

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

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APPEAL FROM ANDERSON COUNTY  
Court of General Sessions

The Honorable R. Lawton McIntosh, Circuit Court Judge

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Appellate Case No. 2019-001542

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THE STATE,.....RESPONDENT,  
V.  
LARRY E. ADGER, III.....APPELLANT.

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RECORD ON APPEAL

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1 found on the property under the defendant's control.

2 However, this evidence is simply an evidentiary  
3 fact to be taken into consideration by you along  
4 with the other evidence in this case and to be given  
5 the weight you decide it should have. Possession of  
6 pentylone is the crime of which a controlled  
7 substance was obtained directly or through a valid  
8 prescription or of a practitioner acting in the  
9 course of their professional practice.

10 A practitioner is a physician, dentist,  
11 veterinarian, podiatrist, scientific investigator at  
12 a pharmacy, hospital, or other person or institution  
13 licensed, registered, or otherwise permitted to  
14 distribute, dispense, conduct -- conduct research  
15 with respect to or administer a controlled substance  
16 in the course of the professional practice or the  
17 research of the state.

18 All right. Again, Mr. Foreman, I know that was  
19 repetitive, but it's fairly wordy so maybe that'll  
20 help you out. If you need anymore, I'll be glad to  
21 go over the charge as many times as the jury needs.  
22 That finally leaves me, Mr. Foreman, with a few  
23 final points.

24 First, you don't serve as jurors to be  
25 partisans or advocates for either side. You were

1 chosen by both sides because you represented either  
2 verbally or by your silence that you could be fair  
3 and impartial to both sides of this case and decide  
4 this case solely based on the evidence and without  
5 prejudice to either party.

6 That means when you begin your deliberations,  
7 you must use your experiences that you have in this  
8 life, good common sense, and your sense of logic and  
9 reasoning in discussing all the evidence and  
10 hopefully reaching a unanimous verdict.

11 Let me say something about the deliberations.  
12 Deliberation is defined as a careful consideration  
13 weighing with a view towards a decision. Regardless  
14 what any of you may think about our jury system, I  
15 will submit to you that the genius of the system is  
16 that it allows 12 different men and woman such as  
17 yourselves who come from different backgrounds, who  
18 have different life experiences and perspectives, to  
19 listen to the testimony and consider all the  
20 evidence, to talk about it, and to ultimately reach  
21 a verdict.

22 We call them deliberations for a reason. You  
23 are to consider all the evidence carefully and  
24 deliberately and discuss it in a calm, thorough, and  
25 courteous manner. Remember, you're not partisans or

1 advocates. You're judges of the facts. You are to  
2 listen to your fellow jurors' point of view.

3 Let me tell you why they have this point of  
4 view. You're to walk through and discuss all the  
5 evidence in this case. And if you're doing  
6 something deliberately, you should not be in a  
7 hurry. You should not be in a hurry in this case.  
8 This is the parties only day in court. They do not  
9 have a second time to come back here have a second  
10 bite of the apple.

11 In order for your verdict to stand, it must be  
12 unanimous. With that being said, each of you must  
13 decide this case on your own, but you should do that  
14 only after you have impartially considered all the  
15 evidence and discussed it fully with your fellow  
16 jurors and you listen to your other points of view  
17 and the reason for those points of view.

18 Do not be afraid to change your opinion. If  
19 the weight of the evidence during your discussions  
20 and your deliberations convinces you that's the  
21 right thing to do, but do not change a firmly held  
22 belief simply to appease your fellow jurors.

23 Now, Mr. Foreman, again, each of the charges  
24 stands alone. You're to consider each charge  
25 separately without regard to your decision on the

1 other charges. My verdict form will be sent back to  
2 you with the evidence. I'll go over it with you  
3 now. The order in which the choices appear on --  
4 the choices as to each charge is of no consequence.  
5 I have to put them in some order.

