

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Mar 05 2021

SC Court of Appeals

Appeal from Greenville County
Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID M. BARAJAS,

APPELLANT

APPELLATE CASE NO 2020-000549

RECORD ON APPEAL

ADAM SINCLAIR RUFFIN
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE) 2015-GS-47-00008
)
)
)
THE STATE)
)
) PLAINIFF)
vs.) TRANSCRIPT OF RECORD
)
DAVID M. BARAJAS)
)
) DEFENDANT)

ORIGINAL

March 9-13, 2020
Greenville, South Carolina

B E F O R E:

THE HONORABLE PERRY H. GRAVELY, Judge; and a
jury.

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

JOSHUA UNDERWOOD, ESQ.
CREIGHTON WATERS, ESQ.
Attorney for the State

WILLIAM HODGE, ESQ.
Attorney for the Defendant

EMILY ORTIZ ALFONSO, Interpreter
TERESA SAMPSON, Interpreter

APRIL HERRON
Official Court Reporter

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DEFENDANT EXHIBITS

13	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
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COURT EXHIBITS

17	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
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20 All exhibits were retained by
 21 Greenville County Clerk of Court.

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1 March 9, 2020

2 State v. David Barajas

3 THE COURT: All right, We are ready to proceed
4 on The State vs. Barajas, I guess, for some
5 housekeeping matters. First of all, swear the
6 interpreter. I guess two sets or both, whatever.

7 Y'all come forward for just a minute.

8 THE CLERK: Please raise your right hand.

9 (WHEREUPON, the interpreters were sworn.)

10 (WHEREUPON, the following proceedings were
11 translated through two interpreters for the
12 Defendant.)

13 THE CLERK: Thank you.

14 THE COURT: All right, thank you.

15 All right, anything from the State at this
16 point?

17 MR. UNDERWOOD: Not at this time, Your Honor.

18 THE COURT: All right, I believe the Defendant
19 indicated they would like to be heard at this point,
20 be glad to hear from you.

21 MR. HODGE: That's correct, Your Honor. I'm not
22 sure of the entire nature of my client's concerns or
23 however you want to put it, issues that he would like
24 to address the Court. Initially, I had indicated
25 that he may not want to dress out. As you see, he is

1 dressed out currently, so I'm not sure what other
2 issues he may have. But he has indicated that he
3 would like to address them with the Court. I see
4 she's getting her ear piece turned on. If you're
5 willing to entertain that, hear what he has to say.

6 THE CLERK: You'd like him under oath, Your
7 Honor?

8 THE COURT: Yes, let's put him under oath for
9 this.

10 THE CLERK: Mr. Barajas, raise your right hand.

11 DAVID BARAJAS, after being duly sworn,
12 testified as follows:

13 THE CLERK: Please state your full name.

14 MR. BARAJAS: David Barajas.

15 MR. HODGE: Your Honor, again, I'm not sure of
16 the nature of everything he wishes to address. Some
17 of it may need to be outside the presence of the
18 prosecution. I would ask that you advise him that
19 anything coming from you -- because I've already told
20 him, but anything that has to do with guilt or
21 innocence or anything that may later come back to
22 hurt him if he were to testify or anything else, that
23 you, at least, give him a warning regarding that. If
24 we do get into something -- if it does sound like
25 it's getting into something like that, then we can

1 address it at the time. But I just want to be
2 perfectly candid, I don't want any questions of, you
3 know.

4 THE COURT: Right.

5 Mr. Barajas, first of all, I'm going to give you
6 some limited time to present whatever you need to
7 present. Although, this is a little unusual since
8 you have an attorney representing you. But I would
9 warn you that if it relates to anything that could be
10 used against you, then you need to be aware that
11 anything you say could be used against you in this
12 trial.

13 So I would ask you, what is the nature of what
14 you would like to present to the Court?

15 MR. BARAJAS: That I have been in prison
16 incarcerated for about 52 months so far. My first
17 attorney, within the first 24 months he was my
18 attorney, he never came to see me with an
19 interpreter. Never gave me a bond hearing. I don't
20 have anything on my record. No one has ever really
21 helped me. I was never caught with any drugs or
22 anything like that. The only thing is I was caught
23 in the apartment.

24 That's all and this attorney, my current
25 attorney, finally was able to get me a bond hearing

1 about eight months ago and it was denied. I also
2 want to say that I'm a human being. I was born in
3 California. I'm not -- and I feel like I do
4 obviously have rights and my rights have been
5 violated in the past 52 months. I have gotten no
6 help from anybody.

7 THE COURT: Let me say, Mr. Barajas, first of
8 all, she's got to interpret. So, you know, make sure
9 that you don't -- give her a chance to interpret.

10 MR. BARAJAS: Oh, okay. That's fine. I'm
11 sorry.

12 THE COURT: So what are you asking the Court to
13 do at this point?

14 MR. BARAJAS: That I've been incarcerated for 52
15 months. I was never caught with anything. I didn't
16 have anything on me. If you can consider all this 52
17 months that I have been incarcerated and get time
18 served and the rest of the seven months that I
19 mentioned get probation.

20 THE COURT: All right. First, let me explain --

21 MR. BARAJAS: I have a wife and I have a
22 daughter.

23 THE COURT: First, let me explain why we're
24 here. We're here for the trial of the case, all
25 right. The jury will hear the information and they

1 will determine whether you're innocent or guilty of
2 these charges.

3 MR. BARAJAS: Okay.

4 THE COURT: As far as any sentencing at this
5 point, I have to wait until the jury makes a
6 determination of your case. The other option --
7 again, I'm not pushing you on this, the other option
8 is if you and your attorney were able to work out
9 something with the State, which I think there have
10 been discussions, you know, we can do that this
11 morning. But otherwise, we need to go forward on the
12 trial.

13 MR. BARAJAS: Okay.

14 THE COURT: All right. Do you need any --
15 before we have the jury come in, do you want to have
16 any discussions with your attorney at this point?

17 MR. BARAJAS: My attorney, about a week ago,
18 came to see me when I was in Columbia and he informed
19 me that we were going to come here, that I was going
20 to take a -- I was going to plea to a seven-year
21 sentence. He didn't inform me about a trial, but if
22 we're ready for a trial, that's fine.

23 THE COURT: My question is, do you want to have
24 any opportunity to speak to your attorney before we
25 bring the jury in?

DAVID BARAJAS-EXAMINATION BY THE COURT

1 MR. BARAJAS: That's what I was trying to tell
2 him, he say no. He said it's either seven years or
3 25 years.

4 THE COURT: Well, my question to you right now,
5 do you want to spend about five minutes or a few
6 minutes with your attorney right now before we bring
7 the jury in?

8 MR. BARAJAS: Yes.

9 THE COURT: All right. We'll be at break. Just
10 let us know. We'll be at ease for ten minutes.

11 (WHEREUPON, a short break was taken.)

12 THE COURT: All right. I got word that things
13 have been worked out?

14 MR. UNDERWOOD: I believe so, Your Honor.

15 THE COURT: All right, I guess y'all come
16 around. Everybody kind of come over here.

17 MR. UNDERWOOD: Your Honor, does the Court need
18 to reswear the Defendant or the interpreters?

19 THE COURT: No, I think the interpreter is
20 already under oath.

21 Mr. Barajas, you previously have been sworn in,
22 so you're still under oath; do you understand that?

23 MR. BARAJAS: Yes.

24 EXAMINATION

25 BY THE COURT:

DAVID BARAJAS-EXAMINATION BY THE COURT

1 Q All right. Are you David Barajas?

2 A Yes.

3 Q How old are you?

4 A Forty-one.

5 Q How far did you go in school?

6 A Fourth grade.

7 Q Are you under the influence of any drugs,
8 alcohol or medication this morning?

9 A No.

10 Q Have any health or mental issues which would
11 keep you from understanding what's going on?

12 A No.

13 Q All right. Now, you're represented by
14 Mr. William Hodge. Have you had sufficient time to talk
15 to him about your charges, has he answered all your
16 questions and done all the investigation which you felt
17 was appropriate?

18 A Um, yes.

19 Q All right. Do you have any complaints against
20 Mr. Hodge or anybody in his office?

21 A Well, as I mentioned about the previous lawyer,
22 I was not helped, but this lawyer, more or less, has
23 helped me.

24 Q All right. So are you satisfied with the
25 representation of Mr. Hodge?

DAVID BARAJAS-EXAMINATION BY THE COURT

1 A Yes.

2 THE COURT: Now, this charge here, we have
3 trafficking of methamphetamine 28 to 100-grams, which
4 was reduced from the previous trafficking 40-grams?

5 MR. UNDERWOOD: Correct, Your Honor.

6 THE COURT: What's the range on this?

7 MR. UNDERWOOD: Your Honor, the statutory range
8 is seven to 25 years.

9 THE COURT: All right.

10 MR. UNDERWOOD: For purpose of this plea, it's
11 going to be straight up with each side free to argue
12 whatever sentence they feel appropriate.

13 THE COURT: All right.

14 BY THE COURT:

15 Q So on this particular charge, trafficking
16 methamphetamine 28 to 100-grams first offense, you're
17 looking at a minimum of seven years and a maximum of 25
18 years. Do you understand this charge?

19 A Yes.

20 Q And how do you wish to plead?

21 A Guilty.

22 Q Okay. You realize that under this charge,
23 you're looking at the maximum amount that I indicated, do
24 you understand that?

25 A Yes.

DAVID BARAJAS-EXAMINATION BY THE COURT

1 Q Has anybody promised you anything or threaten
2 you to plead guilty?

3 A Well, the first lawyer had told me to go ahead
4 and sign it without explaining what I had been charged
5 with.

6 Q All right. But has anybody promised you
7 anything or threatened you to plead guilty?

8 A No, no one has threatened me, but since the feds
9 have stuff on me, the lawyers said that I might be able to
10 sue them and I can be helped in that.

11 Q All right. But as far as this plea negotiation,
12 you've been promised a reduction in what you had to plea
13 to, but nobody has promised you anything other than that?

14 A Okay.

15 Q All right. Are you entering this plea freely
16 and voluntarily?

17 A Yes.

18 Q All right. Now, I'm going to go through your
19 constitutional rights, which you're giving up by pleading
20 guilty. You have a right to a jury trial, which we're
21 ready to start this afternoon, if needed. And the jury
22 would hear the case and determine whether you were
23 innocent or guilty. You also -- the State has to prove
24 you guilty beyond a reasonable doubt. And you're presumed
25 innocent up to that point. You have a right to confront

DAVID BARAJAS-EXAMINATION BY THE COURT

1 all the witnesses the State has against you. You have a
2 right to examine all evidence that the State has against
3 you. And you have a right to remain silent. And what
4 that means is, if you decide to go to trial and decided
5 not to testify, that that could not be used against you.
6 Do you understand each of these rights?

7 A Yes.

8 Q And you realize you're waiving these rights by
9 pleading guilty?

10 A Yes.

11 Q All right. And I guess the -- one other part
12 here I need to go over. You've entered into a plea
13 agreement, which you and your attorney have signed this
14 morning?

15 A Yes.

16 Q And you understand this plea agreement?

17 A Yes.

18 Q All right. You've had sufficient time to
19 discuss it with your attorney?

20 A Yes.

21 Q And you've had an interpreter explain all of it
22 to you?

23 A Yes.

24 Q And this plea agreement was entered into freely
25 and voluntarily by you?

DAVID BARAJAS-EXAMINATION BY THE COURT

1 A Yes.

2 Q All right. In addition, the plea that you've
3 got is designated as violent under South Carolina law, and
4 also serious. All right. You realize that the violent
5 means it will effect your parole eligibility and how much
6 of your sentence that you would actually have to serve.
7 And you understand that?

8 A I'm sorry, I didn't understand.

9 Q Do you realize that being designated as violent,
10 that you would be required to serve a much greater
11 percentage of your active sentence than if it was declared
12 nonviolent?

13 A Yes.

14 Q Okay. And by being designated as serious, that
15 under South Carolina law, you could be -- if you're
16 convicted of three or more serious charges at any point,
17 then you could be subject to a sentence of life without
18 parole. In other words, if you got -- somewhere in the
19 future received convictions for two more serious charges,
20 then you could be looking at life without parole.

21 A In the future?

22 Q Yes, in the future.

23 A Oh, okay, yeah.

24 Q Not from this charge here.

25 A Oh, okay, yeah.

DAVID BARAJAS-EXAMINATION BY THE COURT

1 Q And you understand then now what those two terms
2 mean?

3 A Okay.

4 Q All right. You also have a right to appeal your
5 sentence and your plea, but you have to do so in writing
6 within ten days from today. And you understand that?

7 A Yes, sir.

8 Q Now, I'm going to hear -- yes.

9 MR. UNDERWOOD: Your Honor, if I may, just a
10 couple of conditions of the plea agreement. First,
11 Your Honor, that there is a cooperation provision
12 within that plea agreement, requiring the Defendant
13 to further cooperate with this investigation, to
14 include debriefings and other items that are listed
15 within the agreement. As a result of that
16 cooperation provision, we are asking that sentencing
17 be deferred until a later date.

18 Also, Your Honor, this agreement does include
19 waivers of both his appellate and post-conviction
20 relief rights to the extent permitted by law.

21 THE COURT: It's been so long, I forgot about
22 all that.

23 BY THE COURT:

24 Q All right. Let me retrack some things I told
25 you. One is under the conditions of your plea agreement,

DAVID BARAJAS-EXAMINATION BY THE COURT

1 you are waiving your right to appeal, which I just
2 discussed with you. All right. And you understand that?

3 A I understand.

4 Q You also are waiving your right for any
5 post-conviction relief, which are, basically, claims
6 against your attorney. And you understand that?

7 A I'm sorry?

8 Q Any claims that you would have against your
9 attorney, you're waiving those claims under this. Just
10 against Mr. Hodge.

11 A I don't have anything against him.

12 Q But you realize if you did, you're waiving those
13 by this plea agreement?

14 A Oh, okay.

15 Q Okay. All right. Also, as indicated by the
16 attorney general's office, you are -- there's certain
17 conditions of cooperation that you have to perform before
18 you can be sentenced?

19 A Yes.

20 Q All right. You understand that's a part of your
21 sentence and a part of your plea agreement?

22 A Yes.

23 Q And as part of this, we will be accepting your
24 plea today, but we will defer sentencing -- sentencing
25 will be coming sometime later after any period of

DAVID BARAJAS-EXAMINATION BY THE COURT

1 cooperation ends.

2 A Okay.

3 Q And you understand that?

4 A Yes.

5 Q And you're in agreement with that?

6 A Yes.

7 THE COURT: All right, anything else then before
8 we get to the facts?

9 MR. UNDERWOOD: No, Your Honor.

10 THE COURT: All right. Now, what I'm going to
11 do is I'm going to have the State present the facts
12 of your case. And part of this is you're going to
13 have to listen to this and agree to these facts. All
14 right?

15 MR. BARAJAS: I'm sorry, I didn't understand.

16 THE COURT: All right. He's going to read the
17 facts of this case against you and I'm going to ask
18 you when he gets through do you agree with those
19 facts.

20 MR. BARAJAS: Okay.

21 THE COURT: All right, so listen up.

22 All right, Mr. Underwood, be glad to hear from
23 you.

24 MR. UNDERWOOD: Thank you, Your Honor, may it
25 please the Court? Your Honor, as already stated on

1 the record, this case was scheduled for trial today.
2 The facts and the evidence that the State intended to
3 introduce at that trial would, essentially, prove the
4 following: Your Honor, from January 1, 2011, until
5 October 21, 2015, this Defendant entered into a
6 conspiracy with the other individuals who are listed
7 in count one of this indictment. And again, this
8 indictment is 2015-GS-47-08. Your Honor,
9 essentially, this indictment describes an
10 organization that functioned as a cell what is
11 commonly known as the La Familia drug cartel from
12 Michoacan, Mexico.

13 Your Honor, the evidence that the State would
14 produce would show that individuals involved in this
15 conspiracy would have contact with an individual in
16 Mexico, who was known by the nickname of Chacas,
17 spelled C-H-A-C-A-S. That individuals in South
18 Carolina would contact this individual, Chacas, in
19 Mexico to arrange for methamphetamine shipments to
20 come into South Carolina. This would function by
21 Chacas then making arrangements with other members of
22 this cartel cell in Texas and the Atlanta, Georgia
23 area.

24 THE COURT: All right. The State has indicated
25 this is what they plan to prove at trial. And when

1 he completes, then I will let y'all explain anything
2 that y'all need to explain. All right. Okay.

3 MR. UNDERWOOD: The arrangements, Your Honor,
4 would involve methamphetamine being brought across
5 the Mexico border into Texas, and then sent from
6 Texas either to the Atlanta, Georgia area and also
7 into North Carolina and also into South Carolina.
8 There were a number of other individuals who were
9 involved and are indicted in this case, a number of
10 which have already pled guilty.

11 One of those individuals Your Honor, is a
12 co-defendant in the case named Isaias Arias, who went
13 by the nickname Chico. Isaias Arias is an individual
14 who would be responsible for sending methamphetamine
15 to Georgia and then, ultimately, brought
16 methamphetamine directly to South Carolina as well.
17 Isaias Arias was involved with this Defendant,
18 Mr. Barajas, who to others in this conspiracy was
19 known by the nicknames Chavo and Pelon, P-E-L-O-N.
20 The nickname Pelon referring to the way that he used
21 to shave his hair at the time of this conspiracy.

22 Your Honor, Mr. Arias would have provided
23 testimony indicating that he helped establish
24 Mr. Barajas in the Atlanta, Georgia area and that
25 Mr. Arias would funnel methamphetamine to Mr. Barajas

1 for further distribution. The amounts of
2 methamphetamine we're talking about involve multiple
3 kilograms per transaction.

4 Other defendants in the case who were similarly
5 situated to Mr. Barajas, one would include Marcelo
6 Cruz, who has also pled guilty before the Court.
7 Mr. Marcelo Medina Cruz was known to others in this
8 conspiracy as Chencho. He was an individual who
9 would receive large amounts of methamphetamine both
10 in Atlanta, Georgia and North Carolina and would then
11 be responsible for delivering kilograms at a time to
12 the conspirators in South Carolina.

13 One of the conspirators in South Carolina was a
14 co-defendant named Mario Enrique Morales Sanchez, who
15 went by the nicknames of Uncle or Chiva. And Your
16 Honor, the nicknames are not a coincidence. The
17 State would have provided evidence in the trial that
18 the way this cell of the cartel was organized that
19 for cartel business purposes, all of the major
20 players had a nickname that began with C-H. That was
21 in order to differentiate them from other cells that
22 were operating as part of the cartel.

23 Your Honor, one of the individuals in South
24 Carolina with a long history with that drug
25 trafficking organization was Mario Morales Sanchez,

1 also known as Chiva. For a long period of time,
2 included within the timeframe of this indictment, as
3 well as a previous indictment for which Chiva is
4 under it on a separate grand jury investigation,
5 Chiva would be responsible for importing numerous
6 kilograms at a time of methamphetamine into South
7 Carolina for further distribution.

8 During the course of the conspiracy alleged in
9 this case, Chiva brought in his we'll refer to as his
10 son-in-law, Eduardo Aguirre Assad, who went by the
11 nicknames Jose, Gordo and Arabe, and that's spelled
12 A-R-A-B-E. And that would be due to his mixed ethnic
13 heritage. Your Honor, Chiva and Mr. Assad would then
14 be responsible for importing kilograms at a time of
15 methamphetamine which they would distribute to their
16 other dealers in South Carolina. Oftentimes, this
17 would involve the use of runners who would travel to
18 the Atlanta, Georgia, area to pick up a minimum of
19 one kilogram up to numerous, five or six kilograms at
20 a time from the various suppliers in Atlanta. Those
21 suppliers would include this Defendant, Mr. Barajas,
22 known to them as Chavo or Pelon, as well as
23 co-defendant, Marcelo Cruz, also known as Chencho.

24 Three of those runners have pled guilty in this
25 case and were prepared to give testimony. Those

1 individuals were Juan Espinoza, Luis Flores Meza, and
2 Alejandro Norena Gonzalez. Those individuals would
3 make numerous trips alternating in turn to Atlanta,
4 Georgia, to pick up shipments of methamphetamine to
5 be brought back into South Carolina for further
6 distribution. Two of those runners, mainly, Luis
7 Flores Meza and Alejandro Norena Gonzalez, in
8 addition to dealing with Chencho, also dealt directly
9 with this Defendant known as Chavo. Again, that
10 being Mr. Barajas.

11 And Your Honor, following the progression of
12 this investigation, law enforcement was able to
13 establish two controlled operations in the state of
14 Georgia targeting Mr. David Barajas. The first was a
15 controlled purchase of methamphetamine that was made
16 in the State of Georgia in March of 2015. As part of
17 that operation, agents with SLED, Greenville County
18 Sheriff's Office and the Pickens County Sheriff's
19 Office in cooperation with the Department of Homeland
20 Security and other officials in the State of Georgia
21 used a confidential informant to purchase greater
22 than one kilogram of methamphetamine from the
23 Defendant, Mr. Barajas. And Your Honor, the State
24 intended to call such personnel to testify in this
25 trial and to admit that methamphetamine evidence as

1 an exhibit into evidence in this trial.

2 On a later date in May of 2015, law enforcement
3 again utilized a confidential informant against
4 Mr. David Barajas. This time, rather than making a
5 purchase of methamphetamine, they made a controlled
6 payment to Mr. Barajas as part of a previous
7 methamphetamine debt. And in that situation, there
8 was again a confidential informant utilized. There
9 were recordings made of the interaction with
10 Mr. Barajas discussing the payment of that drug debt
11 as well as potential ongoing methamphetamine
12 trafficking activity. And again, Your Honor, in
13 addition to calling those personnel to testify as
14 witness, the State would have introduced that
15 recording as an exhibit into evidence at the trial.

16 Your Honor, ultimately, this drug trafficking
17 organization is responsible for the importation of
18 hundreds of kilograms of methamphetamine into the
19 State of South Carolina over this period of time
20 utilizing a number of different individuals to
21 directly import the methamphetamine. Mr. Barajas,
22 known to his conspirators as Chavo, Pelon, was one of
23 those individuals outside of the State of South
24 Carolina responsible for the importation of
25 methamphetamine in amounts greater than one kilogram

1 at a time.

2 Also, Your Honor, just to add, as to the
3 controlled operations in the State of Georgia, in
4 addition to a confidential informant being used,
5 there was also an undercover agent that accompanied
6 the confidential informant to the site of the
7 transactions.

8 THE COURT: All right. Anything else?

9 MR. UNDERWOOD: Nothing further at this time,
10 Your Honor.

11 BY THE COURT:

12 Q All right, Mr. Barajas, I realize that a lot of
13 the facts related to co-defendants, as to those, you
14 understand that that's what the State is prepared to prove
15 if it went to trial?

16 A Yes, but I don't know any of those people. They
17 don't call me Chavo or Pelon. I don't have anything to do
18 with them bringing hundreds of kilos of drugs. I mean,
19 I'm telling you that if they were using a confidential
20 informant to do a controlled operation, why don't they
21 have any videos of me or anything like that?

22 Q So are you denying all of these facts against
23 you?

24 A Yes, because I don't know any of them. I don't
25 know any of them. The first lawyer had sent me the papers

1 and sent me all the pictures and asked me if I know them
2 and I told him I didn't know any of them.

3 Q So as far as the facts that they said about you,
4 then you're not admitting any of that?

5 A I just -- whatever they're mentioning, I just
6 don't have anything to do with them.

7 Q All right. I mean, if you can't -- you're not
8 saying you're agreeing with the facts, then I guess our
9 alternative is to go to trial.

10 A Okay.

11 THE COURT: All right. The jury will be back in
12 15 minutes.

13 MR. UNDERWOOD: Then, Your Honor, just to make
14 the record clear, with the Defendant withdrawing from
15 the plea, the plea offer is also withdrawn and
16 expired.

17 THE COURT: Right. So we'll be proceeding on
18 the original trafficking methamphetamine 400-grams or
19 more?

20 MR. UNDERWOOD: Yes, Your Honor.

21 THE COURT: All right. I guess we need to give
22 the court staff a few minutes.

23 MR. BARAJAS: So it was if I did the deal, then
24 it would be 28 to 100, but if I didn't, then it's the
25 charge for 400?

1 BY THE COURT:

2 Q All right. The original indictment -- I'll just
3 tell you, the indictment against you, the charges which
4 you were going to trial for were trafficking in
5 methamphetamine, which is a sentence of 25 to 30 years.

6 A Okay.

7 Q Based on what you have -- under this agreement,
8 they have reduced the trafficking in methamphetamine 28 to
9 100-grams, which has a sentence of seven to 25 years.

10 A Okay. So his saying that I know those people
11 and that I'm involved with them, I don't accept that.

12 Q That's what I'm saying, I mean, it's your
13 decision. I'm not trying to force you to make it, but,
14 you know, you've got to agree with the facts that you're
15 pleading guilty to or we need to submit it to a jury.

16 A Okay, that's fine.

17 Q All right. So we'll start the trial this
18 afternoon. All right. It will not be under this charge
19 here, it will be under the original charge of trafficking
20 in methamphetamine.

21 A Okay. That's fine because, otherwise, I'd be
22 signing something and they're saying something that isn't
23 true. So, okay.

24 Q All right.

25 I guess we'll -- just so the court staff

1 and everybody, I guess I'll draw the jury at 2:30.

2 MR. BARAJAS: Okay. All right.

3 (WHEREUPON, a lunch break was taken.)

4 THE COURT: All right, we're back on the record.

5 All right, go on the record. Since there was a
6 possibility of us going into next week, I went down
7 and ask the jury panel nothing about the case, I did
8 not identify the case merely normal qualification
9 process. Just made sure that anybody on the full
10 panel if they had any problem with going into next
11 week. We had, I think, seven individuals stand up
12 that had a problem. I protected them for next week.
13 Then the panel was drawn from the remaining numbers,
14 then the process of them coming up and we'll draw the
15 jury from that crowd.

16 All right. Anything before I bring the jury,
17 from the State?

18 MR. UNDERWOOD: Nothing from the State, Your
19 Honor.

20 THE COURT: Anything from the Defendant?

21 MR. HODGE: No, sir, Your Honor.

22 THE COURT: We still have not gotten any voir
23 dire?

24 MR. HODGE: I actually just sent it.

25 MR. UNDERWOOD: Your Honor, did the Court get my

1 hard copies?

2 THE COURT: Yeah, you had -- I think this clerk
3 brought those by. And I guess for purposes of -- do
4 you have a copy of the State's voir dire?

5 MR. HODGE: I do, yes, sir.

6 THE COURT: Looking at the State's voir dire one
7 through five, those are not questions I would ask. I
8 will charge six. Seven through nine are my basic
9 questions. I will charge 10, 11, 12 and 13 is part
10 of my standard charge. Any objections to the State's
11 charges?

12 MR. HODGE: No, sir, Your Honor.

13 THE COURT: All right.

14 All right. Looking at the Defendant's voir
15 dire, my stand charge will cover two and six. Excuse
16 me, my standard voir dire. One and three, one, two,
17 four five and seven, I will charge. Any objections
18 to any of those from the state?

19 MR. UNDERWOOD: None, Your Honor.

20 THE COURT: All right. So anything else as far
21 as voir dire from the State?

22 MR. UNDERWOOD: Nothing further, Your Honor.

23 THE COURT: From the Defendant?

24 MR. HODGE: No, sir.

25 THE COURT: All right. And now, we may have --

1 can that lady sit in this chair right there? Just
2 for the jury selection part.

3 All right, so we'll put eight up here.

4 And as we discussed before, we'll do the
5 selection process and we'll start at nine o'clock in
6 the morning.

7 What I plan to read on the indictment is that
8 this is trafficking methamphetamine conspiracy with
9 David Barajas and others and then read the rest of
10 the portion, but not list all the names.

11 And the only indictment is the count one,
12 correct, or 2015-47-08?

13 MR. UNDERWOOD: Yes, Your Honor, just for one
14 count.

15 THE COURT: Okay.

16 All right, ready to bring the jury in.

17 (WHEREUPON, the jury venire came into open court
18 at approximately 3:10 p.m.)

19 THE COURT: All right, ladies and gentlemen,
20 good to see y'all again. I know the feeling is not
21 mutual. We are now getting ready -- I'm going to ask
22 you some additional questions. Now, this morning,
23 you had questions to see if you're qualified to sit
24 on a jury. Now, what we're going to be doing is
25 asking you specific questions about a particular case

1 that is set for trial.

2 And this is the case -- I'm going to give you
3 some information about this. The whole purpose of
4 this process is one, so that the attorneys can learn
5 some additional information about you. And also to
6 make sure if you were selected for this jury that you
7 could be fair and impartial on this trial.

8 As I mentioned -- I'm not sure I mentioned this
9 to you, but maybe earlier you were told that this is
10 a criminal trial. And in a criminal trial, a person
11 comes in pleading not guilty and they have that
12 presumption that they're not guilty. And it's up to
13 the State to have the burden on that.

14 I'm going to read to you what is called an
15 indictment. These are merely allegations that the
16 State has made against the Defendant. This is the
17 State vs. David Barajas. And these are allegations.
18 Again, the Defendant has pled not guilty to these
19 charges and the burden is on the State. This is an
20 indictment for trafficking in methamphetamine
21 conspiracy under our state law. And under the
22 indictment, it says that David M. Barajas, with
23 others, did in Greenville County, Pickens County,
24 Spartanburg County, Berkeley County and Charleston
25 County, South Carolina during a time period extending

1 from January 1, 2011, through 2015 conspire, sell,
2 manufacture, deliver, purchase or bring into this
3 state 400-grams or more of methamphetamine, also
4 known as ice or crank, a controlled substance under
5 provisions of South Carolina law 44-53-110; and such
6 conduct not having been authorized by law, such
7 activity occurring or having significance in more
8 than one county in this state. Again, those are the
9 allegations in this matter.

10 At this point, I would ask that Mr. Barajas, if
11 you could stand and face the jury.

12 (The Defendant stands.)

13 THE COURT: All right. Thank you.

14 Is anyone related by blood or marriage, have a
15 close personal, business or social relationship with
16 David Barajas? If so, please stand.

17 (There was no response.)

18 THE COURT: All right. At this time, I'd ask
19 that the attorneys to stand and introduce themselves,
20 the name of their law firm.

21 MR. UNDERWOOD: Good afternoon, my name is
22 Joshua Underwood. I'm a prosecutor with the South
23 Carolina Attorney General's Office. Along with me is
24 Creighton Waters, he's another prosecutor with the
25 South Carolina Attorney General's Office. We're both

1 part of the state grand jury.

2 MR. HODGE: My name is William Hodge. I'm a
3 attorney out of Spartanburg and Columbia, South
4 Carolina. There are no other attorneys that work
5 with me.

6 THE COURT: All right, thank you.

7 Is anyone related by blood or marriage, have a
8 close personal, business or social relationship with
9 any of the attorneys involved in this matter? If so,
10 please stand.

11 (There was no response.)

12 THE COURT: All right. No response.

13 Is there anybody that has either been
14 represented by these attorneys or involved in a
15 matter where these attorneys are involved or where
16 these attorneys are on the other side of you? If so,
17 please stand.

18 (There was no response.)

19 THE COURT: All right. No response.

20 All right. Usually at this point, if we're not
21 sure exactly what witnesses will be called, we have a
22 fairly extensive list of potential witnesses. I'm
23 going to call them out by pages. So again, if you
24 recognize -- the question to you is going to be are
25 you related by blood or marriage, have a close

1 personal or social relationship with any of these
2 individuals. All right. I'm going to call the names
3 out. If you'll just stand if it's somebody that you
4 recognize, then I'll ask you further questions on
5 that.

6 Investigator Charlie Cunningham with Greenville
7 County Sheriff's Office; Deputy David Urbina,
8 Greenville County Sheriff's Office; Wes Kilgore,
9 Greenville County Sheriff's Office; Dava Peterson,
10 Greenville County Sheriff's Office; David Whitlock,
11 Greenville County Sheriff's Office; Kyle Price,
12 Greenville County Sheriff's Office; Michael Downey,
13 Greenville County Sheriff's Office; Wayne Arnette,
14 Greenville County Sheriff's Office; Investigator Kurt
15 Jacobson, Spartanburg County Sheriff's Office;
16 Lieutenant Tyrel Woodring, SLED; Captain Jason Wells,
17 SLED; Special Agent Scott Gardner, SLED; Special
18 Agent Lewis Stoertz; SLED; Special Agent Justin
19 Meeks, SLED; Investigator Jack Rushing, Fifth Circuit
20 Solicitor's Office; Misael Vasquez; Lieutenant Aaron
21 Rawl, SLED; Sheriff Max Dorsey, Chester County
22 Sheriff's Office, previously with SLED; Special Agent
23 Alexandria Metzler, SLED; and Lynn Black, SLED.

24 Does anybody know any of these individuals,
25 related by blood or marriage, have any close social,

1 personal or business relationship with any of these
2 potential witnesses? If so, please stand.

3 (There was no response.)

4 THE COURT: All right. Now, continue on with
5 this list. Douglas Robinson, SLED; Lawrence
6 Zivkovich, SLED; Amy Stephens Black, SLED; Doris
7 Yarborough, SLED; Jennifer Aycock, SLED; Lesa
8 Chapman, SLED; Lieutenant Jeffrey Crooks, SLED;
9 Kimberly Mears, SLED; Lieutenant Angil Landrum, SLED;
10 Ben Vanadore, SLED; Thomas E. Darnell, SLED; Jackie
11 Davis, SLED; Special Agent Wayne Wright, Department
12 of Homeland Security Investigations; Special Agent
13 Tony Scott, Homeland Security Investigations; TFO
14 Juan Echeverry, Homeland Security; Officer Chris
15 Carlisle, Homeland Security; Dr. Mosammat Begum,
16 Georgia Bureau of Investigation; Melissa Seigny,
17 Greenville -- Georgia Bureau of Investigation; Lisa
18 Parks, Georgia Bureau of Investigation; Jane Hall,
19 Georgia Bureau of Investigation; Alexandria Timmons,
20 Georgia Bureau of Investigation; Renee Bobee, Georgia
21 Bureau of Investigation; Lieutenant Brett Barwick,
22 Pickens County Sheriff's Office; Chet Anthony,
23 Pickens County Sheriff's Office; Deputy Corey Baker,
24 Pickens County Sheriff's Office; Andy Robinson,
25 Pickens County Sheriff's Office; Kevin Durham,

1 Pickens County Sheriff's Office; Henry Campbell,
2 Pickens County Sheriff's Office; Sergeant Roman
3 Fricks, Pickens County Sheriff's Office; Brian
4 Gibson, Pickens County Sheriff's Office, and John
5 Ross, Pickens County Sheriff's Office.

6 Again, as to this second list, is there anybody
7 related by blood or marriage, have a close social or
8 personal, business relationship with any of those
9 individuals named? If so, please stand.

10 (There was no response.)

11 THE COURT: All right. No response.

12 Final list: Jorge David Martinez; Marcelo
13 Medina Cruz; Isaias Arias; Mario Enrique Morales
14 Sanchez; Eduardo Aguirre Assad; Christopher Dameon
15 Smith; Sandra Darlene Duncan; William Bright, Jr.;
16 Danny Ray Black; Barry Lee Underwood; Alejandro
17 Norena Gonzalez; Luis Alberto Flores Meza; Juan
18 Manuel Espinoza; Martha Michelle Collier; Patrick
19 Marc Knights; Delonda Werschay; Jeremy Michael
20 LaBoone; Justin Thomas Marcengill; Jason Allen
21 Larson; Jeremy Lee Stubbs; Michael Dean Kennedy;
22 Tasha Remona Jones; Matthew Melton; Larry Eugene
23 Coleman; and Aubrey Tamara Trammel.

24 Again, is anybody related by blood or marriage,
25 have any close, personal or social, business

1 relationship with any of those individuals? If so,
2 please stand.

3 (There was no response.)

4 THE COURT: All right, no response.

5 And I realize you have very little information
6 about this case, but is there any member of the jury
7 panel who has formed or expressed any opinion about
8 any matter involved in this case? If so, please
9 stand.

10 (There was no response.)

11 THE COURT: All right, no response.

12 Has any member of the jury panel read any
13 newspaper articles, any articles or any postings on
14 any internet sites, social media or any information
15 about this Defendant or about anything related to
16 this case? If so, please stand.

17 (There was no response.)

18 THE COURT: All right, no response.

19 Has any member of the jury panel or member of
20 their immediate family ever been a member of law
21 enforcement or worked for a law enforcement agency?
22 If so, please stand.

23 Anybody else? All right. If you would, just
24 stand at this time. Okay.

25 Your name and number?

1 PROSPECTIVE JUROR: Scott Siefert, 200.

2 THE COURT: How do you respond to that?

3 PROSPECTIVE JUROR: I had a state commission,
4 state constable commission.

5 THE COURT: As a result of that, could you still
6 be fair and impartial in the trial of this case?

7 PROSPECTIVE JUROR: I would try to be.

8 THE COURT: I mean, could you listen to the
9 facts and make a decision based on those facts?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: All right. Thank you.

12 Yes.

13 PROSPECTIVE JUROR: Hunter Scott 197. I've got
14 a cousin --

15 THE COURT: Hold on, let me find you on here.
16 Okay, yes.

17 PROSPECTIVE JUROR: I've got a cousin who's a
18 state trooper in Columbia.

19 THE COURT: All right. Could you still be fair
20 and impartial in the trial of this case?

21 PROSPECTIVE JUROR: I can try.

22 THE COURT: I mean, can you be fair and listen
23 to the facts in this case?

24 PROSPECTIVE JUROR: Sure.

25 THE COURT: All right. Thank you.

1 Yes, the gentleman right here.

2 THE WITNESS: Jerry Messick, 145.

3 THE COURT: Okay. Yes.

4 PROSPECTIVE JUROR: I have a nephew in Florida
5 who's retired law enforcement, civilian and military.

6 THE COURT: Could you still be fair and
7 impartial in the trial of this case?

8 PROSPECTIVE JUROR: I think so.

9 THE COURT: All right, thank you.
10 Your name and number?

11 PROSPECTIVE JUROR: Gabriel Marro, 130. My dad
12 is a --

13 THE COURT: Go ahead.

14 PROSPECTIVE JUROR: My dad is a police officer.

15 THE COURT: Where is he a police officer?

16 PROSPECTIVE JUROR: Travelers Rest.

17 THE COURT: Could you still be fair and
18 impartial in the trial of this case?

19 PROSPECTIVE JUROR: No.

20 THE COURT: You don't think you could?

21 PROSPECTIVE JUROR: No, sir.

22 THE COURT: All right. If you'll just stay
23 seated there for now.

24 All right. Yes, your name and number?

25 PROSPECTIVE JUROR: Dana Dowling, 45.

1 THE COURT: 45. Okay, yes.

2 PROSPECTIVE JUROR: My husband was a law
3 enforcement officer in the State of Florida
4 Department of Natural Resources from '84 to '92 and
5 with the sheriff's office from '93 to '96.

6 THE COURT: As a result of that, could you still
7 listen to the facts of this case and be fair and
8 impartial to the State and the Defendant?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: All right. Thank you.

11 Yes.

12 PROSPECTIVE JUROR: Angel Gilreath, No. 70.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR: I have a cousin who's a
15 police officer in Greenville County.

16 THE COURT: All right. Who is that?

17 PROSPECTIVE JUROR: His last name -- my maiden
18 Leonard. His name is Ryan Leonard.

19 THE COURT: All right. Could you still be fair
20 and impartial in the trial of the case?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: All right. Thank you.

23 Your name and number?

24 PROSPECTIVE JUROR: Shelley Hansen, 81.

25 THE COURT: How do you respond to that question?

1 PROSPECTIVE JUROR: My son is a Greenville City
2 police officer.

3 THE COURT: Could you still be fair and
4 impartial in the trial of this case?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: All right, thank you.

7 Your name and number?

8 PROSPECTIVE JUROR: Yes, my name is Timothy
9 Ferguson, No. 55.

10 THE COURT: Okay. Yes, sir, how do you respond
11 to that?

12 PROSPECTIVE JUROR: Yes, sir. My uncle is a
13 retired narcotics officer for the State of Indiana.

14 THE COURT: Could you still be fair and
15 impartial in the trial of this case?

16 PROSPECTIVE JUROR: Absolutely.

17 THE COURT: All right, thank you.

18 All right. Is there any member of the jury
19 panel a member of any political, religious, social,
20 industrial, fraternal, law enforcement or other
21 organizations whose beliefs or intentions would
22 prejudice him or her against either the State or the
23 Defendant in this matter? If so, please stand.

24 (There was no response.)

25 THE COURT: All right. No response.

1 Is there any member of the jury panel aware of
2 any physical, mental or emotional condition which
3 would prevent them from giving the Defendant and the
4 State a fair and impartial trial? If so, please
5 stand.

6 (There was no response.)

7 THE COURT: All right. Has any member of the
8 jury panel or member of your immediate family ever
9 been employed in a federal, state or local public
10 defender's office or federal, state prosecutor's
11 office or any law firm who represents individuals
12 charged in criminal matters? If so, please stand.

13 (There was no response.)

14 THE COURT: All right, no response.

15 Has any member of the jury panel or member of
16 your immediate family ever advocated that marijuana
17 or other illegal narcotics should be legalized? If
18 so, please stand.

19 (There was no response.)

20 THE COURT: All right. No response.

21 Have you or any member of your family member --
22 and this is a question, if you need to come up front
23 to answer this question, I'll be glad to talk to you
24 more privately, although the attorneys will have to
25 also hear. Have you or any member of your family

1 ever been arrested, charged, indicted or merely
2 accused of a drug related offense? If so, please
3 stand.

4 All right. Do you want -- would y'all like to
5 come up more privately?

6 All right, the attorneys approach just --

7 We'll have you one at a time. Just stand right
8 back there, we'll call you.

9 All right, your name and number?

10 PROSPECTIVE JUROR: 209, Zachary Smith.

11 THE COURT: How do you respond to that?

12 PROSPECTIVE JUROR: I just got a misdemeanor
13 charge for marijuana.

14 THE COURT: Could you still be fair and
15 impartial in the trial of this case?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: All right. Thank you.

18 All right.

19 PROSPECTIVE JUROR: No. 213, Mark Stewart. I
20 just had a sister that's been -- she's been arrested
21 several different times for narcotics.

22 THE COURT: Could you still be fair and
23 impartial in the trial of the case?

24 PROSPECTIVE JUROR: Sure.

25 THE COURT: All right. Thank you.

1 Yes, name and number?

2 PROSPECTIVE JUROR: Jeffrey Harper, 83.

3 THE COURT: Harper. Okay.

4 PROSPECTIVE JUROR: I got a few cousins that
5 have been locked up for --

6 THE COURT: Make sure you --

7 PROSPECTIVE JUROR: I have few family members
8 that have been locked up for methamphetamine and
9 marijuana.

10 THE COURT: Could you still be fair and
11 impartial in the trial of this case?

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: All right. Thank you.

14 PROSPECTIVE JUROR: 167, Edward Penland.

15 THE COURT: All right. How do you respond to
16 that?

17 PROSPECTIVE JUROR: I have a nephew who has been
18 arrested for narcotics of some type.

19 THE COURT: Could you still be fair and
20 impartial in the trial of this case?

21 PROSPECTIVE JUROR: Yes, absolutely.

22 THE COURT: All right. Thank you.

23 THE CLERK: One more, Judge.

24 THE COURT: Yes, name and number?

25 PROSPECTIVE JUROR: No. 171, Richard Pleasant.

1 I have a brother-in-law that served some time in
2 Georgia. That was years ago.

3 THE COURT: Could you still be fair and
4 impartial in the trial of this case?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: All right. Thank you.

7 All right. Does any member of the jury panel
8 speak or understand the Spanish language? If so,
9 please stand.

10 All right. And your name and number?

11 PROSPECTIVE JUROR: Erikka, 162.

12 THE COURT: 164?

13 PROSPECTIVE JUROR: 162.

14 THE COURT: 162. All right. And if the
15 Defendant -- let me just say this, the Defendant is a
16 Spanish-speaking individual, an interpreter is
17 involved, as a result, could you still be fair and
18 impartial in the trial of this case,
19 Ms. Ortiz-Cordero?

20 PROSPECTIVE JUROR: I don't think so.

21 THE COURT: You don't think so?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Let me have you come up in just a
24 minute, then.

25 Yes, your name and number?

1 PROSPECTIVE JUROR: Mario Saavedra, 193.

2 THE COURT: 192?

3 PROSPECTIVE JUROR: Three.

4 THE COURT: All right, how do you respond to
5 that? You understand Spanish?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: Can you still be fair and impartial
8 in the trial of this case?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: All right. Thank you.

11 Yes, your name and number?

12 PROSPECTIVE JUROR: Ninety-four, Karina Hidalgo.

13 THE COURT: All right. How do you respond to
14 that?

15 PROSPECTIVE JUROR: Yes, I understand.

16 THE COURT: Can you still be fair and impartial
17 in the trial of this case?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: All right. Let me ask another
20 question here before I bring you up,
21 Ms. Ortiz-Cordero.

22 All right. The question is, some of the
23 participants in this case are ethnic minorities and
24 may require a translator to understand the complex
25 proceedings and testimony. Would either of these

1 facts -- as a result of these facts, could anybody
2 not be fair and impartial in the trial of this case?
3 If so, please stand.

4 (There was no response.)

5 THE COURT: I believe that -- anyone else?

6 Ms. Ortiz-Cordero, if you could approach.

7 I'm sorry to pull you out again. You said you
8 could not be fair and impartial?

9 PROSPECTIVE JUROR: I have understanding issue.
10 My language is Spanish. I'm no good in English, so.

11 THE COURT: Did you -- but they asked you this
12 question i jury qualification?

13 PROSPECTIVE JUROR: Yes. I told them during the
14 first one. They said you will be fine.

15 THE COURT: But as far as you can still be fair
16 and impartial in the trial of the case?

17 PROSPECTIVE JUROR: Yeah.

18 THE COURT: All right. Then I'm going to leave
19 you on.

20 Okay. This case involves allegations concerning
21 the use of narcotics, including methamphetamine. Has
22 any member of the jury panel or member of your
23 immediate family been impacted by the use of
24 narcotics, including methamphetamine? If so, please
25 stand.

1 (There was no response.)

2 THE COURT: All right, no response.

3 Has any member of the jury panel or member of
4 your immediate family ever been employed by a local,
5 state or federal law enforcement agency, including,
6 but not limited to Greenville County Sheriff's
7 Office, State Law Enforcement or any other federal
8 law enforcement agency? If so, please stand. Very
9 similar to the previous question.

10 Yes, your name and number?

11 PROSPECTIVE JUROR: Robert Harling, 82. They're
12 all clients of mine, cities, counties, all that.

13 THE COURT: You're 82?

14 PROSPECTIVE JUROR: Uh-huh.

15 THE COURT: All right. What is it that you do?

16 PROSPECTIVE JUROR: Third party administration,
17 so I pay claims for cities and counties.

18 THE COURT: Can you still be fair and impartial
19 in the trial of this case?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: All right. Thank you.

22 Yes, your name and number?

23 PROSPECTIVE JUROR: Jim Douglas, 44. I have a
24 cousin that was a K-9 officer in Greenwood County.

25 THE COURT: Can you still be fair and impartial

1 in the trial of this case?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: All right. Thank you.

4 Any member of the jury panel ever testified for
5 the state in any criminal prosecution? If so, please
6 stand.

7 (There was no response.)

8 THE COURT: All right, no response.

9 Is any member of the jury panel a member of,
10 contributor to any group which has its primary
11 concern the promotion of law enforcement or victims
12 rights, such is CAVE, CADRE, C-A-D-R-E, MADD, SADD or
13 neighbor watch program? If so, please stand.

14 (There was no response.)

15 THE COURT: All right, no response.

16 I believe that's all the State's questions and
17 the Defendant's questions.

18 Is there any member of the jury panel aware of
19 bias or prejudice towards either the State or the
20 Defendant in this case? If so, please stand.

21 (There was no response.)

22 THE COURT: All right. Is there any member of
23 the jury panel know of any reason whatsoever why you
24 could not be fair and impartial in the trial of this
25 case and being fair both to the State and to the

1 Defendant? If so, please stand.

2 (There was no response.)

3 THE COURT: All right, any additional questions
4 from the State?

5 MR. UNDERWOOD: No, your Honor.

6 THE COURT: Any additional questions from the
7 Defendant?

8 MR. HODGE: No, sir, Your Honor.

9 THE COURT: I think based on response of No.
10 130, I will excuse Mr. Marro from the trial of this
11 case.

12 All right. You need to go back downstairs,
13 Mr. Marro.

14 PROSPECTIVE JUROR: Okay.

15 THE COURT: All right. Anything else?

16 All right, State ready?

17 MR. UNDERWOOD: Yes, sir, Your Honor.

18 THE COURT: The Defendant's ready?

19 MR. HODGE: Yes, sir.

20 THE COURT: All right.

21 THE CLERK: When I call your name and juror
22 number, please stand where you are.

23 Juror No. 35, Nikol Cox.

24 (Nikol Cox, a white male, stood.)

25 What says the State?

1 MR. UNDERWOOD: Please present the juror.

2 THE CLERK: What says the Defendant?

3 MR. HODGE: Please excuse the juror.

4 THE CLERK: Please have a seat. You've been
5 excused from this case.

6 Juror No. 196, Emily Sargent.

7 (Emily Sargent, a white female, stood.)

8 What says the State?

9 MR. UNDERWOOD: Please present the juror.

10 THE CLERK: What says the Defendant?

11 MR. HODGE: Please seat the juror.

12 THE CLERK: Please stay where you are.

13 Jury No. 23, Amanda Bryan.

14 (Amanda Bryan, a white female, stood.)

15 What says the State?

16 MR. UNDERWOOD: Please present the juror.

17 THE CLERK: What says the Defendant?

18 MR. HODGE: Please seat the juror.

19 THE CLERK: Please gather your belongings and
20 come over to the jury box.

21 THE COURT: All right. Now, from you forward, I
22 want you to -- we got three people. The three of
23 y'all on the front row, if you can move to the back
24 row. Then two of you, I'm going to ask if you stand
25 back in this area.

1 There will be a seat open in just a second for
2 you. Sorry, we have a smaller courtroom than we
3 normally would have.

4 THE CLERK: Juror No. 171, Richard Pleasant.

5 (Richard Pleasant, a black male, stood.)

6 What says the State?

7 MR. UNDERWOOD: Please present the juror.

8 THE CLERK: What says the Defendant?

9 MR. HODGE: Please excuse the juror.

10 THE CLERK: You may be seated. You've been
11 excused from this case.

12 Juror No. 82, Robert Harling.

13 (Robert Harling, a white male, stood.)

14 What says the State?

15 MR. UNDERWOOD: Please present the juror.

16 THE CLERK: What says the Defendant?

17 MR. HODGE: Please excuse the juror.

18 THE CLERK: You may be seated. You've been
19 excused from this case.

20 Juror No. 122, Kaelin Lewis.

21 (Kaelin Lewis, a black female, stood.)

22 THE CLERK: What says the State?

23 MR. UNDERWOOD: Please present the juror.

24 THE CLERK: What says the Defendant?

25 MR. HODGE: Please seat the juror.

1 THE CLERK: Ms. Lewis, please get your
2 belongings and come over to the jury box.

3 THE COURT: You can take that seat now if you
4 want.

5 THE CLERK: Juror No. 22, Janet brown.
6 (Janet Brown, a black female, stood.)

7 THE CLERK: What says the State?

8 MR. UNDERWOOD: Please present the juror.

9 THE CLERK: What says the Defendant?

10 MR. HODGE: Please seat the juror.

11 THE CLERK: Ms. Brown, please gather your
12 belongings and come over to the jury box.

13 Juror No. 200, Scott Siefert.

14 (Scott Siefert, a white male, stood.)

15 What says the State?

16 MR. UNDERWOOD: Please present the juror.

17 THE CLERK: What says the Defendant?

18 MR. HODGE: Please excuse the juror.

19 THE CLERK: You may be seated. You've been
20 excused from this case.

21 Juror No. 230, Kurt Wagner.

22 (Kurt Wagner, a white male, stood.)

23 What says the State?

24 MR. UNDERWOOD: Please present the juror.

25 THE CLERK: What says the Defendant?

1 MR. HODGE: Please seat the juror.

2 THE CLERK: You may stay where you are.

3 THE COURT: No, have him move to the front row.

4 Moving up in this world.

5 PROSPECTIVE JUROR: Actually, it's down.

6 THE CLERK: Juror No. 159, Wayne Nighbert.

7 (Wayne Nighbert, a white male, stood.)

8 What says the State?

9 MR. UNDERWOOD: Please present the juror.

10 THE CLERK: What says the Defendant?

11 MR. HODGE: Please seat the juror.

12 THE CLERK: Mr. Nighbert, please gather your
13 belongings and come to the jury box.

14 THE COURT: All right. At this time, I'll ask
15 the back row to kind of squeeze in back there.

16 THE CLERK: Juror No. 246, David Wright.

17 (David Wright, a black male, stood.)

18 THE CLERK: What says the State?

19 MR. UNDERWOOD: Excuse the juror.

20 THE CLERK: You may be seated. You've been
21 excused from this case.

22 Juror No. 85, Samuel Harrison.

23 (Samuel Harrison, a white male, stood.)

24 What says the State?

25 MR. UNDERWOOD: Please present the juror.

1 THE CLERK: What says the Defendant?

2 MR. HODGE: Please seat the juror.

3 THE CLERK: Mr. Harrison, please bring your
4 belongings and come to the jury box.

5 THE COURT: A seat opened there if y'all want to
6 squeeze in there.

7 THE CLERK: Juror No. 32, Tracie Clendenin.

8 (Tracie Clendenin, a white female, stood.)

9 What says the State?

10 MR. UNDERWOOD: Please present the juror.

11 THE CLERK: What says the Defendant?

12 MR. HODGE: Seat the juror.

13 THE CLERK: Ms. Clendenin, please bring your
14 belongings and come to the jury box.

15 Juror No. 191, Dean Rozek.

16 (Dean Rozek, a white male, stood.)

17 What says the State?

18 MR. UNDERWOOD: Present the juror.

19 THE CLERK: What says the Defendant?

20 MR. HODGE: Seat the juror.

21 THE CLERK: Please bring your things and come to
22 the jury box.

23 Juror No. 222, Warren Taft.

24 (Warren C. Taft, a white male, stood.)

25 What says the State?

1 MR. UNDERWOOD: Please excuse the juror.

2 THE CLERK: You may be seated. You've been
3 excused from this case.

4 Juror No. 242, Alexa Wilton.

5 (Alexa Wilton, a white female, stood.)

6 What says the State?

7 MR. UNDERWOOD: Please present the juror.

8 THE CLERK: What says the Defendant?

9 MR. HODGE: Please excuse the juror.

10 THE CLERK: Ms. Wilton, you may be seated.
11 You've been excused from this case.

12 Juror No. 162, Eriika Ortiz-Cordero.

13 (Eriika Ortiz-Cordero, a Hispanic female,
14 stood.)

15 THE CLERK: What says the State?

16 MR. UNDERWOOD: Please excuse the juror.

17 THE CLERK: You may be seated. You've been
18 excused from this case.

19 Juror No. 67, Shoney Gamble.

20 (Shoney Gamble, a black female, stood.)

21 THE CLERK: What says the State?

22 MR. UNDERWOOD: Please present the juror.

23 THE CLERK: What says the Defendant?

24 MR. HODGE: No objection.

25 THE CLERK: Ms. Gamble, please bring your

1 belongings and come to the jury box.

2 Juror No. 193, Mario Saavedra.

3 (Mario Saavedra, a Hispanic male, stood.)

4 What says the State?

5 MR. UNDERWOOD: Please present the juror.

6 MR. HODGE: No objection.

7 THE CLERK: Please bring your belongs and come
8 to the jury box.

9 Juror No. 99, Dawn Isley.

10 (Dawn Isley, a white female, stood.)

11 What says the State?

12 MR. UNDERWOOD: Please present the juror.

13 MR. HODGE: No objection.

14 THE CLERK: Please bring your belongings and
15 come to the jury box.

16 THE COURT: All right, that's 12.

17 All right, we'll have two alternates.

18 THE CLERK: Juror No. 103, Scott John.

19 (Scott John, a white male, stood.)

20 What says the State?

21 MR. UNDERWOOD: Please present the juror.

22 THE CLERK: What says the Defendant?

23 MR. HODGE: Seat the juror.

24 THE CLERK: Please bring your belongings and
25 come to the jury box.

1 THE COURT: Alternate number two.

2 THE CLERK: Juror No. 118, Joseph Lejeune.

3 (Joseph Lejeune, a white male, stood.)

4 THE CLERK: What says the State?

5 MR. UNDERWOOD: Please present the juror.

6 THE CLERK: What says the Defendant?

7 MR. HODGE: Please excuse the juror.

8 THE CLERK: Mr. Lejeune, you may be seated.

9 You've been excused from this case.

10 Juror No. 151, Danielle Morales.

11 (Danielle Morales, a Hispanic female, stood.)

12 THE CLERK: What says the State?

13 MR. UNDERWOOD: Please present the juror.

14 THE CLERK: What says the Defendant?

15 MR. HODGE: No objection.

16 THE CLERK: Please bring your belongings and
17 come have a seat in the jury box.

18 THE COURT: All right. Any objections or
19 exceptions for the jury selection process by the
20 State?

21 MR. UNDERWOOD: None, Your Honor.

22 THE COURT: Any from the Defendant?

23 MR. HODGE: No, Your Honor.

24 THE COURT: All right. I got two groups here.
25 Let me talk to this group first, then I'll talk to

1 y'all.

2 Obviously, it's ten till four and we realize
3 that we have -- y'all have been very patient with us,
4 so we want to make sure that we're ready to start
5 when we get ready to start. This is kind of late in
6 the day. We usually would stop by 5:00 anyway. So
7 we're going to go ahead and let y'all leave for the
8 day. I'm going to give you a couple of rules and
9 you're going to come back -- is nine o'clock okay for
10 everybody? This will be different than this morning.
11 When I say nine o'clock, we're going to start at
12 nine o'clock. So we'll start the case and that will
13 be opening statements.

14 A couple rules that I will tell you every time
15 you break. One, you're not to discuss the case. I
16 realize you don't have a whole bunch of information
17 at this time, but you're not to discuss the case in
18 any way among yourselves or friends or family. I
19 know that's difficult at night because the first
20 thing they'll do is what did you do all day. Well, I
21 can't tell you. You can tell them you're on jury
22 duty. Tell them you can't discuss the case.

23 Another thing, and this is very important, you
24 do not do any type of research about the law, the
25 parties in the case, the attorneys or anything.

1 Because everything that you're supposed to get to
2 consider you'll get in this courtroom. You don't
3 need to get anything outside this courtroom which in
4 any way relates to this matter. So don't do any type
5 of research, Google and that kind of stuff.

6 Third thing is, don't pay any attention to media
7 coverage. I'm not aware of any media coverage on
8 this case, but if there is, please disregard that and
9 don't look at it, including any social media. Again,
10 I'm not aware of any, but that's always the
11 prohibition I tell everybody.

12 Finally, again, I don't expect this to happen
13 either, but if you're contacted by anybody about this
14 case outside of somebody from the clerk's office,
15 then let the bailiffs know.

16 At this time, I'm going to ask you to go back to
17 your jury room and the bailiff will give you further
18 instructions about where you're supposed to meet in
19 the morning. Thank you. Y'all have a good evening
20 and we'll see you in the morning.

21 (WHEREUPON, the jury left the courtroom at
22 approximately 3:51 p.m.)

23 THE COURT: All right. To the rest of panel,
24 again, thank you for your patience. I know it's been
25 a long day. But we really have gotten a lot

1 accomplished today just by the fact that y'all were
2 sitting down there. So that really -- I appreciate
3 your civic duty.

4 At this time, they're going back downstairs.

5 And the only reason you're going back downstairs
6 is they'll give you further instructions about what
7 you're supposed to do, when you're supposed to call
8 back and stuff like that. But this will be the last
9 time I will see you. Again, I really do appreciate
10 your service. Y'all have a good evening and rest of
11 the week. Go back downstairs, they will give you
12 further information.

13 (WHEREUPON, the jury venire was excused at
14 approximately 3:52 p.m.)

