su vehículo por un periodo de hasta 180 días (a un costo de \$15 por día). Para contactar al servicio al cliente de Amigo MGA, llame al 1-800-210-6584.		
En Caso De Un Accidente 1. No abandone la escena del accidente. 2. Obtenga los nombres y las direcciones de los conductores y los dueños de todos los vehículos involucrados. 3. Obtenga los nombres y las direcciones de todos los ocupantes de los vehículos incluyendo el suyo. 4. No admita ser culpable o discuta sobre el accidente con ninguna persona que no sea el representante de su compañía o investigadores policiales. 5. Obtenga los nombres y las direcciones de todos los testigos. Para reportar un accidente llame a Blackhawk Claims inmediatamente al 1-800-999-0107. Mantenga esta tarjeta en su vehículo en todo momento como prueba de su seguro.		
AVISO DE IMPORTANCIA Esta póliza provee de por lo menos la cantidad mínima de seguro de responsabilidad requerida por la ley (Georgia Motor Vehicle Safety Responsibility Act) para el vehículo especificado y para los asegurados nombrados y puede proveer cobertura para otras personas y otros vehículos según provisto en la póliza. Para reportar un accidente llame a 1-800-999-0107. Si el conductor(es) o vehículo(s) mencionado anteriormente han cambiado, contacte a su Agente inmediatamente.		



PEIS AUTO SALES

2305 SAN BERNARDO AVE. * TEL. (956) 602-4904
LAREDO, TEXAS 78040

OFFER TO PURCHASE

06-21-2017

DATE

J. Hdz

SALESMAN'S NAME

Victoria Sanchez

NAME

Salinas

ADDRESS

(56) 441 6339

HOMEPHONE

WORK PHONE



USED



CAR



TRUCK

YEAR 2014

MAKE Chrysler

MODEL
OR SERIES

BODY
TYPE 200

COLOR

MVI OR SERIAL NO.

CASH DELIVERED PRICE OF UNIT

\$4,900 cash

REMARKS

Trade In

Total

Salvage Rebuilt

Title

Doc Fee

Lic Plate

Tax

Buyertag

Vit

Inspection

Processing Fee

ESTE MUEBLE SE VENDE ASI COMO ESTA

NO TIENE GARANTIA

**SOLD AS IS
NO WARRANTY**

**NO REPAIR
REFUND**

DISCLAIMER OF WARRANTIES

ANY WARRANTIES ON THE PRODUCT SOLD HEREBY ARE THOSE MADE BY THE MANUFACTURER THE SELLER PEIS AUTO SALES HEREBY EXPRESSLY DISCLAIMS ALL IMPLIED WARRANTIES, EITHER EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. END PEIS AUTO SALES NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF SAID PRODUCTS.

SUB TOTAL

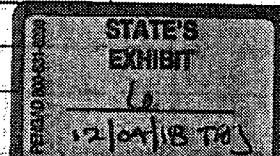
BALANCE OWED ON TRADE-IN

SUB TOTAL

CASH DOWN PAYMENT

UNPAID CASH BALANCE
DUE ON DELIVERY

PURCHASER'S SIGNATURE



WITNESSES

M P Gura

Greenville County Sheriffs Office

6/30/2017

ARREST WARRANT NUMBER

2017A2330206198

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date: 12/5/18

DOCKET NO. 2017-GS-23

KBS

010232

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2017

December

THE STATE

vs.

VICTORIA LORRAINE SANCHEZ

Indictment for

2481

UNLAWFUL CONDUCT TOWARDS A CHILD

VIOLATION § 63-05-0070

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
UNLAWFUL CONDUCT TOWARDS A CHILD

At a Court of General Sessions, convened on

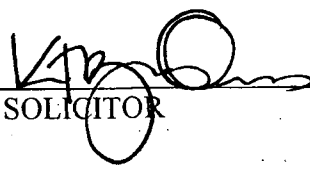
DEC 19 2017

the Grand Jurors of Greenville

County present upon their oath:

That VICTORIA LORRAINE SANCHEZ did in Greenville County, between the 28th day of June, 2017, while being the legal custodian, parent, or guardian, place the child, Y.M.O., (1) at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or (2) unlawfully or maliciously do or cause to be done any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered; or (3) willfully abandon the child. This is in violation of § 63-05-0070 of South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 73989

WITNESSES

Andrew H. Reese

Greenville County Sheriffs Office

6/29/2017

ARREST WARRANT NUMBER

2017A2330206147

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date:

12/5/18

DOCKET NO. 2017-GS-23- /

KBS

010233

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

December

TERM 2017

THE STATE

vs.