6 The first would be trafficking in crack  
7 cocaine. Your option, the first, would be as to the  
8 charge of trafficking of crack cocaine, 28 grams or  
9 more, but less than 100 grams under Indictment  
10 2018-907: We the jury unanimously find the  
11 defendant not guilty. If that's your jury verdict,  
12 you will check that option.

13 On the other hand, your option is as to  
14 trafficking in crack cocaine, 28 or more grams, but  
15 less than 100 grams: We the jury unanimously find  
16 the defendant guilty. If that's your option, you  
17 will check that.

18 You'll move on to the next charge, which would  
19 be trafficking in methamphetamine. The same options  
20 appear as to the charge of trafficking in  
21 methamphetamine of 28 grams or more, but less than  
22 100 grams: We the jury unanimously find the  
23 defendant not guilty. Again, you'll check that if  
24 that's what the jury decides.

25 Or as to the charge of trafficking in

1 methamphetamine, 28 grams or more, but less than  
2 100: We the jury unanimously find the defendant  
3 guilty. You can check that if that's what the -- if  
4 that's what the jury decides.

5 And then finally, as to the charge of  
6 possession of a controlled substance known as  
7 pentylone, your same option would be not guilty.  
8 First option, guilty, then the second option.

9 Once the jury has unanimously decided all three  
10 charges, Mr. Foreman, I'm going to ask that you sign  
11 the verdict form, that you fold it over, crease it.  
12 Do not give it to the bailiffs. You keep it with  
13 you, but you let the bailiff know that the jury has  
14 reached a verdict and we will receive it here in the  
15 courtroom. Okay, sir?

16 If at any time the jury has any questions about  
17 anything, if you would write it down and if you  
18 knock on the door, give it to the bailiff, we'll  
19 receive it here in the courtroom, and we'll react  
20 accordingly. If, however, you do have a question,  
21 never tell us where the jury stands numerically as  
22 to the decision, 11 to 1, 6 to 6, or whatever. It's  
23 none of our business.

24 Do not -- if somebody needs to take a break for  
25 any reason while in the jury room, do not continue

1 deliberations until all 12 are present.

2 With that being said, I'm going to ask that you  
3 go back in the jury room. I'm going to meet with  
4 these attorneys, and we'll send word back with the  
5 verdict form and the evidence as soon as you may  
6 begin.

7 A JUROR: (Indicating.)

8 THE COURT: Yes, sir.

9 A JUROR: I would like to hear the law on  
10 trafficking in crack cocaine again.

11 THE COURT: In crack cocaine?

12 A JUROR: Yes, sir.

13 THE COURT: Absolutely. The defendant is  
14 charged with trafficking in crack cocaine. The  
15 State must prove beyond a reasonable doubt that the  
16 defendant knowingly sold, manufactured, cultivated,  
17 delivered, purchased, brought into the state,  
18 provided financial assistance, or otherwise aided,  
19 abetted, attempted, or conspired to sell,  
20 manufacture, cultivate, deliver, purchase, or bring  
21 into the state, was knowingly in actual or  
22 constructive possession of or knowingly attempted to  
23 become in actual or constructive possession of crack  
24 cocaine.

25 To prove possession, the State must prove

1 beyond a reasonable doubt that the defendant had  
2 both the power and the intent to control the  
3 disposition or use of the crack cocaine. Possession  
4 may be either actual or constructive.

5 Actual possession means that the crack cocaine  
6 was in the actual physical custody of the defendant.  
7 Constructive possession means that the defendant had  
8 dominion and control or the right to exercise  
9 dominion or control over either the crack cocaine  
10 itself or the property on which the crack cocaine  
11 was found.

12 Mere presence at the scene where the drugs were  
13 found is not enough to prove possession. Actual  
14 knowledge of the presence of the crack cocaine is  
15 evidence of the defendant's intent to control its  
16 disposition or use. The defendant's knowledge and  
17 possession may be inferred when a substance is found  
18 on the property under the defendant's control.

19 However, this inference is simply an  
20 evidentiary fact to be taken into consideration by  
21 you along with the other evidence in this case and  
22 to be given the weight you feel it deserves.