15 THE COURT: All right, anything further before
16 we break for the day from the State?

17 MR. UNDERWOOD: Not from the State, Your Honor.

18 THE COURT: Anything from the Defense?

19 MR. HODGE: No, sir, Your Honor. Thank you for
20 letting me get out of here, I appreciate it.

21 THE COURT: All right. Mr. Barajas, we'll see
22 you in the morning.

23 See y'all in the morning at nine o'clock. Be
24 ready to roll.

25 MR. UNDERWOOD: Yes, sir.

1 MR. BARAJAS: Your Honor, I just want to
2 apologize for some of the stuff. I just thank you
3 for your patience.

4 THE COURT: No, you're fine. I just want to
5 make sure you're here for that.

6 See y'all in the morning.

7 (WHEREUPON, the proceedings were concluded for
8 the day to be reconvened on March 10, 2020.)

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1 March 10, 2020

2 THE COURT: All right, anything before we bring
3 the jury from the State?

4 MR. UNDERWOOD: No, Your Honor.

5 THE COURT: Anything from the Defendant?

6 MR. HODGE: Just about the witnesses, Your
7 Honor, we would ask the ones who aren't their chief
8 investigators be sequestered before they testify.

9 THE COURT: They ain't paying any attention.

10 MR. HODGE: They may have not be, but --

11 THE COURT: No, I'm talking about he's not
12 paying attention to you.

13 MR. HODGE: I just told him.

14 THE COURT: Okay. All right. So any reason why
15 I shouldn't grant that?

16 MR. UNDERWOOD: No, Your Honor. The only
17 request I have, Your Honor, I would just ask that one
18 agent from each of the main agencies be allowed to
19 remain in the courtroom. Those I would designate
20 from SLED would be Captain Jason Wells; from the
21 Pickens County Sheriff's Office, Lieutenant Brett
22 Barwick, from the Greenville County Sheriff's Office,
23 Investigator Charlie Cunningham.

24 MR. HODGE: No problem with that, Your Honor.

25 THE COURT: All right. For the rest of you, as

1 your attorney probably instructed, when you're
2 sequestered, that means not only can you not be in
3 here when someone else is testifying, but you cannot
4 also discuss your testimony among yourselves.

5 All right, so that's granted.

6 MR. UNDERWOOD: Your Honor, one other additional
7 witness, Special Agent Justin Meeks from SLED. He
8 won't be a fact witness in this case. He's here more
9 to assist the prosecution as to Spanish language
10 issues and possible impeachment at a later time.
11 He's not a person we intend to introduce as a fact
12 witness. I ask that he be allowed to remain in the
13 courtroom as well.

14 THE COURT: He's not a fact witness they're
15 calling, so.

16 MR. HODGE: No problem with that.

17 THE COURT: Okay. And I will just tell you that
18 the jury mentioned to the bailiff if they could take
19 notes. Usually, I don't like people taking notes and
20 I will instruct them, but I always like to let y'all
21 know anything the jury asked.

22 What I normally do before you do your opening, I
23 have kind of a preliminary outline that I go through
24 with them and tell them just kind of what's going on
25 and kind of the procedure we're going through, that

1 kind of stuff. It takes a few minutes, then I'll
2 turn it over to y'all for openings.

3 MR. UNDERWOOD: Your Honor, Mr. Waters will open
4 for the State.

5 THE COURT: Okay.

6 All right, if y'all are ready, then bring the
7 jury in.

8 (WHEREUPON, the jury came into open court at
9 approximately 9:06 a.m.)

10 THE COURT: Good morning, ladies and gentlemen.
11 I know it's 9:07, but that is a major improvement
12 over yesterday, so anyway. All right, we're getting
13 ready to start the trial of the case. I gave you
14 some preliminary information on yesterday, but before
15 we get started, I'm going to ask the clerk to
16 administer the oath of the case and then I'll have
17 some additional conversation with you.

18 THE CLERK: Good morning. If you would please
19 stand, raise your right hand to be sworn.

20 (WHEREUPON, the jury was sworn.)

21 THE CLERK: All right. Thank you, be seated.

22 THE COURT: All right, ladies and gentlemen, I
23 want to -- first, I always like to tell the jury,
24 kind of identify some of the people in the courtroom
25 so you don't have to determine what they're doing and

1 all that. You've already met the attorneys and the
2 Defendant in this matter, but other personnel seated
3 in front of me is the court reporter. She is taking
4 down the record. She -- all the testimony,
5 everything that's stated, that's her job to take the
6 record down. Mr. Parks, who administered the oath,
7 is the clerk of court for this matter. Seated behind
8 me is my law clerk. He's a graduate of law school.
9 He assists me with the research, anything I need.

10 The most important people for your concern are
11 the bailiffs in the red jackets. That's their job,
12 is look after y'all. So if you have any questions,
13 you have any needs, please address those to the
14 bailiffs. If there's anything that the Court needs
15 to be involved with, they'll come and let me know.
16 Like I said, they'll look after you. They do an
17 excellent job here in Greenville, they really do.
18 Great group of bailiffs to work with.

19 As I -- we have two different roles here. You
20 won't hear from me directly until we get to the end
21 of the trial. But my role in this case is to preside
22 over the trial, rule on the admissibility of evidence
23 and to determine what the law of the case is. Okay.
24 Your job is to determine what the facts of this case
25 are. Anything I say or do throughout this trial, if

1 I indicate that I have an opinion on the facts,
2 you're to disregard that because that's not my job,
3 that is your job. You're to determine what the facts
4 are.

5 How do you determine what the facts are? You
6 listen to the evidence that is in this courtroom and
7 in this courtroom only. That's why I told you
8 yesterday, you're not to do any type of research.
9 Because all the evidence that you will need, you will
10 get in this courtroom, okay. That will be evidence
11 by way of testimony, documents, statements and those
12 types of things. Okay.

13 This is a criminal case. And a criminal case is
14 different from a civil case. One of the main
15 differences is the burden of proof. In this case,
16 the State has the burden of proof to prove that the
17 Defendant is guilty beyond a reasonable doubt, all
18 right. He comes into this courtroom with a
19 presumption of innocence. He pled not guilty to this
20 charge. That burden is totally on the State to prove
21 him guilty beyond a reasonable doubt. The Defendant
22 has no burden whatsoever in this matter.

23 And as you will -- when I started our process
24 yesterday, I read you an indictment. Indictment is
25 merely allegations, that's the paper that brings this

1 matter before the Court. And it's not to be
2 considered by you in any way. It's still the burden
3 is on the State. So any reference to indictment or
4 arrest or charges, like that, that's not to be
5 considered by you because those are merely the
6 matters that brings this matter to court. Again, the
7 Defendant has denied and pled not guilty to those, so
8 that's why the burden is on the State.

9 The bailiff indicated or I think there was an
10 inquiry about taking notes. I usually ask that you
11 not take notes. And the reason for that is I think
12 it's important for you to pay close attention to each
13 of the witnesses. Because you're going to have to
14 determine the credibility or believability of each of
15 the witnesses. Also, it gets complicated when
16 different people are taking notes and maybe one note
17 says one thing and one note says another, then that
18 presents a problem there. I think this is the type
19 of case where the notes won't -- you won't
20 necessarily need notes. I mean, I know it is going
21 to be an extended, could be an extended case, but I
22 think the nature of the case is not something that
23 has a lot of technical information and stuff like
24 that.

25 Procedure-wise, the case kind of goes like this:

1 Well, first thing we'll have is opening statements by
2 the attorneys. Then we will have the evidentiary
3 stage where the State will present their case. And
4 then after the evidentiary stage, we'll have closing
5 arguments, a charge on the law, then at that point,
6 you will begin deliberating. That's why I said it is
7 so important when I tell you not to discuss the case.
8 Because when you start discussing the case, you're
9 starting to make up your mind. You're starting to
10 formulate opinions. And you don't need to start
11 doing that until you've heard all the evidence and
12 you've heard the law that you have to apply to that.
13 So that's why it's important to keep an open mind
14 throughout until the end.

15 As far as breaks go, we -- was nine o'clock okay
16 with everybody? Normally, I try to start at 9:30,
17 but this is going to be a long case and I want to try
18 to get it through as quickly as possible. But I
19 don't want to inconvenience y'all or ruin the rest
20 your lives, if possible. So normally, we'll start --
21 we'll try to break every hour to hour and a half, but
22 sometimes that depends on where we are with
23 witnesses.

24 We'll try to break at lunch anywhere from 12:30
25 to 1:00, give y'all plenty of time for lunch. And

1 then in the evenings, we'll try to break as close to
2 5:00 as possible. If it looks like we're going to go
3 past 5:00, for any reason -- sometimes we have a
4 witness that's starting and they can't make it back
5 tomorrow. I'll discuss that with you and say hey, we
6 may have to go past 5:00 if anybody needs to make any
7 special arrangements. I'm not talking about way into
8 the evening, I'm just saying a little past 5:00 or
9 something like that. But I'll let y'all make any
10 additional arrangements you need to do.

11 If anybody needs to take a break or have any
12 scheduling issues, then that's what you bring up with
13 the bailiff. You know, if anybody needs to take a
14 break when we're not scheduled to have one, just kind
15 of indicate to the bailiff so that we'll take a break
16 as soon as we possibly can. Because we want to make
17 sure that y'all are always convenient as possible.

18 I will give you more information about some of
19 the terms. Like I said, the burden in this case is
20 beyond a reasonable doubt. That's the standard that
21 the State has to prove the Defendant's guilt. And I
22 will give you more information about what's
23 reasonable doubt and the definitions relating to that
24 as we get further into the -- at the conclusion of
25 the case.

1 And as I told you before, there's -- you know,
2 you not pay any attention to any media coverage. I'm
3 not aware of any media coverage. But if there is,
4 please make sure you don't pay any attention to that.

5 Now, at your first break, I will ask that you
6 select your foreperson from the original 12 members
7 of the jury. The role that a foreperson has is,
8 basically, to lead the discussions and do any notes
9 or communications with the Court. So it's not -- you
10 don't have to have any special training for that. I
11 always say you don't get paid any more than the
12 others, you still get that very small daily amount
13 that you're going to get.

14 All right. So those are kind of my comments as
15 we get ready to start this trial. As I indicated on
16 yesterday, we expect this case to take all week.
17 We're hoping to get through, but it could bleed over
18 into next week. So we will do everything possible to
19 get it done to avoid that. But we want to make sure
20 that everybody gets their full opportunity to present
21 whatever is needed.

22 So with that all being said, I will now turn it
23 over to the attorneys for the opening statement.

24 Mr. Waters.

25 OPENING STATEMENT

1 MR. WATERS: Thank you, Your Honor, may it
2 please the Court. Good morning. I'm not going to
3 talk for very long because, as the Judge said, we
4 want to get started right with this case and get
5 right to the evidence. But what I want to do right
6 now is just kind of give you a quick overview of what
7 this case is about.

8 As the Judge told y'all yesterday, this is a
9 drug trafficking case. And the evidence is going to
10 show in this case beyond any reasonable doubt that
11 the Defendant over there, David Barajas, is guilty of
12 trafficking methamphetamine by conspiracy 400-grams
13 or more, okay.

14 Now, again, my name is Creighton Waters, with me
15 is Joshua Underwood, and we are senior prosecutors at
16 the Attorney General's Office. As the Judge said, it
17 is our job to present this case to you and to prove
18 it beyond a reasonable doubt. And with us are
19 Captain Jason Wells of SLED.

20 Jason, raise your right hand.

21 We have Lieutenant Brett Barwick from Pickens
22 County Sheriff's Department. We have Lieutenant
23 Tyrel Woodring and we have Investigator Charlie
24 Cunningham from the Greenville County Sheriff's
25 Department. Those are some of the law enforcement

1 officers that you will hear from in this case.

2 So what is trafficking? What does trafficking
3 mean? Again, the Judge is going to give you a very
4 detailed instruction at the end, but this is just
5 sort of a short overview so you understand some of
6 the issues in the case. And trafficking,
7 essentially, means that you're somehow responsible,
8 whether it's sell, distribution, possession,
9 importation for 400-grams or more of methamphetamine.
10 And you may have heard methamphetamine, some people
11 call it meth, some people call it ice, some people
12 call it crystal meth, some people call it crank,
13 sometimes people just call it dope, okay. And
14 trafficking can be committed a number of different
15 ways, but the allegations here involve a trafficking
16 by conspiracy, okay. Conspiring to traffick 400
17 grams or more of methamphetamine is one way that you
18 can commit the crime of trafficking.

19 What is a conspiracy? Well, conspiracy simply
20 means an agreement. It is an agreement between two
21 or more people to commit that specific crime, to
22 traffick 400 grams or more of methamphetamine.

23 So how do you find conspiracy? How do you find
24 that agreement? Well, it would be nice if drug
25 dealers like signed a detailed contract and wrote

1 down the first party hereby agrees to sell to a
2 different party and the second party complies and
3 everything else, but that's not usually how it works.
4 So what you can do is you can listen to the evidence
5 about what people said and what people did and you
6 can imply or you can infer or deduce that conspiracy
7 from the evidence. Okay. And so that's how you can
8 look at a conspiracy.

9 Ultimately, a conspiracy is much like a
10 legitimate business. You know, a legitimate
11 business, you may have people who work in a front
12 office and you may have a retailer and you may have a
13 wholesaler and people who work in warehouses, people
14 that are delivery drivers. You may have like a
15 factory where somebody is in the front office and
16 somebody is the foreman and somebody builds the
17 engine and somebody builds the interior and somebody
18 builds the suspension. You might have like
19 McDonald's. You might have people who work at the
20 front office. There's delivery drivers that take the
21 food from the warehouse to the stores. There's
22 people that cook it. There's people that take the
23 orders. But in the end, even though those people
24 might not know each other, in the end, the goal in
25 the factory is to sell the consumer a car. And

1 McDonald's is to sell the consumer a hamburger. In a
2 drug conspiracy is to sell the consumer
3 methamphetamine.

4 Now, what's the evidence that you're going to
5 hear in this case. The evidence very simply that
6 you're going to hear in this case is that
7 Mr. Barajas, essentially, had a hub in Atlanta,
8 Georgia, okay, from which drugs, methamphetamine,
9 significant quantities were trafficked up from the
10 southern border in that hub in Atlanta and then they
11 were distributed further into primarily the upstate
12 of South Carolina, Greenville County. And you're
13 going to hear from people who dealt directly with
14 Mr. Barajas, okay. And you're also going to hear
15 from people that dealt directly with the people who
16 dealt directly with Mr. Barajas. People that are
17 down the chain, you know, from the wholesaler to the
18 retailer sort of thing. These people are going to be
19 drug dealers, okay.

20 Because where do you get evidence about a drug
21 conspiracy? You get evidence from drug dealers. I
22 wish that I could bring in preachers and teachers and
23 doctors to come in here and testify to you about the
24 existence of a drug conspiracy, but they're not the
25 people who are involved in drug conspiracies, it's

1 drug dealers. So you're going to hear from people
2 that dealt directly with him. You're going to hear
3 from people who were down the chain who moved those
4 drugs who were coming from a hub in Atlanta, Georgia.

5 All right. You're also going to hear from law
6 enforcement officers, I have introduced some of them,
7 from various agencies that investigated this case.
8 Then you're going to hear from some analysts who
9 tested seized evidence in this case.

10 Now, the Judge mentioned the burden that's on
11 the State. The burden of proof in this case is
12 beyond a reasonable doubt. And that's a very heavy
13 burden, it's a significant burden. It's a burden
14 that we accept. It's a burden that we want because
15 we wouldn't have it any other way. That's the way
16 the system is, okay. The burden is on us to prove
17 this beyond any reasonable doubt. But remember, the
18 emphasis is on reasonable. It's not proof beyond any
19 doubt, it's beyond any reasonable doubt. The Judge
20 will charge you further on that at the end of the
21 case.

22 Now, you folks just stood up and took an oath
23 and you took an oath to well and truly try this case,
24 okay. And there's a lot of oaths in the courtroom.
25 Of course, the attorneys take oaths to become

1 attorneys. Our job is to represent our clients to
2 the best of our ability. The Judge takes an oath, of
3 course, to become a judge. His job, as he explained
4 to you, is to be the referee, to determine what
5 evidence is admissible. And then at the end, he's
6 going to charge you the law. Then, as he pointed
7 out, you folks have the most important job in the
8 courtroom and that's to determine what the facts are.
9 And your oath, of course, to well and truly try this
10 case is to take that law that the Judge gives you and
11 to apply it to those facts and then come up with a
12 verdict. And when all that evidence is in that's
13 going to come from that witness box right there, the
14 evidence is going to show beyond any reasonable doubt
15 that David Barajas over there is guilty of
16 trafficking methamphetamine 400 grams or more. Thank
17 you.

18 THE COURT: Mr. Hodge.

19 OPENING STATEMENT

20 MR. HODGE: Thank you, Your Honor.

21 Ladies and gentlemen, I know you heard me
22 introduce myself yesterday. Again, my name is
23 William Hodge. I'm an attorney. I live in
24 Spartanburg. I represent Mr. David Barajas seated
25 here next to me.

1 Now, I want to get the elephant out of the room
2 and answer the burning question. Mr. Barajas is a
3 citizen of the United States of America. He was born
4 in California. Just so you know, because I know
5 everyone was wondering because that's what you
6 immediately think when you see someone like
7 Mr. Barajas sitting here with an interpreter seated
8 next to him. He's an American citizen.

9 The interpreter seated next to him is here to
10 make sure he understands what's going on in this
11 courtroom, what I say, what the prosecutor would say
12 and even what the Judge says. He understands English
13 in common conversations. I can sit there and have a
14 conversation with him and have many times. But we
15 use a lot of legal jargon, like reasonable doubt or
16 probable cause, those kinds of things that we may
17 understand because we know those words in English.
18 He doesn't hear that very often, so she is there to
19 make sure that he understands every word, every
20 question and everything that is said. Because today,
21 this week, is the most important day and week of
22 Mr. Barajas' life at this point.

23 He is here, seated next to me innocent. Now,
24 the Judge said there is a presumption of innocence.
25 That means that when he walked into this courtroom,

1 he is presumed not guilty. That means that you, as a
2 jury, cannot walk in and because he's seated next to
3 a defense lawyer immediately think well, he's
4 probably guilty, or he might be guilty, or he could
5 be guilty. As of right now before any evidence has
6 been presented, before the prosecution has done their
7 job and met the burden, he is presumed innocent.
8 Just as I am, just as you are.

9 I had a professor in law school who gave us this
10 really great analogy to that. I'm a Harry Potter
11 fan, so it always kind of stuck with me. And the
12 Judge may say something similar to you at the end.
13 But think of it like a cloak. I think of it as a
14 invisibility, but think of it like a cloak that is
15 draped over him currently of innocence. The only way
16 that you can convict him and vote guilty at the end
17 of this trial is if the State, who you've heard
18 multiple times, meets their burden of proof and has
19 completely removed that cloak. Until then, and only
20 if that occurs, Mr. Barajas is innocent.

21 All of the evidence -- well, most of the
22 evidence that you will hear will come in the form of
23 testimony. This is not a CSI case. This is not a
24 Law & Order episode. And I love those shows, but
25 this is not one of them. You will not see a whole

1 lot of scientific evidence or earthshattering
2 forensics. You won't see any of that stuff, okay.
3 What you will hear mostly will be testimony. It will
4 come from various witnesses. A lot of those
5 witnesses will be law enforcement officers. I have
6 the upmost respect for law enforcement officers. I
7 think every single one of these guys up here knows I
8 respect them and I appreciate what they do, okay. So
9 if I ask questions of them that seem harsh or
10 offensive or anything like that, that's me doing my
11 job. And they know that, they understand that. You
12 will also hear from, as you've heard, some lay
13 witnesses, some co-conspirators, some drug dealers,
14 if you will, some people who claim that they worked
15 directly with David Barajas.

16 No matter what witness is on the stand, you, the
17 jury, are the ones who determine whether you believe
18 them or not. Just because they sit there and put
19 their hand on the Bible does not mean they are
20 telling the truth. I can promise you that. You, the
21 jury, are the ones who have to determine whether you
22 think they're telling the truth.

23 Now, a couple of things when people testify you
24 should focus on. I'm no expert in psychology or
25 anything like that, but there are certain things that

1 you can use to assess the truthfulness of a witness.
2 One of those things is body language. How they act,
3 how they look. Use your common sense. You all have
4 seen that. You kind of think this is -- also,
5 another thing, you kind of get a sense when someone
6 may not be being honest or telling you the full
7 truth. But another thing, one that may be a little
8 more weighable or measurable in your mind is
9 credibility. Motive. What is the motive for them
10 sitting up there on that witness stand?

11 Now, law enforcement, obviously, their motive is
12 this is their job. I mean, that's what they have to
13 do. They're up there giving you what they believe to
14 be the facts as they see them through their
15 investigation, okay. Their motive is to convict
16 David Barajas. That's their motive.

17 The co-conspirators, however, also have a
18 motive. And you will hear about it. I'll ask about
19 it, the prosecution will probably ask them about it,
20 but it's not a nothing for everything situation for
21 them. So ask yourself what's their motive? What's
22 their reasoning for being here, first of all? What
23 would be a reason for them to lie? What would be a
24 reason for them to be hedged on facts? Those are all
25 questions that you, the jury, are going to have to

1 answer once all of this is done and you've heard all
2 of these witnesses. Do you believe them? Are they
3 credible?

4 You've heard, obviously, what the Judge's role
5 is, and he is the judge of the law. He will be the
6 one who tells me when I do something wrong, when I
7 misinterpret something, but he will also tell you
8 what the law is. I'm not going to pretend to that
9 today.

10 You, the jury, are the judges of the facts. You
11 are the ones, who after hearing all of the testimony,
12 all of the evidence, everything that's been presented
13 by the State, you will then have to be the one to
14 determine did they do their job? Did they meet their
15 burden of proof?

16 Because again, Mr. Barajas is innocent. He is
17 presumed innocent. He does not have a job other than
18 to sit there and assist me if I have any questions
19 for him. We have to prove nothing. It is not his
20 job to convince you that he did not participate in
21 this conspiracy. It's not my job to convince you
22 that he did not participate in this conspiracy. It
23 is their job to convince you beyond a reasonable
24 doubt of this.

25 I think at the conclusion of this trial, after

1 you've heard all of the evidence and you have taken
2 the time to deliberate, to ask yourself what's
3 missing, what do you need, what would you want, why
4 did they say what they said, I believe they will not
5 have met that burden and that you will find
6 Mr. Barajas not guilty. Thank you.

7 THE COURT: All right. State call their first
8 witness.

9 MR. UNDERWOOD: May it please the Court, Your
10 Honor, the State calls Lieutenant Tyrel Woodring.

11 THE CLERK: Place our left hand on the Bible,
12 raise your right hand.

13 TYREL WOODRING, after being duly sworn,
14 testified as follows:

15 THE CLERK: Please be seated. Once you're
16 seated, state your full name.

17 THE WITNESS: Tyrel Alan Woodring.

18 THE CLERK: Please be seated.

19 DIRECT EXAMINATION

20 BY MR. UNDERWOOD:

21 Q Good morning, Lieutenant Woodring.

22 A Good morning.

23 Q If you would, please tell the jury where you're
24 currently employed.

25 A I work for the South Carolina Law Enforcement

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Division, also known as SLED.

2 Q What is your current position there?

3 A I'm the lieutenant over the narcotics division
4 for SLED.

5 Q What exactly does that mean? What are your
6 responsibilities as a lieutenant?

7 A I'm blessed to be able to supervise a team of
8 special agents for SLED that investigate narcotics crimes,
9 mainly, in the upstate of South Carolina. My area does
10 cover the west half of South Carolina.

11 Q Would that include the upstate counties of
12 Greenville, Spartanburg and Pickens?

13 A Yes, sir.

14 Q Lieutenant Woodring, if you could, please
15 summarize very briefly your background of working in law
16 enforcement and what special experience and education you
17 have, particularly as it relates to narcotics?

18 A Yes, sir. I began my career in law enforcement
19 in the year of 2000. I graduated from the South Carolina
20 Criminal Justice Academy as a certified law enforcement
21 officer. I started my career with the Oconee County
22 Sheriff's Office as a patrol deputy. It was my
23 responsibility to answer calls of service from citizens of
24 Oconee County and investigated those crimes as a road
25 deputy.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 And in 2003, I was promoted to sergeant in
2 the narcotics and vice division. I worked closely with
3 citizens of Oconee County and communities and listened to
4 their areas of complaints or tips of information they
5 would give me of crimes going on in their area, mainly,
6 pertaining to narcotics, possession of narcotics,
7 distribution, manufacturing, trafficking, conspiracy to
8 traffick narcotics, how it's affecting their area. I
9 conducted my investigations using the information provided
10 by me from the citizens and also sources of information,
11 people that I arrested that gave information to me in
12 Oconee County. I served in that capacity to 2012. I also
13 served in Oconee County as a SWAT team member and a
14 helicopter pilot for the sheriff's office.

15 In 2012, I was hired by SLED as a special
16 agent, also, in the narcotics division. It is my
17 responsibility to work closely with other law enforcement
18 agencies in the upstate and to investigate narcotics
19 activity that was affecting citizens of the State of South
20 Carolina, in the upstate of South Carolina.

21 Q All right. Lieutenant Woodring, at the time of
22 the investigation that brings us here to this trial, what
23 role were you filling at SLED at that time?

24 A I was a special agent in narcotics.

25 Q In fact, were you one of the lead investigators

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 on this particular investigation?

2 A Yes, sir.

3 Q Please explain what your role in this particular
4 case was.

5 A I worked closely in the upstate with Anderson
6 County, Oconee County, Pickens County, Greenville County
7 sheriff's offices and police departments. I would work as
8 a narcotics investigator. And I worked closely with the
9 agents of the sheriff's offices and police departments,
10 mainly, to find out groups of people that were trafficking
11 or moving drugs that affected multiple counties. So it's
12 my job to kind of connect the pieces of a puzzle and find
13 out who these people were that were affecting the
14 different counties, mainly, pertaining to narcotics
15 activity.

16 Q Lieutenant Woodring, in your experience working
17 as a narcotics officer, have you had multiple
18 opportunities to work on what are referred to as
19 historical conspiracy cases?

20 A Yes, sir.

21 Q Could you please explain to the jury what that
22 term means and how you conduct such investigation?

23 A A conspiracy is, basically, two or more people
24 that are working together to commit a crime. This crime
25 would be narcotics activity, possession, distribution,

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 manufacturing of illegal drugs over a certain amount of
2 time. It was my responsibility to work with those
3 agencies and identify those groups of people and conduct
4 an investigation and remove the danger of those people and
5 the drugs from the communities in our area.

6 Q What kind of investigative techniques do you
7 typically utilize in that kind of investigation?

8 A We take the information as given to us by
9 citizens through, like, Crime Stoppers. If you make a tip
10 to Crime Stoppers, you call the sheriff's office and make
11 a complaint about illegal drug activity in your area, we
12 will then conduct surveillance where we would be in an
13 undercover capacity or we're given information from these
14 guys or other deputies on the street to identify people
15 that are selling drugs or having high crime activities in
16 your area and your neighborhoods and we identify those
17 people. Then we would start to make undercover drug
18 purchases from those people, either by using an undercover
19 law enforcement agent or undercover cooperating
20 individual. Basically, somebody that we had arrested in
21 the past or have a current investigation on that is
22 willing to cooperate with law enforcement to make an
23 undercover buy.

24 When they make undercover purchases of
25 these drugs from the people, we conduct our case further

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1 from that and try to identify the people at the bottom,
2 though the people at the bottom would be the users, and
3 identify the people all the way to the top, kind of like a
4 pyramid. Because we want to identify the person that's
5 bringing in the drugs into the State of South Carolina;
6 and also, how those drugs are getting into the State of
7 South Carolina so we can take out that group of people and
8 remove them from the area. And mainly, take out the
9 narcotics that's affecting the communities, your family
10 and my family and law enforcement.

11 Q Lieutenant Woodring, can you elaborate a little
12 bit on the building of the pyramid, as you describe it,
13 how you would go through that process?

14 A We would take the information that citizens
15 would give us. Like I said, we identify the users, that's
16 the people that, mainly, like our road deputies would
17 arrest on traffic stops or involved in other types of
18 crime. Unfortunately, narcotics doesn't just infiltrate
19 narcotics crimes, it's very broad. It can be violence.
20 It can be theft. We work those cases of the users.
21 They're involved in many different type of crimes.

22 We'll make an arrest and we'll interview
23 them. We'll give an historical interview. We'll
24 interview them about where they were born, what school
25 they went to, how they are affected by drugs, what was the

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 first drug that they ever used, the person that introduced
2 them to drugs and how it affected their life and how that
3 drug activity continued on to the point to where they tell
4 us who they're getting their drugs from.

5 And then we'll work it from there, we'll
6 talk to that person about who they're getting their drugs
7 from. We'll try to make a case from that person, all the
8 way up to the top of the pyramid where we can take a good
9 case and get a good case on the people that's bringing the
10 drugs in the State of South Carolina.

11 Q Lieutenant Woodring, in addition to working with
12 the Oconee County Sheriff's Office and South Carolina Law
13 Enforcement Division, have you ever had the opportunity to
14 work with any federal authorities?

15 A Yes, I have. I've been on the U.S. Marshal's
16 task force. I've been on the Homeland Security
17 Investigation's Task Force. I've worked a lot with the
18 DEA and other law enforcement agencies across the country,
19 Georgia Bureau of Investigation, State Bureau of
20 Investigation, North Carolina, and many other sheriff's
21 offices and police departments here in the south.

22 Q And while working in those capacities, have you
23 had any experience with learning over a period of time how
24 drugs, in particular, methamphetamine, are introduced into
25 the State of South Carolina, where they ultimately come

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 from?

2 A Yes, I've interviewed many people, countless
3 people and I've attended training, mainly, through
4 Homeland Security Investigation and Drug Enforcement
5 Administration. I learned how methamphetamine is brought
6 into this country, predominantly is manufactured in
7 Mexico, smuggled across the border to Texas, then
8 transported to Atlanta, Georgia. And Atlanta, Georgia to
9 Charlotte, you have Interstate 95. We consider that to be
10 a major drug corridor and any areas that are touching
11 Interstate 95 is mainly affected by methamphetamine.

12 Q And can you explain how the origin and what it
13 means, a drug corridor?

14 A A corridor is just a road. I mean, it's just an
15 area between Atlanta, Georgia, and Charlotte, North
16 Carolina. There's Interstate 95 where drugs are
17 transported or smuggled in cars or planes or just by
18 people, in general, from one area to another. We consider
19 it a corridor.

20 Q And in those types of situations, what does the
21 term hub come to mean?

22 A Hub would just be an area where these
23 traffickers, these drug dealers work out of. It would be
24 the area that the drugs would be moved into, would be
25 housed, stored and then distributed from or transported

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1 out to another hub.

2 Q Okay. In the situation of methamphetamine
3 coming from Mexico to South Carolina, what hub or hubs are
4 typically involved?

5 A One of them would be in Texas, another hub would
6 be in Atlanta, Georgia. The next hub would be Charlotte,
7 North Carolina, which would be between us and Atlanta,
8 Georgia.

9 Q And on a nationwide scale, are there other hubs
10 to create other networks throughout the country?

11 A Absolutely.

12 Q So we're just talking about one particular
13 network in this particular situation; is that correct?

14 A Yes.

15 Q Lieutenant Woodring, how did you come to be
16 involved in this particular investigation?

17 A I worked closely with Pickens County Sheriff's
18 Office and the Greenville County Sheriff's Office during
19 this time of 2014 when this case kind of started for law
20 enforcement. We found that this case had been -- people
21 had been working -- the drug dealers in this case had been
22 working since 2011.

23 But working closely with Brett Barwick with
24 the Pickens County Sheriff's Office and Charlie Cunningham
25 with Greenville County Sheriff's Office and seeing the

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1 trends in their counties, the people that they were
2 dealing with, the information that they were given, I
3 would then go to the other county and it had the same type
4 of complaints, same type of information. And also
5 additional people that we were able to connect and
6 realized that there was a group of people working together
7 to affect Pickens County, Greenville County by bringing in
8 large amounts of methamphetamine.

9 Q Now, at the time of this investigation, were you
10 assigned to a unit that particularly had focus on what was
11 known as the state grand jury?

12 A Yes, sir.

13 Q Can you explain how your coordination with Brett
14 Barwick of Pickens County and Charlie Cunningham from
15 Greenville County came together as far as the state grand
16 jury investigation is concerned, what that means and how
17 that proceeds?

18 A It's very simple. Within the state grand jury
19 guidelines, we're looking for groups of people, we call
20 them a Drug Trafficking Organization, a DTO. It's groups
21 of people that are affecting two or more counties by
22 certain crimes. This crime would be trafficking
23 methamphetamine. Once we have that basis where it's
24 affecting multiple counties, we're able to build a case
25 and take it and present it to the state grand jury and,

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1 ultimately, be prosecuted by the Attorney General's Office
2 here in South Carolina.

3 Q So the trial that we're here today, is that how
4 it origins in such an investigation?

5 A That's correct. Predominantly, in Pickens
6 County and Greenville county, but it did touch in other
7 counties in the upstate and across the state.

8 Q So going more specifically, how did The State
9 Grand Jury portion of this investigation begin? What was
10 the genesis of this case?

11 A The genesis of this case was the information
12 that was provided to Pickens County and Greenville County
13 by the citizens in their counties and also, information
14 given to them by the interview of several suspects. Like
15 I talked about earlier, we do a historical interview of
16 those suspects and they give us information that they had
17 about their life and how they're affected by drugs, but,
18 predominantly, the people that were giving them the drugs.
19 And we were able to connect the people that they had given
20 us, how it affected the other areas. But we were able to
21 identify a group of people in Greenville County that was
22 supplying large amounts of methamphetamine, kilograms,
23 which is a thousands grams or more of methamphetamine,
24 distributing out of the Greenville area. It was touching
25 Pickens County, Spartanburg County, Berkeley County,

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1 Charleston County here in South Carolina.

2 Q In general terms, Lieutenant Woodring, how
3 did -- how was law enforcement able to determine that
4 there was a group of individuals combining together for
5 that common purpose in general terms?

6 A As we moved up the chain, we would interview
7 these people and they would tell us who they were working
8 with. We would take that information that they had given
9 us and we would corroborate it. We would show it is true
10 by making undercover drug purchases from the people that
11 they gave us.

12 Q And can you explain how historical information
13 is used to demonstrate this common scheme or plan, this
14 common purpose of selling methamphetamine?

15 A Historical interviews or information provided
16 would be a timeline. Mainly, in this case, we started in
17 2011 up to several years later, where the person would
18 give us information about who they bought from, the
19 frequency or amount that they bought from the person,
20 mainly, the amount they would buy several times a week or
21 several times a month or the total amount that they bought
22 from the person and how they would then distribute it to
23 other people, the people that they sold it to, those
24 people's names and the amounts they would sell it to. And
25 we're also looking for areas that is affected because we

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1 need to know what county they were selling it in, what
2 county they were distributing it in.

3 Q And using that historical information, are you
4 able to sort of aggregate how much methamphetamine in this
5 particular instance was involved?

6 A Right.

7 Q And how exactly -- you mentioned frequency and
8 amounts. Can you explain how you would put all that
9 information together to determine whether your
10 investigation needs to go further?

11 A We'd start at the users and work our way up to
12 the top. The users would generally get smaller amounts,
13 user amounts of methamphetamine. Over the people I've
14 interviewed, it's a tenth of a gram at a time, as people
15 would utilize, you know, one time. We would take the
16 weights that they would purchase and we would write it
17 down and go interview the next person higher up the chain.
18 We would take the amounts of methamphetamine that they
19 told us that they purchased and they sold and we would
20 write that down, all the way up to the top of the pyramid.
21 And then we would calculate all the weight that was sold
22 during the periods of time from the top to the bottom and
23 we would total it up.

24 Q Lieutenant Woodring, you mentioned that in your
25 experience and based on numerous interviews that you

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1 conducted that user amounts of methamphetamine would
2 typically be how much did you say?

3 A About a tenth of a gram.

4 Q A tenth of a gram.

5 A Right.

6 Q Is there any common item that could be used as
7 kind of a reference for how much of a substance is a gram
8 or a tenth of a gram?

9 A Right, like a sweetener pack like you would put
10 in unsweetened tea or something like that is a gram
11 amount. So it would be a tenth of that as user amount of
12 methamphetamine.

13 Q Now, Lieutenant Woodring, as to this particular
14 case, did you go looking to make an investigation or did
15 the local agencies from Pickens and Greenville come to
16 you? How did that process begin?

17 A I worked closely with them, but they did
18 identify a group of people that they believed were working
19 together. And we were able to meet, SLED, Pickens County
20 and Greenville County and come together and have what I
21 call ah-ha moments. We would be able to connect the dots
22 and put the pieces of the puzzle together and see how this
23 group of people worked together to affect our counties.

24 Q So is this a situation where there was an
25 investigation in Pickens County, another investigation in

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1 Greenville County and then when all three of you got
2 together, you realized that there was crossover in
3 commonality?

4 A Correct.

5 Q In this particular instance, please explain what
6 that commonality was that you were able to identify as
7 part of the investigative team and how your investigation
8 proceeded from there?

9 A Pickens County identified a group of people
10 working together. Greenville County identified a group of
11 people working together. But the main common denominator
12 was one person working out of Greenville County that
13 affected both. This one person was Sandra Duncan, an
14 older white female known as Ma, who was actually selling
15 large amounts of methamphetamine to individuals in both
16 counties and those individuals would sell it in their
17 counties.

18 Q Now, you mentioned there were a number of
19 counties that were involved, ultimately, with this drug
20 trafficking organization in South Carolina. Can you
21 briefly describe how those different counties were touched
22 on? We'll get into the further details later, but just
23 briefly kind of show the picture of how these different
24 counties were affected.

25 A Correct. The methamphetamine that Sandra Duncan

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1 sold went to a lot in Greenville County, but also went to
2 Pickens County. She had also a dealer out of Charleston
3 County that would sell methamphetamine. And she would
4 have a runner who would go back and forth to each area,
5 mainly, from Greenville area to Charleston County, but it
6 affected the counties in between, like Berkeley County,
7 where law enforcement was able to make a seizure of
8 methamphetamine from the runner going to Charleston
9 County.

10 Q Were the drugs involved in this particular
11 organization also further distributed in the Spartanburg
12 County as well?

13 A Yes.

14 Q Agent Woodring, please describe how once you
15 identified Sandra Duncan as a primary subject party of
16 this investigation, what was the next step for you and the
17 investigative team?

18 A We conducted surveillance in an undercover
19 capacity. Basically, we got some undercover vehicles and
20 we started looking at the traffic, the volume of traffic,
21 the people visiting Sandra Duncan at her -- she has two
22 residences. One is [REDACTED] Cook Street here in Greenville,
23 the other is [REDACTED] Brockman Avenue here in Greenville. Just
24 the amount of time that a person would stay at her house.
25 Usually, when a person comes and visits me at my house,

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1 it's longer than two minutes. It may be 30 minutes to an
2 hour. But she was having people visit her for two or
3 three minutes and leaving. It was lot of traffic. We --
4 in law enforcement, we consider that a clue to drug
5 activity, selling drugs.

6 But then we were looking for somebody to
7 purchase drugs from Sandra Duncan for law enforcement. We
8 then developed a confidential informant, a reliable person
9 that could go in and make a purchase of methamphetamine
10 from Ms. Duncan and that's what we did. We purchased
11 methamphetamine from Ms. Duncan.

12 Q Can you explain in a little more detail exactly
13 what a confidential informant is?

14 A We have different areas of informants. An
15 informant may be a good citizen informant. May be
16 somebody like yourself who has information about illegal
17 drug activity that has a relationship with somebody that
18 works with law enforcement that can go buy methamphetamine
19 from somebody. But most of our confidential informants,
20 you may hear them called a confidential source, is
21 somebody that we have an investigation on, we have charges
22 on that's willing to work with law enforcement to make a
23 purchase from drug dealers for cooperation, for
24 consideration of your charges. Law enforcement doesn't
25 give them consideration. This consideration would be,

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1 ultimately, given from the prosecuting agency and the
2 judge about their charges. In turn, we'll have their
3 cooperation and we'll go make undercover buys using that
4 person. And these are supervised buys.

5 Q If you can, explain what you mean by supervised
6 transactions?

7 A Right. Law enforcement supervising a
8 transaction will meet with the confidential informant in a
9 predetermined location away from the public, away from
10 other drug dealers. We will search that person for
11 contraband, any type of currency, any type of weapons.
12 We'll provide that person with documented state funds.
13 Funds that we have seized in previous drug investigations
14 from drug dealers, we're allowed to use the funds to
15 further drug investigations.

16 That person will make a phone call or a
17 Facebook call or a text message to the drug dealer and
18 line up a drug purchase. We will then surveille that
19 person meeting with the drug dealer at a predetermined
20 location. That person will go in and make a drug purchase
21 from the person and we'll surveille them back to the
22 predetermined location where the drugs are turned over to
23 us. We'll research then their vehicle, able to show that
24 any drug that came from them they turned over to us had to
25 come from somebody else other than us, had to come from

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1 the person that they met with.

2 After we take those drugs, we'll put them
3 in a, what we consider a Best package, basically, just a
4 sealable plastic container with lines on it. If it's
5 opened, it will show that it has been tampered with or
6 altered. We'll seal it in a Best kit and then we'll turn
7 it into our SLED laboratory where it's tested by a SLED
8 chemist to determine what type of drug it is, also, the
9 amount of drugs.

10 Q As mentioned, were you able to conduct those
11 type of operations involving target Sandra Duncan?

12 A Yes, sir.

13 Q How many times were you able to accomplish that
14 with Sandra Duncan?

15 A We made five purchases of methamphetamine. Four
16 purchases, around a quarter ounce, around 7-grams of
17 methamphetamine. One purchase was for a half an ounce of
18 methamphetamine, over 14-grams. And this occurred at her
19 residences, either [REDACTED] Cook Street or [REDACTED] Brockman Avenue
20 here in Greenville County.

21 Q Now, Lieutenant Woodring, you mentioned several
22 different weights. Could you explain to the jury how to
23 translate some of the standard units of measure towards
24 the metric gram measurement. Typically, beginning from an
25 ounce, kind of work your way down.

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1 A Right. So most drug dealers sell their drugs in
2 ounces, ounces weight. You'll see the higher level drug
3 dealer selling in kilograms. An ounce of methamphetamine
4 is 28-grams. Half an ounce of methamphetamine is
5 14-grams. A quarter ounce is 7-grams. Or you may hear
6 the eighth of a ounce is 3.5-grams.

7 Q Is there another term that's commonly used in
8 the drug dealer world for an eighth of an ounce?

9 A It's considered to be called an eight ball.

10 Q Is that because it's an eighth of an ounce,
11 hence eight ball?

12 A Correct.

13 Q And approximately how many grams would be a
14 pound?

15 A 453.

16 Q So more than -- so one pound is more than 400
17 grams?

18 A Yes, sir.

19 Q All right. And how many grams are in a
20 kilogram?

21 A One thousand.

22 Q After law enforcement was able to conduct these
23 controlled purchases on Sandra Duncan, where did you go
24 from there?

25 A We continued to surveille Sandra Duncan. We

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1 tried to figure out who she was selling it to and who she
2 was getting it from. Ultimately, Pickens County,
3 Greenville County and SLED got together and formulated a
4 plan where we actually approached Sandra Duncan and try to
5 have her cooperate with law enforcement. Excuse me.

6 On February 25, 2015, myself and the other
7 agents actually conducted a traffic stop with Ms. Duncan
8 in Greenville County. We identified ourselves as law
9 enforcement. We told her what type of investigation we
10 believed she was involved in and asked for her to
11 cooperate. She did agree to cooperate. She agreed to
12 accompany us to our office here in Greenville, South
13 Carolina to be interviewed. We did advise her of her
14 Miranda rights, you know, she had a right to talk to a
15 lawyer and that she could talk to us without one. She did
16 waive her rights. She agreed to talk with us and she
17 began to tell her story.

18 Q When you spoke with Ms. Duncan about her story,
19 what were the topics that you discussed with her?

20 A Basically, we talked to her about her sales of
21 methamphetamine. We let her know that we had been
22 purchasing methamphetamine from her. We wanted to know
23 who she was getting it from and we wanted to know who she
24 was selling it to. And we wanted to know what types, what
25 amounts of drugs she was getting.

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1 Q And throughout the course of your dealings with
2 Sandra Duncan, were you able to identify additional
3 subjects to your investigation?

4 A Yes, sir, people who she was selling it to.

5 Q In addition to simply interviewing Ms. Duncan,
6 were there any other investigative techniques used to
7 identify those individuals?

8 A We utilized photo identification, photo lineups,
9 but, also, the undercover surveillance. But mainly, we
10 made purchases of drugs from the people that she had given
11 us. We were able to corroborate the information that she
12 had given us and we would go out and actually make
13 undercover drug buys from most of the people. Ultimately,
14 we approached the people and we conducted a lot of
15 interviews with them.

16 Q Now, you mentioned photo lineups. What is a
17 photo lineup? How does that procedure work?

18 A Basically, Ms. Duncan would describe a person
19 that she knew or she might know their name. She may have
20 a close relationship with that person, or she may not know
21 them. Law enforcement may know this person, but this
22 person that she knows or she describes are able -- law
23 enforcement is able to identify that person. And we take
24 the information of that person, we give it to our fusion
25 center.

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1 Fusion center is kind of like a dispatch at
2 SLED, have a lot of intelligence analysts there. They
3 work to dig up information, do a lot of research. But
4 we'll send them that information and that analyst will
5 pull a picture of that person and then find five other
6 pictures of similar likeness of that person, print it out
7 on a sheet of paper. It might be black and white. It
8 might be color. We're able to present a photo lineup to
9 the person we're interviewing and ask them do you know
10 anybody on this sheet of paper? Law enforcement won't
11 point at somebody, we won't give any hints. And then if
12 that person is able to look at these pictures and say oh,
13 yes, I know this person right here. We'll ask them who
14 that person is and they'll tell us. We'll ask them to
15 circle the person and initial by the person's picture.
16 And that's a photo lineup.

17 Q All right. So during that procedure, at any
18 time, does law enforcement suggest that the witness should
19 know anyone --

20 A No.

21 Q -- in the photo lineup?

22 A We just ask them if they know anybody on there.
23 We don't tell them that there might be or there should be
24 anybody of identification that they might know on that
25 piece of paper.

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1 Q Is that a commonly used technique in narcotics
2 organization investigations?

3 A It is.

4 Q And were several of those presented to
5 Ms. Duncan?

6 A Yes, sir.

7 Q All right. And several of those, was she able
8 to identify individuals that you were later able to
9 determine were involved with the drug trafficking
10 organization involving her?

11 A Yes, sir.

12 Q Are there ever situations where rather than a
13 photo lineup, a single photograph is used?

14 A Yes, sir. A single photograph is somebody -- is
15 a tool that we use, but it's, basically, just one picture
16 on a piece of paper, but, basically, this person that
17 we're interviewing already has a relationship with that
18 person that we're showing them a picture of. It's a
19 person that is known, that is not unknown. It might be a
20 relative. It might be somebody they went to school with,
21 somebody that they work with, go to church with, or just
22 somebody they spend a lot of time with or they do business
23 with. So it's a known person. We show them a picture of
24 one person and that's the person that they're describing
25 or that they have already named. And they say oh, yes,

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1 that's the person.

2 Q So what's the purpose of using a single
3 photograph versus a photo lineup used for ID?

4 A A single person is a person that is known to
5 them. A photo lineup can be a person that is unknown to
6 them. Or just they don't know the name, they describe it,
7 but it's somebody that law enforcement knows and that
8 person can fit it in within a pile of pictures or multiple
9 pictures that the person we're interviewing can then
10 identify.

11 Q When using a single photograph, is that
12 typically more for confirmation purposes rather than
13 learning a new identity?

14 A Correct.

15 Q Okay. So in a situation where you're using a
16 single photograph, is that where law enforcement has
17 already been able to identify a person that is known to
18 the witness?

19 A Yes.

20 Q And that's just to confirm that law enforcement
21 and the witness are talking about the same person?

22 A Correct.

23 Q All right. Were both single photographs and
24 photo lineups shown to Ms. Duncan during her interview or
25 interviews?

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1 A Yes.

2 Q Following the information gathered from
3 Ms. Duncan -- actually, before we get to that, on that
4 same date when you approached Ms. Duncan, were there any
5 searches conducted?

6 A There was. During the interview of Ms. Duncan,
7 law enforcement asked her if she had possession of any
8 narcotics on her person, vehicle or any in her residences.
9 She did say she had methamphetamine in one of her houses,
10 that being [REDACTED] Cook Street here in Greenville County. She
11 agreed to take law enforcement to the house. She did give
12 us consent to search the house.

13 So several of us in an undercover capacity,
14 we followed Ms. Duncan to her residence. She accompanied
15 us there. We walked into the residence. It was a
16 residence under construction. And she took us to a room
17 within the house, and this is a older house with higher
18 ceilings, probably 12 to 15 feet ceilings. And she
19 pointed to an HVAC vent, heating and air vent that was
20 higher up on the side of the wall and stated that there's
21 methamphetamine inside the vent in a brown leather
22 toiletry bag.

23 Agent Charlie Cunningham with the
24 Greenville County Sheriff's Office obtained a ladder and
25 climbed up the ladder, reached inside and was able to pull

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1 out this bag, which contained over a pound and a half of
2 methamphetamine, 614-grams of methamphetamine, then turned
3 it over to us. We then went back to our office in
4 Greenville and continued our interview with her.

5 Q Lieutenant Woodring, after Investigator
6 Cunningham took possession of that suspected drug
7 evidence, what did he do with it?

8 A He turned it over to me after we photographed
9 it. We placed it in a Best kit like I described earlier.
10 It was sealed. I then turned it over to Special Agent
11 Scott Gardener with SLED, who turned it into our SLED
12 laboratory for analysis, where it did test positive for
13 methamphetamine.

14 Q Is there any paperwork associated with that
15 process?

16 A There is. It's a chain of custody that we're
17 speaking of.

18 Q How does that process work and what's the
19 importance of it?

20 A Chain of custody is just a record of who has
21 possession of the drugs or any type of evidence at a
22 certain date or certain time. And it shows who initially
23 seized the drugs and who has possession of it all the way
24 up to where we turn it into the laboratory. And even
25 after it leaves the laboratory, like if it comes back for

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1 court purposes, we have to keep the chain of custody at
2 all times associated with that evidence.

3 Q And why is it important to document that chain
4 of custody?

5 A Because we're able to show who has it, it's
6 never been tampered with. It's never been analyzed by
7 anybody else or anybody else's hands other than law
8 enforcement or a SLED chemist or chemist in general.

9 Q Does that also help to verify that the substance
10 that was seized is the exact same stuff that made it to
11 lab and was then analyzed?

12 A Yes.

13 Q To make sure that nothing got switched out and
14 it's all the same substance?

15 A Correct.

16 Q Also, to show it wasn't tampered with?

17 A Correct.

18 (WHEREUPON, State's Exhibit No. 1 was marked for
19 identification only.)

20 BY MR. UNDERWOOD:

21 Q Lieutenant Woodring, I'm handing you what's been
22 marked as State's Exhibit No. 1. Do you recognize that?

23 A Yes, sir. This would be the evidence analysis
24 request and the chain of custody for the methamphetamine
25 seized from Sandra Duncan.

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1 Q And is that something that is regularly kept in
2 the ordinary course of business at SLED?

3 A Yes, sir.

4 Q Are those the forms that are always used for
5 that purpose?

6 A Yes, sir.

7 Q And are always maintained to protect the chain
8 of custody and to identify it?

9 A Yes, sir.

10 MR. UNDERWOOD: Your Honor, at this time, I
11 would seek to introduce State's Exhibit No. 1.

12 THE COURT: Any objection?

13 MR. HODGE: No objection.

14 THE COURT: All right, in without objection,
15 State's Exhibit one.

16 (WHEREUPON, State's Exhibit No. 1 was admitted
17 into evidence.)

18 BY MR. UNDERWOOD:

19 Q Lieutenant Woodring, in reviewing this document,
20 can you explain kind of the beginning and end of how that
21 document works?

22 A Yes, sir. This is the chain of custody form. I
23 previously spoke about a Best kit, this would be the Best
24 kit number at the top. This states that person's name who
25 seized the drugs initially would be Charlie Cunningham, I

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1 spoke of earlier, from the Greenville County Sheriff's
2 Office on February 25, 2015. He seized it from Sandra
3 Duncan pursuant to voluntary consent to search at [REDACTED] Cook
4 Street in Greenville. It then describes the substances,
5 it's one brown shaving bag containing 19 clear plastic
6 baggies containing an all white crystal substance
7 suspected to be methamphetamine. He did sign, print and
8 date. And then it shows where he signed, printed and
9 dated where he turned it over to me. And this is the
10 opportunity where I had to sign, print it and date. Then,
11 also, where I turned it over to Special Agent Scott
12 Gardner with SLED where he did sign and date and,
13 ultimately, where it went to the SLED laboratory on
14 February 27, 2015, two days later.

15 Q Thank you. Lieutenant Woodring, following that
16 search, where did your investigation go from there? Were
17 you able to identify any other subjects to pursue?

18 A Yes, we continued our interviews of Ms. Duncan
19 and she did an outline of who she was selling to in the
20 State of South Carolina and who she was obtaining the
21 drugs from.

22 Q So from that point, how did your investigation
23 shift? What did you do next?

24 A We took the information that she provided and we
25 corroborated it through intelligence gathering. We did a

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1 lot of homework. Then we made undercover buys of the
2 people that were described to us. We were able to seize
3 evidence, methamphetamine, from the information provided
4 to us and we were able to corroborate it. We were able to
5 show the information that she provided was, in fact, true.

6 Q All right. And Lieutenant Woodring, if you
7 could, separate two different directions of where your
8 investigation would go. First, let's focus on the
9 customer base of Sandra Duncan, who was working with and
10 below her. Would you identify how your investigation
11 proceeded from there and identify for the jurors who you
12 were able to identify as additional targets and members of
13 this trafficking organization?

14 A Right. Information provided, we were able to
15 corroborate it by making additional interviews, additional
16 undercover buys and additional surveillance. Through that
17 investigation, we were able to identify the people in
18 Pickens County that the methamphetamine was going to was
19 Teresa Davis, Tasha Jones, Jason Larson, Matthew Melton in
20 the Pickens County area.

21 In the Greenville County area, we learned
22 that methamphetamine had been distributed by Christopher
23 Dameon Smith, which is Sandra Duncan's son, to Larry
24 Holmes, Barry Underwood, Delonda Werschay, Jeremy LaBoone,
25 Aubrey Trammell, also known to Tama, Larry Coleman, known

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 as Bubba or Poppy, William Bright, Danny Black and Joelle
2 Hollingsworth.

3 Q So those are all individuals that at some point
4 during the functioning of what you were able to identify
5 in this conspiracy, those were all customer base or people
6 that worked for Sandra Duncan; is that correct?

7 A 'Correct.

8 Q Were you able to identify any individuals with
9 connections to Charleston and Berkeley Counties associated
10 with Sandra Duncan?

11 A Yeah, Berkeley County would be Jeremy Stubbs,
12 who is also known as Honey, and the Charleston County
13 subject would be Justin Marcengill.

14 Q If you could, explain to the jury the
15 significance of those two individuals and their
16 connections to Berkeley and Charleston County.

17 A Yes, sir. On April 30, 2014, Jeremy Stubbs was
18 caught by Berkeley County in possession of 272-grams of
19 methamphetamine and was certified as methamphetamine by
20 the laboratories turned into. Mr. Stubbs had been
21 involved with Ms. Duncan. He was actually the runner that
22 was taking the methamphetamine provided to him by
23 Ms. Duncan to Justin Marcengill in Charleston County to
24 then be distributed throughout the area of Charleston
25 County.

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1 Q All right. What is Justin Marcengill's role in
2 this?

3 A He would be one step under Sandra Duncan in
4 distributing and selling methamphetamine to the Charleston
5 area, Charleston area people.

6 Q Did he live in Charleston County?

7 A He did.

8 Q Is that primarily where he sold his
9 methamphetamine?

10 A Yes, sir.

11 Q And that methamphetamine came from Sandra
12 Duncan?

13 A Correct.

14 Q Lieutenant Woodring, just in general terms, the
15 individuals that you named otherwise, such as Barry
16 Underwood, Danny Black and people in that category, were
17 controlled purchases and approaches made of some of those
18 individuals?

19 A Yes.

20 Q Did that further the investigation?

21 A Correct.

22 Q Was some of that activity happening at the same
23 time as the beginning of your investigation and some of it
24 before?

25 A Correct.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q All right. The items that happened before,
2 would that be primarily handled by the local agencies,
3 namely, the Pickens County Sheriff's Office and Greenville
4 County Sheriff's Office?

5 A Yes, sir.

6 Q As far as identifying any individuals above
7 Ms. Duncan in this trafficking organization, how did your
8 investigation proceed?

9 A We took the information provided by Ms. Duncan
10 and we corroborated it by making undercover purchases from
11 the people that she spoke of that were supplying her with
12 methamphetamine.

13 Q And what individuals were you able to identify
14 through your corroboration and other investigative
15 techniques?

16 A Law enforcement learned that Ms. Duncan had been
17 supplied by a Hispanic male known as Eduardo Assad, also
18 known as Gordo, Jose or Arabe was his nicknames. And
19 another individual on the same level of him being Mario
20 Morales, also known as Chiva was his nickname. And those
21 two individuals had runners. A runner is considered by
22 law enforcement as somebody who would take the
23 methamphetamine and deliver it, pick up the money and take
24 the money back to them. So they had three runners working
25 for them, one being Luis Flores, another being Alejandro

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Norena and the other being Juan Espinoza.

2 Q All right. At this point, let's focus on the
3 individual who you identified as Eduardo Assad. Where did
4 your investigation go as far as Mr. Assad is concerned?

5 A January 14th, 2015, law enforcement was to make
6 an undercover purchase of 27.71-grams from Eduardo Assad.
7 We actually had a confidential informant make a purchase
8 of methamphetamine from Mr. Assad here in Greenville
9 County. Later on, we did conduct a search warrant at
10 Mr. Assad's residence on February 2015 here in Greenville
11 County. We did detain Mr. Assad. We did search his
12 residence. We found \$17,002 in cash hidden in his
13 residence along with various paperwork. Mr. Assad did
14 agree to accompany law enforcement to our Greenville
15 office and be interviewed by law enforcement after being
16 detained.

17 Q Agent Woodring, what kind of paperwork was
18 recovered during that search warrant?

19 A It was records of electronic money transfers,
20 like Western Union money transfers.

21 Q What was the -- do you recall any of the
22 specifics as to general where those wire transfers were
23 going and what they were for?

24 A It would be the money that was taken to him by
25 the runners, the money he collected from the individuals

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 he sold to. He would then take that money, put it in
2 electronic form. Western Union would take the physical
3 money and he would wire it to the person he was getting
4 the methamphetamine from.

5 Q Where were those wires going to?

6 A Those wires were going to the State of Michoacan
7 in the country of Mexico.

8 Q Are you the agent that originally found those
9 documents?

10 A No, sir.

11 Q All right. So someone else actually found
12 those?

13 A Correct.

14 Q So at that time, you approached Mr. Assad and he
15 agreed to cooperate; is that right?

16 A Yes, sir.

17 Q Did that include an interview?

18 A It did.

19 Q All right. What topics did you discuss in his
20 interview?

21 A The same as Sandra Duncan. We wanted to know
22 what type of drugs he was selling, who he was selling it
23 to, who he was getting it from and what areas was affected
24 by it, who was working with him, who was working for him.

25 Q And was he cooperative in providing that

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 information?

2 A He did.

3 Q Based on this information, what was the next
4 step in your investigation as far as Mr. Assad is
5 concerned?

6 A Just like the previous people I spoke about, we
7 started corroborating that information by doing
8 surveillance and intelligence gathering. We would get up
9 the information on the people, who they were, where they
10 lived, the type of vehicles they might drive and
11 information of who they were.

12 Q Did Mr. Assad identify individuals that he sold
13 to in addition to Sandra Duncan? And by sold to, I'm
14 referring specifically to methamphetamine.

15 A Yes.

16 Q Did he provide information that was able to
17 corroborate information you had received from Sandra
18 Duncan?

19 A Correct.

20 Q And vice versa?

21 A Yes.

22 Q Using that information, were you able to
23 identify, further identify the individuals that you
24 described as runners?

25 A Yes.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q Were you able to identify the individuals who
2 were, ultimately, supplying Mr. Assad with
3 methamphetamine?