VICTORIA LORRAINE SANCHEZ

Indictment for

0149

TRAFFICKING HEROIN

VIOLATION § 44-53-0370

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
TRAFFICKING HEROIN

At a Court of General Sessions, convened on

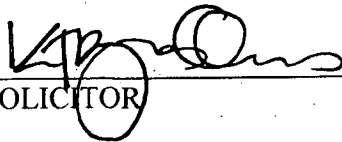
the Grand Jurors of Greenville

DEC 19 2017

County present upon their oath:

That VICTORIA LORRAINE SANCHEZ did in Greenville County, on or about the 28th day of June, 2017, knowingly sell, manufacture, deliver or bring into the State of South Carolina, or did knowingly provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 28 grams of Heroin. This is in violation of §44-53-0370 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 73989

STATE OF SOUTH CAROLINA

Up to 10 yrs
IN THE COURT OF GENERAL SESSIONS

239

COUNTY OF Greenville
STATE VS.

Victoria Lorraine Sanchez

AKA: _____

Race: WHITE Sex: F Age: 25DOB: -1993 SS#: _____Address: SalinasCity, State, Zip: Laredo, TX 78041

DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: UNLAWFUL CONDUCT TOWARDS CHILDINDICTMENT/CASE#: 2017GS2310232A/W#: 2017A2330206198Date of Offense: 6/29/2017S.C. Code § 63-05-0070CDR Code #: 2481

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY

Owens, Katryna Bevis

73989

SC Bar#

Defendant

MARTINEZ, MICHAEL
Attorney for Defendant

101800

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Paul B. Wickens

Court Reporter:

Teresa Johnson

SCCA/217 (04/2018)

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2162Sentence Date: Dec. 5, 2018

Fax to Jail 12-5-18 SCDC 12-6-18

240
STATE OF SOUTH CAROLINA

25-40 yrs AND \$200,000
IN THE COURT OF GENERAL SESSIONS
1693270

COUNTY OF Greenville
STATE VS.
Victoria Lorraine Sanchez
AKA:
Race: WHITE Sex: F Age: 25
DOB: 1993 SS#: 78041
Address: Salinas Ave
City, State, Zip: Laredo, TX 78041
DL#: SID#:

INDICTMENT/CASE#: 2017GS2310233
A/W#: 2017A2330206147
Date of Offense: 6/29/2017
S.C. Code § : 44-53-0370(E)(3)(
CDR Code #: 0149

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: **TRAFFICKING IN HEROIN, GREATER THAN 28 GRAMS**

☒ CONVICTED OF or ☐ PLEADS

in violation of § 44-53-0370(E)(3)(of the S.C. Code of Laws, bearing CDR Code # 0149
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

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

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

ATTEST: 73989 101800
Owens, Katryna Bevis SC Bar# Defendant MARTINEZ, MICHAEL SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 32 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

 days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$
§14-1-206 (Assessments 107.5 %) \$
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§14-1-211(A)(2) (DUI Surcharge) \$100 \$
§56-5-2995 (DUI Assessment) \$12 \$
§56-1-286 (DUI Breath Test) \$25 \$
Proviso (Public Def/Probation) \$500 \$
§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00
§50-21-114(BUI Breath Test Fee) \$50 \$
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$ 8.25

TOTAL \$ 283.25

Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk Paul B. Nickerson
Court Reporter: Teresa Johnson

Presiding Judge
Judge Code: 2062
Sentence Date: Dec. 5, 2018

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Adam Sinclair Ruffin
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 6th day of March, 2020.