23 To deliver means to actually, constructively,  
24 or attempt to transfer the drug. Distribute means  
25 to deliver other than by administering or dispensing

1 the drug. Manufacture means to produce, prepare,  
2 convert, process, plant, cultivate, grow, or harvest  
3 a drug naturally or chemically. Manufacturing  
4 includes any packaging or repackaging of the drug or  
5 labelling or relabelling of the drug's container.

6 The State must also prove to a reasonable --  
7 beyond a reasonable doubt -- excuse me. The State  
8 must also prove beyond a reasonable doubt that the  
9 amount of crack cocaine was 28 grams or more, but  
10 less than 100 grams.

11 Does that answer your question?

12 THE JUROR: Yes, Your Honor. I think does.

13 THE COURT: Okay. Sir, again, if you need any  
14 more, I'll be glad to do it. The statute is very  
15 wordy.

16 With that being said, I'm going to meet with  
17 these attorneys. If you'll go back to your jury  
18 room, you'll receive word in a few minutes to either  
19 come back for clarification or to begin your  
20 deliberations.

21 (At 12:10 p.m., jury left the courtroom.)

22 THE COURT: Any additions or exceptions from  
23 the State?

24 MS. REEVES: No, sir.

25 THE COURT: From the defense?

1 MR. WHITEN: No, Your Honor.

2 THE COURT: All right. I want to thank the  
3 attorneys for being prepared and ready to go. Y'all  
4 tried a good case.

5 If you would, look at the exhibits, make sure  
6 y'all agree with them. And once they do, would you  
7 take this exhibit -- I mean, this verdict form with  
8 the exhibits, bring back the alternate, and then  
9 tell the jury to begin their deliberations. Okay,  
10 sir?

11 (At 12:17 p.m., jury began deliberations.)

12 THE COURT: We have a question. The questions  
13 is: Did Mr. McCarley's vehicle have a dash cam?  
14 And can you hear me okay?

15 MR. WHITEN: No, sir.

16 THE COURT: The question is: Did  
17 Mr. McCarley's vehicle have a dash cam? And I'm  
18 going to respond to that, unless somebody has an  
19 objection, that they have to make a determination of  
20 evidence presented, and I'm not allowed to comment  
21 on the facts of the case. Anybody have an objection  
22 to that?

23 MR. WHITEN: No, sir.

24 MS. REEVES: No, sir.

25 THE COURT: Okay. Bring them in, please.

1 THE BAILIFF: (Complying.)

2 (At 1:34 p.m., jury entered the courtroom.)

3 THE COURT: All right. Mr. Foreman, ladies and  
4 gentlemen, my understanding, the jury has the  
5 following question: "Did Mr. McCarley's vehicle  
6 have a dash cam?" Is that correct?

7 THE FOREMAN: That is correct.

8 THE COURT: All right. First, let me tell you,  
9 if you recall before you went back, when I began to  
10 give you your instruction, I'm not allowed to make  
11 comments on the evidence. I'm not allowed to  
12 introduce or let the parties introduce additional  
13 evidence. That is a matter the jury has to decide  
14 based on the evidence they have before them. So to  
15 answer your question, I can't answer your question.  
16 I'm sorry.

17 THE FOREMAN: We had to ask anyway.

18 THE COURT: That's okay. Did you get the word  
19 that Mr. Shirley is getting your lunch ordered?

20 THE FOREMAN: Yes. Yes, I did.

21 THE COURT: Okay. Very good. Any additions or  
22 exceptions from the State as to my instruction?

23 MS. REEVES: No, sir.

24 THE COURT: Defense?

25 MR. WHITEN: No, Your Honor.

1 THE COURT: All right. If you would go back  
2 and resume your deliberations, I would appreciate  
3 it.

4 THE FOREMAN: Thank you.

5 THE COURT: Yes, sir.

6 (At 1:35 p.m., jury resumed deliberations.)