4 A Correct.

5 Q What further investigative steps did you make
6 using Mr. Assad to further the investigation?

7 A After Mr. Assad agreed to cooperate with law
8 enforcement, he agreed to be a confidential informant. So
9 he agreed to stay with us for many days as we interviewed
10 him and he agreed to make undercover drug buys and make
11 undercover payments to the people he was getting the drugs
12 from.

13 Q When you say stayed with you for several days,
14 would you explain what you mean by that?

15 A Yes. So he would be at our office and we would
16 actually rent hotel rooms to work out of and law
17 enforcement, other offices, where he would stay with us
18 for several days. He wasn't under arrest. This was
19 something that he agreed to do to further our
20 investigation and cooperate with law enforcement.

21 Q So did he then engage in a number of different
22 operations to further the investigation?

23 A Yes.

24 Q All right. Please describe the nature of his
25 cooperation. Be a little bit more specific.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 A So he agreed to cooperate by helping us identify
2 the people he was purchasing the drugs from. He would
3 agree to cooperate with us to -- because he was being
4 detained or agreeing to stay with us, we had to further
5 his role as an undercover informant. We had to make the
6 other people believe that he was still out here on the
7 streets selling methamphetamine. So we had to make
8 undercover phone calls. We actually had to use our seized
9 drug funds and make payments to the people who were
10 purchasing the drugs to continue with the story that he
11 was still out there on the street. In all actuality, he
12 was working with law enforcement allowing us to identify
13 these people and make undercover purchases of drugs from
14 these people.

15 Q Please elaborate -- you mentioned making phone
16 calls. How does that process work?

17 A So he would utilize the same phone after law
18 enforcement had looked through it and make phone calls to
19 the people that he's purchasing the drugs from. This
20 would be supervised phone calls and these are phone calls
21 that we actually listened to. He was briefed before he
22 made the phone call on what type of information we were
23 looking for and what we were capable of doing.

24 But, ultimately, we wanted to further our
25 investigation by, you know, obtaining -- we wanted him to

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 purchase drugs. He was lining up future deals with
2 undercover agents and him in an undercover capacity to
3 purchase the drugs.

4 Q And did he end up making a number of these
5 calls?

6 A He did.

7 Q Were these -- you mentioned that you were
8 listening to these calls. Were the calls recorded in any
9 way?

10 A They were.

11 Q When the calls themselves were made, what's the
12 procedure that law enforcement uses to document the call
13 or record the call?

14 A The agent that's recording the phone call will
15 state the date and time of the phone call. They also
16 state the number that it's going to.

17 Q Throughout this process, were you able to learn
18 several different identities as far as Mr. Assad knew as
19 to who his suppliers were?

20 A Yes.

21 Q Who were those individuals that you were able to
22 identify through Mr. Assad?

23 A Starting at the top, we learned that Mr. Assad
24 had been supplied methamphetamine from an individual
25 directly in the State of Michoacan, Mexico, known to him

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 as Chacas, a Hispanic male who spoke Spanish. Mr. Chacas
2 had hubs in the United States of America. One hub being
3 in the State of Texas, the other hub being in the State of
4 Georgia. Mainly, in Atlanta where he would have drugs
5 brought across the border and have drugs staged in these
6 different hubs, which communicated with each other; and
7 also communicated with Mr. Chacas to supply
8 methamphetamine to the State of South Carolina here in the
9 Greenville area to be distributed in the State of South
10 Carolina. We learned of these hubs, the people involved
11 in the hubs, who they were and how they were associated.

12 Q Was Mr. Assad able to make a number of these
13 recorded phone calls to the person he identified as
14 Chacas?

15 A Yes.

16 Q Were those all recorded?

17 A Yes, sir.

18 Q Were you the agent who was primarily responsible
19 for recording most of those calls?

20 A Yes, sir. I mean, there was various times when
21 I couldn't be there, but the other agents were in charge
22 of that.

23 Q What other agents were involved with those
24 calls, as best you can recall?

25 A Lieutenant Max Dorsey, Special Agent Scott

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Gardener.

2 Q Anyone else from SLED involved in those
3 transactions?

4 A Yes.

5 Q Do you recall particularly?

6 A I don't recall.

7 Q Okay.

8 A I'm sure it would probably be Jason Wells.

9 Q Lieutenant Woodring, in additions to Chacas, who
10 were the other individuals that controlled calls were made
11 to?

12 A I mean, to the various hubs. The hub in Texas
13 that Mr. Assad would call would be to an individual known
14 as Chico, identified by law enforcement as Isaias Arias.
15 Law enforcement was able to identify who his associate
16 was, it was Ramone Diaz operating out of the hub in Texas.

17 Q Now, Lieutenant Woodring, let's look at this a
18 little bit chronologically. Who were the first primary
19 set of calls made to using Mr. Assad?

20 A Mr. Assad, we made phone calls to Chacas, him
21 being the head of the organization. We wanted him to
22 portray that everything was fine and it was business as
23 usual.

24 Q Him to portray, you mean Mr. Assad?

25 A Correct.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q So Mr. Assad was contacting Chacas for the
2 purpose of saying that he was still in business?

3 A Correct.

4 Q That he wasn't arrested or anything like that,
5 that he was still working?

6 A That's correct. I mean, that just allows us to
7 further our investigation. If we had arrested him, the
8 investigation would probably have stopped right there. We
9 wanted to identify who else was bringing in
10 methamphetamine.

11 Q By way of those phone calls, was the individual
12 known as Chacas involved in setting up transactions with
13 any other individuals with Mr. Assad?

14 A Right. And I referred to future investigations
15 I'll talk about later, but most of the time Assad would
16 call Chacas, who would then direct other folks to supply
17 Assad with methamphetamine.

18 Q Were all those calls recorded?

19 A Yes, sir.

20 Q Were the calls with the people that were
21 connected to Mr. Assad by Chacas also recorded?

22 A Yes, sir.

23 Q During the course of the calls with Chacas, was
24 Mr. Assad instructed to do anything for purposes of his
25 interaction with Chacas that law enforcement assisted him

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 with?

2 A Mr. Assad had given law enforcement information
3 that the methamphetamine they sold in the South Carolina
4 area, he then wired the money that was sold from the sales
5 of those drugs back to Chacas electronically. So law
6 enforcement then did use Assad to make several payments to
7 Chacas to show that he's still in business and everything
8 is fine to allow us to conduct our investigation.

9 Q All right. How exactly did those transactions
10 take place?

11 A Chacas would advise the number -- the amount of
12 money that Assad was supposed to pay, who the wire should
13 be addressed to and what area the wire should go to,
14 mainly, like I said, the State of Michoacan, Mexico. Law
15 enforcement did provide Assad with that amount of money.
16 And law enforcement accompanied Mr. Assad to the Western
17 Union or a Latino, any type of store that has wire
18 capability, Western Union capabilities, to be able to
19 transfer money electronically. We did supervise those
20 payments to Chacas.

21 Q Did this actually consist of several separate
22 payments to Chacas?

23 A Yes, sir.

24 THE COURT: We've been going about an hour and a
25 half. Is this a good stopping point?

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 MR. UNDERWOOD: If I can just go through these
2 exhibits, I think that would be a great spot, Your
3 Honor.

4 (WHEREUPON, State's Exhibits Nos. 2-4 were
5 marked for identification only.)

6 BY MR. UNDERWOOD:

7 Q Agent Woodring, I'm now showing you what's been
8 marked as State's Exhibits 2, 3, and 4. If you would
9 please review each of those documents.

10 A (The witness complies.)

11 Yes, these are three payments to Chacas
12 that law enforcement provided to Mr. Assad. They were
13 transferred to people that Mr. Chacas has advised, the
14 names they should go to in Michoacan, Mexico. One being
15 for \$1500, one being for \$1,000 and other being for
16 \$1,000.

17 Q If you could reference those by their exhibit
18 number, please.

19 A Yes, sir, Exhibit 2 would be a \$1,000 payment to
20 Chacas Flores. It's paid to Mexico.

21 Q Exhibit No. 3?

22 A Exhibit No. 3 would be a wire transfer for
23 \$1500?

24 Q Was that also in connection with Chacas?

25 A Yes, sir.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q And Exhibit No. 4?

2 A And Exhibit No. 4 would be for \$1,000 to Chacas,
3 the same state in Mexico.

4 MR. UNDERWOOD: Your Honor, at this time, the
5 State would offer into evidence Exhibits 2, 3, and 4.

6 THE COURT: Any objection?

7 MR. HODGE: No objection.

8 THE COURT: Okay, without objection.

9 (WHEREUPON, State's Exhibits Nos. 2-4 were
10 admitted into evidence.)

11 MR. UNDERWOOD: Your Honor, I think now would
12 probably be a good time for that break you mentioned.

13 THE COURT: All right. Since we've been going
14 about an hour and a half, we'll go ahead and take a
15 break.

16 So at this time, I need you to select your
17 foreperson and that will be from the original 12.
18 When you've selected a foreperson, if that person
19 would write their name and the date on a piece of
20 paper and give that to the bailiff and she'll bring
21 it out here. We will bring you back out in just a
22 few minutes.

23 (WHEREUPON, the jury left open court at
24 approximately 10:27 a.m.)

25 THE COURT: All right. Officer Woodring, you

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 are in what I call my witness bubble, which means you
2 can't talk about your testimony with the attorney or
3 anybody, but other than that, you can step down until
4 after the break.

5 (WHEREUPON, a short break was taken.)

6 (WHEREUPON, State's Exhibits Nos. 5-13 were
7 marked for identification only.)

8 (WHEREUPON, Court's Exhibit No. 1 was marked for
9 identification only.)

10 THE COURT: Couple things, if y'all have
11 exhibits, during breaks, if y'all could maybe mark
12 them and look at them and make sure there's no
13 objection and we can go ahead and get those in.

14 And also, Mr. Underwood, I didn't mean to
15 interrupt you, but if you will -- I like to break
16 every hour, hour and a half just for the jury's sake,
17 especially in a long trial. So if you feel like,
18 okay, we're at a good place to break, when you get to
19 that somewhere between an hour and 15, hour and a
20 half, then say this would be a good time to break or
21 something.

22 MR. UNDERWOOD: Yes, sir.

23 THE COURT: Then I won't feel like I'm scolding
24 you, like, okay, Mr. Underwood, you've gone too far.

25 So all right, are we ready for the jury?

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 MR. UNDERWOOD: Yes, Your Honor.

2 MR. HODGE: Yes, Your Honor.

3 THE COURT: Okay. All right. Bring them in.

4 (WHEREUPON, the jury entered open court at
5 approximately 10:47 p.m.)

6 THE COURT: All right. Ms. Clendenin, you have
7 been designated as our foreperson, so thank you.

8 All right. Mr. Underwood, you may proceed.

9 MR. UNDERWOOD: Thank you, Your Honor. Your
10 Honor, permission to publish State's Exhibits 2, 3
11 and 4?

12 THE COURT: Those have already been introduced,
13 right?

14 MR. UNDERWOOD: Yes, sir.

15 THE COURT: All right, you may.

16 BY MR. UNDERWOOD:

17 Q Lieutenant Woodring, beginning with State's
18 Exhibit No. 2. Is this one of the wire transfers that you
19 mentioned to the individual known as Chacas?

20 A Yes, sir.

21 Q Now, moving on to Exhibit No. 3, is this another
22 one of those wire transfers?

23 A Yes, sir.

24 Q Now, what is the significance of these numbers
25 that were documented along with it?

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 A At SLED, we have to account for all the money
2 that we spend. So this would be -- on the other side of
3 this paper would be an expense voucher and we have to
4 write on it where the money was spent, how much money was
5 spent, the case number and what type of case it is. The
6 amount of money we write on the front, we have to write on
7 the back the serial numbers associated with each money
8 that we spend. So you see 100 at the top and then below
9 100 will be the serial numbers for each \$100 bill. And
10 you see the 20, the serial numbers will be below each \$20
11 bill that was spent. And we count up to the amount spent.
12 At the top, you see I wrote a paragraph that we spent
13 \$1,000.

14 Q So all of these series of numbers here, these
15 are all serial numbers for the individual bills that were
16 used?

17 A Yes, sir.

18 Q Is that something that is customarily done with
19 what's referred to as government funds?

20 A Yes, sir.

21 Q And is the purpose of that to be able to track
22 where that money goes if it ever gets found later?

23 A Correct.

24 Q Then State's Exhibit No. 4, is this the third of
25 the wire transfers utilized for this particular

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 transaction with Chacas?

2 A Yes, sir.

3 Q Lieutenant Woodring, following the wire
4 transfers that were made to the individual known as Chacas
5 in Mexico, what was the next step in your investigation
6 utilizing Mr. Assad?

7 A As I said earlier, we wanted to identify who was
8 supplying Mr. Assad, ultimately, your counties in South
9 Carolina. So we attempted to make several undercover
10 purchases of methamphetamine where we had methamphetamine
11 delivered to us in South Carolina, or either we left South
12 Carolina and worked with other law enforcement agencies
13 who seized methamphetamine as provided by Chacas or his
14 hubs.

15 Q I now want to direct your attention to an
16 individual known as Chencho. That individual known as
17 Chencho, is that someone that you were able to identify as
18 one of the subjects of your investigation?

19 A Yes, sir. Chencho is Marcelo Cruz, who is a
20 Hispanic male that operates out of the Atlanta hub.

21 Q And what were you able to pursue as far as your
22 investigation is concerned using Mr. Assad?

23 A Mr. Assad continued to make undercover phone
24 calls to Chacas and arrange for methamphetamine to be
25 purchased or delivered or bought from the hubs.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 February 28th of 2015, we made a purchase of
2 methamphetamine as directed from Chacas in Atlanta,
3 Georgia or the City of Jonesboro as we were working with
4 other law enforcement agencies. Mainly, Homeland Security
5 Investigations, HSI, and GBI, the Georgia Bureau of
6 Investigation in Georgia.

7 Q As to the controlled purchase made from the
8 individual known as Chenco, would you explain to the
9 jurors how that operation proceeded?

10 A On February 28th, 2015, Assad made several phone
11 calls arranging for the purchase of methamphetamine as
12 directed by Chacas. Ultimately, Chencho, Marcello Cruz,
13 traveled from the Atlanta, Georgia, area on a Turimex
14 travel bus to Guadalajara, a little grocery store off
15 White Horse Road in Greenville County. At that time, we
16 had Mr. Assad in undercover capacity. He had been
17 searched, including the undercover vehicle, given \$1,000
18 in documented state funds. And we also had undercover
19 Agent Scott Gardner with SLED accompany him in an
20 undercover vehicle and we surveilled them to the
21 Guadalajara store there on White Horse Road.

22 Surveillance agents observed Mr. Marcelo
23 Cruz, also known as Chencho, exit the Turimex travel bus
24 and enter a rear seat compartment of the undercover
25 vehicle to meet with Mr. Assad and Mr. Gardner. Where

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 there, he provided over 1,000 grams of methamphetamine to
2 Mr. Assad and Mr. Gardner. And Mr. Assad paid Mr. Cruz
3 \$1,000, the money that had been given to him by the State.
4 Then we observed Mr. Cruz exit the vehicle and,
5 ultimately, get back on the Turimex bus where Homeland
6 Security agents followed the bus back to Atlanta, Georgia
7 area.

8 We, ultimately, met back up with Assad and
9 undercover Agent Gardner where the methamphetamine was
10 turned over to us and we placed it in a Best kit and
11 turned it into SLED laboratory where it did test positive
12 for 1,198 grams of methamphetamine.

13 Q And were you physically present at the scene
14 when that took place?

15 A I was in a support role, support vehicle. I
16 wasn't part of the surveillance team, but I was in the
17 area.

18 Q Now, the calls that were used to set that up,
19 were those spread out over some period of time?

20 A Yes. I mean, as soon as we made initial contact
21 with Mr. Assad all the way up -- that was February 26 to
22 February 28, there were several phone calls made to
23 Mr. Chacas.

24 Q So the calls made to Chacas as well as calls
25 made to Marcelo Cruz, known as Chencho, did all those

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 calls span over several different days?

2 A Yes.

3 Q Following this operation involving an individual
4 known as Chenchu, did you attempt any other controlled
5 purchase operations using Mr. Assad as a confidential
6 informant?

7 A Yes, Mr. Assad spoke with Chacas and they agreed
8 for another purchase to be made, this time being in the
9 Atlanta, Georgia area.

10 Q Who was the individual that that methamphetamine
11 was to be acquired from?

12 A This would be from a Hispanic male known as
13 Chema and then a Hispanic male known as Chavo and/or Pelon
14 identified by law enforcement as David Barajas.

15 Q Please tell the jurors how that transaction was
16 set up while everyone was in South Carolina.

17 A Mr. Assad did speak with Chacas and, ultimately,
18 Mr. Barajas, also known as Chavo, arranged the purchase of
19 one kilogram of methamphetamine again. This time, it
20 would take place in Jonesboro Georgia, in the Atlanta
21 area.

22 Q So were there calls made between Eduardo Assad
23 and the individual known as Chacas that were recorded here
24 in South Carolina?

25 A Yes.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q All right. Were there calls made between
2 Eduardo Assad and the individual he knew at that time as
3 Chavo or Pelon?

4 A Yes, sir.

5 Q Were those calls also recorded in the same
6 fashion?

7 A Yes, sir.

8 Q What was the arrangement that was made by way of
9 these calls?

10 A Mr. Assad would pay \$3,000 once upon meeting
11 Chavo and Chema and 1,000 grams or one kilogram of
12 methamphetamine would be provided back to him to bring
13 back to South Carolina.

14 Q So that transaction was actually to take place
15 in Georgia?

16 A Correct.

17 Q Was the intent for that purchase to be made in
18 Georgia for the drugs to then be brought back to South
19 Carolina?

20 A Yes, distributed in South Carolina.

21 Q That was the understanding between Mr. Assad,
22 Chavo and Chacas?

23 A Yes.

24 Q And that's evidenced by the recorded phone
25 calls?

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 A Correct.

2 Q Now, Lieutenant Woodring, about the phone calls
3 that were used to set up these different operations, were
4 they conducted in English?

5 A No, they're in Spanish.

6 Q Was there a reason provided as to why they were
7 done in Spanish and not English?

8 A All the previous transactions that Mr. Assad,
9 the phone calls had with Chacas or his associates had
10 always been done in Spanish, so it would have alerted him
11 that something would have been wrong or fishy if we had
12 changed it to English. So we wanted to continue with his
13 role and not to change anything to jeopardize the
14 investigation.

15 Q Once the arrangements were made for the purchase
16 of approximately a kilogram of methamphetamine from
17 individuals known as Chavo and Chema, what was the next
18 step for law enforcement to make that happen?

19 A Homeland Security agents was involved at the
20 time when we approached Assad, so we already had the
21 connection with Homeland Security. We also wanted to make
22 a connection with Jonesboro Georgia authorities because it
23 would be out of our control because it would be out of our
24 jurisdiction, so they would actually be in control of the
25 operation. We would be providing the information and the

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 confidential informant to further that investigation.

2 Q So is it fair to say that while this was a SLED,
3 Greenville County, Pickens County investigation, you had
4 to concede control of that particular operation because
5 you were outside your jurisdiction?

6 A That's correct. I mean, it's vice versa. If
7 they had information of South Carolina, they would allow
8 us to control here in South Carolina if they had something
9 going on in this area. This is common courtesy.

10 Q All right. So for the purposes of that
11 particular transaction, which agency was primarily
12 responsible for operational safety equipment and things of
13 that nature?

14 A Homeland Security.

15 Q So what arrangements were made for the
16 particular time of the transaction? How did that go
17 forward?

18 A Transaction took place March 1, 2015, after
19 recorded phone calls. Location had been agreed upon,
20 which would be [REDACTED] Sycamore Drive, Jonesboro, Georgia, in
21 the Atlanta area of Georgia. This would be a residential
22 area. These are homes that are close to each other in a
23 neighborhood where Assad would meet with Chavo or Chema
24 and purchase the kilogram of methamphetamine.

25 Q What was your role during that particular

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 operation?

2 A Just a support role. I didn't take any law
3 enforcement action. It was just to aid them with
4 intelligence information to help further the
5 investigation, providing that to the case agents for
6 Homeland Security.

7 Q Did you actually travel to Georgia as part of
8 that?

9 A Yes. Our main role is the safety of our
10 confidential informant and to further the investigation
11 with the recorded phone calls.

12 Q Again, the confidential informant in this
13 operation is still Mr. Eduardo Assad?

14 A Correct.

15 Q To the best of your recollection, what did you
16 observe here for participating in your role of that
17 operation?

18 A I was to support the case agent, which was
19 Mr. Tony Scott, with HSI. He did have the wire going,
20 that would just be a broadcast of the transaction where
21 you're able for agents to listen to the case. If an
22 emergency happened, it would be for the safety of the
23 informant in case we had to take some type of action and
24 remove Mr. Assad for his safety. Just in case something
25 came up, I was able to listen to that.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q So that was a live broadcast, basically, a radio
2 signal of what was taking place as it happened?

3 A Correct.

4 Q Whose equipment was used for that?

5 A Homeland Security.

6 Q Were you ever able to recover any kind of
7 recordings of that?

8 A Audio recording.

9 Q Were there any audio recordings of the
10 particular transaction itself or was it just a live wire
11 for safety purposes?

12 A Live wire, yes, sir.

13 Q During the transaction itself, were you in a
14 position to see any of what was taking place?

15 A No, sir.

16 Q All right. Were you able to hear what was
17 transpiring?

18 A By the transmitter and other surveillance
19 agents, you know, we have our police radio where
20 surveillance agents are able to talk and describe what
21 they see and what's going on. I'm able to hear that
22 transaction over the radio, what they're describing.

23 Q But as it's happening?

24 A Yes.

25 Q What observations did you hear during the course

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 of that operation?

2 A Mr. Assad that been partnered with an undercover
3 HSI task force officer by the name of Juan Echeverry.
4 Juan Echeverry accompanied Mr. Assad to the address of [REDACTED]
5 Sycamore Drive there in Jonesboro. Pulled up to the
6 residence, received a phone call stating that they're at
7 the wrong residence, then directed to the correct
8 residence of [REDACTED].

9 At that time, Mr. Assad had exited the
10 vehicle, go inside and have a meeting with individuals
11 there. Paid the 1,000 -- I'm sorry, \$3,000 in documented
12 funds, retrieved a kilogram of methamphetamine from the
13 Hispanic male, which was Chema, and Chavo, identified as
14 David Barajas. Returned to the vehicle with the
15 undercover agent and they, ultimately, met back up with
16 Homeland Security agents and other law enforcement where
17 the evidence was retrieved and Mr. Assad was debriefed.

18 Q During the course of the transaction itself, was
19 that conducted in Spanish or English?

20 A Spanish.

21 Q All right. Were there any warning signals or
22 warning codes to show there was any sign of distress or
23 anything?

24 A Just the English word help.

25 Q And that never occurred?

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 A Did not occur.

2 Q During the course of the transaction, were
3 officers in their support roles able to conduct any
4 surveillance and attempt to identify the individuals known
5 as Chema or Chavo?

6 A Yes. After the transaction and during, they
7 identified a silver Hyundai Accent was the name with a
8 Georgia plate that had two Hispanic males that entered
9 after the transaction and drove to various areas of
10 Jonesboro. Mainly, to a marketplace, a plaza and conduct
11 surveillance on the individuals and the vehicle that left
12 from [REDACTED] Sycamore Drive.

13 Q So during the course of that surveillance, were
14 individuals making efforts to identify the suppliers of
15 methamphetamine by way of both the address as well as the
16 vehicle?

17 A Yes. By running the tag number and obtaining
18 the information from the residence, who it belonged to,
19 the residence there.

20 Q Were you involved in that personally?

21 A No, sir.

22 Q But that's what other agents were doing while
23 this was happening?

24 A Correct.

25 Q Okay. Following the transaction, what then took

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 place?

2 A After the transaction, Mr. Assad and the
3 undercover agent then met back up with other agents of law
4 enforcement at a meeting location where the evidence was
5 retrieved, which contained two separate bags of clear
6 crystal substance and also a sample of marijuana had been
7 given. So there's a small bag of green leafy substance
8 believed to be marijuana all contained in a brown grocery
9 bag.

10 Q Were you able to respond to that same location
11 where the evidence was recovered from the informant to law
12 enforcement?

13 A Correct.

14 Q All right. Were any photographs taken of that
15 evidence?

16 A Yes, sir. The evidence was retrieved from the
17 undercover vehicle and put on the back of another vehicle.
18 Photographs were taken as the evidence was taken out of
19 the brown grocery bag and photographed there at the trunk
20 of the vehicle. And I was able to observe that.

21 Q Okay. Agent Woodring, I want to show you
22 Exhibits 6 through 13. If you can take a moment to review
23 those.

24 A (The witness complies.)

25 Yes, sir, that's the evidence that we

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 retrieved.

2 Q Do those photographs fairly and accurately
3 reflect what you saw at that time when the evidence was
4 retrieved and put on the hood of the vehicle -- I'm sorry,
5 the trunk of the vehicle?

6 A Yes, sir.

7 MR. UNDERWOOD: Your Honor, at this time, I
8 would offer into evidence State's 6 through 13.

9 THE COURT: Any objection?

10 MR. HODGE: No objection.

11 THE COURT: All right. Entered without
12 objection.

13 State's 6 through 13?

14 MR. UNDERWOOD: Yes, Your Honor.

15 (WHEREUPON, State's Exhibits Nos. 6-13 were
16 admitted into evidence.)

17 MR. UNDERWOOD: Permission to publish, Your
18 Honor?

19 THE COURT: Yes, you may.

20 BY MR. UNDERWOOD:

21 Q Beginning with State's Exhibit No. 6. Agent
22 Woodring, what do we see right here?

23 A That's the first bag where everything was
24 contained in, that would be the brown grocery bag.

25 Q Is that the original condition that the evidence

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 was seized in?

2 A Correct.

3 Q What is this item over here?

4 A That's a Best pack like I was describing
5 earlier, but that's actually not ours, that would be
6 Homeland Security.

7 Q So similar to the SLED Best kit, but this is
8 from a different agency?

9 A Yes, sir. You see at the top of it, the red
10 lines, the tamper-proof lines I was speaking of.

11 Q All right. So the SLED Best kits have a similar
12 seal?

13 A Yes, sir.

14 Q And then Exhibit 7, is that just a closer
15 picture of that same bag?

16 A It is.

17 Q State's Exhibit No. 8, what are we seeing right
18 here?

19 A That's where some bags are open. You can see on
20 the right, that's the marijuana we believed to be in the
21 clear plastic bag.

22 Q All right. Is there another grocery bag right
23 here?

24 A Yes, sir.

25 Q Is that the way the package was -- or the way

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 that the items were originally packaged --

2 A Yes, sir.

3 Q -- one bag inside of another?

4 A Correct.

5 Q Again, State's Exhibit No. 9, slightly different
6 angle, I guess. Exhibit No. 10, what do we see in this
7 photograph?

8 A That would be the plastic bag we believed to be
9 methamphetamine. See the crystal substance there, one
10 being on the right, yellow, clear crystal, and the one on
11 the left, a clear crystal substance.

12 Q So is it fair to describe that this bag on the
13 left that's kind of a bluish-tinted bag, has a substance
14 that is more of a whitish, clear color. And then this
15 second bag over here, the clearer bag, has more of a
16 yellowish-colored substance?

17 A Correct.

18 Q All right. Agent Woodring, in your experience
19 in dealing with methamphetamine investigations, have you
20 had the opportunity to see various quantities of
21 methamphetamine?

22 A Yes, sir.

23 Q All right. Are these colors consistent with
24 what is referred to as ice methamphetamine?

25 A Yes, sir.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q Is it common that the color will vary depending
2 on a number of variables throughout the manufacturing
3 process?

4 A The manufacturing process of anything that they
5 deem to be sold quickly is a different color, something
6 that's new?

7 Q And exhibit No. 11, closer view of those same
8 items?

9 A (The witness nods.)

10 Q Agent Woodring, following the collection of that
11 evidence, do you know what the other officers from HSI or
12 the local authorities did with that evidence while still
13 on scene?

14 A Yes, sir. So Chris Carlisle, a task force
15 officer with HSI, sealed those bags and turned it into the
16 Georgia Bureau of Investigation's laboratory where it was
17 analyzed.

18 Q All right. So to your knowledge, did they
19 conduct what is referred to as a field test or a
20 presumptive test?

21 A Yes, sir.

22 Q All right. Can you explain what that is for the
23 jury?

24 A A field test kit is just a way that law
25 enforcement can test it in the field to be able to show

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 that it is methamphetamine in case we need to get in
2 contact with the dealer to assure them that everything is
3 good or hey, this is not what you're supposed to sell and
4 this is not meth. But also to be able to identify to law
5 enforcement methamphetamine is what we purchased.

6 Q I'm now going to publish what's been admitted as
7 State's Exhibit 13, Agent Woodring. Now, this is a
8 different vehicle; is that correct?

9 A Correct.

10 Q Were there two vehicles involved, namely, one
11 with Chris Carlisle, who you just identified, and then
12 another agent, who actually transported the CI; is that
13 correct?

14 A Correct.

15 Q And that was who?

16 A Juan Echeverry.

17 Q So one was in a white car, the other was in a
18 black car?

19 A Yes, sir.

20 Q These are both local officials from Georgia who
21 were working as part of this investigation?

22 A Correct.

23 Q All right. Are these two bags here the same
24 bags that we saw in the other photographs?

25 A Yes, sir.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q What are these items right here?

2 A That was the test kits I was speaking of.

3 Q How exactly do they work? Are you pretty
4 familiar with that process?

5 A Law enforcement will put on a type of protective
6 gear, gloves, make sure no skin is exposed. Then we'll
7 use a -- you can see it on the right, this little
8 cardboard piece right there, to actually reach in the bag
9 and get out a small sample and place it in with a plastic
10 test kit contained in there and seal the top. There's
11 little ampules of chemicals in there. Once the
12 methamphetamine is at the bottom, you break those ampules
13 and you shake it and it turns a certain color if it is
14 methamphetamine. Or if it's not, it will be a different
15 color. A positive indication of methamphetamine would be
16 a blue that you see there.

17 Q Now, is this the final testing that law
18 enforcement relies on?

19 A No, sir, not in all.

20 Q So following this presumptive test, is it
21 then -- the substance involved then sent to a professional
22 laboratory for further testing to confirm what the
23 substance actually is and things of that nature?

24 A Correct.

25 Q During the course of the operation in Georgia,

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 were there other phone calls being made by Eduardo Assad
2 with other individuals in that organization?

3 A Yes, sir, back to Chacas, yes.

4 Q Following this particular controlled purchase
5 and other phone calls that took place while in Georgia,
6 what else did law enforcement do as part of this
7 operation?

8 A This operation?

9 Q Was there anything further or after this, was
10 everyone returning to South Carolina?

11 A Everyone was returning back to South Carolina.

12 Q What happened to the drug evidence?

13 A It was turned into the Georgia Bureau of
14 Investigation's laboratory where it was tested.

15 Q All right. And was there an additional
16 operation where you used Eduardo Assad as a confidential
17 informant?

18 A Yes, sir, on the next day, March 7th, 2015.

19 Q Who was the individual involved with that
20 transaction?

21 A The suspect?

22 Q Yes.

23 A That would be Isaias Arias, known as Chico, and
24 Ramone Diaz, they were operating out of the Texas hub.

25 Q How was that particular controlled purchase

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 arranged?

2 A Mr. Assad spoke with Chacas and Chico and
3 arranged a purchase of approximately two and half
4 kilograms of methamphetamine to be delivered to the State
5 of South Carolina from Texas by Chico, Isaias Arias.

6 Q Was this utilizing the controlled phone calls as
7 we described earlier?

8 A Correct.

9 Q All right. Would it involve a number of phone
10 calls?

11 A It did.

12 Q Were those all reported and documented in a
13 similar fashion?

14 A Yes, sir.

15 Q Since this involved a transaction with people
16 from Texas, did this particular operation take several
17 days to complete?

18 A It did. There were phone calls made previously
19 before this date to arrange it.

20 Q If you could, please tell the jury how that
21 particular operation went forward.

22 A Assad and Isaias Arias, Chico, agreed on an
23 amount and agreed that Isaias and his associate, Ramone
24 Diaz, would travel to South Carolina from Texas. Law
25 enforcement did not know the identity of the associate

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 later identified as Ramone Diaz. But once they traveled
2 to South Carolina, the meeting location was to be
3 determined would be the Don Pablo's Mexican restaurant on
4 Haywood Road.

5 At that point, law enforcement then again
6 searched Mr. Assad, had given him \$1,000 in documented
7 State funds. Mr. Assad was accompanied by Greenville
8 County Sheriff's Office undercover agent by the name of
9 David Urbina, who accompanied Mr. Assad to the meeting
10 location at Don Pablo's where they all entered the
11 restaurant. The unknown associate, later we found,
12 Mr. Diaz staying in a maroon Nissan Pathfinder that they
13 had driven from Texas to South Carolina. He stayed in the
14 vehicle in the parking lot. They had a meeting in the
15 restaurant to discuss the transaction and the future
16 transactions and how this transaction would occur.

17 Q What happened following the -- well, were there
18 other personnel that were surveilling that interview?

19 A Yes, sir.

20 Q Who else was involved in that?

21 A Scott Gardner was inside the restaurant acting
22 like a patron, a customer, and was able to observe the
23 meeting. He wasn't able to hear it, but he was able to
24 observe it.

25 Q Is that more for safety and security rather than

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 evidence gathering?

2 A Yes, sir, absolutely.

3 Q Following the dinner meeting, how did the
4 operation proceed?

5 A Law enforcement determined a meeting location.
6 We determined the Self Smart storage there on Haywood Road
7 right down the road, just some storage buildings, a
8 secured area this transaction to happen at. We then
9 relayed this information to David Urbina, the undercover
10 Greenville County Sheriff's Office agent, to let him know
11 the meeting location. He was able to give that to Assad
12 and they agreed with Isaias Arias for that meeting
13 location.

14 Because Arias had described that the
15 methamphetamine was actually in the spare tire up under
16 the Nissan Pathfinder, the methamphetamine needed to be
17 retrieved from the spare tire and they needed a place to
18 do that, so they agreed to meet at the self-storage area.
19 Law enforcement had already set up ready to observe that
20 meeting in the rear parking area of the storage facility.

21 Q What took place at the storage unit?

22 A Once they parked, the unknown associate, Ramone
23 Diaz, retrieved the spare tire from under the Pathfinder,
24 which took a little bit of time. The spare tire had been
25 given to Assad, the undercover agent, which then was

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 placed in the undercover vehicle and, ultimately, brought
2 back to law enforcement back at our meeting location.

3 Q All right. What happened to the tire after
4 that?

5 A After the tire was retrieved by law enforcement,
6 it was then taken to our SLED headquarters. We have a
7 garage facility there that maintains all our vehicles, oil
8 changes, tire rotations, new tires. So the spare tire was
9 actually removed from the spare wheel and packages of
10 methamphetamine was retrieved from up inside the wheel.
11 Which, ultimately, it was turned into our SLED laboratory
12 where it did test positive for 2,478 grams of
13 methamphetamine, approximately two and a half kilos.

14 Q Were you personally involved in the transport of
15 the tire?

16 A No, sir.

17 Q That was other agents that handled that?

18 A Correct.

19 Q Following the transaction that took place at the
20 storage unit, what else happened that evening involving
21 the targets you identified as Mr. Arias and Mr. Diaz as
22 well as the undercover officer and the confidential
23 informant?

24 A Previously, before the actual transaction of a
25 thousand dollars getting paid to Isaias Arias, just a down

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 payment for the methamphetamine. Methamphetamine is worth
2 a lot more than \$1,000. But this would be kind of like
3 spending money. They actually -- we thought and also the
4 informant thought they would go back to Texas and we'd do
5 like before, wire a little bit of money to continue the
6 operation. But they actually wanted to stay in the
7 Greenville area until the meth had been sold. They wanted
8 to stay until they had been paid.

9 Q Now, that transaction, how exactly did it take
10 place? Was it the informant making the transaction? Was
11 it the agent making the transaction? Do you recall who
12 did what?

13 A I mean, Assad arranged the whole transaction.

14 Q More specifically to the wire transaction, the
15 payment that was made?

16 A No, it was in person.

17 Q It was in person?

18 A Yes.

19 Q All right. Was there a down payment made ahead
20 of the drug deal?

21 A Correct.

22 Q Was that done by -- under the control of law
23 enforcement?

24 A Yes, that was Assad directly to Chico, Isaias
25 Arias.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q Was there a receipt kept for law enforcement
2 purposes to demonstrate that took place?

3 A Absolutely, just like the ones we reviewed
4 earlier.

5 Q I want to show you what's been marked as State's
6 Exhibit No. 5.

7 MR. UNDERWOOD: Your Honor, this has already
8 been shown to counsel.

9 THE COURT: Okay.

10 MR. UNDERWOOD: During the break.

11 BY MR. UNDERWOOD:

12 Q Do you recognize that document?

13 A Yes, sir. This would be on the same date,
14 March 2nd. This would be the \$2,000 that had been wired
15 to Isaias Arias.

16 Q So earlier, you said a thousand dollars, it was
17 actually \$2,000?

18 A Yes, sir.

19 Q But is this a correct photo copy of that
20 receipt?

21 A Yes, sir.

22 MR. UNDERWOOD: Your Honor, at this time, I
23 would ask that State's Exhibit No. 5 be offered into
24 evidence.

25 THE COURT: Any objection?

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 MR. HODGE: No objection, Your Honor.

2 THE COURT: All right.

3 MR. UNDERWOOD: Permission to publish?

4 THE COURT: All right. In without objection.

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

7 BY MR. UNDERWOOD:

8 Q Agent Woodring, is this a Bank of America
9 receipt showing a deposit of \$2,000?

10 A Yes, sir.

11 Q This was a down payment for the methamphetamine
12 that was coming from Texas and paid to Chico?

13 A Yes, sir.

14 Q At his direction?

15 A Yes, sir.

16 Q All right. What is this writing up here at the
17 top?

18 A That's just a paragraph describing what the
19 money was spent for.

20 Q Is that a standard procedure for SLED to be able
21 to document where the money was going?

22 A Yes, sir.

23 Q So you take the receipt as well as an
24 explanation and copy it together?

25 A Uh-huh.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q What did law enforcement do as far as
2 interaction with Mr. Arias and Mr. Diaz following the
3 events at the storage unit?

4 A Law enforcement continued to surveille them,
5 ultimately, up to where they rented a hotel room near the
6 Haywood Mall.

7 Q At some point in time, were Mr. Arias and
8 Mr. Diaz taken into custody?

9 A The next day, we approached them at the Haywood
10 Mall and they were detained in the parking lot. And they
11 did agree to accompany us to our office in Greenville to
12 be interviewed.

13 Q Particularly as pertains to Mr. Arias, did
14 Mr. Arias agree to cooperate with the investigation?

15 A He did.

16 Q All right. Did Mr. Arias provide information
17 relevant to the drug trafficking organization you were
18 investigating?

19 A Yes, sir.

20 Q What was the nature of the information he
21 provided?

22 A It substantiated that he was being supplied
23 methamphetamine from the country of Mexico by an
24 individual within it and that he had been distributing
25 methamphetamine to the person he knew as Gordo, law

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 enforcement identified as Eduardo Assad. He did have
2 known associates in the hub in Atlanta.

3 Q And as part of that, did he identify who some of
4 those associates were?

5 A Correct.

6 Q Were you able to corroborate the information
7 that Mr. Arias gave to you by way of the controlled phone
8 calls made to not only Mr. Arias, but to other individuals
9 as part of the cooperation of Eduardo Assad?

10 A Yes, sir.

11 Q Throughout the course of those recordings, were
12 there references to both Mr. Isaias Arias and who at that
13 time was known as Chavo or Pelon?

14 A Isaias Arias was known as Chico.

15 Q Just to be clear in case I misspoke. Was there
16 references between the two of them together, Mr. Arias and
17 Chavo, Pelon?

18 A Yes, sir.

19 Q Okay. And does that corroborate the information
20 that you were provided both by Mr. Arias and Mr. Assad?

21 A Yes, sir.

22 Q All right. What further actions were taken
23 using Mr. Assad as a confidential informant after that
24 transaction?

25 A Mr. Assad continued to provide information to

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 law enforcement and make undercover phone calls.

2 Q At some point, was he no longer able to conduct
3 controlled transactions?

4 A Correct. I mean, they were wanting more money
5 than law enforcement could provide. Also --

6 Q When you say they, who are we talking about?

7 A Chacas.

8 Q Chacas was asking for more money?

9 A Correct.

10 Q During the course of this several-day period,
11 were there ever any concerns expressed between the
12 individual in Mexico and Eduardo about cooperation with
13 law enforcement?

14 A Right. He had learned about possibly law
15 enforcement approaching Mr. Assad's residence.

16 Q When you say he, who is he?

17 A Chacas.

18 Q And that's evidenced in the phone calls?

19 A Yes, sir.

20 Q Did that, along with the need for more money
21 lead to Mr. Assad's later inability to do any further
22 cooperative action with law enforcement?

23 A Correct, and for his safety.

24 Q Following the corporation of Eduardo Assad,
25 where did your investigation go next?

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 A We continued to investigate information that had
2 been provided to us by all parties, worked with all law
3 enforcement agencies that currently worked with us. We
4 did make a purchase from one of the runners that Eduardo
5 Assad and Mario Morales had utilized.

6 Q Who was that?

7 A Luis Flores.

8 Q What was the nature of that controlled purchase
9 in summary form? Was that a controlled purchase for
10 methamphetamine?

11 A It was. We purchase 55-grams of methamphetamine
12 from him on March 25th here in Greenville County.

13 Q Following that, did law enforcement approach
14 Luis Flores?

15 A We did. We approached him at his residence and
16 explained everything like we had before, obtained his
17 cooperation. He did agree to come back to our office to
18 be interviewed and debriefed.

19 Q What was the nature of the discussion in the
20 debriefing?

21 A Just like before, his involvement in
22 methamphetamine trafficking, selling, also, picking up
23 money obtained from the sale of methamphetamine, who was
24 in control of him, who was he working for, who the
25 methamphetamine was sold to and where he had obtained the

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 methamphetamine from.

2 Q During the course of cooperation of Luis Flores,
3 was he shown what you described earlier as photographic
4 lineups?

5 A Yes, sir.

6 Q Was he later shown possibly one or two or more
7 single photographs as well?

8 A Yes, sir.

9 Q Was he able to make identifications through
10 those processes?

11 A Yes, sir.

12 Q Okay. Who were the category of people he was
13 identifying?

14 A The people he was purchasing drugs from or being
15 under control of.

16 Q Did he also identify people he was selling to or
17 delivering to?

18 A Yes.

19 Q All right. Did Mr. Flores agree to become an
20 informant?

21 A He did.

22 Q What types of operations or further assistance
23 did Mr. Luis Flores provide after he became a confidential
24 informant?

25 A He did have a meeting with individuals that he

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 supplied methamphetamine to under the direction of Assad.
2 And he did have meetings with people, persons that he had
3 been supplied methamphetamine from under the direction of
4 Assad.

5 Q Beginning with the individuals that he would
6 have been supplying methamphetamine to or picking up money
7 from at the direction of Mr. Assad, who were the targets
8 involved in that operation?

9 A It was Delonda Werschay, she's also known as Dee
10 Dee, and Jeremy LaBoone.

11 Q All right. And what type of operation was
12 executed?

13 A Delonda Werschay had contacted Luis about
14 obtaining more methamphetamine. And law enforcement
15 considered this transaction to be a reversal transaction
16 where that person, being Luis Flores, acting in the
17 capacity as a confidential informant. We would provide
18 him with what he believed to be real methamphetamine. It
19 was actually a sham, it was fake methamphetamine. Law
20 enforcement, we can't afford real methamphetamine to get
21 back on the streets. So this would be an undercover
22 meeting where Delonda Werschay and Jeremy LaBoone would be
23 actually purchasing methamphetamine and exchanging money,
24 and law enforcement then make the arrest. So that's what
25 occurred.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q So to make it short and simple, hence the name a
2 reversal controlled purchase is, basically, a controlled
3 purchase, but in reverse?

4 A Absolutely.

5 Q Where the target is the person who's going to be
6 receiving, not selling?

7 A Yes.

8 Q And was that operation successful with
9 Mr. LaBoone and Ms. Werschay?

10 A It was. It occurred on March 25th, 2015, at a
11 QT gas station off North Pleasantburg Drive. He actually
12 had -- I'm sorry, this occurred on -- actually, it
13 occurred at 1511 Poinsette Highway at the Zaxby's. After
14 they were detained, they were actually found to be in
15 possession of 65.4-grams of methamphetamine that they
16 actually had. The reversal was for approximately eight
17 ounces of methamphetamine. And they also did have a
18 weapon inside the vehicle.

19 Q And similar to the type of transaction you just
20 described, did Mr. Assad engage in any operations like
21 that?

22 A He did.

23 Q All right. What do you recall generally about
24 that?

25 A He had been contacted by Michelle Collier, also

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 known as Baby Girl, and her associate, Patrick Knights.
2 They wanted methamphetamine, also. They're more of a
3 larger scale dealer, so this reversal was for
4 approximately two kilograms of methamphetamine. It was
5 scheduled to take place at the QT on Pleasantburg Highway
6 at 385, which we did conduct a reversal transaction and
7 they were both detained.

8 Q Now, going back to Ms. Delonda Werschay, also
9 known as Dee Dee, following that operation, did
10 Ms. Werschay agree to cooperate?

11 A Yes.

12 Q What did her cooperation include?

13 A It included to agreeing to sit down with law
14 enforcement and give a full historical debriefing about
15 who she was obtaining drugs from and who she sold to.

16 Q Now, the confidential informant used in that
17 scenario, Luis Flores, was he used for any other
18 operation?

19 A He was.

20 Q What were those?

21 A On March 14th, 2015, and previous to that, Luis
22 Flores had been cooperating with law enforcement and made
23 a recorded phone call to Chavo, Pelon, identified as David
24 Barajas, for a payment for methamphetamine. A debt owed
25 from Eduardo Assad.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q So the controlled purchase made between Luis
2 Flores and the target, Chavo or Pelon, for a previous
3 debt?

4 A Yes.

5 Q That debt was for what?

6 A Methamphetamine, \$6,000.

7 Q Based on that contact, what did law enforcement
8 decide to do?

9 A Law enforcement, we again contacted our partners
10 in Georgia, HSI and GBI. Flores, in an undercover
11 capacity under their control, met with David Barajas and a
12 Hispanic male known as Bautista. And this occurred in the
13 city of Hapeville, Georgia, [REDACTED] College Street at an
14 apartment where the CI paid \$6,000 owed for a previous
15 drug debt. And that \$6,000 was provided by Homeland
16 Security and GBI agents out of Georgia.

17 Q During that particular operation, was it similar
18 to the earlier Georgia operation where local law
19 enforcement from South Carolina was in more of a
20 supporting role?

21 A Correct.

22 Q In that particular instance, was the
23 confidential informant wearing not only a wire, but a
24 recording device?

25 A Yes, sir.

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 Q Was that able to capture the audio recording of
2 the interaction between Mr. Luis Flores and the targets of
3 the operation?

4 A Correct.

5 Q Following the interaction between Luis Flores
6 and the targets of that operation, what happened next?

7 A I mean, after the initial payoff or the initial
8 transaction?

9 Q Yes.

10 A We met back at the meeting location and South
11 Carolina law enforcement took Luis Flores back to South
12 Carolina.

13 Q Were there any other motives for the interaction
14 using that confidential informant at that time from the
15 other agencies involved?

16 A Homeland Security did want to introduce an
17 undercover agent in an undercover area for them to
18 continue that side of the investigation in Georgia.

19 Q So was there a parallel investigation going on
20 into this same organization?

21 A I would assume so, yes.

22 Q So in addition to instructions from South
23 Carolina law enforcement, did the confidential informant
24 also have instructions from the federal authorities,
25 namely, Homeland Security?

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 A Correct.

2 Q Was there an opportunity for the confidential
3 informant to engage in any further transactions at that
4 time?

5 A He was offered more methamphetamine on the front
6 during that time, which he did not take. He did not take
7 the methamphetamine.

8 Q Was the confidential informant given any
9 instructions as to that prior, at the beginning of the
10 operation?

11 A Yes.

12 Q What were his instructions?

13 A Just to make the payment.

14 Q Was he explicitly instructed not to take any
15 additional drugs?

16 A That's correct.

17 Q All right. Following that transaction, did all
18 the South Carolina law enforcement personnel and the
19 confidential informant come back to South Carolina?

20 A Yes, sir.

21 Q Was Mr. Flores utilized for any further
22 operations into this organization?

23 A I don't believe so, sir.

24 Q Lieutenant Woodring, where did your
25 investigation go from there? Following these controlled

TYREL WOODRING-DIRECT BY MR. UNDERWOOD

1 purchases, reversals, controlled payments, these things
2 you described, how did your investigation proceed after
3 all those events?

4 A We continued to make some undercover drug buys
5 from other associates, the underlings of Sandra Duncan.
6 We continued to do debriefs, historical interviews to
7 connect the dots, put the puzzle pieces in place. We
8 tried to continue this investigation as far as it would
9 go.

10 Q And, ultimately, were there efforts made to
11 identify the individuals at that point that had only been
12 known by the nicknames, including Chencho and Chavo or
13 Pelon?

14 A Yes.

15 Q Were you the agent primarily tasked to make
16 those identifications?

17 A No, sir.

18 Q Who was that?

19 A That would be Captain Jason Wells.

20 Q All right. Lieutenant Woodring, did you play
21 any other roles following that as far as completing your
22 investigation?

23 A I was involved in several debriefs, but mainly
24 purchases of methamphetamine from Barry Underwood, which
25 would be an underling of Sandra Duncan and Delonda

TYREL WOODRING-CROSS BY MR. HODGE

1 Werschay.

2 Q So were there a number of transactions involving
3 those individuals?

4 A Yes, sir.

5 Q Ultimately, Lieutenant Woodring, were you able
6 to complete your investigation with identifying as many
7 individuals as possible that were a part of this drug
8 trafficking organization?

9 A That's correct. We compiled all the information
10 presented.

11 Q All right. Is that what led us to this trial
12 here today?

13 A Yes, sir.

14 MR. UNDERWOOD: Thank you, Lieutenant Woodring.

15 I have no further questions.

16 THE COURT: All right. Cross-examination.

17 MR. HODGE: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. HODGE:

20 Q Good morning, Lieutenant Woodring.

21 A Good morning, sir.

22 Q How you doing?

23 A How are you?

24 Q All right. I've just got a few questions for
25 you. I promise not to be as thorough. And I'm just going

TYREL WOODRING-CROSS BY MR. HODGE

1 to jump right into it, Sandra Duncan, her nickname is Ma;
2 is that right?

3 A That's correct.

4 Q And she was initially a primary target in
5 Pickens and Greenville County you said, right?

6 A Greenville County.

7 Q And y'all believed that she was one of the main
8 dealers or suppliers in this area of your investigation,
9 right?

10 A Correct.

11 Q Okay. How long had she been dealing, do you
12 know?

13 A Many years.

14 Q Okay. Before this investigation even began, you
15 believe?

16 A Yes, sir.

17 Q And I think you said you ended up getting in
18 contact with Ms. Duncan and made five purchases from her,
19 five controlled buys from her?

20 A Uh-huh.

21 Q Why so many?

22 A Each time we made a undercover purchase, we
23 learned new information, basically, who was working for
24 her. And, ultimately, we wanted to move up to that. So
25 we wanted to see any amount any opportunity we made a

TYREL WOODRING-CROSS BY MR. HODGE

1 purchase of methamphetamine or ordered it who might show
2 up to deliver it to Ms. Duncan.

3 Q Okay. And then you stopped her after a fifth
4 purchase, made a traffic stop and she agreed to cooperate,
5 right?

6 A Yes, sir.

7 Q Did you inform her that y'all had made five
8 controlled buys from her at that point?

9 A We didn't say a number, but we did inform her.

10 Q Right, okay. But she knew she was in hot water,
11 so to speak, once she came in contact with you guys;
12 right?

13 A Yes, sir.

14 Q At any point during your conversations, your
15 interviews with Sandra Duncan, did she ever mention the
16 names Chavo or Pelon or Chico or Chacas?

17 A No, sir.

18 Q I think you said you found 600 plus grams of
19 methamphetamine in her residence alone or in one bag
20 alone, I think you said?

21 A Correct.

22 Q Through her investigation, though, you did come
23 up with this Mr. Assad; is that right? And he had a
24 number of nicknames, Jose -- Jose is the one she knew him
25 by, right?

TYREL WOODRING-CROSS BY MR. HODGE

1 A Jose, Gordo.

2 Q Okay. So she knew him by Gordo as well?

3 A Right.

4 Q All right. And you then at one point or at some
5 point came into contact with Assad and he agreed to
6 cooperate with you guys in this investigation, right?

7 A Yes.

8 Q Had you already made -- and I believe you
9 testified to this, I've got so many notes here. You had
10 already made purchases from Assad, controlled buys from
11 Assad at that point, too; right?

12 A Yes, sir.

13 Q All right. So once you approach him and,
14 essentially, before you arrest him, I guess, but once you
15 approach him, he also is already in some pretty hot water
16 and understands where he sits with you guys; correct?

17 A Correct.

18 Q And then you said Assad at that point began
19 making phone calls to what you guys believed were his
20 suppliers or his supplier out of Mexico, this Chacas; is
21 that correct?

22 A Yes.

23 Q And Chacas is running this whole operation out
24 of Mexico, right?

25 A Uh-huh.

TYREL WOODRING-CROSS BY MR. HODGE

1 Q And I think you testified that you guys, through
2 Assad, sent \$3500 to Chacas to keep the front, so to
3 speak?

4 A We did make payments, I'm not sure of the
5 amount.

6 Q The three transactions that were on these
7 exhibits, were those the only three that were initially
8 made to Chacas?

9 A Yes, sir.

10 Q Okay. And then through Assad, Chacas then
11 started providing him with people that he could get
12 methamphetamine from, right?

13 A Beforehand, before our investigation.

14 Q Right. Then once you got involved, you started
15 making -- Assad, for law enforcement, started making phone
16 calls to Chacas arranging for more purchases, for Assad to
17 purchase more methamphetamine, right?

18 A Yes, sir.

19 Q I think one of those was with Chencho, who
20 traveled to South Carolina and gave him some drugs; is
21 that right?

22 A Right.

23 Q Then I think you said there was Chaco; is that
24 right? There was another guy that came to South Carolina
25 and provided drugs to Assad?

TYREL WOODRING-CROSS BY MR. HODGE

1 A Marcelo Cruz, known as Chencho.

2 Q Chencho. All right. I get all the nicknames
3 confused.

4 A I do, too.

5 Q There was also a guy, who at the time of this
6 investigation when it began, was known as -- only to you
7 guys as Chavo or Pelon, right? That's how Assad knew him,
8 correct?

9 A Correct.

10 Q Assad didn't give you the name David Barajas at
11 the time?

12 A He did not.

13 Q And you didn't identify Chavo or Pelon as David
14 Barajas at that time?

15 A No, sir.

16 Q And he traveled to Georgia to make a purchase
17 from the individual only known as Chavo or Pelon?

18 A Correct.

19 Q He knew him better as Chavo, right? Isn't that
20 how he refers to him?

21 A Chavo.

22 Q As Chavo. Now, the purchase that was made in
23 Georgia, this was at a residence at [REDACTED] Sycamore Drive; is
24 that right?

25 A That's correct.

TYREL WOODRING-CROSS BY MR. HODGE

1 Q And do you know who that residence was -- who
2 lived there?

3 A Jason Wells did the investigation on that, sir.

4 Q Okay, so that wasn't you. Okay. I just heard
5 you say that you guys had done research on that. I wasn't
6 sure if it was you. I believe you testified that a live
7 wire was being worn by Assad; is that right?

8 A I was able to overhear him speak. I don't know
9 what type of device was used.

10 Q But there were no audio recordings that you're
11 aware anyway from that transaction, from that controlled
12 buy?

13 A I have no audio recordings of that.

14 Q There were no video recordings of that
15 controlled buy either, correct?

16 A I do not have any video recordings.

17 Q Okay. And just to be clear, there are
18 capabilities, video capabilities, for controlled
19 purchases; correct?

20 A There is, depending on the safety of the
21 informant.

22 Q Sure. And those are hidden cameras, things like
23 that?

24 A Right.

25 Q Now, Homeland Security was very involved in all

TYREL WOODRING-CROSS BY MR. HODGE

1 of this at that point. And a Homeland Security agent was
2 actually the one who accompanied him to the residence,
3 correct?

4 A Task force officer with Homeland Security, yes,
5 sir.

6 Q But there was also, I believe you said SLED
7 agents who were observing, running surveillance on the
8 residence, that sort of thing?

9 A Well, we were getting embedded in -- we're more
10 of a support role, so we're not able to take law
11 enforcement action.

12 Q Okay.

13 A I cannot testify about who was actually doing
14 surveillance.

15 Q Sure, but you guys were involved. You were
16 there, you knew what was going on. You could hear certain
17 things?

18 A Yes, sir.

19 Q And I believe you said there was a car, a silver
20 Accent that was involved; is that right?

21 A Hyundai Accent.

22 Q And that two Latino males exited that car is how
23 you put it?

24 A Hispanic males.

25 Q Were there any pictures of those males -- do you

TYREL WOODRING-CROSS BY MR. HODGE

1 have any pictures of those two males?

2 A I cannot testify to what Homeland Security has,
3 but I do not.

4 Q Yeah, and I'm just asking your investigation at
5 this point.

6 A Yes, sir.

7 Q So from your investigation, you don't have any
8 pictures of the individuals that you believe made the
9 transaction in the house?

10 A Correct.

11 Q All right. Then I believe -- and I could be
12 wrong, I want to think that you said your agents actually
13 continued to follow the car once it left the residence; is
14 that right?

15 A Homeland Security did.

16 Q Homeland Security did, okay. And I think you
17 said they stopped at many different places. Are there any
18 pictures of them getting out at these other places that
19 you have in your possession?

20 A No, sir.

21 Q So as part of your investigation, you don't have
22 any pictures of any of the individuals that you say were
23 in that Hyundai or in that residence as far as your
24 investigation is concerned?

25 A As far as my understanding, yes, sir.

TYREL WOODRING-CROSS BY MR. HODGE

1 Q Okay. I think at some point -- well, let me ask
2 you this, you said the marked funds that were used for
3 that control buy in Georgia, right, those are marked for
4 identification purposes so if they're ever used --

5 A They're more recorded instead of marked.

6 Q That's what I mean, yeah. You take down the
7 serial number, right?

8 A Yes, sir.

9 Q And you keep those records in case those funds
10 ever turn up again?

11 A Right.

12 Q And then once Assad left the residence at
13 Sycamore at which he bought drugs from an individual at
14 the time only known as Chavo and Chema, he brought it back
15 to you and brought the drugs to your task force. You guy
16 saw the drugs. Those pictures were taken. You were there
17 to witness all of that. Correct?

18 A Correct.

19 Q At that point, after the controlled purchase had
20 occurred at the residence from your informant, had been
21 transported to you, had been tested to show that they were
22 known narcotics and the automobile had left that residence
23 with the confirmed individuals that had made that sale in
24 the automobile, why didn't you stop them then?

25 A The identification of the drugs were not made

TYREL WOODRING-CROSS BY MR. HODGE

1 until after the surveillance.

2 Q Okay. So that was a surveillance kind of going
3 on while CI is transporting drugs to other locations?

4 A Right.

5 Q Is that kind of how that happened? Okay, so
6 after that, once you know at that point, did you try to
7 find that car again?

8 A Homeland Security agents and Georgia agents did
9 conduct some more investigations and that's something they
10 need to testify about.

11 Q At that point, no arrests were made, though, of
12 this individual known no Chavo or the individual known as
13 Chema?

14 A Correct, not to my knowledge.

15 Q Okay. I think later on, you testified Flores
16 became involved when Assad set up another -- or maybe
17 another agent set up another transaction with Flores; is
18 that correct?

19 A Correct.

20 Q Flores had a relationship with Assad as a
21 runner? Is that kind of my understanding?

22 A Correct.

23 Q And after Assad was under supervision, he was
24 working for you guys, then you contacted Flores and set up
25 another -- or a controlled buy with Flores, right?