7 THE COURT: All right. We're in recess, guys.

8 MR. WHITEN: Thank you, Your Honor.

9 (From 1:36 to 2:03 p.m., recess while jury  
10 deliberating.)

11 THE COURT: All right. The third or the second  
12 thing from the jury is, "We are at an impasse on two  
13 of the three charges. Advice."

14 I'm not going to -- my inclination as to that  
15 is not to give the Allen Charge at this juncture. I  
16 don't think they've deliberated long enough. I want  
17 to talk to them and see -- talk to them about, make  
18 sure they've gone through all the evidence, they've  
19 gone through all the testimony and feel like that  
20 they're communicating well with each other and that  
21 kind of thing, and then we can send them back to  
22 keep doing it. And if they say they're at an  
23 impasse, then give them an Allen Charge. Some  
24 people object to that, some people don't, so I want  
25 to hear you. I can only send them back after an

1 Allen Charge once and that's it.

2 MR. WHITEN: I really -- it's on all  
3 three of them -- all three charges?

4 THE COURT: Sir?

5 MR. WHITEN: On all charges?

6 THE COURT: They -- they apparently only have  
7 an impasse on two of the three charges. Okay.

8 MR. WHITEN: I know what they are.

9 THE COURT: You think you do and I think I do,  
10 but you never know. My point being, I don't want to  
11 give an Allen Charge at this juncture. If somebody  
12 thinks I should, I want them to, you know, tell me  
13 that they do and why. I'm going to encourage them  
14 to go back and look at all the evidence, all the  
15 testimony, and talk to each other. Listen to  
16 everybody's points of view, but not do a drop dead  
17 thing with the Allen Charge yet. Any objections  
18 from the State?

19 MS. REEVES: No, sir.

20 MR. WHITEN: No, objection.

21 THE COURT: Okay. Bring them in.

22 THE BAILIFF: (Complying.)

23 (At 2:06 p.m., jury entered the courtroom.)

24 THE COURT: All right. Mr. Foreman, the jury  
25 sent out the latest note that says, "We are at an

1           impasse on two of the three charges. Advice." Is  
2           that your information to the Court?

3           THE FOREMAN: Yes, sir, it is.

4           THE COURT: Now, Mr. Foreman, has the jury  
5           considered all the testimony at this juncture? Has  
6           it gone through and discussed it with each other and  
7           all the exhibits in this case?

8           THE FOREMAN: Yes, we have, Your Honor.

9           THE COURT: Has everybody expressed their  
10          points of view and tell them why they have those  
11          points of view?

12          THE FOREMAN: Yes, sir.

13          THE COURT: Do you feel like there's  
14          constructive communication between the jurors in  
15          this matter?

16          THE FOREMAN: There are -- there is  
17          constructive communications, but there is some  
18          differing -- I don't want to say opinions -- but  
19          there are some maybe differing interpretations of  
20          the evidence.

21          THE COURT: All right. Well, let me do this,  
22          go back to your jury room. I'm just thinking out  
23          loud.

24          THE FOREMAN: Sure.

25          THE COURT: If you'll go back to the jury room.

1 I'll send for you. I'm going to bring you back in a  
2 moment, but I want to have communication with these  
3 attorneys and then I'll bring you back out.

4 THE FOREMAN: All right.

5 THE COURT: Thank you, sir.

6 (At 2:07 p.m., jury left the courtroom.)

7 THE COURT: I'm a little bit hesitant to start  
8 pushing them on, "Do you feel like you're locked  
9 in?" because I think that's a trigger Allen Charge  
10 if they said they're just deadlocked.

11 MR. WHITEN: Yes, sir. I'd rather not have the  
12 Allen Charge unless it's necessary.

13 THE COURT: If I just bring them back out  
14 here -- I want to make sure that everybody's in  
15 agreement with the process. If I bring them out  
16 here, I'm just going to ask that you continue your  
17 deliberations.

18 MR. WHITEN: Yes, sir.

19 THE COURT: Go back and reevaluate the evidence  
20 and evaluate the testimony, reevaluate the  
21 positions, or just may not even positions,  
22 reevaluate the testimony. Any objection to that,  
23 Ms. Reeves?

24 MS. REEVES: No, sir.

25 THE COURT: Any objection?

1           MR. WHITEN: No, sir. My client is eating  
2 lunch, and he should be back in about 15 minutes.

3 Can we ---

4           THE COURT: He needs to let them take off?

5           MR. WHITEN: Yes, sir.

6           THE COURT: That's fine. All right. Bring the  
7 jury in.

8           THE BAILIFF: (Complying.)

9           MR. WHITEN: Thank you, Your Honor.

10          THE COURT: Yes, sir.

11          (At 2:10 p.m., the jury entered the courtroom.)

12          THE COURT: All right. Ladies and gentlemen,  
13 Mr. Foreman, I'm going to ask that you go back to  
14 your jury room, that you go back and go back over  
15 all the evidence and testimony and reevaluate the  
16 evidence and the testimony and the exhibits in this  
17 case and just continue your deliberations.

18          My understanding is the pizza's here; is that  
19 correct?

20          THE CLERK: It's coming from the front door.

21          THE COURT: Okay. So you'll at least have  
22 something to munch on while you do that. Okay. If  
23 you'll go back and deliberate.

24          (At 2:11 p.m., jury continued deliberations.)

25          THE COURT: All right. We're in recess again.

1 Your client, you need to have him up here. Okay.

2 MR. WHITEN: Yes, sir.

3 (From 2:11 to 3:04 p.m., recess while jury  
4 deliberated.)

5 THE COURT: All right. It says, "We have  
6 discussed the testimony and evidence thoroughly and  
7 repeatedly and there does not appear to be any  
8 chance of receiving 100 percent vote on two of the  
9 three charges." And so I think I need to give them  
10 the Allen Charge now.

11 MR. WHITEN: You want to charge with Allen or  
12 just ---

13 THE COURT: Here it is. I'll let you look at  
14 it.

15 MR. WHITEN: --- or just the impasse.

16 THE COURT: Do you want to see a copy of it,  
17 Ms. Reeves?

18 MS. REEVES: I'll look at it when he's done.  
19 I'm sure it's fine.

20 THE COURT: It's the standard charge.

21 (Counsel reviewing.)

22 THE COURT: All right. Any exceptions to the  
23 charge, Mr. Whiten?

24 MR. WHITEN: Your Honor, I know it's an Allen  
25 Charge, but -- I know that it's an Allen Charge --

1 it's a traditional Allen Charge, but I would object  
2 to it.

3 THE COURT: You object to it?

4 MR. WHITEN: Yes, sir.

5 THE COURT: Why?

6 MR. WHITEN: Well, asking the jury to  
7 reevaluate their decisions, I think that's in some  
8 way coercing them to make a decision.

9 THE COURT: Oh, it is. I mean, obviously,  
10 that's what it's designed to do.

11 MR. WHITEN: It's an Allen Charge, but I  
12 don't -- I don't agree with the Allen Charge the way  
13 it's written ---

14 THE COURT: Okay.

15 MR. WHITEN: --- because of that -- because, in  
16 effect, it's taking -- it's taking their decision  
17 away from one individual, two individuals, however  
18 many it is.

19 THE COURT: All right.

20 MR. WHITEN: I object to it, Your Honor.

21 THE COURT: I gotcha. And I note your  
22 objection.

23 Now, let me just point out that earlier when we  
24 discussed what would -- how you wanted to handle  
25 this, you were in agreement with me sending them

1 back and not giving them an Allen Charge and  
2 continue to, but I guess you never agreed to the  
3 Allen Charge period?

4 MR. WHITEN: I understand.

5 THE COURT: That's alright.

6 MR. WHITEN: I understand.

7 THE COURT: Ask -- will you bring them in?

8 THE BAILIFF: (Complying.)

9 THE COURT: I assume there's no exceptions from  
10 the State?

11 MS. REEVES: I have no objection.

12 THE COURT: All right.

13 (At 3:09 p.m., jury entered the courtroom.)