TYREL WOODRING-CROSS BY MR. HODGE

1 A The actual purchase from Flores was later after
2 --

3 Q Right. After Assad, essentially, is burnt, so
4 to speak?

5 A Right.

6 Q Okay. So the purchase from Flores came from
7 another informant, whoever, or undercover agent, I think
8 and then the payment that was set up in Georgia was also
9 at a later time set up through Flores?

10 A Correct.

11 Q So Flores was not approached or did not agree to
12 cooperate until after the controlled purchase had already
13 occurred and he was in custody and he said yeah, I'll
14 cooperate, I'll talk to you?

15 A I'm not sure that he knew about the controlled
16 purchase, though. I cannot testify to that.

17 Q Okay.

18 A But he was approached and agreed to cooperate
19 with law enforcement, correct.

20 Q Just -- obviously, you're part of the
21 investigation. I understand that some of the agencies
22 were involved in this. I just want to be clear, at no
23 point were you able to connect Chavo or Pelon or any other
24 nickname for that matter to David Barajas prior to Assad
25 getting involved, correct?

TYREL WOODRING-CROSS BY MR. HODGE

1 A I cannot testify to other agencies --

2 Q I'm just asking you --

3 A I personally, no, sir.

4 Q And even after Assad got involved, initially,
5 when he made that purchase, David Barajas was not
6 equivalent to Chavo in your investigation, correct?

7 A We did not associate the name David Barajas with
8 Chavo until later on.

9 Q Until much -- a few months later after the
10 investigation had blossomed into what it is now, correct?

11 A Maybe Jason can testify to that about a specific
12 date when Barajas came to be known as Chavo. I think it
13 was a little bit sooner than that.

14 Q I've got a question I always like to ask. Is
15 there a code name for this investigation?

16 A Yes, sir.

17 Q And what is that code name?

18 A Polar Express.

19 Q Can you tell me how you came up with Polar
20 Express?

21 A During our investigation, [REDACTED] Cook Street where
22 Sandra Duncan resides, her house under construction was
23 right near the train station here in Greenville.

24 Q Okay. I was just wondering. I saw the name
25 Polar Express and was curious.

TYREL WOODRING-REDIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 MR. HODGE: Thank you, I appreciate it.

3 THE COURT: Redirect?

4 MR. UNDERWOOD: Very briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. UNDERWOOD:

7 Q Lieutenant Woodring, you testified on
8 cross-examination that at the time of the controlled
9 purchase that took place in Georgia, at that time, you
10 were not able to identify the individual known as Chavo or
11 Pelon as David Barajas; is that right?

12 A Correct.

13 Q Was your investigative team able to identify
14 Chavo or Pelon as David Barajas at a later date?

15 A Yes, sir.

16 Q Do you have any reason to doubt that
17 identification?

18 A No, sir.

19 Q As to the use of recording devices during
20 controlled purchases, did you testify that there is a
21 case-by-case analysis for safety purposes as to when and
22 what type of devices to use?

23 A It is. It depends on the environment. Depends
24 on the time of year, the temperature. I mean, if it's
25 during wintertime, we can hide a lot of devices in jackets

TYREL WOODRING-REDIRECT BY MR. UNDERWOOD

1 or stuff like that. In the summertime, there's not many
2 areas to hide a device. And also, you have to worry about
3 a person working for us being searched. So you have to
4 have every opportunity with their safety in mind and weigh
5 it on evidence.

6 Q Ultimately, what's the higher priority in an
7 operation, safety or the evidence?

8 A Safety of an undercover agent, it's the same
9 safety for cooperating individuals because we're
10 responsible for them and we have to answer to their
11 families.

12 Q Following the controlled purchase in Georgia, I
13 believe you testified that efforts were made to surveille
14 and follow the vehicle that was at the location?

15 A Correct.

16 Q How does an operation like that take place? Is
17 it one car following? Are there other individuals? How
18 does law enforcement handle that?

19 A There's multiple undercover law enforcement
20 vehicles because we don't want to get burnt, is what we
21 call it, for an individual seeing the same car following
22 him. So we try to mix up the cars and mix up the agents
23 and we don't follow them too closely. We have them
24 communicate through police radio and let other agents know
25 where they're heading, where they're stopped and able to

TYREL WOODRING-REDIRECT BY MR. UNDERWOOD

1 just kind of fit in different vehicles and different
2 agents at different times.

3 Q So to avoid detection, the various law
4 enforcement agents keep their distance, is that what you
5 said?

6 A Correct.

7 Q And they're constantly changing which vehicle is
8 following?

9 A Yes.

10 Q All right. And as part of the motivation or
11 goal of the controlled purchase that took place in
12 Georgia, was part of the purpose of that in order to
13 identify the person that was only at that time known as
14 Chavo or Pelon?

15 A It was. But, ultimately, we wanted to identify
16 who was bringing the drugs in South Carolina and also to
17 help Georgia identify a major source of methamphetamine
18 for them and their people that are responsible for it.
19 But yes, identification is very important.

20 Q All right. So is that part of the reason why
21 controlled purchases are done in order to identify the
22 source?

23 A Correct.

24 Q And is that, ultimately, what you did in
25 Georgia?

TYREL WOODRING-REDIRECT BY MR. UNDERWOOD

1 A Yes.

2 MR. UNDERWOOD: Thank you. No further
3 questions.

4 THE COURT: All right. Mr. Underwood, can y'all
5 approach for scheduling?

6 You can step down, Agent.

7 MR. UNDERWOOD: Your Honor, I ask that
8 Lieutenant Woodring be excused.

9 THE COURT: Any objection?

10 MR. HODGE: No objection.

11 THE COURT: All right, you may be excused.

12 (WHEREUPON, an off-the-record bench conference
13 was held in the presence of the jury but out of
14 the hearing of the jury.)

15 THE COURT: It looks like the next witness --
16 well, it's 12 o'clock, so we'll go ahead and break
17 for lunch. Give y'all a little bit of extra time,
18 let's go to 1:20, so everybody will have sufficient
19 time. So be back in your jury room at 1:20 and we'll
20 start -- continue the State's case.

21 Again, don't discuss the case among yourselves
22 or with anybody. Don't do any research. Don't pay
23 any attention to any media. If anybody contacts you
24 outside the clerk's office, let the bailiffs know.
25 Otherwise, y'all have a good lunch.

1 (WHEREUPON, the jury left open court at
2 approximately 11:55 a.m.)

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

4 MR. UNDERWOOD: Not at this time, Your Honor.

5 THE COURT: All right. Let's be ready to roll
6 again at 1:20. Have a great lunch.

7 (WHEREUPON, a lunch break was taken.)

8 THE COURT: Is the State ready?

9 MR. UNDERWOOD: Yes, sir, Your Honor.

10 THE COURT: Defendant ready?

11 MR. HODGE: Yes, sir, Your Honor.

12 THE COURT: If the jury is ready, bring them on.

13 (WHEREUPON, State's Exhibits Nos. 14-17 were
14 marked for identification only.)

15 (WHEREUPON, the jury came into open court at
16 approximately 1:28 a.m.)

17 THE COURT: All right, I hope everybody had a
18 good lunch. As you will recall, the State is still
19 in their case. At this time, I'm going to ask that
20 they call their next witness.

21 Mr. Underwood.

22 MR. UNDERWOOD: Thank you, Your Honor, may it
23 please the Court. The State calls Lieutenant Brett
24 Barwick.

25 THE CLERK: Please step forward to be sworn in.

1 Place your left hand on the Bible, if you would.

2 Raise your right hand.

3 BRETT BARWICK, after being duly sworn, testified
4 as follows:

5 THE CLERK: Please state your full name.

6 THE WITNESS: Charles Brett Barwick.

7 THE CLERK: Thank you. Please have a seat.

8 DIRECT EXAMINATION

9 BY MR. UNDERWOOD:

10 Q Good afternoon, Lieutenant Barwick.

11 A Good afternoon, sir.

12 Q If you would, please introduce yourself to the
13 jury and explain in brief summary fashion your career in
14 law enforcement and special training and experience you
15 have as it relates to narcotics investigation.

16 A Yes, sir. My name is Lieutenant Brett Barwick.
17 I'm employed with the Pickens County Sheriff's Office.
18 I've been employed with them since 2000. I graduated from
19 South Carolina Criminal Justice Academy. I started my
20 career at the sheriff's office on patrol. After a short
21 period of time on patrol, I got moved into accreditations
22 where I wrote the policy and procedures manual, things of
23 that nature for the office. Then I moved into general
24 investigations, which is also known as CID, so I worked
25 property crimes, different things like that.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 From there, in 2005, I moved into the
2 special operations unit. Since my time there, I've since
3 been promoted to lieutenant over the unit, which I
4 supervise the agents and I also supervise the uniform
5 patrol aspect of our office known as the community action
6 team. Some people may refer to them as direct patrol.
7 They work high intensity drug areas and things like that.

8 Q All right. Agent Barwick, as to the special
9 operations unit that you refer to, what exactly does that
10 mean and what kind of investigations does that unit
11 handle?

12 A Well, we primarily do drugs, narcotics
13 investigations, but we are a little bit of a catchall.
14 Sometimes we'll end up with some other things,
15 prostitution organizations, gambling, things like that.
16 The majority of our work is drug enforcement.

17 Q Now, Lieutenant Barwick, did you have an
18 opportunity to be involved in a number of investigations
19 in Pickens County that, ultimately, related to this case
20 that we're here for trial today?

21 A Yes, sir, I have.

22 Q All right. At that point in time, were you
23 working in the same capacity you are now or were you in a
24 different capacity?

25 A At that particular time, I was an agent with the

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 special operations. I didn't have any supervisory duties
2 at that time, but still, basically, did the same thing. I
3 just have a little more responsibility now.

4 Q All right. So what were your primary duties at
5 that time?

6 A Investigating, primarily, drug cases. We tried
7 to target long-term investigations as much as we could.
8 We tried to not focus so much on people on the lower level
9 as far as users, but work our way, we call it up the food
10 chain, to people who are distributing and bringing in the
11 larger amounts of methamphetamine. We've often found
12 ourselves partnered with our surrounding agencies,
13 Greenville County, SLED, Anderson County, Oconee County in
14 an effort to make these cases a little bit bigger where we
15 can have a greater impact on the amount of drugs that hit
16 our communities.

17 Q And Lieutenant Barwick, did you have the
18 opportunity to make any connections involving cases that
19 you were working in Pickens County to an organization that
20 was also operating in Greenville County?

21 A Yes, sir, I did.

22 Q If you could, explain to the jury what types of
23 investigations you were conducting when you realized that
24 there was a connection and explain how that was learned
25 and where you went from there.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 A Yes, sir. We conduct what we call jail
2 interviews when people are arrested for a particular crime
3 or something along those lines when they come in.
4 Sometimes we take information from call-ins from people
5 who want to provide us with information who are tired of
6 some of the drugs being on the streets. And we also do
7 controlled purchases, much like you've heard outlined
8 previously by Lieutenant Woodring. So we do all of those.

9 This particular incident, I interviewed a
10 person in our facility on September 9th, 2014. This
11 person provided a certain amount of information about a
12 drug trafficking group in the upstate. Parts of it were
13 connected with Greenville County. I took some of the
14 information that they provided and I, basically, plugged
15 it into our system and talked to the other agents in our
16 office. We were able to corroborate some of the
17 information the person provided. We already a couple of
18 eyes on people he listed who hadn't been charged yet. So
19 there were active cases on some people involved.

20 He also -- the information also led us to
21 about a female named Sandra Duncan, at the time, known as
22 Ma, who was in Greenville who was selling dope to people
23 in Pickens County.

24 Q All right. Lieutenant Barwick, who was the
25 individual that you referenced being interviewed in

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 September of 2014?

2 A I interviewed Matthew Ryan Carter.

3 Q And aside from, obviously, you just mentioned
4 leading you to Sandra Duncan, what was the nature of other
5 information he provided in addition to that concerning
6 Sandra Duncan?

7 A Just that she was a -- she was a person who was
8 selling large amounts of methamphetamine. That he, in
9 fact, had dealt with her in the past and other people in
10 Pickens County had dealt with her.

11 Q So after getting that information, where did you
12 take your investigation next?

13 A At that point in time, actually, Lieutenant
14 Woodring, at the time, was actually at our office and was
15 part of this interview. Lieutenant Woodring and I spoke
16 about the information Mr. Carter had relayed. And we also
17 reached out to Investigator Cunningham from Greenville
18 County Sheriff's Office. Some of the information that
19 Mr. Carter provided had suspects in Greenville County,
20 which Investigator Cunningham was familiar with, that they
21 were involved in the drug business.

22 Q Was that when you learned that there was a
23 connection between drug activity in Pickens County and
24 activity in Greenville County?

25 A Yes, sir. As pertains to this case, yes, sir.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 Q At that time, was it agreed between yourself and
2 Investigator Cunningham and Lieutenant Woodring from SLED
3 to combine your efforts?

4 A Yes, sir. We were obviously seeing drugs across
5 multiple counties. And the amount of drugs we're talking
6 about, obviously, coming in from out of state as well. So
7 we decided to pull our resources and start putting our
8 information together to expand this case, if possible.

9 Q So from that point, how did your investigation
10 proceed?

11 A Well, in close proximity to after the interview
12 with Mr. Carter, there was an unrelated arrest of an
13 individual named Jason Larson, who was arrested by some
14 drug patrol deputies in Pickens. Because of that, some of
15 our agents started monitoring his jail phone calls. If
16 y'all don't know it, the jail phone calls are recorded and
17 law enforcement has the ability to listen to those coming
18 out of the facility. Mr. Larson, in his conversations,
19 discussed dealing with Sandra Duncan as his source, which
20 was -- which was interesting, of course, to us.

21 We were able to use some of this
22 information and set up a controlled purchase of
23 methamphetamine from some of Larson's co-defendants or
24 some of his underlings that worked with him. One being
25 his girlfriend and two other individuals. So on October

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 22nd, 2014, we made a controlled purchase arranged by a
2 Tasha Jones, who was Larson's girlfriend at the time. And
3 two individuals named Matthew Melton and Timothy Green
4 actually delivered a quantity of methamphetamine to
5 undercover agents on the 22nd.

6 Then continuing on that same line, our
7 agents were monitoring jail phone calls again from
8 Mr. Larson, who directed Ms. Jones to a location in
9 Greenville County to pick up drugs from Ms. Duncan or
10 Sandra Duncan.

11 Q So is this further corroboration of the
12 information you had from the first interview you
13 described?

14 A I would say so, yes, sir.

15 Q So is this a second connection linking back to
16 Sandra Duncan in Greenville County?

17 A Yes, sir. With that information, we were
18 actually able to expand upon that. Once we found out the
19 deal location and -- because Larson was in jail, he had to
20 direct fairly specifically Tasha to her house and to deal
21 with Ms. Duncan. So we were actually able to set up
22 surveillance in Greenville County, catch Ms. Jones at that
23 house at [REDACTED] Cook Street, which is one of Ms. Duncan's
24 residences.

25 And after that, we surveilled them back

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 into Pickens County where they were in Pickens
2 jurisdiction and they committed a traffic violation and
3 were stopped for that. The officers collected a quantity
4 of methamphetamine that came from Sandra Duncan that Tasha
5 Jones had in her possession.

6 Q All right. Following that, did you seek
7 cooperation by Ms. Jones or Mr. Melton?

8 A We did. Mr. Melton was in the meeting
9 discussed. He was a lower underling on a lot of this
10 information, so he did cooperate with us with some
11 investigation. Ms. Jones did cooperate and gave an
12 interview at a little bit later time, but she didn't right
13 then.

14 Q So how did your investigation proceed from that
15 point?

16 A Shortly after agents from the Pickens County
17 Sheriff's Office developed a confidential informant,
18 actually, on November 14, that could purchase
19 methamphetamine directly from Sandra Duncan. At that
20 point in time, I reached out to Lieutenant Woodring and
21 Investigator Cunningham and I had them meet with the
22 confidential informant. From there, we had -- the CI was
23 documented with SLED as a CI and we supervised multiple
24 controlled purchases of methamphetamine from Ms. Duncan.
25 I believe it was five in total over a few-month period.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 Q Following the controlled purchases -- and what
2 were the purchases of?

3 A Methamphetamine.

4 Q All right. Each purchase was for
5 methamphetamine?

6 A Yes, sir. On the 21st, we had purchased what
7 tested positive for methamphetamine 14.04-grams. On the
8 25th, we purchased what tested positive for 7.44-grams.
9 On December 9th, we purchased what tested positive for
10 13.77-grams. January 15th, we purchased what tested
11 positive for 6.91-grams. And on February 18th, 2015, we
12 purchased what tested positive for 6.18-grams. And all
13 those were methamphetamine.

14 Q All right. Following -- Agent Barwick, the
15 controlled purchases concerning Sandra Duncan, I believe
16 you said that one of them was for 6.18-grams, is that
17 actually 6.81?

18 A There was 6.91-grams on the 15th and 6.81-grams
19 on the 18th. If I misspoke, I apologize.

20 Q So following the controlled purchases from
21 Sandra Duncan, what other information did you gather to
22 further the investigation from the Pickens County side of
23 things?

24 A Well, shortly after the last purchase from
25 Ms. Duncan, we actually conducted what was a controlled

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 approach of Ms. Duncan on the 25th of February. Myself
2 and agents from Greenville County and SLED traffic stopped
3 Ms. Duncan inside Greenville where she agreed to be
4 interviewed. She was taken back to SLED Piedmont office
5 where she was provided her Miranda rights, which she
6 waived these rights and agreed to speak to us about her
7 drug history. During her interview, she admitted one of
8 the things we discussed was her dealings with Ms. Larson
9 in Pickens County.

10 Q All right. And following that interview, was
11 there any operational action taken related to Sandra
12 Duncan?

13 A Oh, yes, I'm sorry. After the interview or,
14 actually, it was probably still somewhat during the
15 interview, Ms. Duncan agreed for agents to have consent to
16 search both of her residences, one at [REDACTED] Brockman Avenue
17 and at [REDACTED] Cook Street. So we went and actually searched
18 the residence at the [REDACTED] Cook Street address. Ms. Duncan
19 actually pointed out the location of a quantity of
20 methamphetamine hidden in some duct work and she turned
21 that over to Investigator Cunningham. And that was what
22 tested positive for methamphetamine and I believe that was
23 614.38-grams.

24 Q Now, Agent Barwick, Lieutenant Barwick, did you
25 have the opportunity to conduct any other historical

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 interviews concerning Ms. Duncan and her methamphetamine
2 dealing activities?

3 A With Ms. Duncan?

4 Q Other individuals concerning Ms. Duncan.

5 A I'm sure we did. I'm trying to -- give me a
6 second. I mean, we interviewed multiple people as the
7 investigation went on. Most of them were in Greenville
8 County, I'm not sure of all of them off the top of my
9 head.

10 Q So the investigative team, some of which you
11 might have been involved with probably would have been
12 with Greenville County and SLED?

13 A Uh-huh.

14 Q All right. Following the cooperation of
15 Ms. Duncan, where did the investigation go from there as
16 far as your involvement in this case?

17 A Well, after that, those things with Ms. Duncan
18 on the 28th -- well, I know Mr. Assad was brought in as
19 far as a -- was approached on the 26th in Greenville.

20 Q Who is Mr. Assad?

21 A Eduardo Assad, he's the confidential informant
22 that worked with us on parts of the case. He was the
23 person that SLED supervised the controlled purchases of
24 methamphetamine from in Greenville. Sandra had identified
25 him. She knew him as Jose, but he was her methamphetamine

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 supplier.

2 Q Did you have personal interaction with
3 Mr. Assad?

4 A A little. I had met Mr. Assad and I was there
5 during parts of it. As you can imagine, we had quite a
6 few agents there, people doing different jobs.

7 Q All right. Please tell the jury what your
8 contact with Mr. Assad consisted of.

9 A Well, on the -- as I said, SLED supervised
10 multiple controlled phone calls. Some of the stuff I
11 wasn't a part of or wasn't there, technically, when they
12 were making some of the calls back to Mexico arranging
13 controlled purchases. But on the 28th of February 2015, I
14 was part of a cover team, part of a group that purchased
15 the 1,198.24-kilograms of methamphetamine. That
16 methamphetamine arrived at the Guadalajara grocery store
17 on White Horse Road. I know Agent Gardner with SLED was
18 the undercover operator in the vehicle who drove Mr. Assad
19 to that location where he met with Mr. Cruz.

20 Q Is that Marcelo Cruz?

21 A Yes, sir, that is.

22 Q Is Marcelo Cruz an individual that was known to
23 others in the case as Chencho?

24 A Yes, sir. Marcelo Medina Cruz was also known as
25 Chencho.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 Q All right. What was your role in that
2 operation?

3 A That operation, I was, basically, a surveillance
4 agent who was out of sight. We were there in case
5 something went wrong and there was a need for an
6 extraction of the confidential information or undercover
7 officer. You don't want to have too many vehicles in
8 sight in these types of deals at locations, so we were
9 just kind of ready and monitoring the traffic. We might
10 be on the radio if somebody radioed for units to come in
11 and assist or extract or something like that.

12 Q All right. Were you involved in any other
13 operations where Mr. Eduardo Assad functioned as a
14 confidential informant?

15 A I was. Let's see, on March 1st, 2015, I was
16 part of the group that went to Atlanta with Mr. Assad for
17 the controlled purchase from Mr. Barajas. There again, I
18 was a representative of Pickens County and I was there in
19 a support role. Once we get into the State of Georgia,
20 our law enforcement powers certainly cease, so we're more
21 there as observation and, basically, bringing them
22 confidential informants that cooperated with us to help
23 further their case and any information to further ours as
24 well.

25 Q What agency or agencies did you work with during

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 that operation in Georgia?

2 A We were with Homeland Security Investigations.

3 Q Is that a federal agency?

4 A It is, yes, sir.

5 Q And who was the lead agency, if you will, for
6 that particular operation?

7 A The lead agency?

8 Q Yes. Who was in charge of the operation in
9 Georgia?

10 A Homeland Security.

11 Q To your knowledge, did they have their own
12 investigation going on at the same time?

13 A They had multiple investigations going on. I
14 don't know if they tied -- what they were as far as they
15 tied into ours as much. I didn't really sit in with the
16 briefing with HSI as much as some SLED agents did.

17 Q But the different agencies from South Carolina
18 and Homeland Security were working together on this
19 particular operation?

20 A Yes, sir.

21 Q What do you recall taking place on that day?
22 Was that on March 1st, 2015?

23 A It was March 1st, 2015.

24 Q Please tell the jury what you remember about
25 your role in that particular operation.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 A I know that Mr. Assad had met with the HSI
2 agents and they had briefed him on what they wanted to do.
3 And then the undercover officer, I had drove them to a
4 location, I forgot, I think it was [REDACTED] Sycamore Drive. I
5 just happened to be in the vehicle with two of the other
6 HSI agents that were there in a support capacity.

7 Q Agent Barwick, if you could move that microphone
8 just a little bit closer.

9 A Sorry about that.

10 Q So, while functioning in that support capacity,
11 what were you doing?

12 A I was, basically, riding in the vehicle with
13 them while they tried to stay close, if they had to
14 extract, they had some problems, which the HSI team would
15 have had to do. Once the deal was concluded and the
16 confidential informant left, a few of the people that I
17 rode with tried to maintain surveillance on a little, I
18 believe it was a Hyundai vehicle. It went to three
19 different stores in that area. So they were a
20 leapfrogging group of surveillance trying to maintain
21 sight on that vehicle.

22 Q If you could describe in a little bit more
23 detail how that surveillance took place.

24 A Well, you, typically, have multiple cars with
25 surveillance like that so when someone leaves a small

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 area -- these neighborhoods are tight. They're small.
2 The houses are close together, so you really can't get in
3 there with certain vehicles. So when you can pick up a
4 tail on a car, you'll have one vehicle behind it and
5 they'll be in communication with each other by 800 radio.
6 And that main vehicle is what we know, we call it the eye.
7 That person stays close to them for a little while until
8 they make a turn or until they feel like they've been
9 behind the vehicle too long, they'll break off and the
10 next vehicle will pull up and kind of keep an eye on them.
11 And this whole thing leapfrogs from place to place. And
12 you try to maintain surveillance on them with getting what
13 we call getting burnt. We didn't want to tip our
14 investigation at all.

15 Q And you say burnt, what do you mean by that?

16 A What I mean, if we're too close or follow too
17 close and get seen or spotted by the suspects, that could
18 burn the investigation where they would automatically be
19 suspect of the confidential informant that they had just
20 met with. They could shut some things down or could put
21 people in danger. We want to maintain our distance.
22 That's what we call a loose surveillance.

23 Q How did you refer to that?

24 A Just a loose surveillance or a loose tail.

25 Q What was the original goal of that particular

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 operation?

2 A Obviously, we wanted to help Homeland Security
3 further any investigations they may have. This group was
4 obviously pushing a lot of methamphetamine in our area and
5 most likely in their area in Georgia as well. So if we
6 could do that as well as identify the people we're dealing
7 with with the names as opposed to just a nickname, is
8 obviously a huge benefit on some of these type cases.

9 Q All right. In this particular instance, who was
10 the target of the controlled purchase in Georgia on March
11 1st, 2015?

12 A That was David Barajas.

13 Q And what was the arrangement to be for that
14 transaction to take place?

15 A I'm sorry?

16 Q What is your understanding of what was to take
17 place for that controlled transaction?

18 A Oh, it was to be a purchase or down payment on a
19 quantity of methamphetamine. I don't think it was a full
20 purchase of what we got. And I'm not even sure of the
21 dollar amounts, but I do know that he was sent in with a
22 quantity of documented funds to purchase, I believe it was
23 to be a kilo of methamphetamine.

24 Q Was a purchase of methamphetamine, ultimately,
25 successful?

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 A Yes.

2 Q Do you know how much methamphetamine was
3 purchased on that date?

4 A I'm not a hundred percent sure. I don't know if
5 it was one or two kilos, but I think it was somewhere in
6 that ballpark.

7 Q If we could go back to the surveillance which
8 you described as loose surveillance, how successful were
9 those surveillance efforts?

10 A They were somewhat successful. We were able to
11 follow the vehicle to several locations which we suspected
12 were for wire transfers, but -- so that was kind of --
13 kind of fit the pattern of what we thought it was. And we
14 identified the house where the person lived and we
15 identified the vehicle and what the license plate on the
16 vehicle was, so it was definitely beneficial.

17 Q You mentioned suspected wire transfers. What
18 about what you observed led you to believe that wire
19 transfers were taking place?

20 A I do believe that some of the stores had the
21 signs for wire transfers, you know, where they do wire
22 transfers and that way, you can just wire money from one
23 place to another. Then we also knew the wire transfers
24 were part of this case because SLED was utilizing
25 Mr. Assad to make wire transfers back to Mexico at the

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 time, so.

2 Q And you mentioned getting vehicle information as
3 well as address information?

4 A Yes.

5 Q Can you explain exactly what was being done and
6 the significance of that?

7 A Well, as we all have a vehicle and if it's
8 registered properly, the tag on your vehicle comes back to
9 you, as it should be. Also, houses, when we can put
10 someone at a particular location, sometimes we can find an
11 actual occupant. It's not always the case, but from that,
12 people can pull power bills, they can see what utilities
13 and what name they're in, who pays the property taxes.
14 You can also check the vehicle registration, who owns it
15 and who it's registered to. So we always try to identify
16 people by more than a nickname.

17 Q And were those efforts to identify a particular
18 individual successful?

19 A Yes, sir.

20 Q All right. Who were you able to identify by way
21 of the address information and the vehicle information?

22 A Yes. In speaking with Agent Wells from SLED,
23 shortly after the conclusion of this operation, the
24 vehicle was registered to Mr. Barajas and the house, I
25 believe, also, to Mr. Barajas.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 Q The vehicle that you were loosely following,
2 where did that surveillance begin?

3 A Well, I picked it up with the group I was with
4 on the main road, not in the neighborhood, so we were
5 further along. So I don't know exactly where the original
6 eye picked it up at. Because we probably had -- you may
7 have six or seven cars there, so you have people closer
8 that may pick it up a little bit closer to the house. But
9 it originated when they left [REDACTED], I believe that was
10 Sycamore, but where exactly they picked it up at, I don't
11 know. I wasn't in that car.

12 Q So that vehicle originally at the same location
13 where the controlled purchase took place?

14 A Yes, sir.

15 Q How did your investigation proceed following
16 that particular operation?

17 A After that operation was concluded, we did a
18 second operation with Mr. Assad on March 2nd, 2015. I
19 know SLED had been setting this up through some controlled
20 phone calls and some wire transfers. I don't have exactly
21 all the details, but I was part of the operation where
22 Mr. Isaias Arias, a/k/a Chico, and his co-defendant Ramone
23 Diaz delivered two and a half or two and a quarter kilos
24 of methamphetamine from Texas to the upstate. My role --

25 Q Who --

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 A Oh, I'm sorry.

2 Q Who was the primary target of that particular
3 operation?

4 A That would be, I think they called him Chico or
5 Isaias Arias, if I'm saying that correctly.

6 Q Are you trying to say Isaias Arias?

7 A Yes, sorry.

8 Q And he went by the nickname of Chico?

9 A Yes, sir.

10 Q And is that distinct from the earlier operation
11 you discussed where the target was a Marcelo Cruz, who
12 went by Chencho?

13 A I'm sorry, what was that?

14 Q An earlier operation -- were you part of an
15 earlier operation where there was a different target named
16 Marcelo Cruz?

17 A Yes, sir. At Guadalajara?

18 Q Yes.

19 A Yes, sir, I was there.

20 Q Was that individual known by the nickname of
21 Chencho?

22 A Yes, sir.

23 Q I know there's a lot of CH names on there. I
24 want to make sure we have them straight.

25 A Yes.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 Q So was Chencho Marcelo Cruz?

2 A Yes, Chencho was Marcelo Cruz and Chaco was
3 Mr. Isaias Arias.

4 Q Is that pronounced Chaco or Chico?

5 A Chico.

6 Q What was your role in that particular operation?

7 A There again, I was in a support role. The
8 original meeting took place at Don Pablo's restaurant on
9 Haywood Road. I was in the cover team that was at the
10 mall across the street from it. There again, we didn't
11 want to put too many vehicles in the parking lot of Don
12 Pablo's or on that side.

13 I do know Special Agent Gardner with SLED
14 was in the restaurant during the operation observing the
15 meeting. And then I know they arrived in a Pathfinder
16 based on radio transmission. I saw the vehicle after the
17 fact where Mr. Arias met with Assad and an undercover
18 Greenville officer inside the restaurant with Agent
19 Gardner watching. Mr. Diaz remained in his vehicle
20 according to the radio traffic I received.

21 At the conclusion of that meeting, they
22 went to a self storage place on Haywood Road where the
23 transaction took place. There again, I was in a support
24 role on Haywood Road unable to witness the events that
25 took place inside the storage facility.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 Q So you didn't see what actually took place in
2 the storage facility?

3 A No, sir. I just know the story of happened as
4 far as the tire that was relayed to me by other agents.

5 Q All right. Following that operation, did you
6 have any contact with Isaias Arias?

7 A On March 3rd, the next day, I was part of the
8 group that approached that gentleman, Mr. Diaz, at the
9 Haywood Mall. They were there, I think, just killing some
10 time, but they were waiting on some money payments from
11 our CI in which we approached them, advised them who we
12 were, that we were with SLED, Greenville County, Pickens
13 County and they were in a drug investigation and asked
14 them to come back to the Piedmont office for an interview.

15 Q And at that time, did Isaias Arias agree to
16 cooperate with your investigation and the interview?

17 A He did.

18 Q What was the nature of the information he
19 provided?

20 A He was provided with his Miranda rights, which
21 he waived and agreed to cooperate. He gave us information
22 admitting that he did -- was in communication with an
23 individual in Mexico and that he was to deliver some
24 methamphetamine to, I think a guy he knew as Gordo, which
25 is also Eduardo Assad. He had several nicknames.

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 Q During the course of that interview, did he
2 mention knowing the name David Barajas?

3 A During the original interview with him, no. But
4 I think there was a subsequent interview done after the
5 fact where he discussed knowing David Barajas. But the
6 original interview, he only mentioned that -- he mentioned
7 Pelon in his interview at that time is how he said it and
8 it was a small amount of information in the first
9 interview.

10 Q So there was further information provided at a
11 later time?

12 A At a later time that I wasn't part of.

13 Q Lieutenant Barwick, did you --

14 A I'm sorry, he just briefly discussed Pelon.

15 Q Lieutenant Barwick, did you have a later
16 opportunity to work with a different confidential
17 informant as part of this investigation involving the
18 operation in Georgia?

19 A Yes, sir, we did.

20 Q Who was that confidential informant, do you
21 remember?

22 A Luis.

23 Q Is that Luis Flores?

24 A Yes, I forgot his name. Luis Flores. I know
25 SLED interviewed him and he agreed to cooperate and I

BRETT BARWICK-DIRECT BY MR. UNDERWOOD

1 conducted a controlled purchase on him one time as well.
2 The operation I was involved with Flores was on May 14th,
3 2015. I went to -- I went to Georgia with several of the
4 guys from SLED who supervised this operation.

5 Q All right. What was the purpose of that
6 operation?

7 A It was to make a payment. I believe it was for
8 a previous drug debt, drug transaction for \$6,000, I
9 think. And that was to Mr. Barajas.

10 Q All right. Is that Mr. Barajas, the Defendant
11 in this case?

12 A Yes, sir.

13 Q What was your role in that operation?

14 A There again, we were -- Pickens County and I was
15 in another state, so I was strictly surveillance and there
16 to help oversee and any help they needed and the
17 confidential informant bringing them to further the case.

18 Q Lieutenant Barwick, ultimately, were the law
19 enforcement officers involved in this investigation able
20 to identify David Barajas, the Defendant in this case, as
21 the person that was earlier referred to as Chavo and
22 Pelon?

23 A Yes, sir.

24 Q Do you have any reason to doubt that
25 identification?

BRETT BARWICK-CROSS BY MR. HODGE

1 A No, sir, I don't.

2 MR. UNDERWOOD: Thank you. I have no further
3 questions. Please answer any questions opposing
4 counsel may have.

5 THE COURT: Cross-examination.

6 MR. HODGE: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. HODGE:

9 Q Good afternoon, Lieutenant Barwick.

10 A Good afternoon, sir.

11 Q Just a few questions for you. You've said
12 multiple times that David Barajas was the target of the
13 surveillance, David Barajas was the target of controlled
14 buy, David Barajas was the target of the payment that was
15 paid in May; is that correct?

16 A Yes, sir.

17 Q At the time all those things occurred, did you
18 know the name David Barajas?

19 A No, sir. No, I knew his nickname as Chavo and
20 Pelon.

21 Q Has any of the individuals, Assad or Flores,
22 ever given you the name at that point David Barajas?

23 A I didn't really interview either one of those to
24 that extent, so I couldn't say. But to me, no, sir.

25 Q So --

BRETT BARWICK-CROSS BY MR. HODGE

1 A My interaction with those two was limited.

2 Q Sorry, I didn't mean to interrupt you.

3 A No, that's fine.

4 Q So when you said you were conducting
5 surveillance on David Barajas, you were actually, at the
6 time, conducting surveillance on somebody named Chavo or
7 Pelon; right?

8 A Yes, sir.

9 Q And when you say that a controlled buy was made
10 by Assad from David Barajas, what you actually -- what
11 actually occurred at that moment in time was Assad made a
12 purchase from someone he knew as Chavo, right, or Pelon,
13 whichever one you want to use?

14 A Yes, sir.

15 Q So Assad knew him as Chavo and that's where he
16 went, to make a purchase from Chavo, right?

17 A Chavo.

18 Q Chavo, Pelon?

19 A Chavo, Pelon, Barajas, yes, sir.

20 Q Right. I guess that's my point, nowhere in the
21 phone calls or in any of the material or in any of your
22 investigation up to that point and during that moment did
23 you know that he was going to meet with someone named
24 David Barajas?

25 A Oh, no, sir.

BRETT BARWICK-CROSS BY MR. HODGE

1 Q Right. You knew he was going to meet and
2 purchase drugs from someone known as Chavo or Pelon?

3 A Yes, sir, this whole group is very heavy on
4 nicknames.

5 Q And same thing with Flores. You knew Flores was
6 going to make a payment to an individual by the name of
7 Chavo or Pelon, right? I think it was Pelon with him.

8 A Let's see, that was on the 14th?

9 Q In May, yes, sir.

10 A No, I believe Mr. Barajas -- I believe he was
11 identified by then. I'd have to double check with Special
12 Agent Wells, but I'm pretty sure he was identified by
13 then. To answer your question, conversations, I think
14 it's still all in nicknames.

15 Q Right. I mean, he's still the person Pelon or
16 Chavo?

17 A Yes.

18 Q And when you were conducting the surveillance --
19 and I know the leapfrog surveillance technique, but you
20 said at one point you were involved and saw the vehicle in
21 question?

22 A Yes, sir, I saw -- from a distance saw the
23 little Hyundai.

24 Q And I think you testified that the vehicle
25 stopped at multiple stores and made what you believed

BRETT BARWICK-CROSS BY MR. HODGE

1 making wire transactions, right?

2 A Yes, sir.

3 Q But that means they would have had to have
4 gotten out of the automobile and gone into the store?

5 A Yes, sir.

6 Q All right. And as far as you're aware, and you
7 were in the car with some of Homeland Security agents,
8 were any photos taken of the person at the time known as
9 Chavo or Chema?

10 A That, I'm not 100 percent certain of.

11 Q Did you take any photos?

12 A No, sir, I was in the back vehicle.

13 Q Do you recall if the individuals in the car with
14 you took any photos that day?

15 A I'm assuming they did, that somebody in that
16 group had a camera. I want to say there may have been a
17 picture or two taken, but that, I don't have.

18 Q Okay. When was the first time you heard the
19 name Barajas, do you recall?

20 A Oh, Investigator Wells or Captain Wells, once he
21 was identified or once they had the identification
22 information, I heard Barajas.

23 Q Do you recall how far into the investigation
24 that was?

25 A I'm sorry, I can't. I didn't write down the

BRETT BARWICK-CROSS BY MR. HODGE

1 date.

2 Q I know it was an extensive investigation. I
3 just wanted to ask the question.

4 A It's been a minute or two, yeah.

5 Q I think I covered Sandra Duncan's purchases
6 earlier. So again, I just want to be clear, I saw another
7 one here. When you say that Assad was going to Atlanta to
8 meet with Barajas, which is how you put it, that he was
9 going to meet with David Barajas, the Defendant, and I
10 believe at the end you stated David Barajas, the
11 Defendant, when these transactions and when all of this
12 occurred, prior to a co-defendant or a co-conspirator
13 supposedly identifying him, you did not know David
14 Barajas? You didn't know the name David Barajas, correct?

15 A No, sir.

16 Q They referred to him in every conversation or in
17 every opportunity that you had had to hear them speak of
18 him or speak of someone as Chavo and/or Pelon?

19 A Correct. Well, during the conversations, I was
20 a part of, yes, sir. I was a small part.

21 Q Right. And I only want you to answer what
22 you -- can I have just a moment? Just real quick, just to
23 keep going on the same path, during the surveillance,
24 they'd stop at these stores, they'd get out, they'd go in
25 to do what you believe is making a wire transfers. Were

BRETT BARWICK-REDIRECT BY MR. UNDERWOOD

1 you a participate or were you a part of any investigations
2 into those wire transfers?

3 A No.

4 Q Y'all didn't enter the store to see what they
5 did in the store?

6 A Oh, no, sir. These were small-type grocery
7 stores. I don't think that would have worked. That's up
8 to HSI as well.

9 Q Sure.

10 A We weren't the guys doing that type of work.

11 Q And I guess that's what I mean, was your car or
12 any of your agents that you were directly with, did they
13 then stop at the store and go and ask any questions?

14 A They didn't ask any questions, no, sir.

15 Q Okay.

16 A Not while I was with them.

17 Q Okay.

18 MR. HODGE: No further questions, Your Honor.

19 Thank you.

20 THE COURT: Any redirect?

21 MR. UNDERWOOD: Briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. UNDERWOOD:

24 Q Lieutenant Barwick, so at the time the
25 controlled operation, controlled purchases took place, the

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 target, you only knew the name as Chavo or Pelon; is that
2 correct?

3 A Yes.

4 Q At that time?

5 A At that time.

6 Q So does the fact that you didn't learn his legal
7 name until a later date change the fact of who sold that
8 methamphetamine?

9 A No, sir, not at all.

10 MR. UNDERWOOD: No further questions, Your
11 Honor.

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

13 All right. Call your next witness.

14 MR. UNDERWOOD: Your Honor, the State calls
15 Charlie Cunningham.

16 THE COURT: All right. Come around and be
17 sworn.

18 CHARLES CUNNINGHAM, after being duly sworn,
19 testified as follows:

20 THE CLERK: Please state your name.

21 THE WITNESS: Charles R. Cunningham, Jr.

22 THE CLERK: Okay. Mr. Cunningham, have a chair
23 and get close to the microphone. Thank you.

24 DIRECT EXAMINATION

25 BY MR. UNDERWOOD:

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 Q Good afternoon, Investigator Cunningham. If you
2 would, please introduce yourself to the jury explaining
3 what your career has been in law enforcement, any special
4 training or experience that you have in the field of
5 narcotics investigation.

6 A Sure. My name is Charlie Cunningham, or Charles
7 Cunningham. Most folks call me Charlie. I've been with
8 the Greenville County Sheriff's Office since 2008. I came
9 to the sheriff's office in a uniform capacity.

10 Q Investigator Cunningham, I hate to cut you off.
11 Could you move that microphone a little bit closer?

12 A (The witness complies.)

13 Q All right. Thank you.

14 A I worked in the uniform patrol capacity. I
15 remained in that capacity until about 2011 where I moved
16 into our narcotics division as a narcotics investigator.
17 And from that point, I began going to school and getting
18 an education on narcotics investigations and drug
19 trafficking organizations as well as drug laboratories and
20 manufacturing and distribution of various types of drugs,
21 specifically methamphetamine. And I worked in that
22 capacity for a number of years, throughout this particular
23 investigation until 2018, when I left narcotics and went
24 to the homicide division where I remain as a homicide
25 investigator.

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 Q So at this time, you're working in the homicide
2 division, but for some time, you worked in the narcotics
3 division of the Greenville County Sheriff's Office?

4 A That's correct.

5 Q Investigator Cunningham, you said you had
6 special training in the manufacturing of methamphetamine;
7 is that correct?

8 A Yes, sir.

9 Q Could you explain to the jury without getting
10 too far into the weeds generally how methamphetamine is
11 manufactured, particularly how it goes from the liquid
12 form to the solid form.

13 A Sure. Sure. A part of my education led me to
14 various places of law enforcement training. Some of those
15 places were in California where we received the specific
16 skills training in terms of different types of
17 manufacturing processes, distribution processes of
18 methamphetamine as -- in terms of, say, manufacturing from
19 a meth lab standpoint with what might be seen in a home in
20 this area versus a large scale methamphetamine operation,
21 which is more commonly seen across the border into Mexico
22 where the quantities are made in very large forms.

23 Just in short of answering your question in
24 terms of how methamphetamine is, essentially, converted
25 from a liquid form into a solid form to introduce in the

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 human body and ingested, chemical processes take place in
2 this drug that, essentially, create what looks like a rock
3 or a minute salt crystal. Largely, that's -- in the end
4 process, that's done through very, very strong solvents
5 like acetone, where they very slowly evaporate it off
6 allowing a crystallization to begin to form. And the
7 slower that process occurs, essentially, the product in
8 the end looks more refined. It's very clear. And it can
9 be elongated and long and large crystals. We commonly
10 hear those things referred to as ice, sometimes shards
11 because of the way they appear. And they almost diamond
12 like. They're so clean and so clear. That's because
13 they've had such a large amount of time to sit saturated
14 under those very strong solvents, like acetone, which will
15 dissolve and kind of evaporate away the contaminants, the
16 other particles that go into the manufacturing process.

17 Q All right. Thank you. Now, is it common that
18 from time to time the final appearance of that
19 crystallized methamphetamine will vary as far as color or
20 shape, size or anything like that? And what would
21 contribute to the differences in general terms?

22 A Some of the largest points of the coloration of
23 the end product, as we would see it in law enforcement, a
24 small powdery substance, which would identify at some
25 point as methamphetamine, typically, we would articulate

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 that to come from, say, a homemade meth lab, like
2 something you would see about on the local news that was
3 done here in a local area.

4 In terms of the lower charges, the
5 crystallization process to cleaner, we more commonly than
6 not see that as meth that is trafficked into the United
7 States via a criminal enterprise that -- seeing that over
8 across the border and through organizations into our area.

9 Q Now, Investigator Cunningham, how did you become
10 involved in the investigation that, ultimately, brings us
11 to this trial today?

12 A My involvement initially began -- the pivotal
13 point in which my investigation began in Greenville County
14 was on or about April 23rd, 2013. It was about this time
15 that I received -- as a narcotics investigator, I received
16 information that came through our Crime Stoppers program,
17 our local Crime Stoppers, which indicated that there was
18 some specific people that were distributing
19 methamphetamine from a specific residence. And as I
20 looked into this Crime Stopper tip, did some research
21 along with a little bit of surveillance and researched
22 some of the folks that I was able to identify at this
23 residence and some that had been mentioned in this Crime
24 Stopper tip, I looked back historically to see other tips
25 that may have come in.

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 And looking back into late 2011, early
2 2102, I could see that there was a time frame where other
3 Crime Stopper tips had been submitted to the sheriff's
4 office, essentially, indicating or citing that there was a
5 black male that went by the name T who was responsible for
6 distributing a large amount of methamphetamine throughout
7 the southern Greenville County area. In some of that
8 historical looking, I saw on September 19th, 2012, the
9 Mauldin Police Department had made contact with a Tavarious
10 Downs, who I came to know was T, along with a Jose Manuel
11 Parillo, and that drugs and a handgun was located in that
12 traffic stop.

13 So looking back at that tip, historically,
14 I could see that there were other circumstances kind of
15 articulating that what I was hearing was more likely than
16 not, you know, a reliable tip or a tip worth acting on.
17 So I did that along with other narcotics investigators
18 from Greenville.

19 Q Where did that action lead you?

20 A On the April 23rd point, we went to ■■■ Garrison
21 Road, which is located in Pelzer, South Carolina, on the
22 Greenville County side. And it was there we made contact
23 with Lacy Seymour, who was the girlfriend of Tavarious
24 Downs, or T, Daniel Brady, Jeremy Steven Tripp, Chris
25 Seymour, Tavarious Downs was present, Walter Evan and a

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 gentlemen who fled our sight immediately upon seeing law
2 enforcement, who we learned later was Randy Key.

3 During that time, I made contact with who I
4 understood to be the homeowner, which was Lacy Seymour.
5 We, essentially, caught her off guard and, subsequently,
6 she wanted to cooperate with the drug investigation. We
7 had a very short period of time to kind of explain our
8 reason for being there, but our being there was important
9 in what we were trying to accomplish. She, essentially,
10 decided real quick that she wanted to cooperate with the
11 investigation and she turned over to me a bag of
12 methamphetamine, which weighed 39.5-grams, and then a
13 small bag of marijuana, which was 14.5-grams.

14 From that point, we, essentially, realized
15 based on her statements to us her willingness in wanting
16 to cooperate to further our investigation. We,
17 essentially, took her from the scene as though she was
18 going to jail for something else. Left that environment,
19 went to the Greenville County Law Enforcement Center. We
20 had a chance to sit down with her, advised her of her
21 Miranda warnings to give her an opportunity to speak with
22 us if he desired to, and she did.

23 And so in listening to her, she described
24 to us how she was being supplied with -- she and her
25 boyfriend, Tavarious, were being supplied with

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 methamphetamine. And it was in that statement that she --
2 you know, is where we learned, essentially, about another
3 black male who she knew as Bubba. Bubba, we later
4 learned, was Larry Coleman.

5 It was, essentially, after that meeting,
6 that conversation where she described some of the people
7 that she knew that we began to -- we began to pursue this
8 investigation and work to identify the folks that she
9 identified in that statement. Some of them were just by
10 nickname only. And in that process of investigating those
11 others, we lost contact with Lacy and in all appearance,
12 it appeared as she went back to her previous lifestyle
13 which we initially made contact with her. We were able to
14 develop, however, an informant who was able to purchase
15 meth from Tavarious Downs.

16 It was at that time that I had reached out
17 to SLED, who we commonly worked with, along with our
18 surrounding counties, and kind of initiated their
19 involvement in anticipation that this may be a
20 multi-county-impacting investigation. It was with SLED's
21 assistance that we began purchasing methamphetamine from
22 Tavarious Downs. Several transactions or controlled
23 purchases were done.

24 Ultimately, it was on September 9th, 2014,
25 when Special Agent Tyrel Woodring with SLED and Brett

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 Barwick with Pickens County had reached out to me and
2 discussed with me some of the things they had learned
3 during some of their drug working over in Pickens, which
4 seemed to identify some of the same people that had been
5 identified to me. And at that time, it appeared as though
6 we had similarities in our two investigations and appeared
7 to have connections between one another.

8 Q So beginning at that point, did you begin to
9 work in coordination with Pickens County Sheriff's Office
10 as well as SLED?

11 A I did. It was at that time that we met
12 together, all agencies combined. We began pulling our
13 resources and combating, you know, this group in unison
14 with one another.

15 Q Once this combined effort began, how did your
16 part of this investigation proceed?

17 A Typically, when we are working with SLED in
18 conjunction with other municipalities or county
19 organizations, we will take a secondary role and allow
20 SLED to, essentially, initiate things from a primary point
21 or perspective. Because of our jurisdictional boundaries
22 and restrictions and SLED's statewide abilities, it's
23 easier for them to lead and then for us to assist in that
24 capacity. So that's what we did.

25 Q Ultimately, were you able to identify a target

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 of your investigation named Sandra Duncan?

2 A Yes.

3 Q Did she have a nickname?

4 A Yes. Sandra, we more often than not commonly
5 heard her name referred to as Ma.

6 Q How did your investigation proceed concerning
7 Sandra Duncan, also known as Ma?

8 A In the beginning, it's my understanding that
9 through an informant developed in Pickens County was our
10 first person, our confidential informant who had the
11 ability to directly deal with Ma to purchase
12 methamphetamine. And so it was my understanding
13 utilization of that confidential informant that initiated
14 our -- you know, making our first drug purchases directly
15 from her.

16 Q Ultimately, were you able to make controlled
17 purchases from Sandra Duncan?

18 A Yes. It's my understanding that we made five.

19 Q Following those, did you participate in the
20 approach of Sandra Duncan?

21 A I did.

22 Q What role did you play?

23 A Still remaining in a support role, however, my
24 being a resident of Greenville County and predominately in
25 Greenville County, we -- a team of us, when I say we,

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 agents with South Carolina Law Enforcement Division,
2 Pickens County Sheriff's Office and others with Greenville
3 County Sheriff's Office, formulated a plan to provide an
4 opportunity for Ma to cooperate with us should she choose
5 to do so.

6 And in doing that, what we decided to do
7 was approach her in a manner in which we would refer to as
8 a soft approach, which we would -- we would, essentially,
9 make contact with her in a manner that wouldn't
10 necessarily gain a lot of attention. Wouldn't necessarily
11 alert neighbors or others to the presence of law
12 enforcement to give others a view that some police
13 activity is taking place spontaneously at this person's
14 house.

15 We did that kind of in an undercover
16 capacity utilizing vehicles that didn't look like police
17 cars, that would blend in well with the area, as well as
18 clothing that would, you know, blend in and not
19 necessarily cause the neighbors to suspect anything out of
20 the ordinary was going on. In doing so, we made contact
21 with her, identified ourselves to her. It's my
22 understanding she quickly, you know, agreed to cooperate
23 with us, wanted to cooperate.

24 In doing so, she was asked to, essentially,
25 turn over any illegal drugs that she may have in her

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 possession or stored about her property. And she
2 immediately walked to a room inside her house, you know,
3 showing us the way, getting to a room that -- and the
4 house itself at the time was under construction. In this
5 particular room, it was not necessarily furnished, as I
6 recall, where, essentially, a stepladder was utilized to
7 reach into an air duct vent that was inside of the wall
8 where a bag was retrieved, like a leather-type bag.
9 Inside that bag was a sizable amount of methamphetamine.

10 Q Was that given directly to you?

11 A It was. It was.

12 Q What did you do with that methamphetamine
13 evidence?

14 A Once it was provided to me, I believe I provided
15 it either -- I provided it directly to SLED.

16 Q Just one moment, Investigator Cunningham, while
17 this machines warms back up.

18 MR. UNDERWOOD: Okay. Your Honor, if may
19 publish State's Exhibit No. 1?

20 THE COURT: You may.

21 (WHEREUPON, State's Exhibit No. 1 was
22 published.)

23 BY MR. UNDERWOOD:

24 Q Investigator Cunningham, do you recognize this
25 document?

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 A Yes, I do.

2 Q What are we looking at here?

3 A That's a chain of custody form which is utilized
4 by the South Carolina Law Enforcement Division,
5 essentially, showing the personnel which would have
6 handled and/or handed off the item itself all the way
7 through the process until it reaches the laboratory.

8 Q So whose signature appears right here?

9 A That's mine.

10 Q And again, right here?

11 A That is me.

12 Q What's the significance of your signatures on
13 this document?

14 A Essentially, it's showing that on February 25th,
15 2015, at approximately 1600 hours --

16 Q Is that four o'clock for those of us in civilian
17 time?

18 A Yes.

19 That I had possession of those --
20 essentially, at this time, which was drugs, I had
21 possession of these items and that I relinquished
22 possession of these items to who you see signed on the
23 bottom, it's Special Agent Tyrel Woodring with SLED, which
24 is also noting the date and time. Subsequently, just go
25 on and on until following that evidence as it travels

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 through the system.

2 Q All right. Did you do anything to tamper with
3 the suspected drug evidence that was given to you?

4 A No. I handed it right over to Special Agent
5 Woodring, who placed it into an evidentiary bag for
6 integrity.

7 Q All right. So was it placed into a secure
8 container so that it could be sent to the lab and have a
9 secure analysis?

10 A Yes, it was.

11 Q All right. Investigator Cunningham, what else
12 did you do to further your investigation? Let me ask you
13 this question, what was your role in utilizing an
14 individual named Eduardo Assad as a confidential
15 informant?

16 A You know, again, remaining a secondary party to
17 SLED predominantly in the investigation, I continued my
18 support role as a representative from Greenville County in
19 conjunction with Pickens County at this time. Eduardo
20 Assad being who, essentially, was identified as residing
21 in Greenville County, may have at one point or another
22 gave me more of a direct role because of environment,
23 landscape law enforcement surrounding Greenville,
24 specifically. But still we worked at the -- essentially,
25 the direction of Special Agent Woodring as informants or

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 other information was obtained that, essentially, led us
2 to making contact with Eduardo Assad.

3 And it was during that contact where he was
4 subsequently asked, you know, to cooperate with a lawful
5 investigation into a drug investigation that he did agree
6 to do that and I was present for. I was always present
7 for his interview, which was conducted at an office here
8 in Greenville where he, essentially, detailed to us kind
9 of the organizational workings of this drug cartel as he
10 understood it.

11 Q Now, Investigator Cunningham, at that point, was
12 Mr. Assad considered a Greenville County confidential
13 informant or a SLED confidential informant?

14 A He was a SLED confidential informant.

15 Q All right. So the primary responsibility for
16 him as an informant was through SLED and you were
17 supporting that?

18 A Yes, the handling of Assad or any informant,
19 SLED informant would be directly facilitated by SLED.

20 Q Did you participate in the controlled operations
21 utilizing Mr. Assad as a confidential informant that
22 happened in Greenville County?

23 A I was.

24 Q What was your primary role?

25 A Essentially, my primary role at the time the --

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 if you're referring to the search warrant at his
2 residence, this went on simultaneously at the time of his
3 interview, so I was with the interview and not necessarily
4 the search warrant. There was an undercover operation
5 which was conducted after the Atlanta operation where he,
6 essentially, had, you know, made contact with some
7 individuals in Texas who were to bring us a quantity of
8 methamphetamine, essentially, bypassing the Atlanta hub
9 and directly supplying us here in Greenville, which we
10 worked to accomplish.

11 Q What role did you play in that particular
12 operation?

13 A In that particular operation, my role was,
14 essentially, just a point of surveillance. This was an
15 operation where undercover law enforcement officers were
16 utilized. So we, essentially, set closely by the
17 locations where these events were occurring for safety
18 purposes just to be able to interact should we need to and
19 provide surveillance should we need to.

20 Q Were you involved with another operation
21 involving Eduardo Assad as a confidential informant
22 involving an individual near a bus stop?

23 A I was, yes.

24 Q What was your role in that operation?

25 A In that operation, I was in a vehicle with our

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 counterparts who were working for the Department of
2 Homeland Security, otherwise known as HSI. During this
3 event, we knew we had drugs that were being trafficked to
4 us, as we understood it, from out of state, specifically,
5 Georgia. I was in a role with HSI informants out of the
6 Greenville office here conducting surveillance, which
7 was -- had sight of the restaurant or the gas station or
8 the bus stop where the gentleman, essentially, came to
9 Greenville, but just from the point of surveillance.

10 Q What about the operation where there was a
11 controlled purchase that took place on March 1st down in
12 Georgia, were you involved in that operation?

13 A Yes.

14 Q What was your role there?

15 A In that particular operation, I rode with agents
16 with HSI from Georgia. I rode in the vehicle with them.
17 And my predominant reason for being in the vehicle with
18 them was just to work as a bridge of communication between
19 other agents in South Carolina, Greenville agents, Pickens
20 agents with my radio that had those local channels in
21 conjunction with the agents from Georgia who were
22 utilizing their radios, which had other channels, so that
23 we all could communicate in unison, but just as a point of
24 surveillance. I was never in a place with those fellows
25 to be able to see the house specifically.

CHARLES CUNNINGHAM-DIRECT BY MR. UNDERWOOD

1 Q Did you participate in any surveillance of a
2 vehicle leaving from the scene of the purchase?

3 A I was. And again, riding with others.
4 Essentially, there was a great number of us that followed
5 this vehicle, which, ultimately, drove to what I
6 understood to be a predominantly Hispanic gas station or a
7 grocery store, a very small place that was set up as not
8 only a grocery store, but a place to transfer money, like
9 a Western Union, had various things of that nature inside.
10 And we were, essentially, just keeping eye contact on the
11 vehicle and the persons as we were directed to. Being
12 where it was in Georgia, a lot of vehicle traffic, a lot
13 of foot traffic, so it was very hard to maintain constant
14 surveillance on them. It took a number of us that we were
15 constantly having to ride very close to the area. Not
16 stopping and pulling into the parking lot, but,
17 essentially, trying to maintain constant coverage on the
18 vehicle.

19 Q Were you ever in a position to be able to
20 identify the occupants of that vehicle?

21 A I was not as far as the occupants, only the
22 vehicle.

23 Q Were you able to see the vehicle, but not who
24 was in it?

25 A Correct.

CHARLES CUNNINGHAM-CROSS BY MR. HODGE

1 Q Did you participate in any other operations
2 pertaining to this investigation that took place in
3 Georgia?

4 A No. The next investigation that took place took
5 place on a day that I wasn't present.

6 MR. UNDERWOOD: Thank you, Investigator
7 Cunningham. Please answer any questions opposing
8 counsel has for you.

9 THE COURT: Cross-examination.

10 MR. HODGE: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. HODGE:

13 Q I'll be very brief. You have been in court.
14 You've heard my general questions. They're going to be,
15 essentially, the same for you. You were present during
16 this controlled buy from Assad in Georgia in a vehicle
17 with HSI, correct?

18 A Yes, sir.

19 Q To your knowledge, did you or anyone in the
20 vehicle take pictures of the individuals that were in the
21 car?

22 A We were positioned not close enough to where we
23 could even see that residence.

24 Q Did you ever see them get out of the car and go
25 into the store as you previously heard?

CHARLES CUNNINGHAM-CROSS BY MR. HODGE

1 A Not get out and go into the store, only the car
2 after I understood that whoever occupied the vehicle had
3 gone inside.

4 Q But you knew that they had also stopped at
5 multiple stores and gone in to do possibly wire
6 transactions, correct?

7 A Yes.

8 Q All right. As far as you know during your part
9 of the investigation or anything that you've been involved
10 in, did anyone try to go in and get pictures of them in
11 the store, check the surveillance camera, anything like
12 that?