14 THE COURT: All right. Mr. Foreman, the jury  
15 has sent out the following communication: "We have  
16 discussed the testimony and evidence thoroughly and  
17 repeatedly. There does not appear to be any chance  
18 of reaching 100 percent vote on two of the three  
19 charges. Signed, The Foreman." That is the jury's  
20 decision; is that correct?

21 THE FOREMAN: It is, Your Honor.

22 THE COURT: All right. I'm going to read you  
23 something right quick. If y'all would listen to me  
24 very closely, I'd appreciate it.

25 Ladies and gentlemen, you've stated that you've

1        been unable to agree on a verdict in this case. As  
2        I instructed you earlier, in order for your verdict  
3        to stand, it will have to be unanimous. The  
4        verdict -- when a matter is in dispute, it is  
5        amazing for even 2 people to agree on the matter,  
6        much less when you have 12 people. That even  
7        becomes more difficult.

8                In most cases, an absolute certainty cannot be  
9        reached or even expected; however, you have a duty  
10       to make a reasonable effort to reach a unanimous  
11       verdict. In doing this, you should consult with one  
12       another, express your own views, and listen to the  
13       opinions of your fellow jurors. Tell each other how  
14       you feel and why you feel that way. Discuss your  
15       differences with open minds.

16               Although, the verdict of the jury must always  
17       be unanimous, every one of you has the right to your  
18       own opinion. The verdict that you agree upon must  
19       be your own verdict, the result of your own  
20       convictions, and you should not give up a firmly  
21       held belief merely to be in agreement with your  
22       fellow jurors.

23               The majority should consider the minorities  
24       position, and the minorities should consider the  
25       majority's position. You should carefully consider

1 and respect the opinions of each other and  
2 reevaluate your position for reasonableness,  
3 correctness, and impartiality. You must lay aside  
4 all outside matters and reexamine the questions  
5 before you based on the law and evidence in this  
6 case.

7 If you do not agree on the verdict in this  
8 case, I must declare a mistrial. In that case, it  
9 does not mean that anyone wins. It just means that  
10 at some point in the future, I will try this case  
11 with some other jury sitting where you now sit. The  
12 same participants will come in, and the same players  
13 are asked basically the same questions and give  
14 basically the same answers and we'll go through  
15 whole process again.

16 You were selected in the same manner and from  
17 the same source as any future jury will be. And  
18 there's no reason for me to suppose that the case  
19 will ever be submitted to 12 more intelligent,  
20 impartial, conscientious, and competent jurors than  
21 you or that more clearer evidence will be produced  
22 on one side or the other.

23 Therefore, Mr. Foreman, I'm going to ask that  
24 you go back and continue your deliberations if you  
25 will, please, sir. Thank you.

1 THE FOREMAN: Yes, sir.

2 (At 3:12 p.m., jury left the courtroom to  
3 continue deliberating.)

4 THE COURT: All right. Any additions or  
5 exceptions from the State?

6 MS. REEVES: No, sir.

7 THE COURT: Other than stating, Mr. Whiten?

8 MR. WHITEN: Your Honor, I renew my objection  
9 and I'll read it for the record.

10 THE COURT: Okay, sir.

11 MR. WHITEN: Primarily, for the provision of  
12 the Allen Charge that says that you should carefully  
13 consider and respect the opinions of each other and  
14 reevaluate your position for reasonableness and  
15 correctness, and impartiality. Reevaluate is the  
16 problem word for me on this Allen Charge, Your  
17 Honor.

18 THE COURT: Thank you. All right. Guys, we're  
19 in recess again.

20 (From 3:13 to 4:13, recess while jury continued  
21 its deliberations.)