13 A No. My understanding of that was, I guess,
14 based on some payments that had been sent from a
15 Greenville perspective through a similar store. This was
16 a store that was predominantly utilized by Latin Americans
17 and it wasn't feasible at the time for someone who wasn't
18 Latin American, at least, as we understood, to go in there
19 and not raise an alarm.

20 Q Okay. And I think you testified you weren't
21 able to identify or even see anyone that got in or out of
22 that car at any point in time during that investigation?
23 You, yourself, weren't able to, right?

24 A Yes, sir.

25 MR. HODGE: Thank you. No further questions.

CHARLES CUNNINGHAM-CROSS BY MR. HODGE

1 THE COURT: Any redirect?

2 MR. UNDERWOOD: No, Your Honor.

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

4 MR. UNDERWOOD: Your Honor, I ask that the
5 witness be excused as well as Lieutenant Barwick.

6 THE COURT: Any objection?

7 MR. HODGE: No objection.

8 THE COURT: All right, you may be excused.

9 All right, call your next witness.

10 MR. UNDERWOOD: Your Honor, there's a legal
11 matter that we previously discussed involving the
12 next witness. This would be a good time for a break
13 for the jury.

14 THE COURT: All right. We've been going almost
15 an hour and a half, so we'll go ahead and take a
16 break. Don't discuss the case and we'll bring you
17 back out in just a few minutes.

18 (WHEREUPON, the jury left open court at
19 approximately 2:41 p.m.)

20 MR. UNDERWOOD: Your Honor, the next witness is
21 Eduardo Assad. There is a Biggers challenge as to
22 two photographs that were utilized in identification
23 of the Defendant. He also was shown a photo lineup
24 of another co-conspirator in the case. I don't think
25 there is a challenge to that identification. My

JASON WELLS-DIRECT BY MR. UNDERWOOD

1 understanding is that Mr. Hodge's challenge is
2 isolated to the identifications of Mr. Barajas.

3 THE COURT: All right.

4 MR. UNDERWOOD: Your Honor, the first witness
5 that we would call as part of the Biggers hearing
6 would be Captain Jason Wells.

7 THE COURT: All right. Captain Wells, if you
8 would come around.

9 JASON WELLS, after being duly sworn, testified
10 as follows:

11 THE CLERK: Please state your name.

12 THE WITNESS: Jason Wells.

13 THE CLERK: Please be seated and adjust the
14 microphone.

15 DIRECT EXAMINATION

16 BY MR. UNDERWOOD:

17 Q Captain Wells, where are you currently employed?

18 A With the South Carolina Law Enforcement
19 Division.

20 Q In what capacity?

21 A I'm a captain with the narcotics division.

22 Q In what capacity were you working with SLED
23 during the time of this investigation in 2015?

24 A I was a special agent in the narcotics unit.

25 Q What was your role in this particular

JASON WELLS-DIRECT BY MR. UNDERWOOD

1 investigation?

2 A I came into this investigation with an informant
3 who purchased a quantity of methamphetamine from Eddie
4 Assad. And shortly after that purchase, we realized that
5 that investigation was going to coordinate right into the
6 investigation that was going on with Sandra Duncan. And
7 that's how I became involved in it.

8 Q Ultimately, was a part of your involvement in
9 this case to work on identifying an individual that at the
10 beginning of the investigation was known only by the name
11 of Chavo or Pelon?

12 A Yes.

13 Q All right. And as part of that process, were
14 you able to find any photographs of an individual that
15 matched a description of the person you knew as Chavo or
16 Pelon?

17 A Yes.

18 Q How did you work towards finding those
19 photographs in summary fashion?

20 A The first photo that I had ever seen of him was
21 emailed to me by Tony Scott of Homeland Security. And it
22 was, basically, a Georgia license photo that came back to
23 David Barajas. Homeland Security had provided me with
24 their report of investigation from the kilo buy that we
25 did in Jonesboro and, also, a report of the payoff that we

JASON WELLS-DIRECT BY MR. UNDERWOOD

1 did at the apartment on Sycamore. They told me that both
2 of those residences were linked to him and the vehicle
3 that we had followed down there. And that was based on
4 running the car tag that was on the Hyundai Accent. It
5 came back to David Barajas. That's where the first photo
6 came up of that he emailed to me. And then looking him up
7 on Facebook, he had multiple Facebook photos.

8 Q All right. Did you have interactions with
9 Mr. Eduardo Assad prior to showing him any photographs of
10 David Barajas?

11 A Can you say that again?

12 Q Did you have contact with Eduardo Assad prior to
13 showing him any photographs of David Barajas?

14 A Yes. I had interviewed him. I had spent many
15 hours with Eddie Assad.

16 Q Were you provided by Mr. Assad with a
17 description of the person he knew as Chavo?

18 A I don't recall if -- I know that he had provided
19 us with who his runners were and with who his contacts
20 were in the Atlanta area. As far as a description, if
21 it's in the report, then yes. I just don't remember it.

22 Q Specifically, through the course of your
23 investigation in attempting to identify the person known
24 as Chavo, did you become aware of any special scars or
25 tattoos associated with that individual?

JASON WELLS-DIRECT BY MR. UNDERWOOD

1 A Yes, I did learn of a tattoo that he had on his
2 neck.

3 Q Were there any other tattoos that were
4 distinctive?

5 A I mean, looking on Facebook, I saw the tattoos
6 that he had, but the only tattoo that people mentioned or
7 remembered seeing was the one on his neck.

8 Q All right. Ultimately, did you have an
9 opportunity to show two photographs to Eduardo Assad in an
10 attempt to identify the person known as Chavo?

11 A Yes, I did.

12 Q What was the procedure used when showing those
13 photographs to Mr. Assad?

14 A I met with him at the Oconee County Detention
15 Center and put the photo in front of him and just merely
16 asked him if he knew who the person was in the photo.

17 Q Did you do that same process with both the
18 driver's license photo and the photo that came from
19 Facebook? Was the same question asked?

20 A I believe so, yeah.

21 Q Again, that question would be what?

22 A Do you know who this person is?

23 Q Did Mr. Assad respond?

24 A Yes, he immediately recognized him as the person
25 he knew as Chavo.

JASON WELLS-DIRECT BY MR. UNDERWOOD

1 Q Did you indicate to Mr. Assad that he should
2 know who the person was in the photograph?

3 A No, sir.

4 Q All right. Did you suggest that that person
5 would be Chavo?

6 A No, sir.

7 Q How in your -- based on your observations, how
8 confident did Mr. Assad appear to be of the identification
9 of the person in those photographs as the person he knew
10 as Chavo?

11 A He was 100 percent confident.

12 MR. UNDERWOOD: And Your Honor, for purposes of
13 the hearing, if I could just publish these as I'm
14 introducing them.

15 THE COURT: You may.

16 BY MR. UNDERWOOD:

17 Q Agent Wells, showing you what's been marked as
18 State's Exhibit No. 15. What is this document we're
19 looking at?

20 A That's a Georgia driver's license photograph.
21 And it says David M. Barajas, provides an address, [REDACTED]
22 Bishop Circle, Unit B, in North Cross, Georgia.

23 Q All right. Now, Captain Wells, at the time of
24 an identification like this, would you make -- or would
25 you allow the person doing this to be privy to this

JASON WELLS-DIRECT BY MR. UNDERWOOD

1 information up at the top or would you have covered that?

2 A No, we would have covered that.

3 Q All right. So is this the photograph that you
4 showed to Mr. Assad that you said you received in an
5 email?

6 A Yes.

7 Q All right. And whose initials appear right
8 here?

9 A That is Eddie Assad.

10 Q Did you see him make those initials?

11 A Yes.

12 Q Is he the one that indicated that this was the
13 person he knew as Chavo?

14 A Yes.

15 Q All right. And whose signature is this right
16 here?

17 A That is my signature.

18 Q And is this the date that this occurred,
19 6/5/2015?

20 A Yes.

21 Q All right. Now showing Exhibit 14. You
22 recognize that?

23 A Yes. That is a photograph that came off of the
24 Facebook page of David Barajas.

25 Q All right. And whose initials appear right

JASON WELLS-CROSS BY MR. HODGE (IC)

1 here?

2 A That is Eddie Assad.

3 Q Is he the one that indicated that this was the
4 person he knew as Chavo?

5 A Yes.

6 Q Who signed as a witness?

7 A That's my signature.

8 Q All right. And is this the date when that
9 occurred?

10 A Yes.

11 Q 6/5/2015?

12 A Yes.

13 MR. UNDERWOOD: One moment, please, Your Honor.

14 (WHEREUPON, there was a brief pause.)

15 MR. UNDERWOOD: One more moment. Court's
16 indulgence please, Your Honor.

17 (WHEREUPON, there was a brief pause.)

18 MR. UNDERWOOD: No further questions for Captain
19 Wells at this time.

20 THE COURT: Cross-examination.

21 MR. HODGE: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. HODGE:

24 Q Good afternoon, Captain Wells.

25 A Good afternoon.

JASON WELLS-CROSS BY MR. HODGE (IC)

1 Q The day that you went and saw him at the
2 detention center, did you show him any other photos?

3 A I don't recall, sir.

4 Q Had you had conversations with him previously
5 about Chavo or Pelon?

6 A The day or the day after we first encountered
7 Assad and had done a search warrant and arrested him, back
8 at our office, we did an interview that lasted several
9 days. And during that, he mentioned all of his suppliers
10 and the people involved in this. And that's the first
11 mention that I had ever heard of the name Chavo.

12 Q And in that very long interview, it was a
13 glancing, Chavo was also a supplier, kind of mentioned?

14 A Yes, there was so many people that he talked
15 about and that was one of them.

16 Q Right. Then, obviously, the controlled buy
17 occurred in March, I believe, is that right, March 1st, I
18 think?

19 A March 1st, yes, sir.

20 Q And in that case, Assad was purchasing from
21 Chavo, correct?

22 A Chavo and Chema.

23 Q Right. And prior -- at that point, you still
24 didn't have any photos or any idea who Chavo was or David
25 Barajas?

JASON WELLS-CROSS BY MR. HODGE (IC)

1 A We did not.

2 Q And so when this lineup or these pictures, I
3 guess, were shown to Assad, this was in June of 2015; is
4 that right?

5 A I don't have that report in front of me.

6 Q The pictures, I'm sorry, the pictures that you
7 actually showed him and initialed?

8 A Oh, yeah, that's the date that I met with him at
9 the Oconee County Detention Center and showed him those.

10 Q So leading up to that point, he had identified
11 multiple people, but had made a controlled buy from one
12 unknown at the time, which was Chavo; right?

13 A Yes.

14 Q And Chavo was the only one that you didn't have
15 a picture of or a name to go with at that point, in June,
16 right?

17 A Well, we've never found out who Chema was
18 either.

19 Q Right. Chavo and Chema, I guess. I'm saying
20 Chavo because Chema is obviously not here. But Chavo and
21 Chema, which were the same buy, the same day were the only
22 two unknowns at the time; right?

23 A In the whole case you're referring to?

24 Q Just involving Assad, with Assad and who he had
25 dealt with. I mean, he had dealt with Chico, we knew who

JASON WELLS-CROSS BY MR. HODGE (IC)

1 Chico was before June 2015?

2 A Up to that point, I don't think we had Marcelo
3 Cruz identified either, who was Chencho.

4 Q Okay. When you showed him these pictures, I
5 think I already asked you this, but you didn't have a
6 lineup or anything of David?

7 A I did not.

8 Q You just had these two photos. How did that
9 conversation go? Did you walk in and did you say anything
10 to him before you showed him these pictures?

11 A We may have had chitchat. I mean, up to that
12 point, I got to know him and we, you know, had a
13 relationship built up. So I'm sure there was some
14 chitchat. And I would have told him I'm here to show you
15 some photographs and I want to know if you know who these
16 people are.

17 Q Right. And I guess, he knew that you were there
18 in hopes that he would be able to identify this person
19 that you're about to show him, right?

20 A Well, I want to know if he knew who it was or
21 not, yes.

22 Q Right. And again, you didn't show him any other
23 pictures that day that you can recall?

24 A Not that I can recall.

25 MR. HODGE: Okay. I think that's all the

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD (IC)

1 questions I have of this witness, Your Honor.

2 THE COURT: All right, any redirect?

3 MR. UNDERWOOD: No further questions, Your
4 Honor.

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

6 MR. UNDERWOOD: Your Honor, the State's next
7 witness is Eduardo Assad.

8 THE COURT: Okay.

9 THE CLERK: Place your left hand on the Bible,
10 raise your right hand.

11 EDUARDO ASSAD, after being duly sworn, testified
12 as follows:

13 THE CLERK: What's your full name, sir?

14 THE WITNESS: Eduardo Assad.

15 THE CLERK: Please be seated and adjust the
16 microphone.

17 DIRECT EXAMINATION

18 BY MR. UNDERWOOD:

19 Q Good afternoon, Mr. Assad.

20 A Good afternoon.

21 Q Mr. Assad, the purpose of this hearing is going
22 to be some rather limited testimony, so I'm going to get
23 right to the point. Mr. Assad, are you familiar with an
24 individual who uses the nickname Chavo?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD (IC)

1 Q All right. How do you know the individual known
2 as Chavo?

3 A We had dealings together. Well, we worked for a
4 cell, part of a cartel from Mexico and that's how we know
5 each other.

6 Q Did you ever have any contact with the
7 individual that you've known as Chavo by way of social
8 media?

9 A Yes, sir.

10 Q What kind of social media?

11 A Just Facebook.

12 Q On the social media contact that you had with
13 the person you knew as Chavo, did you ever see photographs
14 of the person named Chavo?

15 A Yeah.

16 Q Have you ever met the person you know as Chavo
17 in person?

18 A Yes, sir.

19 Q And are you familiar with his general
20 appearance?

21 A Yes, sir.

22 Q Could you describe the person that you know as
23 Chavo at the time that you knew him?

24 A I knew him. Well, Mr. Barajas, he used to shave
25 his head. And everybody -- his funny name, they call him

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD (IC)

1 Pelon. And when it was work related, they call him Chavo.

2 Q All right. Had you indicated to law enforcement
3 when you first began cooperating with them the person that
4 you knew as Chavo had that same general description you
5 just gave?

6 A Yes, sir.

7 Q Are you aware of any distinctive marks that the
8 individual that you knew at the time as Chavo had as far
9 as tattoos, things of that nature?

10 A Yes, sir. He has a tattoo on his neck that says
11 Made in Mexico. And he also has a tribal tattoo on his
12 arm.

13 Q Do you recall which arm?

14 A Right arm.

15 Q Mr. Assad, do you recall on, I believe it was
16 June 5th of 2015, then Special Agent Jason Wells coming to
17 see you at the Oconee County jail?

18 A Yes, sir.

19 Q All right. At that time, were you shown any
20 photographs?

21 A Yes, sir.

22 Q All right. Please tell the Court the procedure
23 that was used when you saw those photographs?

24 A Agent Wells came and saw me. He showed me a
25 picture, said do you know this individual by any chance?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD (IC)

1 I told him, Yeah. I gave him his name and
2 what they call him.

3 Q All right. What name did you give Agent Wells,
4 do you recall?

5 A Yeah. I told him they call him Chavo and -- but
6 I told him his real name David.

7 Q Did you know at that time that Chavo's real name
8 was David?

9 A Yes, sir.

10 Q Or did you learn that later?

11 A Yes, sir, I know his name. Never knew his last
12 name, though, but I knew his name.

13 Q So you never knew his last name?

14 A No, sir.

15 Q But he was referred to commonly as Chavo or
16 Pelon?

17 A Uh-huh.

18 Q Did Agent Wells suggest to you when he showed
19 you the photograph that you should know the person in the
20 photograph?

21 A No, sir.

22 Q All right. Did he suggest to you who was in the
23 photograph?

24 A No, sir.

25 Q Did he show you more than one?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD (IC)

1 A Yes, sir.

2 Q Were they both of the same person?

3 A Yeah, both of the same person, but not at the
4 same time.

5 Q All right. Do you recall which one was shown to
6 you first?

7 A He was holding a -- it was a picture of himself
8 holding some kind of weapon, some kind of assault rifle.
9 That's the first picture he showed me.

10 Q How confident were you -- when shown the single
11 photographs each time, how confident were you that the
12 person in the photograph was the person you knew as Chavo?

13 A A hundred percent.

14 Q Again, prior to being shown those photographs,
15 had you had an opportunity to both see his Facebook photos
16 as well as meet him in person?

17 A Yeah, before. Before when we was working
18 together.

19 Q All right. Mr. Assad, I want to show you what's
20 been marked for identification as Exhibit 14. Do you
21 recognize that photograph?

22 A Yes, sir.

23 Q What is that?

24 A That's David, Chavo.

25 Q Speak into the microphone, please.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD (IC)

1 A That's Chavo.

2 Q Now, down here at the bottom, whose initials are
3 right here?

4 A That's my initials.

5 Q Why are your initials on there?

6 A Because they asked me if I knew him, they asked
7 me if I knew him and after I identified it, they told me
8 to put my initials.

9 Q Are you the one that identified that he was
10 Chavo?

11 A Yes, sir.

12 Q Did anybody tell you that was Chavo?

13 A No, sir.

14 Q Did anyone tell you that you knew the person in
15 the picture?

16 A No, sir.

17 Q This tribal tattoo -- or this tattoo, I won't
18 characterize it, this tattoo on the person's in the
19 picture right arm, do you recognize that tattoo?

20 A Yes, sir.

21 Q Is that the tattoo you described earlier as
22 belonging to Chavo?

23 A Yes, sir.

24 Q Did you immediately recognize that tattoo or did
25 you have to think about it?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD (IC)

1 A Yes, sir. No, I recognized it.

2 Q All right. And whose signature appears right
3 here?

4 A Jason Wells.

5 Q All right. And again, how confident were you at
6 the time of this -- being shown this photograph that this
7 person was Chavo?

8 A 100 percent.

9 Q I want to show you Exhibit 15. Do you recognize
10 that photograph?

11 A Yes, sir.

12 Q All right. Is this the other photograph that
13 Agent Wells showed you that day?

14 A Yes, sir.

15 Q All right. Who is the person in that
16 photograph?

17 A That's Chavo.

18 Q Are these your initials right here?

19 A Yes, sir.

20 Q Are you the one that identified this person as
21 Chavo?

22 A Yes, sir.

23 Q All right. Again, is this -- whose signature is
24 this?

25 A That's Jason Wells.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD (IC)

1 Q Did both of these happen on the same day,
2 June 5th, 2015?

3 A No, sir.

4 Q All right. You don't recall them both being
5 dated at the same time?

6 A I don't recall them being dated at the same
7 time, but.

8 Q But were they both shown to you at the same
9 time?

10 A That's the only two pictures I've seen.

11 Q So you don't remember the date, but you remember
12 --

13 A I don't remember the date.

14 Q You remember the photos, but not the date?

15 A Yes, sir.

16 Q All right.

17 A Not the date.

18 Q At any time, did anyone suggest to you who was
19 in either of these photographs?

20 A No, sir.

21 Q Do you have any doubt of the identifications
22 that you made at that time as Chavo?

23 A No, sir.

24 Q Do you have any doubt at this time that the
25 person in these photographs is Chavo?

EDUARDO ASSAD-CROSS BY MR. HODGE (IC)

1 A No, sir.

2 MR. UNDERWOOD: Thank you. Please answer any
3 questions opposing counsel may have for you.

4 THE COURT: Cross examination?

5 MR. HODGE: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. HODGE:

8 Q Mr. Assad, just a couple questions for you. You
9 said you had known Chavo, had worked with Chavo; is that
10 right?

11 A Yes, sir.

12 Q And I think you said you were Facebook friends
13 with him?

14 A No. I used somebody's Facebook because I don't
15 have a Facebook myself. We had contact before. That's
16 how I saw pictures of him and everything. We used to talk
17 on the phone on a regular basis.

18 Q All right. Was that work related or was that
19 just --

20 A Work related, sir.

21 Q And that was through Facebook?

22 A Yes, sir.

23 Q Were you ever asked by law enforcement to
24 identify who they believed to be Chavo?

25 A Yes, sir.

EDUARDO ASSAD-CROSS BY MR. HODGE (IC)

1 Q What did you tell them?

2 A I showed them -- when they -- well, they
3 never -- when they showed me the picture, I identified him
4 right off the gate.

5 Q So prior to seeing these pictures, they had
6 never asked you if you knew who Chavo really was?

7 A No, sir.

8 Q They had never asked you to identify any other
9 pictures of him?

10 A No, sir. That's only two pictures.

11 Q Did they ever ask you if you had any social
12 media contact with him?

13 A Yeah, they asked me those questions.

14 Q Okay.

15 A They asked me those questions.

16 Q All right. But you didn't show them any
17 pictures that you had seen on Facebook?

18 A No, sir. I didn't have no phone, nothing. I
19 didn't show them no pictures of him.

20 Q Okay. And you say you knew his first name as
21 David, but did not know his last name?

22 A Yes, sir.

23 Q And you told them that that day, that his name
24 was David?

25 A Yes, sir.

EDUARDO ASSAD-CROSS BY MR. HODGE (IC)

1 Q Had you told them prior to that day that his
2 name was David?

3 A Yes, sir.

4 Q All right. The day that he showed you those two
5 pictures, were those the only two pictures that he showed
6 you?

7 A Yes, sir.

8 Q You didn't talk about anything else, any other
9 people that were in this investigation?

10 A I don't recall.

11 Q Okay.

12 A I don't recall.

13 Q Did he ever show you a picture of somebody you
14 didn't recognize?

15 A Yeah, he showed me several pictures of other
16 people involved, that was involved with me, but.

17 Q On this day, did they ever show you any pictures
18 of other people that you --

19 A I don't remember, sir. Because I been shown a
20 lot of pictures.

21 Q Sure.

22 MR. HODGE: Okay, no further questions.

23 THE COURT: Any redirect?

24 MR. UNDERWOOD: Nothing further, Your Honor.

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

EDUARDO ASSAD-CROSS BY MR. HODGE (IC)

1 Anything further from the State?

2 MR. UNDERWOOD: Nothing further, Your Honor.

3 THE COURT: All right. I'll be glad to hear
4 from you, Mr. Hodge.

5 MR. HODGE: Certainly, Your Honor. Obviously,
6 my focus is on this showing a guy one picture or two
7 pictures of one individual with no offsetting
8 pictures, no offsetting, you know, is this him or is
9 this not him. That kind of situation is very
10 suggestive. Obviously, I know he's testifying today
11 that he knew who he was prior to, knew his first
12 name. None of that's in the investigative notes,
13 that he had any idea that he had a name other than
14 Chavo. He never has said that as far as I am
15 concerned or as far as I know prior to today.

16 Now that he knows he's involved in the case of
17 David Barajas, I would say that showing him those
18 pictures after he knows that there's one individual
19 that he dealt with that was unknown at the time, and
20 that would be Chavo and, again, these photos and
21 saying do you recognize this guy, I believe would be
22 too suggestive for it to be a valid identification.

23 I know that the investigator testified that
24 Chencho was unknown, but he talks about Chencho in
25 his interview. He knew who he was, and talked about

1 who he was raised by, so I think that part had
2 already been identified. The only unknown, the name
3 that they did not have until this day, was David
4 Barajas. He shows him two pictures of David Barajas,
5 one of them being from Facebook, and he immediately
6 says yeah, that's Chavo. Now, today, obviously, he
7 says he knew him as David and had Facebook
8 communications with him and could have told him who
9 he was six months prior to this.

10 So my argument would just be in violation of his
11 due process based on the suggestiveness of it and
12 just the way it was all handled six months down the
13 road and no other options were available. All those
14 things would be --

15 THE COURT: Well, I mean, it really doesn't
16 sound like a Biggers situation where you have
17 somebody saying oh, we saw an individual rob a bank
18 and here, is this the person who did it? This is him
19 showing a person that he says he already knew and he
20 didn't say -- I mean, based on the testimony, they
21 didn't say, Is this Chavo, do you know this person?
22 Who is it? So I think that it's just only marginally
23 suggestive.

24 And then looking at all the circumstances. I
25 mean, the whole thing about Biggers is to determine

1 is this a reliable identification. Well, based on
2 his testimony, here's some guy that he worked with
3 and dealt with and all that, so that would overcome
4 any suggestions anyway because hey, this guy said he
5 knew him and he said yeah, that's who Chavo is.
6 That's who I've been talking about.

7 So I think that based on the Biggers factors, I
8 think under the totality of circumstances that it is
9 reliable, again, based on the testimony. So I'm
10 going to allow the identification.

11 MR. HODGE: Thank you, Your Honor.

12 THE COURT: All right. I'll let you take a
13 short break since we haven't broke.

14 MR. UNDERWOOD: Your Honor, in reference to the
15 desire to break at 4:30 today, Your Honor, the next
16 witness that we would intend to call would be Eduardo
17 Assad. I foresee his testimony lasting the remainder
18 of the day and a large portion of tomorrow as well.

19 THE COURT: Oh, okay.

20 MR. UNDERWOOD: I wanted to put the Court on
21 notice in case there were any issues from counsel or
22 from the Court. I have several out-of-state
23 witnesses that were planning to come to testify
24 tomorrow. We're a little bit behind schedule with
25 what I had foreseen for this trial due to various

1 factors. There may be a need to call those witnesses
2 slightly out of order during the timing of the
3 testimony of Mr. Assad. I wanted to bring that to
4 everyone's attention to see if there were any
5 problems from opposing counsel. It would be officers
6 from Georgia concerning --

7 THE COURT: What you're saying is you'd ask
8 Mr. Assad during his testimony to step down and put
9 those witnesses up?

10 MR. UNDERWOOD: If we're running out of time
11 because they're only available to come on Wednesday.

12 THE COURT: All right.

13 MR. UNDERWOOD: And they're coming from out of
14 state.

15 THE COURT: I mean, I don't have any problem
16 with it.

17 MR. HODGE: If it expedites the process, Judge,
18 I'm, by no means, opposed to it.

19 THE COURT: All right. All right.

20 MR. UNDERWOOD: Thank you, Your Honor.

21 (WHEREUPON, a short break was taken.)

22 THE COURT: All right, State ready?

23 MR. UNDERWOOD: Yes, Your Honor.

24 THE COURT: The Defense ready?

25 MR. HODGE: Yes, sir, Your Honor.

1 THE COURT: If the jury is ready, bring them in.
2 (WHEREUPON, the jury entered open court at
3 approximately 3:23 p.m.)

4 THE COURT: All right, ladies and gentlemen,
5 from time to time, there are legal matters that we
6 have to take up outside your presence. Also, just
7 for your planning purposes, due to a matter unrelated
8 to this case, we're probably going to break at 4:30.
9 So it gives you a little bit of an early day. But
10 we're also going to start back at nine o'clock in the
11 morning. Does that fit everybody okay? All right.

12 Mr. Underwood, if you'll call your next witness.

13 MR. UNDERWOOD: Thank you, Your Honor. The
14 State calls Eduardo Assad.

15 THE COURT: All right.

16 THE CLERK: Place your left hand on the Bible,
17 sir, raise your right hand to the best of your
18 ability.

19 EDUARDO ASSAD, after being duly sworn, testified
20 as follows:

21 THE CLERK: Please state your full name.

22 THE WITNESS: Eduardo Aguirre Assad.

23 THE CLERK: Please be seated. Adjust the
24 microphone.

25 DIRECT EXAMINATION

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 BY MR. UNDERWOOD:

2 Q Good afternoon, Mr. Assad.

3 A Good afternoon.

4 Q Go ahead and please state your name one more
5 time.

6 A Eduardo Aguirre Assad.

7 Q Mr. Assad, where are you from?

8 A [Indiscernible], Mexico.

9 Q What part of Mexico is that in?

10 A That is the coast.

11 Q Which coast?

12 A They call it the Big Coast. It is part of
13 Acapulco.

14 Q So that's where you were born?

15 A Yes, sir.

16 Q All right. At some point, obviously, you came
17 to the United States. Do you know how old you were when
18 that happened?

19 A One year old.

20 Q How did you come to the United States?

21 A Well, I don't know. My family arrange it. I
22 don't know how the incident went down, but they crossed
23 the border and I grew up in San Diego, California.

24 Q All right. How long did you live in San Diego,
25 California?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Almost all my life, until nine years ago. I
2 moved to South Carolina.

3 Q How old are you now?

4 A Me, I'm 30 years old, 31, sir.

5 Q How far did you go in school?

6 A I didn't finish high school.

7 Q Growing up, did you ever have an occasion to go
8 back to Mexico?

9 A Yes, sir.

10 Q How often?

11 A Well, when I was younger, it was easier to cross
12 the border, just go back and forth, so I visited about two
13 or three times.

14 Q Two or three times in total?

15 A Yeah.

16 Q When you would go back and forth -- well, first,
17 are you a United States citizen?

18 A No, sir.

19 Q Do you have any kind of legal residency status
20 in the United States?

21 A No, sir.

22 Q How were able to go back and forth between the
23 United States and Mexico?

24 A With my school ID.

25 Q So with a school ID, you were able to cross back

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 and forth across the border?

2 A Yes, sir.

3 Q What kind school ID was it?

4 A Just a regular school ID, but they scan it.

5 Q All right. Was that for like high school or
6 middle school?

7 A High school and middle school.

8 Q Do you have any children?

9 A Yes, sir.

10 Q How many?

11 A I have one. I have a daughter.

12 Q Who is her mother?

13 A Her mother's name is Kenya Morales.

14 Q How did you come to meet her?

15 A The last time I visit Mexico, I met her down
16 there. But her family and my family are from the same
17 hometown, so that's how we met each other.

18 Q Now, at the time that you met her, you said that
19 was in Mexico?

20 A Yes, sir.

21 Q Was her family there in Mexico with her or was
22 her family here in the United States?

23 A No, they were here in the United States.

24 Q But she was in Mexico?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q How old were you then?

2 A About 14, 15.

3 Q So you were a teenager?

4 A Yes, sir.

5 Q All right. Did she ever come to the United

6 States?

7 A Yes, sir.

8 Q How did she come to the United States?

9 A Well, they crossed here illegally, that's how.
10 She crossed the border to San Diego.

11 Q How old was -- how old were you and her at that
12 time when she came to the United States?

13 A 14 years old.

14 Q How long was it after you met her that she came
15 to the United States?

16 A A year after.

17 Q Did you have any kind of relationship with her
18 during that year period?

19 A Yeah, through the phone and the time that we
20 spent together when I met her in Mexico. I went and
21 visit, I stayed down there for like three months and we
22 spent some time together. We kept contact when I came
23 back home.

24 Q So what happened when she came to the United
25 States? Did you guys live in the same town?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 Q All right. Were you engaged in a relationship
3 at that time?

4 A Yes, sir.

5 Q All right. At what point did you have a child
6 together?

7 A Two years after we got together.

8 Q So is that two years after you met in Mexico or
9 two years after she came to the United States?

10 A After she came to the United States.

11 Q All right. At that time, had you met her
12 family?

13 A No, sir.

14 Q How did you come to know her family?

15 A I knew about them through the phone. Her dad --
16 I spoke with her dad several times because he used to
17 visit people from the same hometown of Mexico. And my
18 father, they know each other.

19 Q So your father knows her father?

20 A Yeah, they knew each other.

21 Q But you didn't know him prior to your
22 relationship?

23 A No, sir. No, sir.

24 Q Did -- the mother of your child, did you ever
25 refer to her as your wife?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 Q All right. How did you refer to her father as
3 far as a relationship to you?

4 A Well, I just call him by his nickname.

5 Q Which is what?

6 A Chiva.

7 Q Chiva? What's his real name?

8 A Mario.

9 Q Do you know his full name?

10 A Yeah.

11 Q What is it?

12 A Mario Enrique Morales Sanchez.

13 Q But you would call him Chiva?

14 A Yes, sir.

15 Q All right. Did you consider him to be any
16 relation to you?

17 A Yeah, my father-in-law.

18 Q Were you ever legally married to --

19 A No, sir.

20 Q All right. So you and his daughter were never
21 legally married, but you considered him your
22 father-in-law?

23 A Yes, sir.

24 Q All right. Do you know how he got the nickname
25 Chiva?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Well, he lived -- for ten years, he lived in
2 Arizona and they called him Chiva because he used to cross
3 people -- or he used to be a coyote and cross people over
4 the border.

5 Q For those who may not be familiar with that
6 term, what is a coyote? And we're not talking about the
7 four-legged animal, are we?

8 A No, sir.

9 Q What's a coyote?

10 A A coyote is somebody that gets paid to cross
11 people over the border illegally. That's the definition.

12 Q So your father-in-law, Chiva, worked as a coyote
13 in Arizona?

14 A Yes, sir.

15 Q All right. How does that occupation correspond
16 to getting the nickname Chiva?

17 A Because they say he can hop real good.

18 Q What does Chiva mean in Spanish?

19 A Goat.

20 Q So there's a -- is there a correlation between a
21 goat and him hopping people back and forth?

22 A Yes, sir.

23 Q All right. When did you finally meet him in
24 person?

25 A When I moved down here to South Carolina.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q When was that?

2 A About, I'd say eight, nine years ago.

3 Q What brought you to South Carolina?

4 A Well, he called us one day and he called -- they
5 called Kenya, him and her mother, and he told her that he
6 was dying, that he had cancer, that he got diagnosed with
7 cancer.

8 Q Do you know how he got to South Carolina from
9 Arizona?

10 A No, sir.

11 Q Do you know how long he had been in South
12 Carolina?

13 A About four years, four, five years. He's been
14 in and out because he always works jobs and he travels all
15 the time, so.

16 Q All right. You say he works jobs, what kind of
17 jobs?

18 A He was an electrician, but he always traveled.
19 He won't have a steady job. He would have his family
20 somewhere and then go to work in another state and go back
21 and forth.

22 Q Do you recall when it was that you were notified
23 that he had cancer and thought he was dying?

24 A About eight, nine years ago. I don't recall the
25 exact date.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q Why did you and your family decide to move to
2 South Carolina?

3 A Well, I made a decision in the matter of a week
4 to support Kenya because she had been living with me and
5 my family, you know, in California the whole time. So she
6 wanted to spend time with her family. That's why she
7 wanted to move down here.

8 Q What kind of relationship did she have with her
9 family before that?

10 A She visited them one time in Arizona. Then
11 other than that, just phone, a phone relationship. He was
12 never around, so it was always just her and her mom on the
13 phone.

14 Q Was her mother married to Chiva?

15 A Yes.

16 Q Did they both live in South Carolina at that
17 time?

18 A Yes, sir.

19 Q So over the course of a week when you decided to
20 come to South Carolina, what was your plan?

21 A Well, he told me that he had -- there was good
22 job opportunities down here, that he was going to help me
23 get on my feet and help me get a job. And he just wanted
24 to spend time with his daughter, that's what he wanted.

25 Q So when you came to South Carolina, where did

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 you live?

2 A We lived -- we first lived in a little house in
3 an area called Wade Hampton, Wade Hampton Boulevard. The
4 street's called Bahan Street.

5 Q Is that in Greenville County?

6 A Yes, sir.

7 Q Who lived with you?

8 A It was Chiva, his wife, his son, me, Kenya and
9 my daughter.

10 Q How long did you live there?

11 A About three months, a period of three months
12 because it was a small place.

13 Q What happened after three months?

14 A We moved to an area close near downtown called
15 Poe Mill.

16 Q Is that downtown Greenville?

17 A Yes, sir.

18 Q Who moved?

19 A Chiva, his wife, his son, Kenya, me and my
20 daughter.

21 Q All right. So that entire family unit stayed
22 together?

23 A Yeah.

24 Q You all moved to the same house?

25 A Just a bigger house, yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q All right. Did Chiva or Mario, your
2 father-in-law, ever come through on his promise to get you
3 employment?

4 A No, sir.

5 Q All right. So what did you do for work when you
6 got here?

7 A Well, he introduced me to a couple of his
8 friends and through them, I got a job doing underground
9 piping. I worked for a company in Travelers Rest called
10 Holmes Underground.

11 Q What kind of work did you do there?

12 A Underground piping.

13 Q Is that like actual digging and putting pipes
14 underground?

15 A Yeah, putting pipes underground.

16 Q How long did you do that?

17 A For about a year.

18 Q Was it good work?

19 A Yes, sir.

20 Q Why did you stop working there then?

21 A They offered -- he offered me a job working for
22 an electrical company as a helper to make more money.

23 Q When you say he offered you a job, who are you
24 talking about?

25 A Chiva.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q Chiva offered you a better job doing what
2 exactly?

3 A Running conduit for an electrical company called
4 HR Allen.

5 Q Did you agree to do that?

6 A Yes, sir.

7 Q How long did that work last?

8 A I worked in that company about two years.

9 Q Why did you stop working there?

10 A Well, they laid people off for some time. They
11 didn't have no work. So I temporarily worked for a
12 company called WK Electric and BMW doing the same kind of
13 work.

14 Q What kind of work did you do after you got laid
15 off?

16 A After I got laid off, well, I was already -- I
17 already had an actual side job, like a real -- not a real
18 job, but I already was participating in some illegal
19 activities.

20 Q What kind of activity was that?

21 A Selling drugs.

22 Q All right. How did you get involved with
23 selling drugs?

24 A Through my father-in-law.

25 Q Through Chiva?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 Q All right. What kind of drugs are we talking
3 about?

4 A Methamphetamine.

5 Q How were you introduced into the methamphetamine
6 business?

7 A Well, it was an incident that happened. He
8 needed somebody to translate for him. I really didn't
9 know what he was really involved with. So he needed help,
10 they needed somebody to translate for him in picking up
11 some money. That's how I got introduced.

12 Q So let's talk a little bit more about your
13 father-in-law. Does he speak English?

14 A No, sir.

15 Q All right. How long has he been in the United
16 States?

17 A About 20 years.

18 Q But he never learned to speak English?

19 A No, he understands it very well, though.

20 Q All right. So he understands it, but he can't
21 speak it?

22 A No, he can't speak it.

23 Q So you said that you were needed as a
24 translator. Who decided that you were needed as a
25 translator?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A He did.

2 Q All right. Where there any other people
3 involved?

4 A Yes, sir, after. When he explained to me, no.
5 I thought it was just something simple, I'm going to
6 translate for him and he's going to get the money they owe
7 him and that's it.

8 Q What did he tell you about the situation before
9 you actually agreed to do it?

10 A Oh, that there was some people that owed him
11 some money, that he loaned them some money and they owed
12 him some money so he needed a translator to explain to
13 them that he needed the money.

14 Q All right. Did he tell you why they owed the
15 money?

16 A No, sir.

17 Q How did you find out?

18 A Well, after we met up with these people and I
19 talked to them and everything, I got involved because --
20 through these two people that we met, it was a couple,
21 they said that they gave me the money afterwards and
22 they're not going to pay nothing else, that they already
23 paid me.

24 Q Let's rewind a little bit. Who are these two
25 people you're talking about?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A It was an old couple that lived in Travelers
2 Rest in a trailer. Her name was Lisa and his name was
3 Mike.

4 Q What happened on the very first time you met
5 Lisa and Mike?

6 A Well, we drove to a trailer, like I said, in
7 Travelers Rest. Well, it was me and Mario drove in the
8 same vehicle. And when we got there, other people showed
9 up.

10 Q Who else showed up?

11 A A man named Alejandro Suazo.

12 Q Can you spell that, please?

13 A Alejandro? A-L-E-J-A-N-D-R-O.

14 Q And the last name?

15 A Suazo, it's S-U-A-Z-O.

16 Q So what happened when Alejandro -- tell me if I
17 pronounce it right, Suazo?

18 A Yes.

19 Q All right. What happened when Alejandro Suazo
20 showed up?

21 A Well, he had two other people with him. He had
22 two more people with him.

23 Q Who were they?

24 A Just people that worked for him.

25 Q Doing what?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A In the same business.

2 Q Which was what?

3 A Selling drugs.

4 Q Do you know where they came from?

5 A Yes, sir. They came out of Cornelia, Georgia.

6 Q Why were they there in Travelers Rest?

7 A Well, when we showed up and we got to talking to
8 these people, there was no understanding between them. So
9 when he showed up, he was demanding his money.

10 Q Now, this individual, Alejandro, did have any
11 nicknames?

12 A Yes, sir.

13 Q What was his nickname?

14 A Gordo and Chato.

15 Q Chato, C-H-A-T-O?

16 A Yes, sir. Fluffy cheeks is what it means.

17 Q That's what it means?

18 A Yes, sir.

19 Q So what happened when Chato and his other
20 workers showed up at Travelers Rest?

21 A Well, there was a big argument between them and
22 my father-in-law because the people were saying that they
23 already paid the money. And they were saying -- and Mario
24 was -- my father-in-law was denying everything, saying
25 that he never received the money.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q So you say they said they gave him the money.
2 Who said they gave who the money?

3 A Lisa and Mike were arguing that they gave my
4 father-in-law, my ex-father-in-law the money.

5 Q How much money are we talking about?

6 A It was a good bit. I don't recall, but it was
7 no less than 50,000.

8 Q Is that 5-0 or 1-5?

9 A No, 5-0.

10 Q You said \$50,000 or more?

11 A Yes, sir.

12 Q Do you know what the debt was for? At that
13 time, did you know what it was for?

14 A No, sir. I found out that day.

15 Q How did you find out?

16 A Well, when they got in the argument, threats
17 were being made?

18 Q Who threatened who?

19 A Alejandro threatened Lisa, Mike and me.

20 Q Why did he threaten you? Weren't you just there
21 to translate?

22 A Yeah, but that's not -- Mario didn't explain
23 nothing to them, he just let me just stand there and take
24 blame.

25 Q So what were you blamed for?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A They told him that they had been paid the money,
2 that I translated and that I was the one that picked up
3 the money.

4 Q Did you say that you were the one that picked up
5 the money?

6 A No, sir.

7 Q Now, when you translated it, though, did you
8 realize what was happening?

9 A No, I just -- the initial convo was this is --
10 he said tell them who you are and I told -- I explained to
11 Lisa and Mike, look, this is my father-in-law, you know.
12 He wants to know what's going on with his money that he
13 loaned you. They never said nothing else, said, well,
14 yeah. They never said, no, he didn't loan me no money,
15 never nothing like that. So I didn't know initially what
16 the whole situation was, but they never denied nothing or
17 say nothing. So I'm thinking well, he just loaned them
18 money.

19 Q So Chato shows up and that's when things
20 changed?

21 A Yeah, everything changed then.

22 Q How did everything change? What exactly was
23 said by who?

24 A Well, Chato was telling them that if they didn't
25 have the money that he wanted to find out exactly who had

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 the money because they weren't going to play him. There
2 wouldn't be no playing around.

3 Q Tell me what happened.

4 A Well, the blame was just rolling from my
5 ex-father-in-law to them. Lisa and Mike, they was just
6 looking at each other and pointing at each other. Then
7 they pointed at me and him. And Alejandro, they're
8 arguing with me. I said, I don't know what's going on. I
9 ain't been in this state too long.

10 Q So ultimately, what happened after that
11 argument?

12 A Well, they told me and my father-in-law that we
13 had to pay the debt.

14 Q Who told you that?

15 A Alejandro.

16 Q Said that you and Chiva had to pay the debt?

17 A Yes, sir. And the whole time, Chiva just stood
18 there and just, basically, left the debt on me.

19 Q What do you mean by that?

20 A Well, he didn't explain nothing to them. He
21 didn't try to give them no defense on my part, he just got
22 here or nothing. He just said if that's we have to do,
23 then that's what we got to do. That was no explanation
24 given to them or nothing. He was scared of them.

25 Q So what explanation was given to you about what

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 you were then expected to do?

2 A Well, they told me that I had to help them
3 collect money.

4 Q Who told you that?

5 A Alejandro.

6 Q All right. So he told you that you had to
7 collect money?

8 A Yes, sir.

9 Q Elaborate on that, please.

10 A He said, From here on out, for a certain period
11 of time, you're going to go around with your
12 father-in-law, with Chiva, and you're going to translate
13 and collect money from people that owe to pay off this
14 debt.

15 Q At what point did you find out what the debt was
16 for?

17 A Well, he let me know. He told me. Alejandro
18 told me everything.

19 Q What did he tell you?

20 A He told me that he worked for -- he was involved
21 working for a cartel, that he was based out of Georgia and
22 that it was no joke, basically.

23 Q What cartel did he tell you he was working as
24 part of?

25 A La Familia cartel from Michoacan.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q That's out of Michoacan, Mexico?

2 A Yes, sir, that's where he's originally from.

3 Q What were the parameters that he gave to you for
4 the work you were supposed to do with Chiva?

5 A Well, he just said he was going to do that until
6 the debt's paid off. Just go do a couple of collections
7 with Chiva and you're off the hook.

8 Q Is that what happened?

9 A No, sir.

10 Q What did happen?

11 A Well, when -- at the time, he was benefiting, he
12 was making money out of these drugs. He had money
13 invested in these drugs. So the money that he was making,
14 he was not paying. He was holding back and forcing me to
15 keep on going and dragging me into it.

16 Q All right. What kind of drugs were being sold
17 at that time?

18 A Methamphetamine.

19 Q Did you ever see any methamphetamine at that
20 time?

21 A Not that day, but, yes, sir.

22 Q Where would you see methamphetamine?

23 A Well, him and -- Mario and his friend, they used
24 to drive around with stuff all the time.

25 Q All right. When you say stuff, what are you

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 talking about?

2 A Methamphetamine. A lot of drugs, basically.

3 Q And how much would they drive around with at a
4 time?

5 A Well, at the time, I didn't know how much --
6 what was what weight or nothing, you know, it was just
7 little bundles. It was bundled. I didn't know what
8 weight it was or nothing. I never asked them no
9 questions.

10 Q So what was your job then?

11 A My job was just to pick up money.

12 Q Now, you mentioned Chiva's friend, who was that?

13 A This is a friend that he grew up with. They
14 called him Chino.

15 Q Is that C-H-I-N-O?

16 A Yes, sir. That's his right-hand man.

17 Q What else do you know about Chino?

18 A Chino? Well, the last time I know, he was
19 living on Anderson Road in a trailer park. He's an
20 electrician, also, that's how they get all these jobs.

21 Q What do you know about Chino being involved in
22 the drug business?

23 A Like I said, that was Chiva's right-hand man. I
24 didn't know him. I didn't know him then. He introduced
25 him to me later, way later. But he always came around the

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 house and everything, so I'd seen the guy several times, I
2 just didn't know who he was.

3 Q So at the beginning when you're going around and
4 you're in charge of helping to collect money, tell the
5 jury exactly what you were doing and where you were doing
6 it and who with?

7 A Okay. They call my father-in-law, he give me
8 the phone and they give us directions. They tell us where
9 to go pick up the money. Or people that owes him, he'll
10 tell me well, drive here and all you got to do is go in
11 there and tell them this and count the money.

12 So we'll go in -- let's say we'll pull up
13 in a house, we'll go inside the house and I'll count the
14 money and tell him everything's here. This is how much
15 they got and everything. All he have to do was -- I put
16 it away, basically, and if we get pulled over or
17 something, it's mine.

18 Q All right. And you mentioned that somebody
19 would call with instructions. Who was calling with
20 instructions?

21 A Alejandro.

22 Q Where was he calling from, do you know?

23 A Georgia.

24 Q So these pickups were either at the direction of
25 Alejandro or Chiva?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Mario, yes, sir.

2 Q All right. Who were you picking up money from
3 at that time?

4 A Well, he had -- he had an older lady, her name
5 was Brenda. That was the first person that I met -- after
6 Lisa and Mike, that was the first actual person that I met
7 knowing what the business was, you know, that it was money
8 for drugs.

9 Q All right. What kind of dollar amounts were you
10 picking up?

11 A Anywhere from 5,000 to 15,000.

12 Q Anywhere from five to 15,000?

13 A Yeah, every other day. But that would just be
14 one person, you know.

15 Q That would just be Brenda?

16 A Yeah, just one person.

17 Q Were there other people, too?

18 A Yes, sir. I just meet random people. Like,
19 they'll send random people. He'll tell me go here and
20 we'll pull up in a parking space or somewhere and the same
21 transaction. They'll give me the money, I count it, I
22 tell him what's here, he'll write it down in a notebook
23 and keep on going.

24 Q Who kept this notebook?

25 A Mario.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q All right. Do you know what ever happened to
2 that notebook?

3 A No, sir. But I know every -- at the end of
4 every week, like on Fridays or Saturdays, Alejandro used
5 to come down from Georgia and they go have their meeting
6 or whatever and they'll square off with the money and
7 everything.

8 Q So at some point, did your role change?

9 A Yes, sir.

10 Q How did it change?

11 A Well, unfortunately, Mario fell in debt again.
12 There was another debt. He didn't pay the money. And at
13 this time, I was the one collecting and helping him and
14 everything, but as I was giving him the money and he was
15 writing it down, he was using most of the money. He was
16 not paying the people all the money. That's how he had a
17 debt.

18 Q So as a result of that debt, did you become more
19 deeply involved or less involved?

20 A Yes, sir. Incident happened, we -- Alejandro
21 called us from Georgia and as he was talking on the phone,
22 we're thinking he's in Georgia and he just pulls up at the
23 house in Poe Mill, right downtown. He pulls up at the
24 house and he said, You need to get in the car and you need
25 to get in the car. He said, We can do this the nice way

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 or we can do it the ugly way. So we got in a van with him
2 and we drove off to a parking lot.

3 He, basically, told -- he told my
4 father-in-law that he doesn't understand how this happened
5 again and all this money is missing or how it's missing,
6 but that I was involved because I was the one receiving it
7 and counting it. So he said, I don't believe you or you.
8 So he, basically, told me that I had to find somebody now
9 to move and sell drugs for him, basically.

10 Q So now, you're involved with the actual selling
11 of methamphetamine, not just picking up money?

12 A Yeah, he didn't want me picking up money no
13 more. He wanted me to get people to sell drugs for him.

14 Q Who is this that wanted you to do this, Chiva or
15 Alejandro?

16 A Both of them.

17 Q Who was making the decision that you were now
18 going to be involved?

19 A Alejandro is the one that originally told Chiva
20 and Chiva said that was a good idea. That he would handle
21 the money and he just wanted me to handle the drugs.

22 Q Now, at this point, if you're going to become
23 involved with the drugs, did you have to learn more about
24 the organization that you're getting involved with?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q All right. Did you find out, ultimately, how
2 this organization was structured and who was in charge?

3 A Yes, sir. I didn't know exactly how high the
4 chain -- I didn't know what I know now at the beginning.
5 I just knew Alejandro, my father-in-law and Chema, that's
6 the only three people that I know. The rest people was
7 just random people that I seen here and there that would
8 come from North Carolina or Georgia.

9 Q As time went on, did you make higher and higher
10 contacts within the organization?

11 A Yes, sir.

12 Q All right. Did you, ultimately, learn who was
13 responsible for the activities of that organization back
14 in Mexico?

15 A Yes, sir.

16 Q Who was, ultimately, in charge to the best of
17 your knowledge, as far as you knew?

18 A To the best of my knowledge, everybody that was
19 involved was a man they call Chacas, he is in Michoacan.

20 Q Is this just a group of random people or was
21 there some sort of organized structure involved?

22 A No, sir, it's a structure.

23 Q All right. Describe -- and is this all -- I
24 mean, you mentioned earlier the La Familia cartel, is this
25 part of that?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir. It's a cell for that cartel.

2 Q Explain what you mean by a cell.

3 A A cell in a cartel means, basically, everybody
4 had everybody had a nickname with the letter C. So
5 everybody that works under that cell will fall in the
6 category and have a nickname with the letter C, that's how
7 they identify each other with the other side that's
8 working for the same cartel. That's how they go by
9 territory and everything. Like, he works with this
10 person, this is the nickname they're under. That's how
11 they identify each other.

12 Q Okay. You mentioned a person named Chacas, is
13 there anyone else in Mexico that you're aware of that's
14 part of this organization?

15 A Yes, sir. He's a federali in Mexico, his name
16 is Tolini.

17 Q Can you spell that, please?

18 A Tolini, T-O-L-I-N-I, Tolini.

19 Q And you say he's a federali, what does that
20 mean?

21 A He's like a police in the street.

22 Q So he's a federal police officer in Mexico?

23 A Yes, sir.

24 Q What's his role?

25 A Well, he's up there in the chain. He gives

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 orders and has a lot people working under him.

2 Q How did you find out that this group was part of
3 the La Familia cartel?

4 A It was -- when they taught me the structure and
5 showed me and started teaching me things, they told me who
6 they were working for.

7 Q So you were actually given an education on the
8 structure and what they wanted to do?

9 A Yes, sir. They taught me what to do, how to do
10 it and everything.

11 Q All right. Who was responsible for this
12 education of yours?

13 A Chiva, my ex-father-in-law.

14 Q Anyone else?

15 A Alejandro.

16 Q Were you able to identify any other individuals
17 that were operating in this cell that you described as the
18 cell with the C nicknames?

19 A Yes, sir.

20 Q Could you list some of those individuals for me,
21 please?

22 A Chencho, he used to live in North Carolina and
23 he moved to Georgia. Chico, he's from Texas.

24 Q Anyone else?

25 A Chema, an older guy, he's an older guy from

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Georgia.

2 Q Anyone else?

3 A Chavo.

4 Q Who's Chavo?

5 A Chavo is Mr. David.

6 Q You said his first name is David?

7 A Yes, sir.

8 Q What's Chavo's area? You mentioned that Chico
9 is in Texas, that Chencho is in North Carolina and moved
10 to Georgia. Where was Chavo?

11 A Yes, sir. He was in Georgia.

12 Q And again, is it a coincidence that they all
13 have nicknames that being CH?

14 A No, sir, no coincidence.

15 MR. UNDERWOOD: May I approach the witness, Your
16 Honor?

17 THE COURT: You may.

18 BY MR. UNDERWOOD:

19 Q Mr. Assad, I'm going to give you a blank sheet
20 of paper and a marker. If you could, please describe --
21 can you reach that? If you could, please describe to the
22 best you can the organizational structure of this group
23 and draw that out in like a flowchart kind of a pattern if
24 you can. Can you reach?

25 A No, not with that hand, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q All right. So whose at the top of this
2 organization?

3 A Chacas.

4 Q All right. Go ahead and put him down where he
5 would fall.

6 A (The witness complies.)

7 Q Where does Tolini lie?

8 A That's like his right-hand man. And we also
9 have Guardo.

10 Q Who?

11 A Guardo.

12 Q Who's Guardo?

13 A That's like his left-hand man. He handles most
14 of the things, the operations in Georgia.

15 Q Does Guardo have a C nickname or is he
16 independent of that?

17 A No, he's independent of that. He has his own
18 group of people.

19 Q So is that a different cell?

20 A Yes, sir.

21 Q So Guardo is actually part of a different cell?

22 A Yeah, it's a different cell, but they're
23 related, so they work with each other.

24 Q All right. So can you illustrate that on your
25 chart there?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yeah.

2 Q Is there more than one person named Guardo in
3 that group?

4 A Yes, sir.

5 Q All right. What's the distinction between the
6 two?

7 A One is Guardo and the other one is Little
8 Guardo. It's just his son.

9 Q All right. Do you know who is under Guardo and
10 Little Guardo in that part of the organization?

11 A I met a lot of people in and out that I've seen
12 but one time and I ain't never seen them again, so.

13 Q Did you operate under that cell or did you
14 operate --

15 A No, sir.

16 Q -- under Chacas's cell?

17 A I operated under Chacas.

18 Q All right. So let's go back to Chacas. Who
19 would be under Chacas? Is it just one person or is there
20 a number of people?

21 A He has multiple people, but the man in charge at
22 the time was Alejandro, Chato.

23 Q Go ahead and put him down.

24 A (The witness complies.)

25 Q Now, you mentioned someone named -- someone in

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Texas, who is that?

2 A That's Chico.

3 Q Where does Chico fall into that?

4 A I met him through Chacas, but he worked with
5 Tolini for a long time.

6 Q Is Tolini that person's real name, a nickname,
7 part of a name, do you know?

8 A It's just a nickname, sir.

9 Q Do you know his real name?

10 A No, sir.

11 Q Go ahead and put that -- who is the person from
12 Texas, was his name again?

13 A Chico.

14 Q All right. Put Chico where he belongs on that
15 chart.

16 A (The witness complies.)

17 Q All right. Earlier you mentioned Chencho, where
18 does Chencho fall into place?

19 A Chencho was working for Chacas, that's like
20 his -- he was his main runner, but they would all answer
21 to Alejandro. And he will report to Chacas if Alejandro
22 wasn't doing something right.

23 Q So they worked for Chacas, but Alejandro was in
24 between?

25 A Yeah, Alejandro was his main man at one point.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q Okay. So go ahead and put Chencho on there in
2 the appropriate place.

3 A (The witness complies.)

4 Q You mentioned a Chema. Is that C-H-E-M-A?

5 A Yes, sir.

6 Q Who is Chema?

7 A Chema used to work out of Georgia, too. That's
8 another person that was working under Alejandro.

9 Q What else do you know about Chema?

10 A About Chema? Well, he started his own thing.
11 He started his own thing, so he started having people
12 under him. He got his own area he was working by himself.

13 Q Okay. Was he still working for Chacas at that
14 point?

15 A Yes, sir, still reported to Chacas.

16 Q So he became like another higher level person,
17 but still within the Chacas organization?

18 A Yes, sir. The problem was that a lot of people
19 started getting different positions because Alejandro
20 disappeared. He had some problems and he disappeared.

21 Q All right. Do you know what kind of problems he
22 had?

23 A Yeah, he had problem with the law.

24 Q So he got caught?

25 A I'm not sure.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q But he was running from the police?

2 A Yes, sir.

3 Q Do you know where he ran to?

4 A Last time I heard, he run back to Mexico. I
5 don't know.

6 Q All right. So go ahead and put Chema where he
7 would fall in that organizational structure.

8 A (The witness complies.)

9 Q You mentioned a Chavo?

10 A Uh-huh.

11 Q Where does Chavo fall into that structure?

12 A Chavo, he worked with Chema.

13 Q When you say he worked with him, what do you
14 mean by that?

15 A That was like his partner. That was like his
16 right-hand man.

17 Q All right. And who was the right-hand man for
18 whom?

19 A Chavo was Chema's right-hand man.

20 Q So Chavo worked for Chema?

21 A Yeah, he worked with Chema and Chico.

22 Q All right. Can you illustrate that on your
23 chart?

24 A Yes, sir.

25 Q Now, as far as a Alejandro or Chato is

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 concerned, was there anyone else that worked with him
2 other than your father-in-law that you know of?

3 A No, sir.

4 Q Do you know of anyone else that was in his
5 organization at all, whether they reported directly to him
6 or --

7 A Yeah, he had both of his -- he had two sons or
8 stepsons.

9 Q Who were they?

10 A I only knew one.

11 Q Who was that?

12 A David Martinez.

13 Q What happened to him? Is he still in business?

14 A No, sir. He got in trouble with the law and
15 he's serving time in prison.

16 Q Now, just to be clear, during the course of your
17 involvement with this group, did you ever meet another
18 individual named David Martinez?

19 A No, that's the only David Martinez that I know.

20 Q All right. Now, your father-in-law, Chiva,
21 where does he fall in that structure?

22 A Well, I put him, I put him at the bottom and I
23 place myself under him. But he really -- he was -- in
24 South Carolina, he was Alejandro's right-hand man.

25 Q So Chiva was the right-hand man for Alejandro.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Alejandro in South Carolina.

2 Q All right. And Alejandro is also known as
3 Chato, correct?

4 A Yes, sir.

5 Q So Chiva was the South Carolina right-hand man
6 for Chato, is that what you're saying?

7 A Yes, sir.

8 Q If you can find some way to illustrate that on
9 your chart.

10 A (The witness complies.)

11 Q All right. And you would fall, you said, under
12 Chiva?

13 A Uh-huh. Yeah, because that was who told me what
14 to do every time and everything.

15 Q So when you were getting into this organization,
16 that's where you fell?

17 A Yes, sir.

18 Q Did that eventually change?

19 A Yes, sir.

20 Q We'll discuss that in more detail a little bit
21 later, but in general terms, how did it change?

22 A Well, he had too many problems with certain
23 people and they split us up.

24 Q So you were eventually split off from Chiva?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q At that point, did you become equal to Chiva or
2 under him, above him? How would you compare yourself to
3 him at that point?

4 A Well, we were equal because we both had our own
5 thing going on.

6 Q Are there any other individuals in that
7 organization that you can recall? In Mexico, in Georgia
8 or in South Carolina?

9 A I know a Tunco.

10 Q Who is Tunco?

11 A Tunco, I talked to him a couple times on the
12 phone. He's in Mexico, also.

13 Q What's his role?

14 A He's related to Tolini and Chacas. So we just
15 talk to him and he'll check in and see if we need anything
16 and everything's okay.

17 Q What's your understanding of what he did for the
18 organization?

19 A Well, basically, he had the people that handled
20 most of the problems. Like if we had a problem, that's,
21 basically, who they called. Before they call Chacas,
22 that's who they talked to and he'd make things happen.

23 Q When you say he handled problems, what do you
24 mean by that?

25 A Like somebody don't want to pay or stuff like

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 that, he has people that that's what they do. They
2 specialize in just going to collect and make sure people
3 pay.

4 Q That's Tunco?

5 A Tunco.

6 Q That's T-U-N-C-O?

7 A Yes, sir.

8 Q So how would you describe where he would fit in
9 that layout?

10 A Well, I put him above Alejandro really because
11 Alejandro used to talk to him most of the time and then
12 Chacas.

13 Q So there were people in between the bosses in
14 America and Chacas?

15 A Yes, sir.

16 Q So you didn't always talk -- people wouldn't
17 always talk directly to Chacas, is that you're saying?

18 A No.

19 Q All right. So there were other people in the
20 middle?

21 A Yes, sir. Unless he personally place you
22 somewhere and gave you his information and told you now
23 you can talk to me, now, we'll have direct contact.

24 Q Did you ever get to the position where you had
25 direct contact with Chacas?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 Q Were there any other individuals in Georgia that
3 you're aware of that were part of this organization?

4 A I met a lot of people, just...

5 Q So there were other people as well?

6 A Yeah, but they -- I couldn't really affiliate
7 too much with them. It was like a one-time thing because
8 they worked for another cell. They worked for somebody
9 else. They either worked for Guardo or they worked for
10 Tolini. We can't really have too much contact with each
11 other.

12 Q So are you saying that Guardo and Tolini were
13 two separate cells from Chacas?

14 A Yes, sir.

15 Q All right. Was there cooperation between the
16 cells?

17 A Yes, sir.

18 Q But otherwise, did they work independently?

19 A Yeah, they work independently, but they're all
20 related. They're family, so they're united. If anything
21 -- if they need help, one calls the other.

22 Q So as far as the cell with the C nicknames, are
23 there any other C nicknamed individuals that you were
24 aware of in this group?

25 A Yeah, Cheno.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q Where does Cheno fall again?

2 A That was Chiva's right-hand man.

3 Q Go ahead and put him on that chart.

4 A (The witness complies.)

5 Q Anyone else?

6 A No. That's Chico, Chaco, Chivo, Chavo, Chema,
7 Chencho. I got everybody, basically, that I worked with
8 that I know.

9 Q So there may be others, but those are the people
10 that you worked with?

11 A Yes, sir.

12 Q So, basically, in the hierarchy, how did Chema
13 and Chavo compare to you and Chiva?

14 A Well, Chencho was a little bit above us because
15 he had what -- he had been doing it for way more years.

16 Q Who was that?

17 A Chencho.

18 Q Chencho?

19 A Yeah, Chencho. And he was placed to work in
20 North Carolina.

21 Q What about Chavo?

22 A Chavo, well, he probably be compared to me, but
23 not to Chiva.

24 Q What do you mean by that?

25 A Chiva has a little more rank, basically.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q When it comes to the supply line, how would it
2 work?

3 A They'll call Alejandro and then Alejandro call
4 Chacas and they'll arrange the packages. They'll just
5 call, text an address and we'll send somebody to pick it
6 up.

7 Q All right. Let's break that down a little bit
8 more. So let's say that you in South Carolina need meth?

9 A Yes, sir.

10 Q All right. What do you do to get meth? What's
11 step number one?

12 A Well, step number one, Chiva -- I'll tell Chiva,
13 look, people running low here and here. Then he'll place
14 a call to Alejandro.

15 Q Then what?

16 A Then we -- well, eventually, we hired a driver,
17 you know, and used to send him -- take some addresses and
18 he used to go pick it up.

19 Q How did the driver know where to go? Who
20 decided that?

21 A They sent Chiva -- they'll tell Chiva, give him
22 the address and everything and that's where he'll send
23 them.

24 Q Then where would the driver go to?

25 A To a house, an apartment, wherever they send

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 him.

2 Q But where? South Carolina?

3 A No, sir, in Georgia.

4 Q All right. Who would they pick up the
5 methamphetamine from?

6 A Chencho, they picked up from Chema, they picked
7 up from Chavo, from Chico. They picked up from a lot of
8 people.

9 Q All right. So who decided who they would pick
10 up from?

11 A Alejandro.

12 Q And after Alejandro disappeared, who decided it?

13 A Chacas. We'd call -- they'd call directly to
14 Mexico and he'll arrange everything through the phone.

15 Q So in order for you to get your methamphetamine,
16 you would have to go to Chacas and then Chacas would
17 direct either -- correct me if I'm wrong, either Chema or
18 Chencho or Chavo to give it to whoever you send down
19 there?

20 A Yes, sir.

21 Q So in the supply line, they would be ahead of
22 you?

23 A Yes, sir.

24 Q Before it gets to you?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q Is there anyone else to add to that chart that
2 you were drawing on?

3 A No, sir.

4 Q All right. Let me see that, please.

5 (WHEREUPON, State's Exhibit No. 18 was marked
6 for identification only.)

7 BY MR. UNDERWOOD:

8 Q All right. Mr. Assad, I'm going to now hand
9 back to you what's now been marked for identification as
10 State's Exhibit 18. Is that the chart that you were just
11 writing out as we were discussing this organization?

12 A Yes, sir.

13 Q Does that, to the best of your knowledge, fairly
14 and accurately depict that organizational structure?

15 A Yes, sir.

16 MR. UNDERWOOD: Your Honor, at this time, I
17 would offer into evidence State's Exhibit 18.

18 THE COURT: All right, any objection?

19 MR. HODGE: No objection.

20 THE COURT: All right, in without objection.

21 (WHEREUPON, State's Exhibit No. 18 was admitted
22 into evidence.)

23 MR. UNDERWOOD: Permit to publish it, Your
24 Honor?

25 THE COURT: Yes.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 (WHEREUPON, State's Exhibit No. 18 was
2 published.)

3 BY MR. UNDERWOOD:

4 Q All right. Mr. Assad, while that's warming up,
5 we can continue to talk. So Mr. Assad, let's go back to
6 kind of being where you were just collecting money. Then
7 at some point, it was determined that you had to do more
8 and you got involved with the actual drugs themselves?

9 A Yes, sir.

10 Q All right. How did that begin? The very start
11 of it, how did the operation work as far as you were
12 concerned?

13 A Well, like I said, first, I was just in charge
14 just to pick up the money, count it and give it to my
15 father-in-law and make sure he wrote it on the notebook.
16 He kept, basically, like a book. So I'd be driving and
17 counting. If we was to get pulled over, I was to claim
18 the money. That was my job at first.

19 Then after they had a big issue with Chiva
20 and Alejandro, Chacas got involved and, basically,
21 Alejandro disappeared, so the debt, there was a big debt
22 left there. I don't know -- still to this day, I never
23 knew if Mario really took the money or he gave it to
24 Alejandro and Alejandro took the money. I just never
25 knew. The only thing that they told me that the debt had

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1 to be paid.

2 Q And that's how you got involved with the actual
3 drug transactions and stuff?

4 A Yes, sir.

5 Q And Mr. Assad, I'm sorry, maybe that light might
6 be hitting you right in the face. You want to slide your
7 chair up a little bit?

8 A Yes, sir.

9 Q All right. I'm putting up here on this screen
10 right here Exhibit 18. So Mr. Assad, is that to the best
11 of your ability an accurate depiction of how this
12 structure worked?

13 A Yes, sir.

14 Q All right. Now, just to be clear, you got the
15 name Chico under Tolini and under Chacas. Are those two
16 different people or the same person?

17 A They're two different people.

18 Q Two different Chicos?

19 A Yeah -- no, it's the same person, but he's
20 related to Tolini and that's how he got involved with us,
21 with all of us.

22 Q So are you saying that this Chico and this Chico
23 are the same person?

24 A Yes, sir.

25 Q But they have affiliations in two different

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 places?

2 A Yes. Yes, sir.

3 Q Now, over here, Guardo, underneath that, is that
4 Little Guardo?

5 A Yes, sir.

6 Q All right. Does he have any other nicknames
7 that you're aware of?

8 A No, sir.

9 Q All right. Now, under Chacas, looks like you've
10 written the name boss or the word boss. Why do you have
11 the word boss written where you do?

12 A Because he's our boss. He's the main man.

13 Q Chacas is the boss?

14 A Yes, sir, he was calling the shots at all times
15 to everybody.

16 Q So he was the leader of this particular cell, La
17 Familia?

18 A Yes, sir.

19 Q And Tunco, is that supposed to be with a C or
20 with a K?

21 A With a C.

22 Q It's supposed to be with a C. You've got a K
23 written down here, is that supposed to be a C?

24 A Yeah, it's supposed to be a C. Actually, how it
25 sounds, I put the K so they would understand me.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q So you wrote it down like that to make it easier
2 to say?

3 A Yes, sir.

4 Q All right. But normally, it would be spelled
5 with a C?

6 A Yes, sir.

7 Q And you said that Tunco was the right-hand man
8 for Chacas?

9 A Yes, sir. That was, basically, like his go-to
10 guy to keep Alejandro on track down here. Basically, he
11 was Alejandro's boss.

12 Q Then you have -- under Tunco, you have Chato,
13 that's Alejandro?

14 A Yes, sir.

15 Q Now, you've got SC Chiva kind of off to the side
16 of Chato?

17 A Uh-huh.

18 Q Explain why it's organized off to the side like
19 that?

20 A It's off to the side because Chiva is Chato's
21 right-hand man. For a long time, that was his right-hand
22 man.

23 Q So that doesn't mean that he's equal to Chato,
24 it means he was the right-hand man for Chato?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q All right. Did that eventually change?

2 A Yes, sir.

3 Q All right. Was that while Chato was still here
4 or after Chato left?

5 A No, after Chato left.

6 Q So up until the time Chato left, Chiva was still
7 his right-hand man?

8 A Yes, sir.

9 Q Then under Chato, you have written Chico,
10 Chencho and Chema?

11 A Yes, sir.

12 Q Were those three individuals equal to each other
13 or --

14 A Yes, sir.

15 Q They were equal to each other?

16 A They were equal to each other because they all
17 had their own thing going on at different locations.

18 Q All right. Now, explain this line you have from
19 Chico over to Chavo and the line that's between Chema and
20 Chavo?

21 A Chema and Chavo, they were working together in
22 Georgia. But originally, how I met them and how we began
23 to make contact was through Chico. He used to work with
24 Chico and Chema. So if one didn't have no work, you would
25 work for another one because it was the same, the money

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1 was going to the same people, so there was no issue. If
2 you notice, that's why I put Guardo and Little Guardo's
3 name there because that's the person that used to get most
4 of the money. His job was to get the money and make sure
5 that it gets to Mexico.

6 Q Who's job?

7 A Guardo's.

8 Q So are you saying that Guardo was in charge of
9 money and Chacas was more in charge of drugs?

10 A Yeah, Chacas was in charge of everything. He
11 made sure you could get all the drugs and everything, but
12 he also made sure that he gets all the money.

13 Q So as far as these individuals at the top of
14 this page, Tolini, Chacas and Guardo, how do they relate
15 to each other?

16 A They're cousins.

17 Q All right.

18 A They're all family related, that's the only
19 thing we know.

20 Q As far as the structure of this drug trafficking
21 organization, how do they equate to each other or relate
22 to each other as far as that structure?

23 A I put them equal in the structure because they
24 all have -- Tolini has other people all throughout Georgia
25 and Alabama and Guardo has people throughout Georgia and

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 North Carolina and other areas, also. So they're kind of
2 at the same level. But I worked for Chacas.

3 Q So Tolini, Chacas and Guardo are all pretty much
4 equal to each other --

5 A Yeah.

6 Q -- but they each have different regions that
7 they control?

8 A Yes, sir.

9 Q But you worked in the Chacas region?

10 A Yes, sir.

11 Q What states did that include in the United
12 States?

13 A Georgia and South Carolina, mostly.

14 Q Where else? Anywhere else?

15 A Well, occasionally -- well, sometimes, we get
16 the drugs from Texas, so it would be drugs coming from
17 Texas to Georgia, then from Georgia to South Carolina.

18 Q Now, earlier you mentioned Chencho being from
19 North Carolina, how does that fit into Chacas's
20 organization? Is that separate or is that --

21 A No, no, he been working for Chacas for a long
22 time. He been working for him for a long time. Actually,
23 they asked him to move to North Carolina. They stationed
24 him there, that was his base at first. Then he moved to
25 Georgia, then he helped in Georgia. After Alejandro left,

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 there was too many problems going on and they were moving
2 people around.

3 Q So at one time, was North Carolina part of
4 Chacas's region as well?

5 A Yes.

6 Q Is it still or do you know?

7 A I'm not sure.

8 Q Was it at the time you were involved with this?

9 A Yeah, because Chencho -- that's how I met
10 Chencho.

11 Q How did you meet Chencho?

12 A I had a phone call one time and he was talking
13 to me and Chiva and we sent somebody to North Carolina to
14 pick up one package.

15 Q Who called you?

16 A Alejandro called us, called me and Chiva, and
17 just told us, Look, there's somebody y'all need to meet
18 and he lives in North Carolina. Then Chacas called us and
19 told us, Look, he been working for me for a long time,
20 he's a good dude. I want y'all to go get this work for me
21 because he's moving.

22 Q All right. Then down here, you have Chiva, then
23 next to Chiva, you have Chino?

24 A Uh-huh.

25 Q Is that similar to up here with Chato and Chiva,

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 that Chino was the right-hand man for Chiva?

2 A Yes, sir.

3 Q Under Chiva, you have Guardo?

4 A Yes, sir.

5 Q Who's Gordo?

6 A Me. They used to call me Fat Boy.

7 Q All right. At the time all this was going on,
8 if you don't mind me asking, how much did weigh back then?

9 A 330-pounds.

10 Q Have you lost a considerable amount of weight
11 since then?

12 A Yes, sir.

13 Q But at the time this was going on, you were a
14 much heavier person?

15 A Yes, sir.

16 Q Is that where you got that nickname Gordo?

17 A Yes, sir.

18 Q All right. What other nicknames did you have
19 back then?

20 A Well, my descendancy is Mexican and I'm Arabian
21 because of my mother, so they called me the Arabe. All
22 the Hispanics call me the Arabe, Arabe in Spanish.

23 Q Is that A-R-A-B-E?

24 A Yes, sir.

25 Q Any other nicknames that you would use?

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1 A Cali, they called me Cali, some people just
2 called me Cali.

3 Q Why are they calling you Cali?

4 A Because I came from California.

5 Q Because you're from California?

6 A Because I came from California, yes.

7 Q Any other nicknames or aliases?

8 A No, sir.

9 Q All right. Did anyone ever call you anything
10 else?

11 A No, sir. Just Gordo and Arabe, that's a name,
12 too.

13 Q All right. What about outside of your formal
14 organization, did anybody else have any other nicknames
15 for you?

16 A Lilo, like family, just in-house nicknames.
17 Like my mom call me that, stuff like that.

18 Q But within the organization, what did most
19 people call you?

20 A Gordo.

21 Q Gordo?

22 A Yes.

23 MR. UNDERWOOD: Your Honor, I think we might
24 have reached that appropriate stopping point close to
25 4:30.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 THE COURT: That's good for you then?

2 MR. HODGE: Yes, Your Honor.

3 THE COURT: All right.

4 All right. Ladies and gentlemen, we're going to
5 stop for the day. So again, don't discuss the case,
6 don't do any type of research about the case, the
7 lawyers, the law or anything like that. Don't pay
8 any attention to any media. If you get contacted by
9 anybody other than the clerk's office, let the
10 bailiffs know.

11 See you at nine o'clock in the morning. Be back
12 in the jury room ready to go. Thank you.

13 (WHEREUPON, the jury left open court at
14 approximately 4:36 p.m.)

15 THE COURT: Mr. Assad, now you're in what I
16 call -- you're in the witness box, you're in the
17 witness bubble, so until you finish your testimony,
18 you cannot talk to anybody about your testimony, the
19 lawyers or anyone else, do you understand that?

20 THE WITNESS: Yes, sir.

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

22 All right. Anything else from the State before
23 break for the day?

24 MR. UNDERWOOD: No, Your Honor.

25 THE COURT: Anything from the Defendant?

1 MR. HODGE: No, Your Honor.

2 THE COURT: All right, see y'all at nine o'clock
3 in the morning.

4 (WHEREUPON, the proceedings were concluded for
5 the day to be reconvened on March 11, 2020.)

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1 March 11, 2020

2 (WHEREUPON, State's Exhibits Nos. 19-59 were
3 marked for identification only.)

4 (WHEREUPON, the jury came into open court at
5 approximately 9:13 a.m.)

6 THE COURT: State ready?

7 MR. UNDERWOOD: Yes, Your Honor.

8 THE COURT: Defendant ready?

9 MR. HODGE: Yes, sir, Your Honor.

10 THE COURT: All right. What are we going to do?
11 Are we going to put Mr. Assad back up?

12 MR. UNDERWOOD: Yes, sir.

13 THE COURT: All right. Ready for Mr. Assad
14 then?

15 MR. UNDERWOOD: Yes, Your Honor.

16 THE COURT: Okay. Well, I guess --

17 (WHEREUPON, there was a brief pause.)

18 THE COURT: Sorry about that, that was kind of
19 strange, nobody is talking to us. I just want to
20 make sure everything we say is on the record and she
21 had a little bit of an issue there.

22 So I hope everybody had a good evening. As you
23 will recall, we were in the middle of the direct
24 testimony of this witness by the State.

25 So at this time, Mr. Underwood, you can proceed

1 with your questioning.

2 MR. UNDERWOOD: Thank you, may it please the
3 Court, Your Honor.

4 CONTINUED DIRECT EXAMINATION

5 BY MR. UNDERWOOD:

6 Q Good morning, Mr. Assad.

7 A Good morning.

8 Q Mr. Assad, I know we broke a little bit early
9 yesterday, but when we broke, you were discussing a cell
10 that was part of the La Familia cartel that you were a
11 part of; is that correct?

12 A Yes, sir.

13 Q And what was the significance of the names of
14 the people in that cell?

15 A Everybody had to have a name with a C because
16 that's part of -- all the players involved have a nickname
17 with the letter C.

18 Q And you wrote up a little list or sort of a
19 sketch of those people yesterday that was admitted as an
20 exhibit; is that correct?

21 A Yes, sir.

22 Q And on that exhibit, you listed the names of
23 Chacas, Chato, Chiva, Cheno, Chema, Chencho and Chavo and
24 maybe one or two others; is that correct?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q All right. Are any of those people in the
2 courtroom today?

3 A Yes, sir.

4 Q Where?

5 A Right there.

6 Q Okay. Can you describe the person you're
7 referring to?

8 A Yes, sir, that's Chavo.

9 Q What is that person wearing?

10 A He has a brown-greenish coat on. He's got
11 headphones on.

12 Q Where is he in the courtroom?

13 A He's standing to my right in the middle, in the
14 middle of the lady that's translating and his attorney.

15 MR. UNDERWOOD: Your Honor, I ask the Court to
16 take notice that he's identified the Defendant, David
17 Barajas.

18 THE COURT: All right. So noted.

19 THE WITNESS: I have a question, sir.

20 BY MR. UNDERWOOD:

21 Q Mr. Assad, as far as the individual that you
22 referred to yesterday as Chavo, at the time you were
23 dealing with him, did you know his real name?

24 A I just know his first name, sir.

25 Q Which was what?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A David.

2 Q All right. Did you ever know his last name at
3 that time?

4 A No, sir.

5 Q All right. How did you know his first name was
6 David?

7 A Through Chico. The person that he was working
8 with, I was working with, too. We were all working
9 together. He called him David. So that's how I figured
10 that was his name. When I asked him, he told me that's
11 his real name. And I just called him Chavo because I
12 don't know him like that, like a personal level, like hang
13 around or nothing like that. It was all strictly
14 business, so I always called him Chavo.

15 Q Did you ever deal, though, with Mr. Barajas in
16 person?

17 A Yes, sir.

18 Q Are you aware of any distinctive marks, scars,
19 tattoos, anything of that nature that he has?

20 A Yes, sir. He has a tattoo on his neck that says
21 Made in Mexico and a tribal tattoo on his arm.

22 Q The tattoo on his neck, does it say Made in
23 Mexico or does it say something else?

24 A It says, Made in Mexico.

25 Q In what language?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A In Spanish.

2 Q Which is translated to what?

3 A Made in Mexico. In Spanish, it says Hecho en
4 Mexico and translated as Made in Mexico.

5 MR. UNDERWOOD: Your Honor, at this time, I
6 would ask for the Defendant to open his collar to
7 show his neck and to remove his -- or roll up his
8 sleeve somehow and show his arm for the jury.

9 THE COURT: Okay.

10 MR. HODGE: Your Honor, I think the neck is
11 visible as it is right now. I don't know how he's
12 going to roll up his sleeve short of taking off his
13 jacket and his shirt. I think they've introduced
14 pictures that identified him. He's identified him in
15 court. I don't think it's necessary to show the
16 tattoos. I mean, again, pictures are there. And
17 he's fully dressed and they're asking him to get in a
18 state of undress. I mean, the Facebook photos show
19 both the neck tattoo, one of them shows that, and the
20 arm tattoo.

21 MR. UNDERWOOD: Your Honor, I'm willing to
22 accept the stipulation that Mr. Barajas does have
23 those tattoos.

24 MR. HODGE: Yes, sir, Your Honor. I just don't
25 want him to get undressed.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 THE COURT: All right, based on that
2 stipulation, then we can resume.

3 BY MR. UNDERWOOD:

4 Q So Mr. Assad, during the course of your
5 testimony yesterday and whenever you were cooperating with
6 law enforcement, was the person that you referred to as
7 Chavo, the Defendant in this case, David Barajas?

8 A Yes, sir.

9 Q All right. Mr. Assad, yesterday, we started to
10 talk a little bit about how you became more actively
11 involved in the methamphetamine business. So let's go
12 back to that topic. Let's start from where you had been
13 collecting money for Chiva, your father-in-law, and then
14 you were going to take a more active role. Do you
15 remember when that was?

16 A I don't remember exact date. I don't remember
17 exact dates, I mean.

18 Q Do you remember roughly how long before you were
19 arrested that was? Was it a matter of months, years,
20 weeks?

21 A Eight or nine years, around that range, when I
22 first moved down here.

23 Q So it was pretty quickly then when you moved to
24 South Carolina that you got involved?

25 A Yes, sir. It took months when it all started.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q All right.

2 A Like I said, when it started, it was just -- my
3 involvement was just going to translate something, but I
4 didn't really know what I was going to get myself into. I
5 didn't know what was going on. And they didn't ask me or
6 tell me well, hey, you want to be part of this? No, this
7 is what you're going to do now.

8 Q So you said about eight or nine years ago, are
9 we talking about somewhere around 2011?

10 A Yes, sir.

11 Q How long did you continue to work in the drug
12 business?

13 A I worked about three years until the time that I
14 got busted.

15 Q Up until the time you were arrested?

16 A I was arrested.

17 Q Was that in 2015?

18 A Yes, sir.

19 Q So from 2011 until 2015, that's when you were
20 involved in this group selling drugs?

21 A Yes, sir.

22 Q Was methamphetamine the only drug that your
23 organization was involved with as far as you were
24 concerned?

25 A In the beginning, yeah. But then sometimes, you

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 know, you get marijuana, sometimes you get loads of
2 heroin.

3 Q What was the primary substance?

4 A Methamphetamine, sir.

5 Q All right. Methamphetamine was the primary drug
6 you sold?

7 A Yes, sir.

8 Q When you began taking a more active role beyond
9 just translating and helping to pick up money, how did it
10 work when you were going to be selling methamphetamine?
11 Tell me and the jury the process that was involved. Who
12 did what?

13 A In the beginning -- well, in the beginning, I
14 was being taught how to do things, how to talk to people,
15 how the books work and everything. So like I said, my
16 only job was to pick up the money from the people. While
17 they do the transaction, I had to observe, count the
18 money, make sure they were placed on the record, on the
19 books that he kept.

20 Q Who is he?

21 A Chiva.

22 Q Okay.

23 A And from there, then when we had the other issue
24 and they told me, Well, now you're going to have to sell
25 the actual weight. Well, I got introduced to the people

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 and they taught me about weight and how the packages come
2 to distinguish certain weights that they ship and stuff
3 like that.

4 Q All right. Now, Mr. Assad, when you began to
5 actually start moving the methamphetamine, did you do that
6 on your own or were you working under someone's direction?

7 A No, sir, I was working under Chiva, my
8 ex-father-in-law's direction.

9 Q Now, you said ex-father-in-law, can you explain
10 what you mean by that?

11 A Well, due to this situation, you know, I lost my
12 family. I have a daughter with Kenya, but we're not
13 together no more. We don't have no contact or nothing.
14 She had to make a decision, it was me or her father. You
15 know, it was easy decision.

16 Q All right. So when you were working under the
17 direction of Chiva and moving methamphetamine, did you
18 have your customers or were you servicing his customers?

19 A At the beginning, I was servicing his customers.
20 And the people that I met that were starting to work, we
21 were all under his direction.

22 Q All right. Who were those people?

23 A I had a lady called Sandra Duncan. I met her
24 through her son, Dameon Smith, which was actually the
25 first person that actually worked -- that I hired,

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 basically. He was the first individual that got hired.

2 Q So let's talk about him. How did you meet
3 Dameon Smith?

4 A I met Dameon Smith because Chiva used to like to
5 smoke marijuana. And like I said, we was living here in
6 an area called Poe Mill down the street from here. There
7 was a guy that sold marijuana. So he told me to go buy
8 him some marijuana so we could chill in the house and
9 everything. And we was going to have a cookout, so I went
10 and met this person and actually bought the marijuana from
11 him. And I ask him, I said, Man, you know, I got a little
12 thing on the side I want to talk to you about. Do you
13 know anybody that might be interested in, you know, doing
14 what you do? And he asked me what I mean by that. I
15 said, I mean, you know, sell drugs.

16 And he asked me, What kind?

17 I said, Methamphetamine.

18 So from there, he introduced me to Dameon
19 because he was living in one of their houses. He was
20 renting one of their houses. They were neighbors.

21 Q You say one of their houses, what are you
22 referring to?

23 A His momma and Dameon, they own houses all over
24 Poe Mill.

25 Q When you say his momma, you're referring to

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Sandra Duncan?

2 A Yes, sir.

3 Q So they own multiple houses?

4 A Yes, sir.

5 Q So you were introduced to Dameon Smith, what
6 happened then?

7 A Well, when I met Dameon Smith, he was out on an
8 ankle monitor, he was reporting to a halfway house, stuff
9 like that. I got introduced to him and we started
10 working. He was very interested. He said he knew a lot
11 of people. I didn't know people down here like that, so,
12 basically, I met a lot of people through him.

13 Q When you say that you started working, what does
14 that mean?

15 A I started actually moving the drugs, providing
16 him with the drugs.

17 Q What kind of drugs were those?

18 A Methamphetamine, sir.

19 Q When you first began providing Dameon Smith with
20 methamphetamine, what was the business arrangement you had
21 with him?

22 A Well, me and Chiva showed up and we sat down and
23 had a talk with him. And I would translate for Chiva
24 everything that he wanted me to make sure he understood
25 how everything was going to work. So the arrangement,

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 basically, was meet up with him, bring him the drugs. He
2 didn't want to meet nobody else but me and Chiva at the
3 beginning. So he didn't want to get no drugs from nobody
4 else. So I had to actually take -- they bring the drugs
5 to me and Chiva and then I have to give him the drugs in
6 front of Chiva and make the whole transaction.

7 Q Who would bring you the drugs?

8 A A guy name Miguel.

9 Q Who's Miguel?

10 A He was one of Chiva's workers, like his driver
11 that used to go pick up for him in Georgia or Texas. That
12 was his job, just to pick up and bring the drugs.

13 Q He worked for Chiva?

14 A Yes, sir.

15 Q So when Miguel would bring you the
16 methamphetamine, how would you make the arrangement to
17 deliver it to Dameon Smith?

18 A We call Dameon and he'll clear his house, tell
19 everybody to leave from his house, whoever he had there,
20 and we show up to his house. We have a scale. We have
21 the books and we kept everything on record. I'll show up
22 and he'll ask me, Well, how much weight you brought me?
23 And then I'll weigh it in front of him. We'll mark it
24 down, I count the money, give Chiva the money, he'll mark
25 everything down on the notebook.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q So who was it that kept that notebook, you or
2 Chiva?

3 A Chiva.

4 Q All right. When you would make these
5 methamphetamine deals with Dameon Smith, at that time, at
6 the beginning, how much methamphetamine where you giving
7 him at a time?

8 A Well, I mean, it picked up very quick. Because,
9 you know, in the beginning, he didn't trust us and we
10 didn't trust him. So we give him ounces in the beginning,
11 like almost up to a pound, and then like from six to 16
12 ounces. It can be just ounces at first. We weighed it
13 like that. See, I was still learning how to weigh, the
14 process of weighing. What is a kilo, what is a pound, I
15 didn't know all that. So we give him a little bit of
16 weight, a little bit of work and he just picked up fast
17 from there.

18 Q Okay. But it began with six to 16 ounces at a
19 time?

20 A Yes, sir.

21 Q What was the price that you were charging Dameon
22 Smith per ounce, do you remember?

23 A Back then, per ounce, it was anywhere from 800
24 to a thousand dollars.

25 Q All right. Were there fluctuations in the

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 price?

2 A Yes, sir, depending on the product.

3 Q When you say depending on the product, what do
4 you mean?

5 A Sometimes -- because he would ask for a specific
6 product, like, he wanted actual methamphetamine that was
7 real clear and in big chunks. Sometimes they didn't come
8 the way he wanted it, so you have to negotiate the price
9 with him because he wouldn't just take that.

10 Q Was it all methamphetamine, just different
11 quality?

12 A Yeah, it's methamphetamine, yeah, just different
13 coloring and everything because of the process that we
14 cook it, sir.

15 Q All right. So depending on the appearance and
16 other characteristics of the methamphetamine, the price
17 fluctuated?

18 A Yes, sir.

19 Q How much were you and Chiva paying for it at
20 that time?

21 A Well, from my understanding -- well, it was
22 just -- which was a kilo, Chiva was -- they was giving us
23 a kilo for six, \$7,000. That's what he was paying for the
24 whole kilo, which is two pounds and some change.

25 Q You mentioned earlier that the weight that

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Dameon Smith got grew quickly?

2 A Yes, sir.

3 Q Explain what you mean by that.

4 A Well, like I say, I can drop off -- let's say,
5 it's Monday, I could drop off on a Monday and he'll call
6 me within two days and wanting a double what I gave him or
7 wanting more. Because he knew -- he had so many people
8 and knew so many people that it wasn't enough.

9 Q So how often would you resupply him with
10 methamphetamine?

11 A At the beginning, every two, three days. After
12 he receive, he'll call me every two, three days and want
13 to do the same process. We'll show up, count the money,
14 make sure everything was there, everything on the books.
15 After that, Chiva just told me you're going to have to
16 handle him on your own. So, basically, he said, You're
17 going to work with him and focus on working with him for
18 now. I was still picking up money for him and making
19 sure -- counted the money and helping him on that, but he
20 wanted me to focus on working with Dameon.

21 So after that, it was three times a week,
22 but it was more weight. We have -- because everything is
23 structured. I couldn't just call and say hey, we need
24 more work. Everything had to be a structure. Like, he
25 needed to make sure -- we explained to him that he needed

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 to make sure that he had enough product to last him
2 through the week, how many days he needed it.

3 Q So as his need for more supply grew, how high
4 did he go?

5 A It went pretty high.

6 Q What does that mean?

7 A Well, he went from -- like I say, he went from
8 ounces to pounds and pounds of methamphetamine.

9 Q When you say pounds and pounds, are you talking
10 about at a time?

11 A Yeah, every time, every time we deliver -- like,
12 if I drop off on a Monday, then on a Wednesday, then on a
13 Friday, it'd be five, six pounds.

14 Q Five or six pounds each time or per week?

15 A Every time we drop off and pick up.

16 Q All right. So when it was at its highest, how
17 much was Dameon Smith getting from you at a time?

18 A Well, when it got -- the higher it went, Chiva
19 used to go see him one day during the week and I used to
20 see him twice during the week. But he was getting a week,
21 ten pounds easy.

22 Q As the amount of methamphetamine he was buying
23 from you increased, did the price remain the same?

24 A No, sir.

25 Q What happened to it?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A They gave him a better deal. Mario gave him a
2 better deal. Chiva gave him a better deal because he was
3 buying more and more.

4 Q How much better did the deal get?

5 A Well, he was, basically, getting ounces now for
6 \$700. So it went from somewhere from 600 to \$700. But as
7 he started buying in pounds and in kilos, you know, after
8 you add all the pounds he was buying, he'd get, he'd get
9 about 10,000 a kilo.

10 Q That was the price to Dameon Smith?

11 A Yes, sir, that was his price.

12 Q All right. That wasn't the price you were
13 buying it for, that was the price you were selling it to
14 him for?

15 A Yes, sir.

16 Q With Dameon Smith, did he have to give you the
17 money before he got the meth?

18 A No, sir.

19 Q What was the arrangement you had with him?

20 A With Dameon, when he ran out -- when we got to
21 working with him and he was getting all this weight, we
22 trusted him more. I didn't have no issue with him or
23 nothing. So he'd just call me, I'd call Chiva and let him
24 know, Man, he needs his work. So we'll drop off -- like,
25 if it was Monday and he didn't work on a Tuesday, we'd

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 give him work on Tuesday and still collect the money
2 Wednesday.

3 Q So you would, basically, give him the
4 methamphetamine on credit?

5 A Yes, sir.

6 Q All right. Is there a term in the drug industry
7 for that?

8 A Well, we just fronted it to him. That's just
9 called a front.

10 Q So when the term fronting is used, that's
11 referring to giving drugs first, getting money later?

12 A Yes, sir.

13 Q Is that the arrangement that you developed with
14 Dameon Smith?

15 A Yes, sir.

16 Q How long did you deal with Dameon Smith, do you
17 remember?

18 A Somewhere from eight months to a year before he
19 had some other issues and got incarcerated.

20 Q So did you deal with him up until the point he
21 was incarcerated again?

22 A Yes, sir.

23 Q All right. Is that the reason you stopped
24 dealing with him?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q What was the status of your business with him at
2 the time he went -- at the time he was incarcerated?

3 A Well, he just disappeared. I didn't know
4 exactly what happened to him or what he had going on. He
5 just disappeared and owed a lot of money.

6 Q Do you know how much?

7 A Yes, sir, about \$80,000.

8 Q Who did he owe \$80,000 to?

9 A Chiva.

10 Q Owed it to Chiva?

11 A Yes, sir.

12 Q What did you do about that debt?

13 A Well, we put the word out around the
14 neighborhood because he lived in a neighborhood and we put
15 the word out around the neighborhood. Chiva was willing
16 to pay for anybody that bring it to him or have
17 information or let him know where he can find him. As the
18 word got around, I received a phone call from his mother,
19 which is Sandra Duncan.

20 Q All right. What was the nature of that phone
21 call?

22 A Well, when she called me, well, she said that
23 she needed to meet up with me. That she needed a little
24 bit more understanding of what really was going on, but
25 that she had a proposition.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q What was her proposition?

2 A Well, we met up with her a couple days later.

3 Q Who is we?

4 A Me and Chiva.

5 Q What happened at that meeting?

6 A It was me and Chiva and a couple of people that
7 came from Georgia. We went to her house. Here behind Poe
8 Mill is an area called Sans Souci. She has a house there.
9 So she gave us the address, we showed up to her house.
10 And I was translating the whole, basically, proposition,
11 everything that we talked about. So, basically, when we
12 showed up, you know, we showed her the books and
13 everything and told her, Look, this is what he owes. And
14 at first, they didn't want to talk.

15 Q Who are they?

16 A Chiva and the other two people that came with
17 us, they didn't really understand English or nothing.
18 They was just there to fix the problem. That was their
19 job. They didn't know what was going on, they just know
20 that they come to collect \$80,000.

21 Q At any point during that meeting, was Sandra
22 Duncan threaten?

23 A Yes, sir.

24 Q Explain that, please.

25 A Well, Chiva told me to explain to her that there

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 can be consequences and somebody can get severely hurt,
2 because she had kids in the house and everything, if the
3 money was not paid. And that's when she stepped up and
4 started talking to us. She said, Translate to him what
5 I'm about to tell you. And she, basically, told us that
6 her son left her all the information with all the people
7 that he had working under him, all his friends, everybody,
8 and that she knew what the deal was and she can contact
9 with these people. She even gave some money up front and
10 ask for work fronted to her --

11 Q When you say asked for work fronted to her, what
12 do you mean by that?

13 A She asked us -- when I asked for a front to her,
14 she said well, I gave this money now for what he owes and
15 y'all give me work --

16 Q When you say work, what do you mean by that?

17 A What I mean by work is she asked us to give her
18 drugs so she can work the rest of the debt off.

19 Q So was it her idea then to engage in the
20 methamphetamine business?

21 A Yes, sir.

22 Q All right. I want to understand. So was she
23 doing it because she was threatened or because it was her
24 idea?

25 A No, she came to him with the proposition. We

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 were there to collect the money. But when she told us --
2 she told me to translate to Chiva and everybody else, she
3 said, Well, I know all the people, I got all the numbers,
4 I know who owes my son what. My son's incarcerated. She
5 said, I can make this happen if y'all give me an
6 opportunity.

7 Q Did y'all give her that opportunity?

8 A Yes, sir.

9 Q What happened?

10 A Well, after we had that meeting, like I said, we
11 sent a driver later on that day to meet us there. We left
12 the house and came back. She had money for us and we gave
13 her work, we fronted her the drugs.

14 Q How much money did she give you, do you
15 remember?

16 A It was about \$30,000.

17 Q How much methamphetamine did you give her the
18 first time?

19 A The first time, we just gave her about two
20 pounds.

21 Q So she right off the bat, she started off with
22 two pounds?

23 A Yes, sir. She said she had 12 people waiting,
24 about 12 people, customers that she knew. That she
25 trusted her son and that everything is going to be okay.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q After you made that initial delivery to her,
2 what happened next?

3 A Well, she -- we came back, we talked to her --
4 after that, I kept in contact with her on the phone. And
5 we came back, like, three days later. She had the money,
6 the rest of the money that her son owed and she had the
7 money for the drugs that we gave her. And she was asking
8 for more.

9 Q Did you give her more?

10 A Yes, sir.

11 Q How much more?

12 A Well, about the same. We give her the same, the
13 same amount.

14 Q How much was that?

15 A About two pounds.

16 Q Did she get that next shipment of two pounds on
17 front or did she pay you cash for it?

18 A No, sir, she got it up front.

19 Q Is that how your business relationship with her
20 continued, on front?

21 A Yes, sir. Yes, sir.

22 Q All right. How often would you resupply Sandra
23 Duncan with methamphetamine at that rate of two pounds at
24 a time?

25 A Well, it was -- it continued for like a week,

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 like a week. After that, I gave her two pounds a couple
2 more times in the same week. Then it just blew up from
3 there.

4 Q What do you mean by it blew up?

5 A Blew up, the weight amounts was -- it was not
6 enough. She always wanted more and more and more and
7 more. And it came to a point where she was throwing me
8 money up front. Look, like, this is what I owe you. Here
9 you go, take this money towards the next package.

10 Q How often was she being resupplied?

11 A Sometimes threes times a week, sometimes up to
12 five.

13 Q And how much was she getting at the time when it
14 got up to its highest level?

15 A When it got up to a high level, ten pounds,
16 eight, from eight to 13-pounds.

17 Q That was the highest amount she would get at a
18 time?

19 A Yes, sir. That would be twice, three times a
20 week sometimes.

21 Q So as the amount that she was getting at a time
22 got bigger, did she not get it quite as often?

23 A No, no, it took days.

24 Q So there were days in between when she got to
25 the higher level?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir, depending on how her people would call
2 her and ask. So if I gave her -- let's say it's a Tuesday
3 and I just gave her eight pounds, she'd call me back
4 Thursday or Friday say, hey, I need about 12, 13,
5 14-pounds more. Then I'd call the driver to drop the
6 package, then I'll show up with Chiva and pick up the
7 money and do the books with her.

8 Q So did Sandra Duncan have multiple contacts with
9 Chiva?

10 A Yes, sir.

11 Q All right. Did she have another nickname for
12 him?

13 A Uncle.

14 Q Where did that come from?

15 A They all called him Uncle. Because in the
16 beginning, he told -- Chiva told Dameon that he was my
17 uncle. Nobody really knew that we were related.

18 Q Did Sandra Duncan have a different nickname for
19 you?

20 A She know me as Gordo. She used to call me that.
21 Like I said, some people know me, like, they call me Cali.
22 Because I came from California.

23 Q Did she ever refer to you as Jose to your
24 knowledge?

25 A No, sir.

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1 Q So if she called you that, you don't know about
2 it?

3 A No, I don't know about that. She called me Fat
4 Boy. Because they asked me, what Gordo mean? Fat boy in
5 Spanish.

6 Q On that note, Mr. Assad, I'm going to hand you
7 what's been premarked as State's Exhibit 59. This
8 photograph, do you recognize that fella?

9 A Yes, sir.

10 Q Who is that?

11 A That's me.

12 Q When was that picture?

13 A When I first got arrested.

14 Q Is that a fair and accurate picture of what you
15 looked like back then?

16 A Yes, sir.

17 MR. UNDERWOOD: All right. Your Honor, at this
18 time, I'd offer into evidence State's Exhibit 59.

19 THE COURT: Any objection?

20 MR. HODGE: No objection.

21 THE COURT: All right, in without objection.

22 MR. UNDERWOOD: May I publish, Your Honor?

23 THE COURT: Yes.

24 (WHEREUPON, State's Exhibit No. 59 was admitted
25 into evidence.)

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 (WHEREUPON, State's Exhibit No. 59 was
2 published.)

3 BY MR. UNDERWOOD:

4 Q So, Mr. Assad, as you testified yesterday, were
5 you considerably heavier at the time all this was
6 happening?

7 A Yes, sir.

8 Q So you've lost a good bit of weight since then?

9 A Yes, sir. I used to weigh 330-pounds, sir. I
10 was pretty big.

11 Q All right. So that's what you looked like back
12 then?

13 A Yes, sir.

14 Q Is that why people called you Gordo?

15 A Uh-huh.

16 Q Did you ever find out who Sandra Duncan was
17 selling to, who was working for her?

18 A I met certain people that she used to work with
19 within time, you know.

20 Q Who was the first person that you met or became
21 aware of that Sandra Duncan was supplying with
22 methamphetamine?

23 A A man named Barry Underwood.

24 Q How did you meet Barry Underwood?

25 A He came to her house one time and I was there

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 doing a transaction with her, and she introduced me to
2 him.

3 Q All right. Did she explain to you why he was
4 there?

5 A She just said that was one of her business
6 partners.

7 Q Say that one more time. I don't think I
8 understood what you meant.

9 A She just said that that was one of her business
10 partners.

11 Q She said that Barry Underwood was one of her
12 business partners?

13 A Yeah, she said he worked with her.

14 Q Did she elaborate or give you any detail as to
15 what she meant by that?

16 A No, but I already knew.

17 Q What did you already know?

18 A I already know because when he showed up, we
19 just dropped off a package. So he was there to pick up
20 his part or whatever she was going to give him.

21 Q Was that apparent based on what you saw while
22 you were there?

23 A Yeah, because she would never have nobody
24 around. Every time I show up or me and Chiva show up,
25 everybody -- the whole house be cleared. And it was

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 apparent that day when we was in the dining room, we was
2 doing the whole transaction, he showed up and she let him
3 in and everything and made the introduction.

4 Q Beyond the introduction to you, was there any
5 other discussion of business with Barry Underwood at that
6 time?

7 A No, he just stood there and watched us do what
8 we was doing and he didn't say nothing then.

9 Q At that time, did you or Chiva supply Barry
10 Underwood with any methamphetamine that night?

11 A It was days after. It was some days after that
12 when I first met him. He had a falling out with her.
13 They was arguing over some money.

14 Q All right. I just want to be clear. You said
15 he had a falling out with her?

16 A Yeah.

17 Q Who is he and who is her?

18 A Barry Underwood and Sandra Duncan.

19 Q All right. What's your understanding of their
20 falling out?

21 A Well, they had a falling out because first, he
22 was complaining of the prices and stuff like that. And
23 then she was saying that he wasn't good at paying and she
24 always had to wait for him. So they had a
25 misunderstanding.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q All right. So did you offer a solution to that
2 problem?

3 A He actually -- when he called, when we talked to
4 him, he actually offered to work for us.

5 Q So Barry Underwood, who was a partner or
6 customer of Sandra Duncan, approached you about coming to
7 you directly?

8 A Yes, sir.

9 Q What were your feelings about cutting Sandra
10 Duncan out of that part of the system?

11 A Well, I asked her, I asked her, I said, How long
12 you -- you know, you introduced me to this man, how long
13 you been knowing him? And I asked questions like that.

14 She said, Well, I been knowing him for some
15 time, but I don't want to deal with him no more.

16 And I told her, I said, Well, you know, he
17 approached me last time I left here and -- down the
18 street, he pulled up on me on a bike and I had a little
19 chat with him. I said, How you feel about me and him
20 working? Because he told me and Chiva he wants to work.
21 And she said that she didn't care.

22 She said, I don't care. I don't need him.

23 Q So when he decided he wanted to work for you and
24 Chiva, what did that result in?

25 A Well, he ended up working for us.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q Please explain the nature of his work for you
2 and Chiva.

3 A Well, he was like not very consistent, so he'll
4 just call, you know, once a week and get work once a week.

5 Q What kind of weight would Barry Underwood get
6 from you?

7 A At the beginning, we only gave him, like, I'd
8 say 12, about ten to 15 ounces. That was all he got.
9 That's all he got.

10 Q All right. What was his price per ounce, do you
11 remember?

12 A I don't remember exactly the price with him.
13 Because that was something more that Chiva and the driver,
14 a personal arrangement. It was just ounces in the
15 beginning.

16 Q All right. Now, when you said that he was only
17 getting ounces, did he ever get up to the level Sandra
18 Duncan was?

19 A No, no. There was no competition for her.

20 Q When you started dealing directly with Barry
21 Underwood, did your business dealings with Sandra Duncan
22 stop?

23 A No, sir.

24 Q So now you had two customers instead of one; is
25 that right?

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1 A Yes, sir.

2 Q How long did you deal with Barry Underwood
3 directly, do you remember?

4 A It was a thing about four months.

5 Q Now, you said that he wasn't quite as regular as
6 Sandra Duncan was as far as being resupplied, but
7 approximately how often over that four-month period did
8 you resupply him?

9 A At least, once or twice every week, but,
10 usually, once a week, he would get work.

11 Q What was the typical amount that he would get
12 each of those times?

13 A It started -- like, the first few times, he
14 started with ounces and then he got a pound or two.

15 Q So he got up to a pound or two?

16 A Yeah.

17 Q That's per transaction?

18 A Yes, sir.

19 Q And just to be clear, a pound, is that about 16
20 ounces?

21 A Yes, sir.

22 Q The price that Barry Underwood paid you, how did
23 that compare to the price that Sandra Duncan was paying
24 you?

25 A Well, it was different because he just started

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 and we didn't know him, we didn't trust him like that. We
2 got to know him, so yeah, he was paying, he was paying
3 1100 an ounce.

4 Q What was Sandra Duncan paying?

5 A Sandra Duncan, she had a different price. She
6 was buying a lot of weight, so she was getting a better
7 deal.

8 Q Did there ever become a problem between you and
9 Barry Underwood?

10 A Yes, sir.

11 Q What was the problem?

12 A Well, he left one time. He claims he went to
13 Myrtle Beach. He was just not picking up the phone,
14 didn't want to answer. We didn't know where he was at,
15 what was going on. He was just stalling too much on the
16 money part. He was asking for more and more and more,
17 hey, I need you to help me out. He was always behind on
18 the money.

19 Q So he became in debt to you?

20 A Yes, sir.

21 Q How much debt?

22 A It wasn't much at the time. He owed about
23 30,000, somewhere, the maximum of 20, \$30,000.

24 Q So 20, \$30,000 of debt wasn't much?

25 A That's not -- not at the rate the money was

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 flowing in, no, sir.

2 Q All right. What did you and Chiva do about the
3 debt?

4 A Well, we went to meet him in a place in Blue
5 Ridge, a trailer he was staying at the time. He was
6 hiding at first. It took us about two or three days to
7 actually catch him there in the spot. And when we went
8 there, well, this was no talking. We just went -- he had
9 a motorcycle. He said, Well, I have this motorcycle
10 that's worth about \$30,000. It's a Harley Davidson, this
11 and that. It's all chromed out and it's worth it. Can we
12 do something with that? If I give you the bike, can you
13 still continue giving me work? I'll make sure I make it
14 up to you guys and everything.

15 Well, we repoed the motorcycle. We took
16 the motorcycle with us that day, but we didn't get no
17 work. Actually, that day, the person that was helping him
18 with the money, to put money towards his debt was a lady
19 named Dee Dee that eventually end up working with us.

20 Q All right. We'll get to her in just a second.
21 So let's focus right now on the issue with the motorcycle.
22 Who went and took possession of that motorcycle from Barry
23 Underwood?

24 A Me, Chiva, one of our drivers named Luis, and
25 two people from Georgia came.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q What happened to the motorcycle?

2 A They took it to Georgia.

3 Q All right. Do you know what happened to it
4 after that?

5 A No, sir. All he gave us that day was a pink
6 slip. He didn't want to give us the keys or nothing. So
7 we had to get a key made and this and that, so.

8 Q All right. But he gave you the title to the
9 motorcycle?

10 A Yes, sir.

11 Q So after he gave you the motorcycle, did you
12 continue to deal with Barry Underwood at all as far as
13 methamphetamine is concerned?

14 A No, sir. He thought he was going to work with
15 us and keep on working and everything. And Mario said,
16 I'm not taking no chances. I'm not working with him.

17 Q So what happened instead?

18 A Well, after we took the motorcycle, we was
19 talking to him and his girlfriend pulls up, his girlfriend
20 at the time, which was Ms. Dee Dee. That was his
21 girlfriend at the time. He told us that she was going to
22 put some money up and help him pay and give him more work
23 and everything. So we were talking -- we were leaving,
24 she comes outside and they had an argument and she said,
25 Man, I'm tired of helping him out, this and that. I got

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1 people on my own. I been doing things to help him out and
2 he don't appreciate nothing, he don't care. So she said,
3 Think about giving me a chance.

4 And that's, basically, the conversation
5 like that.

6 Q Who was part of that conversation?

7 A Me, Chiva and Dee Dee.

8 Q What arrangements did you make based on that
9 conversation?

10 A Well, we met her -- after we left the area, the
11 trailer, we met her in a parking lot in a Wal-Mart in
12 Taylors. We met her in a parking lot in Wal-Mart and she
13 brought me \$2,000. And me and Mario was in the car, I
14 gave him the money and we continued to talk. And that's
15 when we made the decision to give her a chance. We said,
16 Well, we got to know where you live and stuff like that
17 because we can't just give you the drugs and things. You
18 could run off. I don't know you. So about four days
19 later, she called me and -- we traded numbers that day and
20 she texted me an address. And we went to her house after
21 that.

22 Q All right. When you say we went to her house,
23 who are we?

24 A Me and Chiva.

25 Q And what happened at the house?

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1 A Well, we went to her house and, basically, we
2 went to the basement. And we were talking to her because
3 she had people in the house. She had her daughter and
4 other people in the house. So went to the basement and we
5 started talking to her, kind of explaining to her how
6 this, the process works. You know, we'll give you this
7 much, this is the price. We broke down the business to
8 her.

9 Q And in a nutshell, what was the business
10 explanation model you gave to her?

11 A Well, I, basically, told her, I said, Well,
12 according to how much weight you can move and need weekly
13 or daily, however, how much you can move, we'll give you
14 the price and we do the exchange, money for the drugs then
15 and there. A.

16 Nd she said, Well, I know a lot of people.
17 I been dealing, helping Barry and if you can just front me
18 something to get me started, we'll go from there. You
19 don't have to worry about fronting me anymore.

20 Q So what did you do about it after that offer of
21 her getting it on front?

22 A Well, after we talked and everything, we saw
23 where she lived and everything she explained a lot of
24 things about Dee Dee [sic] and how she was helping him and
25 what he was doing wrong and everything, then we

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1 eventually -- she ended up working with us.

2 Q What was the business relationship or
3 arrangement you had with Dee Dee once you decided to work
4 in the meth business together?

5 A Well, at first, it was like -- we started her
6 with two, three ounces because we didn't know her, like,
7 we didn't trust her like that. So we're like, Look, you
8 know all these people, whatever, you say you can move it.
9 Well, here's the first work, see how fast you can move it.
10 And that's how we started.

11 Q All right. When you say move it, does that mean
12 sell it?

13 A Yes, sir.

14 Q Was she able to sell that?

15 A Yes, sir.

16 Q You remember how long it took for her to do it?

17 A A matter of hours.

18 Q So what happened after that?

19 A Well, after that, it just -- the weight started
20 going up, we started talking, me and her, on a regular
21 basis. Me and Chiva used to show up to her place and pick
22 up the money.

23 Q What was the price that she got up to?

24 A Well, the price that she was getting, she was
25 paying about a thousand dollars an ounce, 900 to a

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 thousand dollars an ounce.

2 Q When she got up to her full capacity, if you
3 will, in the methamphetamine business with you, how much
4 methamphetamine was she getting at a time?

5 A She was getting a kilo or two at a time, which
6 is two pounds.

7 Q How often would she be resupplied?

8 A Once or twice a week. That's just an estimate
9 because I don't really remember the actual -- I know it
10 could have been more or a little bit less, but usually it
11 was more. That's just an estimate.

12 Q All right. How long did you continue to deal
13 with Dee Dee?

14 A I dealt with Dee Dee, I continued to deal with
15 Dee Dee almost until the day I got locked up.

16 Q Is that the only reason you stopped dealing with
17 her because you got arrested?

18 A Yes, sir.

19 Q All right. Did Dee Dee ever fall into debt with
20 you?

21 A Yes, sir.

22 Q Explain that.

23 A Well, we were working with Dee Dee and she had
24 her number one customer. It was a man named Danny Black.
25 Apparently, he took some work from her and didn't pay her

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 and tried to disappear on her. So she fell in debt
2 because she couldn't, basically, pay her debt because of
3 him.

4 Q So how did you resolve that?

5 A We just gave her more work. She asked me, she
6 said, Give me more work and I'm going to make this right.
7 And we trusted her because she was always on point. She
8 wasn't a person to be joking around or hey, I'll have your
9 money tomorrow and not be there. She was always straight
10 up.

11 Q All right. Was she able to work herself out of
12 debt?

13 A Yes, sir.

14 Q At the time you were arrested and your
15 relationship, business relationship with her ended, was
16 she current or did she owe you money?

17 A No, she didn't owe me no money -- well, no, she
18 did owe me money. She did owe me money.

19 Q Was it a longstanding debt or was it just from
20 the last shipment?

21 A No, it was from the last shipment. It wasn't
22 nothing that she owed behind or nothing.

23 Q Now, you mentioned somebody named Danny Black,
24 did you ever meet Danny Black?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q How did you meet him?

2 A Well, he had an incident with a stolen
3 motorcycle and he went and parked it at Dee Dee's house
4 and the police showed up. They were looking for him. So
5 after she got that cleared away, she said, Well, I know
6 where he lives. I know where we can find him, you know.
7 He's staying with his momma and I know where they're at.
8 And we got in the car and we drove to a place called
9 Cherrydale, close to Travelers Rest where he was living
10 with his mother. That's how we met him.

11 Q Why did you go through the trouble to meeting
12 Danny Black?

13 A Because he still owed the money. She was asking
14 us, Chiva, basically, to help her out with that person.
15 Because she made it all up, she paid it and everything,
16 but he was still giving her issues. And, basically, she
17 felt like he tried to set her up, so she wanted to get her
18 point across.

19 Q So she asked you to collect for her?

20 A Yeah.

21 Q Did you begin to have a business relationship
22 with Danny Black after that?

23 A Yes, sir.

24 Q Now, before we get into the details of that, do
25 you know if Danny Black had any connection to Sandra

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Duncan?

2 A Yes, sir.

3 Q What do you know about that?

4 A I've seen -- I saw him a couple of times before
5 when I was leaving pull up to Sandra Duncan's house.

6 Q But you never met him at that time?

7 A No, I didn't know his name or nothing. I just
8 seen him go in the house, pull in the house and
9 everything. I did, I did, like, talk to him one time,
10 shook his hand. He didn't know who I was or nothing at
11 first. I didn't know him, he didn't know me.

12 Q Those sightings of him at Sandra Duncan's house,
13 is that before --

14 A It was before.

15 Q -- or after?

16 A It was before I met Dee Dee.

17 Q Okay. So after you met him, was he ever able to
18 square up the debt from Dee Dee?

19 A No, sir.

20 Q Did he try?

21 A Not really.

22 Q What do you mean by that?

23 A Well, we had like three transactions with him.
24 It was minor, it was nothing major, but he was not -- he
25 just -- he didn't care about nothing, so.

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1 Q Did he fall into more debt with you?

2 A He didn't -- it wasn't a big debt, so we just
3 left it alone. I told Mario, I told him, Look, leave it
4 alone. The man lives with his parents. The house where
5 he's staying is not his house. He lives in a shed in the
6 back. So, really, if anything comes down, you're really
7 going to harm the family more than you can harm him and
8 they don't have nothing to do with it.

9 Q All right. So you had limited interaction with
10 Danny Black?

11 A Yes, sir.

12 Q All right, let's go back to Sandra Duncan.
13 During this whole time that you dealt with Dee Dee, were
14 you still dealing with Sandra Duncan?

15 A Yes, sir. That was my number one customer.

16 Q How would you compare Sandra Duncan as a
17 customer to Dee Dee as a customer?

18 A There's no comparison.

19 Q What do you mean by that?

20 A Sandra Duncan, she was on another level.

21 Q What do you mean by that?

22 A Well, she knew way too many people. It was
23 just -- she could move so much weight. It was never
24 enough for her. She knew so many people all over the
25 state, it was just easier for her to move the work than

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1 Dee Dee. Dee Dee, she has a daughter and -- so she be
2 doing other stuff, you know. She wasn't full-time
3 dedicated at first what we was doing and Sandra was.

4 Q Now, as far as Sandra Duncan is concerned, you
5 mentioned that she had people all over the state?

6 A Yes, sir.

7 Q What do you know about that?

8 A Well, she told me one time she had a house in
9 Charleston that she owned. So she had friends that used
10 to come from down there or she'll send people from here to
11 take the drugs down there.

12 Q Do you know who those people were?

13 A Well, I met one guy that was one of her runners
14 that used to go down there.

15 Q Who is that?

16 A To Charleston. A man they called Honey.

17 Q Do you know his real name?

18 A No, sir.

19 Q Do you know why they called him Honey?

20 A He was gay, sir, that was his nickname.

21 Everybody knew him as Honey.

22 Q So how did you meet him?

23 A I used to see him all the time at her house.
24 They had a good relationship. Basically, she helped out a
25 lot of people around her house. She'll take people in and

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1 feed them and clothe them and stuff like that. And he
2 used to be around the house a lot.

3 Q What do you know about -- you mentioned he was a
4 runner for Sandra Duncan?

5 A Yes, sir.

6 Q What do you know about that?

7 A Well, I'd be in there -- we'd do our business
8 with her and he'd be right there. Then she'll start
9 telling him, Just put this to the side. And she'd send
10 him off with a package.

11 Q So you were present when she gave him drugs to
12 deliver to other people?

13 A Yeah, yeah, she told us. She told us, Oh,
14 that's my runner. That's who I send down to Charleston.
15 He knows people there. I know a lot of gay people down
16 there. That's how I handle my business.

17 Q Do you know who any of the people in Charleston
18 were that he delivered to?

19 A No, sir. No, sir. Last time I saw Honey was
20 the day before he left. And I guess he got arrested down
21 there.

22 Q Do you know where he got arrested?

23 A I'm not sure, sir.

24 Q Do you know why he was arrested?

25 A Well, all the -- the only explanation Sandra

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1 gave us, because he got caught with some drugs. They set
2 him up. He got busted with some drugs.