22 THE COURT: My understanding is we have a  
23 verdict. Anything from the State before we bring  
24 the jury in?

25 MS. REEVES: No, sir.

1 THE COURT: From the defendant?

2 MR. WHITEN: No, Your Honor.

3 THE COURT: Would you bring the jury in,  
4 please?

5 THE BAILIFF: (Complying.)

6 (At 4:14 p.m., jury entered the courtroom.)

7 THE COURT: All right. Mr. Foreman, my  
8 understanding is the jury has reached a verdict in  
9 this case; is that correct?

10 THE FOREMAN: Yes, Your Honor. We have reached  
11 a verdict.

12 THE COURT: And is it unanimous?

13 THE FOREMAN: It is unanimous.

14 THE COURT: Would you pass the verdict form  
15 forward, please, sir?

16 THE FOREMAN: I will do that.

17 THE CLERK: Thank you. If the pleases the  
18 Court?

19 THE COURT: Yes, sir.

20 THE CLERK: This is the State of South  
21 Carolina, County of Anderson, in the court of  
22 General Session Tenth Judicial Circuit, the case of  
23 *State of South Carolina v. Larry Edward Adger, III,*  
24 defendant, Indictment No. 2018-GS-04-00907,  
25 2018-GS-04-00908, and 2018-GS-04-00909. This is

1 verdict form.

2 First question: Trafficking crack cocaine. As  
3 to the charge of trafficking of crack cocaine of 28  
4 grams or more, but less than a 100 grams, Indictment  
5 No. 2018-907, "We the jury unanimously find the  
6 defendant guilty."

7 In trafficking methamphetamine. As to the  
8 charge of trafficking of methamphetamine of 28 grams  
9 or more, but less than 100 grams, Indictment No.  
10 2018-908, "We the jury unanimously find the  
11 defendant guilty."

12 And as to possession of a controlled substance  
13 known as pentylone. As to the charge of possession  
14 of pentylone, Indictment No. 2018-909, "We the jury  
15 unanimously find the defendant guilty."

16 This is dated June 19, 2018, in Anderson, South  
17 Carolina, and it is signed by our foreperson.

18 THE COURT: Mr. Foreman, ladies and gentlemen  
19 of the jury, if that was your verdict in the jury  
20 room and that is your verdict in the courtroom,  
21 would you raise your right hand, please?

22 THE JURORS: (Indicating.)

23 THE COURT: Very good. Let the record reflect  
24 that all 12 rose their hand.

25 Yes, sir.

1           MR. WHITEN: Your Honor, request the jury be  
2           polled.

3           THE COURT: Okay. Mr. Clerk, do you wish me to  
4           poll the jury or do you want to poll the jury?

5           THE CLERK: I can do it. We'll just go down in  
6           the order in which you were picked. Juror No. 115.

7           THE COURT: Would you respond if your verdict  
8           was guilty in the jury room and still is guilty.  
9           Would you say guilty, please, sir?

10          THE JUROR: Guilty.

11          THE CLERK: Juror No. 89.

12          THE JUROR: Guilty.

13          THE CLERK: Juror No. 50.

14          THE JUROR: Guilty.

15          THE CLERK: Jury No. 146.

16          THE JUROR: Guilty.

17          THE CLERK: Juror No. 167.

18          THE JUROR: Guilty.

19          THE CLERK: Juror No. 111.

20          THE JUROR: Guilty.

21          THE COURT: Juror No. 97.

22          THE JUROR: Guilty.

23          THE CLERK: Juror No. 157.

24          THE JUROR: Guilty.

25          THE CLERK: Juror No. 122.

1 THE JUROR: Guilty.

2 THE CLERK: Juror No. 82.

3 THE JUROR: Guilty.

4 THE CLERK: Juror No. 46.

5 THE JUROR: Guilty.

6 THE CLERK: And Juror No. 73.

7 THE JUROR: Guilty.

8 THE COURT: Okay. Very good. All right.

9 Ladies and gentlemen of the jury, the Court is never  
10 concerned with your verdict, but is always concerned  
11 that you follow the instructions of the Court, which  
12 you did.