3 Q Were those drugs that you had supplied?

4 A Yes, sir.

5 Q Was there a debt as a result of that?

6 A Yes, sir.

7 Q All right. How was that resolved?

8 A It wasn't a major, major debt at first, you
9 know. But then she told us he owed a little bit of money
10 and then the person that he was going to see was the one
11 that really owed all the money. So due to that, me and
12 her had a little fall out. I had to talk to her again.
13 Me and Mario have to show up and talk to her and
14 everything. And she asked us for another chance. She
15 worked it off like the first time.

16 Q So was she able to square the debt?

17 A Yes, sir.

18 Q So were you able -- did you do any business with
19 her after that?

20 A Yes, sir.

21 Q All right. Did her level of sales change at
22 all?

23 A No, sir. That's one of the reasons why we
24 worked it out with her because there was no issue. There
25 was no issue. You can drop off right now and come back

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 later and pick up your money. There was never no issue.

2 Q Who else do you know that Sandra Duncan was
3 supplying with methamphetamine?

4 A I mean, people that I seen that used to go in
5 and out. I mean, a lot of people, a lot of people.

6 Q Anyone that you know?

7 A She introduced me to a guy that came from down
8 there from Charleston, he was a -- from what she explained
9 to me, he was in the real estate business. He was going
10 to come buy directly from us. She was going to set us up
11 to do the business transaction.

12 Q Did that ever happen?

13 A No, sir. He picked up a package one time, but
14 we were there. It was not -- it was her dealings with
15 him. She just introduced me to the guy.

16 Q You didn't have any further dealings with that
17 person?

18 A No, sir.

19 Q All right. Was there a particular reason why
20 not?

21 A We just never had time to really work with
22 her -- work with him, really. It was just me and her
23 directly. I was already too busy doing too much stuff, my
24 job. I had too much stuff going on. Really, she -- we
25 didn't have a need to go really mess with nobody else

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1 because she was enough.

2 Q Now, during the course of what we've been
3 discussing, was Sandra Duncan considered your customer or
4 Mario, Chiva's customer?

5 A Basically, I say our customer because we were
6 all working for Chiva at first. We was all working with
7 Chiva. Every time I go up, show up, everything, I get the
8 money, I take a picture, write everything down and go take
9 it straight to him. The same thing, if the drivers drop
10 off the drugs and they pick up money, same thing, it go
11 back to Chiva. Same process.

12 Q Did that eventually change?

13 A Yes, sir.

14 Q How did it change?

15 A Well, me and my father-in-law, we had a falling
16 out. Again, we ran into a issue. And some people came
17 from Georgia and they called me from Mexico and they
18 changed the situation or whatever. They split us up.

19 Q What was the fall out?

20 A Money, money issues. Because Mario wasn't --
21 Chiva wasn't paying them all that money. He was playing
22 around with money stuff, that what it is.

23 Q What kind of dollar amounts are we talking about
24 here?

25 A A lot of money, sir.

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1 Q What's a lot of money to you?

2 A Well, you know, a hundred thousand, stuff like
3 that. That's, basically, what the debt was. He was
4 claiming that the shipment -- Miguel got busted, his
5 number one runner, and he's claiming that he lost all that
6 product and that money that day. And it was just lies.
7 So he come to me and tell me, Man, listen, you need to
8 help me. We need to do this and we need to do that.
9 We're going to get more work.

10 I be like, How, how is it possible?

11 And he said, Well, I mean, we got to do it,
12 it ain't no option. You just going to let my head roll?

13 I said, I ain't go nothing to do with that.
14 I'm doing everything you ask me. I got record of
15 everything. We got pictures of the work, the money. You
16 should be able to keep yourself in order.

17 But he never cared. It was not a person --
18 mine and his relationship was -- I guess he never liked me
19 since the beginning, you know. Me and he never really --
20 the only time he talked to me was when we was doing
21 business. Other than that, it wasn't no friendly, good
22 relationship even though --

23 Q So is that when that relationship with you Chiva
24 fell apart?

25 A Yes, sir.

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1 Q Who intervened?

2 A Well, he put a hit on me.

3 Q Who did?

4 A Chiva put a hit on me.

5 Q When you say put a hit on you, what does that
6 mean?

7 A Yes, sir, well, he had a couple of his people
8 supposedly that he paid and they were going to kill me.

9 Q Obviously, they didn't?

10 A No, sir.

11 Q But what happened?

12 A Chacas intervened. He called me from Mexico.
13 He said, Listen, I want you to explain to me your side of
14 the situation, of the story because I know you've always
15 been straight up and you ain't never give me no problems.
16 And I'm fed up with Chiva because first, it was him and
17 Alejandro and there was a lot of money missing there and a
18 lot of drugs missing there. I've been having these issues
19 with him for years. Now, you're working with him and now
20 you're having these issues with him, so I really want to
21 know what's going on.

22 And I told him what was going on.

23 Q What did you tell him?

24 A I told him straight up, I said, Listen, man,
25 this is what I'm doing. This is -- I told him everything

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1 I do, what I was in charge of doing, how I was asked to do
2 it. I explained all that to him. And I told him, I said,
3 I'm just -- I'm tired. Ain't nothing that I can do that's
4 right. He's always going to complain. I don't know
5 what's going on with the money because I don't send it to
6 you personally. So once it goes to his hands, I don't
7 have no control over that. Whatever decision he does,
8 however he handles his part, that's on him. There's
9 nothing I can do. And y'all don't understand that. Y'all
10 just apply pressure and say more, more, more, do this, do
11 this, do that, but ain't nobody -- who's going to listen
12 to me, what I got going on? I got a family, too. I got
13 things I got to do.

14 Q This is Chacas directly you're talking to?

15 A Yes, sir. Yes, sir. We had a phone
16 conversation.

17 Q So what happened as a result of that
18 conversation?

19 A As a result of that conversation, sir, they
20 split us up.

21 Q Who did?

22 A Chacas. Chacas called Chiva and he had a phone
23 meeting with him and they split us up. Chacas told me,
24 From here on out, you're going to handle your side and
25 you're going to report directly to me. You're going to

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1 start meeting people that work for me under this cell,
2 that work under me under your cell. You're going to start
3 meeting these people and they're going to start supplying
4 you with enough drugs to keep all your customers happy.
5 He said, I'm going split him. He's going to do his own
6 thing and I'm going to find out. That way, I can get to
7 the bottom of how is all this money missing, how are the
8 drugs getting missing, how am I losing in my business.
9 That's exactly what the conversation was about.

10 Q So is that the time when you began, as you
11 stated, dealing directly with Chacas, that you started
12 meeting with the other individuals in the cell that you
13 spoke about yesterday?

14 A Yes, sir. I talked to a lot of them on the
15 phone, but I ain't never met them, like, physically met
16 them. It was just like friendship through the phone and
17 business. That was all until it came to a point in time
18 where they were all -- now, we were reporting to Chacas.
19 They knew who I was and all reporting to me, talk back and
20 forth and everything. They were all providing for me.

21 Q So at that point when you were split from Chiva,
22 did you then begin to have more direct contact with the
23 supplier?

24 A Yes, sir. Yes, sir. I have a question. Can I
25 draw -- can I draw another sketch up to the point where I

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1 was working by myself, how everything resulted in the end,
2 how everybody was placed in the end?

3 MR. UNDERWOOD: Actually, Your Honor, I think at
4 this point, we might have reached probably a good
5 spot for the jury's first break.

6 THE COURT: Okay. All right, y'all ready for a
7 break?

8 THE JURY: Yes.

9 THE COURT: All right, we'll go ahead and take a
10 break. Don't discuss the case. We'll bring you out
11 in just a few minutes.

12 (WHEREUPON, the jury left open court at
13 approximately 10:15 a.m.)

14 THE COURT: All right, we'll be at break for ten
15 minutes.

16 Again, Mr. Assad, as I told you yesterday, don't
17 discuss any of your testimony with the lawyers. If
18 you want to step down and go back, that will be fine.

19 (WHEREUPON, a short break was taken.)

20 THE COURT: All right, is the State ready?

21 MR. UNDERWOOD: Yes, sir, Your Honor.

22 THE COURT: Defense ready?

23 MR. HODGE: Yes, sir, Your Honor.

24 THE COURT: Mr. Assad, are you ready?

25 THE WITNESS: Yes.

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1 THE COURT: All right.

2 (WHEREUPON, the jury entered open court at
3 approximately 10:35 a.m.)

4 THE COURT: All right. Mr. Underwood, you may
5 proceed.

6 MR. UNDERWOOD: Thank you, Your Honor.

7 BY MR. UNDERWOOD:

8 Q Mr. Assad, just before we took the last break,
9 you had mentioned you wanted an opportunity to draw
10 another sketch similar to what you did yesterday; is that
11 right?

12 A Yes, sir. Because in the beginning, it was --
13 Alejandro was involved in the first case, so I know it's
14 kind of confusing. So now, I want to verify, make another
15 sketch how I was working, how we were operating, me and
16 all these individuals, when Alejandro was not in the
17 picture.

18 Q So you want to show the difference between them?

19 A Yes, sir.

20 MR. UNDERWOOD: If I may approach the witness,
21 Your Honor?

22 THE COURT: You may.

23 BY MR. UNDERWOOD:

24 Q Mr. Assad, here's a sheet of paper and a marker.
25 If you need more paper, just let us know. And we can go

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1 ahead and discuss it kind of as you're doing it, sort of
2 how we did yesterday?

3 A Yes, sir.

4 Q So, Mr. Assad, you stated that you split off
5 with Chiva and went into sort of running your own business
6 in South Carolina. How did that structure, the
7 organization develop from that point? You mentioned
8 things had changed?

9 A Yes, sir.

10 Q Let's talk about how it changed.

11 A Well, I started meeting more people.

12 Q Wait a minute, let's move that microphone closer
13 to you.

14 A I started -- like I was saying, sir, I started
15 meeting more people. Now, I was meeting key players in
16 the business. I would talk to them on a daily basis and I
17 answered directly to Chacas in Mexico. I didn't have to
18 answer to nobody down here. I didn't have to answer to
19 Chiva no more or nothing. It was direct contact between
20 me and him in Mexico.

21 Q All right. When you say him in Mexico, that's
22 Chacas?

23 A Yes, sir.

24 Q All right. I'll give you a second to sketch.

25 (WHEREUPON, there was a brief pause.)

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1 Mr. Assad, briefly, in general terms, how did
2 the structure change as you know it -- as you
3 knew it when you split off from Chiva?

4 A Well, when they split us up, like I said, I had
5 key players now, three main people that were in charge of
6 supplying me. That's why the structure changed because I
7 didn't have to go through nobody. I didn't have to call
8 Chiva and say hey, you need to contact somebody, we need
9 work, nothing. I just called Mexico directly and he'll
10 call one of them and they'll call me or I'll call them
11 directly. Just go ahead and call them and tell them what
12 you need. That's why it changed.

13 Q So you could either call Mexico and Mexico would
14 arrange it or you could call people that you were
15 supplying directly?

16 A Yes, sir.

17 Q You mentioned there were three key people. Who
18 were those three key people?

19 A Chencho, Chema and Chico.

20 Q Now, was there ever any individual that went by
21 the name of Javier?

22 A He was involved in the beginning. In the
23 beginning -- that's Tunco. He goes by Tunco.

24 Q So Tunco and Javier are the same person?

25 A Yes, sir, it's the same person. That's why I

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1 had to redraw this sketch because I didn't have nothing to
2 do with him no more after that.

3 Q So on the original sketch you did yesterday,
4 this was State's Exhibit No. 18, where you wrote Tunco --

5 A Yes, sir.

6 Q -- right under Chacas, that is Javier?

7 A Yes, sir.

8 Q Okay.

9 (WHEREUPON, State's Exhibit No. 60 was marked
10 for identification only.)

11 BY MR. UNDERWOOD:

12 Q Mr. Assad, the sketch that you've just created,
13 is that what's now been marked as State's Exhibit No. 60?

14 A Yes, sir.

15 Q All right.

16 MR. UNDERWOOD: May I publish, Your Honor?

17 THE COURT: Any objection?

18 MR. HODGE: No objection.

19 THE COURT: All right.

20 (WHEREUPON, State's Exhibit No. 60 was
21 published.)

22 BY MR. UNDERWOOD:

23 Q Mr. Assad, if you can slide over a little bit so
24 you don't get hit by that projector.

25 A (The witness complies.)

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1 Q All right. Mr. Assad, if you could explain the
2 structure at the time that you split off from Chiva.

3 A By the time I split up, I put the three key
4 players in the middle. Me and Chiva split up, that's why
5 I put him to the side. I was getting work from Chico,
6 Chema, Chencho and Chavo.

7 Q All right. Now, on this particular sketch, you
8 have Chavo kind of with two arches between Chico and
9 Chencho?

10 A Yes, sir.

11 Q Explain what you meant by that.

12 A Because that's the people that he worked.
13 That's how I met him.

14 Q That's how you met who?

15 A He was working with Chico and Chema.

16 Q That's how you met Chavo?

17 A Yes, that's the people he was working with. I
18 met him through Chico.

19 Q And that person, Chavo, is that the Defendant in
20 this case, David Barajas?

21 A Yes, sir.

22 Q Same man sitting at the table over here?

23 A Yes, sir. He was one of my providers, yes, sir.
24 I put Chencho and Chico, I connect them to Tolini and
25 Chacas because Chencho answered to Chacas, but he was also

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1 working with Little Gordo. That's where his money --
2 he'll send the money to Gordo. And that's how they
3 arranged it, they had another arrangement. But he was
4 getting work from Gordo to bring to me under Chacas order.
5 And the same with Chico, Chico get work from Tolini and
6 answer to him, but under Chacas order. They were both
7 connected.

8 Q On this particular sketch, you left off Tunco
9 under Chacas?

10 A Yes.

11 Q If I can put up Exhibit No. 18, right here,
12 Tunco, that person Tunco, that's the same person as
13 Javier, is that what you're saying?

14 A Yes, sir.

15 Q But by the time you had split off, you didn't
16 deal with him anymore?

17 A No, sir. No, sir.

18 Q All right. Thank you. So, Mr. Assad, at this
19 point, how did the introductions begin? You said that
20 Chacas was introducing you to the key players?

21 A Yes, sir.

22 Q How did that go about?

23 A After we had a meeting and everything, he gave
24 me some numbers and said, Call these people, they're
25 waiting on your call. They're all people that work for

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1 me. The people that's been working with you without him
2 not knowing. Chiva knows these people. He's been working
3 with most of them. He knows them. So now, since I'm
4 splitting you up, it's time for you to meet them.

5 Q Was it your understanding that Chiva was
6 continuing to deal with those same people at the same time
7 you were?

8 A From what I understood, yes. They just split us
9 up. But I don't know exactly -- because he had his own
10 operation going. He had his own people and everything. I
11 can't really say yes or no because I was just focused on
12 my part of the deal.

13 Q But you had your part, you weren't taking over
14 for Chiva, you were getting your own customers?

15 A Yeah. And they split us up. After the second
16 debt, they split us up and I continued doing my thing and
17 paying them my part of the debt, whatever I had going on,
18 make sure everything was going straight. That's why he
19 introduced me to all these players.

20 Q Was David Barajas one of those players?

21 A Yes, sir.

22 Q What is your understanding of how the
23 methamphetamine was being supplied to you? What's the
24 supply chain, if you will?

25 A Well, it was coming from Mexico to the border of

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1 Texas. They're crossing the border of Texas. Tolini,
2 that was what he was in charge of. They were bringing it
3 to the border of Texas and they were crossing it and then
4 giving it to Chico and his people in Texas, in Dallas,
5 Texas.

6 Q Then what happened?

7 A From there, they'll start shipping it to
8 Georgia, Texas, other places, Alabama, other states.

9 Q What about the methamphetamine that was
10 specifically coming to you? Do you understand or do you
11 know the chain where it came from?

12 A Like I said, it came from Chencho, from Chico.
13 It's all from the same people.

14 Q All right. So it would come across the border
15 of Texas?

16 A Uh-huh.

17 Q And then come to Eastover, Georgia, and then up
18 to you?

19 A Yes, sir.

20 Q How did the methamphetamine get to you from
21 Georgia? Did you go get it?

22 A No, sir. We hired drivers to go and pick up.
23 They were just people on call that we'd call and say hey,
24 we need you to go pick up a shipment and bring it back to
25 South Carolina.

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1 Q How many of those runners did you have?

2 A Three.

3 Q Who were they?

4 A The first one was Juan Espinoza, the second one
5 was Luis.

6 Q What was Luis's last name?

7 A Flores.

8 Q All right.

9 A The third one, it was just a man -- his name is
10 Alejandro, but we call him Alejo.

11 Q So your three runners were Juan, Luis and Alejo;
12 is that right?

13 A Yes, sir.

14 Q In that order?

15 A Yes, sir.

16 Q Did -- was it only one runner at a time or were
17 they all working for you --

18 A No, sir, they were all working back to back,
19 going different places at the same time sometime.

20 Q What kind of jobs did you give them to do?

21 A Their job was to go pick up the shipment. Once
22 I called and I needed to provide the people with drugs, I
23 call them and tell them to go pick up the shipments in
24 Georgia. I'd just call them and ship them addresses.
25 Give them the addresses that they gave me and phone

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1 numbers. And they started going to Georgia picking up.

2 Q So what would happen after they would make a
3 pick up in Georgia?

4 A They would come back, bring the package and I
5 weigh it in front of them. I just weigh it so they can
6 know that everything is good and they leave. They get
7 paid and leave.

8 Q So how did you pay your runners?

9 A Cash.

10 Q Did you ever pay them in drugs?

11 A No, sir.

12 Q Why not?

13 A Because that was not part of the deal. We were
14 not allowed to touch drugs for personal use.

15 Q So did that rule apply to everyone in the
16 organization?

17 A On my end, it did. That's just how I was taught
18 to do it. I can't change because everything is already a
19 developed system. You can't do the drugs and work for
20 these people. That's not how it works.

21 Q So did you ever use methamphetamine?

22 A No, sir.

23 Q So this was strictly a business for you?

24 A Yes, sir.

25 Q What kind of work did your runners do in South

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1 Carolina aside from going to Georgia and picking up
2 shipments?

3 A Well, Luis, Luis, he didn't have a job for some
4 time. He was a bouncer here and there. One of them
5 worked for a construction company. Alejo was helping his
6 dad in -- I guess they have a trucking company.

7 Q Did they ever do any other jobs for you other
8 than making trips to Georgia?

9 A Not for me, no.

10 Q Did they ever have any interaction with your
11 customers?

12 A Yes, sir.

13 Q What was that?

14 A Well, when I had too much things going on at
15 once, I sent them to go take the weight directly to the
16 customers.

17 Q Who would those customers be that they would
18 deal with?

19 A Sandra Duncan, Dee Dee. That's my main two that
20 they actually dealt with several times.

21 Q Did they ever pick up money for you?

22 A Yeah.

23 Q So they would both -- I guess, three jobs so far
24 you've listed. They would go to Georgia and pick up
25 shipments for you; is that right?

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1 A Yes, sir.

2 Q And they would bring it back to you?

3 A Yes, sir.

4 Q They would take methamphetamine to your
5 customers from time to time?

6 A Yes, sir.

7 Q And they would pick up money from your customers
8 from time to time?

9 A Yes, sir.

10 Q All right. Does that apply to all three of your
11 runners?

12 A Yes, sir.

13 Q Please explain to the jury now specifically how
14 you would make the arrangements with those individuals you
15 put on your sketch to get methamphetamine?

16 A Well, what I would do is I would call Mexico and
17 report the books and everything, the progress and
18 everything, how's everything going. Then he'll get in
19 contact with them and then they call me or he'll tell me
20 call this person today, call this person tomorrow, call
21 this person the next day. They have a lot of work lined
22 up and ready for me.

23 Q And when you say call this person and call that
24 person, who are the people we're talking about?

25 A Chico, Chema, Chavo, Chencho.

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1 Q Was there any one of those individuals that you
2 dealt with more often than the others or was it equally
3 spread around?

4 A It was equally spread around.

5 Q Did you ever make any trips to meet with them in
6 person?

7 A I only drove to Georgia -- I only been down
8 there like two or three times, me, myself physically and
9 meet them. My job was to stay here and make sure
10 everything was working on here. It's not my job to go
11 down there and meet people. The drivers were actually the
12 ones that met more people, more of their runners, more
13 people that work with them. Like, if I send them to Chavo
14 or I send them to Chencho, they had other people that
15 works with them there and they got to meet more people.

16 Q So there was an even larger network than the
17 main players that you put on your sketch?

18 A Yes, sir. I just know they're the main players,
19 that's who I had contact with.

20 Q But you met all those individuals in person?

21 A Yes, sir.

22 Q Starting with Chencho, how did you first meet
23 him?

24 A He had some work that he needed me to take from
25 his hands because he was moving from North Carolina to

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1 Georgia. So Chacas called me one day and said, Look, I
2 want you to meet this person that's been working with me
3 and help him out with a situation he have now. It will
4 benefit you. Instead of having to go get work, he has
5 enough work now because he needs to relocate.

6 Q At that time, were you still involved with
7 Chiva?

8 A No, sir.

9 Q At that point when you first started dealing
10 with Chencho, you were already separated?

11 A Yes.

12 Q Did Chiva deal with Chencho prior to that to
13 your knowledge?

14 A The first time we talked on the phone and
15 everything, yes, they was working, but he wouldn't talk to
16 me, he would only talk to Chiva. In the beginning, these
17 people didn't really have contact with me. I wasn't
18 allowed to really talk to them. I go to Chiva for
19 everything.

20 Q How many times do you recall talking to Chencho
21 directly about setting up methamphetamine deals prior to
22 you being picked up by the police?

23 A We did about eight transactions. The last one
24 was here in South Carolina.

25 Q And that last one, was that involving law

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1 enforcement?

2 A Yes, sir.

3 Q So the ones prior to that when you would do a
4 transaction with Chencho, how did that typically work?

5 A I call Chencho and he'll have the work ready and
6 he'll tell me to send one of the drivers. And I would
7 just send a driver and they would pick up the work.

8 Q When you say work, we're talking about
9 methamphetamine still?

10 A Yes.

11 Q How much methamphetamine would you get per
12 transaction from Chencho?

13 A I can't really -- it was no less than two pounds
14 at a time. But I can't really put a number to it.
15 Sometimes it was way more, sometimes it was just three or
16 four pounds.

17 Q On the low end, at a minium, it was always, at
18 least, two pounds?

19 A Yes, sir.

20 Q And at times, it would be more?

21 A Yes, sir. Because that's what they refer to as
22 a kilo. So it's two pounds, two pounds and some change is
23 what they call a kilo.

24 Q So minimum order was one kilo?

25 A Yes, sir.

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1 Q Was that the same minimum for the other players
2 that you put on your chart?

3 A Yes, sir.

4 Q Is that the same minimum for when you dealt with
5 Chavo, David Barajas?

6 A Yes, sir. Yes, sir, they don't move no less
7 than that. You can't just go and buy one pound from them.
8 It doesn't work that way.

9 Q Do you recall which of your runners would have
10 dealt with Chencho?

11 A I know Luis. Luis is the main one that dealt
12 with Chencho. And I know Alejo, Alejo dealt with him.
13 But Luis was the main one.

14 Q Now, let's talk about your dealings with David
15 Barajas, who you knew at that time as Chavo?

16 A Yes, sir.

17 Q How did you make arrangements with him? Did you
18 go directly to him or did you go to the person you call
19 Chico?

20 A I was introduced to Mr. Barajas through Chico.

21 Q Through Chico?

22 A Through Chico. Said he's been working with me
23 for years. That is a person that I trust. He's working
24 for me, with me in Georgia and he's going to supply you
25 with anything you need. He has a lot of my work and

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1 stock. You just go straight to him.

2 Q So is that what you did?

3 A Yes, sir.

4 Q How would you contact David Barajas?

5 A I would call him on cell phone number.

6 Q What kind of arrangements did you work out with
7 him?

8 A The same thing. When I needed weight, he'll
9 have it ready for me and he'll tell me to send a driver.

10 Q When you said you needed weight, again, what are
11 we talking about?

12 A No less than a kilo.

13 Q Kilo of what?

14 A Methamphetamine, sir.

15 Q How often would you deal with David Barajas in
16 those kinds of transactions?

17 A Well, we did several transactions. It would be
18 two, three times a week. We did several transactions.

19 Q Did he have the same minimum amount that you
20 describe with Chencho?

21 A Yes, sir.

22 Q What was the most that you would ever get from
23 David Barajas at a time?

24 A Well, two, three kilos. And that was just --
25 from one kilo to three kilos, that was like the average,

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1 some six pounds and some change. But that is just him.
2 You know, at the same time, I had drivers going to meet
3 other people.

4 Q Who were your drivers that would deal with David
5 Barajas?

6 A Luis and Alejo. And he met Juan one time.

7 Q Did you ever meet David Barajas in South
8 Carolina?

9 A No, sir. The last time only when -- when I
10 talked to him -- the last time that I heard for him before
11 I got locked up, we got that one last shipment from him, I
12 had to meet him. I went and met him in Georgia.

13 Q Where did you meet him in Georgia?

14 A They sent us an address.

15 Q Who is they?

16 A He sent me an address where --

17 Q Who is he?

18 A Him and Chema.

19 Q So David Barajas and Chema sent you an address?

20 A They sent me an address. They told me to go
21 meet him there so they can finally meet me physically
22 instead of talking on the phone and this social media
23 stuff, so they can finally meet me face-to-face and we can
24 establish a better relationship.

25 Q All right. Do you remember where that was in

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Georgia?

2 A I don't remember exactly, sir, the place.
3 Because I was not familiar with going to Georgia at all.

4 Q Did you go all the way to Atlanta?

5 A Yes, sir. We went to Atlanta with -- I went
6 with an agent and I did a controlled buy.

7 Q Is that the same time or is that a different
8 time?

9 A No, that's the last time that I had any dealings
10 with him.

11 Q All right. Is that the time that you went with
12 law enforcement?

13 A Yes, sir.

14 Q Was there ever a time that you went down there
15 without law enforcement?

16 A No, sir. No, sir.

17 Q So prior to that, your contact with him was how?

18 A Through the phone.

19 Q And what else?

20 A Talk to each other every other day and just
21 check him on Facebook. I gave him my wife's, at the time,
22 Facebook. I said, Look, you can just look at her page so
23 you can see who I am. Of course, I know your people say
24 I'm straight, so just you can see who I am. He told me, I
25 got a Facebook, too. You can check the page. This is

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 what I look like. We was just working through the phone.

2 All our contact was through the phone.

3 Q So when you finally met him in person, was the
4 person that you physically saw in front of you the same
5 person that was on Facebook?

6 A Yes, sir.

7 Q Mr. Assad, you mentioned earlier that several
8 times at some point, you got in trouble with the police;
9 is that right?

10 A Yes, sir.

11 Q How did that from your perspective take place?

12 A From my perspective?

13 Q Yes. What's your understanding of what was
14 going on?

15 A When I got arrested?

16 Q Yes.

17 A When I got arrested, well, I was dealing with a
18 man name Kirby from Travelers Rest. Actually, he had the
19 confidential informant that busted me. He made the bust.
20 A man that I used to call mechanic that used to be around,
21 used to fix cars. Really, I made the decision to
22 cooperate. It was my decision.

23 Q So in short, though, you got caught selling
24 methamphetamine; is that correct?

25 A Yeah. When I got arrested, when they came and

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 busted in my house and everything, I was being
2 investigated for methamphetamine. My actual charge was a
3 distribution charge before the conspiracy.

4 Q All right. Now, ultimately, Mr. Assad, were you
5 charged in this case with several crimes?

6 A Yes, sir.

7 Q And those crimes include trafficking
8 methamphetamine 400 grams or more in kind of a conspiracy
9 situation?

10 A Yes, sir.

11 Q Another couple of trafficking 10 to 28-grams; is
12 that right?

13 A Yes, sir.

14 Q And then an arson charge; is that correct?

15 A And an arson charge, yes, sir.

16 Q All right. Are all those charges still pending
17 against you?

18 A Yes, sir.

19 Q Have you entered into any kind of plea agreement
20 or discussions with myself or anybody from the State on
21 how to dispose of those?

22 A No, sir. I've been incarcerated going on five
23 years this next month. Ain't nobody made no offers, no
24 deals, no nothing. Like I said, when I decided to
25 cooperate and open up the case, it was because I was

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 tired. I couldn't deal with this no more. That was my
2 only option, my only way out.

3 Q Just to be clear, have I or anyone else made you
4 any promises?

5 A No, sir. Nobody ever made no promises to me,
6 nothing.

7 Q Then why are you testifying here today?

8 A Like I said earlier, sir, because I was tired of
9 this whole situation. It was too much pressure on me. I
10 was losing my family. I had too much going on. First of
11 all, I wasn't raised for this. I ain't never got in no
12 trouble. I didn't have no -- never got in trouble, like,
13 no major trouble back at home. And I come here and my
14 life changed, you know. I had too many problems with my
15 girl at home because of her father and the pressure from
16 her family. I did not have a happy home. I was a
17 prediabetic. It was just too much for me, too much
18 pressure. Always do this, do that, you got to do this,
19 you got to do that. And there was nothing for me. I
20 couldn't do nothing for myself.

21 Q All right. So when law enforcement came and
22 searched your house, at that time, did you agree to
23 cooperate with them?

24 A Yes, sir.

25 Q What does that cooperation include, what kind of

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 things did you do with the police?

2 A I had to make controlled buys, busts, basically.

3 Q Did you agree to give information to the police
4 about what you had done?

5 A Yes, sir. Basically, I started everything. I
6 started everything. They didn't know nothing. They --
7 what was expected of me by my father-in-law and by all
8 these people was for me to just take this charge and get
9 15 to 25 years and they was going to get me an attorney
10 and make sure my daughter and my girlfriend was straight,
11 my wife at the time was straight, and just ride it out for
12 them. That was their understanding of how things should
13 have worked. You shut your mouth and you do all this time
14 for us and we're going to make sure you're straight no
15 matter where you go in prison. What triggered my
16 decision, sir, was the threats.

17 Q What threats?

18 A By my ex-father-in-law, by Chiva. You know, he
19 put a hit on me once. And I got -- I'm glad that Chacas
20 interfered. If not, I wouldn't be here today.

21 Q So that's the same threat you testified about
22 earlier?

23 A Yes, sir.

24 Q Now, Mr. Assad, when you started dealing
25 directly with Chacas, he was in Mexico; is that right?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 Q How did he get his money?

3 A I would go to these local Mexican stores or I
4 would drive around all over Greenville. And you can send
5 money through phone transactions. You can send money like
6 that. You pay for the service and they'll wire the money
7 and turn dollars into pesos while they're shipping it to
8 any place in Mexico.

9 Q Where would you ship the money for Chacas?

10 A Michoacan, Mexico.

11 Q So you would ship those to Michoacan?

12 A Yes, sir.

13 Q What names would you use?

14 A I use random people's names that he give me. He
15 would send me the text or when I talk to him on the phone,
16 he'll give me somebody's name that is going to go collect
17 this money for him. He had runners. That was their job,
18 just go collect the money.

19 Q Now, when law enforcement came and they searched
20 your home, did they find any cash?

21 A Yes, sir.

22 Q Where did that money come from?

23 A Well, some of it was legal. Most of it was drug
24 money.

25 Q Most of it was drug money?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 Q Did they find any receipts about these wire
3 transfers you talked about?

4 A Yes, sir, they found wire transfer receipts in
5 my car.

6 Q I'm handing you what's been premarked as State's
7 Exhibit No. 17. Can you take a look through those
8 documents?

9 A (The witness complies.)

10 Q You recognize those?

11 A Yes, sir.

12 Q What are those?

13 A Those are the receipts found in my car.

14 Q Are those the receipts for when you would wire
15 money to Chacas in Mexico?

16 A Yes, sir.

17 MR. UNDERWOOD: Your Honor, at this time, I
18 would offer State's Exhibit No. 17 into evidence.

19 THE COURT: Any objection?

20 MR. HODGE: No objection, Your Honor.

21 THE COURT: All right, in without objection.

22 MR. UNDERWOOD: Permission to publish, Your
23 Honor?

24 THE COURT: You may.

25 (WHEREUPON, State's Exhibit No. 17 was admitted

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 into evidence.)

2 (WHEREUPON, State's Exhibit No. 17 was

3 published.)

4 BY MR. UNDERWOOD:

5 Q Now, Mr. Assad, on the box here where it has the
6 sender, there's a name Gustavo Flores. Who is that?

7 A That's just a name that I used to be able to
8 send the money.

9 Q Gustavo Flores was you?

10 A Yeah. At that time, yeah.

11 Q And what about the receiver, here where it has a
12 Victoria Martinez Pelito?

13 A That's the person that he would send to pick up
14 the money in Mexico. The way it works, after I make the
15 transaction, you see it says -- [indiscernible] -- that's
16 a pin number. I'd call him back and say here's the pin
17 number. And then he would give it to the person, which in
18 this case, was a lady, and she'll go give them the pin and
19 they'll give her the money.

20 Q Similar situation with this receipt?

21 A Yes, sir.

22 Q And the next page?

23 A Yes, sir.

24 Q Now, we're up to page -- it's got a little
25 marker, 503?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 Q Same kind of situation?

3 A Yes, sir.

4 Q Just so that everyone can understand, what do
5 these different dollar amounts mean? How does this
6 process work?

7 A They change dollars into pesos. When they
8 receive it over there, they receive more money because
9 it's in pesos. It's not in dollars.

10 Q Because of the transfer rate?

11 A Because of the transfer rate, yes, sir.

12 Q Same here?

13 A Yes, sir.

14 Q On Page 504 and, again, on 505?

15 A Yes, sir.

16 Q Finally, again, on 506?

17 A Yes, sir.

18 Q Now, Mr. Assad, you mentioned that you were
19 asked to do controlled buys. What are controlled buys?

20 A Controlled buys, basically, you call the people
21 and make contact with them and make a transaction,
22 basically. They give me the drugs and I give them some
23 money or they just going to give me the drugs.

24 Q So when you agreed to do that, what was the
25 scope of what you were going to try to do?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Well, I was going to call everybody I knew and
2 get weight from everybody, get drugs from everybody.

3 Q All right. Were there any complications in
4 doing that?

5 A No. No.

6 Q Were there any worries from the people that you
7 were contacting?

8 A Yeah. If I had worries, yeah, I did.

9 Q Were they worried for any reason?

10 A No, sir, they trusted me fully. Because like I
11 said, when I was working by myself, I didn't give them no
12 issues. I made sure everything was on point. I used to
13 do that everyday no less than five times a day. Wiring
14 money, that was my main job. Make sure that Chacas
15 received his money.

16 Q Did the people you were dealing with in the
17 methamphetamine trade know that you had been arrested?

18 A No, sir.

19 Q Did they know about the search happening at your
20 house?

21 A Yeah, they knew about the search happening in my
22 house. Chacas knew.

23 Q All right. How did Chacas know if he's in
24 Mexico?

25 A Through my father-in-law. Because Chiva would

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 always complain to him, why you split us up, this and
2 that, always talk bad about me. But, you know, the work I
3 did for him by myself, it spoke for itself. I had always
4 everything on point. I couldn't miss no shipment. I had
5 to make sure his money was there on point. I had to make
6 sure the people would receive the product, everything.

7 Q Now, in order to set these different
8 transactions up, what did you do?

9 A Well, I called them and I told them I was going
10 to Georgia to buy a dog. That was the whole story. I'm
11 going to Georgia to a special breeder to buy a bulldog for
12 my daughter. She been wanting one of these dogs, so
13 that's what I'm going to do.

14 Q So that was the story that you used?

15 A That was the story that I gave Chacas, I gave
16 Chico, that I gave Chavo and Chencho.

17 Q So does that explain why you did a controlled
18 buy in Georgia?

19 A Yes, sir.

20 Q That was your reason for being there?

21 A Yes, sir.

22 Q These calls that you're referring to, did you
23 just on your own sit in your house and make these phone
24 calls?

25 A No, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q How did that work?

2 A I was in the office.

3 Q What office?

4 A I was in the SLED office. And they asked me to
5 call them and I called and make the whole transaction like
6 that. I tell them, Hey, I'm on my way, I'm headed to
7 Georgia. You know, we can arrange something while I'm
8 down there to pick up some work.

9 Q Ultimately, did you do a controlled buy in
10 Georgia?

11 A Yes, sir.

12 Q Who did you buy the methamphetamine from when
13 you did that buy in Georgia? We'll talk more in detail
14 about it later, but who did you buy from on that
15 transaction?

16 A Chavo.

17 Q When you say Chavo, is that the Defendant in
18 this case, David Barajas?

19 A Yes, sir, him and Chema were present.

20 Q They were both together?

21 A Yes, sir.

22 Q Did you do any controlled buys here in South
23 Carolina?

24 A Yes, sir.

25 Q Who was that involving?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Chencho came from Georgia. He got on a bus and
2 brought me methamphetamine into South Carolina.

3 Q All right. Anyone else?

4 A Yes, sir. Chico drove from Texas to meet me in
5 person because he was having problems with Chavo and
6 Chema, to bring me the drugs physically himself.

7 Q Well, you mentioned that they were having
8 problems?

9 A Yes, sir.

10 Q Let's rewind a little bit. What do you know
11 about how Chico -- do you know Chico's real name?

12 A No, sir.

13 Q All right. So the man you know as Chico, how do
14 you know or what do you know about his relationship with
15 David Barajas?

16 A Can I make a point, sir? I didn't know his
17 name, his actual real name at the time. When I was
18 incarcerated, he was there. So I know his real name now,
19 but I did not know it at the time.

20 Q Who are you referring to?

21 A Isaias Arias.

22 Q And who's the nickname?

23 A Chico.

24 Q So you know Chico's real name now, but you
25 didn't at the time?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A No, sir, not at the time.

2 Q So what was your understanding of the
3 relationship between Chico, Isaias Arias, and Chavo, David
4 Barajas?

5 A Well, they were working together. But my
6 understanding was that Chavo came from Texas to work in
7 Georgia with Chico. Chico would send him the shipments
8 and he was in charge to pick everything up there and
9 distribute to the people.

10 Q So your understanding is that they already had a
11 working methamphetamine relationship?

12 A Yes, sir.

13 Q Do you know if they had any kind of personal
14 relationship beyond that?

15 A From the way they used to talk in the beginning,
16 they were good friends. They knew each other. David's
17 brother knows Chico real well. His brother was staying in
18 Texas at the time, so they know each other real well.

19 Q All right. Do you know who David Barajas's
20 brother is?

21 A No, sir. I never got to meet him. I never had
22 no contact with him. That was just what was told to me
23 while I was working with him.

24 Q Was he involved in the methamphetamine business?

25 A I don't know, sir. I cannot answer.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q What's your understanding of how the operation
2 worked between Chico and David Barajas?

3 A Well, Chico was getting drugs in Texas and
4 shipping them to Georgia to David.

5 Q Then what was David supposed to do with the
6 methamphetamine?

7 A Distribute to all the people. To all the people
8 that they had working with them, or for them.

9 Q What caliber of people were being supplied by
10 David Barajas? Was he selling to any users?

11 A Not that I know because they don't -- Chico
12 doesn't -- they don't work that way.

13 Q How do they work?

14 A You got to buy -- like I say, you can't buy no
15 less than a kilo. Users don't buy that much usually.
16 They buy ounces and grams and stuff like that. So it's
17 different.

18 Q All right. Now, to your understanding, did
19 David Barajas supply methamphetamine to other people
20 besides yourself?

21 A Yes, sir.

22 Q Where would that take place?

23 A That would be in Georgia. All over Georgia.

24 Q Would that methamphetamine be further
25 distributed in Georgia by those people?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 Q What about with you?

3 A I call -- like I said, I call him on the phone
4 or call Chico and they'll set it up and they'll tell me to
5 send a driver. They will give me an address where the
6 driver will show up and meet them and pick up from them.

7 Q Did David Barajas know where you were?

8 A Yes, sir.

9 Q Where were you?

10 A Here in South Carolina.

11 Q Did he know that?

12 A Yes, sir.

13 Q Did he know that the methamphetamine was coming
14 back to you here in South Carolina?

15 A Yes, sir. We had prior discussions before that
16 because he wanted to move down here. He wanted to come
17 see how everything was down here.

18 Q David Barajas did?

19 A Yes, sir.

20 Q So was he aware that you were selling his
21 methamphetamine in Greenville County?

22 A Yes, sir. They were told since the day -- they
23 were told before I made contact with them.

24 Q By who?

25 A By Chacas. Chacas and Chico told them. They

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 already knew.

2 MR. UNDERWOOD: Court's indulgence, Your Honor.

3 (WHEREUPON, there was a brief pause.)

4 BY MR. UNDERWOOD:

5 Q So, Mr. Assad, when you agreed to cooperate with
6 law enforcement, you described making a number of phone
7 calls; is that right?

8 A Yes, sir.

9 Q To your knowledge, were those calls recorded?

10 A Yes, sir.

11 Q And have you had an opportunity to review disks
12 containing copies of those calls?

13 A Yes, sir.

14 Q Are we talking about one or two calls or are we
15 talking about a lot of calls?

16 A No, it was a lot of calls.

17 Q Were they all to the same person?

18 A No, sir.

19 Q Who were the different people that you made
20 these controlled phone calls to?

21 A Chacas, Chico and Chema.

22 Q Anyone else?

23 A And Chavo.

24 Q Did you make any calls to Chencho?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q Were all these different calls recorded?

2 A Yes, sir, they were all recorded.

3 Q All right. Mr. Assad, I want to show you a
4 number of exhibits.

5 A Yes, sir.

6 Q First batch would be State's Exhibit 19 through
7 State's Exhibit 28. Take a look at those, please.

8 A (The witness complies.)

9 Q Is each one of these exhibits a separate CD or
10 DVD?

11 A Yes, sir.

12 Q All right. Do each of these disks contain
13 separate recorded calls between yourself and the person
14 you were then referring to as Chavo?

15 A Yes, sir.

16 Q All right. Have you had a chance to review the
17 audio file on each of those disks?

18 A Yes, sir.

19 Q How do you know that it's the same disks?

20 A Because I signed them, sir.

21 Q Is that with the initials EA?

22 A Yes, sir.

23 Q Did you do that on each and every one of these
24 disks?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q All right. Now, I want to show you another
2 batch. This will be State's Exhibit 29 through State's
3 Exhibit 37. Take a look at those, please.

4 A (The witness complies.)

5 Q All right. Do you recognize each of those
6 disks?

7 A Yes, sir.

8 Q All right. Do these disks each contain audio
9 files, one per disk, that are controlled calls that you
10 made with the person you then knew as Chico?

11 A Yes, sir.

12 Q Have you reviewed each one of those?

13 A Yes, sir.

14 Q Have you initialed each one to show that?

15 A Yes, sir.

16 Q All right. The next batch of calls will be
17 State's Exhibit 38 through State's Exhibit 46. Please
18 review those.

19 A (The witness complies.)

20 Q If you could, try to keep them in order, if you
21 can.

22 A Okay.

23 Q You recognize each of those?

24 A Yes, sir.

25 Q Are those disks containing audio files of phone

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 calls you made with the person you know as Chacas?

2 A Yes, sir.

3 Q Have you reviewed each one?

4 A Yes, sir.

5 Q All right. Do your initials bear that on each
6 disk?

7 A Yes, sir.

8 Q Next batch, State's Exhibit 47 through State's
9 Exhibit 51. Take a moment to review those.

10 A (The witness complies.)

11 Q This next batch, are these all disks bearing
12 additional controlled calls made to the person you know as
13 Chacas?

14 A Yes, sir.

15 Q Have you reviewed the audio file on each disk?

16 A Yes, sir.

17 Q Do your initials on each disk bear that?

18 A Yes, sir.

19 Q Now, State's Exhibit 52 and State's Exhibit 53,
20 are those additional calls that you made with the person
21 you knew as Chacas?

22 A Yes, sir.

23 Q Did you review the audio files on this disks?

24 A Yes, sir.

25 Q Did you initial both disks to show that?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir, I did.

2 Q And last, but not least, State's Exhibit 54, 55,
3 56 and 57, you recognize those items?

4 A Yes, sir.

5 Q All right. Are those disks containing audio
6 calls that you made to the person you knew as Chencho?

7 A Yes, sir.

8 Q Have you had a chance to review the audio files
9 on each of those disks?

10 A Yes, sir, I did.

11 Q Did you initial each disk to show that?

12 A Yes, I did.

13 Q Mr. Assad, all of these exhibits that I've just
14 shown to you, these audio files, you reviewed all of them;
15 is that correct?

16 A Yes, sir.

17 Q Does each and every one of these audio files
18 fairly and accurately reflect conversations that you had
19 with those individuals?

20 A Yes, sir.

21 Q All right. Has the substance of those
22 conversations been edited or altered in any way?

23 A No, sir.

24 Q All right. So these are fair and complete
25 recordings?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 MR. UNDERWOOD: Your Honor, at this time, I
3 would seek to admit into evidence State's Exhibit 19
4 through 57.

5 THE COURT: Any objection?

6 MR. HODGE: No objection.

7 THE COURT: What numbers?

8 MR. UNDERWOOD: 19 through 57, Your Honor.

9 THE COURT: All right. In without objection.
10 (WHEREUPON, State's Exhibits Nos. 19-57 were
11 admitted into evidence.)

12 BY MR. UNDERWOOD:

13 Q Now, Mr. Barajas -- excuse me, Mr. Assad, was
14 Mr. Barajas one of the individuals that you spoke with?

15 A Yes, sir.

16 Q And that's the calls that are labeled as?

17 A With Chavo.

18 Q With Chavo. All right. Now, as far as your
19 cooperation was concerned with setting up what you
20 referred to as controlled buys or controlled purchases,
21 was the first that you did with the person that you knew
22 as Chencho?

23 A No, sir.

24 Q All right. Who was the first one that you
25 remember doing?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A The first one I did was Chavo.

2 Q Let me ask you another question in a different
3 way. Who was the first person that you reached out to set
4 up the deals?

5 A I called Chacas.

6 Q You called Chacas first?

7 A Yes, sir, I called Chacas first.

8 Q All right. And what was the purpose of that
9 conversation?

10 A The purpose of the conversation was for me to
11 get product, for me to get drugs.

12 MR. UNDERWOOD: Court's indulgence, Your Honor.

13 Permission to publish some of these as we go along?

14 THE COURT: Yeah, that will be fine.

15 BY MR. UNDERWOOD:

16 Q Beginning with State's Exhibit No. 38.

17 (WHEREUPON, State's Exhibit No. 38 was
18 published.)

19 BY MR. UNDERWOOD:

20 Q Whose voice was that right there?

21 A Chacas.

22 Q Who is the latter voice, the second voice?

23 A That's me.

24 (WHEREUPON, State's Exhibit No. 38 was continued
25 to be published.)

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 BY MR. UNDERWOOD:

2 Q And Mr. Assad, a housekeeping issue, I guess,
3 these calls, what language are all of them in?

4 A Spanish, sir.

5 Q Why are they in Spanish, not English?

6 A Chacas don't speak English or he don't like
7 speaking English. He's comfortable speaking Spanish only.

8 Q What about the other people you talk to on these
9 calls?

10 A They all speak Spanish and English. Everybody
11 else speaks Spanish and English, but we always spoke in
12 Spanish.

13 Q So, typically, all your dealings with them prior
14 to your cooperation, you always spoke in Spanish?

15 A Yes, sir.

16 Q So if you would have spoken in English, would
17 that have been different than usual?

18 A Yes, sir.

19 Q Mr. Assad, what we'll do is we'll listen to a
20 little bit of a call and then we'll stop and have you
21 explain for those of us who don't speak Spanish what
22 you're talking about and then we'll continue to play and
23 go forward that way. If you have trouble hearing it, let
24 us know and we'll try to arrange the speakers.

25 A Okay.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 (WHEREUPON, State's Exhibit No. 38 was continued
2 to be published.)

3 BY MR. UNDERWOOD:

4 Q Did the phone call disconnect?

5 A (The witness nods.)

6 Q Did you have to reestablish the connection a
7 second later, a minute later?

8 A Yes, sir.

9 (WHEREUPON, State's Exhibit No. 38 was continued
10 to be published.)

11 BY MR. UNDERWOOD:

12 Q All right. So far, what have you talked about?

13 A We introduced each other to say hey, good
14 morning, say hello. And I told him I had somebody who
15 wanted three kilos.

16 And he said, Hey, your wife called me and
17 said that you were locked up.

18 (WHEREUPON, State's Exhibit No. 38 was continued
19 to be published.)

20 BY MR. UNDERWOOD:

21 Q What about this block?

22 A I was explaining to him, I said, No, everything
23 is fine. It was the same incident from last time. It was
24 nothing major. That's why I'm calling you back.

25 And he said, I want to make sure that

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 everything is good. As long as you all right, then
2 everything's all right.

3 What I referred to as an incident was when
4 I had to take a polygraph test here downtown for arson
5 charge, for the arson charge.

6 Q Is that the same arson charge that we discussed
7 earlier?

8 A Yes, sir.

9 Q And that's still pending?

10 A Yes, sir.

11 (WHEREUPON, State's Exhibit No. 38 was continued
12 to be published.)

13 BY MR. UNDERWOOD:

14 Q Now, we're at about three minutes into the
15 recording, what are you talking about now?

16 A I told him I got -- what I referred, I got that
17 stuff, I got the money to send you, basically. He just
18 wanted to make sure -- he keep on asking me make sure
19 everything all right. I'm telling him that it's the same
20 process. I say they always knock on the door and bother
21 you. You know how the police are, basically. I'm just
22 going to move out of this apartment.

23 (WHEREUPON, State's Exhibit No. 38 was continued
24 to be published.)

25

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 BY MR. UNDERWOOD:

2 Q Now, we're at three minutes, 48 seconds into the
3 recording. What are you talking about here?

4 A I just told him, I said, I got the money to send
5 you. I got that to send you. You know, it's -- I told
6 him, It's just a small town. You know how it is, the
7 police coming. Just the same thing, just going through
8 the bullshit with him, basically.

9 (WHEREUPON, State's Exhibit No. 38 was continued
10 to be published.)

11 BY MR. UNDERWOOD:

12 Q So at this point, what did you finish discussing
13 with Chacas?

14 A I told him to send me the names of the people
15 that I got to send the money to in Mexico so they can go
16 pick it up. I told him, I called you one time last night,
17 but it wasn't late. And that's it.

18 He said, Okay, let me give you the other
19 number you have on the cell phone and I'll send you the
20 numbers. And then --

21 (WHEREUPON, State's Exhibit No. 38 was continued
22 to be published.)

23 BY MR. UNDERWOOD:

24 Q Whose voice was that?

25 A That was Agent Tyrel.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q Agent Tyrel Woodring?

2 A Yes, sir.

3 Q And do most of the calls have that same format
4 where at some point, he says the date and time?

5 A Yes, sir.

6 Q Then following that, did you then have a short
7 discussion with the agents about what you talked about?

8 A Yes, sir.

9 Q All right. You were translating for them in
10 English?

11 A Yeah.

12 Q What you had just talked about in Spanish?

13 A Yes, sir.

14 Q And is that, essentially, the same information
15 you just relayed to us as we're going along?

16 A Yes, sir. Sometimes I made it a little bit
17 shorter, but it's the same.

18 Q So what you told them was a summary, not a
19 word-for-word?

20 A Yeah, not a word-for-word. Most of the time, I
21 just did like a summary of the whole conversation.

22 MR. UNDERWOOD: Your Honor, in interest of time,
23 for those portions, if there's no objection from
24 counsel, go ahead and not publish those portions
25 since he's testifying about it as we go along.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Unless the Defense would like to hear those.

2 MR. HODGE: On these phone calls where my client
3 is not an issue, I don't have a problem with it for
4 expedition. Later on, if my client becomes involved,
5 I probably will want to make sure the same
6 translation is given both times.

7 MR. UNDERWOOD: Now, we're going to move on to
8 State's Exhibit 39.

9 (WHEREUPON, State's Exhibit No. 39 was
10 published.)

11 BY MR. UNDERWOOD:

12 Q Who are the two voices that we hear?

13 A My voice and Chacas.

14 (WHEREUPON, State's Exhibit 39 was continued to
15 be published.)

16 BY MR. UNDERWOOD:

17 Q At this point, we're one minute into the
18 recording. Tell the jury what you were saying and what
19 Chacas was saying.

20 A I was telling him that I didn't receive no
21 messages with nobody's name on it yet, that I didn't see
22 his message. That I didn't know if I couldn't receive the
23 message because I was on the phone talking to him or what.
24 He said, Well, don't worry about it. You still going to
25 receive my messages.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 (WHEREUPON, State's Exhibit No. 39 was continued
2 to be published.)

3 BY MR. UNDERWOOD:

4 Q All right. Now, we're at 1:48 into the
5 recording. What were you saying and what was he saying to
6 you?

7 A I told him, Well, at least, send me one name now
8 so I can wire you the money, at least, send one person now
9 and send me the rest later. He was trying to spell out
10 the person's name.

11 Q Could you make out -- whose name is he spelling
12 out?

13 A Just somebody who was going to go pick up the
14 money.

15 Q Is that anyone that you knew?

16 A No, sir.

17 (WHEREUPON, State's Exhibit No. 39 was continued
18 to be published.)

19 BY MR. UNDERWOOD:

20 Q All right. Now, about three minutes into the
21 recording. What were you discussing and what was he
22 telling you?

23 A Well, I was telling him that the name was too
24 long. I said, That's an ugly, long name.

25 He said, Well, let me give you another

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 name.

2 He, basically, gave me another name. I was
3 spelling it out, writing it down.

4 He said, You want me to send you another
5 name?

6 I said, No, one will be enough for now.

7 (WHEREUPON, State's Exhibit No. 39 was continued
8 to be published.)

9 BY MR. UNDERWOOD:

10 Q All right. We're now three minutes, 50 seconds
11 into the recording, what were each of you saying in this
12 portion?

13 A I was telling him -- he asked me to -- I asked
14 him for an address so I can send him stuff. So part of
15 that, I had bought some stuff. He gave me a list of stuff
16 he wanted, laptops and stuff like that, to buy for him. I
17 told him I needed the address where I was going to mail it
18 from here in Mexico.

19 Q Why were you buying that kind of stuff for him?

20 A He asked me for a favor.

21 Q Why did he need that kind of a favor from you?

22 A Because he didn't have nobody go do that kind of
23 stuff for him. So I was already on my way to the mall, so
24 I told him one day, I said, I got you, I'll do it.

25 He said, Yeah, I'll pay you. Go ahead and

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 do it for me. I want you to buy this and this. It's for
2 my daughter's birthday.

3 Q Do they not have malls in Michoacan?

4 A Well, the stuff is twice as expensive. Like
5 phones and stuff, cell phones over there is very
6 expensive.

7 Q So it's cheaper for you to get it and send it to
8 him?

9 A Yes, sir.

10 Q Anything else that you discussed in that
11 portion?

12 A Yeah, I told him, I said, What are we going do?
13 Like, I got people ready, I need some work. That's when
14 he said -- I said, I'm going to call the driver, that's
15 who I referred to, to see if he's ready because I got
16 people bugging me.

17 Q And you say work, is that, again, a reference to
18 methamphetamine?

19 A Yes, sir.

20 (WHEREUPON, State's Exhibit No. 39 was continued
21 to be published.)

22 BY MR. UNDERWOOD:

23 Q Now, four minutes, 52 seconds into the
24 recording, what were each of you just discussing?

25 A Well, I told him, you know, Chencho's bullshit,

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 call somebody else so I can get some work.

2 And then he said, All right, I'm going to
3 call somebody right now. I need you to send that money so
4 I can give it to my people down here. I'll get the other
5 load ready.

6 Q Did you mention the name Chencho?

7 A Yes, sir.

8 Q All right. How did Chencho come up in that
9 conversation?

10 A Probably that I been talking to him and Chencho.
11 And I'd call him and he'd tell Chencho to get ready. But
12 another conversation, Chencho just been -- basically,
13 playing around, basically. He wasn't serious about it.

14 Q That's what you were telling Chacas?

15 A That's, basically, what I was telling him.

16 Q So you're referencing other attempts that you
17 were making to speak to Chencho?

18 A Yes.

19 (WHEREUPON, State's Exhibit No. 39 was continued
20 to be published.)

21 BY MR. UNDERWOOD:

22 Q We're now six minutes, 12 seconds in, what were
23 each of you talking about there?

24 A He was giving me a list of names so I can wire
25 the money to him. And he made a reference one time, he

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 said, I'm going to call my guy so he can get everything
2 ready for you.

3 (WHEREUPON, State's Exhibit 39 was continued to
4 be published.)

5 BY MR. UNDERWOOD:

6 Q Again, that last voice that we heard, was that
7 Agent Woodring?

8 A Yes, sir.

9 Q What was the substance of the last portion of
10 the conversation with you and Chacas? What were each of
11 you saying?

12 A I told him that I needed a minimum of two kies
13 as soon as possible. And he said, Okay. Once you wire
14 that money, I'm going to pay my people down here and get
15 the next shipment from here down over there to you.
16 That's what we were referring to.

17 Q All right. Now, at the end of the call where
18 Agent Woodring is talking about the date and time, he also
19 read off another series of numbers. What are those
20 numbers?

21 A That's the -- when he recorded it?

22 Q Yes. The other numbers, is that a phone number?

23 A No, no. He didn't write no --

24 Q No, no, no, when he's saying it out loud?

25 A Oh, yes, he was telling me -- yeah, that's

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 what --

2 Q No, not writing down, when he says it out loud.

3 A Yeah, yeah, that's what he's referring to.

4 Q Now, there were more digits there than a typical
5 United States phone number; is that right?

6 A Yes, sir.

7 Q Is this a phone number in Mexico?

8 A Yes, sir.

9 Q Is that why there's more digits, international
10 code and things like that?

11 A Yeah, you got to put the area code first, the
12 Mexico area code, and then the phone number.

13 Q All right. So you were discussing with Chacas
14 about information to wire money to him, right?

15 A Yes, sir. And, also, to get a package.

16 Q As far as the wiring of the money, did you under
17 the supervision of SLED make that happen?

18 A Yes, sir.

19 Q What did you do?

20 A We went to two local stores. An agent was with
21 me at the time, right next to me, and I did a transfer
22 just like I always do.

23 MR. UNDERWOOD: Your Honor, permission to
24 publish State's Exhibits 2, 3, and 4?

25 THE COURT: Yes, that's fine.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 BY MR. UNDERWOOD:

2 Q All right. Mr. Assad, if you can see on the
3 screen, it's just now starting to brighten up. This is
4 State's Exhibit No. 4. Do you recognize that?

5 A Yes, sir.

6 Q All right. Is that one of the wire transfers
7 that you sent to Chacas that you just discussed in the
8 phone call?

9 A Yes, sir.

10 Q Now, State's Exhibit No. 2, is that another one
11 of the transfers pursuant to the phone call?

12 A Yes, sir.

13 Q State's Exhibit 3, recognize that one as well?

14 A Yes, sir.

15 Q Is that also one of the transfers that you made
16 after this phone call?

17 A Yes, sir.

18 Q All right. Thank you. And, again, on each of
19 those, did you use the same alias of Gustavo Flores?

20 A Yes, sir.

21 Q Next recording is going to be State's Exhibit
22 No. 40.

23 (WHEREUPON, State's Exhibit No. 40 was
24 published.)

25

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 BY MR. UNDERWOOD:

2 Q We're now one minute, 51 seconds into the
3 recording. Who are the voices that we heard?

4 A I'm the loud voice, then Chacas is the other
5 voice.

6 Q What were each of you saying in that portion of
7 the call?

8 A He was telling me that he already called
9 Chencho. I told him that was good because I needed to
10 work. Then I asked him for the names.

11 Q What names are you referring to?

12 A To send him the code.

13 (WHEREUPON, State's Exhibit No. 40 was
14 continued to be published.)

15 BY MR. UNDERWOOD:

16 Q Now, we're about two minutes and 50 seconds into
17 the recording. What were each of you just talking about?

18 A I was reading the name, under whose name I sent
19 that money. And I told them I have to write out the pin,
20 the code, because they need a code. When they show up,
21 they need that code. Once they give that code, they
22 receive the money. That's the transaction we was
23 discussing. I gave him the name and the pin and I told
24 him how much I send him in dollars and he told me how much
25 -- I told him how much he was going to receive in pesos.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q And did we hear the name Gustavo Flores
2 mentioned in there?

3 A Yes, sir.

4 Q What was that name mentioned?

5 A I told him I'd send it under that name, Gustavo
6 Flores.

7 (WHEREUPON, State's Exhibit No. 40 was continued
8 to be published.)

9 BY MR. UNDERWOOD:

10 Q All right. Now, four minutes, 11 seconds into
11 the recording, what were each of you discussing in that
12 portion?

13 A I told him that I was going to -- I gave him the
14 code and everything and I told him that I was going to go
15 send the rest of the money.

16 He said, Okay, I need you to send it
17 because that way, I can give it to my people here so he
18 can leave towards your way. Or if not, I'm going to have
19 two ready for you. He said, I already called and talked
20 to Chencho. We were just trying to organize about the
21 package. And then he asked me about the stuff that I buy,
22 which was the laptops and stuff, if I was going to send
23 that.

24 I told him, Yeah, they didn't take nothing,
25 so I'm going to send that to you.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 (WHEREUPON, State's Exhibit No. 40 was continued
2 to be published.)

3 BY MR. UNDERWOOD:

4 Q In that discussion, was there mention of how
5 much methamphetamine you were supposed to be getting?

6 A Yes, sir. That's what he refers to two, that's
7 what that means, that's two kilos.

8 Q Who was supposed to be bringing it?

9 A Chencho.

10 Q Chencho?

11 A Yeah.

12 Q Next recording is State's Exhibit No. 41.

13 (WHEREUPON, State's Exhibit No. 41 was
14 published.)

15 BY MR. UNDERWOOD:

16 Q All right, at this point, whose voices do we
17 hear?

18 A Mine and Chacas.

19 (WHEREUPON, State's Exhibit No. 41 was continued
20 to be published.)

21 BY MR. UNDERWOOD:

22 Q A minute, four seconds into the recording, what
23 are each of you talking about at this point?

24 A I told him if Chencho can't bring it, then I can
25 go over there and pick it up. That way, me and him could

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 sit down and talk about certain stuff.

2 Q You and who?

3 A Me and Chencho.

4 He said, Well, I'm trying to call somebody
5 else right now to get some more ready for you, but they're
6 not picking up. Let me try to keep on calling, I call you
7 back right.

8 I said, Well, let me know. If they can't
9 bring it, I'll go over.

10 (WHEREUPON, State's Exhibit No. 41 was continued
11 to be published.)

12 BY MR. UNDERWOOD:

13 Q Now, we're at 1:39 in the recording. What are
14 you talking about?

15 A I'm telling him that I need that because people
16 got their tax money return and now's a good time to come
17 up. I need the money, you know what I'm saying, I need
18 some money. So it would be a good time to make money now.

19 He said, Well, call Chencho so you can meet
20 up with him. I'm going to try to call somebody else so
21 they can have more work for you.

22 (WHEREUPON, State's Exhibit No. 41 was continued
23 to be published.)

24 BY MR. UNDERWOOD:

25 Q What was that last portion of the call?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Last portion of the call, he said he was going
2 to keep on trying to call the other person that he was
3 going to call to bring the work. And he said he was going
4 to call the person to go pick up the money that I sent
5 him. Please try to send him the rest of money.

6 (WHEREUPON, State's Exhibit 41 was continued
7 to be published.)

8 BY MR. UNDERWOOD:

9 Q Again, is that Lieutenant Woodring?

10 A Yes, sir.

11 Q Now, let's skip over to what's been marked as
12 State's Exhibit No. 54.

13 (WHEREUPON, State's Exhibit No. 54 was
14 published.)

15 BY MR. UNDERWOOD:

16 Q All right. Who was the first voice we heard?

17 A The first voice was mine.

18 Q Who's the second voice? Is that a new person?

19 A Yeah, that's a different person.

20 Q Who is that?

21 A Can you play it again?

22 Q Sorry, I didn't give you much time to hear it.

23 (WHEREUPON, State's Exhibit No. 54 was continued
24 to be published.)

25 THE WITNESS: That's Chencho.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 BY MR. UNDERWOOD:

2 Q Sir?

3 A That's Chencho.

4 Q Chencho?

5 A Uh-huh.

6 (WHEREUPON, State's Exhibit No. 54 was continued
7 to be published.)

8 BY MR. UNDERWOOD:

9 Q We're 1:07 into the recording, what else are you
10 talking about?

11 A I asked him if he was going to come down here
12 with the product.

13 He said that he was leaving at three
14 o'clock. He said, I'll call you when I'm on my way.

15 And then I asked him, I said, Please don't
16 call the other guys, the drivers and let them know that
17 you're coming because they're mad at the fact that you
18 have to bring it instead of them going over there. Just
19 don't call them.

20 He said, Okay. Let's try to make it quick.

21 I said, We'll talk when you get here.

22 Q So is this after those conversations that you
23 had with Chacas?

24 A Yes, sir.

25 Q At this point, for context, have you already

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 made arrangements for a deal to happen?

2 A Yes, sir.

3 (WHEREUPON, State's Exhibit No. 54 was continued
4 to be published.)

5 BY MR. UNDERWOOD:

6 Q 2:05 into the recording, what were each of you
7 talking about up to this point?

8 A I told him, When you get here, we're going to
9 have a chat with Jefe, which means -- I was referring to
10 Chacas.

11 He said, He already told me I can talk to
12 you about get him some good marijuana, some good
13 marijuana.

14 That's what I refer as gren'uva.

15 Q As what?

16 A Gren'uva.

17 Q Can you spell that?

18 A Gren'uva, G-R-E-N, with the apostrophe, U-V-A.

19 Q Is that a reference to marijuana?

20 A Yes, sir.

21 Q When you say Jefe, what does that mean?

22 A That means boss.

23 (WHEREUPON, State's Exhibit No. 54 was continued
24 to be published.)

25

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 BY MR. UNDERWOOD:

2 Q At this portion, is this you talking to

3 Lieutenant Woodring?

4 A Yes, sir.

5 (WHEREUPON, State's Exhibit No. 54 was continued

6 to be published.)

7 BY MR. UNDERWOOD:

8 Q Do you recognize that voice? Is that another

9 one of the agents that was there?

10 A Yes. Sounds like Max.

11 Q I'm sorry?

12 A Sounds like Max.

13 Q Is that Max Dorsey?

14 A Yeah, that's what it sounds like.

15 (WHEREUPON, State's Exhibit No. 54 was continued

16 to be published.)

17 BY MR. UNDERWOOD:

18 Q Again, was that Lieutenant Woodring?

19 A Yes, sir.

20 Q All right. One more short recording for this

21 portion of your testimony, Mr. Assad, and then we'll have

22 you discuss what happens surrounding these recordings.

23 This will be State's Exhibit 55.

24 (WHEREUPON, State's Exhibit No. 55 was

25 published.)

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 BY MR. UNDERWOOD:

2 Q Who are the two voices that we hear?

3 A That's me and Chencho.

4 (WHEREUPON, State's Exhibit No. 55 was continued
5 to be published.)

6 BY MR. UNDERWOOD:

7 Q That's about one minute in, what is it that
8 you're talking about?

9 A He told me, Did you call the boss?

10 I said, Yes, I called the boss and I let
11 him know -- I talked to him and I let him know that you
12 just -- same way, you came, dropped off and got right back
13 on the bus.

14 Q All right. So this is after the transactions
15 happened?

16 A Yes, sir.

17 (WHEREUPON, State's Exhibit No. 55 was continued
18 to be published.)

19 BY MR. UNDERWOOD:

20 Q 1:50 into the recording, what was that last
21 portion?

22 A Last portion, I was telling him, I'll call you
23 later. I said, Hey, man, where you at? You just got
24 there?

25 He said, No, I'm still on the way, man.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 That bus stop -- I told him, The bus stop
2 is too much. Then I said, I'll let you know something.

3 He said, Well, let me know, call me back
4 later.

5 Q So at this point, he's on his way back to where
6 he come from on the bus?

7 A Yes, sir.

8 (WHEREUPON, State's Exhibit No. 55 was continued
9 to be published.)

10 BY MR. UNDERWOOD:

11 Q Obviously, that's a different voice, right?

12 A Yes, sir, that's Scott.

13 Q Scott Gardner.

14 A Yes, sir, that's Scott.

15 (WHEREUPON, State's Exhibit No. 55 was continued
16 to be published.)

17 BY MR. UNDERWOOD:

18 Q All right, Mr. Assad. So, briefly, let's go
19 through the events that surrounded these calls that we
20 just listened to. Was there an effort with you and law
21 enforcement to arrange for a controlled purchase of
22 methamphetamine from the person known as Chencho?

23 A Yes, sir.

24 Q Tell the jurors what the plan was, how you set
25 up that transaction to take place?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Well, the original plan was going to take place
2 in Georgia. I was going to go down there and pick up from
3 there, but we couldn't. It couldn't happen that way. So
4 I had called and made arrangements for him to bring it
5 down here. He agreed. We went to the bus stop station,
6 me and Mr. Scott Garner, SLED agent. We were sitting in
7 the vehicle. He got out of the bus --

8 Q Who got off the bus?

9 A Chencho got off the bus. He had a backpack
10 where he had the stuff. He got in the back of the
11 passenger seat of the car and we did the transaction in
12 the vehicle. I just introduced Scott as my friend, a
13 friend of mine. That's how we did the hand-to-hand
14 transaction.

15 Q What was given to you by Chencho?

16 A He gave me methamphetamine. Gave me some drugs.

17 Q Did you give him any money?

18 A Yes, sir.

19 Q Do you remember how much?

20 A If I'm not mistaken, a thousand dollars.

21 Q And again, you're accompanied by Special Agent
22 Scott Gardner?

23 A Yes, sir.

24 Q Was he in an undercover capacity?

25 A Yes, sir.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q What happened after -- let's go into a little
2 more detail. When Chencho got off the bus, did he
3 immediately come to your vehicle or did anything else
4 happen?

5 A We're were looking first where he was at. Then
6 I got off, sat back down in the car. When he saw me, he
7 came into the vehicle.

8 Q Did you discuss anything with him?

9 A Yeah, we were talking, I was talking to him.
10 After he gave me the weight that he brought me, he gave me
11 additional -- he just gave me some extra ounces of
12 methamphetamine. He said if I can get rid of them for him
13 because that was his stuff personally.

14 Q So he gave you what he was told by Chacas?

15 A Yes, sir.

16 Q All right. Then there was a little bit extra
17 that was his?

18 A Yes, sir.

19 Q Had he ever done an arrangement or a transaction
20 like that before?

21 A Yes, sir.

22 Q So he had come to South Carolina before?

23 A Yes, sir.

24 Q Do you remember how many times?

25 A Not exactly, sir, because in the beginning, like

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 I said, he was working for Chiva, he used to come see him.

2 Q But it was regular when he was in with Chiva to
3 come to South Carolina with it?

4 A Yeah, but that's when he was living in North
5 Carolina, yeah.

6 Q So he had been willing to travel before, this
7 wasn't the first time?

8 A Yes, sir.

9 Q All right. After he got into the car and he
10 gave you the methamphetamine, what happened next?

11 A He got off, got right back on the bus and we
12 drove off. After we made sure that he got on the bus and
13 left, we drove off.

14 Q What was your understanding of where he was
15 coming from?

16 A He told me he was coming from Marietta, Georgia.

17 Q What was your understanding where he was going
18 back to?

19 A To the same place.

20 Q Did he get back on the same bus?

21 A Yes, sir.

22 Q Do you know if he was alone or if anyone was
23 with him?

24 A I don't know, sir.

25 Q What happened to the -- well, the

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 methamphetamine that he gave you in the car, how was it
2 packaged?

3 A It was in a bag in Tupperware.

4 Q It was in Tupperware and then that was in a bag?

5 A Yes, sir.

6 Q Did he give it to you? Did he give it to Agent
7 Gardner? What did he do?

8 A He gave it to me. He put it right there in
9 between us.

10 Q What happened to the drugs after that, after he
11 got out of the car?

12 A Agent Gardner kept them.

13 Q So Agent Gardner kept them?

14 A Yes, sir.

15 Q At any point, did you keep them?

16 A No, sir.

17 Q Did you take anything out of it?

18 A No, sir.

19 Q Before this happened, were you ever searched by
20 law enforcement before you did this transaction?

21 A Yes, sir.

22 Q All right. Did you have any drugs or money on
23 you at that time?

24 A No, sir.

25 Q What about after the transaction was over and

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Agent Gardner took possession of the drugs, did they
2 search you again?

3 A Yes, sir.

4 Q Did they find any drugs or anything on you at
5 that time?

6 A No, sir.

7 Q Did you take any of the drugs that you were
8 given?

9 A No, sir.

10 Q Did you take any of the money?

11 A No, sir.

12 Q And the last time you saw that methamphetamine
13 that you got from Chencho, where was it?

14 A In the console of the vehicle.

15 Q Who had possession of it?

16 A I did when I grabbed it and then I gave it to
17 Scott.

18 Q So you got it and immediately gave it to Agent
19 Gardner?

20 A Uh-huh.

21 MR. UNDERWOOD: Your Honor, I think we've
22 reached a good point to take our lunch break.

23 THE COURT: All right. We've been going for a
24 while here, so we're going to take a lunch break.

25 It's 12:20, so if you'll be back in here -- if I give

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 y'all to 1:30, will that be enough time for
2 everybody? All right. Be back in your jury room at
3 1:30. Don't discuss the case. Don't do any
4 research. Don't pay any attention to media. If
5 anybody contacts you other than the clerk's office,
6 please let the bailiff know. We'll see you back
7 after lunch. Thank you.

8 (WHEREUPON, the jury left open court at
9 approximately 12:27 p.m.)

10 THE COURT: All right, Mr. Assad, as I told you
11 before, you're not to discuss your testimony with
12 anybody or with the attorneys. And we'll see you
13 back after lunch. You may step down.

14 So what is your schedule as far as other
15 witnesses and so forth?

16 MR. UNDERWOOD: Judge, as discussed yesterday, I
17 do have some out-of-state witnesses that are probably
18 waiting for me in the hallway now, Your Honor. My
19 plan is to elicit a little bit more testimony from
20 this witness and then to pause his testimony, to
21 bring in the out-of-state Georgia witnesses for that
22 pertinent part of the testimony that I still need to
23 elicit. Call those three witnesses, which I expect
24 to be rather short. It's two police officers and a
25 chemist. I don't believe that any of their testimony

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 would be extraordinarily long. Then resume with
2 Mr. Assad.

3 THE COURT: What are you looking like for
4 scheduling?

5 MR. UNDERWOOD: Your Honor, I think that
6 Mr. Assad will --

7 THE COURT: As far as the week? I mean, it
8 looks like. . .

9 MR. UNDERWOOD: I think that Mr. Assad will
10 probably take up a good portion of the rest of
11 afternoon. Then we'll get into some additional lay
12 witnesses. One or two of them will be a little bit
13 long, but nowhere near as long as Mr. Assad. And the
14 remainder of the witnesses will be relatively
15 comparatively short. I'm hopeful that I can get
16 through by Friday.

17 THE COURT: All the testimony?

18 MR. UNDERWOOD: I'm crossing my fingers, Your
19 Honor.

20 THE COURT: All right. I mean, I'm just trying
21 to -- it doesn't look like we're going to get it to
22 the jury on Friday.

23 MR. UNDERWOOD: It's not looking likely, but
24 we'll do our best.

25 THE COURT: Are we going to listen to every one

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 of these?

2 MR. UNDERWOOD: Most of them, Your Honor, yes.

3 THE COURT: Seems like there could be some
4 summary or somehow they could be done in a better
5 fashion, but that's up to you.

6 All right. See everybody back at 1:30.

7 (WHEREUPON, a lunch break was taken.)

8 THE COURT: All right, the State ready?

9 MR. UNDERWOOD: If I could have 30 seconds to
10 coordinate with our court reporter, Your Honor?

11 THE COURT: All right.

12 (WHEREUPON, State's Exhibits Nos. 61-63 were
13 marked for identification only.)

14 MR. UNDERWOOD: State's ready to proceed, Your
15 Honor.

16 THE COURT: All right.

17 (WHEREUPON, there was a brief pause.)

18 THE COURT: All right, Mr. Assad, I remind you
19 you're under oath.

20 All right, everyone ready for the jury?

21 MR. UNDERWOOD: Yes, sir, Your Honor.

22 THE COURT: Ready for the jury?

23 MR. HODGE: Yes, sir, Your Honor, sorry.

24 THE COURT: Bring them in.

25 (WHEREUPON, the jury entered open court at

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 approximately 1:49 p.m.)

2 THE COURT: All right, ladies and gentlemen, I
3 hope everybody had a good lunch. Now, the State will
4 continue their questioning of this witness.

5 Mr. Underwood.

6 MR. UNDERWOOD: Thank you, Your Honor.

7 BY MR. UNDERWOOD:

8 Q Mr. Assad, before we took our lunch break, you
9 were discussing an operation where you conducted with law
10 enforcement a controlled purchase of methamphetamine with
11 a person you knew as Chencho; is that correct?

12 A Yes, sir.

13 Q Was that the only controlled purchase you made
14 for law enforcement?

15 A No, sir.

16 Q Did you have an opportunity on, I believe it was
17 March 1st of 2015 to conduct a controlled purchase of
18 methamphetamine from the Defendant in this case, David
19 Barajas?

20 A Yes, sir.

21 Q Is that the person that you formally knew as
22 Chavo?

23 A Yes, sir.

24 Q If you would, please tell the jury how that
25 particular transaction was arranged.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A We'd been talking on the phone, me, him and
2 Chico talking on the phone. So at the time, him and Chico
3 had a falling out over some missing product. Chico
4 claimed that he threw it away. David said he told Chico
5 that he threw it away. So they had a misunderstanding.
6 So both of them, basically, wanted to work separately.
7 They was going to branch out from each other and both of
8 them was going to supply me work. Well, we were talking
9 on the phone. I finally went down there. We met up in
10 this house. And I went and talked to him and Chema, which
11 is another person that I was involved.

12 Q Now, wait, you said you went down to Georgia?

13 A Georgia.

14 Q How did you get there?

15 A We drove from here.

16 Q From here in Greenville?

17 A Yes, sir.

18 Q With law enforcement?

19 A Yes, sir, with law enforcement. We met with law
20 enforcement down there. And I made the calls and
21 everything. One of law enforcement from Georgia drove me
22 to the place and he met me outside. I walked in the house
23 with them and we got to discussing business.

24 Q If you could clarify when you say pronouns like
25 him, can you clarify who you would be talking about?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Talking about Chavo, which is David, the
2 defendant?

3 Q All right. So once you got -- let me rewind a
4 little bit. When you got to Georgia with law enforcement,
5 when you first got there, what was the first thing that
6 happened?

7 A When I got there, well, we met with another
8 police agency and they were going to take me to do the
9 controlled buy. So we got everybody arranged, I made a
10 call and made it happen.

11 Q All right. Now, you said you made a call, who
12 did you call?

13 A I called Chavo. And he gave me the address
14 where to go see him so I could make that purchase, so we
15 could make that transaction.

16 Q And, roughly, where was that? Was that location
17 in Georgia?

18 A Yes, sir.

19 Q How did you get to the place to do the
20 transaction?

21 A The agent from law enforcement, from law
22 enforcement in Georgia drove me there. He drove with me
23 to the location.

24 Q What happened when you got there?

25 A When I got there, he sat outside the car and I

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 went inside the house.

2 Q So did you go in by yourself?

3 A Yes, sir.

4 Q Did anyone else go in with you at all?

5 A No, sir.

6 Q When you went in the house, what happened in the
7 house?

8 A When I went in the house, well, I had -- my
9 phone was recording under my jacket, the phone that I was
10 given from the police. And I went in there.

11 He said, What's up, to me, hi, shook hands,
12 then he introduce me to Chema.

13 Finally, physically -- I met him physically
14 in person. We were discussing the business transaction.

15 Q Who was it that introduced you to Chema?

16 A Chavo.

17 Q That's the Defendant, David Barajas?

18 A Yes, sir.

19 Q He introduced you to Chema?

20 A Yes, sir.

21 Q First time you ever met him in person?

22 A Yes, sir.

23 Q You'd spoken to him on the phone before?

24 A Yes, sir.

25 Q What was happening while you were in the

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 residence?

2 A When I was in the residence, I gave him some
3 money.

4 Q Gave who some money?

5 A I gave Chavo some money. They gave me some
6 drugs. They gave me methamphetamine.

7 Q What happened after they gave you the
8 methamphetamine?

9 A After they gave me the drugs, we talked a little
10 bit and I said my good-byes or whatever. I left, got in
11 the car and we left. We parked near a location behind the
12 restaurant and they took the drugs, put them on the hood
13 of the car.

14 Q Who is they?

15 A Law enforcement from Georgia. Took the drugs
16 out of the bag as they gave them to me and just checked
17 the product and see what it was and everything.

18 Q When you say a product, what are you referring
19 to?

20 A Methamphetamine, sir.

21 Q Were you present to see them doing that?

22 A Yes, sir.

23 MR. UNDERWOOD: Permission to publish several
24 exhibits, Your Honor?

25 THE COURT: Yes.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 BY MR. UNDERWOOD:

2 Q In this exhibit, State's Exhibit No. 6, do you
3 recognize that?

4 A Yes, sir.

5 Q What are we looking at?

6 A That's the bag where -- that's the bag that I
7 got from the exchange with Chavo and Chema with the drugs.

8 Q State's Exhibit No. 8, is that the bag being
9 opened?

10 A Yes, sir. That's the first bag being opened.

11 Q All right. Is this the way it was bagged when
12 you got it?

13 A Yes, sir.

14 Q State's Exhibit No. 10. What are we looking at
15 here?

16 A That's the drugs when they got removed out the
17 bag.

18 Q All right. So are these items here the actual
19 items that you received from the Defendant, David Barajas?

20 A Yes, sir.

21 Q What did law enforcement do after they put it on
22 that white car, do you remember?

23 A I know they were taking pictures. They had
24 provide some other stuff, they took picture, then I left.
25 I didn't see what else they did.

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 Q Did they do anything else with it?

2 A No, sir.

3 Q Did they move it to any other location while you
4 were there?

5 A I seen them grab it, put it on the hood of
6 another car.

7 Q Put it on the hood of another car?

8 A Yes, sir.

9 Q What did they do that for?

10 A I guess they were weighing it, testing it,
11 that's what he said they was going to do?

12 Q Did you see them do that?

13 A No, sir. I seen them move the stuff but I
14 didn't seen them weigh it, test it or nothing.

15 Q So you saw them moving it but you didn't see
16 what they did with it afterwards?

17 A No, sir.

18 Q Okay. As far as the transaction with
19 Mr. Barajas, was there any discussion while you were in
20 the house of any future business?

21 A Yes, sir.

22 Q What was that?

23 A Well, him and Chema were going to start
24 providing. We were talking about the incident that
25 happened between him and Chico. That's when he told me

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 that him and Chema were going to take care of their part
2 from there on out and to leave Chico out of the equation.

3 Q Who told you that?

4 A Chavo told me.

5 Q All right. After you got to the meeting
6 location and law enforcement took possession of the bag
7 and substances that you got from Mr. Barajas, what did you
8 do next?

9 A Well, we drove back down to South Carolina.

10 Q So after that, you returned to South Carolina?

11 A Yes, sir.

12 Q Now, during this -- on that same day, were there
13 a number of different transactions that were trying to be
14 coordinated all at the same time?

15 A Yes, sir.

16 Q Can you explain exactly what you were doing
17 while you were in Georgia?

18 A Well, while I was in Georgia, I was making phone
19 calls to get as much work as possible. I tried with
20 Chencho and it didn't work out. Chacas tried to contact
21 other people. And he said he decided to send Chencho down
22 here the next day.

23 Q Now, earlier, you mentioned that you were having
24 discussions with Chico, was that around this same time
25 period?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A Yes, sir.

2 Q Was that an effort to set up a controlled
3 purchase with him as well?

4 A Yes, sir.

5 Q Did the conversations between you and Chico and
6 the conversations with you and Mr. Barajas overlap with
7 one another?

8 A Yes, sir. Most of the time while we're talking,
9 they're talking about the problem that they had and why I
10 shouldn't mess with one and why I shouldn't mess with the
11 other.

12 Q But on March 1st of 2015, that was the date that
13 you purchased methamphetamine from who in Georgia?

14 A From Chavo.

15 Q That's the Defendant, David Barajas?

16 A Yes, sir.

17 Q Now, the earlier transaction you discussed, we
18 talked about you being searched. Were you searched before
19 this operation with Mr. Barajas began?

20 A Yes, sir.

21 Q Did law enforcement find anything on you that
22 you shouldn't have had?

23 A No, sir.

24 Q Did you have anything on you that you shouldn't
25 have had?

EDUARDO ASSAD-DIRECT BY MR. UNDERWOOD

1 A No, sir.

2 Q What about after the purchase?

3 A The same thing, they searched me. Before I got
4 in the vehicle to drive down here, they searched me. They
5 had to search me down here when they got the telephone
6 back.

7 Q Now, at that time when they searched you, did
8 you have anything that you shouldn't have had?

9 A No, sir.

10 Q At any time, did you attempt to take any drug
11 evidence?

12 A No, sir.

13 Q Did you ever attempt to take any of the money?

14 A No, sir.

15 Q Did you ever add anything to the money or to the
16 drug evidence?

17 A No, sir.

18 MR. UNDERWOOD: Your Honor, at this time, I
19 think it would be appropriate for the out-of-order
20 witnesses that we previously discussed.

21 THE COURT: All right. Anything from the
22 Defendant?

23 MR. HODGE: No, Your Honor.

24 THE COURT: All right. Mr. Assad, at this time,
25 I'm going to ask that you step back.

1 (The witness leaves the stand.)

2 THE COURT: Ladies and gentlemen, based on kind
3 of a stipulation between counsel, there were some
4 out-of-state witnesses that could only be here this
5 afternoon. So, normally, we'd finish this and there
6 would be cross-examination, but we are taking a break
7 from this witness so we can get these other witnesses
8 in here that are from out of state and be going back,
9 so that's the purpose of that. So I appreciate
10 counsel working on that. So that's the purpose of
11 that. And then when all that's through, then
12 Mr. Assad will be back to continue his testimony.

13 All right. Mr. Underwood, you can call your
14 next witness.

15 MR. WATERS: Your Honor, the State calls Task
16 Force Officer Juan Echeverry.

17 THE CLERK: Place your left hand on the Bible,
18 raise your right hand.

19 JUAN ECHEVERRY, after being duly sworn,
20 testified as follows:

21 THE CLERK: State your name.

22 THE WITNESS: Juan Echeverry.

23 THE CLERK: Have a chair and adjust the
24 microphone.

25 DIRECT EXAMINATION

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 BY MR. WATERS:

2 Q TFO Echeverry, how you doing today?

3 A I'm doing good, yourself?

4 Q I'm doing well. If you would, I called you TFO,
5 what does that stand for?

6 A Task force officer.

7 Q Explain your job to the jury, what is a task
8 force officer?

9 A A task force officer works along with Homeland
10 Security and other agencies' investigations.

11 Q Okay. Do you have sort of a parent agency that
12 you work for?

13 A Yes. My home agency is Powder Springs Police
14 Department in Cobb County, Georgia.

15 Q So you're employed by them and then you are
16 assigned to work with HSI as a TFO?

17 A That's correct.

18 Q A lot of acronyms there, HSI stands for?

19 A Homeland Security Investigations.

20 Q Is that a state or federal agency?

21 A Federal.

22 Q And then TFO, again, is Task Force Officer?

23 A Yes, sir.

24 Q Does being a TFO, does that mean you're somewhat
25 deputized as a federal officer or how does that work?

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 A Certain aspects, yes, not all of them. They
2 give you certain privileges.

3 Q Let's back up just a little bit. Just give us a
4 very brief history of your career in law enforcement that
5 led you to the current position you have today.

6 A Sure. I started in 2005 as a law enforcement
7 officer for Powder Springs, did four years of patrol, road
8 patrol, then I did three years and a half CID, which is
9 criminal investigations. Then I got tasked on with
10 federal task force.

11 Q How long have you been doing that?

12 A 15 years.

13 Q 15 years?

14 A 15 years total law enforcement. Eight years
15 federal.

16 Q All right. So eight years being a TFO?

17 A Yes, sir.

18 Q Let me ask you this, do you speak Spanish
19 fluently?

20 A Yes, sir.

21 Q What has been your primary duties as a TFO
22 working with HSI?

23 A I conduct undercover money pickups.

24 Q Primarily, what area, what state are you doing
25 that in?

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 A We've done them in Georgia, in Texas, done them
2 in Tennessee, Florida.

3 Q All right. When you say you're doing an HSI
4 money pickup, explain that to the jury. What exactly are
5 you doing?

6 A Okay, what it is, narcotics comes into the
7 United States, it's get sold and then currency has to go
8 back to where the drugs came from. So they use a third
9 person or a person to get the drug proceeds back to where
10 the drugs came from. They use me.

11 Q So are you functioning in an undercover
12 capacity?

13 A Yes, I am.

14 Q So you're, essentially, portraying yourself as a
15 cartel runner?

16 A Correct.

17 Q All right. Is that what the money you're
18 picking up is?

19 A Correct.

20 Q If you can just very quickly describe for us how
21 you get sort of inserted so that members of the cartel are
22 willing to provide you money believing that you're a
23 runner?

24 A Sure. There's a lot investigation going on way
25 before it gets to me. We get a local number. This local

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 number has U.S. currency that needs to get back to Mexico
2 or Columbia or Panama or whatever. Somehow one way or
3 another, it's get contacted through me through a source of
4 information.

5 Q Would that be like a CI?

6 A CI.

7 Q Okay.

8 A And that person provides us the information
9 about the case, provides me a number. Sometimes they give
10 me specific codes to use towards the number I'm supposed
11 to all that has the U.S. currency. I give that person a
12 call and we coordinate where to meet, how much the dollar
13 amount would be and that's it. I meet them, pick it up
14 and then it gets transferred.

15 Q Okay. And the person that you're picking it up
16 from, from your understanding, they're thinking this money
17 is going to be delivered to the cartel?

18 A Correct.

19 Q And returned for drug transactions?

20 A More transactions.

21 Q Sounds like that could be kind of dangerous?

22 A Yes, it is.

23 Q How many of these do you think you've done over
24 the course of your time as a TFO?

25 A I would say, I don't know, I can't count them.

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 More than a hundred, 200.

2 Q A hundred to 200?

3 A Yeah.

4 Q Times that you've posed as a cartel runner and
5 met with the cartel?

6 A That's correct.

7 Q When you do these transactions and you're posing
8 as a cartel runner and you're going to meet a cartel
9 member, do you often carry some sort of audio or visual
10 recording gear or how does that work?

11 A Yes. As an undercover, you carry audio. You
12 want to let your cover team know what's going on. If you
13 need help, you, obviously, scream help. That's what I
14 feel comfortable with, that's what I carry. It's just
15 audio.

16 Q All right. What about video, is there some
17 problem with the kind of undercover work that you're doing
18 with video?

19 A Yes. It's safety. Obviously, you don't want to
20 go to someone's house where they can pat you down and see
21 that you have video. It's harder to explain to them why
22 you have video opposed to why you have audio. Because
23 with audio, you can just turn it off with the touch of a
24 button. The video aspect, obviously, it's kind of hard to
25 conceal.

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 Q All right. And you've been an HSI TFO doing
2 this for, you said, eight years, I believe?

3 A Yes, sir. Roughly, eight years.

4 Q And you've done a hundred to 200 UC operations?

5 A Correct.

6 Q And is it your typical practice to wear any
7 video, particularly, if you're going into the person's
8 house that you're meeting?

9 A I don't wear a video to do this stuff, I wear
10 audio.

11 Q And that's because of safety?

12 A That's correct.

13 Q Now, there are certain devices that law
14 enforcement may have to do audio. Is it sometimes the
15 case, though, that, for a variety of reasons, it just
16 doesn't work?

17 A That's right. The video sometime doesn't work
18 because wherever you're at, it could be inside of a
19 building where reception does not get out. So you're
20 going to use -- you don't use the video, you use the audio
21 where it's a lot easier.

22 Q But even with the audio, are there times --

23 A Sometimes, yeah.

24 Q Are there times where the audio fails for a
25 variety of reasons?

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 A Correct. It could be the thickness of the
2 walls, a lot of other issues that can oppose to that,
3 yeah.

4 Q Okay. I want to ask you this, were you,
5 ultimately, involved around 2015 in an investigation
6 jointly with SLED, the South Carolina Law Enforcement
7 Division?

8 A Yes.

9 Q And let me back up just a little bit. That
10 period of time, prior to that happening, your interface
11 with SLED, did you and the people you work with with HSI
12 have your own investigation going on?

13 A Yes, we did.

14 Q Was there one particular individual that was
15 being investigated that you had done a money pickup with?

16 A There was.

17 Q And who was that person?

18 A The person that identified -- that we had
19 identified as Chema. That's how I know of him.

20 Q Had you done a UC operation with Chema?

21 A I did.

22 Q And could you describe for the grand jurors the
23 setup and what happened to the best of your recollection
24 with that operation?

25 A We got a local number of this person carrying

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 bulk U.S. currency, for me to pick it up. After that,
2 that's his job, to give me the money. So I called him,
3 coordinated to see and meet him. Sometimes, we usually
4 get them to come out to a parking lot. This situation, he
5 could not because, I'm not sure if he didn't have a car.
6 I know he had some type of injury. He couldn't drive, in
7 other words. So I had to go to his house, which is very
8 uncommon to do. I pull up to his driveway, he comes out,
9 gives me the bulk currency and I leave.

10 Q Do you remember how much currency?

11 A I don't remember an exact number.

12 Q And do you remember just -- the point of that
13 currency was what you described before, this was payments
14 for drugs?

15 A Correct.

16 Q To the cartel?

17 A To the cartel.

18 Q Okay. I'm going to show you what's been marked
19 as State's Exhibit 58 for identification and see if you
20 recognize that.

21 A This is the Hispanic male identified as Chema.
22 He's the one that gave me the bulk currency.

23 MR. WATERS: All right. Your Honor, at this
24 time, I would move to enter State's Exhibit 58 into
25 evidence.

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 THE COURT: Any objection?

2 MR. HODGE: No objection.

3 THE COURT: All right, in without objection.

4 MR. WATERS: Your Honor, may I publish this
5 exhibit?

6 THE COURT: You may.

7 (WHEREUPON, State's Exhibit No. 58 was admitted
8 into evidence.)

9 (WHEREUPON, State's Exhibit No. 58 was
10 published.)

11 BY MR. WATERS:

12 Q All right. I'm going to put State's Exhibit 58
13 up on the screen. Again, tell us who that is.

14 A That's Chema.

15 Q Is that the individual that you just described
16 that you did the money pickup on, correct?

17 A Yes, sir.

18 Q And that was for the cartel, correct?

19 A Correct.

20 Q All right. After that particular operation
21 happened and -- did you have any further -- or let me ask
22 you this, what led to the ultimate interface with SLED
23 after that particular operation happened?

24 A Okay, the phone number gets put into a system,
25 it's called the completion system. Any agency that comes

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 upon that number contacts the owner of that number, which
2 in this case would be Homeland Security Investigations. I
3 believe SLED contacted or Homeland Security contacted SLED
4 about why are you running this number? This is our
5 investigation or whatnot. I believe the HSI contacted
6 SLED, which led us to go to South Carolina, come here and
7 do an opt over here with reference to that number.

8 Q So let me just back up real quick. So, there's
9 some sort of system set up where law enforcement, state
10 and federal, if they're working on a case, they can put in
11 information they have about it to see if some other agency
12 is working on the same case or same, similar individual?

13 A That's correct.

14 Q And the point of that is so A, you don't get in
15 the way of each other, but also to coordinate your
16 efforts?

17 A That's correct.

18 Q Is that what happened in this case?

19 A That's correct.

20 Q All right. You said that led to some operation.
21 Where was the next operation, at least, that you were
22 involved in?

23 A South Carolina.

24 Q Okay. Can you tell me just very generally what
25 happened and your involvement in it, at least?

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 A Sure. I, obviously, came down with HSI and we
2 met with the SLED units. My understanding, they had a
3 warrant, search warrant. As soon as we got there, they
4 briefed really quick. I'm not sure if it was the local
5 task force or SLED that did a search warrant of the
6 individual's residence.

7 Q Okay. Did you -- what was your role during that
8 search warrant, if any?

9 A Just observing.

10 Q Just observing. Did you enter into the house or
11 did you wait outside?

12 A I entered, yes.

13 Q Do you recall if anyone was taken into custody
14 as a result of that?

15 A Yes, a person was taken into custody.

16 Q Did you observe that person who was taken into
17 custody?

18 A I observed him briefly, yes, sir.

19 Q As a result of that particular operation, did
20 you sometime later have any additional involvement with
21 this case?

22 A Yes. A later date, we were contacted about a
23 operation that was going to be happening in Atlanta. And
24 I was contacted on a weekend that I was possibly going to
25 be involved in this undercover operation. More details to

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 come after that. So finally came to the day of the
2 operation and we met up behind the parking lot shopping
3 center. I remember the SLED units brought in an
4 informant, CI. And it was --

5 Q Let me ask you this, was that CI the same
6 individual that you observed being arrested at that prior
7 search warrant?

8 A Yes, it was.

9 Q It was the same guy?

10 A It was the same person.

11 Q All right. So what happened next? What was
12 explained to you as your role?

13 A My role -- we don't like sometimes -- depending
14 on the situation, we don't like to go into people's houses
15 because we don't know what's in it, a person's house. So
16 they changed at the last moment where I'll be the taxi
17 driver, Uber drive of this individual, the CI.

18 Q When you say taxi driver or Uber driver, were
19 you actually posing as a taxi driver or Uber driver or are
20 you using that as a figure of speech?

21 A Figure of speech.

22 Q You were going to transport?

23 A I was going to transport.

24 Q And pose, I guess, as a friend or something?

25 A Friend, driver, yes.

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 Q So what happened after that?

2 A So we have the CI in the passenger side of the
3 vehicle, took him to the address where they coordinated to
4 meet. I stayed outside, I remained in the vehicle. The
5 CI went inside the apartment complex and then came out
6 with the bag in hand.

7 Q With the bag in hand?

8 A Yes, sir.

9 Q Did he have that bag when he went in?

10 A When he went in, no.

11 Q So he came out with a bag that he didn't have
12 before?

13 A Yeah.

14 Q Prior to that happening, do you make any effort
15 to like search your car, make sure there's not anything in
16 it that's not supposed to be and that sort of thing?

17 A Correct. Anytime I do an undercover
18 operation -- I use three vehicles. I use one of the
19 vehicles, I search it for my safety, make sure there's no
20 police papers, equipment inside, obviously. I search my
21 own vehicle, yes.

22 Q Did you do that in this case?

23 A I did.

24 Q Was there anything in the car prior to you going
25 on this op?

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 A Nothing police related.

2 Q All right. Now, let me back up and talk a
3 little bit more about these UC ops. You've done a hundred
4 or 200. What's the primary consideration in doing any
5 sort of op like this?

6 A Well, you want to make sure you're safe, first
7 of all.

8 Q Number one concern is safety?

9 A Number one concern is safety, yes.

10 Q And is that for the officers involved?

11 A That's for everybody involved.

12 Q Is that for the CIs that are involved?

13 A Correct.

14 Q And is that some of the considerations that
15 limit what sort of audio/visual devices be used?

16 A That's correct.

17 Q All right. Are there other aspects or other
18 officers that are involved in the UC op that you're
19 involved in to enhance that safety?

20 A Yes, there is.

21 Q What's those units called and what's their
22 function?

23 A Well, we have several of them. We have what's
24 called a take-down group. We have surveillance case
25 agents. We have sometimes medical stand by.

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 Q Is there a cover team?

2 A There's a cover team.

3 Q What is their role?

4 A Cover team is -- it's closely -- it's going to
5 be monitoring the UC or CI in case something happens, they
6 rush in and try to -- you know, for safety.

7 Q When you're setting up this, just generally
8 setting up these UC transactions, is it your preference to
9 try to get them arranged to be in some public area or is
10 it -- as opposed to someone's house?

11 A Always in a public area.

12 Q All right. So in this particular instance, in
13 this op, was it your understanding that it was going to
14 take place in someone's house or in a public area?

15 A Someone's house.

16 Q All right. So does that enhance the safety
17 concerns?

18 A It does, yes.

19 Q So you said you got there and you waited
20 outside?

21 A Yes, sir.

22 Q And the CI went inside?

23 A Yes, sir.

24 Q This was the same individual that you had
25 observed some time earlier, that got the search warrant

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 and got arrested in South Carolina?

2 A Correct.

3 Q And about how long do you recall him being
4 inside, to the best of your recollection?

5 A Somewhere between 15 to 30 minutes, max.

6 Q Now, was there any sort of audio device on the
7 CI when he went in?

8 A Yes, there was.

9 Q Was the purpose of that CI, that audio device
10 not only to hear what's going on, but also for any safety
11 concerns?

12 A That's correct.

13 Q Is there some sort of word that you tell the CI
14 to say if things go wrong or he feels in danger?

15 A Well, mostly, the decision is going to come from
16 the CI when you see what word they use because that's what
17 they feel comfortable with. Being a Spanish person,
18 they'll say ayuda, ayuda, would be the word.

19 Q All right. And what does that mean?

20 A Help, help.

21 Q In fairness, you weren't involved in that, you
22 were just contacted to be the driver and pose as a friend,
23 driver, whatever?

24 A Correct.

25 Q Were you, in fact, listening, though, to the

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 audio feed while you were waiting outside during the
2 course of the transaction?

3 A Correct, I was outside trying to listen.

4 Q So you had some sort of live audio feed or
5 something like that?

6 A Yes, sir.

7 Q What do you recall about that audio feed? Was
8 there anything that you were able understand on it?

9 A I was unable to understand much of it because
10 the distance that I was to the CI. It was just a couple
11 of yards. It would just lose reception.

12 Q So there was a technical difficulty, it was not
13 functioning?

14 A Correct.

15 Q Was there anything intelligible that you heard
16 during the course of that?

17 A Nothing at all.

18 Q So, ultimately, it sometimes happens that that
19 audio attempt was unsuccessful?

20 A Correct.

21 Q When the CI returned, you said he had a package
22 with him that he don't have before, correct?

23 A That's correct.

24 Q And what did you do at that point?

25 A So as soon as the CI got inside the car, he

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 handed me the package. I put it behind my seat just for
2 safekeeping. That way I will be in control of it.

3 Q Did y'all leave immediately, did y'all wait for
4 a minute?

5 A We waited a couple, I would say three minutes,
6 and then we left the area.

7 Q All right. What, if anything, did you observe
8 prior to you leaving the area?

9 A As the CI came out, got us out of the vehicle, I
10 observed two Hispanic males, one of them being Chema. The
11 one that had originally given me the U.S. currency.

12 Q All right. Just so we're clear, State's
13 Exhibit -- I said 58, it's 52 -- no, it is 58, that's the
14 individual that you observed leaving the residence?

15 A That's right.

16 Q All right. And there was another Hispanic male
17 with him?

18 A Yes, sir.

19 Q Was that other Hispanic male someone you had
20 seen before?

21 A I had not seen him before.

22 Q But this is someone you did recognize?

23 A Yes.

24 Q Same guy you had some money pickup with some
25 weeks prior?

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 A That's right.

2 Q After those individuals came out, the two
3 Hispanic males, one being Chema, what happened? What did
4 they do?

5 A Chema and the other individual got inside
6 another vehicle and left the area. I was able to stick
7 back and call out the direction of travel and the tag and
8 the description of the vehicle.

9 Q Who did you call that out to?

10 A To the cover team and surveillance units.

11 Q And did you then pick up a surveillance or did
12 you do something else?

13 A So as soon as they left the area, I was able to
14 get a green light to leave because we have a cover team
15 and then a team that follows me out just to make sure that
16 no one comes behind me and, you know, steals the narcotics
17 from me or the money. So at one point or another leaving
18 the neighborhood, I was picked up by the surveillance team
19 and taken back to a rally point.

20 Q And very quickly describe to the jurors what a
21 rally point is.

22 A A rally point is a location not anywhere close
23 to the actual apartment where you feel safe, you can rally
24 up with the rest of the group, discuss what happened, can
25 take possession of the narcotics, take possession of the

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 currency, take photos. Debrief pretty much.

2 Q So what happened when you got to the rally
3 point?

4 A When I got to the rally point, I exited the
5 vehicle, took the narcotics out and handed it off to SLED
6 or one of the agents.

7 Q All right.

8 MR. WATERS: Your Honor, may I approach the
9 witness?

10 THE COURT: You may.

11 BY MR. WATERS:

12 Q I'm going to show you what's been marked as
13 State Exhibits 7 through 12 and ask you to just kind of
14 flip through those real quick and see if you recognize
15 those.

16 A Yes.

17 Q All right. And what do those depict?

18 A That's the same bag the CI came out of the house
19 with and took to the vehicle and the same bag that I took
20 out of the vehicle and gave to the agents.

21 Q All right. And I'm going put these up on the
22 screen, but just tell the jurors where are they physically
23 at this point?

24 A What are they?

25 Q No, where are they physically at this point?

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 I'm going to put it up on the screen. I'm showing State's
2 Exhibit 6. What does that depict?

3 A That's a plastic bag that contains narcotics
4 inside. That was placed behind one of the agent's vehicle
5 to take pictures of it, inventory it and all.

6 Q Just generally, what is this thing up here, do
7 you know what that is?

8 A That's an evidence bag.

9 Q All right. Is the point of that to secure the
10 evidence and keep the integrity of it until it's later
11 tested?

12 A That's correct.

13 Q All right. And is this a picture -- does that
14 depict the package that the CI came back from the meeting
15 in the form that it was when you obtained it?

16 A That's it, same bag.

17 Q Had it been tampered with in any way?

18 A It has not been tampered with.

19 Q And Exhibit 7, sort of close-up of the same
20 thing?

21 A Yes, sir.

22 Q Exhibit 9, what does this represent?

23 A It's a baggie. Once you open the first bag,
24 there's a second bag inside that's closed in the same bag.

25 Q This is law enforcement in the process of

JUAN ECHEVERRY-DIRECT BY MR. WATERS

1 opening that particular bag?

2 A Correct.

3 Q And this took place at the rally point, correct?

4 A That's correct.

5 Q Exhibit 8, what does that depict?

6 A Same bag. I can see some of the ziplock bags
7 that has the narcotics inside. The same bag that the CI
8 came out of the apartment with.

9 Q Exhibit 10, what does that depict?

10 A That's narcotics, got three little baggies --
11 two -- one little baggy and the two baggies.

12 Q Does that depict the items that were contained
13 within that bag that the CI brought out that you took
14 possession of?

15 A That is correct.

16 Q Exhibit 11, what is that?

17 A It's a close-up of the three bags.

18 Q And finally, Exhibit 12, what is that?

19 A It's the same three bags.

20 Q Once you came to the rally point -- let me ask
21 you this, once the CI brought that package out, you took
22 possession of it, correct?

23 A Correct.

24 Q You had it behind your seat, right?

25 A Correct.

JUAN ECHEVERRY-CROSS BY MR. HODGE

1 Q Did anybody tamper with it in any way, alter it,
2 take anything out, change it in any way from the time that
3 you put it behind your seat and took it from the CI until
4 the time you got to the rally point?

5 A No.

6 Q And once you got to the rally point and that
7 package was opened, did anyone change, alter, do anything
8 to tamper with that item until you turned it over to the
9 agents at the scene?

10 A No.

11 Q So it's in the same form when the CI gave it to
12 you as when you turned it over to other agents?

13 A That's correct.

14 Q Okay.

15 MR. WATERS: All right. Your Honor, I have
16 nothing further at this time.

17 THE COURT: Cross-examination.

18 MR. HODGE: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. HODGE:

21 Q Good afternoon, TFO Echeverry. Is that right?

22 A Yes, sir.

23 Q Am I saying it right?

24 A Yes, sir.

25 Q You doing all right?

JUAN ECHEVERRY-CROSS BY MR. HODGE

1 A Yes, sir.

2 Q What part of Georgia are you from?

3 A I was raised -- well, no, I lived in Cobb
4 County.

5 Q Is that where you live now?

6 A Yes.

7 Q Just a few questions for you. This will not
8 take long. You testified earlier that for your safety
9 when you do these pickups with the cartel, you, typically,
10 don't wear video or audio recording; is that right?

11 A I wear audio.

12 Q You do wear audio?

13 A Yes.

14 Q But you don't wear video in your situation?

15 A That's correct.

16 Q All right. Are there situations in which
17 controlled buys and things that you know of that wear
18 video at times?

19 A That's up to the undercover, what he feels
20 comfortable with.

21 Q Right. But it's a possibility, right?

22 A It's a possibility.

23 Q Those capabilities exists in today's society?

24 A Yes.

25 Q In this case, you said that you had investigated

JUAN ECHEVERRY-CROSS BY MR. HODGE

1 or were investigating at the time this individual named
2 Chema; is that right?

3 A Chema.

4 Q Chema. When you got involved on this day, did
5 you expect Chema to be there?

6 A I did not.

7 Q Okay. So that was a shock to you to see Chema
8 there?

9 A That was a shock to me.

10 Q And there had never been any mention to you of a
11 person named Chema prior to him walking out of that house
12 and you recognizing him, right?

13 A No.

14 Q Okay. And you said that the individual in this
15 case, who we now know is Eduardo Assad, do you know that
16 name, Eduardo Assad?

17 A Not that I'm aware of.

18 Q Okay. So we'll say the informant that you had
19 at the time, he was not wearing a video, but he was
20 wearing an audio transmitting device; is that right?

21 A That's correct.

22 Q But it was not recording, right?

23 A It records, it just depends on where you're at
24 inside a house, complex, the wall and thickness, something
25 can interfere with that.

JUAN ECHEVERRY-CROSS BY MR. HODGE

1 Q So it was recording internally or it was
2 transmitting to an external recorder?

3 A That's correct. It actually records internally
4 and transmits, not to a recorder.

5 Q So there would have been a recording of the
6 ongoing inside the house on that recording device
7 individually?

8 A I believe so, yes.

9 Q And then there also would have been a separate
10 recording that possibly could have been, depending on
11 interference and those sort of things, right?

12 A It's just one recording. It's just one recorder
13 that's on his possession, the actual recorder, and then it
14 transmits to another listening device. They cannot record
15 on that second listening device.

16 Q I guess that's what I'm -- that's what I wanted
17 to know. So the recording device that's on his person is
18 recording that conversation?

19 A It is recording.

20 Q And there would be no reason for interference to
21 occur on that recording, correct?

22 A There shouldn't be, but in situations, there
23 are.

24 Q And in this situation, you said the purpose of
25 the live broadcast or you hearing what's going on is in

JUAN ECHEVERRY-CROSS BY MR. HODGE

1 case he gets in trouble, right?

2 A That's right.

3 Q But your testimony is that the live broadcast
4 wasn't working, right?

5 A It wasn't work properly.

6 Q So if he would have been in trouble --

7 A You can hear stuff. You can hear somebody
8 scream, but you couldn't make out exactly what
9 conversation they're discussing.

10 Q So if he used his, whatever his safe word, his
11 help word was discreetly, you wouldn't have heard it, is
12 that fair to say?

13 A You would hear something, maybe not perfect, but
14 you would hear something.

15 Q But if he screams help me, then you would have
16 heard that, correct?

17 A Yes.

18 Q Okay. I think you testified you did not
19 recognize the other Hispanic male that came out of the
20 house with him, correct?

21 A That's correct.

22 Q He was not a part of any investigation that you
23 were doing; is that right?

24 A That's correct.

25 Q Did you even know his name at that time? Did

JUAN ECHEVERRY-CROSS BY MR. HODGE

1 you know a nickname for him at that time?

2 A For the second Hispanic?

3 Q Yes.

4 A No, I did not.

5 Q Okay. You were just there without -- with very
6 little information, you were there in support of this
7 informant; is that right?

8 A That's correct.

9 Q Okay. I think you testified you called in the
10 license plate and the vehicle that left the residence; is
11 that right?

12 A I called out the tag and description of the
13 vehicle.

14 Q And I know I know the answer and I don't mean to
15 sound like an idiot, but just to be sure, you weren't able
16 to and did not take any photos of that car, license plate,
17 or anything at the time, right?

18 A Correct.

19 Q Obviously, it would have been risky for you to
20 do so, correct?

21 A That's correct.

22 Q Okay. Did you have any further dealings with
23 this case after this transaction occurred?

24 A No.

25 Q You weren't involved in any further

JUAN ECHEVERRY-REIDRECT BY MR. WATERS

1 investigation regarding this?

2 A No, sir.

3 Q Were you still investigating Chema after this
4 occurred?

5 A No.

6 Q Okay. You say -- one last thing, you've been
7 working as a cartel runner for a long time now; is that
8 right?

9 A Yes.

10 Q All right. It is different cartels that you're
11 working for?

12 A Yes.

13 Q Okay. So you work for a number of different
14 cartels?

15 A That's correct.

16 Q Okay.

17 MR. WATERS: Briefly, Your Honor.

18 MR. HODGE: Nothing further.

19 THE COURT: Redirect.

20 MR. WATERS: Thank you, Judge.

21 REDIRECT EXAMINATION

22 BY MR. WATERS:

23 Q You were asked before about wearing video or
24 audio and I think you said, and correct me if I'm wrong,
25 your practice is you never wear video?

JUAN ECHEVERRY-REIDRECT BY MR. WATERS

1 A My practice, I never wear.

2 Q You also said that that's for the security of
3 it, that you're not comfortable with that?

4 A That's correct.

5 Q Because it's so much easier to be frisked than
6 detected?

7 A That's correct.

8 Q Then you said is that those concerns even get
9 heightened when someone is going into someone's house as
10 opposed to a public location?

11 A That is correct.

12 Q Now, you were asked about Chema. And while you
13 did not expect to see Chema there, it was you and your
14 agency's investigation of Chema that lead to the
15 interaction between you and SLED and realizing that they
16 were working the same group of folks, correct?

17 A That's correct.

18 Q And finally, you were asked a little bit about
19 the recording devices. And there are some that have
20 transmitters, but there are also others that if someone
21 were to testify they were given a cell phone, then that is
22 not recording internally, that's just transmitted; is that
23 correct?

24 A That's correct.

25 Q So in that instance, if somebody got a cell

JUAN ECHEVERRY-REIDRECT BY MR. WATERS

1 phone, there wouldn't be an internal recording, it would
2 just be a transmitted recording?

3 A That's correct.

4 Q There could be interference with that as well,
5 correct?

6 A Yes, sir.

7 Q Correct me if I'm wrong, but when you were
8 listening to a live wire from whatever transmission it was
9 five years ago when you did this, your recollection was
10 that it was unintelligible?

11 A That's correct.

12 MR. WATERS: Thank you.

13 Nothing further, Your Honor.

14 THE COURT: You may step down.

15 MR. WATERS: Your Honor, he's already walked
16 out, but may TFO Echeverry be released?

17 THE COURT: Any objection?

18 MR. HODGE: No objection.

19 THE COURT: All right.

20 MR. WATERS: Our next witness will be Chris
21 Carlisle.

22 THE CLERK: Step forward to be sworn, sir.
23 Place your left hand on the Bible, raise your right
24 hand.

25 CHRIS CARLISLE, after being duly sworn,

CHRIS CARLISLE-DIRECT BY MR. WATERS

1 testified as follows:

2 THE CLERK: Please state your full name.

3 THE WITNESS: Chris Carlisle.

4 THE CLERK: Please be seated and adjust the
5 microphone.

6 DIRECT EXAMINATION

7 BY MR. WATERS:

8 Q TFO Carlisle, how are you doing today?

9 A Good.

10 Q I called you TFO, tell me what that means,
11 please.

12 A Task force officer.

13 Q Okay. Is there a particular agency that you're
14 a TFO for?

15 A U.S. Department of Homeland Security.

16 Q And that's a federal agency?

17 A Yes, sir.

18 Q Do you have a current agency that you work for,
19 that you're a TFO with HSI?

20 A Georgia State Trooper.

21 Q Okay. And if you would, just go through very
22 briefly with the jury your history of your law enforcement
23 career?

24 A Prior to being a state trooper, I was two years
25 with local county sheriff's department. Once I became a

CHRIS CARLISLE-DIRECT BY MR. WATERS

1 trooper with GSP, various assignments. I was with two
2 different governors. I was then assigned -- after working
3 the road a couple of years, I was assigned to a highway
4 interdiction unit doing highway interdiction, but also
5 assisting federal agencies working investigations in a
6 uniform. Then in the past seven years, I've been plain
7 clothes as our state liaison between GSB and the fed on
8 the federal task force agency side.

9 Q Can you very generally describe your duties as a
10 TFO in the last seven years or so in this capacity?

11 A Sure. So HSI, we do various investigations.
12 I'm assigned to a financial unit, which is usually tied
13 with drugs. So we seize a good bit of money. Then I also
14 work parallel with our drug unit seizing narcotics that
15 typically comes up from the border.

16 Q Are you ever involved in any sort of undercover
17 operations?

18 A Yes.

19 Q Typically, what is your role in an undercover
20 operation?

21 A It varies from deal to deal, but, typically, I
22 work with our undercover, we have a couple in the office.
23 And when they're performing their undercover role, in case
24 something happens, you want a rave of people around them
25 to where if something does happen, we can distract them

CHRIS CARLISLE-DIRECT BY MR. WATERS

1 out, we can protect them and get them out of the scene.
2 So generally that's what I do is the protection for
3 undercover.

4 Q Is that sometimes known as the cover team?

5 A Yes.

6 Q All right. Do you recall being involved in an
7 investigation in early 2015 that, ultimately, interfaced
8 with SLED?

9 A Yes, sir.

10 Q And can you tell me what your role was in this
11 particular investigation?

12 A So that was -- that was on a weekend, which, you
13 know, the drug work is not Monday through Friday, but I do
14 remember that because we were on call. We take different
15 weekends for call. It was on a weekend. By the time I
16 had got home, got changed and got to my car, they had
17 already done a briefing for this operation, so I was kind
18 of catching up as it was just kicking off.

19 Q Is there a particular UC, the person who's
20 actually the undercover operative that you often work
21 with?

22 A Juan Echeverry.

23 Q Was he involved in this particular operation as
24 well?

25 A Yes.

CHRIS CARLISLE-DIRECT BY MR. WATERS

1 Q Tell me what your involvement was starting from,
2 you said you got a call and what happened after that?

3 A It was down -- I live in the metro Atlanta area.
4 This was just south of town. As I said, they had already
5 briefed whatever background they were going to do. I knew
6 that SLED had came down with an informant or a source that
7 he brought to Atlanta. One was participating in part of
8 the undercover operation. I knew that he would drive a
9 vehicle and that they were going to a certain address.
10 When I got down to this area south of town, Juan had just
11 drove the UC vehicle, the undercover vehicle, to this
12 address. They had just arrived within a few minutes when
13 I got in that area.

14 Q Where did you -- did you drive nearby or where
15 were you located?

16 A Just a couple streets over. I couldn't tell you
17 exactly what street I'm on, but based on the address,
18 we -- all of us on the group have a radio so we can
19 communicate. And it's just, you know, like, if you were
20 in a Wal-Mart parking lot, one person takes this exit, one
21 does this exit, one covers the side and one covers the
22 back. So when I got down there, I just covered, you know,
23 whatever was not -- you know, somebody else was not
24 stationed.

25 Q Were you in a vehicle with someone else or by

CHRIS CARLISLE-DIRECT BY MR. WATERS

1 yourself?

2 A By myself.

3 Q What vehicle do you recall --

4 A It's a black unmarked Dodge Charger.

5 Q Dodge Charger?

6 A Yes, sir.

7 Q All right. So Juan Echeverry and the CI were
8 already on the scene by the time you got there?

9 A Yes.

10 Q To your understanding?

11 A Yes.

12 Q What, if anything, happened next with your
13 involvement?

14 A I remember on the radio traffic that -- so Juan
15 was driving the car. The person that he was driving, I
16 don't remember why he was having to drive, maybe no
17 license or not a vehicle, we're providing the vehicle or
18 whatever. Juan was driving and they had him stay in the
19 car. Then the person that he was driving went inside the
20 residence.

21 Q What happened next?

22 A Maybe 15, 30 minutes, I don't know exactly the
23 time frame, it wasn't long, but it wasn't short either,
24 they came out. And at that point, the group was split.
25 Part would go with the suspects that are identified from