13 I watched you throughout this trial, and you  
14 paid close attention to all the testimony and  
15 evidence. I know it's never easy making judgements  
16 on people. I've seen it done all over and I've  
17 watched people struggle with that, but that's not to  
18 reward as much anybody, but to just follow the law  
19 regarding the testimony and evidence.

20 I want to thank you for your service in this  
21 trial. I'd like to say we're done for the week, but  
22 we're going to begin another trial in the morning.  
23 So if you can, if you would, would you please join  
24 us again at 9:30 in the morning and we'll do another  
25 jury selection. You may or may not get picked, but

1 tomorrow will be the last trial. Thank you and  
2 you're excused.

3 (At 4:20 p.m., jurors excused.)

4 THE COURT: Mr. Adger, come around here,  
5 please.

6 THE DEFENDANT: (Complying.)

7 MR. WHITEN: Your Honor.

8 THE COURT: I'm not forgetting what -- what we  
9 talked about.

10 MR. WHITEN: Yes, sir.

11 THE COURT: Go ahead. I want to say something  
12 too. I assume that you still are asking him to  
13 remain out pending -- during the pendency of his  
14 Federal case?

15 MR. WHITEN: Yes, sir.

16 THE COURT: Now, I told you I would do that  
17 because I forced you to go trial on this matter,  
18 instead of staying it for the Federal action.  
19 However, the only way I'll do that, both you and he  
20 consent to him being placed on a bond with  
21 electronic monitoring. He's out on bond on the  
22 charges?

23 MR WHITEN: Yes, sir.

24 THE COURT: He has probation violation, right?

25 MR. WHITEN: He's on one for \$100,000.

Jur #	Name	Certificate #	Race	Sex	Age	Birth Date
Status	Address		Education		Home Phone	Bus Phone
	Juror Occupation	Employer			Years Employed	
	Marial Status/Spouse	Spouse's Occupation			Spouse's Employer	
161	Walker, Beatrice G	70349	B	F	82	02/23/1936
AGE	10113 Furman Giambrell Rd Anderson, SC 29621					
162	Warner, Melinda R	4225193	W	F	55	09/30/1962
SU	245 Indian Trl Anderson, SC 29625		HIGH SCHOOL		(864)376-3576	(864)716-4060
	SECRETARY/BOOK	GLENVIEW MIDDLE SCHOOL			7	
	M / WILLIAM D WARNER	MASSAGE THERAPIST			SELF EMPLOYED	
163	Waterman, Larry E	6381548	W	M	70	04/28/1948
SU	217 Seagull Ln Anderson, SC 29625					
164	Waters, Katrina C	4303072	W	F	48	01/09/1970
TO	2201 Rush St Anderson, SC 29621					
165	Watt, Linda D	1516637	B	F	62	07/03/1955
UTL	102 Leon Dr Anderson, SC 29621					
166	West, Susie G	1908574	W	F	85	09/28/1932
DEC	105 John Ave Anderson, SC 29626					
167	White, Kristie M	4274342	B	F	44	03/10/1974
SU	1032 Sand Palm Way Anderson, SC 29621		BACHELORS DEGREE		(864)622-8025	
	EDUCATION EVALU	NCEES			12	
	D					
168	Whitfield, Cassandra S	4288538	B	F	32	06/20/1985
UTL	1020 Willie Rice Rd Anderson, SC 29621					

EXHIBIT 1

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ANDERSON COUNTY  
Court of General Sessions

The Honorable R. Lawton McIntosh, Circuit Court Judge

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Appellate Case No. 2019-001542

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The State,.....Respondent.

V.

Larry Adger, III.....Appellant.

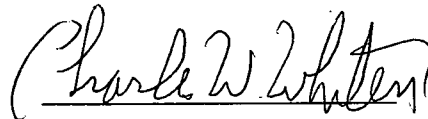
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CERTIFICATE OF COUNSEL

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The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

May 12, 2020



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